

<b>NOTICE OF CALL-IN</b>	<b>Date of Cabinet meeting:</b>	Monday 20 October 2025	
	<b>Title and item number of related Cabinet report:</b>	Agenda item: 8 – Selective Licensing Policy	
	<b>Originator of the call-in:</b>	Councillor Taiba Yasseen	Emailed notification on Mon 27/10/25 13:12
	<b>Supporters of the call-in:</b>	Councillor Adam Carter	Emailed confirmation on Mon 27/10/25 13:59
		Councillor Charlotte Carter	Emailed confirmation on Mon 27/10/25 14:02
		Councillor Drew Tarmey	Emailed confirmation on Mon 27/10/25 17:20

### Reasons for call-in:

The reasons for call-in are as follows:

#### 1. Procedural Grounds

##### a. Failure to Follow Proper Process

The original statutory consultation (Jan–Mar 2025) was flawed in design and execution. It used misleading area names, excluded digitally disadvantaged residents, failed to publish core documents (e.g. draft Area Plans), and relied on a structurally biased survey that did not allow respondents to oppose the scheme or skip inapplicable questions.

For example, Mis-information and confusion about coverage:

Residents (owner occupiers), tenants and landlords repeatedly reported that consultation leaflets and website maps mis-identified neighbourhoods; for instance, Clifton and Wellgate were mis-labelled as “Eastwood,” and Kimberworth as “Masbrough,” leaving people unsure whether their street was affected .

After this consultation closed, the Council re-opened a new version months later, rebranded as "Landlord Licensing", without a new statutory notice or clarity over what changed. This created confusion, misrepresented the legal nature of the scheme (which licenses properties, not landlords) and breached principles of transparency and lawful consultation. Together, these perceived failures could

invalidate the consultation process under the Housing Act 2004 and the MHCLG 2015 Guidance.

Wording misled stakeholders: The change in terminology between the two consultations from “Selective Licensing” to “Landlord Licensing” on leaflets confused the legal nature of the scheme, which under Housing Act 2004 applies to properties, not landlords.

### **b. Inadequate Consultation**

Residents, tenants and landlords report difficulty understanding whether their streets are included, even after the scheme has been approved by the Cabinet..

Council failed to publish a clear, accurate, street-level map or list of affected properties during the consultation process. This evidence was presented at various meetings and the council made no attempts to correct this information for example on the website, which could have easily been achieved.

## **2. Legal Grounds**

### **a. Potential Breach of Statutory Tests**

The Selective Licensing of Houses Order 2015 specifies that a designated SL area has recently experienced or is experiencing an influx of migration into it.

CDRC Residential Mobility Index measures only population churn (i.e. address changes) and does not identify inward migration into an area, which is a specific requirement under Article 3(1)(b) of The Selective Licensing of Houses (Additional Conditions) (England) Order 2015. The Council itself acknowledges this in Appendix 2 of the Cabinet report, confirming that the CDRC Index “does not meet the guidance specification.” Therefore its use as evidence of “high migration” is therefore outside the statutory test and potentially risks rendering the designation ultra vires. This test was applied to many areas.

### **b. Potential Breach of Equality Duty**

The Equality Analysis fails to meet the standard set under the Equality Act 2010

The Equality Analysis fails to meet the legal requirements of the Equality Act 2010. It presents only basic demographic data from 134 respondents (just 10% of the total) without any comparison with the actual demographic makeup of the proposed Selective Licensing areas. This means we cannot know whether people with protected characteristics (e.g. Tenants with disabilities, Roma & other BAME tenants) are adequately represented or disproportionately affected.

There is no assessment of whether the SL policy has a disproportionate impact on any group, and no mitigation is proposed. It is not sufficient for the service to state that it is committed to equality or to claim “colour-blindness” regarding the policy’s impact. After a decade of Selective Licensing in Eastwood for example, we should expect detailed equality analysis and outcomes. That is entirely missing.

This failure is especially serious given the statutory Public Sector Equality Duty, as several of the designated SL areas have the highest concentrations of Black, Asian and Minority Ethnic (BAME) residents in the borough. According to 2021 Census ward-level data (ONS), Boston Castle has over 40% BAME residents, compared to 12% borough-wide. Rotherham East and Rotherham West also have significantly higher-than-average BAME populations.

### **3. Impact Grounds**

#### **a. Adverse Impact on Vulnerable Communities**

The scheme disproportionately affects Roma and other ethnic minority tenants, especially in central wards. Additional housing costs (via rent increases) are likely without adequate support or mitigation.

Disabled tenants relying on PIP or UC are at risk of homelessness due to rent increases that landlords pass on. These impacts are not modelled or mitigated.

#### **b. Disproportionate Effect on Certain Wards**

Wards like Boston Castle are being included without sufficient evidence that they meet the designation criteria. Many areas (e.g. Broom, parts of Clifton) have IMD scores better than the borough average and are therefore wrongly included.

### **4. Flawed Evidence or Reasoning**

#### **a. Unreasonable Decision**

There is a growing perception in the community that some landlords and areas are receiving more favourable treatment than others. Many residents and landlords who submitted credible alternatives to Selective Licensing have not received any formal response. Where alternative schemes have been accepted, no evidence base has been shared to justify their success. This lack of transparency is fuelling concern that some landlords are being given quiet exemptions, while others face the full weight of the scheme. For example, the removal of Little London in Maltby, despite serious housing issues exposed on Panorama raises questions about consistency and fairness.

The Council acknowledges that SL is not a regeneration tool, yet uses deprivation as justification for designations in areas where housing demand is strong and private renting is stable.

Areas like Masbrough, Eastwood and Wellgate are being re-designated despite the Council's own admission that no sustainable improvements were achieved during the last 10 years. In addition there is no tangible evidence within the policy how these issues will be managed and addressed differently in this third term. Repeating a model that failed contradicts rational policymaking.

**To be completed by Governance:**

Date received by Governance/Head of DS:	Monday 27 <sup>th</sup> October 2025
Date sent to Monitoring Officer, Chief Executive and Strategic Director:	Monday 27 <sup>th</sup> October 2025
Date sent to Chair of OSMB for consideration:	Monday 27 <sup>th</sup> October 2025
Date of Chair of OSMB's acceptance of the Call-in request (if applicable):	Monday 27 <sup>th</sup> October 2025
Date of Chair of OSMB's rejection of the Call-in request (if applicable):	N/A
Date of OSMB meeting to consider the call-in (if accepted):	Wednesday 12 November 2025