

Summary Sheet

Name of Committee and Date of Committee Meeting

Cabinet – 10 June 2019

Report Title

Selective Licensing - Consultation on future designations

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)

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Ward(s) Affected

Dinnington,
Maltby
Rotherham West
Boston Castle
Rotherham East

Summary

The Council designated four areas for Selective Licensing in May 2015, covering parts of Maltby, Dinnington, Eastwood and Masbrough, with the aim of delivering improved conditions within the private rented sector. These designations expire on 30th April 2020. Consequently, the Council is in a position to make a decision on whether to re-designate those areas.

The current designations have delivered significant improvements to the condition of private rented housing stock, and to the health and well-being of tenants. Additionally, the scheme has contributed to tackling anti-social behaviour, high turnover of tenancies and empty properties, through driving better landlord management practices and housing quality.

This report demonstrates the successes of the current designations and identifies areas within those designations that would benefit from a continuation of the Selective Licensing scheme, to assist in tackling the deprivation within these communities. In addition, a further area within Maltby has been identified where a designation would assist in tackling significant housing condition problems.

Recommendations

1. That approval be given to a public consultation on the proposed designation areas for Selective Licensing of private rented housing.
2. That a further report be submitted to Cabinet in January 2020 on the outcome of the public consultation to consider designating Selective Licensing areas.

List of Appendices Included

- Appendix 1 Rotherham Local Super Output Areas in the top 20% of the most deprived areas in England
- Appendix 2 Selective Licensing Performance Framework 2018-19
- Appendix 3 Maps of Current Designation Areas with Antisocial behaviour concentrations and higher risk housing Areas
- Appendix 4 Maps of Proposed Designation Areas 2020-2025
- Appendix 5 Draft Rotherham Selective Licensing Conditions
- Appendix 6 Equalities Analysis Screening

Background Papers

The following documents have been considered when preparing this report:

[Selective Licensing Mid-Term Report, Improving Places Select Commission, January 2018](#)
[Selective licensing in the private rented sector: A guide for local authorities](#)
[English Indices of Multiple Deprivation](#)
[Rotherham Together Partnership – The Rotherham Plan](#)
[Housing Act 2004](#)

Consideration by any other Council Committee, Scrutiny or Advisory Panel

None

Council Approval Required

No

Exempt from the Press and Public

No

Selective Licensing consultation on future designations

1. Background

- 1.1 In May 2015, following extensive consultation and due legal process, the Council introduced Selective Licensing designations to areas within Dinnington, Maltby, Ferham and Masbrough, and Eastwood. The scheme has ensured that all landlords in these areas are identified and licensed, meaning that landlords can be held to account for their properties including the behaviour of their tenants and the conditions inside and outside of the house.
- 1.2 In 2015 the government widened the criteria for designating Selective Licensing schemes to include poor housing conditions and deprivation, with a view that the improvement of management standards in the private rented sector would help combat housing problems associated with deprivation.¹
- 1.3 Analysis of deprivation in local communities is published on a regular basis by the Office of National Statistics. This information indicates the proportion of the population who live in areas with the best and worst outcomes for health, education, income and living conditions. These are published as the Indices of Multiple Deprivation².
- 1.4 The latest figures show that 50,370 Rotherham residents (19.5%) live in areas within the most deprived 10% of England. This figure has grown from 30,400 in 2007 and 44,170 in 2010. Appendix 1 shows the data for the most deprived areas of Rotherham.
- 1.5 The Council has embarked upon a significant partnership with voluntary and statutory partners to develop the Rotherham Plan, which aims to tackle deprivation in local communities, to improve the Borough as a place, and make life better for local people. A key contribution to this is the Council's Housing Strategy which aims to improve standards in the private rented sector whilst ensuring those in our most vulnerable communities have safe and healthy homes. Selective Licensing is embedded within the heart of this Strategy.
- 1.6 In January 2018, Improving Places Select Commission considered a mid-term report on the progress made with Selective Licensing. This demonstrated clear improvements in private rented housing standards and the management of private rented property in the designated areas due to the introduction of Selective Licensing. At that time 90% of inspected properties did not meet minimum legal standards. Since then, 94% of houses inspected have been made compliant, with indications that anti-social behaviour, empty property rates and occupier turnover rates in some areas were beginning to fall, the key measures of low housing demand.
- 1.7 In the most recently available data, attached at Appendix 2, a similar picture can be seen, with an increasing level of compliance with housing standards in the properties inspected by the Council under the scheme, combined with a fall in anti-social behaviour rates in Dinnington and Maltby South East.

¹ The Selective Licensing of Houses (Additional Conditions) (England) Order 2015, Sections 4 and 6

² English Indices of Multiple Deprivation 2015 – Underlying Indicators

- 1.8 In the Eastwood and Town Centre designation, and the Masbrough designation, the picture is slightly different. There has in the last twelve months been an apparent and significant increase in the number of cases of Anti-social behaviour dealt with by the Council. It should be noted however that this increase is likely to be due to an increase in proactive work in both areas, rather than any increase in anti-social behaviour.
- 1.9 In Eastwood, additional resources, including that provided by the Controlling Migration Fund, has been focussed on proactively dealing with waste accumulations, neighbour nuisances and more joined up investigation and enforcement as part of the Eastwood Deal.
- 1.10 Through the exercise of the tools and powers available in the licensing scheme, the Council has:
- Issued 2,151 informal warnings about housing standards;
 - Served 226 formal notices on landlords requiring improvements to housing where warnings have not been heeded;
 - Issued 454 warnings to landlords to ensure they manage property and tenants more effectively to prevent an impact on neighbours or the environment;
 - Prosecuted 35 landlords for failing to licence;
 - Prosecuted 4 landlords for failing to comply with licence conditions;
 - Prohibited 23 properties due to them being unsafe for people to live in;
 - Revoked 4 licences due to landlords not being considered fit and proper to hold a licence;
 - Refused 62 licences for landlords not being considered fit and proper to hold a licence;
 - Issued 3 civil penalties to the value of £26,018 to landlords as an alternative to prosecution.
- 1.11 In all of the designated areas, the Council has been able to licence 98% of private rented housing, with the remaining properties being subject to enforcement action, to either ensure the property is licensed, or deliver a criminal or civil penalty for failing to licence.

2. Key Issues

Renewing the Existing Licensing Areas

- 2.1 Although the current designations have not yet reached their five year term, there is evidence that the scheme has been a clear success increasing property safety and management standards and holding landlords and tenants accountable for their behaviour.
- 2.2 However, these areas still remain a concern for the Council due to the low levels of income, poor health outcomes and the lack of choice about where tenants can live, which are supported by the indices of multiple deprivation, which rank communities in England based on various factors. In addition, the Council does not have full confidence that landlords will not revert back to the position of 90% non-compliance with minimum legal standards if they are not incentivised to do so through the scheme.
- 2.3 All the areas currently within the Selective licensing designations are within the most deprived in the country based on low income levels, low educational attainment, poor health outcomes and crime.

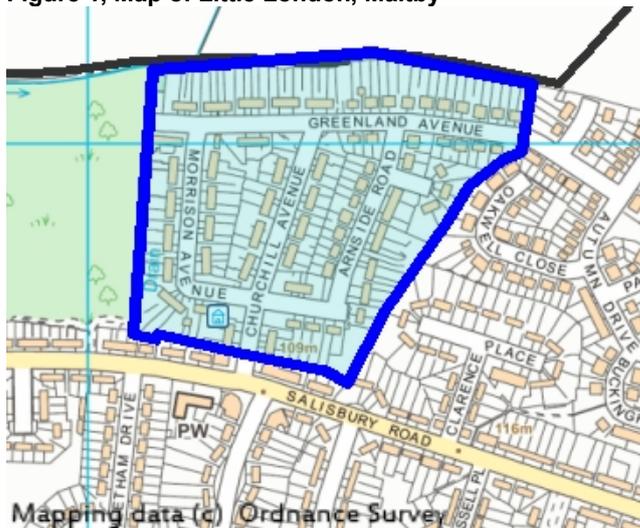
- 2.4 Although property conditions have been improved there is still a significant risk that standards in the highest risk areas within these designations could falter and return to previous poor levels if not kept under review for at least a further 5 year period. The people living in private rented accommodation in these areas are at the most risk due to a lack of choice about where they live.
- 2.5 The amendment to the criteria for designating Selective Licensing areas has provided Councils with the power to introduce licensing of privately rented properties with the aim of helping to tackle the effects of deprivation and housing conditions. This change in the law supports the work of the Council and partners to improve outcomes for communities.
- 2.6 Whilst the aim of Selective Licensing is improve the condition of private rented property in the interests of the health of tenants, consideration has also been given to the progress made around levels of anti-social behaviour. Areas where low levels of anti-social behaviour, and naturally higher levels of compliance occur, should be considered for exclusion from future designations, along with areas which do not meet the deprivation criteria. This would enable the Council to sustain the improvements made in our most deprived communities, to focus non-licence fee funded resources on the most at risk areas, and reduce the burden on landlords in areas with lower levels of problems than others.
- 2.7 The maps included at Appendix 3 show areas where the most anti-social behaviour has occurred over the last two years. The maps also show where Officers found poor standards of housing and where they had lower levels of confidence in the landlords ability to manage the property effectively.
- 2.8 Some parts of the existing areas have lower anti-social behaviour issues and higher confidence in housing management than others and it is appropriate to consider this when deciding on the future of Selective Licensing in these areas.
- 2.9 Those areas presenting the principal concerns include:
- In the Eastwood and Town Centre area, the principal areas of concern for both measures are in Eastwood Village and Wellgate areas, with the Super Output Area of Eastwood East and the Doncaster Road corridor of least concern.
 - In Masbrough, the main areas of concern are the Ferham area and the Dovercourt Road and Avondale Road areas.
 - In Dinnington, the main town centre area, and the streets surrounding Doe Quarry Terrace and Leicester Road are of most concern.
 - In Maltby the Muglet Lane area is where the concentration of problems has occurred in the last two years and where there is a lower level of confidence in property management.
- 2.10 With the exception the Dovercourt Road and Avondale Road area of Masbrough East, each of the Local Super Output Areas where these remaining areas of concerns are located are within the 20% most deprived in the country (Appendix 1) and have private rented housing levels above the national average of 19.9%. The areas which are to be excluded are not within Rotherham's most deprived areas.

2.11 A revised description of the suggested designations is contained at Appendix 4, which would cover 1,860 privately rented properties from the existing designations. These areas reflect the locations where concerns remain with the continuation of the schemes designed to ensure that property conditions and management standards do not deteriorate in order to contribute to an improvement in the well-being of the occupants and wider community.

New Designation Proposal - Little London, Maltby

2.12 For some time, the 'Little London' area of Maltby has been a concern in terms of the condition of privately rented properties, and the levels of neighbourhood environmental problems and anti-social behaviour.

Figure 1, Map of Little London, Maltby



2.13 In 2013, the area was considered for Selective Licensing. However due to the data available, there was insufficient evidence that the area was suffering from low housing demand or anti-social behaviour due to the activity of private rented tenants. These were the two criteria available on which Selective Licensing schemes could be based on at the time.

2.14 As the criteria for designations has now been broadened to include poor housing conditions where the Council considers it necessary to inspect properties under Part 1 of the Housing Act 2004, a review of the position of Little London has been undertaken.³

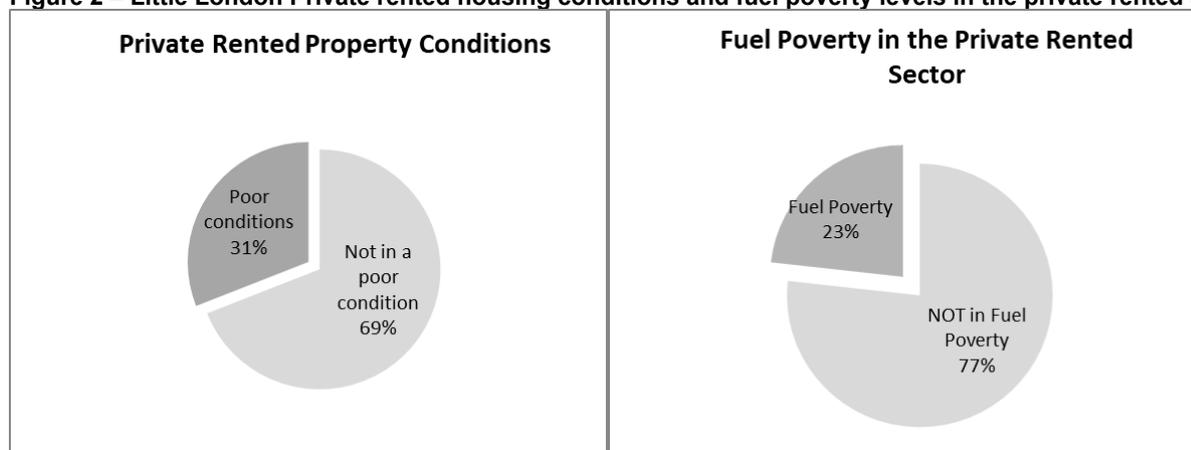
2.15 The Council commissioned the Building Research Establishment to carry out a stock condition survey of the Borough under its obligations contained in Section 3 of the Housing Act 2004, which has identified that 64% of the property in the area is privately rented.

2.16 The properties on Morrison Avenue and Churchill Avenue are of non-standard construction, consisting of solid walls and concrete roofs which are hard to heat and suffer from problematic roofing defects, which has historically resulted in resulting in damp and condensation. The majority of the private rented housing in the area is of a similar age, and while they appear in reasonable condition on the outside, there is a risk that standards in the homes have suffered due to neglect by landlords.

³ The Selective Licensing of Houses (Additional Conditions) (England) Order 2015, Section 4

- 2.17 The data shows that 31% of privately rented households in the area suffered from disrepair or Category 1 hazards compared with 13% of other properties in the area and 21% of private rented properties elsewhere in the Borough.
- 2.18 When the properties on Churchill Avenue and Morrison Avenue are removed from this calculation, as a number are currently undergoing renovation, and are of a significantly different housing type, 26% of the private rented housing in the remaining stock in the area is calculated to have poor conditions.
- 2.19 In addition, 23% of privately rented households were considered to be in fuel poverty in Little London (24% when excluding Churchill Avenue and Morrison Avenue), compared with 7% of other properties in the area and 17% of the private rented sector across the Borough. This means that the costs of heating homes for families are above the national average. Were they to spend that amount on heating, they would be left with a residual income below the poverty line⁴. Ultimately people in this position may not be able to heat their home and be at further risk of health complications.

Figure 2 – Little London Private rented housing conditions and fuel poverty levels in the private rented sector



Source data: BRE Rotherham Stock Condition Report 2018

- 2.20 When considered alone, Churchill Avenue and Morrison Avenue have 33% of the private rented housing in a poor condition and 23% in Fuel Poverty.
- 2.21 While fuel poverty is also impacted on by household income, and those living in privately rented housing may have lower incomes than those who own their home, it is likely to benefit privately rented tenants if the Council were to inspect these houses to ensure they are safe, easier and cheaper to heat and without significant risks to health and safety.
- 2.22 A large number of properties on Morrison Avenue and Churchill Avenue are currently undergoing renovations by the owners on a phased basis, with them likely to be re-let once completed. These properties should meet the legal requirements once let and therefore there should be some level of recognition for that work in any licensing fees which are agreed if a scheme were to go forward in this area.

⁴ <https://www.gov.uk/government/collections/fuel-poverty-statistics>

- 2.23 There is also a risk that as many properties in these blocks are owned by one portfolio landlord, they may delay making them habitable and letting them, to avoid licensing. This could have a negative effect upon the housing market in the area. Any public consultation on licensing in this area would need to consider this and the potential for adjusting boundaries to prevent a deterrence to refurbishing and letting much needed property by larger portfolio holders.
- 2.24 A great deal of proactive enforcement work has already been carried out to try to tackle the problems which Little London faces, but a more coordinated approach with landlords is required to secure improvements to properties and living conditions in this areas.
- 2.25 There is sufficient evidence that a significant number of properties (139 houses based on the information from the stock condition survey) in the private rented sector in Little London, that need to be inspected in order to determine whether any of those properties contain Category 1 or 2 hazards.
- 2.26 Each property would receive an initial triage visit to identify the priority for full or part inspection, and then within two years of licensing each house would be inspected. Further licence compliance checks would be made during the life of the licensing scheme whether as a sampling arrangement or where there are complaints or issues the Council identifies through routine area based work. The outcome of the designation would be a general improvement of property conditions in the designated area within the lifetime of the designation.

Enforcement

- 2.27 The Council's General Enforcement Policy covers the enforcement options in relation to Selective Licensing.
- 2.28 As a guide, If Category 1 or high Category 2 hazards are identified the Council will require improvements to be made within a reasonable timescale based on the severity of the issue identified and the risk to health and safety of tenants. As a guide landlords are required to advise the Council within 14 days of their intentions to tackle the hazards identified, and resolve issues within two months. This may be a longer or shorter period of time depending on the circumstances.
- 2.29 Failure to comply with such work schedules may result in an Improvement Notice and/or further action as appropriate. Failure to comply with formal notices may lead to prosecution, monetary penalties and/or the Council carrying out critical works in default and charging the costs incurred to the landlord.
- 2.30 Failures to comply with licence conditions may result in warnings and/or formal enforcement action as appropriate or further inspections to determine if there are Category 1 hazards which require rectifying.

3. Options considered and recommended proposal

3.1 Option 1 – Begin a formal consultation to designate the defined areas as described in Appendix 4, for Selective Licensing.

- 3.1.1 Prior to designating an area, the Council is required to undertake a ten-week statutory consultation with local people, businesses, landlords and partners. An outline of the consultation process is contained within section 4 of this report.

- 3.1.2 Developing the designations for Selective Licensing in the areas identified in Appendix 4, will enable the Council to sustain the improvements already made in the existing designation areas while bringing the benefits of Selective Licensing to Little London in Maltby.
- 3.1.3 The re-designation of parts of the existing areas enables the Council to focus attention on the areas of greatest need while recognising the contributions of landlords in the areas where the schemes will not be renewed.
- 3.1.4 The proposed designations contribute both to the Council's Housing Strategy⁵ through improving the quality of the private rented sector, reducing fuel poverty and providing tougher enforcement for those landlords who do not meet their statutory responsibilities. The designations will also contribute to the aim of the Rotherham Together Partnership to find new ways to halt the trend of deprivation becoming more concentrated in the least well off areas; a situation reflecting high worklessness, low skill levels and ill health. The plan reaffirms that the quality of housing has a direct impact on health and wellbeing⁶.
- 3.1.5 A formal designation would ensure that the costs of both licensing and property management improvement is borne by the industry and not the Council. The existing designations are self-financing and new designations would work in the same way.
- 3.1.6 A designation would require all privately rented properties within the identified boundaries, subject to statutory exemptions, to be licensed for up to five years and comply with a set of licence conditions. The proposed licensing conditions can be found in Appendix 5.
- 3.1.7 The proposed licence fee for the designations would be £517 for a new 5 year licence, with a renewal fee for licences still in force at the time of application of £447. Penalty fees would apply for late applications. This fee structure enables the Council to ensure the scheme is self-financing, but would be subject to consultation.

3.2 Option 2 – Carry out alternative interventions in place of a formal scheme

- 3.2.1 Alternatives to Selective Licensing were considered in 2014 prior to the designation of the current Selective Licensing areas. These included voluntary registration and use of traditional enforcement tools, which would require significant additional investment by the Council to achieve any sustainable change across the area.
- 3.2.2 While improvements have been made in the existing designation areas, there is still a requirement to ensure that in the most at risk areas, that proactive assessment of properties and an increased focus on letting and management practices is sustained. While licensing is not intended to be indefinite, a shift to an alternative non-regulatory approach or only relying on traditional reactive enforcement tools is not considered appropriate.

⁵ http://www.rotherham.gov.uk/shf/downloads/file/18/housing_strategy_2016-19, Pg24

⁶ http://rotherhamtogetherpartnership.org.uk/downloads/file/7/the_rotherham_plan_a_new_perspective_202

3.2.3 The traditional tools, while initially attractive, do not provide the level of engagement with landlords necessary for the desired improvements. Landlord take up of previous accreditation schemes have been very low and would only include those responsible landlords who saw a value in being part of a scheme. Short term proactive enforcement projects can have an impact but are not sustainable without significant investment from existing revenue budgets or grant funding.

3.3 Preferred Option

3.3.1 It is proposed that Option 1 is the most appropriate course of action to ensure a sustainable and cost effective solution to improving management standards in the private rented sector in these two areas and that a formal consultation begin.

4. Consultation

4.1 This report recommends undertaking statutory consultation prior to a Cabinet decision as to whether to designate areas for Selective Licensing.

4.2 The consultation process would begin on the on 1st July and be for a 10 week statutory period until 8th September. It would include:

- A consultation report with the draft designations to be posted on the Council's website.
- A Selective Licensing consultation web page with an online questionnaire and information about the scheme.
- Advertisements in the local newspapers.
- A series of press releases and social media postings promoting the consultation throughout the 10 weeks.
- A questionnaire posted to all addresses and businesses within the proposed areas (residential and businesses) and a buffer zone around the proposed area.
- A letter and questionnaire to every private sector landlord, letting agent and current HMO or Selective Licence holders for which the Regulation and Enforcement Service has direct contact details.
- Three consultation drop in sessions for landlords and tenants, near each locality (Rotherham Town Centre, Maltby, and Dinnington)
- Direct contact with landlord associations and representatives through local meetings, and the Selective Licensing Steering Group meetings.
- Attendance at local disability or minority support groups in or servicing the areas.

4.3 Following the consultation, a further report will brought to Cabinet (currently scheduled for January 2020), with the outcome of the consultation and final recommendations for the next steps. Following this the full outcome would be published. In accordance with legal requirements the respondents to the consultation would be individually notified of the outcome in addition to being publicised through newspapers, the Council's web site and press releases.

4.4 Once the consultation has concluded, the outcome will be reported back to Cabinet on whether there are any adjustments that should be considered following any representations that have been made and whether the proposed areas should be designated.

4.5 To ensure that new designations do not put renewal of existing designations at risk, decisions on any new areas will form a separate report and decision by Cabinet.

5. Timetable and Accountability for Implementing this Decision

5.1 The consultation process would begin on the on the 1st July 2019 and be for the 10 week statutory period.

5.2 Following this a further report will be presented to Cabinet (currently scheduled for January 2020). Should a decision be taken to implement a Selective Licensing area, designation would be within 3 months from the date of that meeting. To ensure a smooth transition from the current licensing scheme, designation would need to be in place on 1st May 2020 at the latest. This would include the statutory notification period after the designations were made.

5.3 The Assistant Director for Community Safety and Street Scene will be responsible for the delivery and implementation of the proposal.

6. Finance and Procurement Implications

6.1 Based on the costs of the previous consultation processes for Selective Licensing designations, it is expected that the consultation process will cost approximately £15,000. The majority of this would be spent on postal surveys to affected and neighbouring addresses and landlords. Costs will be minimised by contacting existing licence holders through email addresses they have provided from their previous applications.

6.2 The costs of the consultation exercise will be managed within the existing Regulation and Enforcement Service revenue budget. The cost of consultation cannot be recovered through the licence fee.

7. Legal 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.

7.2 A selective licensing designation may be made if the area to which it relates satisfies one or more of the following conditions. The area is one experiencing:

- 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.
- 7.4 In deciding whether to make a designation because the local authority considers the area suffers from a high level of deprivation, it is recommended that the local housing authority considers the following factors when compared to other similar neighbourhoods in the local authority area or within the region:
- Employment status of adults;
 - Average income of households;
 - Health of households;
 - Availability and ease of access to education, training and other services for households;
 - Housing conditions;
 - Physical environment;
 - Levels of crime.
- 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.
- 7.6 Where the criteria 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 this is required. Section 83 of the Housing Act 2004 requires local housing authorities to publish a notice of the designation once it has been confirmed. 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 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.
- 7.8 The Authority must ensure that the criteria for making a designation are 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 less where the Authority ensures that the legislation is complied with.

8. Human Resources Implications

- 8.1 There are no direct HR implications arising from these proposals. However, it will be necessary following the designation to consider the requirement for any additional staffing resources needed to implement the decision.

9. Implications for Children and Young People and Vulnerable Adults

- 9.1 There are no direct implications for Children and Young People and Vulnerable Adults arising from this report.

10. Equalities and Human Rights Implications

- 10.1 There are no equalities and/or human rights implications anticipated arising from this report. A screening Equalities Analysis assessment has been undertaken and given that this report relates to a consultation only, there are no equalities implications. However, a full Equalities Analysis would be required if designations are made following consultation. A copy of the screening assessment is attached at Appendix 6.

11. Implications for Partners and Other Directorates

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

12. Risks and Mitigation

- 12.1 If 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, approval for designations must be sought from the Secretary of State for Communities and Local Government.

- 12.2 The areas proposed, along with the recent proposals for Thurcroft and Parkgate cover no more than 20% of the geographical area of the borough. They also would cover no more than 2,409 privately rented properties (1,860 from existing designations; 139 in Little London; 410 in Parkgate and Thurcroft) which would be 19.6% of the 12,262 privately rented properties recorded by the 2011 census. This means that the Council does not require Secretary of State approval to make the designations in this report.

- 12.3 There is a risk of a shortfall in recovering the costs of the scheme if the scheme does not receive applications and fees from the anticipated number of licensable premises. However access to taxation and benefits claim data under the Housing Act 2004 will mitigate that risk and enable the vast majority of the licensable properties will be identified as part of the consultation and designation processes.

- 12.4 This risk is mitigated by the experience that the Selective Licensing team has developed in mapping and taking enforcement action where there is a failure to licence. It should also be mitigated further by the formal consultation process.

12.5 An application for Judicial Review is a realistic expectation. These have been successful 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 the Judicial Review in 2015, and this experience has helped develop these proposals, it is possible a further review could be sought. In addition, separating the decisions on renewing existing areas and the decision on the Little London proposal will help mitigate the risk that judicial review would delay renewal of the existing scheme so as to ensure landlords are not disadvantaged by the loss of lower renewal fees.

13. Accountable Officer(s)

Tom Smith, Assistant Director, Community Safety and Street Scene
 Paul Woodcock, Strategic Director, Regeneration and Environment

Approvals obtained on behalf of:-

	Named Officer	Date
Strategic Director of Finance & Customer Services	Judith Badger	22/05/19
Head of Legal Services (Monitoring Officer)	Bal Nahal	22/05/19
Head of Procurement (if appropriate)	Karen Middlebrook	20/05/2019
Assistant Director of Human Resources (if appropriate)	John Crutchley	20/05/2019

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