

Appendix 2

Common characteristics of effective Selective Licensing Schemes

[Link to the Reference Document - Selective Licensing Review 2019.pdf](#)

Planning – To maximise effectiveness, significant effort must be made to plan in as much detail as possible, this should include consultation, finances, IT, timescales, staffing, travel, publicity, landlord engagement, evidence etc. Where necessary authorities should seek advice from external sources. Inadequate planning can lead to a variety of negative consequences as the scheme progresses, some of which are discussed below.

Thorough consultation – The consultation serves not only to gather opinions and views that should inform planning, but also to initiate the ongoing process of landlord engagement that will continue through the scheme (if designated). Insufficient consultation can lead to judicial review.

Well evidenced – The proposed scheme should be supported by the best evidence available, and further evidence/intelligence should be gathered on an ongoing basis throughout the life of the scheme. A key theme emerging from the review is the lack of evidence available to authorities concerning the private rented sector. Severely underestimating the number of properties that will be subject to licensing in an area can lead to a variety of serious issues (discussed below), so efforts should be made to obtain the most robust evidence possible to inform planning and operation.

Focused – The designation should be as small as possible whilst still covering the area that evidence indicates would benefit from the scheme. This is because the problems that can arise in selective licensing schemes are almost always rendered more serious the larger the designation in question is. As a consequence, district wide licensing should be considered only in particular circumstances, i.e. where there is evidence that the problems that selective licensing is being introduced to address are sufficiently severe and diffuse to warrant such action across the entire authority. Local authorities (especially those without previous experience of licensing) considering larger schemes should consider smaller pilot schemes in the first instance to identify potential issues and inform planning for the larger scheme.

Targeted – The scheme should have a clear idea of what it is intended to achieve and how it proposes to realise these goals. However, target setting needs to be flexible, as it is likely that the reality of the private rented sector does not match the best intelligence available prior to designation, and that the sector is likely to change over the five-year designation period.

Part of a wider suite of community-based measures to affect change consistent with the aims and objectives of selective licensing, with political will to support – Including appropriate extra resourcing around the scheme, e.g.

legal, Anti-social behaviour (ASB) officers, social services etc. This typically incorporates holistic cross departmental/cross agency working - e.g. police, fire, immigration, alcoholism, homelessness etc. Selective licensing implemented without such a wider framework will typically discover a variety of issues within the designation, however without the wider framework in place to deal with these issues, effectiveness is compromised.

Due consideration to the importance of communication/ training/ support for landlords and tenants - Building community links lends support to the scheme, encouraging a shift in attitudes/behaviours. In particular, proactive communication of positive outcomes with landlords, along with making available appropriate support, training and incentives, can foster a sense of working with, rather than against, the authority. Where such support is in place in conjunction with a robust enforcement policy, there is often a notable increase in standards without direct council intervention, due to this attitudinal shift.

Ongoing evidence of outcomes is made available - Where this is the case, there is commonly a higher degree of landlord “buy-in” and confidence in the scheme. (See above).

Targeted Inspections – An effective inspection regime should actively seek out unlicensed properties whilst simultaneously targeting high risk licensed properties in the first instance. Given the noted correlation with failure to license and failure to meet other statutory obligations (i.e. so-called “rogue” or “criminal” landlords), identifying unlicensed properties should be an ongoing priority in any scheme as a matter of protecting tenant welfare. Inspections of licensed properties should prioritise those considered high risk for similar reasons. Failure to actively pursue criminal landlords (and be seen to be doing so) can negatively impact on working relationships between landlords and local authorities.

Robust Enforcement Policy – The implementation of a clear and consistently applied enforcement policy is vital to ensuring the effectiveness of a scheme. Where inspections and enforcement are lacking, selective licensing can be reduced to an expensive paper exercise. In extreme cases, a systemic failure in enforcement can lead to a pervasive refusal to license by the landlord community, once it becomes clear that there are no meaningful consequences associated with remaining unlicensed. Since this represents the antithesis of an effective scheme, implementation of a robust enforcement policy (encompassing the ongoing identification of unlicensed properties) is critical to success.