

**Committee Name and Date of Committee Meeting**

Cabinet – 20 October 2025

**Report Title**

Selective Licensing Policy

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

Yes

**Strategic Director Approving Submission of the Report**

Andrew Bramidge, Strategic Director of Regeneration and Environment

**Report Author(s)**

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**Ward(s) Affected**

Rotherham East

Boston Castle

Rotherham West

Rawmarsh West

Brinsworth

Thurcroft & Wickersley South

Dinnington

**Report Summary**

There have been two periods of Selective Licensing in Rotherham, the first in 2015-2020 and the second in 2020–2025. Following mandatory consultation, agreed by Cabinet on the 16<sup>th</sup> of September 2024, this report considers if the Council wants to make further declarations, following the conclusion of the previous Scheme on the 30<sup>th</sup> of April 2025.

The report describes the review of the 28 Lower Super Output Areas (LSOAs) with high levels of Private Rented Sector (PRS) properties presented in the September 2024 report, the overwhelming evidence of poor private sector housing conditions and associated wider issues in relation to deprivation, the environment, crime and anti-social behaviour, and provides the reasons for proceeding to consultation with 22 LSOAs, grouped into six distinct areas and includes the outcome of the mandatory consultations.

The results of the consultation have been analysed and are presented in this report along with several alternative proposed schemes. This report also details

amendments made as a result of feedback and presents the final proposals for consideration. In determining whether to introduce future declarations, Cabinet is asked to consider the feedback from the consultation alongside the data presented and the objectives identified under each proposed declaration within this report.

## **Recommendations**

That Cabinet

1. Review all options proposed in section 3 of this report and approve Option 3, which is to proceed to approve Selective Licensing declarations, including the establishment of a stakeholder steering group (based on the criteria set out within this report and appendices);
2. Approve the revised Licence Fee and the Licence Conditions, in all of the proposed areas which are:
  - a) Town centre / Eastwood / East Dene / Clifton / Boston Castle
  - b) Masbrough / Kimberworth
  - c) Thurcroft
  - d) Dinnington
  - e) Brinsworth
  - f) Parkgate

## **List of Appendices Included**

Appendix 1	Final output report Selective Licensing 2020-25
Appendix 2	Data Sources and Declaration Criteria
Appendix 3	Selective Licence Statutory Stakeholder Consultation Communications Audit
Appendix 4	Combined summary of responses
Appendix 5	Area Plan Objectives
Appendix 6	Streets Removed with Narrative, Amended Maps Following Consultation and Final Proposed Boundary Map
Appendix 7	Analysis of Alternative scheme proposals
Appendix 8	Licence Conditions General and Town Centre etc_Masbrough etc
Appendix 9	Proposed Budget Selective Licensing 2026-31 calculations, SL Fees in England and Economic Impact of Selective Licensing
Appendix 10	Publicity Plan Post Declaration
Appendix 11	Draft Designations
Appendix 12	Equalities Assessment Part A and B
Appendix 13	Carbon and Climate Change Assessment

## **Background Papers**

- [Selective Licensing Scheme 1 \(Policy\) Cabinet Report September 2024](#)
- [Housing Act 2004 \(legislation.gov.uk\)](#)
- [General Enforcement Policy 2023](#)
- [The Housing Act 2004: Licensing of Houses in Multiple Occupation and Selective Licensing of Other Residential Accommodation \(England\) General Approval 2024 - GOV.UK](#)

- [An Independent Review of the Use and Effectiveness of Selective Licensing 2019](#)
- [Selective Licensing in the private rented sector: a guide for local authorities - GOV.UK \(www.gov.uk\) 2024](#)
- [Licensing Private Rented Homes \(ch1889.org\) 2024](#)
- [Selective Licensing JG 180922 19 Aug 2022.pdf \(nottinghamcity.gov.uk\)](#)
- [Scrutiny Review Recommendations – Impact of Selective Licensing – 18<sup>th</sup> September 2023](#)
- [The Housing Act 2004: Licensing of Houses in Multiple Occupation and Selective Licensing of Other Residential Accommodation \(England\) General Approval 2024 - GOV.UK](#)
- [Council Plan 2025](#)
- [Housing Strategy 2022-2025](#)
- [Housing Act 2004](#)
- [https://www.rotherham.gov.uk/housing/selective-licensing-options-future-designations-13-october-2025 \(free text consultation comments\)](#)

**Consideration by any other Council Committee, Scrutiny or Advisory Panel**

None

**Council Approval Required**

No

**Exempt from the Press and Public**

No

## Selective Licensing Policy

### 1. Background

- 1.1 Selective Licensing is a discretionary tool made available to Local Authorities by Part 3 of the Housing Act 2004. A designation of Selective Licensing allows the Council, within a prescribed boundary, to require that private landlords licence their let properties, pay a licence fee and requires compliance with prescribed licence conditions. Selective Licensing can only be introduced under very specific circumstances and after formal consultation, to tackle problems in designated areas.
- 1.2 Selective Licensing is a tool that seeks to significantly improve living conditions for residents in the private rented sector by enforcing minimum property standards and holding landlords accountable. Government reviews, including the Ministry of Housing's 2019 evaluation, found that such schemes help tackle poor housing quality, anti-social behaviour, and deprivation when implemented strategically. Independent research by the London School of Hygiene & Tropical Medicine also linked licensing to reductions in mental health issues and improved housing management. Locally, schemes like Rotherham's have removed thousands of serious hazards from homes, contributing to better health outcomes and improving communities.
- 1.3 Designations have a maximum life of 5 years. Licence fees can only be used to fund the administration and enforcement of the schemes within the declaration boundaries. The fee provides additional dedicated resources to support delivery of the schemes' objectives.
- 1.4 It is a criminal offence for a landlord to operate a property without a licence in a designated area, and/or to fail to comply with licence conditions, and/or to breach a Housing Act Notice. Offences may result in a criminal prosecution or a financial penalty of up to £30,000. Other consequences include Banning Orders, Rent Repayment Orders, and not being able to issue "no-fault" S21 eviction notices. These are some of the practical legislative benefits that arise from the introduction of a scheme.
- 1.5 Selective Licensing is the only provision which requires private landlords to identify themselves and their properties to the local housing authority, though the Renters' Rights Bill, currently in Parliament, proposes a nationwide register of private landlords.
- 1.6 The Council has previously designated two Selective Licensing schemes (2015-2020 and 2020-2025) which were declared on the criteria of 'low demand' and 'high levels of deprivation' respectively. Areas of Eastwood and Ferham, Masbrough, Maltby, Parkgate, Thurgroft and Dinnington (six in total) have been subject to both schemes and were under licence for 10 years.

- 1.7 Both previous schemes have delivered significant improvements to the condition and management of private sector rented properties in the designated areas. However, the latest information available from the 2020 to 2025 scheme also demonstrates that landlord behaviours in the majority of cases have not changed sufficiently to achieve the desired goal.
- 1.8 Despite the first scheme which ran from 2015 to 2020, the second 2020-25 scheme still identified and led to the removal of a further 8,176 Category 1&2 hazards from 1,416 homes, delivering improved health and quality of life to Rotherham's private sector tenants. Without the scheme being in place, and the additional resources it provides, the 2,377 inspections carried out under this scheme, would not have taken place. The health consequences of poor housing conditions are significant and the removal of this many hazards from people's homes represents a societal financial benefit of £1,860,797 (BRE Housing Health Costs Calculator).
- 1.9 The lack of a behavioural change in both landlord and tenants in all areas, in some cases over 2 periods of Selective Licensing shows that many landlords are still not proactively managing their tenancies, only becoming involved when the Council highlights issues. Some use this continuing non-compliance to illustrate previous schemes have failed. However, it is likely that without the 2020-25 proactive Scheme, 1,470 households would still be living in hazardous or poor living conditions. This fact underlines the lack of confidence in self-regulatory models. Future schemes, should they be declared, will focus on achieving that behaviour change, as has happened in Maltby, which does not form part of the proposals contained within this report.
- 1.10 To illustrate the impact of the Scheme, some of the actual hazards identified are shown below in images. This first set of images shows a small space converted (not to building regulations) to a bedsit; this contained a kitchen, bedroom and toilet. There is no space to prepare food, or store food due to the slope on the ceiling, there were also many other hazards which resulted in the property being prohibited under an emergency notice.



- 1.11 Electrical safety is another key factor that has been identified numerous times through the previous schemes. These images show just two

examples of where electricity meters have been tampered with to seek to bypass the meter itself, creating significant risks.



- 1.12 The schemes identified a range of significant concerns in relation to structures caused by leaks or damp. The first image below shows leaking from a room above leading to a ceiling collapse with the second image showing plaster coming away from a lintel above a window, caused by missing pointing.



- 1.13 Alongside the direct housing improvements, the scheme powers and wider partnership working during the previous designation saw more than £40m of illegal cannabis cultivation seized and 155 Emergency Prohibition Notices issued. In addition, 15 successful prosecutions were undertaken and a further 23 prosecution cases are ongoing. A more detailed breakdown of the work undertaken as part of the 2020-25 scheme can be found at Appendix 1.

- 1.14 Research and Government guidance acknowledge that Selective Licensing can be an effective policy tool with many schemes achieving demonstrable positive outcomes. However, it 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 which is what the proposed designations are seeking to achieve when coupled with the bespoke area plans. The Area Plans can be found attached as Appendix five and detail the data which supports the proposed declarations of Selective Licensing and shows the bespoke objectives for each area (further details can be found in section 2.1.2). This aligns with the aims of the Housing Act.
- 1.15 Selective Licensing in itself is not a 'silver bullet' which allows traditional services and policing to step back. Any declaration should deliver additional provision to an area and not seek to fund core service provision. The limitations of any declaration were explored in the 'setting expectations (section 2)' section of the Cabinet report of the 16<sup>th</sup> of September 2024. The same report also highlights the benefits of selective licensing, realised in areas like Maltby, which are centred on improving housing conditions, tackling deprivation, and enhancing community wellbeing. As a result of these improvements, Maltby has not been proposed as an area for a future designation and was therefore not included in the consultation exercise. The report highlights that selective licensing makes a significant contribution to ensuring landlords maintain safe and healthy homes, which directly contributes to better health outcomes.

## **2. Key Issues**

- 2.0.1 At the September 2024 meeting, Cabinet considered a report on the possibility of future declarations of Selective Licensing. The report contained details of potential areas for consideration, along with risks and supporting data. The selection of areas for consultation was based on a comprehensive ranking of 28 LSOAs with high concentrations of PRS properties. These were assessed against five declaration criteria: low housing demand, anti-social behaviour (ASB), high migration, housing deprivation, and crime. Of these, 22 LSOAs were identified as meeting at least one mandatory criterion, making them eligible for future designation.
- 2.0.2 The top-ranking areas were Eastwood Village, Town Centre, and Masbrough West: each met five criteria and had high rankings across all indicators. For example, Eastwood Village had the highest number of notices linked to cannabis cultivation (31), a high ASB rate of 0.06 per 100 population, and 22.09% of households classified as housing deprived (which relates to properties identified in the 2021 census as potentially being overcrowded, lacking heating or in a shared dwelling). The Town Centre recorded the highest crime rate (1.02 per 100 population) with 2,283 incidents in 2023, and a population turnover rate of 41.6%, indicating significant instability. Masbrough West also showed high levels of deprivation (20.71%), crime (373 incidents across 2023), and low housing demand.

- 2.0.3 The remaining areas selected for consultation— Dinnington, Eastwood / Town Centre, Masbrough, Parkgate & Thurcroft and Brinsworth North East —also demonstrated concerning levels of associated issues. For instance, Dinnington Central had a population turnover rate of 24.9%, an ASB rate of 0.05, and 491 recorded crimes. Parkgate had a crime rate of 0.52 and 7.63% housing deprivation. Clifton West had 10 cannabis cultivation notices and 12.96% housing deprivation. These statistics illustrate not only the breadth of the issues but also their persistence across multiple domains. The data substantiates the need for targeted intervention through Selective Licensing and supported the decision to consult in the relevant areas.
- 2.0.4 As a result of the information presented, Cabinet agreed to commence consultation (as required by S80(9) Housing Act 2004), with a view to developing and considering further designations which would commence after the 2020-25 Scheme ended. The outcome of the consultation is detailed in section 4 of this report.
- 2.0.5 Since the Cabinet report in September 2024, a new General Approval came into force (December 2024) and local housing authorities in England are no longer required to obtain confirmation from the Secretary of State before implementing a Selective Licensing Scheme of any size, previously local housing authorities were limited to a maximum of 20% of the total borough-wide before seeking confirmation. The current amended proposal represents an estimated 4,132 licensed properties, 24% (based on the 2021 census) of the Private Rented Sector in the Borough.

## 2.1 **Non-Statutory Guidance**

- 2.1.1 Before making any declarations, the Council must have regard to a number of issues identified in the non-statutory guidance. These are presented below in summary and further detailed in the paragraphs to follow:
- It has identified the objective or objectives that a designation will help it achieve. (Area Plan Objectives Appendix 5).
  - Identify whether the area is suffering problems that are caused by or attributable to any of the six criteria available for making a Selective Licensing designation (Data Appendix 2).
  - What it expects the designation to achieve (Area Plan Objectives Appendix 5).
  - That it has considered whether there are any other practical and beneficial alternative courses of action available that might provide an effective method of achieving the objectives that the designation is intended to achieve (Appendix 5 & 7). Only where it is considered that there are no practical and beneficial alternative courses of action should a designation be progressed.
  - That the making of the designation will significantly assist the local housing authority in achieving these objectives. (whether or not in conjunction with other measures) (Appendix 5).

- 2.1.2 **It has identified the objective or objectives that a designation will help it achieve**
- 2.1.3 The final Area Plans – now called the Neighbourhood Development and Improvement Plans - are contained in Appendix 5. The plans are based on the data contained at Appendix 1 and 2 and show the narrative and data for a declaration in these areas.
- 2.1.4 The plans identify the Selective Licensing declaration criterion and specific objectives for each area, along with a governance structure for monitoring, which includes the addition of a stakeholder reference group following consultation. The plans will remain live documents to allow flexibility to respond to changing circumstances over the life of any declaration.
- 2.1.5 The draft Neighbourhood Development and Improvement Plans have been amended to reflect consultation feedback. Boundary changes have been made. Opportunities to develop the perceived strengths of an area along with measures to address the perceived problem have been included in the objectives.
- 2.1.6 **Identify whether the area is suffering problems that are caused by or attributable to any of the six criteria available for making a Selective Licensing designation**
- 2.1.7 The data contained in Appendix 1, 2 and 5 shows that the areas have a range of issues and would support declarations in the proposed areas on more than one of the six mandatory grounds for declaring Selective Licensing. The Outturn report from the 2020-25 Selective Licensing Scheme in Appendix 1, shows substantial evidence of disrepair, environmental crime, and higher levels of crime and ASB than the Borough averages. It also shows the considerable good the Scheme delivered to families and wider society.
- 2.1.8 The table in section 4.6.2 of this report shows that whilst the public consultation did not provide majority support for the introduction of Selective Licensing, respondents did agree in much larger numbers in some instances as to the existence of problems in those areas, which have relatively high levels of private rented sector properties.
- 2.1.9 **What it expects the designation to achieve**
- 2.1.10 Appendix 5 shows the bespoke objectives for each declaration.
- 2.1.11 **That it has considered whether there are any other practical and beneficial alternative courses of action available that might provide an effective method of achieving the objectives that the designation is intended to achieve**
- 2.1.12 When considering whether to make a Selective Licensing designation a local housing authority must 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. Examples might be education programmes, voluntary accreditation schemes or using existing powers, if they might achieve the same objective as a Selective Licensing designation. Only where there is no practical and beneficial alternative to a designation should a Selective Licensing Scheme be made.

- 2.1.13 Existing powers are available in these areas, as they are throughout the Borough, however these existing powers cannot achieve the scheme objectives, and particularly the adoption of the licensing conditions in the proposed areas. Through the data analysed and consultation undertaken, the Council has identified additional objectives to be achieved and to do so would not only require the declarations to be made, but the additional resources that this provides to add value to existing services. The intentions and objectives of the scheme could not be delivered through existing powers and resources. Selective Licensing schemes grant additional powers and crucially, through charging landlords, provide additional resources to better protect tenants, which has allowed for the 2,377 inspections undertaken during the previous scheme. The need for the additional powers, resources and inspections is underpinned by the 8,176 hazards identified in the most recent Scheme, which otherwise would not have been identified and addressed.
- 2.1.14 The Neighbourhood Development and Improvement Plans in Appendix 5 contain summaries of previous work delivered in the proposed areas, both inside and outside of Selective Licensing declarations. They identified that the previous activities delivered to these areas have not fully resolved the problems. During the consultation, several alternative schemes were proposed, and these are further detailed in section 4 of this report.
- 2.1.15 **That the making of the designation will significantly assist the local housing authority in achieving these objectives**
- 2.1.16 In developing the proposals contained within this report, significant work has been undertaken to identify the work that has already taken place in these areas, information about which is detailed by each area in Appendix 5.
- 2.1.17 In addition, as part of the consultation, alternative proposals have been submitted. Each alternative proposal has been reviewed in detail by officers and legal services with further information available in Appendix 7. There is no single alternative proposal which offers a feasible alternative, capable of delivering the objectives in the proposed Selective Licensing Neighbourhood Development and Improvement Plans.
- 2.1.18 Six of the seven schemes propose some form of self-regulation, with lower fees or an unclear funding mechanism, four of which, propose borough-wide schemes. Four proposals either suggest a delay in any declaration until after the Renters' Rights Bill is enacted or include aspects which will become law under the Bill if passed in its current form.

- 2.1.19 The alternative schemes' strengths, weaknesses and ability to deliver on Area Plan objectives, are discussed in Appendix 7. There are, however, common elements of the alternative schemes, which could be incorporated into the current Selective Licensing proposals which enhance the original proposal. One such example is the creation of a Steering Group to include wider Stakeholders to monitor and review progress of new declarations throughout their life. The Masbrough submission offered draft terms of reference for such a group.
- 2.1.20 There is a suggestion of devising a private sector leasing option, which offers property owners an alternative to sale or becoming amateur landlords. This model would need to run alongside a Selective Licensing declaration and could be configured to include a number of themes found within the alternative proposals.

## **2.2 Additional Requirements**

Before designating a Selective Licensing Scheme, the Council must be satisfied that:

- the proposed designations are consistent with the overall housing strategy,
- a co-ordinated approach is adopted in dealing with homelessness, empty properties, ASB, and regeneration,
- any potential negative economic impact that licensing may have on the area has been considered, and
- can demonstrate how licensing will work in conjunction with existing initiatives and partnerships

### **2.2.1 Housing Strategy**

The proposed Selective Licensing Scheme aligns with Rotherham's Housing Strategy, aiming to improve tenant conditions and management standards in the PRS. It supports objectives in Neighbourhood Development and Improvement Plans (NDIPs), which are consistent with the Council Plan 2025, (Appendix 5).

### **2.2.2 Homelessness Strategy**

Selective Licensing complements the Homelessness Strategy by improving PRS standards and enabling enforcement officers to support residents into long-term, stable housing. NDIPs enhance this by fostering collaboration with landlords to increase the supply of well-managed homes.

### **2.2.3 Rotherham Empty Homes Plan 2025-2029**

Although empty homes are not licenced, the scheme supports efforts to bring long-term vacant properties back into use especially in areas with high vacancy rates contributing to housing supply and reducing antisocial behaviour (ASB).

- 2.2.4 Anti-Social Behaviour (ASB) Policy**  
The scheme reinforces the Council's ASB Policy by requiring landlords to actively manage and prevent ASB. Licence conditions will support enforcement and encourage landlord-tenant cooperation, with guidance and forums available.
- 2.2.5 Places are thriving, safe, and clean**  
The scheme will work alongside environmental initiatives to improve street cleanliness and waste management in targeted areas, delivering visible improvements in the proposed areas.
- 2.2.6 Economic Impact**  
Local authorities should also carefully consider any potential negative economic impact that licensing may have on their area – particularly the risk of increased costs to landlords who may pass these on to tenants. This is discussed in the fees section of this report (section 5) and in Appendix 9.
- 2.2.7 Licensing working in conjunction with existing initiatives and partnerships**  
NDIPs are informed by multi-agency tasking groups. The Council will continue joint initiatives with partners, support landlord forums, and strengthen engagement through a Selective Licensing Steering Group.
- 2.2.8 Possibility of Displacement**  
The Authority must consider the risk of non-compliance and of non-compliant landlords being displaced from designations into neighbouring areas. The Council will monitor and address any displacement of non-compliant landlords into neighbouring areas, ensuring broader area protection.
- 2.3 Providing Data to Ministry of Housing, Communities and Local Government (MHCLG)**  
The Council will report scheme details and outcomes to the Ministry of Housing, Communities and Local Government (MHCLG), including licensing data, fees, and impact.
- 2.4 Renters' Rights Bill**  
The upcoming Renters' Rights Bill, including a national PRS database, is expected to enhance Selective Licensing by improving intelligence and compliance. The Council will adapt processes to avoid duplication and unnecessary burdens. As details emerge, any scheme administration will be reviewed. It is likely the anticipated national database will not be operational until 2027 at the earliest.
- 3.0 Options considered and recommended proposal.**
- 3.1** As demonstrated in section 4, the Council has complied with the legal requirement to undertake consultation in relation to these proposals and whilst it is clear that there is not a majority in favour of the proposed

declarations, the majority of respondents have been affected by, or do agree that the issues the Council is seeking to address are present in the areas concerned. In addition, both sections 4 and 5 demonstrate that the Council has listened to the feedback and has adjusted its proposals in terms of the focus of the proposed declarations and Neighbourhood Plans, the boundaries and the associated fees.

- 3.2 Sections 1 and 2 cover the statutory and non-statutory basis for which a scheme would be implemented and refers to the evidence base which justifies the proposals to implement the scheme. As can be noted, there is a strong evidence base which underpins the need to tackle poor housing conditions, deprivation and wider social concerns such as the environment, crime and anti-social behaviour. The evidence base is laid out for each individual area in Appendix 5. As is clear in the varying sections of this report, without the additional powers and resources provided by the implementation of a scheme, the Council would be unable to proactively address the issues identified. The intention of these schemes, similar to the achievements in Maltby, is to significantly improve conditions and landlord behaviours in order to achieve sustainable improvements that improve outcomes for tenants and communities.

3.3 **Option 1**

Not to pursue any further Selective Licensing declarations at this time. This would mean that problems in areas of high private sector housing are addressed using traditional interventions available to the Council, partners, and ancillary services. It is possible to adopt the 'Area Planning' approach without progressing a Selective Licensing declaration, however delivery could not be funded from existing service budgets.

This option is not recommended.

3.4 **Option 2**

To await the effect of the Renters' Rights Bill and the updated data to identify relevant LSOA's and therefore postpone a decision on any declaration until the Bill is enacted and or new national / local data sets are published.

This option is not recommended.

3.5 **Option 3 is the recommended option:**

Proceed to make Selective Licensing declarations based on the criteria set out, the revised Licence Fee and the Licence Conditions, in all of the proposed areas, including the introduction of a stakeholder steering group, as suggested in the consultation responses. Should a decision be taken to make some, but not all of the declarations, it must be understood that the licence fee would need to be further reviewed to ensure it is set at an appropriate level to deliver the estimated levels of income required to fund the delivery of the plan's objectives and to support the inclusion of stakeholder steering groups as suggested by responders' feedback.

<b>Neighbourhood Development and Improvement Plans Summary</b>	
<b>Area</b>	<b>Proposed Declaration Criteria</b>
Brinsworth	Poor Property Conditions
Masbrough / Kimberworth	Poor Property Conditions
Town Centre / Clifton / Eastwood / Boston Castle	Poor Property Conditions
Thurcroft	Poor Property Conditions
Dinnington	High Level of Deprivation
Parkgate	Poor Property Conditions

#### **4. Consultation on proposal**

4.0.1 Before making a designation, as required under the Housing Act, the local housing authority must take reasonable steps to consult persons who are likely to be affected by the designation and consider any representations made in accordance with the consultation which are not withdrawn.

4.0.2 While public consultation is essential, the final decision must be objective and evidence based, which is also a specific requirement under the Housing Act. In addition, the non-statutory guidance reaffirms the need to base any decision objectively on the evidence available. The aim through the guidance is to be assured of the evidence and that the scheme is necessary to achieve the objectives identified.

4.0.3 13 weeks of mandatory consultation commenced on the 6th of January 2025 and concluded on the 19th of March 2025, with a further period running from 30th June to the 20th of July 2025 in each of the following areas:

- Town centre / Eastwood /East Dene / Clifton / Boston Castle
- Masbrough / Kimberworth
- Thurcroft
- Dinnington
- Brinsworth
- Parkgate

4.0.4 The consultation was extended to ensure the Council received a broad and representative range of feedback from all stakeholders, to gather comprehensive feedback from all affected parties and ensure everyone had the opportunity to voice their opinions and contribute to the decision-making process. To ensure the views of stakeholders both inside and outside of the proposed areas were captured, the following activity was undertaken:

- All 16,000 addresses (including businesses) within the proposed boundaries of the six areas were contacted by post in both periods

of consultation. (A5, full colour document including maps, sent enveloped)

- 500 lamppost information boards were installed covering each area
- All landlords on the Council's landlord database and all letting agents operating in the areas were directly emailed in both periods of consultation (x1,298)
- Over 60 faith groups, charities, schools, and community groups operating in the areas were contacted and some visited
- South Yorkshire Mayoral Combined Authority was consulted in accordance with guidance
- Over 280 residents / landlords / agents attended the 7, face-to-face open meetings, covering all the proposed areas
- Social media was used to send messages and to monitor the level of local discussion on the subject
- Ward newsletters published articles
- Rotherham Advertiser printed two, half page, paid advertisements and a front-page article with follow up pieces
- National Residential Landlords Association – included a consultation notification in their licensing newsletter sent to over 100,000 Members and available to non-members via their website
- Doorstep interviews were carried out in all areas to collect residents' views and direct them to the online consultation survey.

4.0.5 All communications explained the scheme and directed individuals by web address and QR code, to dedicated webpages on the Council's website. The pages provided further detail, an interactive map of the proposed boundaries and gave access to the online survey. A paper version of the consultation survey was advertised and available on request and at all the face-to-face meetings. Full details of Stakeholders contacted during the consultation are contained in Appendix 3.

## 4.1 Consultation Process and Challenges

During the statutory consultation period, several concerns were raised regarding the robustness of the process. The Council has reviewed these matters thoroughly and is satisfied that the consultation was conducted in accordance with legal requirements and best practice.

- **Postal Delivery Concerns:** Some respondents claimed they did not receive consultation materials. The Council investigated the delivery of approximately 16,000 documents sent via second-class post. Royal Mail confirmed standard processing, and the Council received undelivered returns from all six proposed areas (5.14%), indicating that delivery was attempted borough wide.
- **Area Naming on Materials:** Initial printed materials referenced only parts of the proposed designation area (e.g. Town Centre, Eastwood, Masbrough), leading to concerns that other areas (e.g. Clifton, East Dene, Boston Castle, Kimberworth) were omitted. The Council responded by updating the online description in January

and ensured subsequent communications included the full area breakdown. In any event, the survey itself had always listed all sub-areas.

- **Survey Question Style:** Question 14 in the online survey was criticised for implying support for Selective Licensing. While the format mirrored previous RMBC consultations and similar exercises by other authorities (e.g. Leeds City Council), the Council has removed responses to this question from the analysis to ensure transparency and avoid any perception of bias.

- 4.1.1 The Council is confident that the consultation process was lawful, inclusive, and sufficiently robust to withstand scrutiny. These actions demonstrate a commitment to transparency and reinforce the integrity of the decision-making process.

## **4.2 Consultation Response Summary**

To ensure transparency, extensiveness of reach and accountability, the consultation was conducted in two distinct phases:

- **Phase 1 (6 January – 19 March 2025):**

The Council received a total of 541 responses, comprising 480 online/paper surveys and 61 direct emails or letters.

- **Phase 2 (30 June – 20 July 2025):**

A further 581 survey responses were received; 201 of these were online and 380 were paper surveys. Of these, 368 were returned following a bulk request coordinated by an elected member and community group. These were submitted immediately after the survey closed and have been manually analysed and reported separately. An additional 15 direct emails and 198 doorstep interviews were also conducted, with officers providing information and signposting residents to the survey.

- 4.2.1 In total, the Council received 1,335 responses across both phases, representing an estimated 8.3–9% engagement rate from the 16,000 properties contacted. This compares favourably to the previous 2020–2025 Scheme, which received 578 responses.

## **4.3 Consultation Analysis**

The online survey consists of 12 parts with additional equalities information (77 questions in total). Not all parts or questions are relevant to all categories of responder, or all areas. A typical responder might be offered 25-30 questions, only a limited number are mandatory which allowed critical responses to be recorded. This is simplified on the paper version of the survey as producing a paper form to mimic the variation in the online survey, would have made it bulky and difficult to understand. The paper survey follows the question structure of the online form for the category of 'Visitors to the Area.' This still included all of the key questions

to allow responders to express their preferences. In addition to the tabulated survey responses there are three areas of free text available to respond, to allow for more personalised and detailed responses.

4.3.1 In Appendix 4 the responses from all aspects of the consultation are summarised. The free text and direct emails / correspondence are also reproduced in full and can be accessed through the link provided in the background papers section of this report. In this paper, summaries of the key questions are provided and collated across all consultation responses. Question 14 *“Please select four outcomes which you consider to be a priority for a selective licensing scheme in your area.”* was objected to by some responders as ‘biased’ and will not be referred to as part of the decision-making process.

4.3.2 Finally, responders offered a range of alternative proposals to replace or supplement Selective Licensing. These are summarised below and contained in full, with comments, at Appendix 7.

#### **4.4 South Yorkshire Mayoral Combined Authority (SYMCA)**

The changes to the ‘General Approval’ require local housing authorities in mayoral strategic authority areas, to include the Mayor in the consultation on any proposed designation. The South Yorkshire Mayoral Combined Authority (SYMCA) was consulted and provided a positive response, acknowledging the proposals’ place within SYMCA’s Housing Framework, 2023

*“SYMCA supports RMBC’s ambitions to improve landlord management in the PRS and in doing so improve communities.”*

4.4.1 The response goes on to support the objectives of the proposal acknowledging Selective Licensing as part of a wider strategic approach to improving the Private Rented Sector in the region. Full responses are included at Appendix 4.

#### **4.5 Results of online (x2), Paper survey, Doorstep survey & Direct responses**

Please Note

- Many responders did not complete the full survey, and the Paper survey could not offer all the possible responses as the online form. This has resulted in the % responses across groups of questions varying.
- For analysis purposes, where responders did not identify themselves in a specific group / category their responses were included in the ‘visitors to the area’ category which may skew the number of responses in that subcategory. Due to the way the survey has been analysed, it is not possible to extract these fully;

however to ensure that these respondents are interpreted correctly, the breakdown of respondents within this category are as follows:

<b>Survey Phase/Type</b>	<b>Survey 1</b>	<b>Survey 2</b>	<b>Paper Responses</b>	<b>Doorstep Interviews</b>
<b>Total</b>	135	7	124	8
<b>Visitor</b>	51	4	0	8
<b>Undeclared</b>	84	3	124	0

- Any reference to Eastwood or Masbrough should be interpreted in the context of the whole area proposed, which includes Town Centre / Eastwood / East Dene / Clifton / Boston Castle and Masbrough / Kimberworth.

4.5.1 Results are reported as a true and full reflection of what has been received. The Council cannot verify individual responses, nor is it possible to ascertain if anyone submitted multiple responses.

## 4.6 Category of Responders

Are you answering this consultation as a:	Online Survey 1	Direct Survey 1	Online Survey 2	Direct Survey 2	Paper Responses Survey 2	Doorstep Surveys	Totals
A landlord for the area	172	26	50	2	8	0	258
A regular visitor in the area OR Undeclared	121	14	7	0	124	8	274
An owner occupier	113	7	100	6	73	126	425
A private sector tenant	51	2	40	0	153	49	295
A public sector tenant	13	0	13	0	9	15	50
A local business owner or service provider	4	1	1	0	0	0	6
A landlord representative group	2	2	0	2	0	0	6
A representative of a local organisation	2	2	1	3	1	0	9
Residential property agent	2	7	1	2	0	0	12
<b>Totals:</b>	<b>480</b>	<b>61</b>	<b>213</b>	<b>15</b>	<b>368</b>	<b>198</b>	<b>1335</b>

4.6.1 The Council received **1,335** responses from all stakeholder categories and from all the six proposed areas. Owner occupiers (31.8%) provided the

most responses, followed by private tenants (22.1%) and both landlords and 'visitors to the area' (note the comments in section 4.5) at around 20%. Approximately two thirds indicated that they lived or had property in one of the proposed Selective Licensing areas, the remainder being interested parties living outside the areas. Responses were received from all the proposed areas. Broken down by area, Eastwood had the most responders followed by Masbrough.

- 4.6.2 When responders were asked if they agreed with the proposal to make new declarations for Selective Licensing in the six areas, the response was mixed depending on which part of the consultation they responded to. The tables below show the combined response for all aspects of the consultation followed by details of the response in each part of the consultation.

### When asked do you agree with the proposed areas for Selective Licensing?

Are you answering this consultation as a	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	No Response	Totals	%
Landlord for the area	8	10	36	44	154	6	258	19.3%
A regular visitor in the area + Undeclared	17	7	18	28	187	17	274	20.5%
An owner occupier	94	113	61	31	123	3	425	31.8%
A private sector tenant	21	32	34	29	172	7	295	22.1%
A public sector tenant	12	12	12	4	8	2	50	3.7%
A local business owner or service provider	0	0	1	2	3	0	6	0.4%
A landlord representative group	0	0	0	3	3	0	6	0.4%
A representative of a local organisation	3	1	3	0	2	0	9	0.7%
Residential property agent	0	0	12	0	0	0	12	0.9%
<b>Grand Total</b>	<b>155</b>	<b>175</b>	<b>177</b>	<b>141</b>	<b>652</b>	<b>34</b>	<b>1335</b>	<b>100.0%</b>
	11.6%	13.1%	13.3%	10.6%	48.8%	2.5%		
	24.7%			59.4%				

- 4.6.3 As can be noted in the table, with further detail in Appendix 4 showing information and responses for each stage and method of the consultation, the majority of respondents (59.4%) disagreed with the proposal to make further declarations of Selective Licensing, while 24.7% supported it. The responses varied significantly depending on the method of consultation. For instance, paper surveys showed the most negative response, with 92.1% against the proposal. In contrast, the doorstep interviews were more positive, with 59.1% of respondents supporting the proposal. This distinction highlights the varying levels of engagement and perspectives among different respondent groups.
- 4.6.4 The analysis also revealed that owner-occupiers (31.8%) and social tenants were generally more supportive of the proposal, while landlords and private tenants were more negative. Additionally, while there was a general agreement on the existence of problems in the areas proposed for Selective Licensing, there was less consensus on whether Selective Licensing was the appropriate tool to address these issues.

#### 4.7 Response to proposed reasons and outcomes

Each respondent was asked if they agreed with the reasons why the proposal of Selective Licensing was made, and if the suggested outcomes were appropriate. All areas more strongly agreed with the reasons for making the proposal for Selective Licensing and with the proposed outcomes than supported the proposed scheme.

Consultation Responses - Reasons identified by consultees for intervention and preferred outcomes by area.				
Area	Reason (issues identified in consultation)	% level of agreement	Proposed outcomes	% level of agreement
Thurcroft	High levels of deprivation - Poor housing conditions - Lack of maintenance and neglect to properties - Poor environmental management, particularly waste and garden maintenance	56.50%	Reduce levels of deprivation - Improve housing conditions - Raise management standards - Improve environmental management	54.00%
Parkgate	Poor housing conditions - High levels of antisocial behaviour and crime - Lack of maintenance and neglect to properties - Health disparities	41.00%	Improve housing conditions - Reduce antisocial behaviour and crime - Raise management standards - Reduce health related housing issues	54.00%
Masbrough	Poor housing conditions - Lack of maintenance and neglect to properties - Health disparities - High migration levels - High levels of antisocial behaviour and crime	34.70%	Improve housing conditions - Reduce antisocial behaviour and crime - Raise management standards - Reduce health related housing issues	45.00%
Town Centre, Eastwood, Clifton, East Dene, Boston Castle	Poor housing conditions, including overcrowding - Damage to CCTV - High levels of fly tipping - High migration levels - High levels of antisocial behaviour and crime	30.50%	Improve housing conditions, including overcrowding - Reduce antisocial behaviour and crime - Resolve issues with fly tipping	30.00%
Dinnington	Poor housing conditions - High levels of antisocial behaviour and crime - Health disparities - Poor levels of education	45.00%	Improve housing conditions - Reduce antisocial behaviour and crime - Reduce health related housing issues - Improve education	46.00%
Brinsworth	Poor housing conditions - High levels of migration - High	29.50%	Improve housing conditions - Reduce anti-social behaviour	35.30%

	levels of anti-social behaviour - Concerns of under reporting		and crime - Encourage reporting	
<b>Overall support for the declaration of selective licensing to deliver these outcomes was 24.7%</b>				

4.7.1 The above table indicates that the responders tend to agree that the areas have problems which need to be addressed but do not support the use of Selective Licensing as the tool to achieve it.

4.7.2 The feedback on the proposed fee structure showed an overall negative response (75%). Support for the fees (15%) was mainly from owner occupiers and some private tenants. This feedback is addressed in section 5.

#### **4.8 Landlords' response**

65% of landlords stated that they did not live in the proposed areas. 55% owned 1 property with a further 36% owning between 2-5 properties. Confirming the result of the outturn report for the 2020- 25 Selective Licensing Scheme (Appendix 1). 50% had been landlords for over 10 years. Only 26% were members of the National Residential Landlords Association (NRLA).

4.8.1 Most claimed to provide appropriate documentation to tenants (tenancy / EPC, Electric/Gas certificate), but 11% do not request references from tenants.

4.8.2 77% take deposits from tenants but only 91% of them register them, as required, with the National Protection Scheme.

4.8.3 58% of Landlords reported no problems whilst 19% reported problems with rent arrears and problems with neighbouring properties, or issues with their own tenants abusing their properties. 16% agreed to having waste management issues with their tenants. 12% found difficulties filling tenancies.

#### **4.9 Property Management Crime and ASB responses**

There is strong agreement that landlords should be expected to maintain the inside of their properties. Opinion was split about if they should maintain the outside of their properties and control ASB and nuisance from their tenants, with around 60% of paper responses disagreeing or strongly disagreeing about the external maintenance or managing ASB.

4.9.1 The online surveys offered the opposite response with the majority agreeing it was the landlord responsibility to manage both the exterior and ASB associated with their property. Across all areas approximately 65% of responders stated they had not witnessed landlords failing to manage their properties with approximately 30% agreeing they had.

4.9.2 When asked about ASB, the online surveys reported

- 53% have not witnessed or experienced ASB,

- 46.5% had been affected by ASB,
- All areas reported levels of ASB,
- Around 30% has witnessed landlords taking action against ASB.

4.9.3 The paper survey reported 91% had not witnessed or been a victim of ASB. 58% across all surveys reported that they believed that the perpetrators of the ASB were local to the area. Overall Thurcroft reported the highest concern over crime and ASB with Masbrough reporting the least concern.

4.9.4 When asked “How much do you agree that there is a problem with a high level of crime and antisocial behaviour” the online surveys reported 60% agreement, with the paper survey offering a much lower level for Eastwood and Masbrough at 13%, providing an overall level of agreement of 36%

#### **4.10 Private Rented Tenants responses**

Of the 82 private rented tenants who responded online and the 153 who responded to the paper survey, in answers to the question regarding the standard of maintenance of their homes, 14% (online) reported that their homes were not maintained to a good standard, reducing to 6% in the paper survey.

4.10.1 Almost all tenants confirmed that they had tenancy agreements. Across all areas, around three quarters of the private sector tenants had been asked for a deposit and references by their landlord. Masbrough, Thurcroft and Dinnington showed the lowest levels of compliance. Most responders knew how to contact the landlord, the Council or other agencies to report problems.

4.10.2 The majority (87%) of the private sector tenants who responded to this question said that they would not support Selective Licensing if it meant their rent would increase. This was also the case when disaggregating to all the individual proposed Selective Licensing areas. Of the 11 responders who agreed to a level of rent increase to support Selective Licensing, 2 agreed to an increase of £10+ per month.

#### **4.11 All responders**

Poor housing was considered an issue by around 28% of responders, with Eastwood and Masbrough reporting it as less of a problem. This contrasts with the results of the 2020-25 Selective Licensing Scheme (Appendix 1), which recorded a 95.8% failure rate on first inspection in Masbrough (worse area) and 62.5% in Eastwood. Around 25% of responders considered that empty properties were a problem reducing to 15% when the paper survey results are included, which recorded much lower levels of perceived poor housing and empty properties in Eastwood and Masbrough at 6% and 4%, respectively. This is contradicted by the information provided in the 2020-25 outturn report which identified 56 empty residential properties in Eastwood and 31 in Masbrough closed solely due to extensive cannabis cultivations, with the total figure of empty properties

likely to be higher. Overall, migration and high turnover of tenants was not considered a problem with only 6% of responders identifying this issue, though responders in Eastwood were the most concerned. 13% of responders thought landlords did not have a good reputation in the areas.

- 4.11.1 Unemployment is cited as a problem by around 35% of responders and features in all areas, with around 20% suggesting that making rent payment was a problem, which is consistent with landlords' responses to this issue.

## 4.12 Environmental and other issues

60% of responders to the online survey agreed that environmental problems were an issue. The groups most likely to think that environmental issues such as dog fouling, fly tipping and graffiti are a major problem were owner occupiers and the public sector tenants. The groups most likely to think that environmental issues were not a problem were regular visitors in the area, landlords and private sector tenants.

Top 10 Issues by area																																																																				
<b>Thurcroft</b> - 73% of responders had experienced the issues they reported.		<b>Parkgate</b> - 86% of responders had experienced the issues they reported																																																																		
<table> <tr> <th>Which of the following do you feel are problems in Thurcroft?</th><th>Count</th><th>%</th></tr> <tr> <td>Litter On The Street</td><td>28</td><td>10%</td></tr> <tr> <td>Dog Fouling</td><td>25</td><td>9%</td></tr> <tr> <td>Drug Use Dealing</td><td>24</td><td>9%</td></tr> <tr> <td>Untidy Waste In Gardens</td><td>24</td><td>9%</td></tr> <tr> <td>A High Level Of Crime And Antisocial Behaviour</td><td>21</td><td>8%</td></tr> <tr> <td>Fly Tipping On Open Land</td><td>19</td><td>7%</td></tr> <tr> <td>A High Level Of Unemployment</td><td>17</td><td>6%</td></tr> <tr> <td>Drug Cultivation</td><td>15</td><td>6%</td></tr> <tr> <td>Rats Mice</td><td>13</td><td>5%</td></tr> <tr> <td>An Unfair Poor Perception Of Private Landlords</td><td>13</td><td>5%</td></tr> </table>	Which of the following do you feel are problems in Thurcroft?	Count	%	Litter On The Street	28	10%	Dog Fouling	25	9%	Drug Use Dealing	24	9%	Untidy Waste In Gardens	24	9%	A High Level Of Crime And Antisocial Behaviour	21	8%	Fly Tipping On Open Land	19	7%	A High Level Of Unemployment	17	6%	Drug Cultivation	15	6%	Rats Mice	13	5%	An Unfair Poor Perception Of Private Landlords	13	5%	<table> <tr> <th>Which of the following do you feel are problems in Parkgate?</th><th>Count</th><th>%</th></tr> <tr> <td>Litter On The Street</td><td>20</td><td>10%</td></tr> <tr> <td>Dog Fouling</td><td>15</td><td>8%</td></tr> <tr> <td>Fly Tipping On Open Land</td><td>15</td><td>8%</td></tr> <tr> <td>Drug Use Dealing</td><td>14</td><td>7%</td></tr> <tr> <td>A High Level Of Crime And Antisocial Behaviour</td><td>14</td><td>7%</td></tr> <tr> <td>Untidy Waste In Gardens</td><td>13</td><td>7%</td></tr> <tr> <td>Drug Cultivation</td><td>12</td><td>6%</td></tr> <tr> <td>An Unfair Poor Perception Of Private Landlords</td><td>9</td><td>5%</td></tr> <tr> <td>A High Turnover Of Tenants Tenants Not Staying For Long</td><td>9</td><td>5%</td></tr> <tr> <td>A High Level Of Unemployment</td><td>8</td><td>4%</td></tr> </table>		Which of the following do you feel are problems in Parkgate?	Count	%	Litter On The Street	20	10%	Dog Fouling	15	8%	Fly Tipping On Open Land	15	8%	Drug Use Dealing	14	7%	A High Level Of Crime And Antisocial Behaviour	14	7%	Untidy Waste In Gardens	13	7%	Drug Cultivation	12	6%	An Unfair Poor Perception Of Private Landlords	9	5%	A High Turnover Of Tenants Tenants Not Staying For Long	9	5%	A High Level Of Unemployment	8	4%
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<b>Masbrough</b> - 56% of responders had experienced the issues they reported	<b>Town Centre, Eastwood, Clifton Boston Castle, East Dene</b> - 55% (31% inc paper survey) of responders had experienced the issues they reported
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Which of the following do you feel are problems in Masbrough?	Count	%	Which of the following do you feel are problems in Eastwood / East Dene / Clifton / Town centre / Boston Castle?	Count	%
Litter On The Street	71	9.71%	Litter On The Street	177	10%
Fly Tipping On Open Land	68	9.30%	Dog Fouling	170	10%
Dog Fouling	64	8.76%	Fly Tipping On Open Land	160	9%
Rats & Mice	62	8.48%	Rats Mice	144	8%
Untidy / Waste In Gardens	51	6.98%	A High Level Of Unemployment	116	7%
A high level of crime and antisocial behaviour	44	6.02%	Drug Use Dealing	99	6%
Drug Use / Dealing	41	5.61%	Untidy Waste In Gardens	98	6%
A High Level Of Unemployment	38	5.20%	A High Level Of Crime And Antisocial Behaviour	89	5%
Drug Cultivation	33	4.51%	Drug Cultivation	74	4%
Not Knowing Where To Go For Help	29	3.97%	Poor Physical And Mental Health	74	4%
<b>Dinnington - 60% of responders had experienced the issues they reported</b>			<b>Brinsworth – 50% of responders had experienced the issues they reported</b>		
Which of the following do you feel	Count	%	Which of the following do you feel are pr.	Count	%
Fly Tipping On Open Land	32	10%	Litter On The Street	21	11%
Litter On The Street	30	9%	Problems Accessing Services For Example Schools And Doctors	19	10%
Drug Use Dealing	30	9%	A High Level Of Crime And Antisocial Behaviour	17	9%
A High Level Of Crime And Antisocial Behaviour	28	8%	Fly Tipping On Open Land	16	8%
Untidy Waste In Gardens	26	8%	Dog Fouling	15	8%
An Unfair Poor Perception Of Private Landlords	24	7%	No Problems	14	7%
Dog Fouling	22	7%	Untidy Waste In Gardens	14	7%
A High Level Of Unemployment	19	6%	Drug Use Dealing	10	5%
Drug Cultivation	19	6%	An Unfair Poor Perception Of Private Landlords	9	5%
Problems Accessing Services For Example Schools And Doctors	15	4%	A High Level Of Unemployment	7	4%

#### 4.12.1 Top 10 issues over all areas were:

1. Litter On The Street
2. Dog Fouling
3. Fly Tipping On Open Land
4. Rats & Mice
5. Untidy / Waste In Gardens
6. A high level of crime and antisocial behaviour
7. Drug Use / Dealing
8. A High Level Of Unemployment
9. Drug Cultivation
10. An Unfair Poor Perception Of Private Landlords.

#### 4.13 Positives and strengths of the proposed areas

The most common response was that Community Relations (361 responses) was a strength within the proposed areas. Most comments related to friendly neighbours, community spirit and diverse populations. Community Activities (20 responses) were highlighted such as litter picking groups, youth clubs and events run at local community centres. The location of the proposed areas is also linked to Local Amenities (261 responses) with positive comments regarding the developments in the Town Centre, public transport links and shop proximity. Notably, proximity

and access to green spaces was also associated with the positive appearance (44 responses) of the areas.

- 4.13.1 Another notable theme was regarding Safety (77 responses) with comments regarding CCTV and improved streetlighting contributing to the peacefulness of proposed areas. Positive Landlord and Tenant Relations (8 responses) was a recurring theme, with many comments regarding positive experiences with tenancies in the area and landlords' investment into improving their properties, further linked to comments as to why housing is in high demand in these areas (5 responses). One of the standout themes was regarding the Affordability (28 responses) of properties in designated areas, especially when considering other areas of Rotherham.
- 4.13.2 When asked about new / existing projects or activity which the Council could help to support or promote, the overwhelming message was that improved Community Engagement (40 responses) is needed across all stakeholder groups. Suggestions included Workshops or Educational Programmes (18 responses) for landlords and tenants, with collaboration with managing agents (1 response) to help achieve this, in order to address the root causes of issues in the area. Other suggestions pressed for more youth interventions (7 responses), perhaps by holding activities at existing facilities (2 responses) like Leisure Centres and Community Centres.
- 4.13.3 There were specific projects that focussed on dealing with the issues highlighted previously. Litter Picking groups (83 responses), Community Skips (1 responses), Tea/coffee mornings, more engagement with Ward Members, Neighbourhood Watch, promoting community groups, as well as Community Service for offenders were all mentioned.
- 4.13.4 Increased Enforcement (30 responses) was the second highest suggestion, with respondents wanting to see results from enforcement regarding Environmental Crime, parking / nuisance vehicles and ASB, but also increased Police Presence (19 responses). One suggestion said that more CCTV would assist with increasing enforcement. An increase to general Council services was mentioned, with more maintenance to public spaces through regular street cleansing and waste collections (23 responses). Road and Parking Improvements (23 responses) were particularly common, with proposals such as improved public transport, parking permits and one-way streets which may help the ongoing parking issues in more residential areas.
- 4.13.5 A recurrent theme was how the Council and 3rd Party Services can make a difference. There were multiple references to the Council needing to take actions against their own properties and tenants (6 responses) but also concerns that improved Reporting Systems (3 responses) are needed throughout different departments.

4.13.6 Additional comments were wide ranging and are contained in Appendix 4 in summary, however the themes were as below:

- Financial Impact:

Respondents expressed that the proposed fees are excessive and may lead to increased rents, landlord withdrawal from the market, and reduced property values. There were fears that mortgage lenders may be reluctant to support purchases in designated areas due to perceived reputational risks.

- Support and Objections:

While some acknowledged the need for intervention and saw potential benefits in tackling underreporting and rogue landlords, the majority of responses opposed the scheme. Concerns were raised about the effectiveness of previous schemes and calls were made for borough-wide regulation to ensure fairness.

- Boundary and Evidence Concerns:

Many respondents felt their areas did not meet the criteria for designation and questioned the strength of the supporting evidence. Some perceived the scheme as unfairly targeting minority communities or areas with strong landlord-tenant relationships.

- Legislative Context:

The pending Renters' Reform Bill was cited as a reason to delay implementation, given potential overlap with the proposed scheme.

- Consultation Process:

Criticism was received regarding the fairness and transparency of the consultation, including concerns about area naming, event organisation, and delivery of correspondence.

- Policy and Enforcement:

The scheme was seen by some as punitive to responsible landlords. Suggestions included exemptions or incentives for compliant landlords, and a shift from enforcement to tenancy support. A minority view proposed Council re-engagement in property ownership.

- Council Resources and Trust:

Some respondents questioned the Council's motives, suggesting the scheme was revenue-driven. Criticism was directed at other Council services, particularly housing management, with views that existing powers were sufficient.

#### 4.14 Other Issues

Environmental crime, anti-social behaviour, parking, vermin, and overcrowding were raised as broader concerns linked to underinvestment in affected areas.

## 4.15 Summary of Doorstep survey outcome

The doorstep survey visited 20 streets within the six areas. The tenure split of responders was 63.6% owner occupiers, 24.7% private tenant, 7.6% social tenant and 4% withheld. The responders were asked if they were aware of the proposal for a further declaration of Selective Licensing, then asked if they would support a further declaration. Where responders were unaware, officers explained the proposal. All areas offered support for a further declaration. Overall, 59.1% supported the proposal, with 7.1% against and 32.8% undecided.

Area	Number of streets	Owner Occupier	Private Rented	Council	Non confirmed	Aware of SL	Do you support a SL Declaration?					
							Pos	%	Neu	%	Neg	%
Dinnington (31)	3	17	6	8	0	14 Yes / 17 No	25	80.6%	5	16.1%	1	3.2%
Thurcroft (30)	4	19	6	5	0	8 Yes / 22 No	17	56.7%	12	40.0%	1	3.3%
TownCentre /Eastwood/ East Dene/Clifton/ Boston Castle (37)	3	23	11	0	3	21 Yes / 13 No	13	35.1%	18	48.6%	6	16.2%
Masbrough (32)	3	28	3	1	0	23 Yes / 6 No / 1?	22	68.8%	8	25.0%	2	6.3%
Parkgate (33)	3	14	14	0	5	14 Yes / 19 No	19	57.6%	11	33.3%	3	9.1%
Brinsworth (35)	4	25	9	1		16 Yes / 19 No	21	60.0%	11	31.4%	1	2.9%
Totals	20	126	49	15	8	TOTALS	117	59.1%	65	32.8%	14	7.1%
		63.6%	24.7%	7.6%	4.0%							

## 4.16 Alternative proposals

4.16.1 During the consultation, seven distinct alternative proposals were offered to the Council, as alternatives to Selective Licensing or to run in parallel with Selective Licensing declarations. These are reproduced in full at Appendix 7 with a discussion of their relative merits. The table below lists the common themes of the seven proposals.

Summary of Key Features of the Alternative Schemes submitted during Consultation								
Key features	Alternative 1	Alternative 2	Alternative 3	Alternative 4	Alternative 5	Alternative 6	Alternative 7	TOTAL
Runs alongside formal selective licensing	✓						✓	2
Replaces formal selective licensing		✓	✓	✓	✓	✓		5
Uses private letting agents		✓	✓	✓		✓	✓	5
Self-regulation	✓	✓	✓	✓	✓	✓		6
Borough-wide proposal	✓		✓	✓		✓		3
Lower fees / unclear funding	✓	✓	✓	✓	✓	✓		6
Establish Steering group		✓	✓		✓	✓	✓	5
Waiting for outcome of Renters Rights Bill / alternative scheme suggested elements currently within the Bill		✓	✓		✓	✓		4

## 4.17 Council Response to Consultation Feedback

A full analysis of the consultation feedback is provided at Appendix 4. The majority of responses agreed that private sector landlords should maintain the inside and outside of their property and take responsibility or action to control ASB and Nuisance caused by their tenants. There was evidence of

non-professional letting practice, including lack of references, deposit management and delayed repairs.

- 4.17.1 There was support for the need to support the areas but disagreement around the use of Selective Licensing as a tool to deliver that support. Some believe that previous scheme(s) had not delivered improvements and areas were still in decline. The Council has considered the feedback detailed in Appendix 4 and have redesigned the proposed scheme following the consultation. Below are the key objections with a response to accommodate as many suggestions as possible. The objections are outline in bold with responses underneath.
- 4.17.2 **Both good and poor landlords are targeted by Selective Licensing, incentives should be given to good landlords**  
The nature of Selective Licensing as prescribed in the Housing Act 2004 is that a boundary must be drawn to make a declaration. Inevitably, in any boundary, even one drawn based on evidence to focus on non-compliant behaviour, some compliant landlords will be included. In acknowledgement of this fact, landlords who proved themselves in the previous scheme and received the 'Better quality management rebate' will receive a 37% reduction in the proposed maintenance element of the licence fee. Applicants who show compliance by submitting completed applications, with supporting documentation, within 90 days of any scheme becoming live, are also entitled to a 5% automatic discount. Non-Compliant landlords would not be eligible for any discounts and pay an additional £350 in application fees.
- 4.17.3 The proposed scheme provides incentives for landlords to upskill. Licence holders will be offered subsidised training, to develop their knowledge and skill to maximise their business potential. The Council will provide additional support to assist landlords to manage their problem tenants. Opportunities are being discussed to assist proven landlords to market their vacancies and expand their investments in areas. Removing poor landlords from a market will support business growth for compliant licence holders. In 2019 research into Selective Licensing schemes suggested that there was evidence of increased property values following a scheme.
- 4.17.4 **Criteria do not fit proposed boundaries**  
For a range of reasons, responders did not consider that their area or street fitted the declaration criteria and requested removal from the proposed declarations. To respond to challenges about the inclusion of specific streets, further work has been done at street level to minimise the inclusion of properties where the evidence for inclusion was weaker, than the adjoining area. Appendix 6 describes how streets have been assessed for removal. The scheme boundaries have been adjusted to avoid unreasonable burdens on landlords, where data does not support a declaration, and a street can be removed without undermining the Area Plan objectives. The revised boundary maps are reproduced in Appendix 6. Boundaries have been reduced in:

- Town Centre / Eastwood / East Dene / Clifton / Boston Castle
- Masbrough / Kimberworth
- Thurcroft
- Brinsworth

An estimated 319 licensable properties have been removed from the proposal following the consultation.

**4.17.5 Social tenancies cause as many problems in the areas as private and social housing is also in a poor condition**

Boundaries in 4 of the 6 proposed declarations have been drawn to include former wholly owned Council estates, where high levels of mixed tenure, due to the Right To Buy Scheme, have made managing the estates more difficult. Interventions delivered in the Neighbourhood Development and Improvement plans will be tenure neutral, providing a consistent response to the area issues.

**4.17.6 The proposed scheme is a Council money making scheme, too expensive and will impact tenants**

75% of responses indicated that they opposed the level of proposed fees. Responses indicated 50% of landlords were currently experiencing issues of arrears, though recent rent increases are identified as a contributory factor. 91% of tenants would not support the proposals if it meant a rent increase, quoting cost of living rises and increased rents as a pressure.

**4.17.7 Any income from licence fees can only be used to administer the scheme and associated enforcement to deliver the schemes objectives (Housing Act 2004 S87). The Council cannot use the income outside of the scheme boundaries or to fund other services. The primary expenditure of schemes is focussed on inspections of properties in order to identify those in poor condition, address the hazards and better protect tenants' health and wellbeing.**

**4.17.8 Fees have been reduced following the consultation for all categories of licence and proposed discounts have been largely maintained as described in the consultation. Non-compliant application fees have been increased to reflect the additional work required to identify and work with non-compliant applicants. This increase has contributed towards the reduction in the standard licence fee for compliant applicants, focusing cost on non-compliant landlords. The calculation of fees is discussed in detail in Section 5.**

**4.17.9 Additional support will be provided to tenants to challenge unreasonable rent increases and defend against unlawful threats of eviction.**

**4.17.10 Concern about the economic impact of a proposed scheme**

The concern was that landlords would pass on the licence fee to tenants and tenants would not support a scheme which caused rents to rise.

4.17.11 The Council cannot stop landlords increasing rents. However, the Renters' Rights Bill includes a fairer mechanism for rent increases. National research into Selective Licensing schemes concluded that any area would only sustain a level of rent dictated by local market forces and licence fees were not a significant driver on rent levels.

4.17.12 After consultation, the proposed licence fee has been reduced, as set out in Section 5. The focus of the adjustments has been to ensure good landlords are rewarded and non-compliant landlords penalised. Landlord with a proven track record of providing good properties and management practices in the previous selective licensing scheme, will receive an automatic discount of £284 off the Standard licence fee of £975, whilst landlords who do not license appropriately pay £350 more than the Standard licence fee. If the full licence fee were to be passed on to tenants, its effect will depend on the level of eligible discount an applicant might attract. Also, where previously licenced in the 2020-25 Scheme, it is likely that any adjustment for fees in the previous scheme would have already been made. The table below shows some of these costs broken down per month of the five-year scheme to show the monthly cost.

4.17.13

<b><u>Monthly cost of licence which might be passed on to tenants over a 5-year declaration</u></b>	<b>Previously licenced</b>	<b>Not previously licenced</b>
Standard licence over 5 years	£7.57	£16.25
Cost to compliant applicant with 5% discount licence	£6.98	£15.67
Cost to applicant attracting the 37% discount	£3.49	NA
Cost to non-compliant applicant	£13.40	£22.08
Costs to larger portfolio holders or those in flats vary, but are likely to be around 60% lower than a standard licence per unit of accommodation		
2020-2025 scheme monthly equivalent fee	£8.68	

4.17.14 Any higher rent increase would not be justified as a result of the proposed scheme. The Council is however, required to consider this possibility and balance it against the potential benefits of a scheme.

4.17.15 **Property prices will fall, and insurance premiums will increase, and mortgages will be unobtainable.**

There was no evidential basis to support that house prices will be depressed by a declaration. The national research summarised in Appendix 9 suggests house prices may increase.

4.17.16 There is no evidence that household insurances or individual mortgages are affected by a declaration. Landlord insurances and 'buy to let' mortgages may be influenced, depending on the lender or specific product. Buy to let mortgage lenders may refuse lending on properties

valued below a minimum value, which would include some properties within the proposed areas, but this is not directly linked to a declaration of Selective Licensing.

- 4.17.17 **Perceived failures in earlier schemes. The Council should use existing powers and improve the impact of a wide range of Council and partner services, including South Yorkshire Police, NHS provision, parking services, highways, and waste management**  
Both previous Selective Licensing schemes have been successful at identifying and removing significant levels of the most serious Category 1 and Category 2 hazards from tenants' homes, safeguarding families who were unlikely to report issues to the Council.
- 4.17.18 The level of defects identified, and the number of formal Notices served, illustrates the lack of active management by landlords. The outcome report of the 2020-25 Selective Licensing scheme is at Appendix 1 and provides evidence of significant improvements and cost savings to the NHS and wider society, resulting from the work delivered by the scheme.
- 4.17.19 The perception of failure may be as a result of the 2020-25 Scheme being focussed on housing standards and improvement, which tend to be delivered inside the home, and are invisible from the street. Residents report an absence of visual improvement in the areas. Proactive environmental work was delivered in all areas evidenced by the 1,239 environmental enforcement Notices served during the 2020-25 Scheme. Without this work, the areas would have declined significantly.
- 4.17.20 The Neighbourhood Development and Improvement Plans, developed from the consultation feedback included in Appendix 4, provide a performance managed approach from the outset. The new proposals will focus on instilling behavioural change in both Licence holders and tenants, to embed sustainable area improvements. Improved communication and engagement with residents and landlords, should help inform and publicise positive actions, helping to resolve the negative perception of any future scheme.
- 4.17.21 **More oversight and stakeholder involvement during the life of any declaration**  
The suggestion that a stakeholder steering group should be formed was raised in many responses and featured in the majority of the alternative proposals. This has been included in the recommendations of this report.
- 4.17.22 **Tenant's concerns over harassment or inappropriate use of evictions**  
Licence conditions have been included, in response to tenant's fears of illegal eviction or harassment, to offer protection to tenants. This provides a faster remedy if inappropriate pressure is placed on tenants who report issues. In addition, a dedicated tenant support officer is proposed to help mediate issues between landlord and tenants to help preserve tenancies and thereby prevent homelessness.

#### **4.18 Licence Conditions**

Property licences are issued with licence conditions which the licence holder must comply with. The conditions are a combination of those which local housing authorities must impose (mandatory), and those which they have a power to impose. Draft licence conditions were available during the consultation. Licence conditions vary by area to reflect the issues of specific area declarations. Licence conditions for the Town Centre / Eastwood / East Dene / Clifton / Masbrough / Kimberworth, include specific conditions to combat overcrowding issues. Further conditions have been included in all areas to respond to tenants' fears of illegal eviction or harassment. The final licence conditions are included at Appendix 8.

#### **4.19 Conclusion**

The 1,335 responses gathered over the period of Selective Licensing consultation do not support Selective Licensing or the proposed fee structure.

- 4.19.1 In general, there is agreement that landlords are responsible for maintaining the interior and exterior of their properties and managing their tenants to control ASB and waste issues. There is some acceptance that this can be difficult to achieve. The consultation responses paint a picture of areas with low levels of problems, where property maintenance, empty properties, tenant turn over or occupancy rates are all acceptable. In the same areas, 46% of responders had witnessed or been victims of ASB.
- 4.19.2 Responses seem to more strongly support the reasons stated for the proposed schemes and its intended outcomes, (across all areas) than Selective Licensing itself, as a mechanism for delivery. Not unexpectedly the associated costs are the main issue in dispute. Each area has provided details of their local concerns and strengths which perhaps conflicts with the 58% of landlords who describe having no problems.
- 4.19.3 It is not unreasonable that the better landlords who operate in these struggling neighbourhoods may feel aggrieved that they inevitably become caught up in Selective Licensing and are required to pay fees. This may be due to long term ownership of properties, as many landlords have been operating in the Borough over 10 years and may have seen areas deteriorate since their investment. Or perhaps they have benefited from buying cheaper properties, knowing the areas are struggling. Unfortunately, the legislation does not allow the Council to licence landlords, only areas. The Council would like to encourage the better landlords to expand their investments in these areas but ultimately it is a business decision for the landlords, knowing the environments in which they operate their property businesses. The proposals within this report therefore introduce a significant discount for landlords who have demonstrated a track record of providing good quality properties and management practices.

- 4.19.4 Similarly, private tenants are unlikely to support a project which may increase rents. Landlords have voiced that rents will increase, but rents can only be increased by the legal process and rent levels can only be increased to the level that an area can afford, or landlords will accrue arrears or vacancies. In recent years rent levels have increased nationally, mainly reflecting supply and demand which may negate some of the licence fee costs, as supported by the national research in the matter.
- 4.19.5 Owner occupiers have been less supportive of the proposed declaration than on earlier schemes. This may be partly because they have been told it will devalue their properties and increase insurance costs, and partly because they have not seen the area improve over previous schemes. There is no evidence that a declaration will have any negative effect on owner occupiers. The work done in the previous scheme was focused within let properties with little improvement of the local environment excepting general enforcement around nuisance, ASB and waste. From a resident's perspective the scheme would have been mainly invisible. This was due to a focus on the internal conditions combined with the Covid restrictions, which together constrained the ambition of the scheme. Communication with stakeholders to publicise achievements and to involve them in the decision making will be key to changing these negative impressions of the scheme.

## **5. Licence Fees**

- 5.1 The largest single cost of operating a scheme is staffing, therefore setting a fee too low to cover this cost adequately will invariably lead to negative consequences. Where there are insufficient resources supporting a Selective Licensing scheme, delays will occur in issuing licences and / or there will be insufficient inspections or enforcement to deliver objectives. Supportive action around a licence scheme is necessary to maximise effectiveness, which requires separate resourcing.
- 5.2 Under Part 3 of the Housing Act 2004, Section 87 allows the local housing authority to charge a licence fee to cover all Part 3 activities including all costs incurred by the authority in the administration, enforcement, and monitoring of a scheme. These costs may include processing applications, communication with both landlords and tenants within the scheme, conducting inspections, investigating breaches of licence conditions, and wider enforcement. The fees can also be used to cover non-recoverable costs in the use of interim and final Management Orders within the scheme boundaries. The Council cannot generate surplus funds from Selective Licensing schemes. The income generated, the bulk of which is collected in years one and two, is required to manage and resource the scheme for its full period of designation.
- 5.3 Activities outside of the above, required to deliver the schemes objectives will require either the use of existing resources or funding from other sources.

- 5.4 Fee income will be focussed on providing the additional resources necessary to offer a proactive service, above that offered in other areas of the Borough. It will be used to impact the declaration criteria by funding actions to deliver the Neighbourhood Development and Improvement Plans (Area Plan) objectives over the life of the scheme.
- 5.5 The fees are charged in accordance with the Hemming and Gaskin judgements in relation to the European Provision of Services Directive, which is implemented in the UK Provision of Services Regulations 2009. They require the overall licence fee to be charged in two parts. The costs of processing the licence application (Part 1) are charged separately to the costs associated with the ongoing administration and enforcement of the licensing scheme (Part 2).
- 5.6 Local authorities are not allowed to demand fees in the Part 1 (administrative) charge for anything other than the costs of administering and processing the licence application. The Part 1 fee is paid in full at the time of application and is non-refundable should the application be unsuccessful.
- 5.7 The Part 2 (maintenance) charge is payable if a licence is offered and there is an option to pay by direct debit. If the direct debit is interrupted the licence becomes invalid and an offence of operating an unlicensed property is committed. This charge is partially refundable if a licence is surrendered as not required, but not if a licence is revoked.
- 5.8 The fees and charges may be reviewed periodically and adjusted to reflect changes in operating costs.
- 5.9 The fee structure is a direct reflection of the estimated operating costs, based on prudent assumptions of the impact of future years inflation, as detailed above and the number of estimated licences within the proposed boundaries. Reductions in the scheme boundaries will have an influence on the cost per licence.
- 5.10 It is worthy of note that Nottingham City Council was highly criticised by an external audit undertaken by Ernst and Young in early 2024, for the mismanagement of its licensing income. They were found to be using fees to support wider General Fund activities at the expense of delivering on the declaration objectives.
- 5.11 Each Selective Licensing scheme has unique objectives and fee structures including discounts. They are therefore not directly comparable, however for information, the table below shows selective licence fees declared or proposed since 2024 in England. A more complete list of scheme fees is at Appendix 9.

<b>Local Authority</b>	<b>Commencement of Scheme</b>	<b>Licence Fee (Range)</b>	<b>Local Housing Authority</b>
Gateshead Council	01/06/2025	£850	Gateshead Council - Selective and Additional Licensing
Manchester City Council	24/05/2025	£764-£964	Manchester City Council
Barking & Dagenham Council	06/04/2025	£950	London Borough of Barking and Dagenham
Blackpool Council	01/04/2025	£447 - £772	Blackpool Council - Selective Licensing
Newcastle City Council (2nd Entry)	01/04/2025	£1,000	Newcastle City Council - Selective Licensing
Bexley Council	13/01/2025	£800	London Borough of Bexley
Leeds City Council	17/07/1905	£1100-£1225	Leeds City Council
North Lincolnshire Council	2025	£955	North Lincolnshire Council
Gedling Borough Council	05/01/2025	£645 -£840	Gedling Borough Council
Bristol City Council (2nd Entry)	06/08/2024	£912	Bristol City Council - Licensing Info
Middlesbrough Council	05/06/2024	£836-£998	Middlesbrough Council
North Yorkshire Council (Scarborough)	01/06/2024	£695	North Yorkshire Council - Selective Licensing
Peterborough City Council	11/03/2024	£908	Peterborough City Council

**5.13 Changes to fees to reflect consultation**

- The original proposed fee structure had been costed as described above before consultation commenced. Though the proposed level of fees were a substantial increase on the fees set in 2019 for the 2020-25 scheme, this was more a reflection of the previous fees being set too low. The 2020-25 Scheme fees were set lower than the 2015 scheme fees. This resulted in the fee income in the 2020-25 Scheme failing to cover its operating costs. Costs were significantly impacted by the period of high inflation, during the course of the scheme.
- 5.14 As discussed above, scheme fees are set by dividing the predicted costs of the scheme by the number of predicted licences.
- 5.15 In response to consultation, four of the proposed area boundaries have been reduced where the objectives of the proposed scheme would not be jeopardised. Consultation also strongly supported the creation of a stakeholder steering group. This is now included in the proposal. These changes have however, reduced the expected number of licensable properties by an estimated 319 licences to 4,132, reducing income and marginally increased costs for the operation of the steering group over 5 years, creating a pressure on the projected fee income.
- 5.16 Consultation responses strongly supported a reduction of the scheme fees for smaller and compliant landlords and that costs should be transferred to non-compliant Landlords.
- 5.17 In response, the proposed Neighbourhood Development and Improvement Plans have been adjusted to allow licence fees to be amended and to accommodate the above financial pressures. The revised proposed licence fees try to strike a balance between landlords concerns and the need to cover the projected costs of the scheme.
- 5.18 The overall Standard Licence Fee, made up from the Part 1 and Part 2 charge will be marginally reduced to £975.00 which, in turn, increases the discount on licence charges.
- 5.19 The Part 1 (administrative) charge it is estimated that the costs of infrastructure including database and administrative staff cost (x3.2 FTE) will be £1,154,287 over 5 years. Based on the reduced expected licences (4132) costs per licence application will be £276.00.
- 5.20 The Part 2 (maintenance) charge is estimated from the Neighbourhood Development and Improvement Plans (Area Plan). The requirements from the six plans identifies 9.65 (FTE) officers, at varying grades, to deliver the enforcement and engagement in the six areas. The estimated cost of the maintenance element is £2,968,163 over 5 years. The standard maintenance licence charge will be £699.00 (Budget projections are contained in Appendix 9).

- 5.21 Charges for non-compliant licence applications have increased. Applications received later than 90 days from when a property becomes licensable will attract an additional £194.00 after consultation. Charges of £350 (£200 part 1 + £150 part 2 charges) will be applied to reflect the likelihood that those avoiding licensing will require more officer time to identify, process, and inspect. The maximum licence fee for non-compliant applicants would be £1,325.00. This is in line with consultation responses which asked for non-compliant landlords to be penalised to reduce charges for compliant applicants.
- 5.22 The discounts identified in the consultation will be retained or increased:
- Applicants who provide complete and valid applications, assumed to be 50% of applicants, will receive a discount of 5% from the Part 2 charge.
  - applicants who received a rebate in the 2020-25 scheme (37%),
  - applicants with flats in the same building will pay one Part 1 charge per building and receive a 65% discount on the Part 2 charge for all subsequent properties within that building
  - applicants with large portfolios (four or more properties) will pay a full Part 1 charge for each of their first three properties and receive a 65% discount on all subsequent properties
- 5.23 No discounts will be applied to non-compliant applications.
- 5.24 Where false or misleading information is provided on applications, any relevant discount will be refused.
- 5.25 The effect of these changes is illustrated in the table overleaf. The monthly cost of a standard licence fee over the lifecycle of the scheme is £16.25 per month.

5.26

Licence fee after consultation (figures have been rounded)	As Consulted	Adjusted	As Consulted	Adjusted	As Consulted	Total licence fee after consultation	
Licence	Administrative Fee		Maintenance fee		Total licence fee		Change
Proposed standard licence fee	£210	£276	£785	£699	£995	£975	Saving £20
Non-Compliant applicant Standard licence with additional fee, if property not licenced within 90 days of the property becoming licensable	£210+£136=£346	£276+£200=£476	£785.00	699+150= £849	£1,131	£1,325	increase of £194
<b>Lost entitlement to any discount if non-compliant application, or false or misleading information is proved on applications</b>							
Proposed <b>discount of 37%</b> from maintenance element for all properties which received 'better property rebates' in the 2020-25 scheme, where the application is in the same name as the previous application.	£210	£276	£510	£441	£720	£717	Saving £3.00
Proposed <b>discount of 5%</b> off maintenance fee for fully completed applications received with all required supporting documents (not applicable on late applications).	£210	£276	£745	£665	£955	£941	Saving £14.00

Licence fee after consultation (figures have been rounded)	As Consulted	Adjusted	As Consulted	Adjusted	As Consulted	Total licence fee after consultation	
Flats within the same building pay one administrative fee and one full maintenance fee, then 35% of the maintenance fee for all other flats <b>(65% discount)</b>	£210	£276	£785+ additional flats @ £235	£699+ additional flats at £244.65	NA	NA	Saving £6.29 per unit based on 8 flats
Owners of larger portfolios pay full administrative fee on 3 properties then 35% of the administrative fee on additional properties <b>(65% discount)</b> . This is not available to agents managing properties not in their ownership	£210 X 3, then £63 per additional property	276 x 3 then £96.60 per additional property	£785	£699	NA	NA	Saving £42.70 per licence based on portfolio of 10 properties
12-month Direct Debit available on Maintenance fee (If within 3 years of start of scheme).			£22 one off admin fee	£22 one off admin fee	NA	NA	No Change
Variations to licences	Free	Free	Free	Free	Free	Free	Free
Temporary exemptions	Free	Free	Free	Free	Free	Free	Free

## **6.0 Timetable and Accountability for Implementing this Decision**

- 6.1 The Assistant Director of Community Safety and Street Scene is accountable for implementing the decision.
- 6.2 The implementation date of any declaration made by Cabinet must be no earlier than three months after the date on which the designation is made. This period is to allow any legal challenge to be made.
- 6.3 Should a declaration be made, the Council must undertake a prescribed set of actions outlined in the publicity plan at Appendix 10.
- 6.4 The Council must also provide MHCLG with the following data on their Selective Licensing scheme(s), upon commencement of the scheme:
- the dates of the scheme,
  - location of the scheme (postcodes or wards),
  - whether the scheme is new / a renewal / part renewal,
  - number of PRS properties and as a % of total housing stock within the designation,
  - what proportion of the authority's PRS stock or area will be covered by licensing once the scheme is in place,
  - the criteria the designation has been made under
  - details of the licensing fee(s),
  - and publish the outcome of any Selective Licensing review(s) undertaken pursuant to their legal duty to review the operation of schemes under section 84(3) of the Act on their website.

## **7.0 Financial and Procurement Advice and Implications**

- 7.1 A selective licencing scheme should be self-funding but only for the enforcement and administration of the scheme. This means that income can only be used to cover costs once the scheme is operational. In this case, that means approximately 3 months after Cabinet approve the recommendations in this report, should they choose to do so. Any costs incurred to date to bring this proposal to Cabinet cannot be covered by the licence fee income and will have to be covered by the Council's general fund budget. As at the end of August, there has been £98k incurred since the end of the previous scheme.
- 7.2 An approximation to the income and the costs this scheme will generate are given in Appendix 9. To calculate these, assumptions have been made regarding the numbers of landlords, their portfolio sizes and quality, and completeness and promptness of applications. There is a risk that the assumptions underlying these predictions will be incorrect and income will be less than predicted and costs will have to be reduced in order to mitigate this. Should it be required the position of the scheme will be reported through to Cabinet as part of the regular financial monitoring reports. It should be noted that the previous selective licensing scheme finished with a deficit of £99k.

- 7.3 The majority of the spend on this scheme will be on staffing and it will require an increase in employees relative to the previous scheme in order to deliver it. This may present an issue should there be a need to mitigate lower than predicted income. Equally, should the Council not be able to fully recruit, the scheme may not be delivered to its full potential.
- 7.4 There are no direct procurement implications associated with the recommendations detailed in this report. Inspection software will be the subject of a procurement process compliant with the Public Contracts Regulations 2015, or Procurement Act 2023 (whichever is the applicable legislation at the time) as well as the Council's own Financial and Procurement Procedure Rules.

## **8.0 Legal Advice and Implications**

- 8.1 Part 3 of the Housing Act 2004 ('The Act') 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 providing that the requirements of subsections (2) and (9) are met.
- 8.2 Section 80(2) states that the authority must consider that the first or second set of general conditions or any conditions specified in The Selective Licensing of Houses (Additional Conditions) (England) Order 2015 are satisfied in relation to the area.
- 8.3 A selective licensing designation may therefore 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.
- 8.4 In considering whether to designate an area for selective licensing based upon property conditions, migration or 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.
- 8.5 The Department for Communities and Local Government published A Guide for Local Authorities [Non-Statutory] in respect of selective licensing in the private rented sector, although this is non-statutory guidance the Local Authority should still have regard to it and could face legal challenge should it fail to do so.

- 8.6 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. Section 81 of the Act states that 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 significantly assist in achieving its objectives.
- 8.7 Section 81 also sets out that the authority must ensure that any exercise of the power to make designations is consistent with the authority's overall housing strategy. The authority must also seek to adopt a co-ordinated approach in connection with dealing with homelessness, empty properties, and anti-social behaviour.
- 8.8 Section 80(9) of the Act states that before making a designation the authority must take reasonable steps to consult persons likely to be affected by the designation and consider any representations made in accordance with the consultation.
- 8.9 Under the General Approval the authority must consult for a minimum of 10 weeks, this requirement has been satisfied. As part of the General Approval Local Housing Authorities in mayoral strategic authority areas are requested to include the mayor in the consultation process. Once the consultation has been completed the results should be published and made available.
- 8.10 There are well known consultation criteria, based upon case law, for a consultation to be deemed lawful, which are essentially as follows:
- i. the consultation must be at a time when proposals are still at a formative stage;
  - ii. adequate and clear information must be given to allow for proper consideration and response by the consultees;
  - iii. adequate time must be given for consideration of the proposals and for consultees to prepare a response; and
  - iv. the results of the consultation must be conscientiously considered before making a final decision.
- 8.11 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, subject to certain specified exemptions.
- 8.12 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 3 months after it is made. 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.

8.13 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.

8.14 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.

8.15 The Authority must ensure that the criteria for making a designation is met, before making any decision to adopt a designation. Where a designation is made, 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 high risk of legal challenge in the form of a judicial review. However, the risk of such a challenge can be minimised where the Authority ensures that the scheme is legally compliant, including compliance with consultation requirements.

## **9. Human Resources Advice and Implications**

9.1 There are no direct HR implications arising from the recommendations contained in this report.

## **10. Implications for Children and Young People and Vulnerable Adults**

10.1 The communities in the designated areas will benefit from proactive inspection of properties which will allow engagement and safeguarding processes to be used, as necessary. The outputs of the scheme will improve the quality and reduce the risks in family homes.

## **11.0 Equalities and Human Rights Advice and Implications**

11.1 An assessment has been carried out in Appendix 12.

11.2 The Proactive nature of Selective Licensing, not relying on individuals to complain, will positively impact vulnerable individuals by removing any

difficulties or anxieties in contacting relevant services. It will reduce barriers to safe, quality housing for all residents in the Selective Licensing areas and improve safety and the sense of security in the Selective Licensing areas, due to a reduction in anti-social behaviour.

- 11.3 The Policy is likely to have a positive impact on community relations as the Council works to raise awareness and improve communication and engagement with stakeholder via the steering group.
- 11.4 One aspect of the Neighbourhood Development and Improvement Plans promotes 'Strength Based' community engagement and development. The better landlords in the areas will see a more level housing market as non-compliant landlords improve or leave the market.

## **12.0 Implications for CO2 Emissions and Climate Change**

- 12.1 A detailed carbon assessment has been carried out in Appendix 13. The overall climate impact of this decision is likely to be minor, with the proposal largely focused on improving housing quality of rented houses within the borough. It is expected that there may be some small reduction in emissions as a result of the introduction of selective licensing, due to improvements in housing standards, which will lead to better efficiency and lower fuel use to heat homes. This is expected to have an overall positive effect on carbon emissions.

## **13. Implications for Partners**

- 13.1 If Cabinet agree to make further declarations of Selective Licensing, Partners and relevant Council services would have a significant role to play in delivering Neighbourhood Development and Improvement Plans over the expected period of 5 years following a Declaration. This will require focussed activity and may require redeployment of resources which will not be fully covered by the Licence fee income.

## **14. Risks and Mitigation**

14.1	<table border="1"> <thead> <tr> <th>Risk</th><th>Mitigation</th></tr> </thead> <tbody> <tr> <td>1) Not proceeding to establish new Selective Licensing areas, risks the issues identified in the Neighbourhood Development and Improvement Plans not being resolved.</td><td>Existing reactive services and partnerships will continue to work flexibly to address local issues within existing resources.</td></tr> <tr> <td>2) Failure to deliver objectives risks reputational damage</td><td>Performance management and a corporate commitment to deliver services and resources from the outset supported by governance arrangements set out in the Neighbourhood Development and</td></tr> </tbody> </table>	Risk	Mitigation	1) Not proceeding to establish new Selective Licensing areas, risks the issues identified in the Neighbourhood Development and Improvement Plans not being resolved.	Existing reactive services and partnerships will continue to work flexibly to address local issues within existing resources.	2) Failure to deliver objectives risks reputational damage	Performance management and a corporate commitment to deliver services and resources from the outset supported by governance arrangements set out in the Neighbourhood Development and
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	<p>Improvement Plans will allow the Council to closely monitor delivery. In accordance with Section 84 (3) of the Act housing authorities are required to review the operation of a designation made by them from time to time. As part of the best practice guidance included in the General Approval, local authorities are requested to publish the outcome of any reviews that they undertake in respect of the Selective Licensing scheme(s) in a timely manner on their website.</p>
<p>3) Failure to receive estimated number of applications and fees will create a significant budget shortfall.</p>	<p>Estimates have been made from the 2021 Census which is the most up to date, accessible, information the Council holds. To mitigate the risk, Landlords will be incentivised to apply for a licence through the fee structure. Prior to commencement of the schemes a publicity campaign will be undertaken. Sufficient staffing resources have been allocated to identifying unlicensed properties.</p>
<p>4) The possibility of rent rises as landlord pass on Selective Licensing fee costs to tenants.</p>	<p>The Council cannot control rent increases, though the Renters' Rights Bill proposes a fairer mechanism to control unreasonable rent increases. In addition, the enhanced tenancy support proposed along with publicity will provide more advice and protection for tenants subject to excessive rent rises. Market forces will ultimately control the rent levels charged as multiple factors contribute to how much potential tenants are willing to pay in an area.</p>
<p>5) There is the probability of possible displacement of unprofessional landlords to other areas within the local authority's jurisdiction, or to neighbouring local authorities</p>	<p>Unprofessional landlords identified as a consequence of the scheme will be targeted and their properties identified. Enforcement action is not limited to SL boundaries. Action will be taken to safeguard tenants and address displacement.</p>

6) A designation may be challenged by way of judicial review or complaints to the Local government Ombudsman. The time for seeking judicial review is usually within 3 months of the decision to make designations. The general legal principles of reasonableness, procedural propriety and proportionality will be applied by the courts on any such review.	Efforts have been made to ensure this consultation and proposal is robust and complies with guidance.  If a judicial review is lodged the Council will incur costs, regardless of outcome and have to commit significant resources. Costs may be recovered if a challenge is successfully defended.
7) Experience of the previous scheme has shown that it has been difficult to recruit and retain qualified staff to deliver the schemes objectives.	Staff recruitment and training has developed trained officers over the period of the last scheme. These officers are in demand in the current jobs market. Efforts should be made to retain trained staff.
8) The departmental database is scheduled to be replaced in the next 12 months.	Flexibility should be built into the implementation timeline for the new software system to accommodate potential delays, with clear expectations set around delivery of the early stages to support the licensing scheme and staff training

## 15. **Accountable Officers**

### 15.1 Sam Barstow Assistant Director Community Safety and Street Scene

Approvals obtained on behalf of Statutory Officers: -

	<b>Named Officer</b>	<b>Date</b>
Chief Executive	John Edwards	02/10/25
Strategic Director of Finance & Customer Services (S.151 Officer)	Judith Badger	03/10/25
Assistant Director of Legal Services (Monitoring Officer)	Phil Horsfield	02/10/25

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