

OVERVIEW AND SCRUTINY MANAGEMENT BOARD

Date and Time :- Wednesday, 15 January 2020 at 11.00 a.m.
Venue:- Town Hall, Moorgate Street, Rotherham.
Membership:- Councillors Cowles, Cusworth, R. Elliott, Jarvis, Jepson, Keenan, Mallinder, Steele (Chair), Taylor, Tweed, Walsh and Wyatt.

This meeting will be webcast live and will be available to view [via the Council's website](#). The items which will be discussed are described on the agenda below and there are reports attached which give more details.

Rotherham Council advocates openness and transparency as part of its democratic processes. Anyone wishing to record (film or audio) the public parts of the meeting should inform the Chair or Governance Advisor of their intentions prior to the meeting.

AGENDA

1. Apologies for Absence

To receive the apologies of any Member who is unable to attend the meeting.

2. Minutes of the previous meeting held on 20 December 2019 (Pages 1 - 9)

To consider the minutes of the previous meeting of the Overview and Scrutiny Management Board and approve them as a true and correct record of the proceedings.

3. Declarations of Interest

To receive declarations of interest from Members in respect of items listed on the agenda.

4. Questions from Members of the Public and the Press

To receive questions relating to items of business on the agenda from members of the public or press who are present at the meeting.

5. Exclusion of the Press and Public

To consider whether the press and public should be excluded from the meeting during consideration of any part of the agenda.

Items for Pre-Decision Scrutiny

In accordance with the outcome of the Governance Review in 2016, the following items are submitted for pre-scrutiny ahead of the Cabinet meeting on 20 January 2020. Members of the Overview and Scrutiny Management Board are invited to comment and make recommendations on the proposals contained within the report.

6. Ethical Procurement Policy (Pages 10 - 34)

Cabinet Portfolio: Corporate Services and Finance

Strategic Directorate: Finance and Customer Services

7. Designation of Selective Licensing Areas 2020-2025 (Pages 35 - 89)

Cabinet Portfolio: Housing

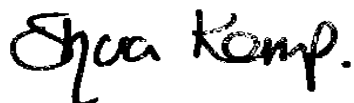
Strategic Directorate: Regeneration and Environment

8. Urgent Business

To determine any item which the Chair is of the opinion should be considered as a matter of urgency.

9. Date and time of next meeting

The next meeting of the Overview and Scrutiny Management Board will be held on Wednesday 29 January 2020 at 11.00 a.m. at Rotherham Town Hall.



SHARON KEMP,
Chief Executive.

OVERVIEW AND SCRUTINY MANAGEMENT BOARD
Friday, 20th December, 2019

Present:- Councillor Steele (in the Chair); Councillors R. Elliott, Jarvis, Jepson, Mallinder, Taylor, Tweed, Walsh and Wyatt.

Apologies were received from Councillors Cowles, Cusworth and Keenan.

The webcast of the Council Meeting can be viewed at:-

<https://rotherham.public-i.tv/core/portal/home>

92. MINUTES OF PREVIOUS MEETINGS

Resolved:-

That the minutes of the meetings of the Overview and Scrutiny Management Board held on 2 and 16 October and 27 November 2019 be approved as true and correct records of the proceedings.

93. DECLARATIONS OF INTEREST

Councillor Wyatt declared a personal interest in agenda item 6 (Housing Revenue Account Rents and Services Charges 2020-21) on the basis that a family member was a council tenant.

94. QUESTIONS FROM MEMBERS OF THE PUBLIC AND THE PRESS

There were no questions from members of the public or press.

95. EXCLUSION OF THE PRESS AND PUBLIC

The Chair reported that there were no items of business that would require the exclusion of the press or public from the meeting.

96. ADULT SERVICES NON-RESIDENTIAL CARE CHARGING POLICY PROPOSALS

Consideration was given to a report which was submitted for pre-decision scrutiny ahead of the Cabinet meeting scheduled for 23 December 2019, that presented policy proposals in respect charges for non-residential adult care services following a detailed consultation process with the public, service users and support agencies which had taken place between July and September 2019. The report provided details in respect of the feedback received during the consultation.

It was reported that in December 2018, the Cabinet had previously approved consultation with service users, carers, providers and support agencies to inform proposed changes to the current policy and provide opportunities for feedback on the proposals set out below:-

- Proposal 1 - To remove the current maximum charge and to charge those people who can afford it the full cost of the services that are provided to them
- Proposal 2 - Under the new framework, those who can afford it would be charged for the total number of carers attending and providing services, which would mean introducing a charge where more than one carer is provided at the same time
- Proposal 3 - It is proposed that the liability for charges be from the date on which the service commences, so people will be asked to pay the accrued charges for the services they have received following completion of a financial assessment
- Proposal 4 - To include the full value high rate Attendance Allowance or Disability Living Allowance, or the enhanced daily living component of Personal Independence Payments, when carrying out non-residential financial assessments
- Proposal 5 – To review our current policy to determine whether our allowance is fair and equitable across Rotherham and to consider putting in place a standard list or rate of allowances, in line with our neighbouring authorities.

It was noted that a number of responses were received after the closing date of the consultation on 29 September 2019, but these had also been included on the basis that it was important to capture as many views as possible from those affected or potentially affected by the proposed changes.

Members sought to understand the impact of the changes on individuals and requested clarification on whether the changes applied to people living in their own homes and how their ability to pay would be assessed. In response, it was confirmed that there were minimum income guarantees in place for service users still resident in their own homes. Furthermore, financial assessments were expected to be undertaken within three weeks of the service need being established with the user. Officers would be mindful of individual circumstances and each case would be assessed on its merit with the aim of causing hardship to individuals. Officers reiterated that the safety of the service user was the paramount consideration for the Adult Care service and was a requirement under the Care Act 2014. Members were reassured that service users would be advised by experienced officers in respect of changes to two charging processes, which was at the essence of the report before the Board.

Concerns were expressed in respect of the approach to consulting on the proposals, with comments made to note that a sense of broader public opinion was captured in a less formal way. It was also noted that no consultation sessions had been held in the south of the borough, although this was corrected by the Cabinet Member for Adult Social Care and Health who referenced a session which had taken place in Maltby. Furthermore, the consultation had been deemed as fit for purpose and the feedback had been used to develop the proposals presented for determination in the report.

Members sought to understand the specific feedback in the consultation from unpaid carers. Whilst this information was not able to be provided in the meeting. It was later confirmed by the Assistant Director of Strategic Commissioning that it would not be possible to provide such a specific breakdown.

Resolved:-

1. That Cabinet be advised that the recommendations be supported.
2. That an update report on the implementation of the policy be submitted to the Health Select Commission after twelve months of operation in April 2021.
3. That Cabinet ensure that all future consultation and engagement exercises which involve drop-in sessions for the public be arranged in locations which are in the north, south and centre of the borough, with specific consideration to be given to using Members to facilitate consultation events, where appropriate.

97. HOUSING REVENUE ACCOUNT BUSINESS PLAN 2020-21

Consideration was given to a report presented for pre-decision scrutiny ahead of the Cabinet meeting scheduled for 23 December 2019, which provided a detailed technical overview of the current position of the Housing Revenue Account (HRA) Business Plan and the reasons for changes to the plan.

It was reported that the Housing Revenue Account recorded all expenditure and income relating to the provision of council housing and related services, and the Council was required to produce a HRA Business Plan setting out its investment priorities over a 30 year period. Following the introduction in 2012 of HRA self-financing, the Council was awarded control over its HRA in return for taking on a proportion of national housing debt.

It was noted that since the last update to the plan, there had been no significant government policy changes that affected the business plan, however there were still some policies that had impacted on the plan:

- Roll out of full service Universal Credit to all remaining working age tenants in Rotherham since July 2018 onwards
- Ongoing Right to Buy eligibility
- Updated Guidance on Social rents permitting increases of CPI + 1% from 2020-21 onwards.

The Business Plan recognised the importance of continuing investment in new affordable homes, focused on the next five years and would continue to be amended and reported annually. Given the economic uncertainty the overall position remained challenging, but in view of the level of reserves and the previous decision to defer some investment in stock until later in the plan the ability to divert resources to fund housing growth and contribute to the Council Plan remained.

Members noted that, over the short to medium term forecast, the Business Plan showed a sustainable level of cash flow and balances; however over the longer term there would be a significant squeeze on resources due to inflationary pressures. It was further noted that the key risks in the Business Plan were increased Right to Buy sales above those planned for, interest rate rises above those planned and inflation. Those risks were monitored continuously and mitigated by the Housing Service with support from Financial Services.

Concerns were expressed that the level of rent arrears that had been amassed by claimants of Universal Credit and assurances were sought that the authority was responding positively to assist those individuals. In response, it was there were more officers were working closely with the Department of Work and Pensions (DWP), the government agency responsible for the delivery and implementation of Universal Credit, to mitigate the issue. In addition, officers were also working closely with Rotherham Citizens Advice Bureau and with colleagues in Neighbourhood Services. It was noted that approximately 2,500 tenants were also claimants of Universal Credit and the predictions in respect of bad debts against the HRA were better than forecast, but the arrears issue remained a significant challenge. Following on, the Cabinet Member for Housing confirmed that a political decision was taken to invest in the financial inclusion team in preparation for the impact of Universal Credit on council tenants. This has been successful to some degree when compared to neighbouring authorities.

Members sought clarification in respect of the assumptions for projected Right to Buy sales and what those assumptions were based upon. In response, it was confirmed that the assumptions were informed by historical data, but Members were also reminded that the Business Plan covered a thirty year period and it was difficult to plan in the long term for such eventualities. Assurances were also sought as to the length of time that someone had been a tenant in a council property before they could purchase that property under the Right to Buy Scheme. In response, it was explained that it was difficult to prevent such circumstances, but there were some protections for the authority.

Resolved:-

1. That Cabinet be advised that the recommendations be supported.

98. HOUSING REVENUE ACCOUNT RENTS AND SERVICE CHARGES 2020-2021

Consideration was given to a report which was presented for pre-decision scrutiny ahead of the Cabinet meeting scheduled for 23 December 2019, which sought approval for the proposed values of the housing rents, non-dwelling rents, District Heating and service charges and the draft Housing Revenue Account Budget for 2020/21.

The report proposed the following changes:-

- That housing rents be increased in line with CPI (as at September 2019) plus 1% in 2020/21, therefore an increase of 2.7%. Non-Dwelling Rents
- That an increase in non-dwelling charges be applied in line with the recommended increase being applied across the council of 2% for 2020/21
- No change to District Heating charges

Members queried the practice of letting garages and the sharing of information with ward Members in respect of notifying them of changes to garage usage. In response, it was confirmed that there was work underway to review sites for various reasons and any actions arising from this would not be implemented until ward Members had been consulted.

Reference was made to the previous report on the agenda (minute 97 refers) which had highlighted an increase in the level of arrears amongst tenants who were also claimants of Universal Credit and it was proposed that this be monitored closely with a view to reducing the level of rent arrears. It was also felt that this should be a performance target in the service plan for Housing Services. The Cabinet Member for Housing indicated that he would be happy to accept such recommendations from the Board. To this end, it was agreed that update on performance in this area should be reported to the Improving Places Select Commission in June 2020.

Resolved:-

1. That Cabinet be advised that the recommendations be supported.
2. That the number of Universal Credit claimants be closely monitored with a view to reducing the level of rent arrears from those tenants on that benefit.

3. That consideration be given to including the measure in the service plan for Housing Services and be reported on to Improving Places Select Commission in June 2020.

99. **ROTHERHAM TOWN CENTRE PARKING STRATEGY**

Consideration was given to a report which was presented for pre-decision scrutiny ahead of the Cabinet meeting scheduled for 23 December 2019 which sought formal adoption of a new Town Centre Parking Strategy, which formed a broad policy statement indicating that the Council would maintain an appropriate level of parking provision which was commensurate with the environmental, development and economic needs of the Town Centre and its businesses, visitors and residents and that the Council would undertake the enforcement of parking activities in a fair, consistent and proportionate manner.

It was reported that the strategy set out the Council's approach to parking in the Town Centre and would help ensure that the following key actions were met:-

- Occupancy levels will be reviewed annually to help ensure that the appropriate level and location of parking provision is maintained.
- The impact on parking capacity of any new development within the town centre will be monitored to manage demand and promote sustainable modes of travel through working with developers.
- Continue to work with the Rotherham Bus Partnership, including local bus operators and SYPTE, to improve Rotherham's bus offer, to encourage the use of public transport.
- Consideration will be given to the creation of additional short stay spaces. The service will identify the best locations for "priority customers", such as those with disabilities, and investigate revisions to existing on-street parking restrictions.
- The results of parking 'beat' surveys will be used to indicate where spaces are under-utilised and if they could be reallocated.
- Annually review parking tariffs to ensure that they remain competitive.
- Explore the possibility of the introducing / enhancing the existing Park & Ride provision in relation to the Tram Train pilot.
- Continue the provision of EV charging points.
- Consider the needs of disabled users in all public owned car parks and ensure that key destinations have appropriate levels of disabled parking availability either on or off street.
- Ensure that off-street parking facilities are clean, tidy and user friendly
- A programme of works will be delivered to achieve a high standard of cosmetic finishes to the off-street parking stock. This will be the subject of a regular maintenance schedule thereafter to sustain the high standards.

- A programme of “pay and display” machine replacement will be developed and funding sought to achieve a full stock of machines with debit/credit card payment facilities including contactless card payment options.

Members welcomed the report and discussed broader issues relating to the provision of car parking and associated services in Rotherham Town Centre. Reference was made to the need to improve the quality of ticketing machinery and accessibility to pay parking charges by phone or app. Likewise, Members shared their experiences, and those of constituents using town centre car parks, in the Wellgate Car Park, where the barrier had frequently been out of use and the payment machines had also been out of order regularly. It was recommended that alternative equipment being investigated to improve the service offer in such locations.

Resolved:-

1. That Cabinet be advised that the recommendation be supported.
2. That the Council take a proactive approach to tackle the dangers of poor lighting at its car parks, as part of a planned approach, given the usage by the public in the early morning/evening during dark hours in the autumn and winter.
3. That the connectivity within the diagram under ‘Strategic Principles’ on page 9 of the strategy be made clear.
4. That the Cabinet, as part of its work to develop car parking, improve the reliability of access/egress equipment at car parks and also seeks to develop, as funding becomes available, the use of mobile applications for customers to pay parking charges in the town centre
5. That the Cabinet gives consideration to the creation of further disabled parking spaces strategically within Rotherham Town Centre.

100. OUTCOMES FROM WORKSHOP ON AREA HOUSING PANELS REVIEW

Councillor Mallinder, Chair of the Improving Places Select Commission, provided a brief update in respect of the work that the Commission had done in a recent workshop on the report to be presented to Cabinet on 23 December 2019 in respect of the review of Area Housing Panels.

It was noted that the following points had been discussed:-

- Role of Elected Members – providing a community leadership role and ensuring tenants’ voice is reflected.

- Consultation responses and how these were reflected in the emerging proposals.
- The range of options for receiving bids for funding including on line applications as well as more 'traditional' methods. Ward Housing Hubs would be flexible to ward needs – there would be different models of engagement, including online platforms, ward walkabouts, meetings etc. Area panels would cease to operate, to be replaced by Ward Housing Hubs.
- Opportunities for cross ward working - however, focus should be on ward priorities – closely aligned to neighbourhood working.
- The annual review of housing stock – funding would be adjusted annually reflecting stock numbers in the Ward
- Steps to encourage people's involvement – particularly in areas where there has been low engagement and there has been a struggle to identify projects or spend money. It was noted that there was a need to engage with a greater number of tenants who had not been previously engaged in Area Housing Panels.
- RotherFed would remain principal first point of contact for tenant involvement.
- Approval for projects would be made through support from ward councillors and tenants through the Ward Housing Hubs, supported by Council officers
- Reiteration that projects would align with ward priorities and would need to meet HRA funding criteria.
- Clarity was sought about budgets and areas of spend. This would be project specific, but generally speaking funding for smaller scale projects could be accommodated within the Ward Housing budget, but larger scale projects would have to be funded through the Housing Capital Programme.
- Customer access still to be further developed through digital channels, however with recognition that there may need to be other channels available for people who may have difficulty with digital access. Most younger tenants have access to the internet through mobile phone contracts. Free access to wifi was available in local libraries and was also being rolled out in some of the Housing neighbourhood centres.
- Need to publicise the benefits of ward based working and successes. There was also a need to move swiftly on projects, with regular updates provided to ward members and groups on progress.
- Awareness raising would take place with officers to update them of new arrangements.
- Process for conflict resolution was discussed, particularly in two member wards. Any issues arising would be considered by the Cabinet Member for Housing, as portfolio holder and Head of Housing Operational Services, as senior officer for tenant involvement and associated budget.
- Closer working with Parish/Town Councils was welcomed; however, clarification was sought about how this would be

facilitated.

Overall, Members had indicated their broad support for the proposals that had been prepared for consideration by the Cabinet.

Resolved:-

1. That Cabinet be advised that the recommendations be supported.

101. URGENT BUSINESS

The Chair advised that there were no urgent items of business requiring the consideration of the Board at the meeting.

102. DATE AND TIME OF NEXT MEETING

The Chair confirmed that this was the final meeting of the calendar year and placed on record his thanks to Board Members, Cabinet Members and officers for their work in supporting the work of Overview and Scrutiny in Rotherham. Furthermore, he took the opportunity to wish Members and officers a very merry Christmas and conveyed his good wishes for the new year.

Resolved:-

That the next meeting of the Overview and Scrutiny Management Board be held on Wednesday 15 January 2020 at 11.00 a.m. at Rotherham Town Hall.

Public Report
Cabinet

Committee Name and Date of Committee Meeting

Cabinet – 20 January 2020

Report Title

Ethical Procurement Policy

Is this a Key Decision and has it been included on the Forward Plan?

Yes

Strategic Director Approving Submission of the Report

Sharon Kemp, Chief Executive

Report Author(s)

Karen Middlebrook, Head of Procurement
01709 334755 or karen.middlebrook@rotherham.gov.uk

Ward(s) Affected

Borough-Wide

Report Summary

Ethical behaviour is at the core of the Council's procurement activity and the Council expects the suppliers it does business with to share similar values and ethical ethos in the way they deliver their services. This Policy sets out a range of measures and policy decisions / commitments that have been taken by the Council over the years (including the recent Social Value Policy) to achieve this and drive ethical practice, with the aim to encompass this into one comprehensive policy.

Recommendations

1. That approval be given to the Ethical Procurement Policy.

List of Appendices Included

Appendix 1 Initial Equality Screening
Appendix 2 Ethical Procurement Policy

Background Papers

Cabinet / Council decisions on:

[Fair Trade Status](#)

[Charter for Sustainable British Steel](#)

[Corporate Safeguarding Policy](#)

[Equality & Diversity Policy](#)

[Cooperative Charter Against Modern Slavery](#)
[Social Value Policy](#)
[Climate Change Emergency](#)

Consideration by any other Council Committee, Scrutiny or Advisory Panel
Overview and Scrutiny Management Board – 15 January 2020

Council Approval Required
No

Exempt from the Press and Public
No

Ethical Procurement Policy

1. Background

- 1.1 The Council spends c£300m per annum with third party suppliers/contractors on a range of Goods, Works and Services. Procurement is therefore considered an enabler in assisting the Council to deliver its strategic objectives by using its purchasing power to drive socio-economic and environmental improvements for its residents and society at large through its supply chain.
- 1.2 To achieve this, it is imperative that the Council adopts robust ethical procurement practices and gives clear consideration of the outcomes and expectations it places on its supply chain when undertaking procurement activity.

2. Key Issues

- 2.1 Over recent years the Council has made positive commitments to drive forward ethical practises in its procurement activity and change / improve behaviours in its supply chain through a range of policy statements / commitments, which are in addition to the ethical criteria set out in the Public Contracts Regulations 2015 (the legislation governing public procurement).
- 2.2 This range of policy statements/commitments include:
 - Supporting the principles of Fair Trade
 - Supporting the 'Charter for Sustainable British Steel'
 - Approving the Corporate Safeguarding Policy
 - Approving the Council's Equality and Diversity Policy
 - Adopting the Cooperative Party's Charter against Modern Slavery
 - Approving the Council's Social Value Policy
 - Declaring a Climate Change Emergency
- 2.3 These policy statements / commitments have all been treated as individual decisions. The aim of this Ethical Procurement Policy is to pull all these individual commitments / decisions into one comprehensive policy.
- 2.4 When future commitments surrounding ethical procurement activity are made by Council / Cabinet updates to the Ethical Procurement Policy will be carried out accordingly
- 2.5 A copy of the proposed Ethical Procurement Policy is contained at Appendix 1.

3. Options considered and recommended proposal

- 3.1 Following the review of existing practice and the approach taken by other authorities, the recommended option is to adopt the Ethical Procurement Policy.

4. Consultation on proposal

- 4.1 Consultation was conducted for each of the individual policies / commitments / decisions.

5. Timetable and Accountability for Implementing this Decision

- 5.1 The policy will become immediately effective following approval.
- 5.2 For all new procurement activity, consideration will be given to during the pre-procurement phase to the key themes (where appropriate) making up the Ethical Procurement Policy and documented through the pre-procurement business case.

6. Financial and Procurement Advice and Implications

- 6.1 This policy pulls together the range of actions already being conducted within procurement around ethical behaviour and practice and the way the Council commissions and procures services, and the expectations it places on its supply chain.
- 6.2 As such there are no direct implications arising from the recommendations detailed in this report. Implications were considered for each of the individual policies at the time they were agreed.
- 6.3 The procurement team are however responsible for ensuring Service Areas give due consideration to the key themes identified in the Ethical Procurement Policy. As the procurement team are working with Service Areas in embedding the Social Value Policy, it will also seek to ensure this Ethical Procurement Policy is also understood and considered.
- 6.4 The new policy does not directly impact the Council's budget position, it makes the Council's procurement process more robust and increases value for money from a social value perspective ensuring that suppliers meet a certain ethical standard. It is possible that any new standards to be agreed by Council or Cabinet may lead to an existing supplier being removed from use, and replaced with a more expensive supplier, due to them not meeting the new standards. However due to the work the Council has done in previous years, referenced within this report, this risk is minimal.

7. Legal Advice and Implications

- 7.1 There are no direct legal implications with this policy. The policy adequately describes the requirements of the law (particularly the Public Contracts Regulations).

8. Human Resources Advice and Implications

- 8.1 There are no direct Human Resources (HR) implications as a result of this report.

9. Implications for Children and Young People and Vulnerable Adults

- 9.1 This policy reinforces decisions / commitments already made which contribute towards ethical practice in procurement. The outcomes from these individual decisions / commitments support the Council's priorities: "Every child has the best start in life" and "Every adult secure, responsible and empowered", from ensuring that appropriate safeguarding arrangements are in place for vulnerable individuals through to seeking education and employment support through the Social Value policy.

10. Equalities and Human Rights Advice and Implications

- 10.1 An initial Equalities Screening Assessment has been completed.

11. Implications for Ward Priorities

- 11.1 This policy reinforces decisions / commitments already made which contribute towards ethical practice in procurement. the outcomes from these individual decisions / commitments support the Thriving Neighbourhood Strategy priorities including:
- 11.2 "Vulnerable People are Protected"; through the approval of the Council's Safeguarding policy and the adoption of the Cooperative Charter Against Modern Slavery, and
- 11.3 "People from different backgrounds have the chance to interact" through the adoption of the Council's Social Value Policy and the education and employment opportunities this presents; and
- 11.4 "Clean streets and public spaces" through the environmental measures outlined in the Council's Social Value Policy and the work to be undertake around the climate change emergency.

12. Implications for Partners

- 12.1 Implications for partners was considered at the time for each individual policy / commitment / decision that has been made.

13. Risks and Mitigation

- 13.1. There is a risk that suppliers / contractors fail to deliver against commitments made in a tender. It is therefore essential that contracts are effectively monitored and managed by Service Areas to protect the Council against these instances occurring.
- 13.2 With regards Social Value commitments, the Council will benefit from the experience and expertise of the Social Value Portal, who will assist with the management of Social Value commitments made by suppliers to ensure these are delivered.

14. Accountable Officers

Karen Middlebrook, Head of Procurement

Approvals obtained on behalf of Statutory Officers:-

	Named Officer	Date
Chief Executive	Sharon Kemp	03/01/20
Strategic Director of Finance & Customer Services (S.151 Officer)	Judith Badger	02/01/20
Head of Legal Services (Monitoring Officer)	Bal Nahal	02/01/20

Report Author: Karen Middlebrook, Head of Procurement
01709 334755 or karen.middlebrook@rotherham.gov.uk

This report is published on the Council's [website](#).

PART A - Initial Equality Screening Assessment

As a public authority we need to ensure that all our strategies, policies, service and functions, both current and proposed have given proper consideration to equality and diversity.

A **screening** process can help judge relevance and provide a record of both the process and decision. Screening should be a short, sharp exercise that determines relevance for all new and revised strategies, policies, services and functions.

Completed at the earliest opportunity it will help to determine:

- the relevance of proposals and decisions to equality and diversity
- whether or not equality and diversity is being/has already been considered, and
- whether or not it is necessary to carry out an Equality Analysis (Part B).

Further information is available in the Equality Screening and Analysis Guidance – see page 9.

1. Title

Title: Ethical Procurement Policy

Directorate: Finance & Customer Services

Service area: Financial Services / Procurement

Lead person:
Karen Middlebrook

Contact number:
01709 334755

Is this a:

☒

Strategy / Policy

☐

Service / Function

☐

Other

If other, please specify

2. Please provide a brief description of what you are screening

This policy pulls together a range of other policy decisions / commitments made into one comprehensive Ethical Procurement Policy aimed at improving ethical practice through the Council's supply chain

3. Relevance to equality and diversity

All the Council's strategies/policies, services/functions affect service users, employees or the wider community – borough wide or more local. These will also have a greater/lesser relevance to equality and diversity.

The following questions will help you to identify how relevant your proposals are.

When considering these questions think about age, disability, sex, gender reassignment, race, religion or belief, sexual orientation, civil partnerships and marriage, pregnancy and maternity and other socio-economic groups e.g. parents, single parents and guardians, carers, looked after children, unemployed and people on low incomes, ex-offenders, victims of domestic violence, homeless people etc.

Questions	Yes	No
Could the proposal have implications regarding the accessibility of services to the whole or wider community? <i>(Be mindful that this is not just about numbers. A potential to affect a small number of people in a significant way is as important)</i>		✓
Could the proposal affect service users? <i>(Be mindful that this is not just about numbers. A potential to affect a small number of people in a significant way is as important)</i>		✓
Has there been or is there likely to be an impact on an individual or group with protected characteristics? <i>(Consider potential discrimination, harassment or victimisation of individuals with protected characteristics)</i>		✓
Have there been or likely to be any public concerns regarding the proposal? <i>(It is important that the Council is transparent and consultation is carried out with members of the public to help mitigate future challenge)</i>		✓
Could the proposal affect how the Council's services, commissioning or procurement activities are organised, provided, located and by whom? <i>(If the answer is yes you may wish to seek advice from commissioning or procurement)</i>	✓	
Could the proposal affect the Council's workforce or employment practices? <i>(If the answer is yes you may wish to seek advice from your HR business partner)</i>		✓
If you have answered no to all the questions above, please explain the reason		
n/a		

If you have answered **no** to all the questions above please complete **sections 5 and 6**.

If you have answered **yes** to any of the above please complete **section 4**.

4. Considering the impact on equality and diversity

If you have not already done so, the impact on equality and diversity should be

considered within your proposals before decisions are made.

Considering equality and diversity will help to eliminate unlawful discrimination, harassment and victimisation and take active steps to create a discrimination free society by meeting a group or individual's needs and encouraging participation.

Please provide specific details for all three areas below using the prompts for guidance and complete an Equality Analysis (Part B).

- **How have you considered equality and diversity?**

Equality and diversity has been a key consideration in the development of the policy. All the individual decisions / commitments taken have all sought to protect vulnerable adults and children and support disadvantaged communities and groups.

- **Key findings**

(think about any potential positive and negative impact on different equality characteristics, potential to promote strong and positive relationships between groups, potential to bring groups/communities into increased contact with each other, perception that the proposal could benefit one group at the expense of another)

- **Actions**

Individual officers within Service Areas will be responsible for considering the impacts and outcomes required for each individual commissioning/procurement process and this will be documented through the pre-procurement business case, which is to be approved by the Service Area Assistant Director, who is responsible for ensuring compliance with the Equality Act and equality analysis.

Date to scope and plan your Equality Analysis:

Individual officers within Services Areas will be responsible for considering the impacts and outcomes required for each individual commissioning/procurement project.

Date to complete your Equality Analysis:

Individual officers within Services Areas will be responsible for considering the impacts and outcomes required for each individual commissioning/procurement project.

Lead person for your Equality Analysis
(Include name and job title):

Individual officers within Services Areas will be responsible for considering the impacts and outcomes required for each individual commissioning/procurement project. Karen Middlebrook (Head of Procurement) will be overall responsible for this Ethical Procurement Policy.

5. Governance, ownership and approval

Please state here who has approved the actions and outcomes of the screening:

Name	Job title	Date
Karen Middlebrook	Head of Procurement	17/12/2019

6. Publishing

This screening document will act as evidence that due regard to equality and diversity has been given.

If this screening relates to a **Cabinet, key delegated officer decision, Council, other committee or a significant operational decision** a copy of the completed document should be attached as an appendix and published alongside the relevant report.

A copy of **all** screenings should also be sent to equality@rotherham.gov.uk For record keeping purposes it will be kept on file and also published on the Council's Equality and Diversity Internet page.

Date screening completed	17/12/2019
Report title and date	Ethical Procurement Policy
If relates to a Cabinet, key delegated officer decision, Council, other committee or a significant operational decision – report date and date sent for publication	Cabinet
Date screening sent to Performance, Intelligence and Improvement equality@rotherham.gov.uk	2/1/2020

PART B – Equality Analysis Form

As a public authority we need to ensure that all our strategies, policies, service and functions, both current and proposed have given proper consideration to equality and diversity.

This form:

- Can be used to prompt discussions, ensure that due regard has been given and remove or minimise disadvantage for an individual or group with a protected characteristic
- Involves looking at what steps can be taken to advance and maximise equality as well as eliminate discrimination and negative consequences
- Should be completed before decisions are made, this will remove the need for remedial actions.

Note – An Initial Equality Screening Assessment (Part A) should be completed prior to this form.

When completing this form consider the Equality Act 2010 protected characteristics Age, Disability, Sex, Gender Reassignment, Race, Religion or Belief, Sexual Orientation, Civil Partnerships and Marriage, Pregnancy and Maternity and other socio-economic groups e.g. parents, single parents and guardians, carers, looked after children, unemployed and people on low incomes, ex-offenders, victims of domestic violence, homeless people etc. – see page 11 of Equality Screening and Analysis Guidance.

1. Title	
Equality Analysis title: Ethical Procurement Policy	
Date of Equality Analysis (EA): 02/01/2020	
Directorate: Finance & Customer Services	Service area: Financial Services
Lead Manager: Karen Middlebrook	Contact number: 01709 334755
Is this a: <input checked="checked" type="checkbox"/> Strategy / Policy <input type="checkbox"/> Service / Function <input type="checkbox"/> Other If other, please specify	

2. Names of those involved in the Equality Analysis (Should include minimum of three people) - see page 7 of Equality Screening and Analysis Guidance

Name	Organisation	Role (eg service user, managers, service specialist)
Karen Middlebrook	Rotherham Metropolitan Borough Council	Head of Procurement

3. What is already known? - see page 10 of Equality Screening and Analysis Guidance
Aim/Scope (who the Policy/Service affects and intended outcomes if known)

This may include a group/s identified by a protected characteristic, others groups or stakeholder/s e.g. service users, employees, partners, members, suppliers etc.)

This policy pulls together a range of other policy decisions / commitments made into one comprehensive Ethical Procurement Policy aimed at improving ethical practice through the Council's supply chain.

What equality information is available? (Include any engagement undertaken)

This policy pulls together a range of other policy decisions / commitments made. Equality was considered for each of these individual decisions / commitments.

The Council spend c£300m per annum on a wide range of goods, works and services. Detailed equality information will be considered by individual officers within Service Areas for each individual commissioning/procurement project. This will be documented through the pre-procurement business case, which will be approved by the Service Area Assistant Director.

Are there any gaps in the information that you are aware of?

N/A

What monitoring arrangements have you made to monitor the impact of the policy or service on communities/groups according to their protected characteristics?

This policy pulls together a range of other policy decisions / commitments made. Monitoring arrangements were established for each of these individual decisions / commitments.

Engagement undertaken with customers. (date and group(s) consulted and key findings)	This policy pulls together a range of other policy decisions / commitments made. Individual officers within Services Areas will be responsible for considering engagement / consultation activity. This will be documented through the pre-procurement business case, which will be approved by the Service Area Assistant Director.
Engagement undertaken with staff (date and group(s) consulted and key findings)	This policy pulls together a range of other policy decisions / commitments made. Individual officers within Services Areas will be responsible for considering engagement / consultation activity. This will be documented through the pre-procurement business case, which will be approved by the Service Area Assistant Director.

4. The Analysis - of the actual or likely effect of the Policy or Service (Identify by protected characteristics)

How does the Policy/Service meet the needs of different communities and groups? (Protected characteristics of Age, Disability, Sex, Gender Reassignment, Race, Religion or Belief, Sexual Orientation, Civil Partnerships and Marriage, Pregnancy and Maternity) - see glossary on page 14 of the Equality Screening and Analysis Guidance)

Individual officers within Service Areas will be responsible for considering the needs of different communities and groups for each individual commissioning / procurement process and this will be documented through the pre-procurement business case, which will be approved by the Service Area Assistant Director.

Does your Policy/Service present any problems or barriers to communities or Groups?

Individual officers within Service Areas will be responsible for considering problems or barriers to communities or groups for each individual commissioning / procurement process and this will be documented through the pre-procurement business case, which will be approved by the Service Area Assistant Director.

Does the Service/Policy provide any positive impact/s including improvements or remove barriers?

The Council spends c£300m per annum with third party suppliers / contractors on a range of Goods, Works and Services. Procurement is therefore considered an enabler in assisting the Council to deliver its strategic objectives by using its purchasing power to drive socio-economic and environmental improvements for its residents and society at large through its supply chain.

Individual officers within Service Areas will be responsible for considering positive impacts

for each individual commissioning / procurement process and this will be documented through the pre-procurement business case, which will be approved by the Service Area Assistant Director.

What affect will the Policy/Service have on community relations? (may also need to consider activity which may be perceived as benefiting one group at the expense of another)

Individual officers within Service Areas will be responsible for considering community relations for each individual commissioning / procurement process and this will be documented through the pre-procurement business case, which will be approved by the Service Area Assistant Director.

Please list any **actions and targets** that need to be taken as a consequence of this assessment on the action plan below and ensure that they are added into your service plan for monitoring purposes – see page 12 of the Equality Screening and Analysis Guidance.

5. Summary of findings and Equality Analysis Action Plan

If the analysis is done at the right time, i.e. early before decisions are made, changes should be built in before the policy or change is signed off. This will remove the need for remedial actions. Where this is achieved, the only action required will be to monitor the impact of the policy/service/change on communities or groups according to their protected characteristic - See page 11 of the Equality Screening and Analysis guidance

Title of analysis: Ethical Procurement Policy
Directorate and service area: F&CS / Financial Services
Lead Manager: Karen Middlebrook
Summary of findings:
There are no direct findings as a result of the implementation of this policy. Equality considerations were considered at the time the individual policy decisions commitments were made.
For future commissioning / procurement projects, equalities will be considered and incorporated into the pre-procurement business case which will be approved by the Service Area Assistant Director.

Action/Target	State Protected Characteristics as listed below	Target date (MM/YY)

*A = Age, D= Disability, S = Sex, GR Gender Reassignment, RE= Race/ Ethnicity, RoB= Religion or Belief, SO= Sexual Orientation, PM= Pregnancy/Maternity, CPM = Civil Partnership or Marriage. C= Carers, O= other groups

6. Governance, ownership and approval

Please state those that have approved the Equality Analysis. Approval should be obtained by the Director and approval sought from DLT and the relevant Cabinet Member.

Name	Job title	Date
Karen Middlebrook	Head of Procurement	02/01/2020
Judith Badger	Strategic Director – F&CS	02/01/2020

7. Publishing

The Equality Analysis will act as evidence that due regard to equality and diversity has been given.

If this Equality Analysis relates to a **Cabinet, key delegated officer decision, Council, other committee or a significant operational decision** a copy of the completed document should be attached as an appendix and published alongside the relevant report.

A copy should also be sent to equality@rotherham.gov.uk For record keeping purposes it will be kept on file and also published on the Council's Equality and Diversity Internet page.

Date Equality Analysis completed	02/01/2020
Report title and date	Ethical Procurement Policy
Date report sent for publication	02/01/2020
Date Equality Analysis sent to Performance, Intelligence and Improvement equality@rotherham.gov.uk	02/01/2020

Ethical Procurement Policy

1. Introduction

The Council spends c£300m per annum with third party suppliers/contractors on a range of Goods, Works and Services. Procurement is therefore considered an enabler in assisting the Council to deliver its strategic objectives by using its purchasing power to drive socio-economic and environmental improvements for its residents and society at large.

Ethical behaviour is at the core of delivering against this agenda, and the Council expects the suppliers it does business with to share similar values and an ethical ethos. This policy sets out the range of measures and initiatives the Council is utilising to achieve this and should be read in conjunction with the [Council's Social Value Policy](#) as a core suite of documents.

2. Legal Context

As a Local Authority, the Council has a duty to comply with the legal framework governing public procurement, namely the EU Treaty and Public Contracts Regulations 2015 ("the Regulations"); and ethical practice is at its core.

The EU Treaty provides a set of overarching principles to be adopted when awarding contracts; including non-discrimination, equal treatment, transparency, procedural fairness, mutual recognition and proportionality.

The Regulations provide the operational basis for conducting procurement procedures above certain thresholds. They mandate that organisations should be excluded from procurement exercises; where they have been found guilty and received a conviction for one (or more) of the following types of offences within a five year period prior to the procurement procedure:

- Conspiracy (participation in criminal organisations)
- Corruption (including bribery)
- Fraud
- Money laundering or terrorist financing
- Child labour and other forms of trafficking human beings

The Regulations also provide for discretionary grounds to disqualify organisations in certain situations, unless there is satisfactory evidence of *self-cleaning* to demonstrate the measures taken by the organisation and validate its reliability despite the existence of the relevant ground.

- Non-payment of tax and social security contributions.
- Obligations in the field of environmental, social and labour law
- Bankruptcy

- Grave professional misconduct
- Distortion of competition
- Misrepresentation and undue influence
- Conflicts of interest

3. Professional Standards

Rotherham Council takes pride in delivering high quality, professional procurement services. Senior Officers within the Council's Corporate Procurement Team are qualified members of their professional body the Chartered Institute for Procurement and Supply (CIPS). The CIPS qualification is considered to provide the ideal training for procurement professionals of all levels and is accredited by the organisation that promotes and protects the high standards of the sector.

As a qualified member of CIPS, officers are required to adhere to the CIPS [Code of Conduct](#) which defines a range of ethical behaviours and actions which must be maintained and promoted across all organisations they engage with. This includes;

- Enhancing and protecting the standing of the profession;
- Maintaining the highest standard of integrity in all business relationships;
- Promoting the eradication of unethical business practices;
- Enhancing the proficiency and stature of the profession; and
- Ensuring full compliance with laws and regulations.

To further embed the professional standard, the Council will aim to ensure all members of the Procurement Team in a buying capacity are qualified in the profession (where appropriate).

4. Policies, Commitments and Decisions

Over recent years the Council has made positive commitments to drive forward ethical practises in its procurement activity and change / improve behaviours in its supply chain over and above the requirements set out within the legal framework referred to above. However, these are all currently captured in separate policy statements, Council motions, and Cabinet decisions. The aim of this Ethical Procurement Policy therefore, is to pull all these individual commitments / decisions into one comprehensive policy.

Date	Commitment / Decision	Detail	Rotherham Approach
November 2004	Council passed a motion to support the principles of	Council resolves to take the necessary steps to move towards Fair Trade Status for the Rotherham Borough	Rotherham Town obtained Fair Trade status in 2006. Continued consideration is

	Fair Trade.		to be given through pre-procurement activity, to the products being procured and whether fair trade is a requirement. Where it is identified to be appropriate this should be built into the tender documentation accordingly.
October 2015	Council passed a motion to support the ' Charter for Sustainable British Steel ' as promoted by the 'UK Steel' organisation.	<p>The Charter seeks to:</p> <ul style="list-style-type: none"> • Help ensure the best possible economic benefit to the UK economy by increasing GVA in UK manufacturing supply chains; • Unlock the social, environmental and economic benefits of shortened and localised supply chains • Promote and facilitate the use of UK produced steel in construction and infrastructure projects • Support highly paid, skilled manufacturing jobs and training opportunities in communities across the UK 	<p>Through the pre-procurement activity steel requirements will be considered and how these are translated into the tender. For example, Rotherham Council is the lead organisation of the YORbuild framework for South Yorkshire. This framework includes the option to specify in its call-off contracts that steel must confirm to BES6001 or an equivalent standard.</p> <p>The Council also provides updates of forward indicative steel requirements (major requirements) to support the national steel procurement pipeline, which North Lincolnshire Council collate on behalf of Yorkshire and Humber and feed into the Department for Business, Energy and Industrial Strategy.</p>
July 2016	Cabinet and Council endorsed and approved the Corporate Safeguarding Policy .	The policy makes clear that safeguarding is everyone's business and everyone at the Council (including suppliers/contractors) shares a responsibility, both corporately and individually, to ensure that	<p>Safeguarding will be considered throughout all stages of the commissioning and procurement lifecycle.</p> <p>A standard clause is included in all contracts</p>

		<p>every person is treated with dignity and respect and protected from others who may abuse them.</p> <p>Specifically, the policy makes clear that those contractors which work with or are commissioned to undertake activity on behalf of the Council are made subject to the same safeguarding responsibilities as directly employed members of staff.</p>	<p>making it known/understood that suppliers/contractors have a safeguarding responsibility.</p> <p>Where the contract involves direct contact with vulnerable individuals, consideration shall be given during the pre-procurement phase to determine the exact safeguarding requirements and how these are translated into the tender (i.e. contract clause, specification requirement and supplier response to method statement question).</p>
July 2016	Cabinet and Council endorsed and approved the Council's Equality and Diversity Policy	<p>The purpose of the Council's Equality and Diversity Policy is to encourage respect for diversity and eliminate discrimination in both its role as an employer and as a provider/commissioner of services. The Council wants to create a culture that respects and values difference, that promotes fairness, dignity and respect, and that encourages individuals to develop and maximise their true potential.</p> <p>Specifically, the policy makes clear that those contractors which work with or are commissioned to undertake activity on behalf of the Council are</p>	<p>Equality and Diversity is one of the key requirements stipulated within the Legal Context for procurement. Organisations are required to demonstrate their commitment to equality and diversity.</p> <p>Through the pre-procurement activity consideration will be given to whether additional specification requirements / method statement question for the bidders to respond to are required to evidence their approach to support this policy commitment.</p>

within scope of the policy.			
July 2018	Council passed a motion to adopt the Cooperative Party's Charter against Modern Slavery .	<p>The key aim of the Charter is to ensure that the Council's practices don't support slavery recognising the important role the Council can play in ensuring their contracted arrangements don't contribute modern slavery and exploitation by:</p> <ul style="list-style-type: none"> • Training its corporate procurement team to understand modern slavery through the Chartered Institute of Procurement and Supply's (CIPS) online course on Ethical Procurement and Supply. • Requiring its contractors to comply fully with the Modern Slavery Act 2015, wherever it applies, with contract termination as a potential sanction for non-compliance. • Challenging any abnormally low-cost tenders to ensure they do not rely upon the potential contractor practising modern slavery. • Highlighting to its suppliers that contracted workers are free to join a trade union and are not to be treated unfairly for belonging to one. • Publicising its whistle- 	<p>Modern Slavery will be considered at all stages through the Commissioning and Procurement cycle. Alongside the details provided within the Charter, modern Slavery is one of the key requirements stipulated within the Legal Context for procurement. Relevant commercial organisations are required to demonstrate their compliance with the reporting requirements under the Modern Slavery Act 2015, with failure to comply resulting in elimination from the tender process.</p> <p>A standard clause is also included in all contracts making it known/understood that suppliers/contractors have a safeguarding responsibility and Modern Slavery is one element of this.</p> <p>Through the pre-procurement activity consideration is given to those high risk industries here slavery is more prevalent, and clear consideration is given to additional specification requirements / method statement question for the bidders to respond to, to evidence their approach to eliminating modern slavery through their own supply</p>

		<p>blowing system for staff to blow the whistle on any suspected examples of modern slavery.</p> <ul style="list-style-type: none"> • Requiring its tendered contractors to adopt a whistle-blowing policy which enables their staff to blow the whistle on any suspected examples of modern slavery. • Reviewing its contractual spending regularly to identify any potential issues with modern slavery. • Highlighting for its suppliers any risks identified concerning modern slavery and refer them to the relevant agencies to be addressed. • Referring for investigation via the National Crime Agency's national referral mechanism any of its contractors identified as a cause for concern regarding modern slavery. • Reporting publicly on the implementation of this policy annually. 	chains.
October 2019	Cabinet approved the Council's Social Value Policy	The Council aims to increase over time the proportion of its spend with local businesses and organisations and to open up opportunities for more co-designed services through its commissioning and procurement	Build social value into all Council contracts (>£100k) and introduce a rigorous system for assessing and measuring social value commitments. Social Value will account for 20% of the marks available from the evaluation criteria (with

		<p>processes. The Social Value Framework, sets out the methodology for measuring Social Value through the procurement process and its framing around six high level outcomes, which were:-</p> <ul style="list-style-type: none"> • Raising living standards for residents. • A strong local economy with employment and skills opportunities and a growing business base. • Young people have the opportunity to develop skills and find worthwhile employment. • Equality of opportunity for disadvantaged people and communities including disabled people. • Strengthened and sustainable community and voluntary organisations. • Greater environmental sustainability including accessible green public spaces. 	<p>other component parts being quality and price).</p> <p>When the Council invites written quotations – where possible – at least one of the quotes would be from a Rotherham organisation, and where this was not possible from the Sheffield City Region.</p> <p>Commit to co-designing services wherever possible and adoption of the Keep it Local principles.</p>
October 2019	Council passed a motion to declare a Climate Change Emergency	As part of the work it is proposed to develop an informed target for the Council's carbon reduction by 2025 and to review this every five years thereafter, and to develop a "Carbon Action Plan" towards these goals. To assist in	Through the pre-procurement activity consideration is to be given to carbon impacts and how this might be mitigated / reduced and ensure that where suppliers make a commitment through their tender submissions to reduce carbon emissions,

	achieving this reduction external providers of Council services should be encouraged to reduce their carbon emissions as part of the Council's Social Value Policy.	ensure that this is delivered and reported.
--	---	---

Case Study

Following Council's decision to adopt the Cooperative Party's Charter Against Modern Slavery, officers of the Council undertook detailed analysis seeking to drive and strengthen controls around this agenda and reinforce the obligations contained with the Modern Slavery Act 2015 and ensure transparency in our supply chain.

The Council partnered with TISC.org, to identify organisations who potentially were non-compliant with the Modern Slavery Act 2015, and through dialogue and engagement with those suppliers, ensured compliance was reached.

To prevent similar occurrences and to embed a proactive approach in support of this agenda, the Council is now clear in its tender documentation, that organisations are required to be compliant with the Act and upload their Transparency Statements to TISC.org.

5. The Rotherham Approach

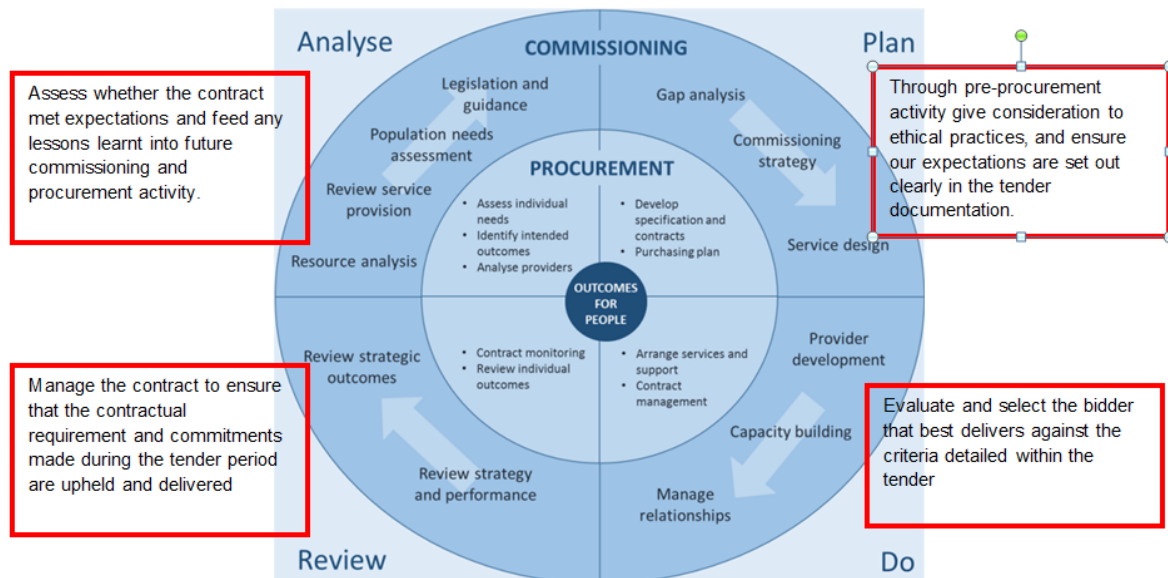
The Council is continually seeking to ensure it maximises its spending power for the benefit of Rotherham residents. To support the commitment made in its Social Value policy regarding the promotion of the Joseph Rowntree Living Wage, the Council is committed to becoming Living Wage accredited. In support of this the Council is also committed to becoming a signatory to Unison's Ethical Care Charter, giving the outcomes from the charter clear and detailed consideration in its tender for Home Care provision undertaken during the summer 2019.

Ethical practice is considered at all stages of commissioning and procurement related activity. The diagram below at *Figure 1* gives a high level illustration of the interface between commissioning and procurement and the types of activity that are undertaken to ensure ethical practice is embedded.

From the cycle presented below the **Plan** phase is critical. It is during this phase, the Council will consider whether there is still a need for the delivery of a contract, and if so, whether this is best delivered directly by the Council, in collaboration with another public service provider or by an external organisation. All decisions will be undertaken in accordance with the Council's [Constitution](#).

Where it is deemed delivery is best met by external organisations, ethical practice, behaviours and approaches will be considered. The Council's expectations will be clearly documented through the tender procedure and organisation's will be expected to fully understand these requirements when making their tender submission as through the management of the contract, the Council will ensure these expectations are adhered to and/or delivered.

Figure 1: Commissioning and Procurement Cycle



6. Review Process

The Council will keep this policy as a live and up to date document. When future commitments surrounding ethical procurement activity are made by Council / Cabinet updates to this Ethical Procurement Policy will be carried out accordingly.

Committee Name and Date of Committee Meeting

Cabinet – 20 January 2020

Report Title

Designation of Selective Licensing Areas 2020-2025

Is this a Key Decision and has it been included on the Forward Plan?

Yes

Strategic Director Approving Submission of the Report

Paul Woodcock, Strategic Director of Regeneration and Environment

Report Author(s)

Sam Barstow, Head of Community Safety and Regulatory Services

Sam.barstow@rotherham.gov.uk

Lewis Coates, Service Manager, Regulation and Enforcement,

lewis.coates@rotherham.gov.uk

Chris Stone, Community Protection Manager, Regulation and Enforcement,

Chris.stone@rotherham.gov.uk

Ward(s) Affected

Rotherham East

Rotherham West

Boston Castle

Dinnington

Maltby

Report Summary

On 10th June 2019, Cabinet agreed that public consultation be undertaken on the proposed designation of parts of Maltby, Dinnington, Eastwood/Town centre and Masbrough, for mandatory Selective Licensing of private rented housing.

This report provides detail of the feedback from the consultation. The majority (62%) of respondents expressed support for a mandatory selective licensing scheme. Consequently, the report recommends that these areas are designated as Selective Licensing areas.

At the same meeting in June 2019, Cabinet agreed to the proposed designation of parts of Parkgate and Thurstoft, subject to confirmation by the Secretary of State for Housing, Communities and Local Government.

This report describes the progress made with the application to the Secretary of State, regarding the declaration of Mandatory Selective Licensing in Parkgate and Thurcroft and, given the changed position since June 2019, recommends proceeding with the implementation of Selective Licensing in these areas.

Recommendations

1. That Cabinet note the strong evidence and public support for the Selective Licensing of Private Rented properties.
2. That Cabinet designate the areas in Eastwood and the Town centre, Masbrough (as amended by consultation), Maltby South East and Dinnington as detailed in Appendix 6 of this report, as Mandatory Selective Licensing Areas under Part 3 of the Housing Act 2004.
3. That approval be given to proceed to implementation with the agreed designation of Thurcroft and Parkgate, given the overall Selective Licensing area is now under the 20% threshold and no longer requires Secretary of State approval.
4. That Cabinet approve that Little London does not progress to designation, and that alternative arrangements will be tested and reviewed after one year.

List of Appendices Included

- Appendix 1 Equality Impact Assessment
- Appendix 2 Comparison of 2015/2019 Index of Multiple Deprivations
- Appendix 3 Size of private rented sector in proposed areas for declaration.
- Appendix 4 Consultation Plan
- Appendix 5 Consultation Response Analysis
- Appendix 6 Area maps adjusted following consultation, showing proposed designated areas
- Appendix 7 Fee Structure, as agreed in June 2019
- Appendix 8 Licensing Conditions

Background Papers

Selective licensing in the private rented sector: a guide for local authorities
<https://www.gov.uk/government/publications/selective-licensing-in-the-private-rented-sector-a-guide-for-local-authorities>

Report on Future Designation of Selective Licensing Areas. Cabinet and Commissioner's Decision Managing Meeting, 6th August 2018, Item 22
<https://moderngov.rotherham.gov.uk/ieListDocuments.aspx?CId=1003&MId=14421>

Selective Licensing – Consultation on future designations. Cabinet Report 10th June 2019, item 8.

<https://moderngov.rotherham.gov.uk/ieListDocuments.aspx?CId=1103&MId=14651&Ver=4>

Designation of Selective Licensing Areas - Parkgate and Thurgroft. Cabinet Report
10th June 2019, item 9.

<https://moderngov.rotherham.gov.uk/ieListDocuments.aspx?CId=1103&MId=14651&Ver=4>

Rotherham Metropolitan Borough Council [Housing Strategy 2016-19](#)

An Independent Review of the Use and Effectiveness of Selective Licensing 2019
[Selective_Licensing_Review_2019.pdf](#)

Consideration by any other Council Committee, Scrutiny or Advisory Panel

No

Council Approval Required

No

Exempt from the Press and Public

No

Designation of Selective Licensing Areas 2020-2025

1. Background

- 1.1 The Housing Act 2004 provides local authorities with the power to designate areas of Selective Licensing to help tackle concerns over poor property conditions, high crime, high levels of deprivation, high migration, anti-social behaviour and low housing demand.
- 1.2 Housing conditions and health outcomes are inextricably linked. Deprivation has a direct impact on residents' ability to choose the housing they live in and their ability to make informed choices about the housing conditions they accept.
- 1.3 Mandatory Selective Licensing of private rented housing has been shown to be a successful tool to improve standards of property, both locally and nationally. Two recent reports from the Chartered Institute of Housing / Environmental Health and the Ministry of Housing, Communities and Local Government (MHCLG), considered existing selective licensing schemes and concluded that:

"Selective Licensing is not 'quick win'.... many of the schemes ... are delivering significant benefits¹"

"The research overall indicates that selective licensing can be an effective policy tool with many schemes achieving demonstrable positive outcomes. However, this study also indicates that when implemented in isolation, the effectiveness of selective licensing is often limited. Schemes appear to be more successful as part of a wider, well planned, coherent initiative with an associated commitment of resources – a finding entirely consistent with the aims of the Housing Act²."

- 1.4 Selective licensing ensures that landlords play their part in improving areas with higher levels of deprivation, through the provision of safe and healthy homes. Safer, healthier homes help to improve wider health outcomes and ultimately contribute to reducing levels of deprivation in communities.
- 1.5 On 10th June 2019, Cabinet agreed that a public consultation take place on proposals to designate parts of Eastwood and the Town Centre, Masbrough, Maltby, Dinnington, totalling five distinct areas. At the same meeting, Cabinet also agreed to the proposed designation of parts of Parkgate and Thurgroft, subject to confirmation by the Secretary of State for Housing, Communities and Local Government as, at the time, these declarations would have increased the total number of designated private rented properties to above 20% of the borough total, which would require Secretary of State approval.

¹ A licence to rent: A joint research project between Chartered Institute of Environmental Health and Chartered Institute of Housing, CIEH and CIH, January 2019, p5.

² Lawrence, S., An Independent Review of the Use and Effectiveness of Selective Licensing, Ministry of Housing, Communities and Local Government, July 2019, p7

1.6 Government guidance sets out the following criteria which must be met prior to making a designation under Selective Licensing:

- Identify an area where conditions exist to support the basis on which the declaration is made.
- Ensure that the percentage of private rented properties in the proposed area for designation is greater than the 2017 national average of 20%.
- Ensure that the overall number of private rented properties across the Borough included in the designation is below 20% of the properties in the Borough (based on 2011 Census figures). If this is not the case, Secretary of State approval is required to make a declaration.
- Clearly identify the objective or objectives that a designation will help it achieve.
- Consider whether there are any other courses of action available to it that would achieve the same objective or objectives as the proposed scheme, without the need for the designation to be made. Only where there is no practical and beneficial alternative to a designation and the scheme will significantly assist it in achieving its objective or objectives, with other actions the local housing authority may be taking should a scheme be made.

2. Key Issues

2.1 Where the proposed declaration below is based on the criteria of 'High Levels of deprivation' the key indicators in the Selective Licensing of Houses Order require local housing authorities to have regard to the following factors in relation to the area:

³

- the employment status of adults;
- the average income of households;
- the health of households;
- the availability and ease of access to education, training and other services for households;
- housing conditions;
- the physical environment; and
- levels of crime.

These objectives will be adopted within the delivery of the scheme and monitored periodically.

2.2 Indices of Multiple Deprivation

A number of the proposed designations under selective licensing are based on high levels of deprivation. The English Indices of Multiple Deprivation were re-issued on 26th September 2019, replacing the previous version published in 2015. The documents are different in some respects but, the 2019 version provides similar ranked measures of multiple deprivation in England at the level of Lower Super Output Areas (LSOA). Appendix 2 summarises the variations between the 2015 and 2019 Indices of Deprivation.

³ The Selective Licensing of Houses (Additional Conditions)(England) Order 2015

- 2.3 There are minor variations in the comparative ranks of the relevant LSOAs, associated with the proposed declarations showing an overall worsening in these areas. Most areas remain in the lowest 10% in England and are therefore some of the most deprived areas within Rotherham. The figure for the percentage of private rented property in the areas remains the same as this data has not been refreshed. In all the areas proposed within this report, the scope of the areas was defined through the June 2019 Cabinet report as referenced above. Any further changes to boundaries as a result of the consultation are described within this report.
- 2.4 **Little London**
- The proposed area contains 215 residences, of which 142 are estimated to be private lets. This selective licensing proposal was made under the 'poor property condition' criterion. Little London is an unusual area in as much as the vast majority of the let property is owned by only two landlords. Both manage their properties via an agent. Consultation responses identify that between them they own or manage 79% of the 112 dwellings, with a further two dwellings in the area being managed by the same agents but outside of the major owners' portfolios.
- 2.5 The consultation received 39 responses regarding the proposal for Little London, of which five were substantive written responses. A detailed analysis of the consultation responses is attached as appendix 5.
- 2.6 When asked if respondents supported the declaration for Little London, 25 responded 'yes' (mainly owner occupier and private tenants) and 12 responded 'no', (mainly landlords/ agents and owner occupiers). When asked what the big problems in the area were, none of the nine private tenant responses reported poor property condition; though 6 private tenants agreed with the statement "have you experiences or witnessed poor conditions in a private property?" The highest scoring problem was antisocial behaviour and crime (5 of the 23 responses).
- 2.7 Five written representations were received, from the major owners and their agents, plus a joint response from the two managing agents, proposing a cooperative management arrangement for the area. The respondents identified substantial, recent investment in the properties and improved management, as both owners have employed professional managing agents with extensive experience and membership of the managing agents' professional body ('ARLA Propertymark').
- 2.8 The property condition data used in the proposal to consult on the scheme in June 2019 was based on a statistical report provided by the Building Research Establishment (BRE) in 2019. The data predicated that 31% of privately rented household would have Category 1 Hazards, which is above the 21% figure elsewhere in the borough. This data is considered reliable for larger scale surveys and is accepted by MHCLG. However, in a small area of 225 properties, of which over half are of the properties are of a non-typical build type, the data's reliability could be questioned. It has not been possible to verify the BRE data by on-site inspection, to test the owners claims that conditions are better than suggested. However, the small number of recent inspections indicate that the housing conditions may be better than predicted. In the consultation, four responses from private tenants indicated that landlords do maintain their home appropriately, whilst five responses indicated that they do not, and that they do not address antisocial behaviour or nuisance which affects them.

- 2.9 The managing agents, supported by the owners, have proposed an alternative approach to the management of Little London. They also suggest that the costs of licensing, to a single owner with many properties, could inhibit their ability to further invest in the area, possibly delaying the completion of the property refurbishments currently on site.
- 2.10 Under the criteria for making selective licencing declarations (see section 1.6 above), the Council must consider all alternatives to selective licensing which may deliver the desired outcomes before making any declaration.
- 2.11 The proposed alternative is a joint management agreement between the main agents, providing closer cooperation between the agents and with the council and partners. Landlords have offered a review of conditions in the properties under their control. Whilst the landlords believe that their existing management practices deliver most of the proposed licence conditions, they have also proposed to adopt new practices to mirror the agreed selective licensing condition, where necessary. The proposed joint management agreement between the agents will maximise their control of tenancies and the location. The landlords have also offered to work in cooperation with any other landlords in the area, to develop a more consistent management approach.
- 2.12 If this proposal is accepted and successful, it would deliver clarity on of the property condition and improvements where necessary. It would also offer improved management of the area. The Council could, within its normal enforcement duties, review the additional 30 let properties outside of the main ownership, to assess their condition and management.
- 2.13 A delay to the declaration of selective licensing for this area may therefore be appropriate. This would offer the major owners and agents an opportunity to demonstrate the effectiveness of their joint management proposal. Monitoring could be undertaken by the council to establish the outcome. It is suggested that this arrangement is reviewed in a year's time.

2.14 **Masbrough**

The proposed area contains 1,191 residences, of which 396 are estimated to be privately let. This selective licensing proposal is made under the 'high levels of deprivation' criterion. The consultation for Masbrough received 91 responses. Three were substantive written responses.

- 2.15 When asked if respondents supported the declaration for Masbrough, 51 responded 'yes' (mainly owner occupiers and public tenants) and 15 responded 'no' (mainly landlords and owner occupiers). When asked what the big problems in the area were, residents responded as per the table below. The types of concerns are wide ranging, consistent with housing related aspects of an area showing signs of deprivation.

	A private sector tenant	A public sector tenant	An owner occupier	Other	Total
Poor housing conditions	6	4	21	1	32
Empty houses	2	3	15	0	20
A high turnover of tenants	5	5	24	1	35
A high level of unemployment	3	9	17	0	29
People not being able to pay their bills	2	2	4	0	8
Problems accessing services	1	3	7	0	11
Ill health	2	5	4	0	11
Environmental issues	4	17	37	2	60
A high level of crime and antisocial behaviour	5	10	22	0	37
A poor perception of private landlords	2	3	15	1	21
Don't know	1	0	4	0	5
no response	0	0	0	0	0
Total	33	61	170	5	

- 2.16 Of the three substantive written responses received for this area, two were made by a landlord and their agent, requesting that specific properties on the edges of the new proposal be excluded. The basis of the request was that these properties are in good condition, well managed and have been acknowledged as such during the current licensing scheme. The properties are located on Midland Road and Kimberworth Road. Their location makes exclusion possible from the proposed scheme, through a slight alteration of the proposed boundary. Having reviewed the properties and their history over the period of the current scheme, in the view of officers it would be acceptable to adjust this boundary to exclude the properties as requested. The result would be a reduction of 25 licensable properties.
- 2.17 The remaining written response was a similar request from a landlady who owns modern, well maintained and managed properties located on Mount Street. These properties are in the centre of the proposed area and cannot be excluded by a boundary adjustment. Excluding these properties would create a hole within the declaration, and similar arguments could be made by several landlords within the proposed declaration. Agreeing to this request would undermine the concept of an area declaration. It is therefore not recommended that this request is supported.
- 2.18 In general, the consultation responses indicate a range of local issues in Masbrough, which are consistent between both the 2015 and 2019 Indices of Multiple Deprivation. This supports the proposed declaration of a selective licensing area for this part of Masborough.
- 2.19 **Eastwood and the Town Centre**
- The proposed area contains 2,158 residences of which 797 are estimated to be privately let. This selective licensing proposal is made under the 'high levels of deprivation' criterion. The consultation received 178 responses regarding the proposal for Eastwood and Town Centre.
- 2.20 When asked if respondents supported the declaration for Eastwood / Town centre, 102 responded 'yes' (mainly owner occupiers and both private and public tenants) and 36 responded 'no' (mainly landlords, owner occupiers and private tenants). When asked what the big problems in the area were, residents responded as follows:

	A private sector tenant	A public sector tenant	An owner occupier	A local business owner or service provider	A regular visitor to the area	Other	no response	Total
Poor housing conditions	11	9	59	2	0	0	0	81
Empty houses	7	3	33	1	0	1	0	45
A high turnover of tenants	11	7	70	1	1	1	0	91
A high level of unemployment	12	10	44	1	1	1	0	69
People not being able to pay their bills	6	4	18	0	1	0	0	29
Problems accessing services	4	1	13	1	0	0	0	19
Ill health	6	8	15	1	0	0	0	30
Environmental issues	20	12	82	2	0	1	1	118
A high level of crime and antisocial behaviour	18	13	63	3	0	1	1	99
A poor perception of private landlords	5	6	45	0	1	1	0	58
Don't know	5	6	4	1	0	1	1	18
no response	0	0	0	0	0	0	0	0
Total	105	79	446	13	4	7	3	

2.21 The consultation responses indicate a range of local issues in Eastwood and the Town centre, which are consistent with both the 2015 and 2019 Indices of Multiple Deprivation. This supports the proposed declaration of a selective licensing area for this area of Eastwood and the Town Centre.

2.22 Maltby South East (excluding Little London)

The proposed area contains 1,226 residences of which 417 are estimated to be privately let. This selective licensing proposal is made under the 'high levels of deprivation' criterion. The consultation received 108 responses regarding the proposal for Maltby South East.

2.23 When asked if respondents supported the declaration for Maltby South East, 62 responded 'yes' (mainly owner occupiers and both private and public tenants) and 15 responded 'no', (mainly landlords, private tenants and owner occupiers). When asked what the big problems in the area were, residents responded as follows:

	A private sector tenant	A public sector tenant	An owner occupier	Other	no response	Totals
Poor housing conditions	6	9	20	2	0	37
Empty houses	4	8	18	2	0	32
A high turnover of tenants	4	7	28	2	0	41
A high level of unemployment	7	7	25	2	0	41
People not being able to pay their bills	9	4	7	2	0	22
Problems accessing services	0	4	3	1	0	8
Ill health	3	5	7	2	0	17
Environmental issues	12	11	45	3	0	71
A high level of crime and antisocial behaviour	5	7	21	2	0	35
A poor perception of private landlords	4	5	13	1	0	23
Don't know	0	2	6	1	1	10
no response	0	0	0	0	0	0
Total	54	69	193	20	1	

2.24 The consultation responses indicate a range of local issues in Maltby South East, which are consistent with both the 2015 and 2019 Indices of Multiple Deprivation. This supports the proposed declaration of a selective licensing area for the Maltby South East area.

2.25 Dinnington

The proposed area contains 700 residences of which 298 are estimated to be privately let. This selective licensing proposal was made under the 'high area of deprivation' criterion. The consultation received 133 responses regarding the proposal for Dinnington.

- 2.26 When asked if respondents supported the declaration for Dinnington, 71 responded 'yes', (mainly owner occupiers and both private and public tenants) 18 responded 'no', (mainly landlords, private tenants and owner occupiers). When asked what the big problems in the area were, residents responded as follows:

	A private sector tenant	A public sector tenant	An owner occupier	A local business owner or service provider	A regular visitor to the area	Other	no response	Total
Poor housing conditions	6	8	37	2	0	0	0	53
Empty houses	2	5	21	3	0	0	0	31
A high turnover of tenants	3	10	30	5	0	0	0	48
A high level of unemployment	4	11	36	4	0	2	0	57
People not being able to pay their bills	3	7	16	6	0	2	0	34
Problems accessing services	2	2	22	1	0	0	0	27
Ill health	2	7	8	2	0	2	1	22
Environmental issues	10	9	50	1	0	2	1	73
A high level of crime and antisocial behaviour	6	11	48	3	0	0	0	68
A poor perception of private landlords	2	6	31	1	0	0	0	40
Don't know	1	4	9	0	1	0	0	15
no response	0	0	0	0	0	0	0	0
Total	41	80	308	28	1	8	2	

- 2.27 The consultation responses indicate a range of local issues in Dinnington, which are consistent with both the 2015 and 2019 Indices of Multiple Deprivation. This supports the proposed declaration of a selective licensing area in the Dinnington area.
- 2.28 The proposed designations equate to 19.85% of the total private rented sector. Should Little London be excluded, designations would equate to 18.69%, as per the table below:

Area	Number of residences	Number of PR properties	% of PRS in area	excluding Little London
RMBC 2011 census for PR total		12262	19.85%	18.69%
Eastwood	2158	797	36.93%	
Masbrough (after boundary adjustment)	1191	371	31.15%	
Maltby SE	1226	417	34.01%	
Dinnington	700	298	42.57%	
Little London	215	142	66.05%	
Thurcroft	231	153	66.23%	
Parkgate	487	256	52.57%	
Total	6208	2434	39.21%	

2.29 Parkgate and Thurcroft

Engagement has been undertaken with MHCLG following the decision at the June 2019 meeting of Cabinet relating to the designation of Parkgate and Thurcroft. Initial delays within the Ministry mean that this was not able to be immediately progressed. As noted in the table above, the total percentage of the private rented sector that the designations would constitute is now under the 20% threshold which would require Secretary of State approval. This report therefore recommends that these designations proceed to implementation without the need for any further approval, given the Cabinet decision made in June 2019.

3. Options considered and recommended proposal

3.1 Recommended Proposal

Designate four of the five proposed areas: Eastwood and Town centre, Masbrough, Maltby South East and Dinnington.

To explore an alternative scheme in the Little London area, reviewing delivery after one year.

Proceed with the designation of Thurcroft and Parkgate as agreed at the 10th June 2019 meeting of the Cabinet.

- 3.2 The outcome of the consultation shows that there is general support for selective licensing. Selective Licensing will provide a regulatory regime and finance, to ensure effective property maintenance and management and provide safe homes for tenants. The Council has experience of managing successful selective licensing designations, which provides a greater level of confidence of success both in terms of the licensing arrangements and enforcement outcomes.
- 3.3 The area designations are proposed on the grounds of 'high levels of deprivation' and have a solid basis for declaration. No alternative schemes have been offered in these areas. A slight boundary change to the Masbrough proposal has been requested through the consultation process and is supported in this option.
- 3.4 The proposed original designation for Little London was proposed on the grounds of 'poor property condition'. This proposal has been challenged on the basis of the data that supports the criteria for declaration and a credible alternate proposal has been offered. If this declaration was progressed, it may present the risk of challenged and potentially a Judicial Review.
- 3.5 A formal designation ensures that the costs of both licensing and property management improvement is borne by the industry and not the Council. The proposed new designations would be self-financing in the same way that the existing designations have been.
- 3.6 Under this option, each property receives an initial risk rating visit to determine the priority for further full inspections. A full inspection is carried out as part of the licensing scheme, and subsequently further inspections will be made to those high-risk properties throughout the licensing scheme. In addition, property management standards, included compliance with Licence Conditions, would be periodically monitored and enforced.
- 3.7 Maps showing the proposed boundaries are included in Appendix 6.
- 3.8 **Other Options Considered**

Designate all five proposed areas: Eastwood and Town centre, Masbrough, Maltby SE, Little London and Dinnington.

Proceed with the designation of Thurgroft and Parkgate as agreed at the 10th June 2019 meeting of the Cabinet.

This option is substantially as per the proposal above, including the Masbrough boundary adjustment, but includes the designation of Little London. As described above, a credible alternative has been offered which should now be explored. Any challenge to an individual designation would result in a possible delay to all of the proposed declarations.

The option to do nothing further in relation to intervention in the private rented sector has also been considered however dismissed based upon the decision to consult on the potential for selective licensing in the June 2019 report to Cabinet.

3.9 Voluntary Landlord Quality Scheme

Voluntary alternatives to Selective Licensing were considered in 2014 prior to the designation of the existing Selective Licensing areas.

Whilst voluntary licensing schemes would not require landlords to pay for licences and would prevent an additional burden on the sector, there would be concern that this approach would not deliver improvements to housing conditions, because:

- There is no compulsion for landlords to register or any penalty for failing to register.
- Landlords who need to improve their properties have no obligation to join a scheme and consequently can avoid compliance until it is detected through routine enforcement methods.
- Poor landlords could avoid the scheme, and this would result in only compliant landlords adopting the standards and being unduly disadvantaged. This is a point currently raised by landlords as a criticism of mandatory scheme where they request more enforcement.
- Previous attempts at voluntary accreditation schemes have not received enough take-up and have therefore been unsuccessful
- There is a risk that this option once in operation, may fail to meet the deliver the desired outcomes and a mandatory Selective Licensing scheme would be required.

4. Consultation on proposal

4.1 On 10th June 2019 Cabinet agreed that consultation be undertaken in respect of the proposed new Selective Licensing designations for Eastwood and the Town centre, Masbrough, Maltby and Dinnington. Consultation began on the 19th July 2019 and closed on the 8th September 2019. The consultation engaged with a wide range of stakeholders. Details of the consultation are contained in the Consultation Plan at Appendix 4.

4.2 Written representations, along with a full analysis of all received responses are contained in Appendix 5. A summary of responses received is as follows:

Online & Paper questionnaire	566 returned of 14,000 posted
Direct emails	2
Written representation	9
Social media	1
<u>TOTAL</u>	578
Responses received after closing date	8
Questionnaire returned as undeliverable	933

- 4.3 The consultation response was predominantly from residents, especially owner-occupiers, who represented over half of all respondents. 50 Landlords and seven Letting Agents provided responses. Of the landlords who responded, the majority operated between two and ten properties and 17 of the 50 were members of a landlord association. 82 private tenants responded, and 13 businesses provided a response across all the proposed areas.
- 4.4 88% of respondents indicated they were Rotherham residents, of which 58% have lived in the area for more than ten years. 71% did not intend to move in the next 5 years.
- 4.5 The Eastwood and Town Centre proposal received the greatest number of responses, reflecting that this proposal covers the largest number of properties. Little London received the lowest number of responses, again reflecting that this is the smallest proposed area. However Little London also received the highest number of detailed, written representations.
- 4.6 The consultation sought views on the introduction of selective licensing generally and 62% of respondents agreed with the proposal to introduce selective licensing, with only 17.3% disagreeing. When the responses are analysed in detail, generally non-landlords supported the proposals and landlords/ agents did not. In relation to landlords in particular, when asked about the likely effect of selective licensing 47 landlords /agents, offered the opinion below:

	Selective Licensing will help improve the environment in this area	Selective Licensing will help reduce antisocial behaviour in this area	Selective Licensing will improve the quality of accommodation for tenants in this area	Selective Licensing will help improve the environment in this area	Selective Licensing will help good landlords operating in this area
Strongly agree	1	0	4	5	2
Agree	7	3	14	14	3
Neither agree nor disagree	7	6	8	8	10
Disagree	8	10	7	9	8
Strongly disagree	24	28	14	11	24
no response	531	531	531	531	531
Totals	578	578	578	578	578

- 4.7 The proposed boundaries for each area have been slightly altered in response to the consultation. In all but the Masbrough proposal, the number of licensable properties remains the same. Where changes have been made these are mainly to remove ambiguities in the original proposed area boundary, or to remove un-licensable property, e.g. industrial units. The adjusted proposed area boundaries are contained at Appendix 6.

Which area did the response concern.		
Eastwood and Town Centre	167	28.89%
Masbrough	83	14.36%
Dinnington	122	21.11%
Maltby South East	98	16.96%
Maltby - Little London	39	6.75%
no response	69	11.94%
Total	578	100.00%

5. Timetable and Accountability for Implementing this Decision

- 5.1 If the designations are made, the full outcome of the consultation will be made available on request. In accordance with legal requirements the respondents to the consultation will be individually notified of the outcome.
- 5.2 Public notices in local newspapers and Council offices are required within 14 days of the designation being made along with notification to consultation respondents and landlords.
- 5.3 All known landlords of properties in the designation areas will be contacted directly to invite them to licence by the date the designation comes into effect and no later than 12 weeks afterwards. Following this period, enforcement action will commence to secure licensing where landlords have not come forward.
- 5.4 The Assistant Director for Community Safety and Street Scene and the Head of Community Safety and Regulatory Services will be responsible for the delivery and implementation of the proposal.

6. Financial and Procurement Advice and Implications

- 6.1 The fees in respect of these Selective Licensing areas are shown below in Appendix 7. These were approved by Cabinet on the 10th June 2019.
- 6.2 Under the terms of this Selective licensing designation, fees have been set at a level to ensure that all scheme costs including enforcement will be covered by the income generated. There is no requirement for additional funding from the General Fund.
- 6.3 There are no direct procurement implications associated with the recommendations detailed in this report.

7. Legal Advice and Implications

7.1 Part 3 of the Housing Act 2004 sets out the scheme for licensing private rented properties in a local housing authority area. Under section 80 of the Act a local housing authority can designate the whole or any part or parts of its area as subject to selective licensing. Where a selective licensing designation is made it applies to privately rented property in the area, section 79 of the Act defines private rented properties, and subject to certain specified exemptions.

7.2 The Legislation states that a selective licensing designation may be made if the area to which it relates satisfies one or more of the following conditions:

Low housing demand (or is likely to become such an area);

- A significant and persistent problem caused by anti-social behaviour;
- Poor property conditions;
- High levels of migration;
- High level of deprivation;
- High levels of crime.

7.3 In considering whether to designate an area for selective licensing on the grounds above on property conditions, migration, deprivation and crime the local housing authority may only make a designation if the area has a high proportion of property in the private rented sector. Nationally the private rented sector currently makes up 19% of the total housing stock in England. When considering whether to make a selective licensing designation a local housing authority must first identify the objective or objectives that a designation will help it achieve. Secondly, it must also consider whether there are any other courses of action available to it that would achieve the same objective or objectives as the proposed scheme without the need for the designation to be made. Only where there is no practical and beneficial alternative to a designation should a scheme be made and only if the Local Housing Authority is satisfied that the scheme will assist in achieving its objectives.

7.4 The Department for Communities and Local Government published A Guide for Local Authorities [Non-Statutory] which sets out in further detail what should be considered when deciding whether the conditions set out above have been satisfied.

7.5 Before making a designation, there are clear rules in relation to consultation and the Authority must fully consider any representations made during the consultation process. The Guidance issued recommends that The Authority should consult for at least 10 weeks.

7.6 Where the conditions are satisfied and a selective licensing scheme is made, a designation may be made for up to 5 years. Any designation cannot come into force until either 3 months after it is made or 3 months after it has been confirmed by the Secretary of State, where such confirmation is required. Section 83 of the Housing Act 2004 requires local housing authorities to publish a notice in the prescribed manner of the designation once it has been made by the Authority or confirmed by the Secretary of State. A local housing authority must:

- Publish a notice within the designated area within seven days of the designation being confirmed.
- Notify all those consulted on the proposed designation within two weeks of the designation being confirmed.

7.7 Where more than 20% of the private rented housing in the Borough or 20% of the geographical area of the Borough will be subject to licensing based on the 2011 census, approval for designations must be sought from the Secretary of State for Communities and Local Government. The base number for this calculation is contained in Appendix 3. Though the MHCLG has indicated that a higher figure, including those living rent free in the sector may be used in this calculation, previous declarations have been based on the 'private rented: total' figure of 12262. Although the previous designation did not include those living rent free, for consistency in future, the declaration should be based on the higher figure to avoid any confusion and potential issue with future schemes/designations.

7.8 If a designation is made, then Section 84 of the Housing Act 2004 requires local housing authorities to:

Review the operation of a designation made by them from time to time, and;

- If, following a review they consider it appropriate to do so, they may revoke the designation.
- The Authority must ensure that the criteria for making a designation is met, before making any decision to adopt a selective licensing scheme. Where such a scheme is adopted, the Authority must ensure that it complies with all requirements set out in the legislation, including publication and reviews. As with all decisions of this nature, there is a possibility of legal challenge in the form of a judicial review; however, the risk of such a challenge will be minimised where the Authority ensures that the scheme is fully compliant with the legislation.

7.9 Section 95 of The Act sets out the offences in relation to licensing of houses under Part 3 of The Act and the penalties available upon conviction. The Housing and Planning Act 2016 provides The Authority with an alternative to prosecution for the specified offences listed at Section 95 by way of a civil (financial) penalty.

8. Human Resources Advice and Implications

8.1 Fee levels are set to reflect the level of resources required to implement and administer the Selective Licensing Scheme. It will be therefore be necessary following the designation to continuously review staffing resources as implementation progresses.

9. Implications for Children and Young People and Vulnerable Adults

9.1 Whilst there are no direct implications for Children or Vulnerable Adults, clearly with this work focussing on areas of significant deprivation any improvement will likely have a positive impact on Children and vulnerable adults who live within the private rented sector in the areas proposed for designation.

10. Equalities and Human Rights Advice and Implications

10.1 An equalities Impact assessment is attached at Appendix 1 which details any identified impact. No negative impacts have been identified.

11. Implications for Ward Priorities

- 11.1 Specific areas are detailed within the body of the report. The implementation of a selective licensing scheme will support individual ward priorities.

12. Implications for Partners

- 12.1 Relevant partners and Directorates will be advised of the recommendations made in this report in addition to the formal consultation process conducted.

13. Risks and Mitigation

- 13.1 The key risk in making Mandatory Selective Licence declarations based on the criteria of 'High levels of Deprivation' is that in isolation, selective licensing cannot deliver significant improvements in deprivation. Selective licensing under this criterion must be supported by other initiatives instigated by the council and partners to address non-housing deprivation indicators. Section 1.2 above describes the risks if councils do not support the selective licensing declarations with other relevant policies. Section 2.1.4 indicates that the deprivation targets and objectives in the wider council must be clear and understood before making a selective licence declaration.
- 13.2 There is a risk that landlords may increase rents in these areas to fund licence fees. The proposed fees are reduced, in comparison to the 2015 declarations. The risk remains that rents may increase as the cost of letting property may increase for several housing market reasons.
- 13.3 This proposal benefits from information gained in previous designations, providing the details of most of the licensable property in four of the six proposed areas. This and the significant experience gained in the identification of licensable properties, provides confidence in the predicted levels of licence income and reduces the financial risk to the council.
- 13.4 An application for Judicial Review of all or parts of the declaration is a possibility. These have been successful in the past where councils have failed to follow the correct consultation processes or have been unable to justify part of their scheme, proposals or evidence base. Although the previous designations in Rotherham were found to be sound at Judicial Review in 2015, and this experience has helped develop these proposals, it is possible a further review could be sought. The comprehensive data and consultation process already followed, and the confirmation application mitigates against this risk.

14. Accountable Officers

Sam Barstow, Head of Community Safety and Regulatory Services
Tom Smith, Assistant Director, Community Safety and Street Scene
Paul Woodcock, Strategic Director, Regeneration and Environment

Approvals obtained on behalf of Statutory Officers:-

	Named Officer	Date
Chief Executive	Sharon Kemp	06/01/20
Strategic Director of Finance & Customer Services (S.151 Officer)	Judith Badger	02/01/20
Head of Legal Services (Monitoring Officer)	Bal Nahal	20/12/19

Report Authors:

Sam Barstow, Head of Community Safety and Regulatory Services

Sam.barstow@rotherham.gov.uk

Lewis Coates, Service Manager, Regulation and Enforcement,

lewis.coates@rotherham.gov.uk

Chris Stone, Community Protection Manager, Regulation and Enforcement,

Chris.stone@rotherham.gov.uk

This report is published on the Council's [website](#).

Appendix 1

PART A - Initial Equality Screening Assessment

As a public authority we need to ensure that all our strategies, policies, service and functions, both current and proposed have given proper consideration to equality and diversity.

A **screening** process can help judge relevance and provide a record of both the process and decision. Screening should be a short, sharp exercise that determines relevance for all new and revised strategies, policies, services and functions.

Completed at the earliest opportunity it will help to determine:

- the relevance of proposals and decisions to equality and diversity
- whether or not equality and diversity is being/has already been considered, and
- whether or not it is necessary to carry out an Equality Analysis (Part B).

Further information is available in the Equality Screening and Analysis Guidance – see page 9.

1. Title	
Designation of Selective Licensing Areas in Eastwood / Town centre, Masbrough, Maltby, Little London, Dinnington, Thurcroft and Parkgate	
Directorate: Regeneration and Environment	Service area: Regulation and Enforcement
Lead person: Chris Stone	Contact number: 01709823179
<p>Is this a:</p> <div style="display: flex; justify-content: space-around; align-items: flex-end;"> <div style="text-align: center;"> <input type="checkbox"/> Strategy / Policy </div> <div style="text-align: center;"> <input checked="" type="checkbox"/> Service / Function </div> <div style="text-align: center;"> <input type="checkbox"/> Other </div> </div> <p>If other, please specify</p>	

2. Please provide a brief description of what you are screening

To designate areas of Eastwood / Town Centre, Masbrough, Maltby SE, Little London, Dinnington, Thurgroft and Parkgate, as Selective Licensing areas in order to improve the management of privately rented properties and the conditions within

3. Relevance to equality and diversity

The new designations proposed for Selective Licensing will have a positive effect on those living in private rented properties within the areas, in particular those on low incomes, unemployed and vulnerable.

Questions	Yes	No
Could the proposal have implications regarding the accessibility of services to the whole or wider community?		X
Could the proposal affect service users?	X	
Has there been or is there likely to be an impact on an individual or group with protected characteristics?		X
Have there been or likely to be any public concerns regarding the proposal?	X	
Could the proposal affect how the Council's services, commissioning or procurement activities are organised, provided, located and by whom?		X
Could the proposal affect the Council's workforce or employment practices?		X

If you have answered no to all the questions above, please explain the reason

If you have answered **no** to **all** the questions above please complete **sections 5 and 6**.

If you have answered **yes** to any of the above please complete **section 4**.

4. Considering the impact on equality and diversity

- **How have you considered equality and diversity?**

The demographic data available shows there are 2,434 privately rented properties likely to be licensable within the target areas. The indices of multiple deprivation 2019, place all the targeted Local Super Output Areas within the 20% most deprived in the country, the majority being within the 10% most deprived.

A 10 week statutory consultation took place with the following activity:

Comprehensive website with access to all the information available on the proposals along with an online consultation questionnaire

- 14,000 paper questionnaires and information booklets sent to every household and business address within the proposed areas and a buffer zone around the areas.
- Letters to 2,500 landlords, including all landlords who own or manage property in the proposed areas and the buffer zone around them, along with all current housing licence holders.
- Press releases and social media posts
- Emails to landlord and tenant representative associations and groups
- 3 tenant and landlord drop in event have occurred in venues accessible from the target areas.

The consultation received 587 responses and found that 62.11% of respondents agreed with the proposal to introduce selective licensing with only 17.3% disagreeing. This reduced to 55% yes and 17% no, when asking about introducing selective licensing into specific areas. Most residents were in favour of the proposals, with the majority of landlords and agents against the proposals.

In addition, officers from across the council have been involved in the development of the policy and have been consulted as part of its development. This has included the relevant Senior Management Teams, Directorate Management Teams, and Strategic Leadership Team, the existing selective licensing officers and wider Regulation and Enforcement service.

- **Key findings**

The objectives of a designation in should be based on the evidence on which the designations are made and these should be to:

Improving the housing conditions and management of privately rented property to remove Category 1 and serious Category 2 health and safety hazards to contribute to reducing the health deprivation in each area; and to act as a stimulus for other initiatives which will be focused on the non-housing indicators of deprivation. Contributing to enforcement measures to reduce environmental, problems, anti- social behaviour and crime.

Indicators of deprivation;

(a) the employment status of adults;

(b) the average income of households;

(c) the health of households;

(d) the availability and ease of access to education, training and other services for households;

(e) housing conditions;

(f) the physical environment; and

(g) levels of crime.

Evidence from the current Selective Licensing designations in Eastwood, Masbrough, Dinnington and Maltby show that licensing can bring in significant improvements to management standards and the health and safety of rented housing and these designations are likely to have a similar effect. This effect is expected to be more immediate than previously, due to better information about the private rented sector in these areas and proven management systems to ensure the scheme is a success.

Poor housing conditions and excessively cold and damp properties have significant health impacts on occupiers, in addition to the physical safety risks to tenants of poorly maintained property.

The private rented sector is growing in response to the demand for lower cost housing outside of the social rented sector, and the Council is committed to supporting and promoting private landlords to provide quality and affordable housing. However, there are concerns that standards within the private rented sector are falling below the minimum expected under the Housing Act 2004.

There are no problems or barriers for communities or groups. Each licence fee is borne by the landlord. It is feasible that rents could increase but the Council has no evidence that this has happened under the current licensing schemes elsewhere in Rotherham. It is likely to result in some landlords choosing to leave the market and a displacement of some tenants, however there is a large private rented market in each area and it is likely to resulting tenancies in properties with better conditions.

Although there is a licence fee to pay and likely improvement works for landlords to fund, there is no impact on any protected characteristic. These issues and any defects I the properties should be managed by landlords already and this regulatory regime simply formalises the monitoring and enforcement of that duty.

Often tenants are reluctant to come forward for help fearing eviction. The policy will support tenants in ensuring that their housing is improved where necessary without them making a complaint and putting their tenancy at risk. Where this fear is expressed enforcement work will be initiated to prevent retaliatory evictions and protect against harassment.

• **Actions**

The introduction of Selective Licensing should have a positive effect on community relations as there are a number of potential benefits for landlords, residents, tenants, businesses, and the wider community.

The potential benefits for landlords of a Selective Licensing scheme will be:

- more informed and responsible tenants,
- improved tenancy management resulting in lower operational costs,
- reduced crime and vandalism,

- reduced levels of fly tipping and waste issues,
- opportunity to engage with other landlords and partners to share good practice,
- more desirable communities attracting higher sale values for properties.

The benefits to the wider community, Rotherham Council and partners are:

- lower levels of deprivation in these communities,
- reductions in ASB and Crime,
- potential savings in reactive enforcement work across the Council and service partnership;
- a more “professional” landlord community in these areas.

It is not proposed to carry out an Equality Analysis beyond this screening assessment. It is not anticipated that there will be any impact on protected characteristics. Nevertheless, the scheme is subject to a half term review and consequently officers will endeavour during the life of the scheme to compile an informative profile (including socio-economic characteristics) of tenants, landlords, licence holders and agents to advise the review.

Date to scope and plan your Equality Analysis:	It is not proposed to carry out an Equality Analysis beyond this screening
Date to complete your Equality Analysis:	It is not proposed to carry out an Equality Analysis beyond this screening
Lead person for your Equality Analysis (Include name and job title):	Chris Stone, Community Protection Manager

5. Governance, ownership and approval

Please state here who has approved the actions and outcomes of the screening:

Name	Job title	Date
Lewis Coates	Service Manager – Regulation and Enforcement	16 th December 2019

6. Publishing

This screening document will act as evidence that due regard to equality and diversity has been given.

If this screening relates to a **Cabinet, key delegated officer decision, Council, other committee or a significant operational decision** a copy of the completed document should be attached as an appendix and published alongside the relevant report.

A copy of **all** screenings should also be sent to equality@rotherham.gov.uk For record keeping purposes

it will be kept on file and also published on the Council's Equality and Diversity Internet page.	
Date screening completed	18 th November 2019
Report title and date	Designation of Selective Licensing Areas in Eastwood / Town centre, Masbrough, Maltby, Little London, Dinnington, Thurgroft and Parkgate – 20 th January 2020
If relates to a Cabinet, key delegated officer decision, Council, other committee or a significant operational decision – report date and date sent for publication	Cabinet 20 th January 2020 Publication date to be confirmed
Date screening sent to Performance, Intelligence and Improvement equality@rotherham.gov.uk	First draft 18 th November 2019. Final document 16 th December 2019

Appendix 2 Comparison of 2015/2019 Index of Multiple Deprivations

Index of Multiple Deprivation. The Index of Multiple Deprivation (IMD) is a Government index for all areas in England. The index uses 39 indicators across 7 deprivation domains (themes) these are **Income, Employment, Education, Health, Crime, Barriers to Housing, Living Environment**. The IMD is only produced for Lower-level Super Output Areas (SOAs) of which there are 167 in Rotherham (around 8 per ward) and 32,844 in England, each with around 1,500 people. SOAs are ranked across England where 1 is the most deprived. Any rank below **3,284** indicates that an area is within the 10% most deprived areas of England.

LSOA code	ONS name	Local Name	2015 Index of multiple deprivations (IMD) RANK (where 1 is relatively most deprived LSOA in England)	2015 Index of multiple deprivations (IMD) decile (where 1 = 10% relatively most deprived LSOAs in England. 2 = most 20%)	% of Private Rented properties (2011 Census)	2019 Index of multiple deprivations (IMD) RANK (where 1 is relatively most deprived LSOA in England)	2019 Index of multiple deprivations (IMD) decile (where 1 = 10% relatively most deprived LSOAs in England. 2 = most 20%)	Proposed declarations for 2020
E01007790	Rotherham 029E	Dinnington Central	1,129	1	24.2	928	1	Dinnington
E01007791	Rotherham 029F	Dinnington East	3,048	1	15.4	2,600	1	Dinnington
E01007769	Rotherham 017D	Eastwood Village	302	1	38.8	497	1	Eastwood /Town centre
E01007736	Rotherham 014A	Eastwood East	323	1	16.9	252	1	Eastwood /Town centre
E01007768	Rotherham 014D	Eastwood Central	500	1	17.5	946	1	Eastwood /Town centre
E01007714	Rotherham 017B	Town Centre	805	1	30.9	893	1	Eastwood /Town centre
E01007767	Rotherham 017C	Clifton West	3,810	2	23.8	4,350	2	Eastwood /Town centre
E01007764	Rotherham 020F	Maltby East - Birks Holt	597	1	16.6	533	1	Maltby SE
E01007760	Rotherham 020D	Muglet Lane	1,920	1	32.1	1,213	1	Maltby SE
E01007763	Rotherham 020E	Maltby East - Town Centre	3,485	2	25.4	2,988	1	Maltby SE
E01007715	Rotherham 016A	Masborough West (Ferham)	242	1	37.8	682	1	Masborough
E01007717	Rotherham 016C	Bradgate	4,744	2	17.1	3,429	2	Masborough
E01007716	Rotherham 016B	Masbrough	634	1	24.7	642	1	Masborough
E01007784	Rotherham 008D	Parkgate	4,818	2	27.5	4,320	2	Parkgate
E01007783	Rotherham 008C	Rawmarsh South	6,089	2	9.8	2,909	1	Parkgate
E01007815	Rotherham 026D	Thurcroft Central & Brampton	5,139	2	28.2	3,745	2	Thurcroft
E01007757	Rotherham 20A	Maltby East	13,745	5	9.5	12,971	4	Little London
E01007758	Rotherham 20B	Maltby East	7,521	3	23.5	7,647	3	Little London
E01007735	Rotherham 013B	East Herringthorpe South	480	1	8.1	397		
E01007739	Rotherham 013E	East Dene East	623	1	4.5	517		
E01007738	Rotherham 013D	East Dene North East	670	1	11.9	766		
E01007775	Rotherham 008A	Rawmarsh North East	740	1	8.8	973		
E01007721	Rotherham 010C	Dalton	1,039	1	13.2	1,013		
E01007719	Rotherham 010A	Thrybergh South	1,106	1	8.8	1,090		
E01007668	Rotherham 030B	Aston North West	1,480	1	10.5	885		
E01007730	Rotherham 009C	Wingfield	1,755	1	9.0	2,044		
E01007729	Rotherham 009B	Munsbrough	1,765	1	4.4	857		
E01007718	Rotherham 016D	Meadowbank	1,835	1	16.7	2,759		
E01007734	Rotherham 021F	Herringthorpe North	2,067	1	7.8	1,522		
E01007809	Rotherham 026B	Thurcroft South West	2,096	1	10.0	1,449		
E01007723	Rotherham 013A	East Herringthorpe East	2,256	1	7.3	1,652		
E01007732	Rotherham 009E	Rockingham West	2,463	1	4.0	1,678		
E01007822	Rotherham 002F	Wath Central & Newhill	2,487	1	10.9	2,745		
E01007727	Rotherham 010D	Thrybergh East	2,723	1	7.9	1,693		
E01007779	Rotherham 005B	Manor Farm	2,878	1	7.9	4,654		
E01007794	Rotherham 004C	Swinton South	2,918	1	6.3	2,218		
E01007662	Rotherham 032D	North Anston Central	3,017	1	4.0	1,329		

Appendix 3 Size of private rented sector in proposed areas for declaration.

Data for private rented sector in Rotherham from the 2011 Census:

Private rented: Total	12,262
Private rented: Private landlord or letting agency	11,153
Private rented: Employer of a household member	74
Private rented: Relative or friend of household member	880
Private rented: Other	155
Living rent free	1,823

Proposed areas 2020- 2025

Area	Number of residences	Number of PR properties	% of PRS in area	excluding Little London
RMBC 2011 census for PR total		12262	19.85%	18.69%
Eastwood	2158	797	36.93%	
Masborough (after boundary adjustment)	1191	371	31.15%	
Maltby SE	1226	417	34.01%	
Dinnington	700	298	42.57%	
Little London	215	142	66.05%	
Thurcroft	231	153	66.23%	
Parkgate	487	256	52.57%	
Total	6208	2434	39.21%	

Appendix 4

Consultation Plan

When we consulted

Consultation began on the 19th July and closed on the 8th September 2019

How we consulted

Community

14,000 information booklets were posted to all addresses within the proposed areas and to additional addresses bordering the proposed areas. The booklets explained these areas had been proposed for selective licensing, what any declaration aimed to achieve and benefits to the community. The booklet contained maps of the proposed areas and directed those interested to the council website or to three consultation events for further, detailed, information. The booklets included a questionnaire and a pre-paid response envelope. It also provided details of how to access the online survey and copies of both the Consultation Report regarding the proposals and the Cabinet item which authorised the consultation.

The Council's website hosts specialist pages with information on many aspects of the private rented sector. Selective licensing has its own pages discussing the existing schemes and offering online facilities for applications and other related actions.

This website was headlined with information about the proposed designations and provided links to Cabinet Papers, Consultation Reports and the online Consultation document.

Landlords and agents

The Residential Landlord Association produced an article and website link to RMBC online consultation;

'Licensing consultations: Landlords urged to respond'

July 29, 2019 by [Victoria Barker](#)

<https://news.rla.org.uk/licensing-consultations-landlords-urged-to-respond/>

RMBC landlord email campaign

All existing licensed landlords / agents, in Selective Licence areas were contacted and encouraged to have their say online. An offer was also made request a paper consultation booklet if they preferred.

In addition, a further email invitation was sent to over 900 individual landlords held on the council's landlord database, inviting them to attend a presentation on the of 3rd September, regarding Selective Licensing proposals. This meeting was organised by the National Landlord Association at the Holiday Inn, West Bawtry Road, Rotherham, S60 2XL.

Open access consultation events

Three consultation events were arranged and published. The events were hosted in the areas most effected by the proposals. Each event was staffed by specialist

officers from the selective licensing team. The event consisted on 10 banner stands and multiple display board illustrating the tables included in the Consultation report and Cabinet Reports. The events offered one on one discussion with all attending with officers available to answer questions regarding the existing schemes and the proposed new declarations.

Drop-in events

Drop-in events for landlords and tenants to find out more about Selective Licensing and talk to the team:

Selective Licensing area	Date	Time	Venue
All areas	Tuesday 6 August 2019	2pm to 4pm	John Smith's Room, Town Hall, The Crofts, Rotherham, S60 2TH
Maltby	Thursday 8 August 2019	4pm to 6pm	The Wesley Centre, Blyth Road, Maltby, S66 8DJ
Dinnington	Tuesday 13 August 2019		Dinnington Resource Centre, 131 Loughton Road, Dinnington, S25 2PP

Special interest Groups

A presentation was delivered to the National Federation of Landlords by the Selective Licensing Manager and the councils, Private Sector Housing Co-ordinator at their meeting at the Holiday Inn, West Bawtry Road, Rotherham, S60 2XL, on Tuesday September 3rd 2019. This event was publicised jointly by the NFL and the council.

A presentation was given to Dinnington Town Council on the 9th September, by the Assistant Director, Community Safety and Street Scene

Press / Social Media

Published Tuesday, 23rd July 2019

A public consultation is currently taking place on proposals to renew Selective Licensing in parts of the existing areas and to designate a new area in Little London in Maltby.

Rotherham Council is considering using the powers under the Housing Act 2004 to require all private landlords in Little London to have a licence for rented housing they operate.

This will help tackle the effects of deprivation which is leading to poor health outcomes for residents, and to support residents on the lowest incomes to ensure they have safe and healthy homes.

Selective Licensing has been operating in central Rotherham, Masbrough, Eastwood, Maltby South East, Dinnington for the last four years. Initial inspections under the current scheme found 9 out of 10 properties were unsafe, with 97% of properties inspected now meeting the minimum housing health and safety standards. These schemes are now being reviewed before they come to the end of the first five year period.

Last month, Rotherham Council's Cabinet approved two new Selective Licensing schemes for Thurgroft and Parkgate, which now need to be confirmed by the Secretary of State for Housing Communities and Local Government before they can take effect.

Rotherham Council's Cabinet Member for Housing, Councillor Dominic Beck, said: "Selective Licensing helps ensure that landlords meet their obligations to provide appropriate housing, and supports landlords in ensuring tenants meet their obligations to their properties and neighbourhood. It improves the standard of housing for entire neighbourhoods, leads to more reliable, longer term tenancies; higher quality and safer housing standards; reduced levels of homelessness; and increased property and rent values which in turn helps create greater community cohesion.

"The Council recognises that there are many good and responsible landlords, and we hope they welcome these proposals to ensure all landlords work to the same level."

All residents and business addresses in the proposed areas have been sent a summary of the proposals for their area and a questionnaire to complete and return to the council to capture their views. Landlords are also being contacted directly as part of the consultation. The consultation closes on 8 September 2019.

Appendix 5**Consultation Response Analysis****Summary**

This appendix presents a quantitative analysis of the results from the 2019 consultation regarding proposed designations for Selective Licensing. Embedded within this is reference to additional comments left by respondents, which offer a more in depth qualitative perspective of the concerns and experiences of respondents.

The data highlights that Selective Licensing is favoured by the majority of respondents. The only statistically significant group that were broadly opposed to the idea of Selective Licensing is characterised as landlords, letting agents and property managers. The majority of all other discreet categories of Rotherham's inhabitants (categorised by residential status or stake in the community) favoured the proposal.

While this analysis presents a clear and reliable statistical picture of the overall support/opposition for Selective Licensing, certain specific data is lacking. This is because private tenants and rent-collecting groups embodied a minority of respondents, making inferences regarding these groups less statistically reliable. While the perspective of other residents of Rotherham is valuable (as Selective Licensing is expected to have community-wide impacts), these groups are less directly affected than privately renting and rent-collecting groups. However, this does not discount the broad patterns of support and opposition demonstrated in this consultation.

1. Background

Results from the consultation have been organised to highlight information that is most statistically relevant, while also demonstrating the wide breadth of views highlighted in the consultation. Additional comments left by respondents are considered from a qualitative perspective to explore relevant opinions, priorities, concerns and experiences of respondents.

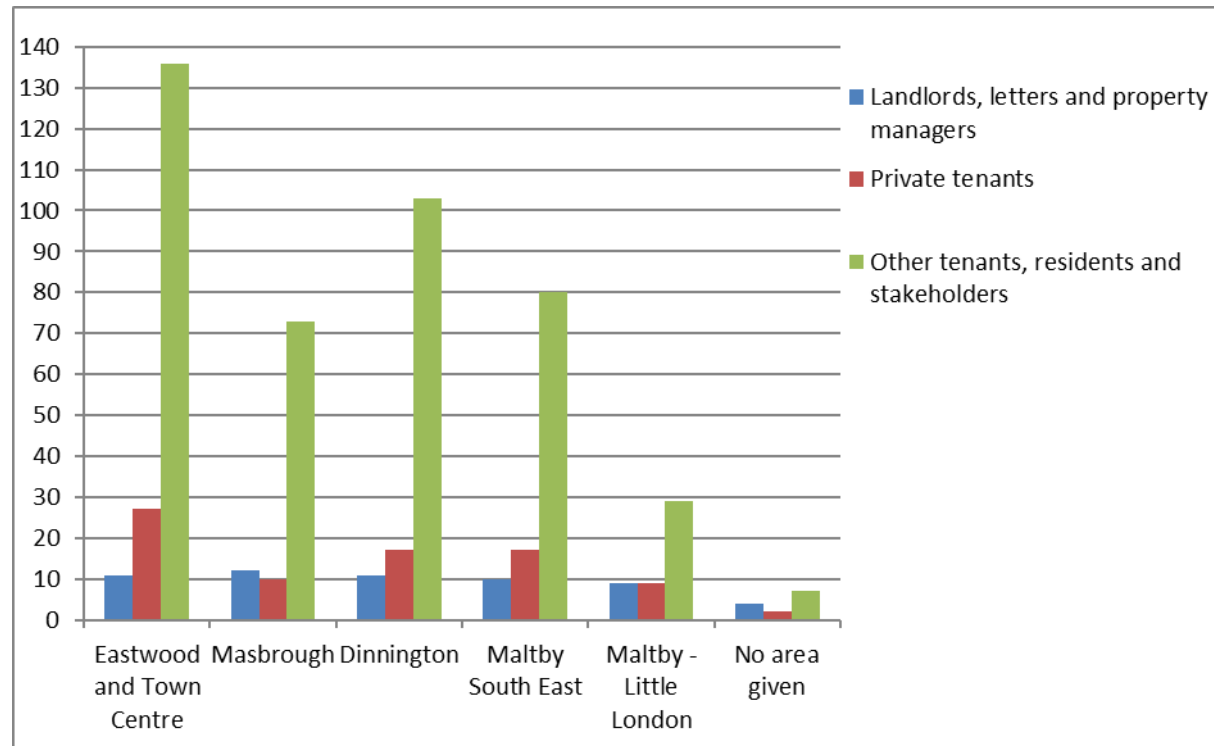
2. Overall Response

There were 578 responses from landlords, letting agents and property managers, private tenants, public tenants, owner occupiers, local business owners and other stakeholders and residents in Rotherham. This total figure of 578 also includes 3 non-resident regular visitors and an additional 8 respondents who did not identify their respondent-category. Where relevant for the sake of clarity, relevance and reliability, these 11 respondents have been omitted from certain analyses.

Private landlord operating in Rotherham	Letting agent/ managing agent in Rotherham	Private landlord/ letting agent/ managing agent operating outside Rotherham	Private tenant	Public tenant	Owner occupier	Local business owner or service provider	Representative of local organisation	A regular visitor	Other	No response
50	3	4	82	77	323	13	3	3	12	8

Table 1 (Respondents by category)

Of these 578 respondents, an overwhelming majority of respondents were neither private tenants nor landlords/agents (Table 1). Given the supposed impacts of Selective Licensing on the overall community, the perspectives of these residents carry weight and are therefore significant for analysis. However, the limited response rate of private tenants (82) and landlords, property managers and letting agents (57) can be considered a drawback of this consultation as it reduces the statistical certainty of any analysis that seeks to make inferences regarding these groups.

**Fig. 1 (Response rates by area of concern and broad respondent categories)**

The proportion of response rates from each core respondent category in each area was broadly consistent, although the proportion of “other” respondents in Maltby – Little London is notably lower than other areas. The highest response rates were regarding Eastwood and Town Centre, while the lowest response rates by a wide margin were concerned with Maltby – Little London.

Amongst non-rent landlord/agent/manager, the amount of time lived in an area correlates strongly with response rates (Fig. 2). Amongst private tenants response rates are broadly consistent until the 10 year mark, at which point they roughly double. Amongst others, response rates rise steadily with length of time lived in an area, and then see a tenfold increase at 10 years or over. This may represent the impacts of Selective Licensing on local communities; those who have lived in a place longer can reasonably expected to be more invested in the goings-on of the local community, potentially increasing interest in Selective Licensing.

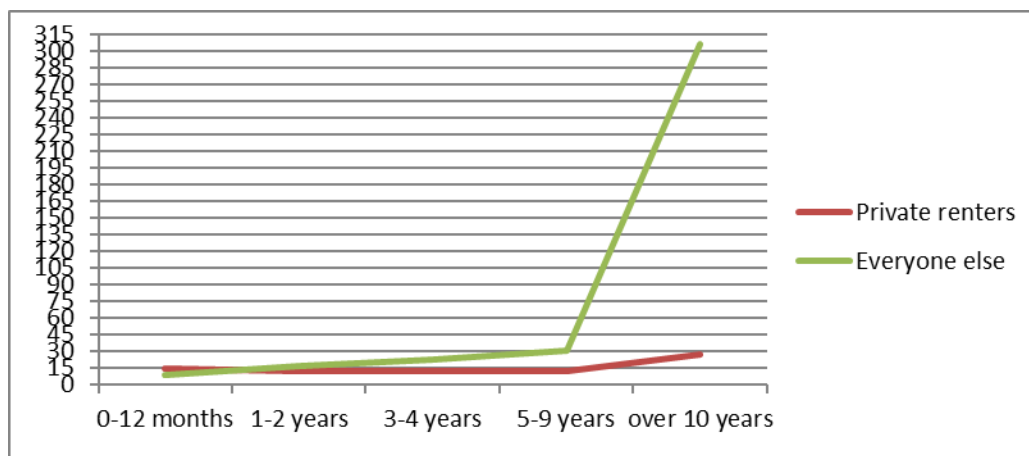


Fig. 2 (Response rents amongst non-landlords)

3.1 Landlord response rates

Accreditation	Property portfolio (in-Rotherham properties)							Total
	No properties	One	2 to 10	11 to 50	51 to 100	more than 100	No response	
RLA	0	0	9	0	0	0	2	11
NLA	1	0	5	0	0	0	0	6
Other	0	2	0	0	0	2	0	4
None	0	0	0	0	0	0	0	0
No response	0	14	13	4	0	3	3	37
Total	1	16	27	4	0	5	5	58

Table 2 (Landlord, letting agent and property manager response rates by portfolio and accreditation)

The majority (43) of Landlords, letting agents and property managers involved in this consultation owned or managed between one and ten properties in Rotherham. Only five of the remaining fifteen respondents in this group owned more than 100 properties and an additional five declined to comment on their portfolio. This suggests the majority of respondents are smaller property investors as opposed to large commercial landlords/agents. Most respondents here declined to comment on their accreditation, making it difficult to draw inferences regarding this factor.

The response rates of landlords, agents and property managers correlated strongly with experience in property. This may be explained by property “industry knowledge” leading more experienced individuals to take a greater interest in policy changes that affect them. Alternatively this may simply reflect the demographics of landlords in Rotherham.

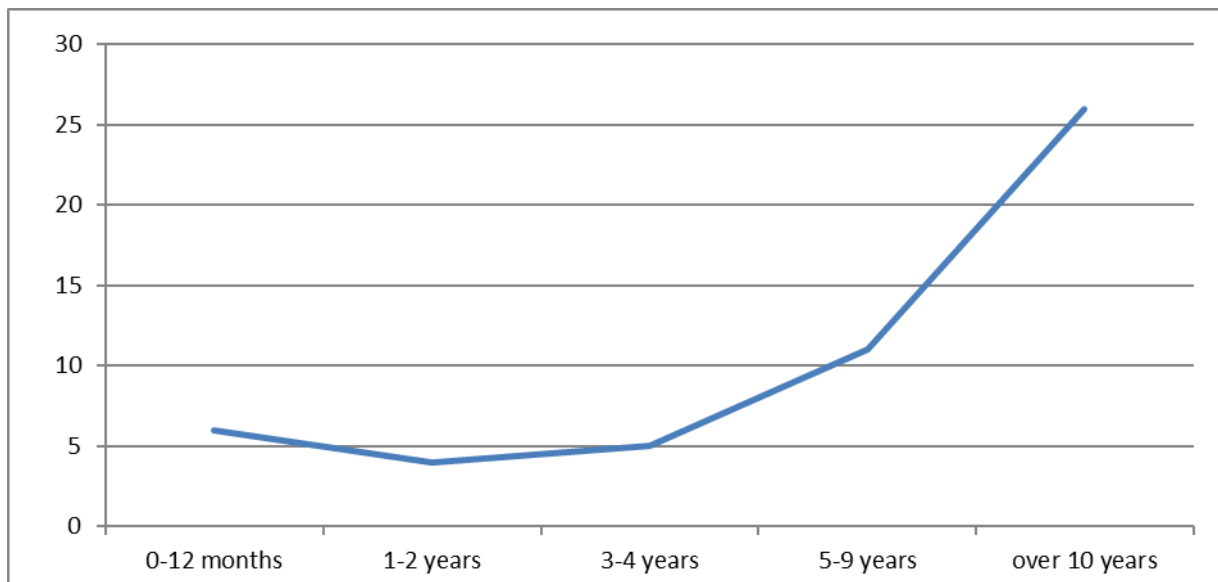


Fig.3 (Response rates by landlords, agents and property managers according to experience)

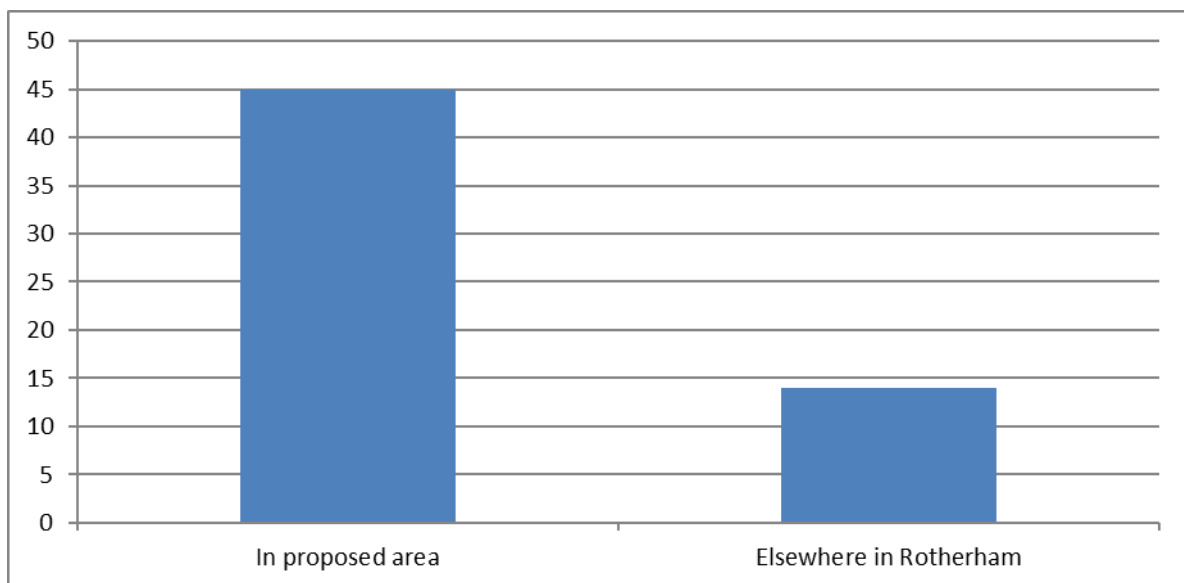


Fig. 4 (Where respondents own/ manage property)

The majority of responding landlords, agents and property managers were associated with property in the proposed Selective Licensing areas (Fig. 4). This reflects the relevance of the proposal to these individuals.

3. Findings

4.1 Overall agreement with Selective Licensing

This consultation found a broad overall agreement with the proposal for Selective Licensing, with almost half of the overall respondents “strongly agreeing” and an additional 15% “agreeing”; in comparison only 17% of all respondents either “disagreed” or “strongly disagreed”.

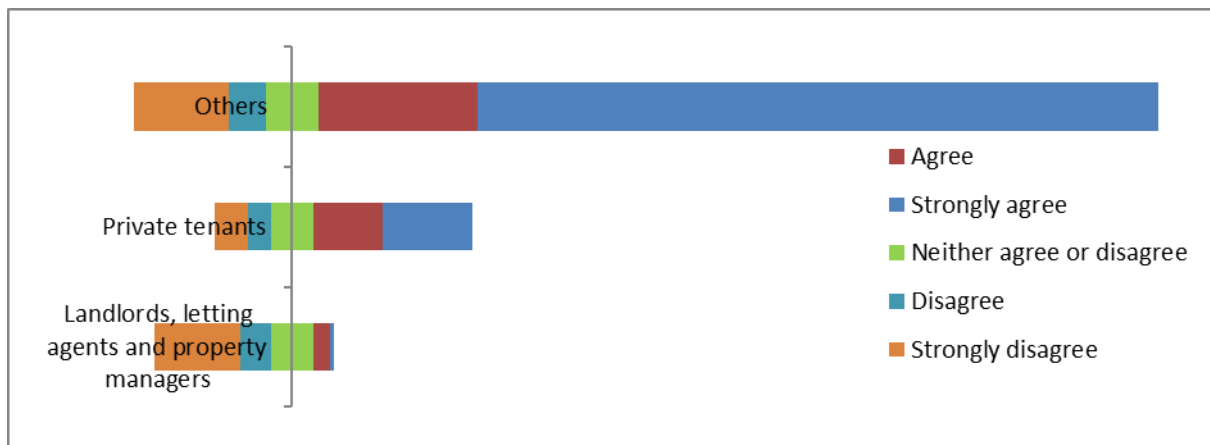


Fig. 5 (Agreement with the proposal to introduce Selective Licensing)

Landlords, letting agents and property managers were overall against the proposal to introduce Selective Licensing. Within this group, almost half strongly disagreed while an additional 17% disagreed with the proposal. In comparison only 6 individuals from this category (12%) expressed any agreement. In both other respondent categories, the majority were clearly in favour of Selective Licensing. Only 17% of private tenants expressed any disagreement with the proposal and 58% either agreed or strongly agreed. The majority of other respondents were found to strongly agree with the proposal. This trend is carried by strong agreement with the proposal amongst owner occupiers; 194 of these individuals (60% of this group and an amount larger than any other discreet category of respondent) strongly agreed with the proposal.

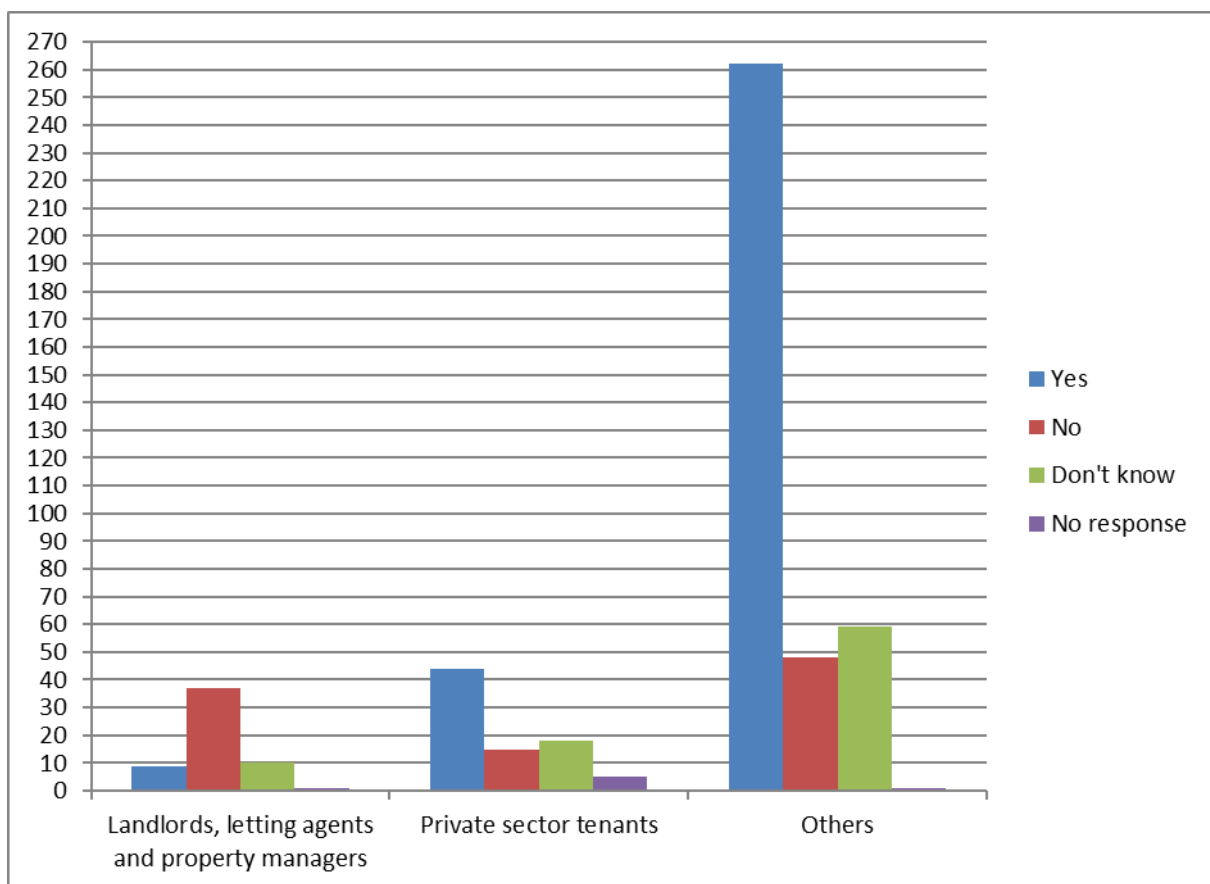


Fig. 6 (Agreement with areas proposed for Selective Licensing)

Agreement with the areas proposed for Selective Licensing designation follows a broadly similar trend. The overall disapproval of landlords, letting agents and property managers regarding the proposed area certainly correlates to the opposition of these groups to Selective Licensing overall, especially given that the majority of these respondents own or manage properties within the proposed areas.

4.2 Attitudes towards privately rented accommodation

It was found that the overwhelming majority of respondents believed that landlords and agents that own/manage private properties should be responsible for the safety of the property, the conditions outside of the property and the behaviour of the tenant occupying the property. The most unanimous agreement was regarding the safety of their property and the marginally strongest level of disagreement was with the idea that landlords and agents should be responsible for their tenants.

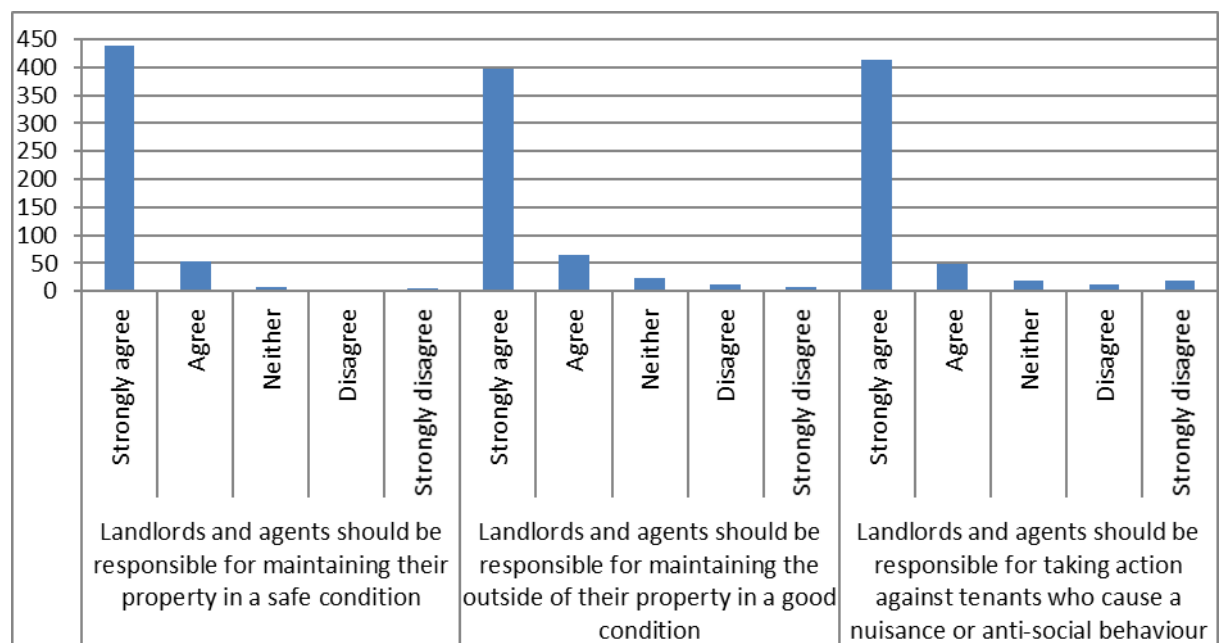


Fig. 7 (Opinions on landlord and agent responsibility amongst non-rent collecting groups)

Almost half of respondents claim to have never witnessed or experienced poor conditions in privately rented housing, whereas the remaining 52% had witnessed or experienced these conditions (Fig. 8). It is significant that this latter segment of respondents are mostly individuals who had both witnessed poor conditions and had first-hand experience of them, suggesting some concentration of poor privately rented conditions, which is reaffirmed by Fig. 8a, where Eastwood and Town Centre and Maltby – Little London have a higher proportion of reportedly poor quality housing than other areas.

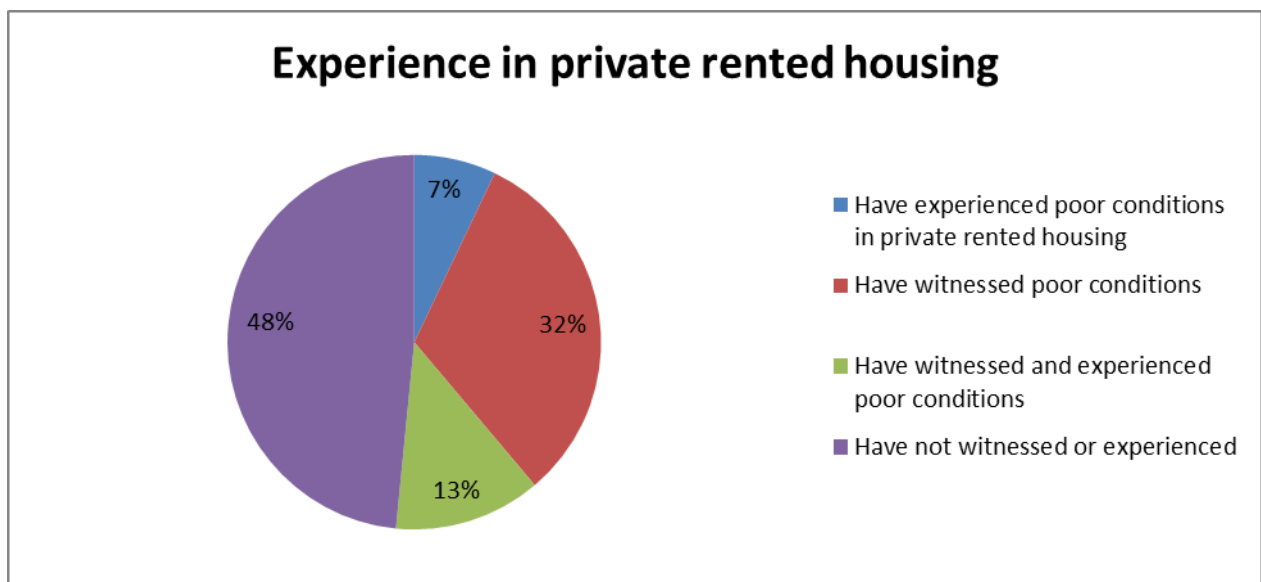


Fig. 8 (Experience of private rented housing conditions)

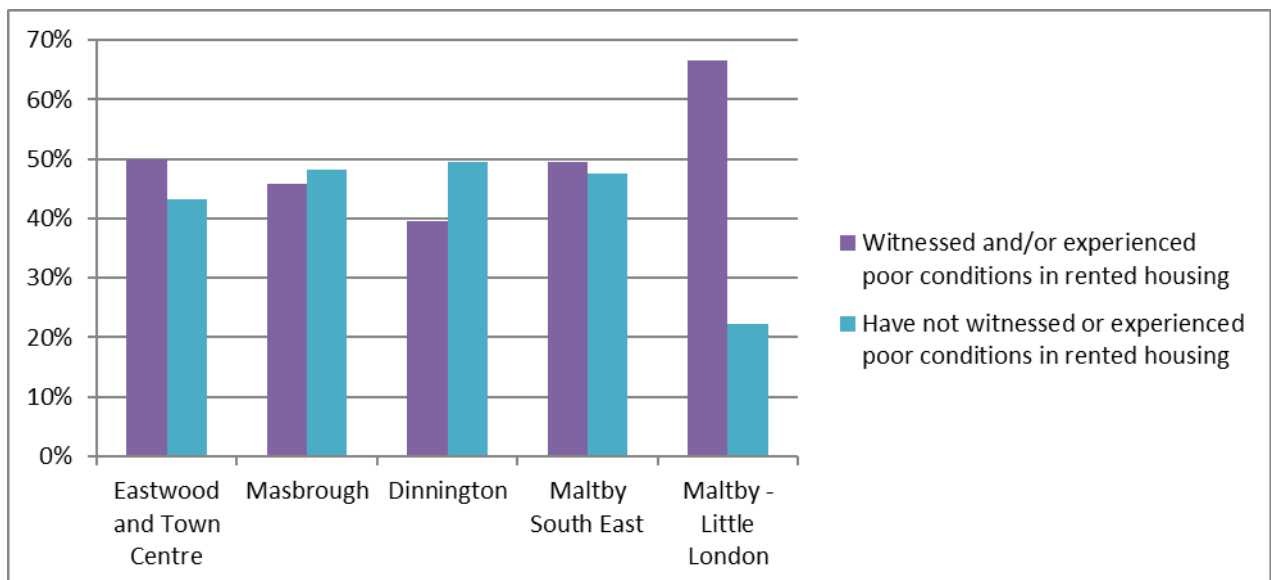


Fig. 8a (Experience of private rented housing conditions by area)

4.2 Issues in the local area

Respondents were asked to identify the biggest issues in the area. This question was posed in problematic terms as it specifically asked respondents to select “big problems” in these areas, encouraging respondents to present their individual priorities of the most significant issues specifically without any prior identification of the overall issues that an area might face. Therefore the results from this question are not suitable for identifying what issues are present in the local arena. However, these results are suitable for understanding the lived perceptions and experiences of respondents. Environmental issues and crime and antisocial behaviour dominate the concerns of most respondents, with over half of respondents identifying these as key issues.

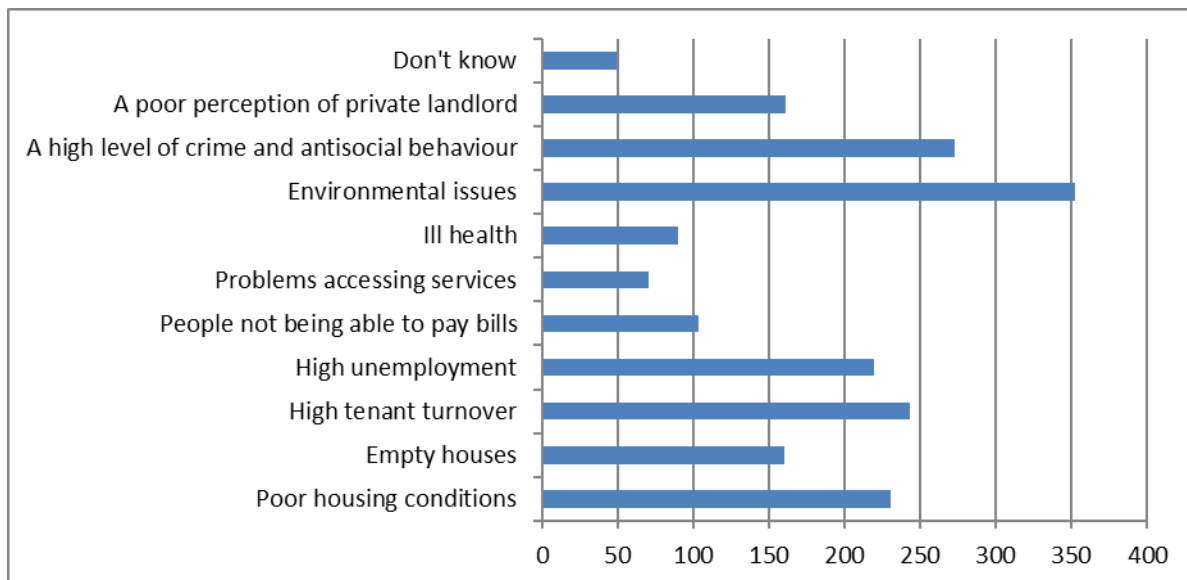


Fig. 9 (frequency of issues in proposed Selective Licensing areas being reported)

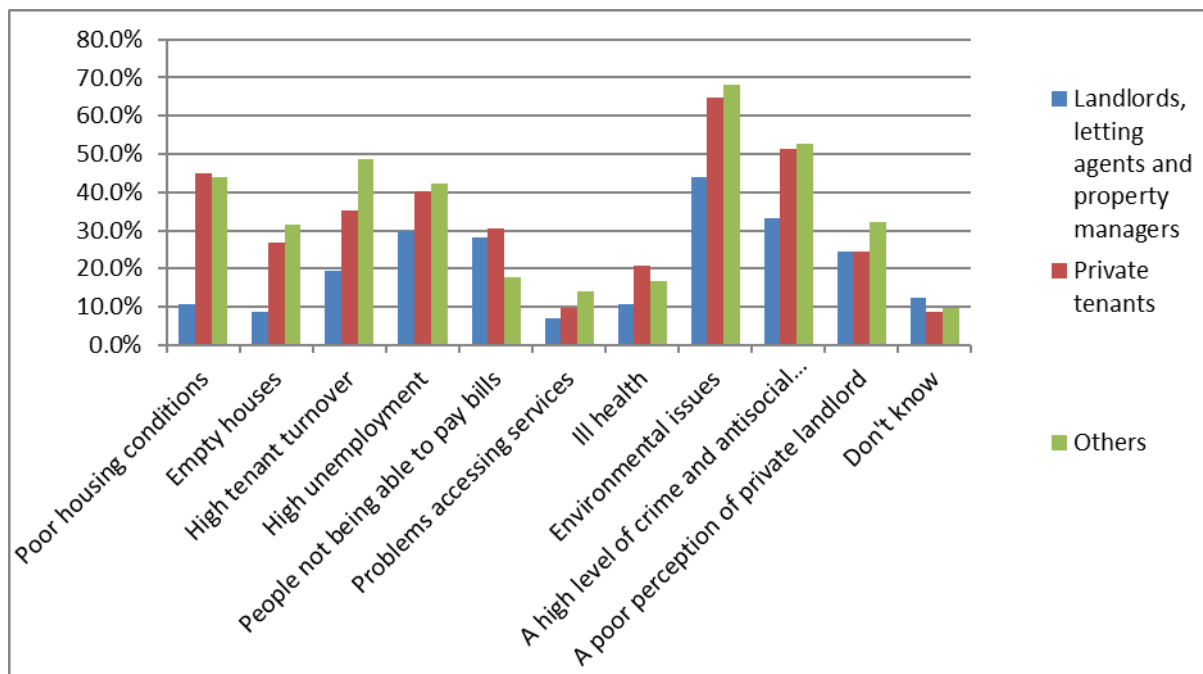


Fig. 10 (% of each respondent category that identified issues in proposed Selective Licensing areas)

Private tenants generally report issues in the local community marginally less readily than other residents or stakeholders; the exceptions to this are the issues of poor housing, ill health and an inability to pay bills. In the case of the former two issues, the difference between private tenant and other respondents' reporting-rates is statistically marginal. In the case of paying bills, this was reported as an issue 10% more frequently by private tenants, suggesting this group may struggle more with this financial burden.

Landlords, letting agents and property managers proportionally reported very few issues in the local community, which may be because they don't live there but also may be a result of overall opposition to the proposal of Selective Licensing. It is also significant that, when broken down into private tenants, public tenants and other residents and stakeholders in the community (not

including landlords/agents/managers groups), these groups generally reported personally experiencing these problems to a similar extent (Fig. 11).

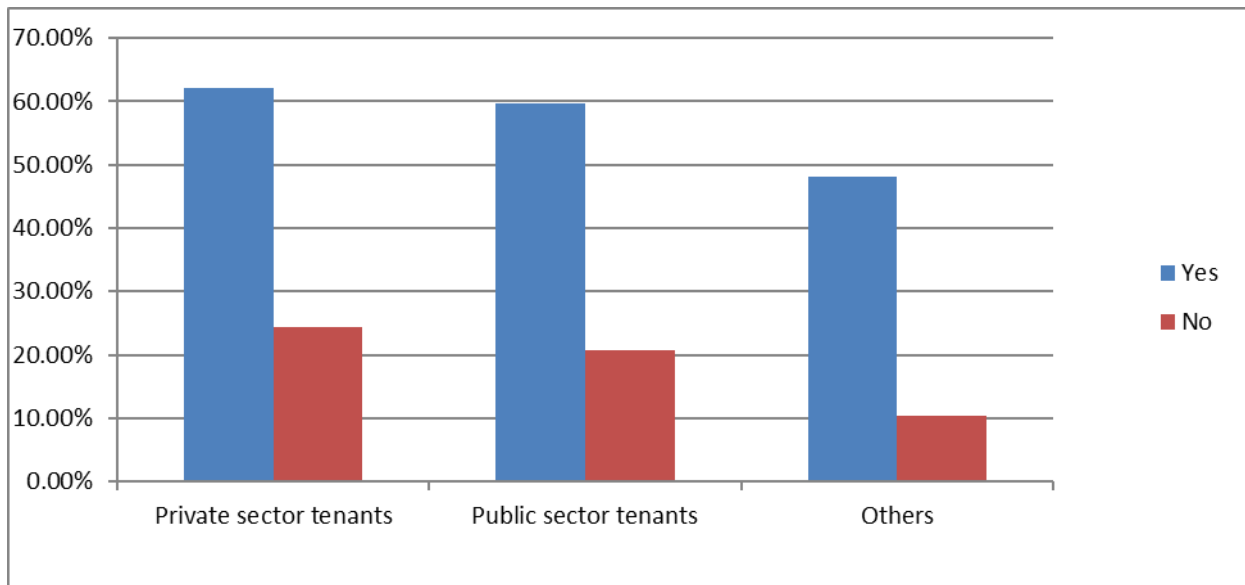


Fig. 11 (Have respondents personally experienced issues that they identified)

Fig. 12 demonstrates the frequency that landlords, letting agents and property managers reported specific issues regarding property they own/manage. One third of this group reported no issues, which may reflect a lack of problems for these individuals' property or could indicate an unwillingness to report these issues in the consultation.

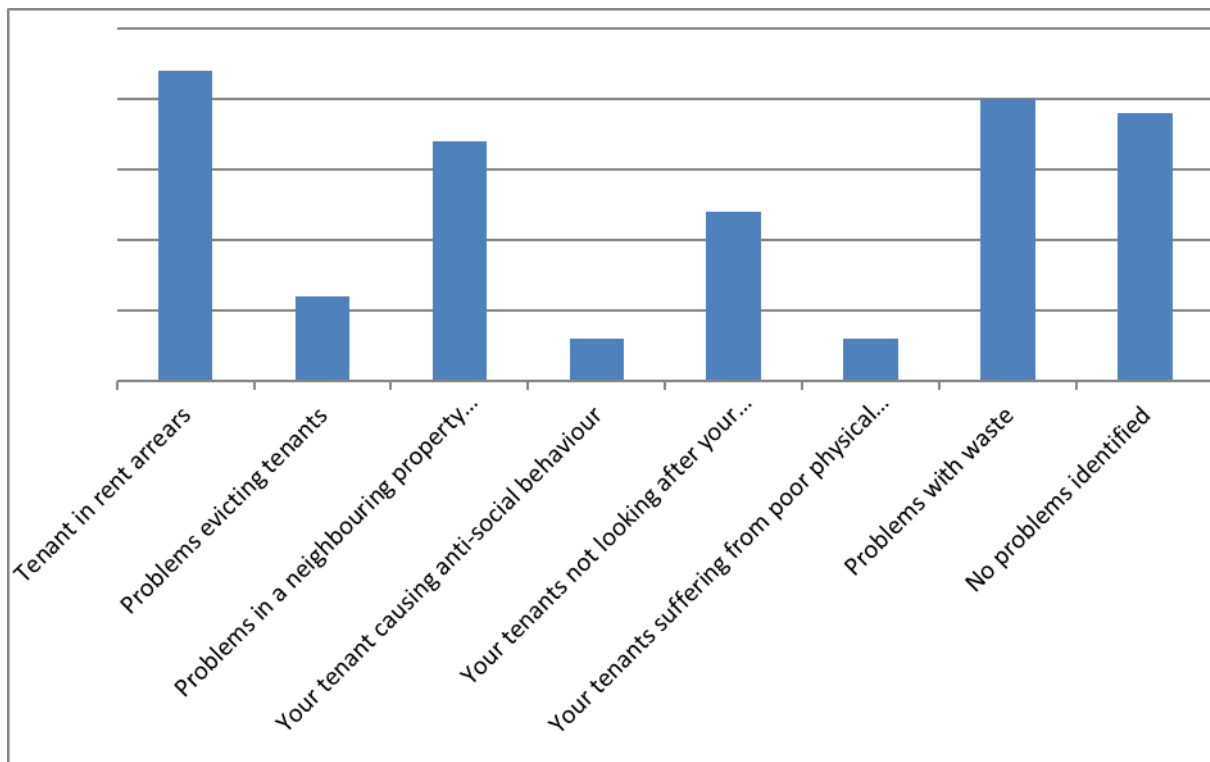


Fig. 12 (Frequency of problems reported specific to rent collecting groups)

4. Analysis of support/opposition

General support for Selective Licensing correlates with the belief that landlords should be responsible to their tenants and community, as demonstrated in Fig. 7. This belief in responsibility is contextualised by the overall experience of poor conditions in privately rented housing in Figs. 8 and 8a. Support for Selective Licensing could therefore be rooted in a general desire to see regulatory frameworks that might improve conditions associated with private renting.

The comments left by atypical opposers of Selective Licensing (i.e. those from non-landlord/agent groups who do not agree with the proposal) offer an insight into their apprehension for the proposal. Some doubt is raised as to whether Selective Licensing is a realistic problem to improve Rotherham's residential areas. A local business owner/service provider explained that they believed intervention in the local area should prioritise service-provision and that improved quality and value of housing can be better accomplished by local investment. Respondents also expressed concern regarding the effectiveness of the policy if not adequately policed/enforced. Additionally respondents were concerned that the proposed policy may make landlords responsible for their tenants' behaviour, absolving the latter of responsibility.

5.1 Landlords, letting agents and property managers

Fig. 5 above highlighted the overall opposition of landlords, letting agents and property managers to Selective Licensing, with only 6 members (11%) of these groups agreeing with the proposal. Agreement amongst this group drops to a single respondent when asked if they agreed with the specific terms proposed for the policy. This reflects overall disagreement with the fee structure. Only a single landlord, again, agreed with the fee structure, suggesting that this aspect of the proposal causes further opposition. In more in-depth comments, landlords viewed the renewal of fees as illogical for already-registered properties. Questions were also raised regarding the fairness of the proposal: both in the "arbitrary" nature of area selection and the flat fees for both commercial landlords and smaller property investors.

Landlords, letting agents and property managers that overall agreed with Selective Licensing	Landlords, letting agents and property managers that agreed with the terms of this proposal	Landlords, letting agents and property managers that agreed with the proposed fee structure
6	1	1

Table 3 (Agreement with different aspects of Selective Licensing amongst landlords, letting agents and property managers)

Landlords/agents/managers identified fewer issues in the local area, as highlighted by Fig. 10. Reduced perception of issues may have a causal relationship with reduced support for policies intended to combat these issues; inversely disagreement with policy proposals (for alternative reasons) may have led to limited reporting of relevant issues. One particular landlord who acknowledged local issues suggested that this proposal would be better implemented in conjunction with improved service delivery (specifically referring to street cleaning, rubbish collection and policing). Another landlord suggested that this proposal would be counterproductive as it would lead to capital flight from the local area, property devaluation and worsened local conditions.

5.2 Private tenants

Fig. 5 highlighted that the majority (58%) of private tenants either agreed or strongly agreed with Selective Licensing overall, whereas only 17% expressed any level of disagreement. The support of private tenants for Selective Licensing (and other measures to improve the quality of homes) was not sustained with the prospect of increases in rent. Fig. 14 shows that the majority (57%) of private tenants would only support licensing or any other home improvement measure if it had no impact on rent. Support for licensing/home improvement demonstrates a negative correlation with rent increases; the greater increase suggested, the more support is diminished. This question was also posed to other groups, however their responses cannot be considered applicable to this issue.

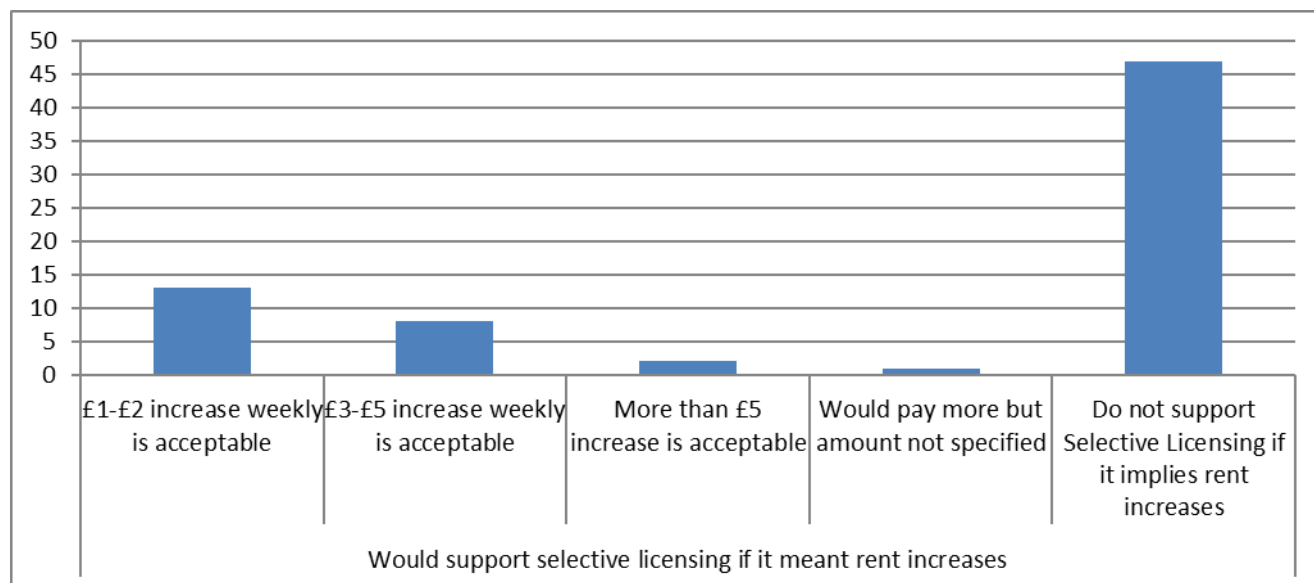


Fig. 13 (Private tenant support for Selective Licensing and home improvements that lead to rent increases)

Private tenants also embody a microcosm of wider non-rent collecting respondents. This is in the sense that they generally agreed with the responsibility of landlords, letting agents and property managers to tenants and the wider community (Fig. 7). Private tenants had mixed reports regarding landlord action in order to fulfil these commitments. Whereas a majority of tenants reported that their home was well maintained by their landlord, a minority reported landlords taking action against nuisance or antisocial tenants (Fig. 14).

It must also be noted that various comments left by private tenants expressed apprehension regarding the effectiveness of the proposal for Selective Licensing on its own and suggest belief in the need for further action to deal with local problems. Comments also raised further concern of the effect of licensing fees on rents.



Fig. 14 (Private tenant experiences of landlord action)

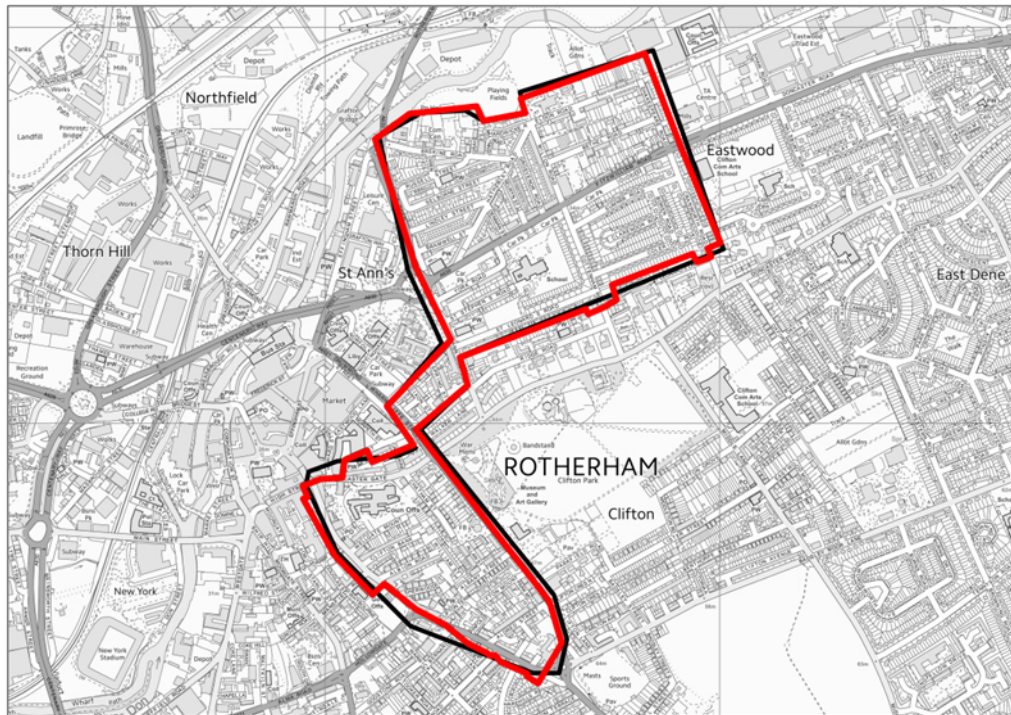
5. Conclusions

This consultation highlights a broad agreement with Selective Licensing across the general population of Rotherham. The exception to this is landlords and letting/managing agents. This group's opposition to the overall proposal for Selective Licensing correlates to a lower perception of relevant problems within proposed areas and an opposition to licensing fees and other proposed terms, which may negatively impact their profit margins. Additionally support from private tenants for the proposal diminished rapidly in the context of potential rent increases.

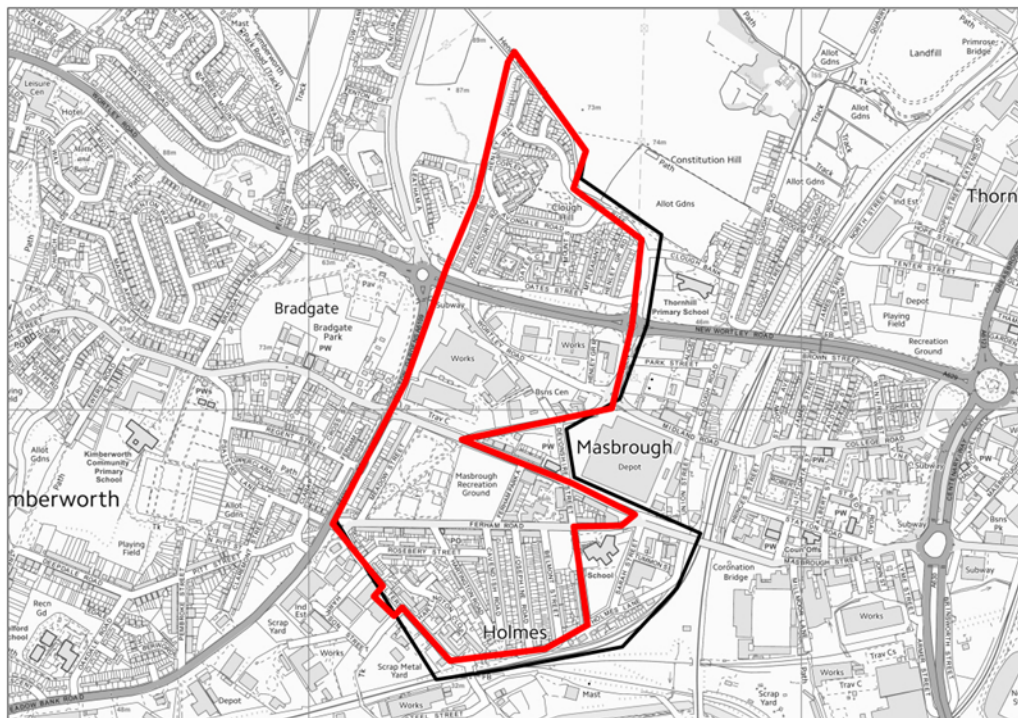
Support for, or opposition against Selective Licensing correlates to the individual's unique interests. Private tenants support the proposal as long as it is in line with their interests, but are averse to associated financial costs. Landlords, letting agents and property managers are broadly opposed to the suggestion on account of licensing fees that will cut profit margins. Other respondents, made up of other residents and community stakeholders are likely to support the proposal on account of potential wider community benefits, and the fact that this group does not face any direct risks of costs associated with licensing.

Appendix 6 Area maps (as referenced in the main report, some are adjusted following consultation, where this is the case, the original boundary is shown in black, with the revised boundary shown in red).

Eastwood / Town Centre – proposed boundary

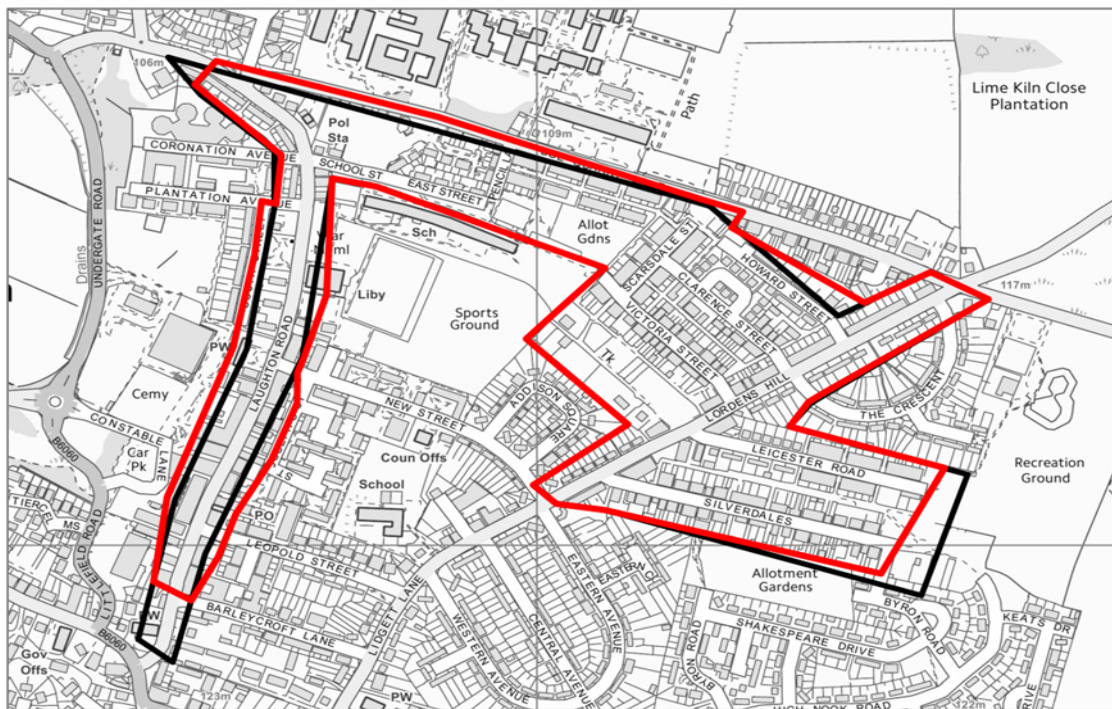


Masbrough – proposed boundary

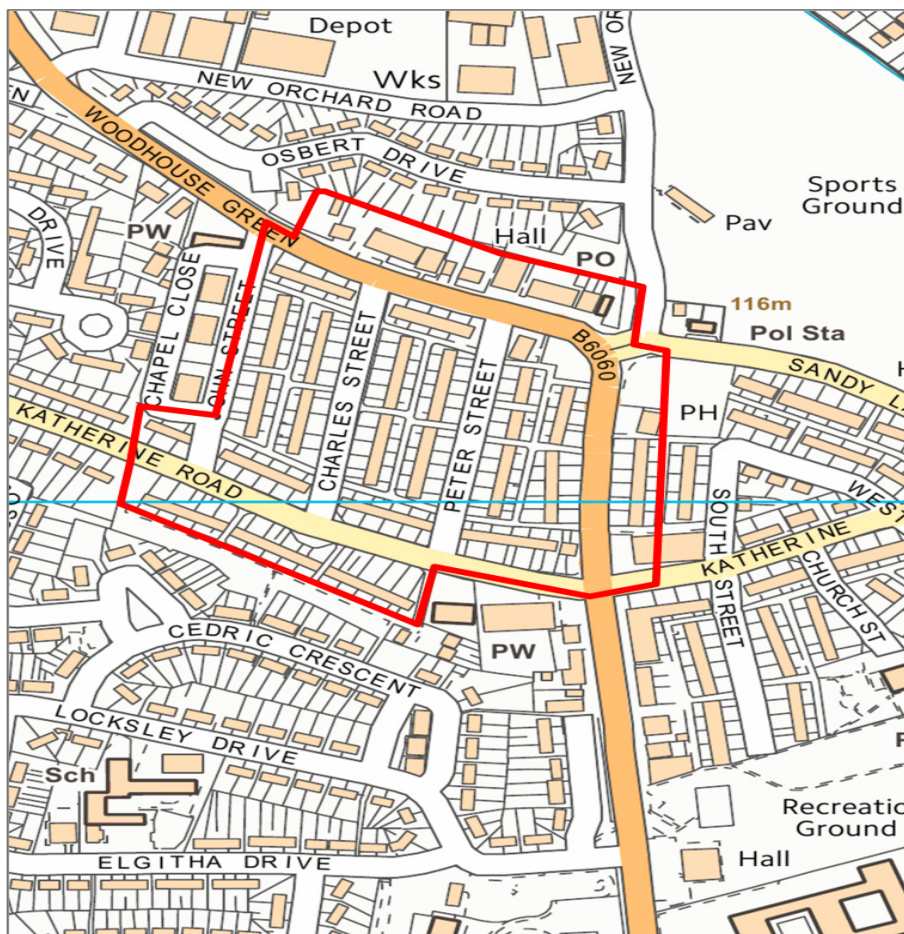


Little London – Option 1 - Proposal to defer this declaration, otherwise boundary unchanged

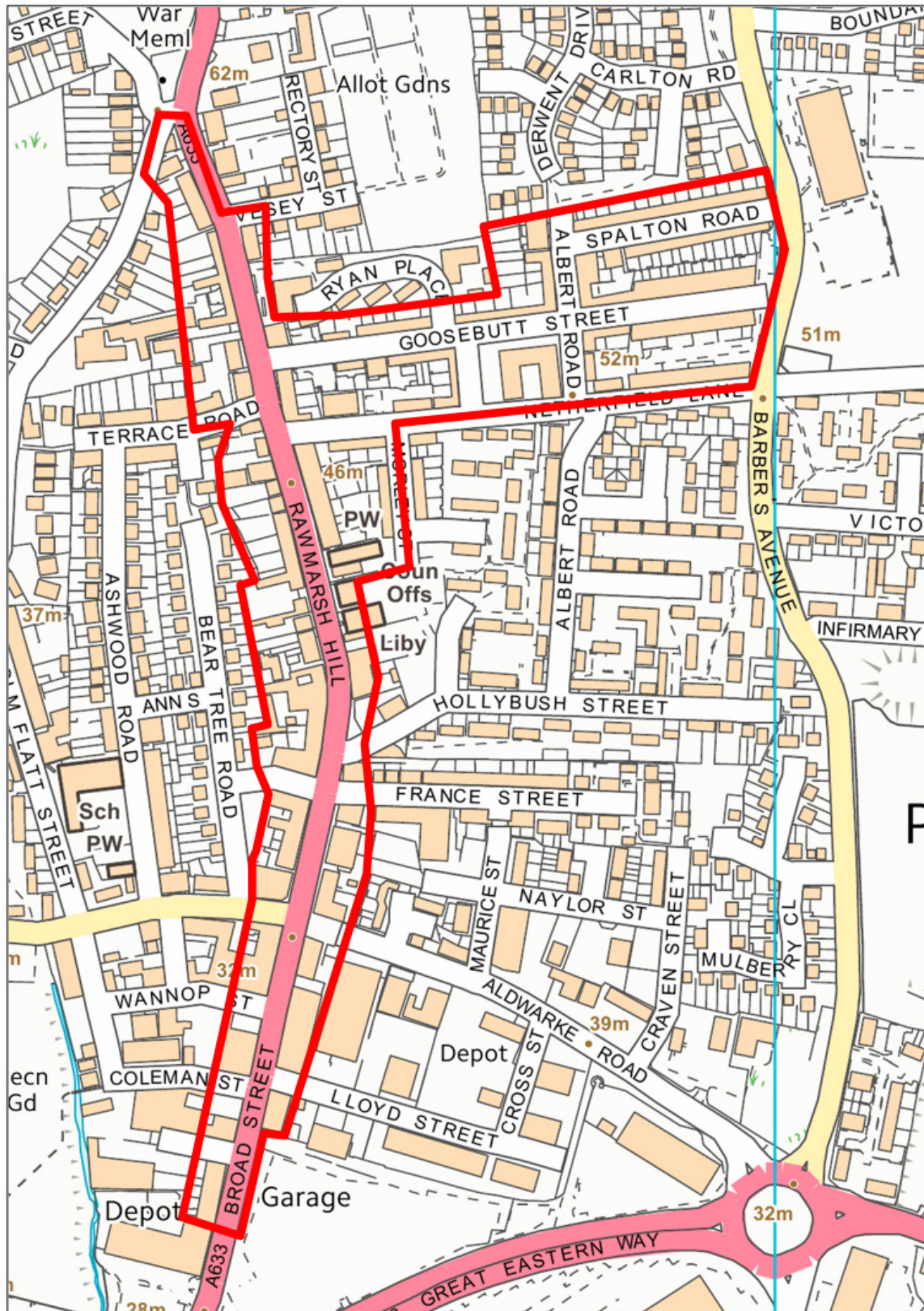
Dinnington - proposed boundary



Thurcroft – agreed boundary



Parkgate- agreed boundary



Appendix 7 – Fee Structure (as agreed by Cabinet on the 10th June 2019)

Title	Value	Additional Info
Total licence fee per house	£521	
Application fee element	£68	<i>Non-refundable, paid with the application</i>
Maintenance fee element	£453	<i>Paid once a draft licence has been granted, can be spread by direct debit over 12 months</i>
Additional Unit maintenance fee	£132	<i>Applicable where there is an additional letting unit in the same building/house under the same ownership</i>
Rebate for early applications with fully compliant property	£127	<i>Available if the landlord applies within 12 weeks of the property being licensable, has no hazards which warrant intervention by the Council, and are found to be fully compliant with the statutory licence conditions (conditions 1-4).</i>
Late Application penalty fee	£136	<i>Paid with application fee - non-refundable</i>

Appendix 8

Licensing Conditions

Rotherham Selective Licensing Conditions

In these conditions, “house” is meant to refer to the building or part of a building, which is licensed under Part 3 of the Housing Act 2004. Housing Act 2004 Prescribed Conditions

1. The licence holder must obtain a valid gas safety certificate on an annual basis, if gas is supplied to the house. This must be provided to the Council as part of the application process and on an annual basis thereafter. A copy must also be provided to the tenant.
2. The licence holder must: a. keep electrical appliances and furniture made available by him in the house in a safe condition, and b. supply the authority, on demand, with a declaration by him as to the safety of such appliances and furniture.
3. The licence holder must:
 - a. ensure that a smoke alarm is installed on each storey of the house on which there is a room used wholly or partly as living accommodation;
 - b. ensure that a carbon monoxide alarm is installed in any room in the house which is used wholly or partly as living accommodation and contains a solid fuel burning combustion appliance; and
 - i. keep each such alarm prescribed in 3a & 3b above in proper working order;
 - ii. supply the authority, on demand, with a declaration by him as to the condition and positioning of any such alarm prescribed in 3a & 3b above.
4. The licence holder must provide each occupier of the house with a written statement of the conditions of the terms on which they occupy the house (tenancy agreement). The licence holder shall provide a copy of the said terms to the authority on demand. The licence holder must abide by the conditions and responsibilities contained in the tenancy agreement and carry out all landlord functions as laid down.

Conditions relating to the property

5. The Licence holder should submit an annual declaration (as per Annex 2 of these conditions) with their annual Gas Safety Certificate, providing dates of inspections in the previous 12 months and any defects they were required to resolve or any tenancy enforcement they carried out to tackle unauthorised occupation, overcrowding, waste issues, nuisances or anti-social behaviour caused by tenants identified in that visit. The form will also be available on the Council’s website. These inspections should take place at least annually and more often if there have been concerns about the property or tenant behaviour.

6. The licence holder must ensure that any disrepair identified by the tenant or through periodic inspection by the licence holder, other managing agent or landlord are undertaken within the period of time agreed with the tenant, and no later than 28 days of it being identified.
7. The licence holder must ensure that all repairs to the house or any installations, facilities or equipment within it are to be carried out by competent and reputable persons and that they are completed to a reasonable standard.
8. The licence holder must not unreasonably cause any service supplied to the property under the terms of the tenancy agreement to be interrupted.
9. The licence holder shall ensure that the tenant is provided with wheeled bins of suitable capacity and type as specified by the Council at the property and that the Council's arrangements for refuse collection including recycling are issued to the tenant at the outset of the tenancy.
10. The licence holder must take steps to remove graffiti on the property within five working days of it being reported to them. Management of the licensed property
11. The licence holder must obtain references or guarantees in respect of the person(s) who wish to occupy the property in order to make an informed decision regarding the occupancy of the property. Copies of these references must be made available to the council upon request. References can be in the form of, but not limited to: a. A written reference from previous landlord, employer or government agency (e.g. probation services); b. Any financial background checks the licence holder has undertaken; c. A personal visit to the prospective tenants current or most recent accommodation; d. A "rent in advance" arrangement or accommodation referral or placement from Rotherham Council; or e. Evidence that the occupant has been placed at the address as an asylum seeker.
12. The licence holder must provide the tenant with a written receipt for all cash rental payments received. (This does not affect the legal requirement to provide a rent book for rent paid on a weekly basis).
13. Upon commencement of any tenancy, the tenant should be provided with either an electronic or paper file which includes copies or details of:
 - a. All property safety certification – Gas, Electrical, EPC et
 - b. Copy of tenancy agreement
 - c. Copy of Selective Licence

- d. Signed statement of rent payments, updated at least quarterly e. Copy of receipt from tenancy deposit scheme
- e. User manuals
- f. Emergency contact details for the Landlord or his/her agent

The file should be accessible to the tenant via hard copy or electronically at all times. The file should be evidenced to any Inspecting Officer from the Council or Police; or otherwise made available on request.

14. The licence holder must ensure that all new tenancy deposits are protected in a government authorised scheme within 14 days of receiving it from the tenant.
15. The licence holder must ensure that the tenant is given:
 - a. The details of any utilities or other charges included in the rent;
 - b. Information and instructions on the responsibility for payment of council tax; and
 - c. Information and instructions on the responsibility for payment of utilities and arranging provision of such.
16. The licence holder will not discriminate against prospective occupiers of the house on the grounds of race, disability, gender, religion or sexual orientation.
17. The licence holder must inform the Council of any change of circumstances which may affect their suitability to continue to remain the licensee. This must be done within five working days of the changes taking effect.
18. The licence holder must ensure that any person(s) who assist in the management of the property not detailed in the original licence application must be a 'fit and proper' person to do so as per the definition in the Housing Act 2004 and Appendix 1 of these conditions, and must notify the Council of these changes. Where necessary the Council will require a declaration to be signed by the person assisting in the management of the property stating that they meet the 'fit and proper' person criteria.
19. The licence holder must inform the Council, within 5 working days, if there is a change of managing agent and provide the Council with proof that they are a 'fit and proper person' to do so under the definition under the Housing Act 2004 and Appendix 1 of these conditions.
20. Notifications of changes in accordance with the previous two conditions should be made in writing by the Licence Holder and sent to the address on the licence or by email to landlordlicensing@rotherham.gov.uk.
21. The licence holder must adhere to legal requirements when seeking possession of the property from the tenant.

22. The licence holder must inform the council of any steps being taken to sell the licensed property including the details of any successful purchaser(s).
23. The licence holder must be a permanent resident in the United Kingdom, must reside in the United Kingdom, and if they are likely to be or are away from the United Kingdom for more than 4 weeks, that they have in place a managing agent who has full authority for managing the property and able to pay for repairs. Where the licence holder is likely to be away from the United Kingdom for more than 90 days, they will be required to surrender their licence and apply to put in place a new licence holder.
24. The licence holder will ensure that keys are provided to the tenant where window locks are provided.
25. Where previous occupants have not surrendered keys, the licence holder and will arrange for a lock change to be undertaken, prior to new occupants moving in.
26. The licence holder will ensure front and rear doors are secure and fitted with good quality locking systems.
27. The licence holder must ensure that all reasonable measures are taken to ensure that the property is made secure from unauthorised entry.

Environment and anti-social behaviour

28. The licence holder shall ensure that the exterior of the house is maintained in a reasonable decorative order and in reasonable repair.
29. The licence holder must ensure that all outbuildings, yards, forecourts and gardens surrounding the house are maintained, in reasonable repair and ensure that the tenant is aware of their responsibility to keep them in a clean, tidy and safe condition and free from infestations.
30. The licence holder must take all reasonable and all practicable steps in keeping external areas and the curtilage of the property free from rubbish and fly tipping deposits at all times. If employing a third party to carry out any such clearances, care must be taken to ensure that they are a registered waste carrier.
31. The licence holder must take all reasonable and all practicable steps for preventing and dealing with anti-social behaviour and undertake a thorough process of incremental steps to deal with any complaints, which have been made either directly to them, or via the Local Authority or any Police service,

regarding their occupiers. For the purposes of these conditions, anti-social behaviour is taken to comprise behaviour by the occupants of the house and/or their visitors, which causes a nuisance or annoyance to other occupants of the house, to lawful visitors to the house or to persons residing in or lawfully visiting the locality of the house.

32. The licence holder is required to provide an authorised officer of the Local Authority, a Police Officer or Police Community Support Officer, upon request, information regarding the full names and dates of birth of each occupant.
33. The licence holder will ensure that the occupants of the house are aware of the assistance available to them to deal with anti-social behaviour and how they can report nuisance and anti-social behaviour to the authority. The Council will make such information available to tenants and property owners via its website.
34. The licence holder will respond to reference requests within a reasonable timescale and provide an honest and accurate reference relating to existing or past tenants.
35. The licence holder must take steps to terminate the tenancy following advice and recommendation from the Council, should it be found that the property is being used for illegal or immoral use or where there is evidence of persistent and ongoing anti- social behaviour. Other Conditions Additional licensing conditions may be applied to licences regarding the management of the property on a case by case basis. Representations about conditions can be made through the licensing process and the normal representation period.

Annex 1 Suitability of Licence Holder

- 1) Details of any unspent¹ convictions not previously disclosed to the Local Authority, that may be relevant to the licence holder and/or the property manager and their fit and proper person status and In particular any such conviction in respect of any offence involving fraud or dishonesty, or violence or drugs or any offence listed in Schedule 3 to the Sexual Offences Act 2003.
- 2) Details of any finding by a court or tribunal against the licence holder and /or the manager that he/she has practiced unlawful discrimination on grounds of sex, colour, race, ethnic or national origin or disability in, or in connection with, the carrying on of any business
- 3) Details of any contravention on the part of the licence holder or manager of any provision of any enactment relating to housing, public health, environmental health or landlord and tenant law which led to civil or criminal proceedings resulting in a judgment or finding being made against him/her 4) Information about any property the licence holder or manager owns or manages or has owned or managed which has been the subject of: i. A control order under section 379 of the Housing Act 1985 in the five years preceding the date of the application; or ii. Any appropriate enforcement action described in section 5(2) of the Act
- 4) Information about any property the proposed licence holder or manager owns or manages or has owned or managed for which a local housing authority has refused to grant a licence under Part 2 or 3 of the Act, or has revoked a licence in consequence of the licence holder breaching the conditions of his/her licence
- 5) Information about any property the proposed licence holder or manager owns or manages or has owned or managed that has been the subject of an interim or final management order under the Housing Act 2004;
- 6) Advertising of the property for sale;
- 7) Change in managing agent or the instruction of a managing agent;
- 8) The undertaking of any substantial works to the property including conversions and modernisations; ¹ The Rehabilitation of Offenders Act 1974 enables some criminal convictions to become 'spent', or ignored, after a 'rehabilitation period'. A rehabilitation period is a set length of time from the date of conviction. After this period, with certain exceptions, an ex-offender is not normally obliged to mention the conviction when applying for a job or obtaining insurance, or when involved in criminal or civil proceedings.

Annex 2 - Annual Declaration in respect of a Selectively Licenced Property

The Licence Holder should complete this form

Name of Licence Holder:

Licenced property Address:

Reference number of licence:

☐ I also enclose a copy of the current Gas Safety Certificate for the house. And

☐ I have, or an agent of mine has inspected the house on the following dates and these are the findings of those visits:

The following defects have been remedied in the last 12 months. Issue Cause (wear and tear, damage by tenant, damage by other), including the date completed:

I accept that in connection with the checking of the accuracy of this declaration that the local authority may carry out an inspection of the property. Should an inspection of the property or the information identify defects which were present at the time of the declaration, and the issues were not identified in this declaration, this document may be used as evidence in any prosecution case.

Name:

Signed:

Date:

If signed for a company please note by signing you confirm you are able to sign on behalf of the company

Guidance for agents or those confirming declarations provided by others. Please ensure that all persons working for your business who are involved in the management of licensed properties have signed up to date declarations. Copies of all other declarations will need to be held for the duration of the relevant licence if granted. Please note the Council has powers to require the provision of documents including any declarations. Checks will be made from time to time to make sure that agents are meeting their obligations. Failure to comply with formal requests to provide information can lead to legal action including prosecution. Address to return form and contact details:

Tel: 01709 823118; email: landlordlicensing@rotherham.gov.uk