

Consultation Outcomes – Questionnaire Responses Summary

The detailed analysis by area and the responses to all the survey questions is available on the Council's website at www.rotherham.gov.uk/landlordlicensing

Overall Responses

There were 1,755 responses received from businesses, landlords (including letting agents) and residents. The overall analysis looked at the 7 key questions that were asked in the survey.

Seven key questions examined in the overall analysis are provided below, together with a summary of the returns :

1. The value of residential properties in this area is lower than the other similar areas of Rotherham.

Total number who responded to this question was 1755, overall 1050 agreed and 585 disagreed and there were 120 who did not respond. The respondents breakdown is as follows :

	Agree	Disagree	No response	Agree	Disagree	No response
Business	28	14	2	64%	32%	5%
Landlord	52	88	8	35%	59%	5%
Resident	970	483	110	62%	31%	7%

Half the business respondents agreed that the value of properties in the selected areas was lower than that of similar properties in other areas. Close to 2/3^{rds} of landlords disagreed & 2/3^{rds} of residents agreed.

2. It is cheaper to rent properties in this area, compared to other similar areas of Rotherham

Total number who responded to this question was 1755, overall 829 agreed and 714 disagreed and there were 212 who did not respond. The respondents breakdown is as follows:

	Agree	Disagree	No response	Agree	Disagree	No response
Business	26	16	2	59%	36%	5%
Landlord	45	93	10	30%	63%	7%
Resident	758	605	200	48%	39%	13%

Nearly two thirds of business respondents agreed. This contrasted with landlords response which showed two thirds disagreed. Just over half the residents surveyed agreed.

3. There is a high turnover of tenants in this area.

Total number who responded to this question was 1755, overall 993 agreed and 590 disagreed and there were 172 who did not respond. The respondents breakdown is as follows :

	Agree	Disagree	No response	Agree	Disagree	No response
Business	26	15	3	59%	34%	7%
Landlord	36	96	16	24%	65%	11%
Resident	931	479	153	60%	31%	10%

Nearly two thirds of residents and businesses agreed that there is a high turnover of tenants in their area. This contrasted with the landlord response which shows two thirds disagree.

4. Long-term empty properties are contributing to the decline of the area

Total number who responded to this question was 1755, overall 1134 agreed and 517 disagreed and there were 104 who did not respond. The respondents breakdown is as follows :

	Agree	Disagree	No response	Agree	Disagree	No response
Business	32	10	2	73%	23%	5%
Landlord	71	67	10	48%	45%	7%
Resident	1031	440	92	66%	28%	6%

Two thirds of residents and businesses agreed that long term empty properties are a contributory factor to the decline of the area. The landlord response was more or less equal with 48% agreeing and 45% disagreeing.

5. Anti-social behaviour is a problem within the area.

Total number of respondents was 1755. Overall 1064 agreed and 575 disagreed, 116 did not respond. The breakdown is as follows:

	Agree	Disagree	No response	Agree	Disagree	No response
Business	32	8	4	73%	18%	9%
Landlord	52	82	14	35%	55%	9%
Resident	980	485	98	63%	31%	6%

Two thirds of businesses and residents agreed that anti-social behaviour was a problem in their area with just over half of the landlords disagreeing.

6. The Council should intervene in areas suffering from low housing demand.

Total number of respondents was 1755. Overall 1188 agreed and 396 disagreed, 171 did not respond. The breakdown is as follows:

	Agree	Disagree	No response	Agree	Disagree	No response
Business	27	12	5	61%	27%	11%
Landlord	60	74	14	41%	50%	9%
Resident	1101	310	152	70%	20%	10%

Nearly two thirds of businesses and 70% of residents agreed that the Council should intervene in areas suffering from low housing demand. Most of the landlords disagreed, however a significant number (41%) did actually agree.

6. Do you agree with the Council's proposal to introduce selective licensing in this area?

Total number of respondents was 1755. Overall 1111 agreed, 583 disagreed and 61 no responses. The breakdown is as follows :

	Yes	No	No response	Yes	No	No response
Business	21	22	1	48%	50%	2%
Landlord	18	124	6	12%	84%	4%
Resident	1072	437	54	69%	28%	3%

The business response is split down the middle with more or less a equal number for and against the proposal to introduce a selective licensing scheme. Just over two thirds of residents agree. The landlord response is clear with 84% who responded to this question not in favour of the scheme.

Summary of overall analysis to the 7 key questions.

It is important to note that there was an average of 136 landlords, 41 businesses and 1440 residents responding to this consultation. In most cases the landlord response was to generally disagree, however question 4 and 6 returned a pretty even response. The most overwhelming negative response from landlords was to disagree to the council's proposal to introduce a selective licensing scheme which returned a response of 84% against. It is also interesting to note the landlord response to questions 4 and 6. Whilst 40% of landlords think the council should take action in areas of low housing demand only 12% agree with bringing in selective licensing, however resident responses to these questions are similar.

In contrast the businesses and residents both had a lot of consensus in their response. Both returned a majority vote to generally agree with 6 of the key questions. The majority of residents are in favour of the introduction of the selective licensing scheme whereas the businesses returned a response of 21 and 22 for and against.

Equality monitoring summary of overall analysis

Do you consider yourself to be disabled ?

A total number of 1596 respondents answered this question and 20% declared they had a disability with 71% who did not. There were 159 people who did not respond.

	Number	Percentage
Yes	346	20%
No	1250	71%
No response	159	9%
Grand Total	1755	

What is your age ?

A total number of 1600 respondents answered this question with the majority of people falling into the 45 – 65 or older category. There were 155 people who did not respond.

	Number	Percentage
Under 25	35	2%
25 to 34	180	10%
35 to 44	237	14%
45 to 54	344	20%
55 to 64	350	20%
65 or older	454	26%
No response	155	9%
Grand Total	1755	

How would you describe your ethnic origin ?

A total number of 1459 respondents answered this question. The majority of respondents declared themselves as White British (1315, 74.9%). The second largest group was Asian or Asian British Pakistani (5.1%) followed by Other White Background in third with 3%. It is worth noting that 2% of respondents declared themselves as Asian or Asian British Kashmiri. Many within this group sometimes refer to themselves as Pakistani or Kashmiri. There were 148 respondents who did not respond.

	Number	Percentage
Asian or Asian British Bangladeshi	2	0.1%
Asian or Asian British Indian	15	0.9%
Asian or Asian British Kashmiri	35	2.0%
Asian or Asian British Pakistani	89	5.1%
Black or British Black African	11	0.6%

Chinese	4	0.2%
Decline to answer	46	2.6%
Dual Heritage Asian and White	1	0.1%
Dual Heritage Black Caribbean and White	2	0.1%
Gypsy/Roma	3	0.2%
Irish Traveller	1	0.1%
Other Asian background	12	0.7%
Other Black Background	2	0.1%
Other Dual Heritage	1	0.1%
Other Ethnic Background	3	0.2%
Other Gypsy or Traveller Background	2	0.1%
Other White Background	53	3.0%
White British	1315	74.9%
White Irish	7	0.4%
Yemeni	3	0.2%
No response	148	8.4%
Grand Total	1607	

Please indicate if you are from the following EU accession Countries:

A total number of 41 people responded to this question with 18 people (1%) coming from Slovakia followed by 0.6% (11) coming from Poland. In total 2.3% of all respondents came from an EU accession state.

	Number	Percentage
Bulgaria	1	0.1%
Czech Republic	4	0.2%
Hungary	1	0.1%
Lithuania	5	0.3%
Poland	11	0.6%
Romania	1	0.1%
Slovakia	18	1.0%
No response	1714	97.7%
Grand Total	1755	

Appendix 2 – National Landlords Association Response to the Selective Licensing Consultation and answers to questions contained in that response



National Landlords Association:

Response to Rotherham Metropolitan Borough Council proposal for Selective Licensing

March 2014

1. The National Landlords Association (NLA) exists to protect and promote the interests of private residential landlords.
2. With more than 22,000 individual landlords from around the United Kingdom and over 100 Local Authority associates, we provide a comprehensive range of benefits and services to our members and strive to raise standards within the private rented sector.
3. The NLA seeks a fair legislative and regulatory environment for the private rented sector while aiming to ensure that landlords are aware of their statutory rights and responsibilities.

Overview

4. The National Landlords Association (NLA) would like to thank Rotherham Metropolitan Borough Council for providing the opportunity to comment on licensing.
5. The ability to introduce Licensing is a powerful tool. If used correctly by Rotherham Borough Council it can resolve specific issues. The NLA has supported many Local Authorities when the introduction of a licensing scheme has been introduced, as it will benefit landlords. The consultation has not answered these questions and has raised more questions.
6. The legislation in relation to Selective Licensing clearly states that the introduction of licensing has to be evidence based. This is either through anti-social behaviour or low housing demand. The evidence that is presented does not support the argument made, this will be developed in later sections.
7. The judgment from the judicial review of Thanet Councils introduction of Selective Licensing supports the opinion that the introduction of selective licensing must be on anti-social behaviour or low housing demand. This raises questions,
 - a) What additional resources will the council be committing to tackle anti-social behaviour as licensing alone will not resolve the issues – Thanet Council incurred a cost of £500,000.00
8. In the Government procedural document - 'Approval steps for Additional and Selective Licensing Designation in England', it states that in order to apply for Selective Licensing a local housing authority "will have to show how such a designation will be part of the overall strategic borough wide approach, and how it fits with existing policies on Homelessness, Empty homes, Regeneration and Anti-social behaviour." **Could you provide the NLA with a copy of this strategy? How will it benefit landlords and what specific resources will the council allocate in the specific areas? What additional resources will be allocated?**
9. This condition is also highlighted in the 'Explanatory note to Housing Act 2004, paras 26-28', which states: "In order for a scheme to be approved, such a selective licensing scheme must be shown to be co-ordinated with an authority's wider strategies to deal with anti-social behaviour and regeneration." **Could you provide the NLA with a copy of these strategies?**

7, The Council's Business Case identified that the proposal for Selective Licensing is based primarily on the grounds of Low Housing Demand. ASB is a contributory factor to the low housing demand criteria. The Council is committed to reducing anti-social behaviour and will prioritise its budgets appropriately and ensure a continuing partnership approach with South Yorkshire Police and other agencies/ voluntary sectors in the continuing reduction of ASB.

8, Selective Licensing will work with the existing Housing strategies by ensuring that there is high quality, safe accommodation across the rented sector in areas where there is low housing demand. How landlords will benefit has been detailed in the Business Case. The need for additional resources will be assessed as the policies, strategies and work develops.

http://www.rotherham.gov.uk/info/200593/social_care_and_support/147/get_help_with_homelessness/3

9, These strategies are available on the Council's website
Regeneration strategies

http://www.rotherham.gov.uk/downloads/200074/planning_and_regeneration

Community Strategy

http://www.rotherham.gov.uk/corestrategyexamination/download/downloads/id/394/leb06_rotherham_community_strategy_2012-2015

Crime and Anti-social behaviour

http://www.rotherham.gov.uk/jsna/info/25/staying_safe/20/crime_and_anti-social_behaviour

Housing Strategy

http://www.rotherham.gov.uk/downloads/file/205/rotherham_housing_strategy_2013-2043

The Empty Property strategy is currently in development.

10. One of the dangers of the proposed Selective Licensing scheme could be the costs are passed through to tenants, thus increasing cost for those who rent in an area, along with the cost of the council. Thus increasing costs to Rotherham residents especially the most vulnerable. This could be seen as increasing the cost of living for residents of Rotherham.
11. What actions have the council taken in light of Hemming v Westminster Council case into account, and the European Union Licensing directive on which the case was based in relation to costs?
12. Areas that have seen the introduction of selective licensing have seen mortgages withdrawn, (Nat West and RBS). The banking industry does not wish the extra burdens that councils propose.
13. In addition to young professionals and students, migrants make up an important part of the shared housing market the UK. For obvious economic reasons and for flexibility, shared housing is an important source of housing for these groups. However, demand is not static. Recent research suggests that emigration out of the UK by economic migrants is increasing¹. Thus the impact of these policies will have an impact on the lower economic groups within Rotherham. What measures are the council taking to mitigate the issues.
14. The use of Selective Licensing which is landlord/property based, will not resolve many of the issues which are caused by tenants – they are tenant based issues. Landlords have limited powers in addressing these as any direct action by the landlord to address issues such as ASB can be stated as being harassment by the tenant.
15. The introduction of Selective Licensing is not a solution in itself; resources need to be allocated by Rotherham Borough Council as well. Other councils who have introduced licensing schemes that have not allocated the adequate resources to resolve the problems still have the problems. We have reservations with the proposals as none have been identified.
16. One of the aims of the council is to increase tenancies length; the policy being proposed by the council will have the direct opposite and decrease the length of tenancies.
17. Can the council provide a copy of the equalities diversity impact assessment for Selective Licensing?
18. The NLA believes that any regulation of the private rented sector needs to be balanced. Additional regulatory burdens must focus on increasing the professionalism of landlords, the quality of private rented stock and driving out the criminal landlords – who blight the sector. It should be the shared objectives of all parties involved to facilitate the best possible outcomes for landlords and tenants and as such good practice should be recognised and encouraged in addition to the required focus on enforcement activity. In light of the current economic climate. The last thing good landlords need is regulations or licensing schemes; particularly where there appears to be limited direct and immediate benefit to landlords or tenants.

¹ Finch et al, 'Shall We Stay or Shall We Go? Re-migration trends among Britain's immigrants', IPPR, 2009

10, This issue was raised in, and responded to during the Improving Places Select Commission on the 23/7/14 – copy of the minutes are attached to the Cabinet Report as Appendix 3

11, The proposed licensing scheme fees will only pay for the costs of administering the licensing function, and not any additional enforcement or consequential costs.

13, An Equalities Assessment is contained in the report to Cabinet (17/12/14) as Appendix 10.

14, Landlords do have powers in relation to the management of their premises and often these are not utilised in a robust way to influence their tenant's behaviour or proactively to improve property standards.

16, The aim from the proposed Selective Licensing scheme is to create more stable communities, in the long run this means that either tenants may wish to stay in the area, or there is a change in the housing makeup of the area.

17, Attached as Appendix 10 for the final proposals before Cabinet.

Resources

19. A key concern over the creation of licensing schemes is the question of Rotherham Borough Council's resources. It is well known that in this time of austerity, Local Authorities are being asked to do more by central government with fewer resources. The administration of a Licensing scheme is costly in terms of both officer time and a financial commitment. This is especially true around the additional resources that the council will have to deploy around issues such as anti-social behaviour. The passing of Selective Licensing by Local Authorities too often does not have the support that is required to resolve the issues. With the decisions in Thanet's Judicial Review and Hemming v Westminster Council the NLA would like to know what additional resources have been committed and how they will be paid for.
20. The increase in the activity will increase the demand on the council what provision has the council made and how much additional resources has the council allocated i.e. staff answering phones, enquires etc.?
21. At a time when Rotherham Borough Council is reducing department budgets, we believe that the remaining resources should be allocated to targeted enforcement against the worst, criminal landlords. An example, in 2009 Swansea City and Borough Council spent approximately £272,000 on its mandatory and discretionary licensing schemes (of which approximately £243,000 came from landlords paying the application fee)². This caused a shortfall of £29,000 for the Local Authority and we would argue this money could have been better spent employing additional Environmental Health Officers to target sub-standard and poorly-managed properties. How many additional staff will Rotherham be employing and how much additional resources has the council budgeted for per year over the next five years?
22. Leeds City Council through the process of introducing Selective Licensing incurred a cost of around £100k to the tax payers of Leeds³. We have already mentioned Thanet Council incurred a cost of £500,000.00. Newham has allocated money from the general fund for enforcement and received money from central government, how much money has the council envisaged will be required for these new services?
23. The introduction of Licensing will require resources to be allocated to the area it to work i.e. tenant information officers, landlord liaison officers, anti-social behaviour staff, community workers and enforcement staff. This will create added cost to Rotherham Borough Council which cannot be met through licensing fees. The NLA would be willing to work with the council with the provision of Tenant Information Packs, Assured Short Hold Tenancies, support services for landlords and Green Deal packages to improve the efficiency of the homes in the area. But this would need to be complemented by resources by the council to tackle the issues the council has highlighted.
24. How has the council budgeted for a national register, (if introduced after the next election) and a refund to landlords is required, how much money is the council setting aside for this?

² Response from Swansea City and Borough Council on 31 March 2010 to an NLA request under the Freedom of Information Act

³ <http://www.publications.parliament.uk/pa/cm201314/cmselect/cmcomloc/50/5006.htm#a13>

19, This has been covered in the Business Case and in Question 7 above.

20, Additional costs will be met from existing resources, however some of the issues described here would be classed as administration of the scheme and hence can be correctly funded from the licence fees.

21, There is no plan to employ additional numbers of staff other than those paid for by the licensing scheme, however additional pressures will be absorbed through appropriate budgeting and process re-engineering to ensure demands can be met.

22, This is covered in the Business Case. It is estimated that the enforcement cost will be absorbed within current budget provision.

23, This would be welcomed.

24, This is a national political issue that has not got any current status. This cannot be planned for and any changes to national legislation would take time to enact and implement, leaving a gap in activity on this issue until such legislation becomes active.

25. Many other councils who have introduced licensing fail to inspect properties and seek out those that have not registered. In Newham and other Councils who have cited similar cases, they have taken on additional staff how many additional staff is the council proposing to take on?
26. The changes to welfare allowances and the reduction in housing couples with a rising rents, how much resources has the council allocated to help vulnerable residents with increased costs due to these policies?
27. Clarification on the council's policy, in relation to helping landlords when a section 21 notice is served is required, with the proposed Selective Licensing scheme? It would be useful if the council could put in place a guidance document which would outline the council's position in helping landlords remove tenants who are causing anti-social behaviour.
28. The NLA would like further explanation on how the council will work with landlords to mitigate the tenants that leave a property early but where they still have a tenancy, thus the tenant is liable for council tax but the property is empty? If a landlord has challenges with a tenant, how will the council help the landlord?

Powers/enforcement

29. Licensing can have a role, but Licensing in itself will not resolve the issue; the use of enforcement where the law is being broken is required. This requires an allocation of resources; can the council provide a breakdown of resources they will be allocating for the five year period of the license?
30. Rotherham Borough Council has many existing powers. Section 57 (4) of the Housing Act 2004 states that a local authority "must not make a particular designation ... unless (a) they have considered whether there are any other courses of action available to them ... that might provide an effective method of dealing with the problem or problems in question". The use of these powers as listed below give a Rotherham Borough Council the ability to tackle many of the issues that they wish to overcome in all the parts of the city:
 - a) Use of Criminal Behaviour Orders;
 - b) Crime Prevention Injunctions;
 - c) Interim Management Orders;
 - d) Empty Dwelling Management Orders;
 - e) Issuing improvement notices to homes that don't meet the decent homes standard
 - f) Directions regarding the disposal of waste (for example under section 46 of the Environmental Protection Act 1990);
 - g) Litter abatement notices under section 92 of the Environmental Protection Act 1990;
 - h) Powers under the Noise Act 1996 to serve fixed penalty notices or confiscate equipment (sections 8 and 10);
 - i) The power to require rubbish to be removed from land under section 2 – 4 of the Prevention of Damage by Pests Act 1949.

25, This is covered in the Business Case. It is estimated that the enforcement cost will be absorbed within current budget provision.

26, The Council provides advisory services within existing resources

27, The Council will work with the NLA for the provision of such guidance.

28, There is currently a Private Sector Housing Officer providing support and advice linkages with the Landlord community.

29, This has been covered in the Business Case. It is estimated that the resource allocation for enforcement will be the equivalent of 2 fte officers

30, This has been covered in the Business Case with demonstration of how other powers when applicable have been used.

31. The current proposals by the government in Parliament include reducing the threshold from which complaints can be generated that can be classified as anti-social behaviour. This would allow for the nuisance of one person to be classified as antisocial behaviour, this includes someone reading the bible out in the street. As this will increase the ability of neighbours to complain how much additional resource has the council allocated to tackle these issues?
32. With references required for tenancies and the threshold being reduced this could lead to delays for prospective tenants, along with people having difficulty getting a tenancy. Could you provide the equalities and diversity assessment that the council has undertaken into referencing? What communication has the council had with RSL's being able to provide referencing along with social housing providers that neighbour Rotherham?
33. This change proposed by the council will reduce secure tenancies and increase the cost for tenants; it could also increase homelessness with people being unable to secure a tenancy due to references.

Processing the license

34. The paperwork of a License can be reduced; the rationalisation of processing of licensing forms needs a review. The requirement to complete a form for each property needs to be reviewed. The process can be simplified along with costs that are incurred by Rotherham Borough Council and to the landlord. We would be willing to work with the Council on how this can be done.
35. Why does it cost Rotherham Borough Council, more to process an application than other councils such as Newham?
36. A failure of Rotherham Borough Council to have joined up standards between departments is also a problem for landlords. The Planning Control Departments often has different standards to that of the Environmental Health Departments, which would issue the Licence. This causes problems for landlords and creates a bizarre situation where landlords will not be complying with one of the Councils departments to comply with another. How will the council be rectifying this?

Waste

37. One of the many reasons raised by Rotherham Borough Council has proposed for the introduction of Licensing is due to litter and fly-tipping. Landlords will outline to tenants at the start of the tenancy their obligations in relation to waste and what they have to do to comply with in relation to waste disposal. This in many cases this is the waste services provided by Rotherham Borough Council, if the tenant does not comply with the waste collection then the tenant is responsible and the Council can take action against the tenant – Licensing is not the appropriate regulation to address this issue.
38. In many situations fly-tipping or excessive litter is due to the tenant not understanding the waste service. The non-collection of waste/recycling by the Council can increase fly-tipping and litter in an area. The non-collection of recycling due to contamination within the recycling bin will result in the tenant having to dispose of the recycling/waste; this can lead to fly-tipping or overflowing bins/litter.

31, This is not something that can be quantified in advance of any changes or their impact. Additional training has been provided and any increased complaints will be managed through existing resources and prioritisation of services.

32, An EA is provided in appendix 10. No Discussions have taken place with other organisations on the issue of referencing. Referencing requirements have been adjusted following the consultation, as can be seen in Appendix 9. Also, the reference or guarantee does not need to be from a previous housing provider, as this may be impractical.

34, Efficiencies on paperwork and handling are a priority for the final scheme development in order to bring better value for landlords and tenants and reduce waste.

35, The Rotherham proposals are in between many other Councils' fees and have been developed based on the cost of processing a paper licence application. Efficiencies in this may be realised before implementation and therefore a reduction will be passed on to landlords.

36, We would welcome further information on how the standards you describe are different, between what our Development Control and Community Protection services require. We are not aware of any existing conflicts and joint working and consultation is a routine occurrence.

38, Much novel work has already been done in areas where there are significant problems and we continue to invest in activity which has a short term impact but does not cost additional resources. Selective Licensing will be part of the overall solution, not the only factor. Existing resources will be priorities to deal with any enforcement required.

Neither of these can be resolved through Licensing. What additional resources will the council allocate to resolve this issue as the current resources do not seem adequate?

39. Often when tenants near the end of the contract/tenancy and they are moving out they will dispose of excess waste in a variety of methods, this does include putting it out on the street for the Council to collect. A waste strategy for the collection of waste at the end of term needs to be considered by local authorities which have further education establishments. This is made worse when Council will not allow landlords to access the municipal waste collection points. The council does not have a strategy in place to tackle the problem of waste from housing that is rented out and appropriate waste collection bins provided for the accommodation. The NLA would be willing to work with the council in developing this strategy.

Legislation

40. There are currently over 100 pieces of legislation that a landlord has to comply with. An understanding of the laws that the private rented sector has to comply with can be misunderstood. A landlord is expected to give the tenant a “quiet enjoyment”, failure to do so could result in harassment case brought against the landlord. Thus the law that landlords have to operate within is not fully compatible with the aims that the council wish. A landlord keeping a record of a tenant can be interpreted as harassment.
41. The ability for a landlord to enforce the law against the tenant that is causing anti-social behaviour is through the civil court where the burden of evidence is different to that of a criminal court. Although this is lower, the length of this process will often exceed the period of the tenancy. Why will a landlord continue to prosecute a person who is no longer a tenant? A landlord also risks the tenant causing damage to their property if they start legal proceedings against the tenant. Equally if a landlord has started a process, this will not appear on any council document, thus how will the council expect to measure this?
42. The introduction of licensing is to tackle specific issues, many of these are tenant related and not to do with the property/landlord. Thus the challenge is for local authorities to work with all the people involved not to just blame one group – landlords. The NLA is willing to work in partnership with Local Authorities and can help with tenant information packs, assured short hold tenancies, Green Deal and accreditation of landlords, along with targeting the worst properties in an area.
43. The NLA would also argue that a problem encompassing a few poorly managed and/or maintained properties would not be appropriately tackled by a licensing scheme which is not proportional. In many situations the council should consider Enforcement Notices and Management Orders. The use of such orders will deliver results immediately – why does the council wish to do this over five years. A targeted approach on a street by street approach, targeting the specific issues and joined up between agencies, the council, community groups, tenants and landlords will have a greater impact.
44. The NLA agrees that some landlords, most often due to ignorance rather than criminal intent, do not use their powers to manage their properties effectively. A more appropriate response would be to identify issues and assist landlords to develop the required knowledge and skills to improve the

39, This would be welcomed to complement our existing enforcement and collection practices.

40, The Council's requirements (regular checks on the property and knowing who the tenants are) under a Licensing Scheme could not be considered as harassment. Reasonable tenancy management is not harassment and the steps taken by the landlord should be proportionate to the risk.

41, Landlords will be expected to demonstrate they have taken appropriate and reasonable actions.

43, This is covered in the Business Case and in response to question 30 above

sector through schemes such as the NLA Accredited Landlord Scheme. This can allow Rotherham Borough Council to target the criminal Landlords – a joint approach is required.

45. The NLA would also like to see Rotherham Borough Council to develop a strategy that can also include action against any tenants that are persistent offenders. These measures represent a targeted approach to specific issues, rather than a blanket licensing scheme that would adversely affect the professional landlords whilst still leaving the criminal able to operate under the radar.
46. You propose that landlords will need to get references, there are many legal conditions that have to be complied in filling in a reference, and equally you cannot be negative in a reference. Thus many people will not be able to be housed which will increase the costs on the council. Equally will the council be able to provide references for those that were in social housing?

Anti-social behaviour

47. The NLA would also like to see Rotherham Borough Council to develop a strategy that can also include action against any tenants that are persistent offenders. These measures represent a targeted approach to specific issues, rather than a blanket licensing scheme that would adversely affect the professional landlords whilst still leaving the criminal able to operate under the radar.
48. The council admits that it is impossible to directly link all anti-social behaviour to the private rented sector, could the council provide mapping similar to that in the consultation document for social housing and owner occupied to compare and contrast?
49. The data that has been presented does not distinguish between owner occupied, social or private rented. They are based on perception – not evidence? In the same document you claim not to know where all the private rented sector is, thus how can you claim problems emanate from one sector of housing over the other?
50. Could the council provide a breakdown of data relating to anti-social behaviour based on tenure?
51. Could the council provide a breakdown of the ASB? Could this also be sub divided into anti-social behaviour that is housing related?
52. The length of time that a landlord will take to prosecute a tenant and cost if prohibitive to landlords. A course of action that landlords have taken in other areas where Licensing has been introduced which requires referencing is the landlord only granting a short tenancy i.e. 6 months and when a landlord is informed of anti-social behaviour, terminating the tenancy. Thus making tenancies less sustainable.
53. A person who's tenancy has been shortened or expired due to anti-social behaviour but no prosecution has been made would still have a perfect reference. Why would a landlord continue a prosecution of a tenant who has moved on?

45, This will be done as this and anti-social behaviour and public health interventions are joined up in the same enforcement team along with the licensing and private sector housing enforcement activity. Such an approach is embedded within Safer Neighbourhood partnership working.

46, Yes.

47, This question is the same as question 45 above – see response.

48. We have not tried to link any ASB to any sector, and ASB is not the criteria we are invoking for Selective Licensing (we are basing our proposal on Low Housing Demand). There is no such mapping in our consultation. This must be referring to a different local authority.

49, We do not allocate ASB from any particular sector, however we can show that there are greater proportions of private rented property in these areas than in other areas. This is covered in the Business Case.

50, No, the data to show ASB per Housing Sector and has not not been recorded in that way. As such there is no evidence to use ASB as the reason for Selective Licensing, as discussed in the Business Case (proposal based on Low Demand). It is a contributory factor to low housing demand only.

53, A landlord would not prosecute. A landlord would give a reference on the tenants conduct, regardless of the outcome of any eviction process or termination of tenancy.

54. How will a landlord be able to get a reference from someone who is being housed by a third party i.e. the Home Office (refugee)?

Conclusion

55. The NLA would like to see Rotherham Borough Council present a “Matrix” on the what will be achieved by the introduction of Licensing along with a clear outline of the services that will and will not be introduced along with a timeline.
56. We would like clarity on the anti-social behaviour, costs and resources being allocated by Rotherham Borough Council. Recent court cases show that the council will have to commit resources and that these need to be targeted to resolve the issues that the council highlight.
57. The aims of the Council has i.e. removing nuisance, waste etc. can be achieved through existing legislation that Licencing will not and cannot achieve. The risk of introducing Licencing is likely to increase the costs for those, along with not resolving the problems that the Council wishes to resolve. Thus a more erudite approach to dealing with nuisance and a separate policy to tackle the criminal landlords would be more applicable in resolving the issues.
58. Again, the NLA would like to thank Rotherham Borough Council for the opportunity to respond to this consultation and hope you find our comments useful.

54, In such circumstances it would be understood that a reference is not feasible and our enforcement would be moderated by that fact.

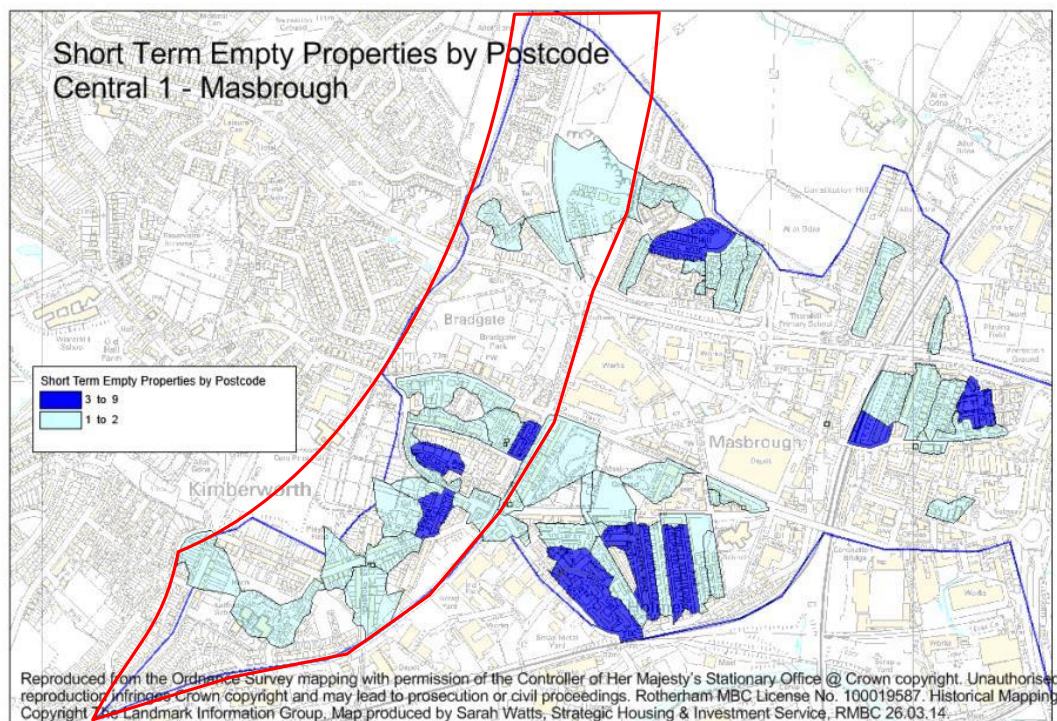
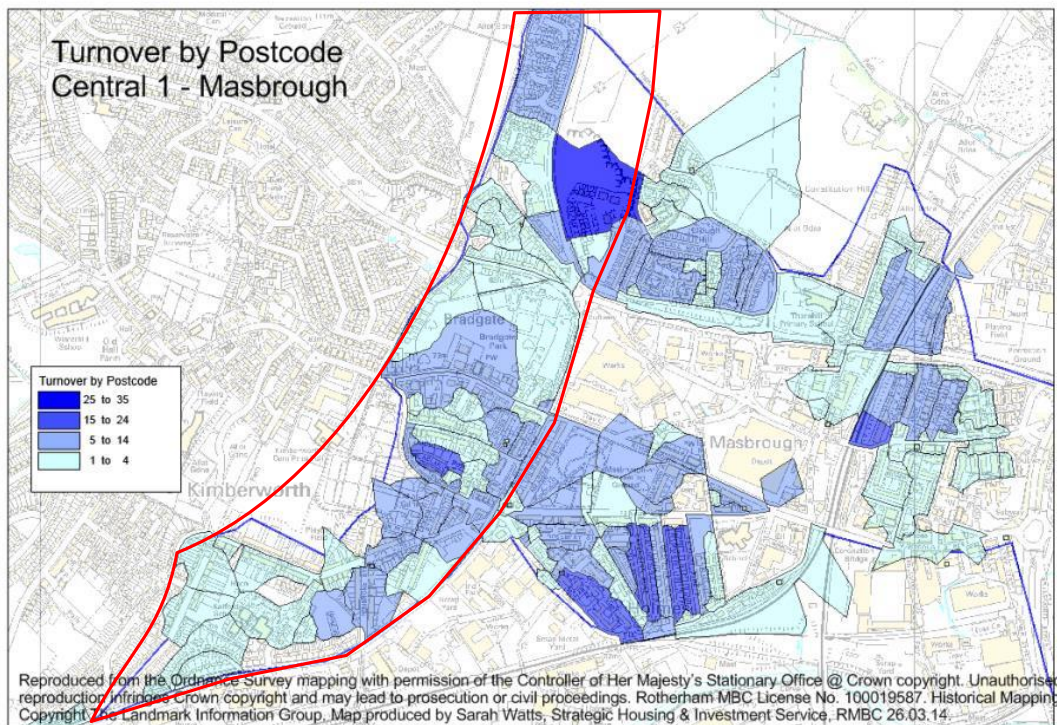
55, The aims have been clearly set out in the Business Case along with additional resource needs.

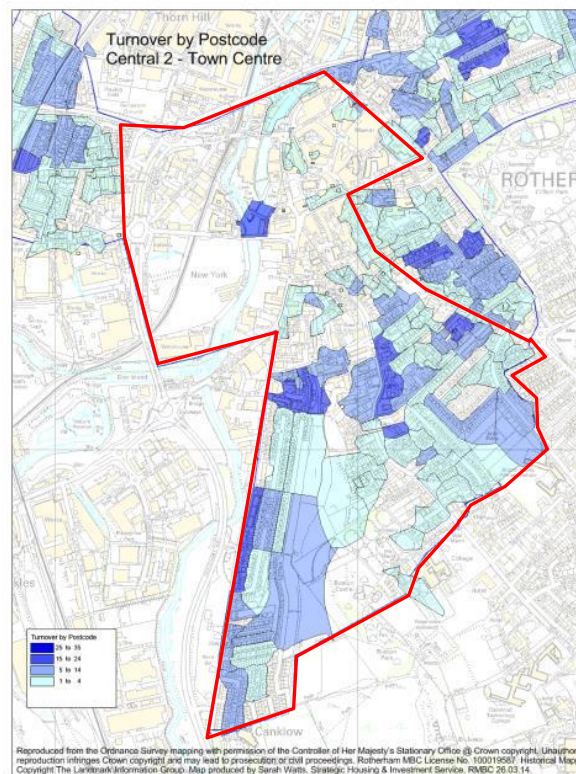
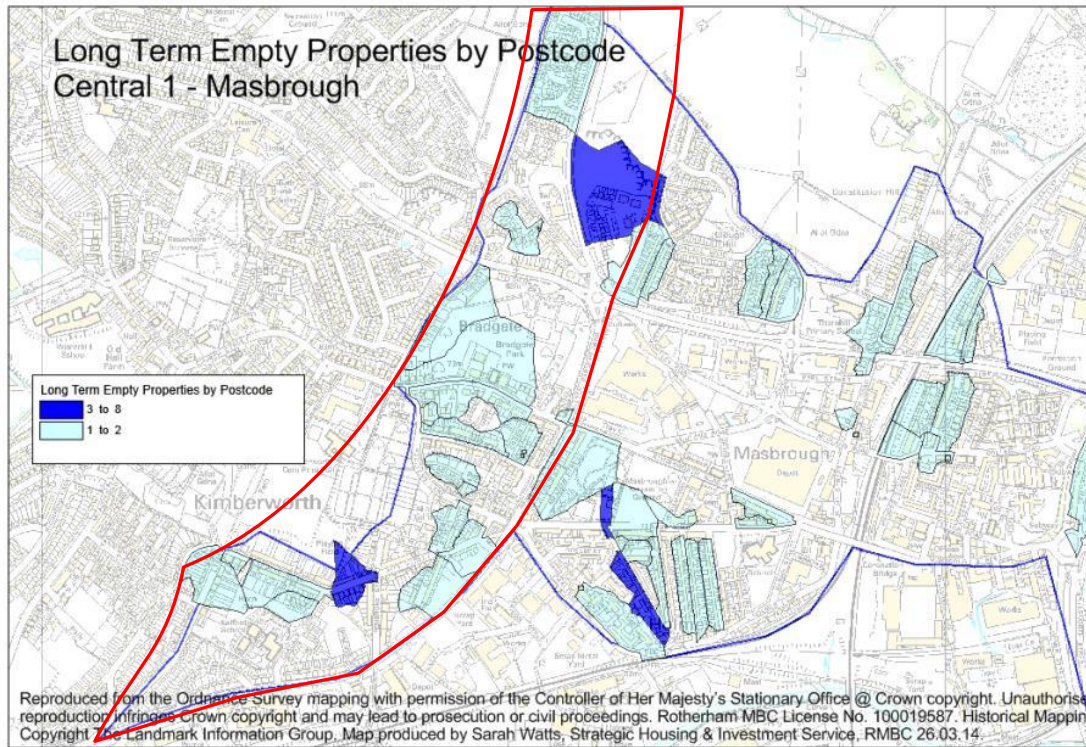
56, This has been discussed earlier in this response.

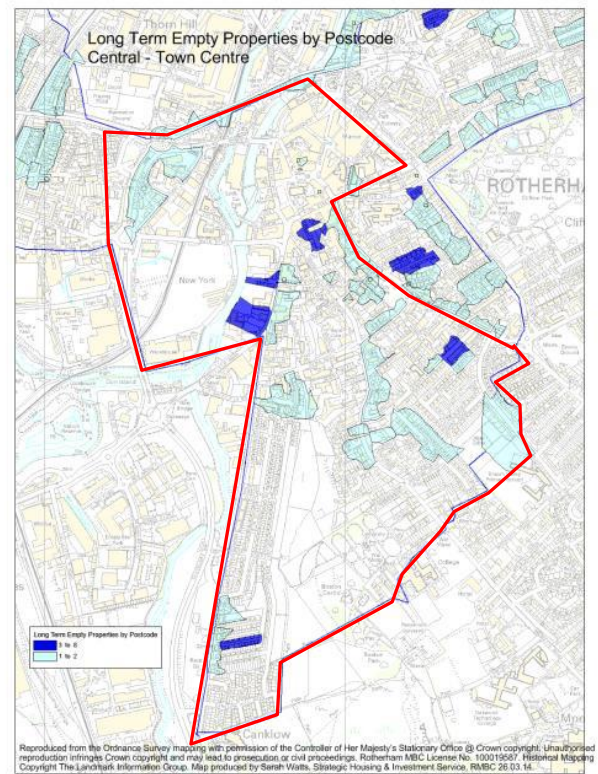
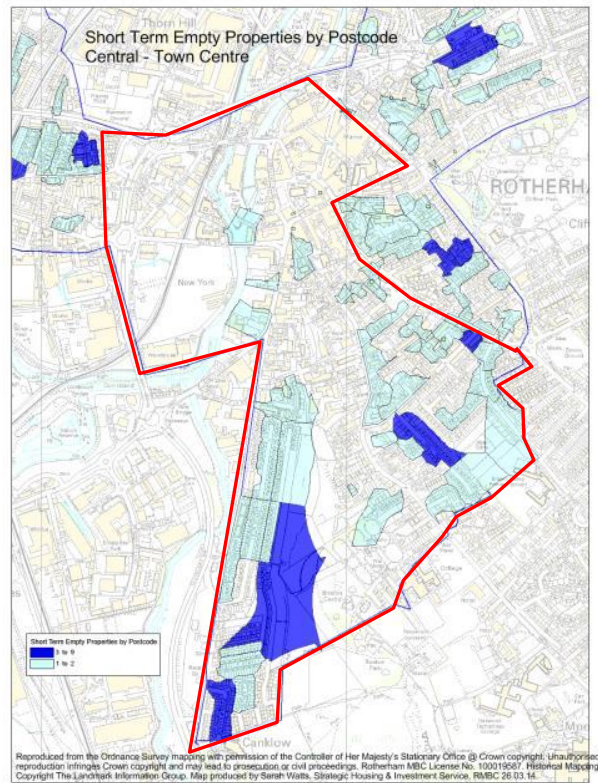
57, This has been discussed in the Business Case. The proposal is about increasing housing demand. The aim of the Council is not as stated and the use of existing statutory nuisance powers etc. have been tried.

APPENDIX 3 – Exclusion Analysis heat maps – 2012/13 data

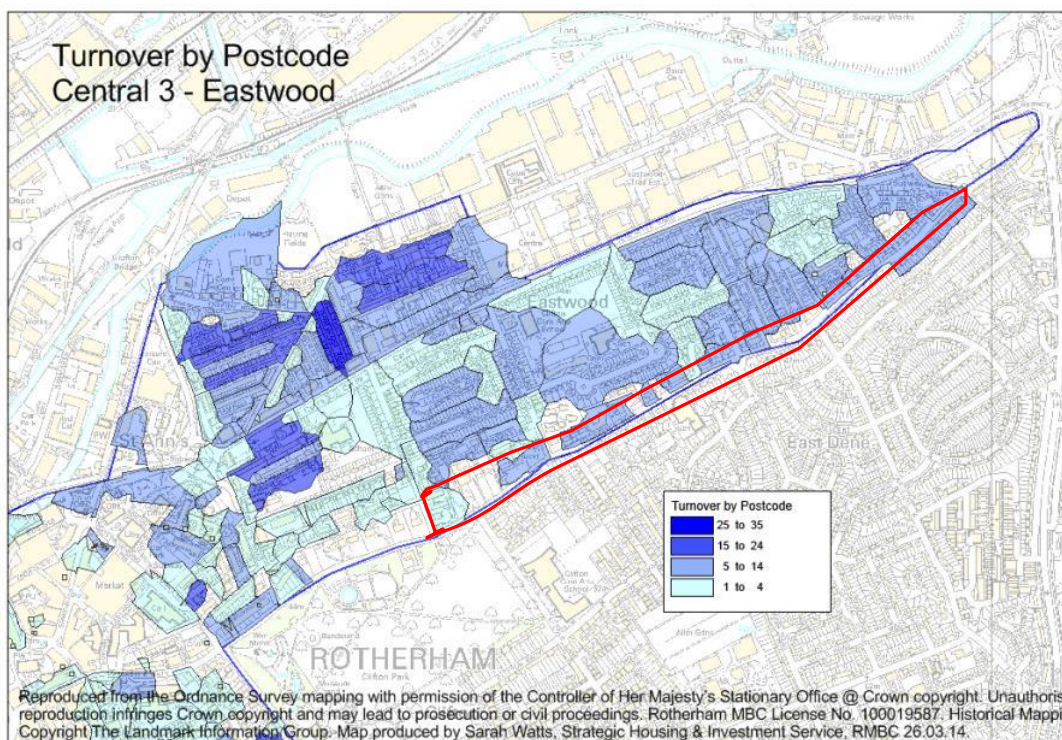
The zones outlined in Red are those which are to be excluded following analysis detailed in this report.



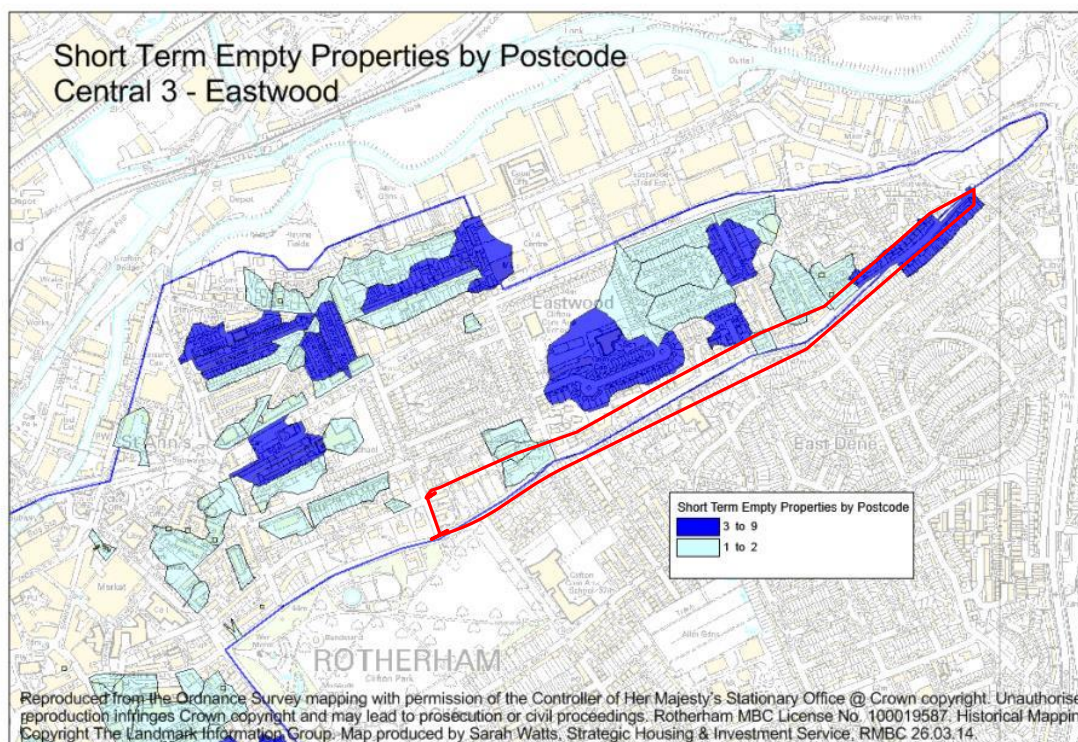


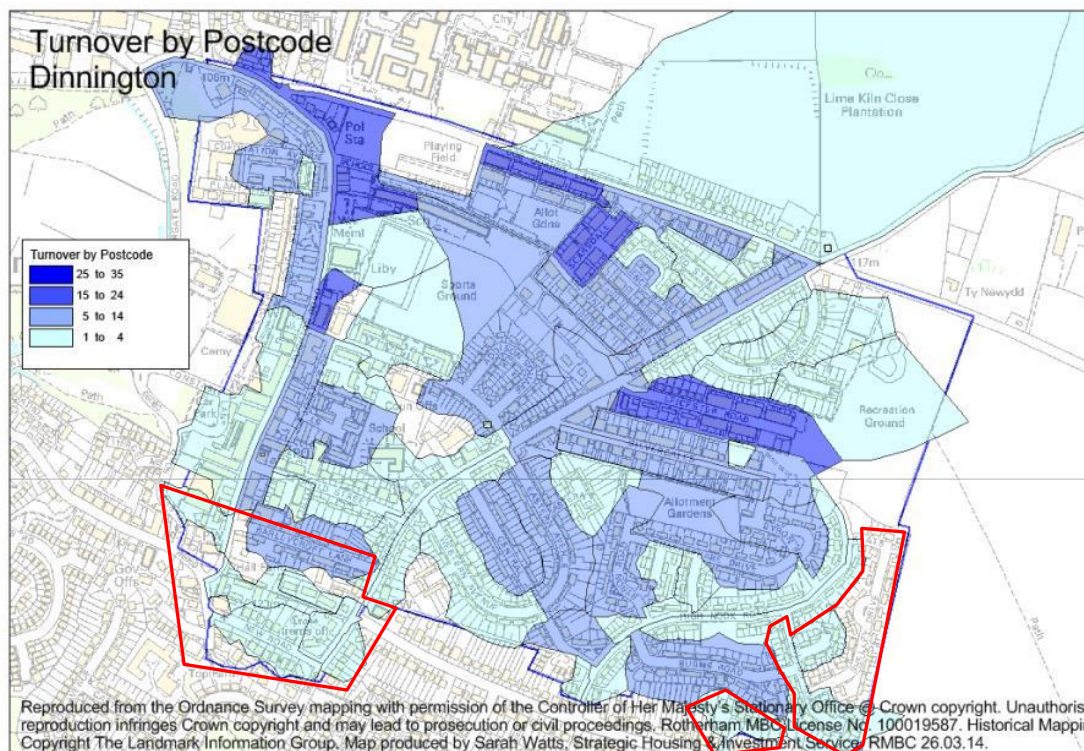
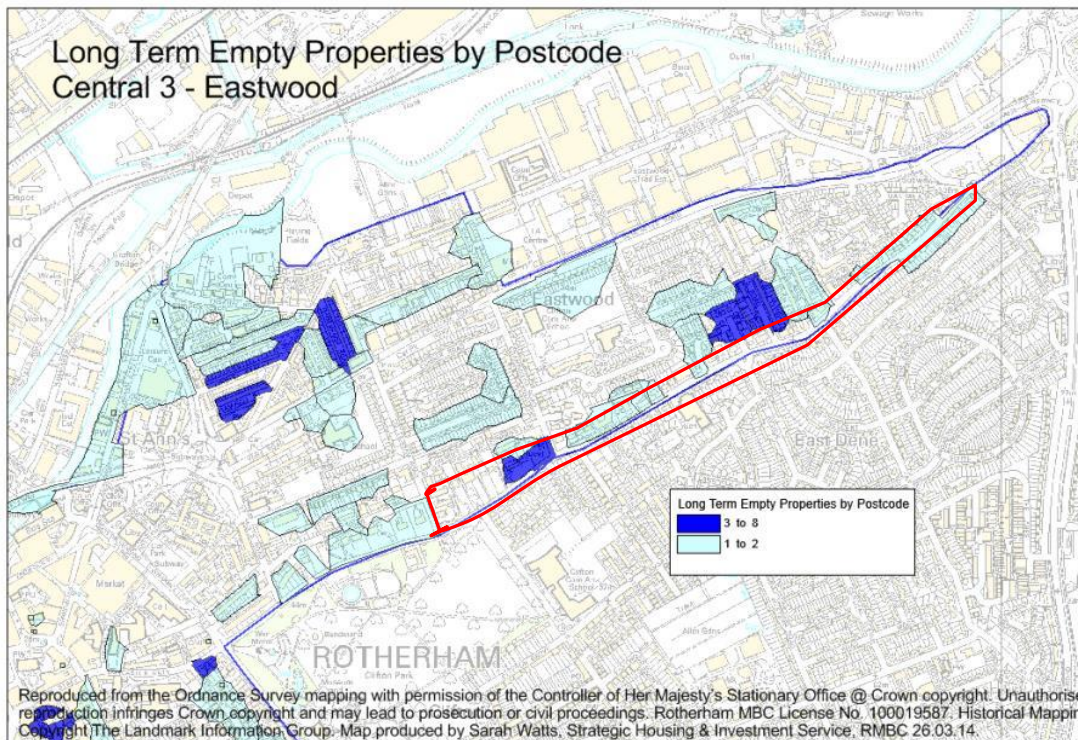


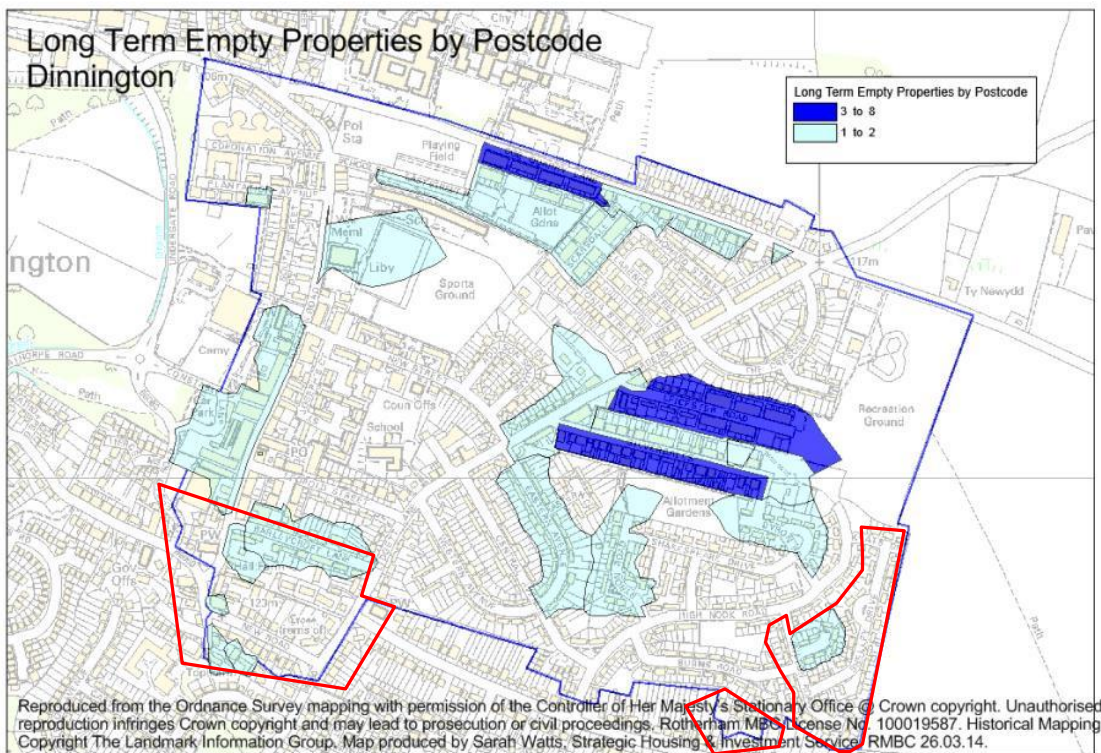
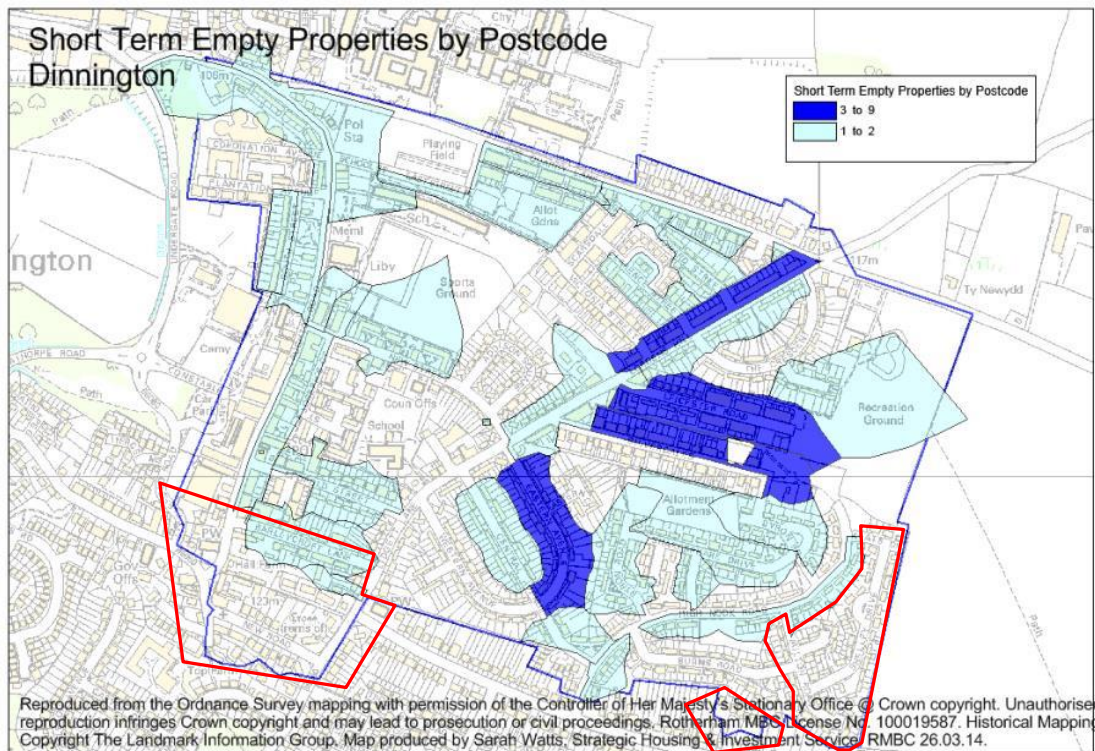
Turnover by Postcode Central 3 - Eastwood

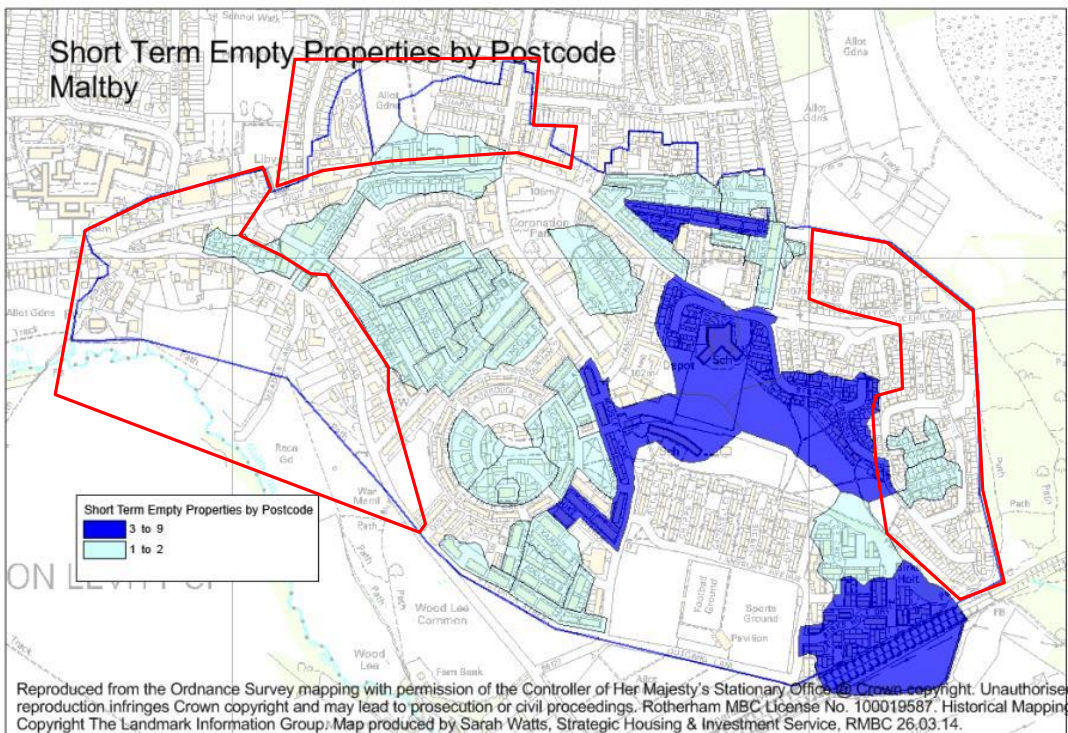
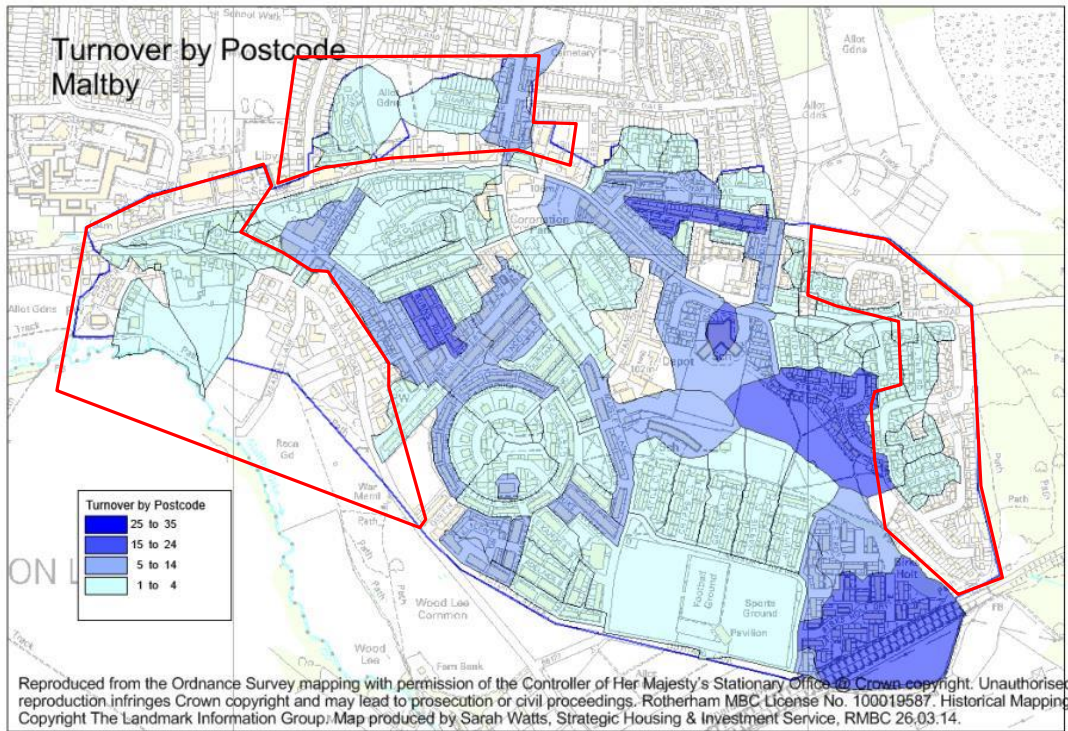


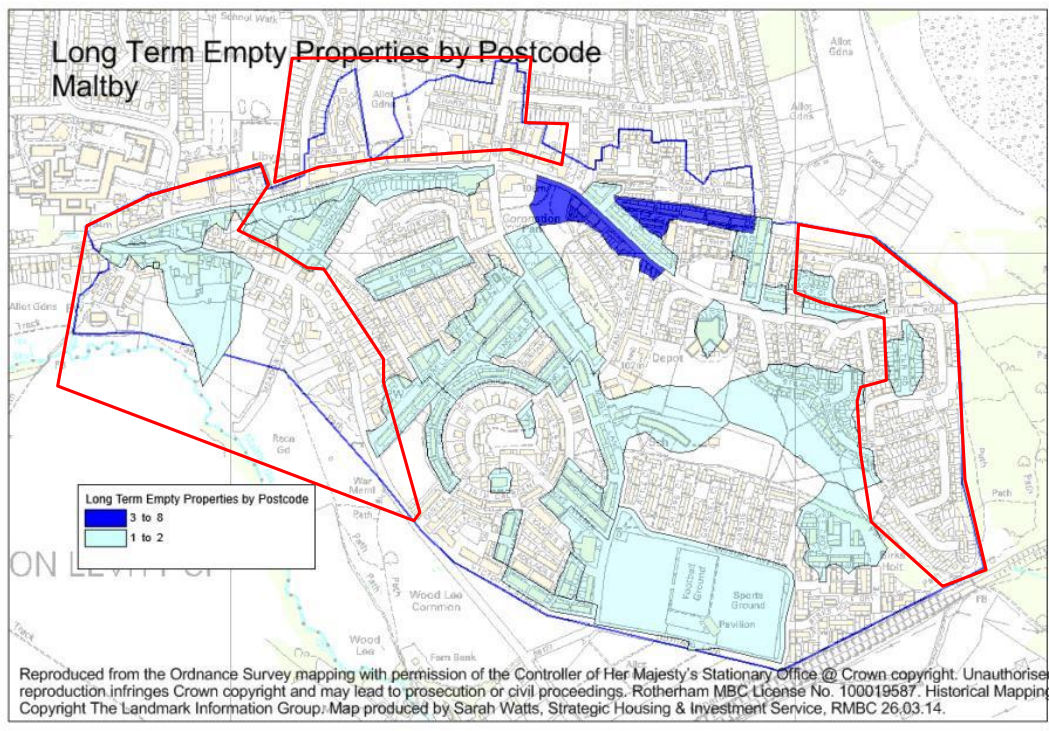
Short Term Empty Properties by Postcode Central 3 - Eastwood











Appendix 4 - Appraisal of the benefits and differences of Selective Licensing scheme and a voluntary scheme

Some Benefits proposed by Schemes	Provided for by Selective Licensing Proposals	Suggested to be available under a Voluntary Scheme	Mitigation of Risk
Legal requirement to register, with criminal penalties for failure.	✓	✗	<ul style="list-style-type: none"> Effective promotion of the scheme, highlighting the benefits offered, will be undertaken on a regular basis. Landlords who are not members of the voluntary scheme will be informed as to how to apply to the scheme. Landlords found to be acting irresponsibly, in addition to appropriate enforcement action, will be advised to become a member of the scheme. Landlords who do not wish to apply to the scheme will have their standard of management and property scrutinised.
Enforced maintenance of membership.	✓	✗	
Enables all licensable property to be identified and checked.	✓	✗	
Interim management orders for failure to Licence/register.	✓	✗	
Borough-wide Scheme	✗	✓	
Requirement to have written Tenancy Agreements	✓	✓	
Legal requirement on landlord to take action over ASB.	✓	✗	An ASB Charter, produced jointly by the Council and the Scheme Administrator, will effectively manage issues of an ASB nature. New ASB powers strengthen responsibility
Fit and Proper person declarations for licence holders/members.	✓	✗	As a requirement of the voluntary scheme, landlords will verify that they have no criminal convictions.
Licensing/Registration pre-inspection by HHSRS qualified person.	✓	✓	
Legal requirement to remedy defects found in pre-inspection.	✓	✗	The scheme will advise landlords on how to remedy defects found following inspection
Gas, electricity and equipment safety checks.	✓	✓	
Set conditions and standards for properties.	✓	✓	
Management standard conditions to licence/membership.	✓	✓	
Landlord Liaison function provided by the scheme administrator.	✓	✓	
Lighter touch regulation and lower costs in response to Accredited members.	✓	✓	
Database of membership held by the Council.	✓	✗	Access offered to the Council, as and when required, through an agreed data sharing protocol.
Scheme membership details available for Council enforcement staff to enable faster contact with landlords.	✓	✓	

The Rotherham Metropolitan Borough Council Designation of an Area for Selective Licensing (**Eastwood**) 2014.

The Rotherham Metropolitan Borough Council in exercise of their powers under section 80 of the Housing Act 2004 (“the Act”) hereby designates for selective licensing the area described in paragraph 4.

CITATION, COMMENCEMENT AND DURATION

1. This designation may be cited as the Rotherham Metropolitan Borough Council Designation for an Area for Selective Licensing (**Eastwood**) 2014.
2. This designation is made on [xxxxxx date] and shall come into force on [***This date will not be earlier than three months after the decision by the Council***]
3. This designation shall cease to have effect on [***Date to be normally five years from the date the designation came into force, unless the authority has agreed for a scheme of a shorter duration***] or earlier if the Council revokes the scheme under section 84 of the Act.

AREA TO WHICH THE DESIGNATION APPLIES

4. This designation shall apply to the area as delineated and edged red on the map at Annex A.

APPLICATION OF THE DESIGNATION

5. This designation applies to any house¹ which is let or occupied under a tenancy or licence within the area described in paragraph 4 unless –
 - (a) the house is a house in multiple occupation and is required to be licensed under Part 2 of the Act²;
 - (b) the tenancy or licence of the house has been granted by a non-profit registered provider of social housing, a profit making registered provider of social housing in respect of social housing (within the meaning of Part 2 of the Housing and Regeneration Act 2008), or by a body which is registered as a social landlord under Part 1 of the Housing Act 1996;
 - (c) the house is subject to an Interim or Final Management Order under Part 4 of the Act;
 - (d) the house is subject to a temporary exemption under section 86 of the Act; or
 - (e) the house is occupied under a tenancy or licence which is exempt under the Act⁴ or the occupation is of a building or part of a building so exempt as defined in annex b;

¹ For the definition of “house” see sections 79 and 99 of the Act

² Section 55 of the Act defines which Houses in Multiple Occupation are required to be licensed under the Act. See also The Licensing of Houses in Multiple Occupation (Prescribed Descriptions) (England) Order 2005 (SI 2006/371)

³ Section 79 (3) of the Act.

EFFECT OF THE DESIGNATION

6. Subject to sub paragraphs 5(a) to (e) every house in the area specified in paragraph 4 that is occupied under a tenancy or licence shall be required to be licensed under section 85 of the Act.⁵
7. The Rotherham Metropolitan Borough Council will comply with the notification requirements contained in section 83 of the Act and shall maintain a register of all houses registered under this designation, as required under section 232 of the Act.⁶

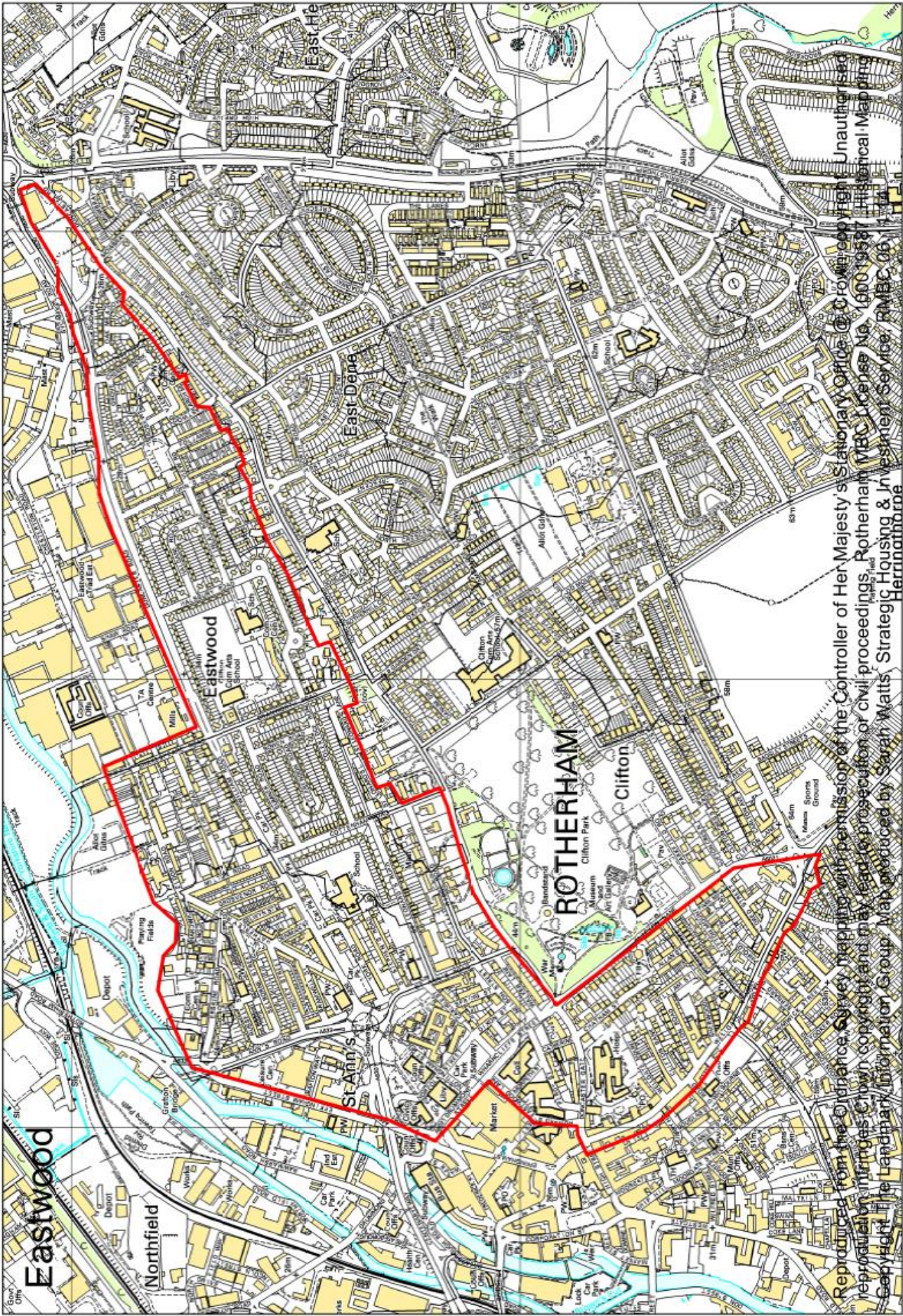
Date and authentication by the Council. [***The date is the date the Council resolved to make the scheme***]

⁴ Section 79 (4) of the Act and SI 370/2006

⁵ Section 86 of the Act provides for certain temporary exemption. As to suitability see section 89. Note, if the house is not suitable to be licensed the Council must make an Interim Management Order-see section 102.

⁶ Section 232 of the Act and paragraph 11 of SI 373/2006

Annex a – Paragraph 4: Map of Designated Area



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Annex b – Paragraph 5(d): Exempted Tenancies or licences¹

Prohibition of occupation by law

1. A tenancy or licence of a house² or a dwelling³ within a house where the house or the dwelling is subject to a prohibition order made under section 20 of the Act the operation of which has not been suspended under section 23.

Certain tenancies which cannot be assured tenancies

2. A tenancy which cannot be an assured tenancy by virtue of section 1 (2) of the Housing Act 1988 comprised in Part of Schedule 1 of the Act and which is:
 - (a) a business tenancy under Part II of the Landlord and Tenant Act 1954
 - (b) a tenancy under which the dwelling-house consists of or comprises premises, which, by virtue of a premises licence under the Licensing Act 2003, may be used for the supply of alcohol (within the meaning of Section 14 of that Act) for consumption on the premises⁴
 - (c) a tenancy under which agricultural land, exceeding two acres, is let together with the house⁵
 - (d) a tenancy under which the house is comprised in an agricultural holding or the holding is comprised under a farm business tenancy if it is occupied (whether as tenant or as a servant or agent of the tenant), in the case of an agricultural holding, by the person responsible for the control of the farming of the holding, and in the case of a farm business tenancy, by the person responsible for the control of the management of the holding⁶.

Tenancies and licences granted etc by public bodies

3. A tenancy or licence of a house or dwelling within a house that is managed or controlled⁷ by:
 - (a) a local housing authority
 - (b) a police authority established under section 3 of the Police Act 1996 or the Metropolitan Police Authority established under section 5B of that Act

¹ See The Selective Licensing of Houses (Specified Exemptions) (England) Order 2006 SI 370/2006

² Sections 79 (2) and 99 of the Act

³ For the definition of a dwelling – see section 99 of the Act

⁴ See paragraph 5 of Schedule 1 of the 1988 Act as amended by section 198 (1) and paragraph 108 of schedule 6 of the Licensing Act 2003

⁵ For the meaning of “agricultural land” section 26 (3) (a) of the General Rate Act 1967

⁶ See paragraph 7 of Schedule 1 of 1988 Act as amended by section 40 and paragraph 34 of the Schedule to the Agricultural Tenancies Act 1995

⁷ For the definition of “person managing” and “person having control” see section 263 of the Act

- (c) a fire and rescue authority under the Fire and Rescue Services Act 2004;
- (d) a health service body within the meaning of section 9 of the National Health Service Act 2006.

Tenancies, licences etc regulated by other enactments

4. A tenancy, licence or occupation of a house which is regulated under the following enactments:
 - (a) sections 87 to 87D of the Children Act 1989
 - (b) section 43 (4) of the Prison Act 1952
 - (c) section 34 of the Nationality, Immigration and Asylum Act 2002
 - (d) The Secure Training Centre Rules 1998⁸
 - (e) The Prison Rules 1998⁹
 - (f) The Young Offender Institute Rules 2000¹⁰
 - (g) The Detention Centre Rules 2001¹¹
 - (h) The Criminal Justice and Court Service Act 2000 (Approved Premises) Regulations 2001¹²
 - (i) The Care Homes Regulations 2001¹³
 - (j) The Children's Homes Regulations 2001¹⁴;
 - (k) The Residential Family Centres Regulations 2002¹⁵.

Certain student lettings etc

5. A tenancy or licence of a house or a dwelling within a house –
 - (i) which is managed or controlled by a specified educational establishment or is of a specified description of such establishments and

⁸ SI 472/1998 as amended by SI 3005/2003

⁹ SI 728/1999 as amended by SI 1794/2000, SI 1149/2001, SI 2116/2002, SI 3135/2002. SI 3301/2003 and SI 869/2005

¹⁰ SI 3371/2000 as amended by SI 2117/2002, SI 3135/2002 and SI 897/2005

¹¹ SI 238/2001. Section 66 (4) of the Nationality, Immigration and Asylum Act 2002 provides that the reference to a detention centre is to be construed as a reference to a removal centre as defined in Part VIII of the Immigration and Asylum Act 1999

¹² SI 850/2001

¹³ SI 3965/2001 as amended by SI 865/2001. SI 534/2003, SI 1590/2003, SI 1703/2003, SI 1845/2003, SI 664/2004, SI 696/2004, SI 1770/2004, SI 2071/2004 SI and SI 3168/2004

¹⁴ SI 3967/2001 as amended by SI 865/2002, SI 2469/2002, SI 664/2004 and SI 3168/2004

¹⁵ SI 3213/2002 as amended by SI 664/2004, SI 865/2004 and SI 3168/2004

- (ii) the occupiers of the house or dwelling are undertaking a full time course of further or higher education at the specified establishment which is a member of a specified Code of Standards or Practice¹⁶

Long leaseholders

6. A tenancy of a house or a dwelling within a house provided that –

- (i) the full term of the tenancy is for more than 21 years and
- (ii) the tenancy does not contain a provision enabling the landlord (or his successor his in title) to determine it other than by forfeiture, earlier than at the end of the term and
- (iii) the house or dwelling is occupied by a person to whom the tenancy was granted or his successor in title or by any members of either of those person's family.

Certain family arrangements

7. A tenancy or licence of a house or a dwelling within a house where –

- (i) the person who has granted the tenancy or licence to occupy is a member of the family of the person who has been granted the tenancy or licence and
- (ii) the person who has granted the tenancy or licence to occupy is the freeholder or long leaseholder of the house or dwelling and
- (iii) the person occupies the house or dwelling as his only or main residence (and if there are two or more persons at least one of them so occupies).

Holiday lets

8. A tenancy or licence of a house or a dwelling within a house that has been granted to the person for the purpose of a holiday.

Certain lettings etc by Resident Landlord etc

9. A tenancy or licence of a house or a dwelling within a house under the terms of which the person granted the tenancy or licence shares the use of any amenity with the person granting that tenancy or licence or members of that person's family. An "amenity" includes a toilet, personal washing facilities, a kitchen or a living room but excludes any area used for storage, a staircase, corridor or other means of access.

Buildings Controlled or Managed by a Co-operative Society

10. A tenancy or licence (other than an assured, secure or protected tenancy) of a building and the person managing or having control of the building is a co-operative society, whose rules are such as to secure all the conditions set out in paragraph 2B(2) of Schedule 14 to the Housing Act 2004, are met

¹⁶ See the schedule to The Houses in Multiple Occupation (Specified Educational Establishments) (England) Regulations 2012 for the list of specified bodies and code of standards or practice

Interpretation

11. In this annex:

- (a) a “person” includes “persons”, where the context is appropriate
- (b) a “tenancy” or “licence” includes “a joint tenancy” or “joint licence”, where the context is appropriate
- (c) “long leaseholder” in paragraph 7 (ii) has the meaning conferred in paragraphs 6 (i) and (ii) and in those paragraphs the reference to “tenancy” means a “long lease”
- (d) a person is a member of the family of another person if –
 - (i) he lives with that person as a couple
 - (ii) one of them is the relative of the other; or
 - (iii) one of them is, or is a relative of, one member of a couple and the other is a relative the other member of the coupleand
 - (iv) For the purpose of this paragraph –
 - (1) “couple” means two persons who are married to each other or live together as husband and wife or in an equivalent arrangement in the case of persons of the same sex
 - (2) “relative” means a parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew, niece or cousin
 - (3) a relationship of the half-blood is to be treated as a relationship of the whole blood and
 - (4) a stepchild of a person is to be treated as his child

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The Rotherham Metropolitan Borough Council in exercise of their powers under section 80 of the Housing Act 2004 (“the Act”) hereby designates for selective licensing the area described in paragraph 4.

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3. This designation shall cease to have effect on [***Date to be normally five years from the date the designation came into force, unless the authority has agreed for a scheme of a shorter duration***] or earlier if the Council revokes the scheme under section 84 of the Act.

AREA TO WHICH THE DESIGNATION APPLIES

4. This designation shall apply to the area as delineated and edged red on the map at annex a.

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5. This designation applies to any house¹ which is let or occupied under a tenancy or licence within the area described in paragraph 4 unless –
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EFFECT OF THE DESIGNATION

6. Subject to sub paragraphs 5(a) to (e) every house in the area specified in paragraph 4 that is occupied under a tenancy or licence shall be required to be licensed under section 85 of the Act.⁵
7. The Rotherham Metropolitan Borough Council will comply with the notification requirements contained in section 83 of the Act and shall maintain a register of all houses registered under this designation, as required under section 232 of the Act.⁶

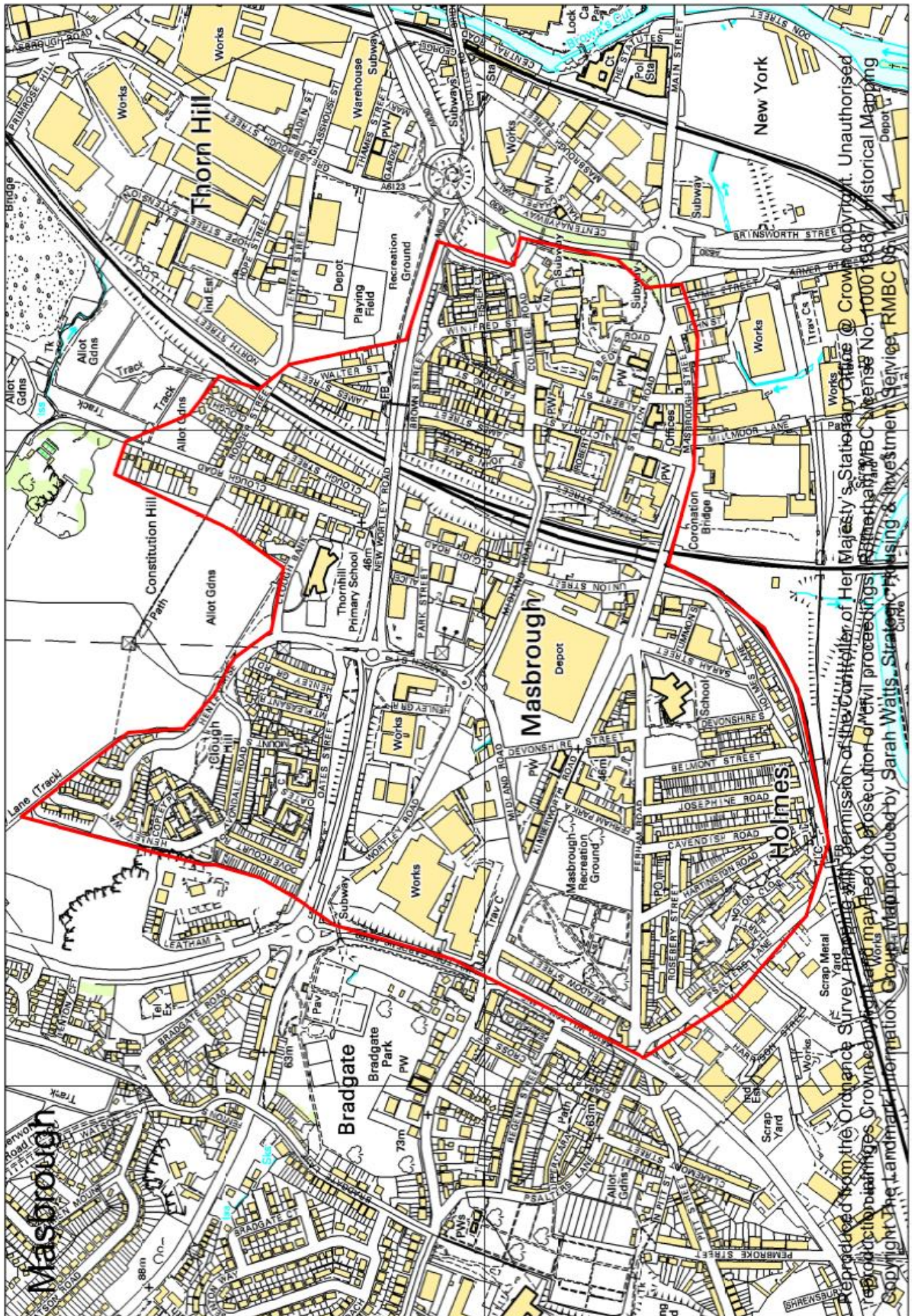
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¹⁶ See the schedule to The Houses in Multiple Occupation (Specified Educational Establishments) (England) Regulations 2012 for the list of specified bodies and code of standards or practice

Interpretation

11. In this annex:

- (a) a “person” includes “persons”, where the context is appropriate
- (b) a “tenancy” or “licence” includes “a joint tenancy” or “joint licence”, where the context is appropriate
- (c) “long leaseholder” in paragraph 7 (ii) has the meaning conferred in paragraphs 6 (i) and (ii) and in those paragraphs the reference to “tenancy” means a “long lease”
- (d) a person is a member of the family of another person if –
 - (i) he lives with that person as a couple
 - (ii) one of them is the relative of the other; or
 - (iii) one of them is, or is a relative of, one member of a couple and the other is a relative the other member of the coupleand
 - (iv) For the purpose of this paragraph –
 - (1) “couple” means two persons who are married to each other or live together as husband and wife or in an equivalent arrangement in the case of persons of the same sex
 - (2) “relative” means a parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew, niece or cousin
 - (3) a relationship of the half-blood is to be treated as a relationship of the whole blood and
 - (4) a stepchild of a person is to be treated as his child

The Rotherham Metropolitan Borough Council Designation of an Area for Selective Licensing (**Maltby South East**) 2014.

The Rotherham Metropolitan Borough Council in exercise of their powers under section 80 of the Housing Act 2004 (“the Act”) hereby designates for selective licensing the area described in paragraph 4.

CITATION, COMMENCEMENT AND DURATION

1. This designation may be cited as the Rotherham Metropolitan Borough Council Designation for an Area for Selective Licensing (**Maltby South East**) 2014.
2. This designation is made on [xxxxx date] and shall come into force on [***This date will not be earlier than three months after the decision by the Council***]
3. This designation shall cease to have effect on [***Date to be normally five years from the date the designation came into force, unless the authority has agreed for a scheme of a shorter duration***] or earlier if the Council revokes the scheme under section 84 of the Act.

AREA TO WHICH THE DESIGNATION APPLIES

4. This designation shall apply to the area as delineated and edged red on the map at annex a.

APPLICATION OF THE DESIGNATION

5. This designation applies to any house¹ which is let or occupied under a tenancy or licence within the area described in paragraph 4 unless –
 - (a) the house is a house in multiple occupation and is required to be licensed under Part 2 of the Act²;
 - (b) the tenancy or licence of the house has been granted by a non-profit registered provider of social housing, a profit making registered provider of social housing in respect of social housing (within the meaning of Part 2 of the Housing and Regeneration Act 2008), or by a body which is registered as a social landlord under Part 1 of the Housing Act 1996;
 - (c) the house is subject to an Interim or Final Management Order under Part 4 of the Act;
 - (d) the house is subject to a temporary exemption under section 86 of the Act; or
 - (e) the house is occupied under a tenancy or licence which is exempt under the Act⁴ or the occupation is of a building or part of a building so exempt as defined in annex b;

¹ For the definition of “house” see sections 79 and 99 of the Act

² Section 55 of the Act defines which Houses in Multiple Occupation are required to be licensed under the Act. See also The Licensing of Houses in Multiple Occupation (Prescribed Descriptions) (England) Order 2005 (SI 2006/371)

³ Section 79 (3) of the Act.

EFFECT OF THE DESIGNATION

6. Subject to sub paragraphs 5(a) to (e) every house in the area specified in paragraph 4 that is occupied under a tenancy or licence shall be required to be licensed under section 85 of the Act.⁵
7. The Rotherham Metropolitan Borough Council will comply with the notification requirements contained in section 83 of the Act and shall maintain a register of all houses registered under this designation, as required under section 232 of the Act.⁶

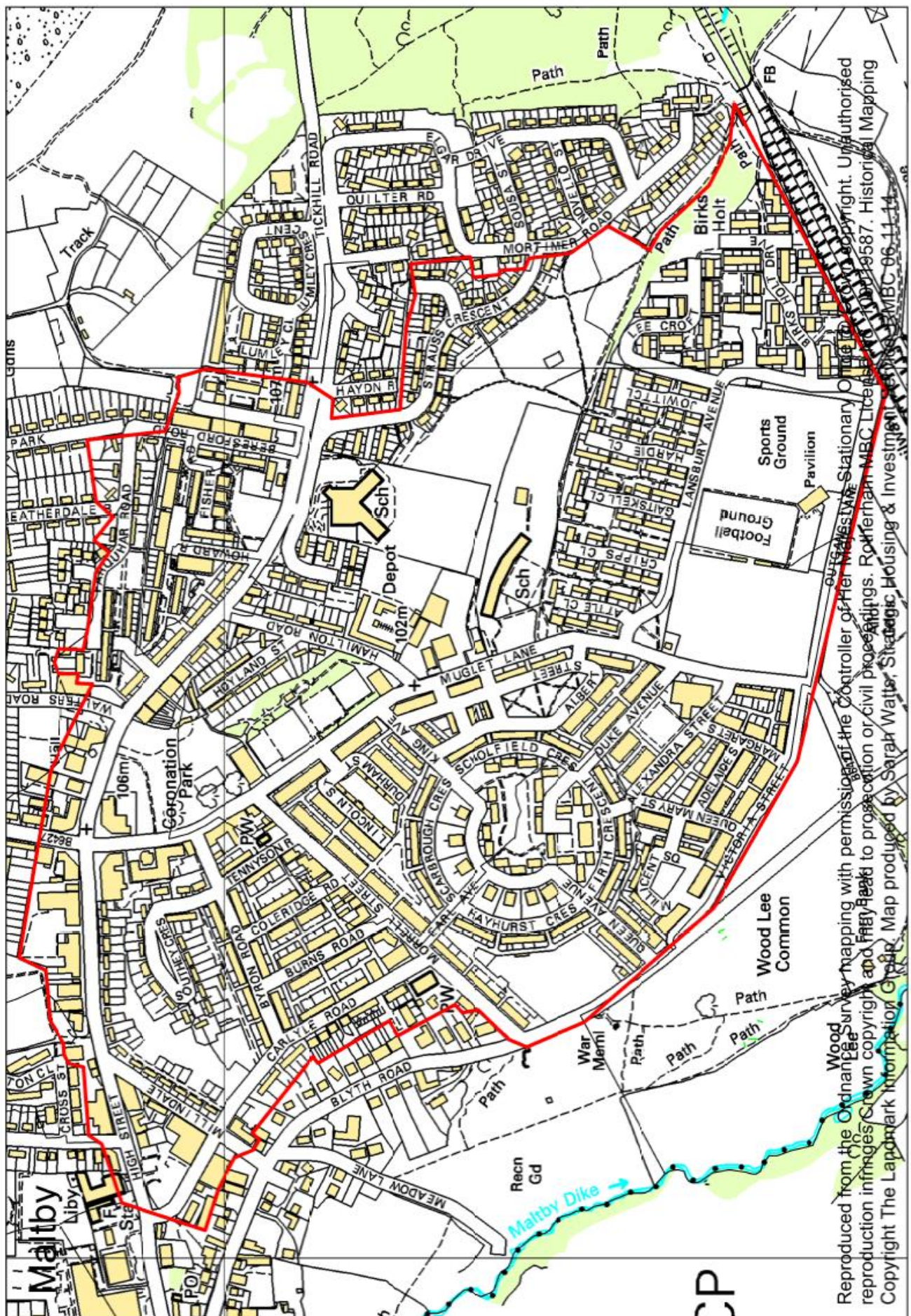
Date and authentication by the Council. [***The date is the date the Council resolved to make the scheme***]

⁴ Section 79 (4) of the Act and SI 370/2006

⁵ Section 86 of the Act provides for certain temporary exemption. As to suitability see section 89. Note, if the house is not suitable to be licensed the Council must make an Interim Management Order-see section 102.

⁶ Section 232 of the Act and paragraph 11 of SI 373/2006

Annex a – Paragraph 4: Map of Designated Area



Annex b – Paragraph 5(d): Exempted Tenancies or licences¹

Prohibition of occupation by law

1. A tenancy or licence of a house² or a dwelling³ within a house where the house or the dwelling is subject to a prohibition order made under section 20 of the Act the operation of which has not been suspended under section 23.

Certain tenancies which cannot be assured tenancies

2. A tenancy which cannot be an assured tenancy by virtue of section 1 (2) of the Housing Act 1988 comprised in Part of Schedule 1 of the Act and which is:
 - (a) a business tenancy under Part II of the Landlord and Tenant Act 1954
 - (b) a tenancy under which the dwelling-house consists of or comprises premises, which, by virtue of a premises licence under the Licensing Act 2003, may be used for the supply of alcohol (within the meaning of Section 14 of that Act) for consumption on the premises⁴
 - (c) a tenancy under which agricultural land, exceeding two acres, is let together with the house⁵
 - (d) a tenancy under which the house is comprised in an agricultural holding or the holding is comprised under a farm business tenancy if it is occupied (whether as tenant or as a servant or agent of the tenant), in the case of an agricultural holding, by the person responsible for the control of the farming of the holding, and in the case of a farm business tenancy, by the person responsible for the control of the management of the holding⁶.

Tenancies and licences granted etc by public bodies

3. A tenancy or licence of a house or dwelling within a house that is managed or controlled⁷ by:
 - (a) a local housing authority
 - (b) a police authority established under section 3 of the Police Act 1996 or the Metropolitan Police Authority established under section 5B of that Act

¹ See The Selective Licensing of Houses (Specified Exemptions) (England) Order 2006 SI 370/2006

² Sections 79 (2) and 99 of the Act

³ For the definition of a dwelling – see section 99 of the Act

⁴ See paragraph 5 of Schedule 1 of the 1988 Act as amended by section 198 (1) and paragraph 108 of schedule 6 of the Licensing Act 2003

⁵ For the meaning of “agricultural land” section 26 (3) (a) of the General Rate Act 1967

⁶ See paragraph 7 of Schedule 1 of 1988 Act as amended by section 40 and paragraph 34 of the Schedule to the Agricultural Tenancies Act 1995

⁷ For the definition of “person managing” and “person having control” see section 263 of the Act

- (c) a fire and rescue authority under the Fire and Rescue Services Act 2004;
- (d) a health service body within the meaning of section 9 of the National Health Service Act 2006.

Tenancies, licences etc regulated by other enactments

4. A tenancy, licence or occupation of a house which is regulated under the following enactments:
 - (a) sections 87 to 87D of the Children Act 1989
 - (b) section 43 (4) of the Prison Act 1952
 - (c) section 34 of the Nationality, Immigration and Asylum Act 2002
 - (d) The Secure Training Centre Rules 1998⁸
 - (e) The Prison Rules 1998⁹
 - (f) The Young Offender Institute Rules 2000¹⁰
 - (g) The Detention Centre Rules 2001¹¹
 - (h) The Criminal Justice and Court Service Act 2000 (Approved Premises) Regulations 2001¹²
 - (i) The Care Homes Regulations 2001¹³
 - (j) The Children's Homes Regulations 2001¹⁴;
 - (k) The Residential Family Centres Regulations 2002¹⁵.

Certain student lettings etc

5. A tenancy or licence of a house or a dwelling within a house –
 - (i) which is managed or controlled by a specified educational establishment or is of a specified description of such establishments and

⁸ SI 472/1998 as amended by SI 3005/2003

⁹ SI 728/1999 as amended by SI 1794/2000, SI 1149/2001, SI 2116/2002, SI 3135/2002. SI 3301/2003 and SI 869/2005

¹⁰ SI 3371/2000 as amended by SI 2117/2002, SI 3135/2002 and SI 897/2005

¹¹ SI 238/2001. Section 66 (4) of the Nationality, Immigration and Asylum Act 2002 provides that the reference to a detention centre is to be construed as a reference to a removal centre as defined in Part VIII of the Immigration and Asylum Act 1999

¹² SI 850/2001

¹³ SI 3965/2001 as amended by SI 865/2001. SI 534/2003, SI 1590/2003, SI 1703/2003, SI 1845/2003, SI 664/2004, SI 696/2004, SI 1770/2004, SI 2071/2004 SI and SI 3168/2004

¹⁴ SI 3967/2001 as amended by SI 865/2002, SI 2469/2002, SI 664/2004 and SI 3168/2004

¹⁵ SI 3213/2002 as amended by SI 664/2004, SI 865/2004 and SI 3168/2004

- (ii) the occupiers of the house or dwelling are undertaking a full time course of further or higher education at the specified establishment which is a member of a specified Code of Standards or Practice¹⁶

Long leaseholders

6. A tenancy of a house or a dwelling within a house provided that –

- (i) the full term of the tenancy is for more than 21 years and
- (ii) the tenancy does not contain a provision enabling the landlord (or his successor his in title) to determine it other than by forfeiture, earlier than at the end of the term and
- (iii) the house or dwelling is occupied by a person to whom the tenancy was granted or his successor in title or by any members of either of those person's family.

Certain family arrangements

7. A tenancy or licence of a house or a dwelling within a house where –

- (i) the person who has granted the tenancy or licence to occupy is a member of the family of the person who has been granted the tenancy or licence and
- (ii) the person who has granted the tenancy or licence to occupy is the freeholder or long leaseholder of the house or dwelling and
- (iii) the person occupies the house or dwelling as his only or main residence (and if there are two or more persons at least one of them so occupies).

Holiday lets

8. A tenancy or licence of a house or a dwelling within a house that has been granted to the person for the purpose of a holiday.

Certain lettings etc by Resident Landlord etc

9. A tenancy or licence of a house or a dwelling within a house under the terms of which the person granted the tenancy or licence shares the use of any amenity with the person granting that tenancy or licence or members of that person's family. An "amenity" includes a toilet, personal washing facilities, a kitchen or a living room but excludes any area used for storage, a staircase, corridor or other means of access.

Buildings Controlled or Managed by a Co-operative Society

10. A tenancy or licence (other than an assured, secure or protected tenancy) of a building and the person managing or having control of the building is a co-operative society, whose rules are such as to secure all the conditions set out in paragraph 2B(2) of Schedule 14 to the Housing Act 2004, are met

¹⁶ See the schedule to The Houses in Multiple Occupation (Specified Educational Establishments) (England) Regulations 2012 for the list of specified bodies and code of standards or practice

Interpretation

11. In this annex:

- (a) a “person” includes” persons”, where the context is appropriate
- (b) a “tenancy” or “licence” includes “a joint tenancy” or “joint licence”, where the context is appropriate
- (c) “long leaseholder” in paragraph 7 (ii) has the meaning conferred in paragraphs 6 (i) and (ii) and in those paragraphs the reference to “tenancy” means a “long lease”
- (d) a person is a member of the family of another person if
 - (i) he lives with that person as a couple
 - (ii) one of them is the relative of the other; or
 - (iii) one of them is, or is a relative of, one member of a couple and the other is a relative the other member of the couple
 - and
 - (iv) For the purpose of this paragraph –
 - (1) “couple” means two persons who are married to each other or live together as husband and wife or in an equivalent arrangement in the case of persons of the same sex
 - (2) “relative” means a parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew, niece or cousin
 - (3) a relationship of the half-blood is to be treated as a relationship of the whole blood and
 - (4) a stepchild of a person is to be treated as his child

The Rotherham Metropolitan Borough Council Designation of an Area for Selective Licensing (**Dinnington**) 2014.

The Rotherham Metropolitan Borough Council in exercise of their powers under section 80 of the Housing Act 2004 (“the Act”) hereby designates for selective licensing the area described in paragraph 4.

CITATION, COMMENCEMENT AND DURATION

1. This designation may be cited as the Rotherham Metropolitan Borough Council Designation for an Area for Selective Licensing (**Dinnington**) 2014.
2. This designation is made on [xxxxx date] and shall come into force on [***This date will not be earlier than three months after the decision by the Council***]
3. This designation shall cease to have effect on [***Date to be normally five years from the date the designation came into force, unless the authority has agreed for a scheme of a shorter duration***] or earlier if the Council revokes the scheme under section 84 of the Act.

AREA TO WHICH THE DESIGNATION APPLIES

4. This designation shall apply to the area as delineated and edged red on the map at annex a.

APPLICATION OF THE DESIGNATION

5. This designation applies to any house¹ which is let or occupied under a tenancy or licence within the area described in paragraph 4 unless –
 - (a) the house is a house in multiple occupation and is required to be licensed under Part 2 of the Act²;
 - (b) the tenancy or licence of the house has been granted by a non-profit registered provider of social housing, a profit making registered provider of social housing in respect of social housing (within the meaning of Part 2 of the Housing and Regeneration Act 2008), or by a body which is registered as a social landlord under Part 1 of the Housing Act 1996;
 - (c) the house is subject to an Interim or Final Management Order under Part 4 of the Act;
 - (d) the house is subject to a temporary exemption under section 86 of the Act; or
 - (e) the house is occupied under a tenancy or licence which is exempt under the Act⁴ or the occupation is of a building or part of a building so exempt as defined in annex b;

¹ For the definition of “house” see sections 79 and 99 of the Act

² Section 55 of the Act defines which Houses in Multiple Occupation are required to be licensed under the Act. See also The Licensing of Houses in Multiple Occupation (Prescribed Descriptions) (England) Order 2005 (SI 2006/371)

³ Section 79 (3) of the Act.

EFFECT OF THE DESIGNATION

6. Subject to sub paragraphs 5(a) to (e) every house in the area specified in paragraph 4 that is occupied under a tenancy or licence shall be required to be licensed under section 85 of the Act.⁵
7. The Rotherham Metropolitan Borough Council will comply with the notification requirements contained in section 83 of the Act and shall maintain a register of all houses registered under this designation, as required under section 232 of the Act.⁶

Date and authentication by the Council. [***The date is the date the Council resolved to make the scheme***]

⁴ Section 79 (4) of the Act and SI 370/2006

⁵ Section 86 of the Act provides for certain temporary exemption. As to suitability see section 89. Note, if the house is not suitable to be licensed the Council must make an Interim Management Order-see section 102.

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[illegible]

Annex b – Paragraph 5(d): Exempted Tenancies or licences¹

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 - (c) a tenancy under which agricultural land, exceeding two acres, is let together with the house⁵
 - (d) a tenancy under which the house is comprised in an agricultural holding or the holding is comprised under a farm business tenancy if it is occupied (whether as tenant or as a servant or agent of the tenant), in the case of an agricultural holding, by the person responsible for the control of the farming of the holding, and in the case of a farm business tenancy, by the person responsible for the control of the management of the holding⁶.

Tenancies and licences granted etc by public bodies

3. A tenancy or licence of a house or dwelling within a house that is managed or controlled⁷ by:
 - (a) a local housing authority
 - (b) a police authority established under section 3 of the Police Act 1996 or the Metropolitan Police Authority established under section 5B of that Act

¹ See The Selective Licensing of Houses (Specified Exemptions) (England) Order 2006 SI 370/2006

² Sections 79 (2) and 99 of the Act

³ For the definition of a dwelling – see section 99 of the Act

⁴ See paragraph 5 of Schedule 1 of the 1988 Act as amended by section 198 (1) and paragraph 108 of schedule 6 of the Licensing Act 2003

⁵ For the meaning of “agricultural land” section 26 (3) (a) of the General Rate Act 1967

⁶ See paragraph 7 of Schedule 1 of 1988 Act as amended by section 40 and paragraph 34 of the Schedule to the Agricultural Tenancies Act 1995

⁷ For the definition of “person managing” and “person having control” see section 263 of the Act

- (c) a fire and rescue authority under the Fire and Rescue Services Act 2004;
- (d) a health service body within the meaning of section 9 of the National Health Service Act 2006.

Tenancies, licences etc regulated by other enactments

4. A tenancy, licence or occupation of a house which is regulated under the following enactments:
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 - (f) The Young Offender Institute Rules 2000¹⁰
 - (g) The Detention Centre Rules 2001¹¹
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 - (i) The Care Homes Regulations 2001¹³
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 - (k) The Residential Family Centres Regulations 2002¹⁵.

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5. A tenancy or licence of a house or a dwelling within a house –
 - (i) which is managed or controlled by a specified educational establishment or is of a specified description of such establishments and

⁸ SI 472/1998 as amended by SI 3005/2003

⁹ SI 728/1999 as amended by SI 1794/2000, SI 1149/2001, SI 2116/2002, SI 3135/2002. SI 3301/2003 and SI 869/2005

¹⁰ SI 3371/2000 as amended by SI 2117/2002, SI 3135/2002 and SI 897/2005

¹¹ SI 238/2001. Section 66 (4) of the Nationality, Immigration and Asylum Act 2002 provides that the reference to a detention centre is to be construed as a reference to a removal centre as defined in Part VIII of the Immigration and Asylum Act 1999

¹² SI 850/2001

¹³ SI 3965/2001 as amended by SI 865/2001. SI 534/2003, SI 1590/2003, SI 1703/2003, SI 1845/2003, SI 664/2004, SI 696/2004, SI 1770/2004, SI 2071/2004 SI and SI 3168/2004

¹⁴ SI 3967/2001 as amended by SI 865/2002, SI 2469/2002, SI 664/2004 and SI 3168/2004

¹⁵ SI 3213/2002 as amended by SI 664/2004, SI 865/2004 and SI 3168/2004

- (ii) the occupiers of the house or dwelling are undertaking a full time course of further or higher education at the specified establishment which is a member of a specified Code of Standards or Practice¹⁶

Long leaseholders

6. A tenancy of a house or a dwelling within a house provided that –

- (i) the full term of the tenancy is for more than 21 years and
- (ii) the tenancy does not contain a provision enabling the landlord (or his successor his in title) to determine it other than by forfeiture, earlier than at the end of the term and
- (iii) the house or dwelling is occupied by a person to whom the tenancy was granted or his successor in title or by any members of either of those person's family.

Certain family arrangements

7. A tenancy or licence of a house or a dwelling within a house where –

- (i) the person who has granted the tenancy or licence to occupy is a member of the family of the person who has been granted the tenancy or licence and
- (ii) the person who has granted the tenancy or licence to occupy is the freeholder or long leaseholder of the house or dwelling and
- (iii) the person occupies the house or dwelling as his only or main residence (and if there are two or more persons at least one of them so occupies).

Holiday lets

8. A tenancy or licence of a house or a dwelling within a house that has been granted to the person for the purpose of a holiday.

Certain lettings etc by Resident Landlord etc

9. A tenancy or licence of a house or a dwelling within a house under the terms of which the person granted the tenancy or licence shares the use of any amenity with the person granting that tenancy or licence or members of that person's family. An "amenity" includes a toilet, personal washing facilities, a kitchen or a living room but excludes any area used for storage, a staircase, corridor or other means of access.

Buildings Controlled or Managed by a Co-operative Society

10. A tenancy or licence (other than an assured, secure or protected tenancy) of a building and the person managing or having control of the building is a co-operative society, whose rules are such as to secure all the conditions set out in paragraph 2B(2) of Schedule 14 to the Housing Act 2004, are met

¹⁶ See the schedule to The Houses in Multiple Occupation (Specified Educational Establishments) (England) Regulations 2012 for the list of specified bodies and code of standards or practice

Interpretation

11. In this annex:

- (a) a “person” includes “persons”, where the context is appropriate
- (b) a “tenancy” or “licence” includes “a joint tenancy” or “joint licence”, where the context is appropriate
- (c) “long leaseholder” in paragraph 7 (ii) has the meaning conferred in paragraphs 6 (i) and (ii) and in those paragraphs the reference to “tenancy” means a “long lease”
- (d) a person is a member of the family of another person if –
 - (i) he lives with that person as a couple
 - (ii) one of them is the relative of the other; or
 - (iii) one of them is, or is a relative of, one member of a couple and the other is a relative the other member of the couple
and
 - (iv) For the purpose of this paragraph –
 - (1) “couple” means two persons who are married to each other or live together as husband and wife or in an equivalent arrangement in the case of persons of the same sex
 - (2) “relative” means a parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew, niece or cousin
 - (3) a relationship of the half-blood is to be treated as a relationship of the whole blood and
 - (4) a stepchild of a person is to be treated as his child

APPENDIX 6 - Voluntary PRS Scheme; Success Measures

Scheme Element	Anticipated target	By when
Introduction of scheme	100%	17/12/14
Take-up of properties in Selective Licensing priority areas (and elsewhere in the Borough)	100% of table below	Scheduled in table below
HHSRS inspections carried out and retained for all properties on the scheme	100%	Ongoing
Random sample (10%) of inspected properties	100%	Quarterly
Respond to service requests raised by RMBC	100%	Ongoing
Record and advise on resolving Category 1 & 2 hazards	100%	Ongoing
Collation of safety certificates	100%	Ongoing
Introduction of charters/guidance documents e.g. ASB, overcrowding, eviction	100%	30/06/15
Follow-up of landlords failing entry onto the scheme	100%	Ongoing
Review of 1 st years activity	100%	17/12/15

Take Up Rates for Voluntary Scheme

From start of scheme	Take up in prioritised SL areas	Take-up outside of SL areas	Projected Borough wide inclusion
6 months	25% (c. 500 properties)	0	4% (c. 500 properties)
Year 1	50% (c. 1,000 properties)	25% (c. 3,000 properties)	29% (c. 4,000 properties)
Year 2	70% (c. 1,400 properties)	30% (c. 3,600 properties)	36% (c. 5,000 properties)
Year 3	80% (c. 1,600 properties)	35% (c. 4,200 properties)	41% (c. 5,800 properties)
Year 4	90% (c. 1,800 properties)	40% (c. 4,800 properties)	47% (c. 6,600 properties)
Year 5	95% (c. 1,900 properties)	50% (c. 6,000 properties)	56% (c. 7,900 properties)

The following indicators are to be monitored on a monthly/annual basis

- 1. Number of landlords on the scheme**
 - With rented properties within the 5 targeted areas
 - With rented properties outside of the 5 targeted areas
- 2. Number of properties being administered through the scheme**
 - within the 5 targeted areas
 - outside of the 5 targeted areas

3. **Recording of retained and refused membership after 6 months, 1 year, 2 years, 3 years, etc. Fall out rates and expulsions**
4. **Provision of landlord details to the Council for follow-up**

APPENDIX 6 - continued

5. **Anticipated drop-out from scheme;** 5-10% acceptable inside/outside of targeted areas. Report any expulsions.
6. **Performance of scheme**
 - Number of properties inspected to HHSRS. Random verification sample of 10% by the Council to be carried out. Acknowledge that landlords with hazards in a property will ensure that other properties don't have the same CAT1
 - Properties found to be free from hazards
 - Properties found to have hazards (Cat 1 &/or Cat 2)
 - Hazards removed following inspection
 - Enforcement notice issued following inspection
7. **Number of incidents (tenant requests/complaints) received through the scheme**
 - Those incidents dealt with without LA intervention
 - Incidents dealt with needing LA intervention
8. **Number of investigations by Council of sub-standard housing conditions brought by tenant service requests made direct to Council**
 - Number of service requests
 - Number of inspections
 - Number of Housing Act interventions ("warning letter" and notices)
9. **Assured Shorthold Tenancies (AST) offered to tenants - Random sample of tenancy management element**
 - Number of tenants renting the property for over 6 months, 1 year, 2 years, etc. since the introduction of the scheme
 - Number of tenants leaving the property and for what reason (tenant satisfaction survey)
10. **Homelessness**
 - Number of tenants, offered a tenancy whilst the property is on the scheme, who would have been statutorily homeless if no accommodation was offered
 - Properties available for offering up to homelessness clients - properties to be inspected prior to occupation
11. **Empty properties**
 - Show a reduction of empty properties, on a super output area level, in those areas where there is an average/above average amount of prs accommodation
 - Landlords/tenants will report empty properties - number of empty properties reported
12. **Anti-social behaviour (ASB)**

- Show a reduction in the level of ASB in those areas where there is an average/above average amount of prs accommodation
- Landlords/tenants - creating ASB - expulsion from scheme and action taken

13. Marketing

- Positive marketing, whether direct or otherwise, undertaken throughout the year
 - KPI's to be determined and marketing plan agreed
- Referrals made to the scheme via;
 - Existing members
 - LA
 - Other partners/third sector agencies

**EXTRACT OF MINUTE IMPROVING PLACES SELECT COMMISSION
Wednesday, 23rd July, 2014**

Present:- Councillor Read (in the Chair); Councillors Andrews, Atkin, Cowles, Gilding, Gosling, N. Hamilton, Sims and Wallis; together with co-opted members Mr. P. Cahill, Mrs L. Shears and Mr. B. Walker.

Apologies for absence were received from The Mayor (Councillor Foden); Councillors Finnie and Roche and from co-opted member Miss P. Copnell.

13. PRIVATE RENTED HOUSING - SELECTIVE LICENSING

Further to Minute No. 53(2) of the meeting of the Improving Places Select Commission held on 26h March, 2014 and Minute No. 236 of the meeting of the Cabinet held on 9th April, 2014, consideration was given to a report presented by the Strategic Director of Neighbourhood and Adult Services, which provided details of the consultation feedback about the proposed selective licensing scheme for landlords of private rented housing and included recommendations based on the responses, comments and representations made. The report stated that approximately two-thirds of residents' responses had expressed their support for a mandatory selective licensing scheme, although local landlords expressed opinions against such regulation.

The scheme was under consideration because of the Council's wish to secure an effective and efficient way of dealing with the issues which occur with private rented sector housing. The proposals consulted upon were that Selective Licensing designations under the Housing Act 2004 should be introduced in three areas of the Borough:-

- Rotherham Central (including the Town Centre, Canklow, South Central and Boston Castle, Eastwood and Masbrough)
- Dinnington
- Maltby South East

The report, which included options for the introduction of either a mandatory selective licensing scheme or a voluntary local scheme, is intended to be submitted for further consideration at the meeting of the Cabinet to be held on Wednesday, 24th September, 2014. Consideration was continuing as to which approach would be the preferred way forward to ensure the objectives of the proposal would be achieved.

The Select Commission's discussion of this issue included the following salient matters:-

- the scrutiny review of housing in the private rented sector (2012);
- the range of legislative powers available, which enable the Council to fulfil its responsibility to take action against irresponsible housing landlords (eg: HHSRS enforcement; management orders; compulsory purchase of property);
- the Council's previous attempt to introduce a voluntary licensing scheme had not succeeded because of a low level of take-up by landlords and an over-reliance on the Borough Council to resource the scheme;
- the key elements of a mandatory scheme (eg: areas of low housing demand and high turn-over of tenants and where there is a high incidence of anti-social behaviour linked to rented housing);
- the various consultation meetings held, responses received and online

- communications received, about the proposed licensing scheme;
- the consultation responses received from residents showed that a large majority of residents were in favour of a selective licensing scheme; by contrast, the responses showed that the vast majority of landlords were not in favour of such a scheme;
 - the Council's dialogue and engagement with residents, with landlords and with landlords' associations;
 - the Council's dialogue and engagement with managing/lettings agents (who act on behalf of landlords) and the responsibility of such agents for maintaining acceptable housing standards;
 - the legal requirement, embedded in central Government guidance, for the Council to consider any other course of action that might provide an effective method of achieving the objectives;
 - details of the landlord-led voluntary quality landlord scheme (as described in the report); it was noted that this scheme was initiated by landlords' organisations and, if implemented, would be administered on a commercial basis by a third party and not by this Council;
 - the number of responses received as part of the consultation process and the validity of the conclusions drawn from those responses;
 - consideration of the proposed fee to be payable by licensed landlords; the business case for the scheme contains an estimated cost of £687 for a landlord, for a licence lasting five years; the fee would be for administrative purposes and not profit-making;
 - the Council's enforcement resources for a mandatory scheme are likely to be two full-time equivalent enforcement officer posts (and there may be other costs incurred); on this basis, a recurring annual cost of £70,000 was being estimated; this cost should be compared against the current cost to the Council (and to other public sector services) of dealing with residents' complaints about the standards of private rented sector housing and with the consequences of the problems posed by irresponsible landlords;
 - the analysis of the ethnic background of people who had responded to the consultation;
 - the relative merits of introducing a licensing scheme in a selective, local area and of introducing a scheme which covers the whole Borough area;
 - the possibility of the Council's eventual decision, to introduce either a mandatory or a voluntary licensing scheme, being the subject of a legal challenge;
 - alternative means of ensuring that landlords will register with the licensing scheme to be introduced and will remain registered in the future;
 - if a Borough-wide voluntary scheme was introduced by the landlords' organisations, the Council would require its performance to be monitored utilising a set of key measures including take-up in both the prioritised areas and throughout the Borough area; variance from those success indicators would result in further consideration of the possible introduction of a mandatory scheme;
 - the licensing scheme will include education and training for landlords, as well as inspections of properties; such a scheme may prevent the spread of housing blight and also provide assistance in reducing the level of homelessness in the Borough, for example, by means of earlier identification of empty properties available for occupation;
 - whether the information in the register of licensed landlords will be made available for tenants and prospective tenants;
 - questioning the impact of the licensing scheme upon housing rents (the possibility of a consequent increase in rents was acknowledged); questioning whether the licensing scheme would be necessary if landlords were required to utilise authorised lettings/management agents; the possibility of the scheme including discounted fees for landlords who utilise managing agents was discussed; currently, there was no registration scheme for lettings/management agents.

In conclusion, the Improving Places Select Commission acknowledged that the Council has a duty to try and resolve the issues affecting private rented sector housing in the areas highlighted in the report. Accordingly, the Select Commission both recognises the benefits of a mandatory licensing scheme and understands that currently there are reasons to consider the introduction of a voluntary local scheme.

Resolved:- (1) That the report be received and its contents noted.

(2) That, insofar as the Improving Places Select Commission is concerned, the introduction of a landlord-led voluntary quality landlord scheme is the preferred option. *** *see footnote below*

(Councillor Wallis declared a personal interest in the above item, as the owner-occupier of residential premises in one of the areas which was the subject of public consultation in respect of the proposed licensing scheme)

In summary Councillor Cowles' views were that, whilst the living conditions of tenants must be improved, he held concerns that any increase in cost would provide an additional burden for landlords and ultimately be passed on to tenants. He also expressed that the scheme was indiscriminate, potentially affecting all landlords, and a concern that enforcing improvement via a voluntary scheme would be difficult to achieve.

*** footnote

At the subsequent meeting of the Improving Places Select Commission, held on 16th September 2014, the following amendments were made to the above minute, by the deletion of resolution (2) above and the insertion of the following two resolutions:-

(2) That the Select Commission agrees that there was a need for action with regard to private sector rented properties in the areas identified by officers.

(3) That where there was legal advice that the Local Authority had to pursue a voluntary scheme that be the first course of action, however, should that fail the Select Commission would wish to see the Council move to a mandatory scheme as quickly as possible.

Appendix 8 – Finance Model – Expenditure Projection

Items	Initial set up	Yr 1	Yr2	Yr 3	Yr 4	Yr 5	Yr 6 (1/2 yr)	Total
STAFFING								
licensing admin officer		24,217	24,459	24,704	24,951	25,200		£123,530
Team Leader Band		44,395	44,838	45,287	45,740	46,197	23,330	£249,786
Housing Licensing Officer	0	35,626	35,982	36,342	36,705	18,536		£163,191
SUPPLIES & SERVICES								
Mobile - Rental & Calls @ 500 pp		1,000	1,000	1,000	1,000	1,000	250	£5,250
Mileage 1500 per person		2,000	2,000	2,000	2,000	1,500	0	£9,500
VOIP & Email/Internet		320	320	320	320	320	0	£1,600
LONE WORKER Badges		240	240	240	240	240	240	£1,440
PC's		0	0	0	0	0	0	£0
Desk Space per FTE		0	0	0	0	0	0	£0
Training including Flare and Housing training		2,500	2,500	2,500	2,500	2,500	0	£12,500
Area Formus and events		1,600	1,600	1,600	1,600	1,600	1,600	£9,600
Stationary and postage for licensing		17,000					0	£17,000
General Stationery		5,000	3,000	2,000	2,000	1,000	1,000	£14,000
Support costs eg Accy services		0	0	0	0	0	0	£0
Insurance costs		150	150	150	150	150	150	£900
Staff Recruitment	4,500	2,095						£6,595
ICT INFRASTRUCTURE (estimated)								
Exisiting Houisng Licensing package adjustments and training	2,000							£2,000
Exisiting Performance Reporting Enhancements	5,000	0	0	0	0	0	0	£5,000
Total Expenditure	11,500	136,142	116,089	116,142	117,206	98,243	26,570	£621,892
Fee Structure								
Basic Fee								£446
Inspection fee for applications from Un-Acreded landlords - figure based on verbal estimate								£100
additional fee for direct debit/invoice arrangement rather than up-front payment								£10
					Maximum fee per licensable property			£625

Appendix 9 – Selective Licence Conditions

The text marked in red shows added or changed wording following the Consultation in order to clarify and make the conditions fairer to both landlords and tenants.

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

Housing Act 2004 Prescribed Conditions

1. The licence holder must obtain a valid gas safety certificate on an annual basis, if gas is supplied to the house. This must be provided to the Council as part of the application process and on an annual basis thereafter. A copy must also be provided to the tenant.
2. The licence holder must:
 - a. keep electrical appliances and furniture made available by him in the house in a safe condition and
 - b. supply the authority, on demand, with a declaration by him as to the safety of such appliances and furniture.
3. The licence holder must:
 - a. Ensure that smoke alarms are installed in the house and are kept in proper working order
 - b. Supply the Authority, on demand, with a declaration by him as to the condition and positioning of such alarms.
4. The licence holder must provide each occupier of the house with a written statement of the conditions of the terms on which they occupy the house (tenancy agreement). The licence holder shall provide a copy of the said terms to the authority on demand. The licence holder must abide by the conditions and responsibilities contained in the tenancy agreement and carry out all landlord functions as laid down.

Conditions relating to the property

5. The Licence holder should submit an annual declaration as to the condition in relation to the hazards present in the property and the safety of the property on a copy of the form in Appendix 2 to these conditions, at the same time as the Gas Safety Certificate. The form will also be available on the Council's website.
- ~~6. The License Holder shall ensure that the house is kept free of Category 1 and 2 Hazards under the Housing Health and Safety Rating System.~~
- ~~7. The Licence Holder shall ensure that all Category 1 and 2 hazards under the Housing Health and Safety Rating System which have been identified by an inspection by the local authority, are rectified within the timescales given in the inspection report.~~
Conditions 6 and 7 will be removed from the final condition set as powers to deal with the existence of Category 1 and 2 Hazards are contained within existing

provisions and as detailed by section 90(5) of the Housing Act 2004 should not form part of the conditions.

8. The licence holder must provide prospective tenants with a copy of the Energy Performance Certificate (EPC) prior to the commencement of the tenancy.
9. The licence holder must:
 - a. ensure that throughout the period of the licence, that the premises are covered by a valid periodic electrical survey inspection report. Such a report should be provided by a suitably trained, experienced and competent person i.e. a NICEIC or ECA member;
 - b. ensure any Category 1 remedial works be recommended on the periodic electrical survey report, the licence holder must ensure that such works are completed within the timescales **given by the electrical** engineer and must inform the selective licensing team upon completion of such works; and
 - c. supply the authority, on demand, with a copy of the periodic inspection report.
10. The licence holder must ensure that all furniture supplied complies with the Furniture and Furnishings (Fire) (Safety) Regulations 1988. A declaration to this effect must be supplied to the Council upon request.
11. Where any qualifying works are to be carried out to the house, the licence holder must ensure the appropriate consent is obtained from the Council's Building Control service prior to works commencing.
12. The licence holder will ensure that any remedial works to rectify disrepair issues identified during the 'sign up' stage are undertaken within period of time agreed with the tenant and no later than 28 days from the beginning of the tenancy.
13. The licence holder must ensure that any disrepair identified by the tenant or through periodic inspection by the licence holder, other managing agent or landlord are undertaken within **the** period of time agreed with the tenant, and no later than 28 days of it being identified.
14. The licence holder must ensure that all repairs to the house or any installations, facilities or equipment within it are to be carried out by competent and reputable persons and that they are completed to a reasonable standard.
15. The licence holder must ensure that the water supply and drainage system serving the house is maintained in good, clean and working order.
16. The licence holder must not unreasonably cause any service supplied to the property under the terms of the tenancy agreement to be interrupted.
17. The licence holder must provide the tenant and their household with suitable alternative accommodation where necessary if substantial remedial works are undertaken.
18. The licence holder must ensure that they carry out regular inspections of the property to ensure **that at least the minimum requirements for the condition of private rented accommodation are maintained and that the property and that the tenancy is not causing nuisance or annoyance to neighbouring properties.**

19. The licence holder shall ensure that the tenant is provided with wheeled bins of suitable capacity and type as specified by the Council at the property and that the Council's arrangements for refuse collection including recycling are issued to the tenant at the outset of the tenancy.
20. The licence holder must take steps to remove graffiti on the property within five working days of it being reported to them.

Management of the licensed property

21. The licence holder shall ensure that the occupancy level at the property is in accordance with the criteria as determined by the Rent Officer (Housing Benefit Functions) Order 1997 Schedule 2, Size Criteria.
22. The licence holder must obtain references **or guarantees** in respect of the person(s) who wish to occupy the property in order to make an informed decision regarding the occupancy of the property. Copies of these references must be made available to the council upon request.
23. The licence holder must provide the occupiers of the house, with details of the following:
 - a. Name of the licence holder
 - b. A contact address, daytime telephone number
 - c. An emergency contact number and details of the arrangements in place to deal with repairs and emergencies should they arise.
24. The licence holder must provide all tenants with a copy of the licence and the licence conditions.
25. This information must be supplied within 28 days of receipt of the licence document and should be clearly displayed in a prominent position within the house. An emergency contact telephone number for the licence and/or management agency shall also be available and notified to the authority.
26. The licence holder must ensure that all monies in respect of the licence fee are paid to the authority by the terms imposed by the invoice.
27. The licence holder will make every attempt to provide each occupant of the house with copies of user manuals for any installations or equipment provided as part of the agreement for the occupation of the house.
28. The licence holder will arrange to undertake a detailed inventory to be agreed with each occupant upon commencement of their occupation of the house and kept on file by the licence holder at their business address.
29. The licence holder must provide the tenant with a written receipt for all cash rental payments received. (This does not affect the legal requirement to provide a rent book for rent paid on a weekly basis).
30. Where the rent is paid monthly, the licence holder must provide the tenant with a clear rent statement, on a six monthly basis. This must also be provided at any other time when requested by the tenant.

31. The licence holder must ensure that all new tenancy deposits are protected in a government authorised scheme within 14 days of receiving it from the tenant. The licence holder must also ensure that the tenant is given;
 - a. The details of any utilities or other charges included in the rent
 - b. **Information and instructions on** the responsibility for payment of council tax
 - c. **Information and instructions on** the responsibility for payment of utilities and arranging provision of such
32. The licence holder will not discriminate against prospective occupiers of the house on the grounds of race, disability, gender, religion or sexual orientation.
33. The licence holder must inform the Council of any change of circumstances which may affect their suitability to continue to remain the licensee. This must be done within five working days of the changes taking effect. (See Appendix)
34. The licence holder must ensure that any person(s) who assist in the management of the property not detailed in the original licence application must be a 'fit and proper' person to do so **as per the definition in the Housing Act 2004 and Appendix 1 of these conditions**, and must notify the Council of these changes. Where necessary the Council will require a declaration to be signed by the person assisting in the management of the property stating that they meet the '**fit and proper**' person criteria.
35. The licence holder must inform the Council, within 5 working days, if there is a change of managing agent and provide the Council with proof that they are a 'fit and proper person' to do so **under the definition under the Housing Act 2004 and Appendix 1 of these conditions**.
36. **Notifications of changes in accordance with the previous two conditions should be made in writing by the Licence Holder and addressed to (email address to be confirmed).**
37. The licence holder must adhere to legal requirements when seeking possession of the property from the tenant.
38. The licence holder must inform the council of any steps being taken to sell the **licensed** property including the details of any successful purchaser(s).
39. The licence holder must be a permanent resident in the United Kingdom.

Security

40. The licence holder will ensure that keys are provided to the tenant where window locks are provided.
41. Where previous occupants have not surrendered keys, the licence holder and will arrange for a lock change to be undertaken, prior to new occupants moving in.
42. **The licence holder** will ensure front and rear doors are secure and fitted with good quality locking systems.
43. The licence holder must ensure that all reasonable measures are taken to ensure that the property is made secure from unauthorised entry during periods of occupancy.

Environmental Management / Amenity of the Neighbourhood

44. The licence holder shall ensure that the exterior of the house is maintained in a reasonable decorative order and in reasonable repair.
45. The licence holder must ensure that all outbuildings, yards, forecourts and gardens surrounding the house are maintained, in reasonable repair and ensure that the tenant is aware of their responsibility to keep them in a clean, tidy and safe condition and free from infestations.
46. The licence holder must take all reasonable and all practicable steps in keeping external areas and the curtilage of the property free from rubbish and fly tipping deposits at all times. If employing a third party to carry out any such clearances, care must be taken to ensure that they are a registered waste carrier.

Preventing and Reducing Anti-Social Behaviour

47. The licence holder must take all reasonable and all practicable steps for preventing and dealing with anti-social behaviour and undertake a thorough process of incremental steps to deal with any complaints, which have been made either directly to them, or via the Local Authority or any Police service, regarding their occupiers. For the purposes of these conditions, anti-social behaviour is taken to comprise behaviour by the occupants of the house and/or their visitors, which causes a nuisance or annoyance to other occupants of the house, to lawful visitors to the house or to persons residing in or lawfully visiting the locality of the house.
48. The licence holder is required to provide an authorised officer of the Local Authority, a Police Officer or Police Community Support Officer, upon request, information regarding the full names and dates of birth of each occupant.
49. The licence holder will ensure that the occupants of the house are aware of the assistance available to them to deal with anti-social behaviour and how they can report nuisance and anti-social behaviour to the authority. The Council will make such information available to tenants and property owners via its website.
50. The licence holder will respond to reference requests within a reasonable timescale and provide an honest and accurate reference relating to existing or past tenants.
51. The licence holder must take steps to terminate the tenancy following advice and recommendation from the Council, should it be found that the property is being used for illegal or immoral use or where there is evidence of persistent and ongoing anti-social behaviour.

date

Annex 1

Suitability of Licence Holder

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

¹ The Rehabilitation of Offenders Act 1974 enables some criminal convictions to become 'spent', or ignored, after a 'rehabilitation period'. A rehabilitation period is a set length of time from the date of conviction. After this period, with certain exceptions, an ex-offender is not normally obliged to mention the conviction when applying for a job or obtaining insurance, or when involved in criminal or civil proceedings.

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

The Licence Holder should complete this form

Name of Licence Holder: _____

Licenced property Address: _____

_____ Reference number of licence: _____

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

And

☐ The house is free from defects which may constitute a Category 1 or Category 2 Hazard under the Housing Health and Safety Rating System.

Or:

☐ The is not free from category 1 or 2 hazards. The issue and the time it will take to resolve are listed below (continue on a separate sheet if necessary:

Issue	Cause	Date when the work will be completed

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

Name:

Signed:

Date:

If signed for a company please tick box to confirm you are able to sign on behalf of the company ☐

Guidance for agents or those confirming declarations provided by others.

Please ensure that all persons working for your business who are involved in the management of licensed properties have signed up to date declarations.

Copies of all other declarations will need to be held for the duration of the relevant licence if granted.

Please note the Council has powers to require the provision of documents including any declarations. Checks will be made from time to time to make sure that agents are meeting their obligations. Failure to comply with formal requests to provide information can lead to legal action including prosecution.

Address to return form and contact details :

Appendix 10 – Equalities Assessment

<p>Under the Equality Act 2010 Protected characteristics are age, disability, gender, gender identity, race, religion or belief, sexuality, civil partnerships and marriage, pregnancy and maternity. Page 6 of guidance. Other areas to note see guidance appendix 1</p>	
<p>Name of policy, service or function. If a policy, list any associated policies:</p>	<p>Selective Licensing of Private Rented Accommodation in Rotherham</p>
<p>Name of service and Directorate</p>	<p>Safer Neighbourhoods, Housing and Neighbourhood Services; Neighbourhoods & Adult Services</p>
<p>Lead manager</p>	<p>Mark Ford, Safer Neighbourhoods Manager</p>
<p>Date of Equality Analysis (EA)</p>	<p>26th November 2014 (Revision)</p>
<p>Names of those involved in the EA (Should include at least two other people)</p>	<p>Zahid Qureshie, Performance Officer Zafar Saleem, Community Engagement Manager Elena Hodgson, Research Officer Asim Munir, Community Engagement Officer</p>
<p>Aim/Scope (who the Policy /Service affects and intended outcomes if known) See page 7 of guidance step 1</p> <p>The overall aim of this policy is to introduce selective licensing into specific areas of the borough to address low housing demand.</p> <p>To determine which areas of the borough selective licensing should be applied to the following criteria as set out in the Housing Act 2004 have been considered: (1) low values of residential premises in the area when compared with similar areas, (2) high proportion of empty properties, and (3) and high turnover of occupiers of residential property.</p> <p>Following an analysis of the above criteria to the Rotherham private rented sector it has been</p>	

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concluded that there are consistent indicators of low housing demand in some areas of the borough.

The main areas identified as suffering from low housing demand and thus are to be prioritised for consideration for selective licensing are:

- **Eastwood** including parts of Rotherham Town Centre
- **Masbrough** east and west Super Output Areas
- **Dinnington** Central and East Super Output Areas.
- **Maltby South East** made up of the Town Centre, Muglet Lane and Maltby Main Super Output Areas.

[NOTE: The UK is divided into geographical areas called Local Super Output Areas (SOA) for statistical purposes by the Government, whose areas are determined by the number of households and the populations. In each area there are on average 1500 people and 500 households.]

What equality information is available? Include any engagement undertaken and identify any information gaps you are aware of. What monitoring arrangements have you made to monitor the impact of the policy or service on communities/groups according to their protected characteristics? See page 7 of guidance step 2

The demographic data available shows:

The areas vary greatly in ethnic composition. Eastwood and Masbrough having 61% and 54% of their population from BME communities respectively. In Dinnington and Maltby SE, the BME proportion is only 4%. The largest minority ethnic group in Eastwood and Masbrough is Pakistani with 28% of residents, followed by Other White (European) at 11%. Across all four areas, 70% of residents are White British. Christians form the largest religious group in all four areas, varying from 64% in Dinnington and Maltby to 40% in Eastwood and Masbrough. The only other religion with significant representation is Islam, with 35% of residents in Eastwood and Masbrough being Muslims, but less than 1% in the other areas. In Dinnington and Maltby 30% of residents have no religion. The prevalence of disability (long term limiting illness) across the four areas varies from 18.7% in Eastwood to 25% in Dinnington.

There are approximately 1,800 privately rented properties (excluding registered providers of social housing) in

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the proposed areas with 1,395 properties likely to be licensable. A breakdown is given in the business case and appendices

As described in the original Business Case of 2013, which is available on the Council's website in all parts of these areas there is clear evidence of:

- High rates of empty properties
- high rates of occupier turnover
- high proportions of rented and privately rented property
- lower than average rates of owner occupied property
- high rates of ASB which contributes to the Low Housing Demand

Most areas suffer from lower than average house values. Where property values have been found to be more towards the average or above the average, those areas are adjacent to another Super Output Areas which is suffering those problems.

Disrepair complaints in all the areas were higher than the average for the Borough with concentrations of overcrowding complaints in the Eastwood, Masbrough and Town Centre/Canklow Super Output Areas. Criminal activity in half the Super Output Areas was also found to be increasing, with sharp increases in the Masbrough West and Bradgate areas.

In the consultation, the majority of respondents declared themselves as White British (1315, 74.9%). The second largest group was Asian or Asian British Pakistani (5.1%) followed by Other White Background in third with 3%. It is worth noting that 2% of respondents declared themselves as Asian or Asian British Kashmiri. Many within this group sometimes refer to themselves as Pakistani or Kashmiri. There were 148 respondents who did not respond.

A total number of 41 people responded to this question with 18 people (1%) coming from Slovakia followed by 0.6% (11) coming from Poland. In total 2.3% of all respondents came from an EU accession state.

A total number of 1596 respondents answered this question and 20% declared they had a disability with 71% who did not. There were 159 people who did not respond.

Monitoring information from applications and inspections along with demographic data will be used to advise the annual equalities assessment

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<p>Engagement undertaken with customers. (date and group(s) consulted and key findings) See page 7 of guidance step 3</p>	<p>A statutory 10 week consultation process was adopted to include the following activity, beginning on 13th January 2014 and ending on 23rd March 2014 :</p> <ul style="list-style-type: none"> • A consultation report with the draft designations was prepared and posted on the website. • A Selective Licensing consultation web page with an online questionnaire and information about the scheme was produced. • Press releases and local interest resulted in coverage in local newspapers. • A series of press releases were issued promoting the consultation events and process throughout the 10 weeks. • A questionnaire was posted to all addresses within the proposed areas (residential and businesses). • Landlords were contacted via letter or email directly or via agents using the Yell.com data. • Consultation meetings were held in each locality with drop in sessions throughout the consultation period. • locality landlord meeting was held in Rotherham to introduce the proposals. • Direct contact with Landlord associations and representatives took place. 		
	<p>The consultation drop in sessions were held on</p>		
	<p>Friday 24 January 2014</p>	<p>2pm to 7pm</p>	<p>Town Hall, The Crofts, Moorgate Road, Rotherham, S60 2TH</p>
	<p>Tuesday 28 January 2014</p>	<p>10am to 2pm</p>	<p>Unity Centre, St Leonards Road, Rotherham, S65 1PD</p>
	<p>Tuesday 4 February 2014</p>	<p>2pm to 7pm</p>	<p>Ferham Childrens Centre,</p>

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			131 Laughton Road, Rotherham, S61 1AP
Friday 7 February 2014	2pm to 7pm		Dinnington Resource Centre, 131 Laughton Road, Dinnington, Rotherham, S25 2PP
Friday 7 February 2014	2pm to 7pm		Maltby Joint Service Centre, Braithwell Road, Maltby, Rotherham, S66 8JE

There were 1,755 consultation questionnaires completed. Approximately 1,500 of those were paper questionnaires returns with a further 10% being done on line. There were more than 450 individual comments in those questionnaires and in other correspondence. There have also been a number of representations made by national organisations including the National Landlords Association and the Residential Landlords Association. **Appendix 1** presents, from the questionnaires, detail from the consultation returns.

A snapshot of the results showed **63% of the respondents were in favour of the proposals**, with the vast majority of those in support being residents.

Of the respondents to the questionnaires, **1,536 were residents, 148 were landlords and 44 were local businesses**. Where a respondent indicated that their background agreed with more than one category their responses were counted for each category. Therefore, if a landlord had said they were an owner occupier, landlord and a local business owner, they would have had all their responses counted three times. The position, therefore, in summary is:

	Yes	No	No response	Yes	No	No response
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	<table border="1"> <tr> <td>Business</td><td>21</td><td>22</td><td>1</td><td>48%</td><td>50%</td><td>2%</td></tr> <tr> <td>Landlord</td><td>18</td><td>124</td><td>6</td><td>12%</td><td>84%</td><td>4%</td></tr> <tr> <td>Resident</td><td>1072</td><td>437</td><td>54</td><td>69%</td><td>28%</td><td>3%</td></tr> </table> <p>Table 1 – Answers to question 7 on the questionnaire: Do you agree with the Council's proposal to introduce selective licensing in this area?</p>	Business	21	22	1	48%	50%	2%	Landlord	18	124	6	12%	84%	4%	Resident	1072	437	54	69%	28%	3%
Business	21	22	1	48%	50%	2%																
Landlord	18	124	6	12%	84%	4%																
Resident	1072	437	54	69%	28%	3%																
<p>Engagement undertaken with staff about the implications on service users (date and group(s) consulted and key findings) See page 7 of guidance step 3</p>	<p>Officers from across the council have been involved in the development of the policy and have been consulted as part of its development. This has included the relevant Senior Management Teams, Directorate Management Teams, and Strategic Leadership Team.</p> <p>Reports have been submitted to Cabinet and the relevant Cabinet Member Portfolio meetings for information and approval.</p>																					
The Analysis																						
<p>How do you think the Policy/Service meets the needs of different communities and groups? Protected characteristics of age, disability, gender, gender identity, race, religion or belief, sexuality, Civil Partnerships and Marriage, Pregnancy and Maternity. Rotherham also includes Carers as a specific group. Other areas to note are Financial Inclusion, Fuel Poverty, and other social economic factors. This list is not exhaustive - see guidance appendix 1 and page 8 of guidance step 4.</p> <p>The objectives of a designation in should be based on the evidence on which the designations are made and these should be:</p> <ul style="list-style-type: none"> • Reduction in the turnover of occupiers in areas which will in turn provide a more stable community and 																						

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<p>greater pride by residents in their area,</p> <ul style="list-style-type: none"> • Reduction in rates of empty properties through the promotion of the areas for both buying and letting residential properties, • Ensure minimum standards are met by landlords for the safety of properties • Reductions in crime and ASB brought by more stable communities.
<p>Analysis of the actual or likely effect of the Policy or Service: See page 8 of guidance step 4 and 5</p> <p>The proposal for the introduction of a Selective Licensing scheme takes into consideration that these areas exist despite the Council using its enforcement powers and providing guidance to landlords to improve standards over many years. In addition previous significant investment from such schemes as the Housing Market Pathfinder initiative in these areas has not brought sustained community and infrastructure improvement.</p> <p>Low demand is indicated by factors which demonstrate that areas are not as desirable as others, such as high rates of empty property, high rates of occupier turnover, low property values and other social factors.</p> <p>To effectively tackle the problems associated with low housing demand it is necessary to ensure that all stakeholders take their share of responsibility in the areas in which they live, work and invest. Historically, intervention with problem tenants and properties has been focussed on criminal enforcement methods, which tackle the problem at the time, rather than the area as a whole. By ensuring landlords have an investment in their communities as well as the properties they own, we will enable an improvement in the areas and provide more stable and desirable communities to live in</p> <p>The private rented sector is growing in response to the demand for lower cost housing outside of the social rented sector, and the Council is committed to supporting and promoting private landlords to provide quality and affordable housing. However, there are concerns that standards within the private rented sector are falling below the minimum expected under the Housing Act 2004.</p> <p>In some areas the significant increases in the private rented sector, high rates of empty properties (10% in some areas) and short term tenancies are having a negative impact on those communities.</p>

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In some Local Super Output Areas the private rented sector accounts for up to 41% of the housing market with an increase of up to 14% in some areas since 2001 and is becoming a significant part of the overall housing market.

Because of the concerns about low demand and limited impact of existing interventions in some of our neighbourhoods, the use of Selective Licensing under the Housing Act 2004 is being considered as a means of ensuring private sector landlords manage their properties better and to ensure tenants fulfil their responsibilities to the communities they live and work within.

Does your Policy/Service present any problems or barriers to communities or Group? Identify by protected characteristics. **Does the Service/Policy provide any improvements/remove barriers?** Identify by protected characteristics. Please list any **actions and targets** by Protected Characteristics.

The council can recover the costs incurred in administering the scheme from a fee for each licence. The proposed standard fee is £625 for a Licence which lasts for up to 5 years. Although Landlords are NOT a protected characteristic consideration has been given to alleviating the financial impact on Landlords.

It is proposed that the following discounting should be part of the fee structure:

- Reduction of £100 for applications where the applicant or proposed Licence Holder is an accredited landlord at the time of the application. This reflects that accreditation would reduce:
 - the inspection of each house prior to or shortly after a Licence is issued
 - revisits to check on compliance with any advice/requirements of that initial inspection
 - the generation of an inspection report and,
 - administration time to process inspections.
- Reduction of £10 for application payments made via direct debit or invoicing. Payments by credit/debit card are not subject to additional internal processing charges.

The ability to pay by instalments over a 12 months period would provide flexibility and make it easier for landlords to pay. These proposed fees could change if there are changes due to considerations in a later consultation or increased/reduced costs for infrastructure and administration.

Consideration can also be given to assisting Landlords with larger portfolios (10 or more properties) with the

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ability to pay for a single year licence in the first year and then to pay for the remaining four years just before year 2. This would be expected to benefit and encourage to these landlords who could face a significant bill in the first year of the scheme. If they were to fail to renew the licence before the end of the first year and pay the remaining 4 years fee then the licence lapses and they are then required to pay for a full licence fee for each property with no further reductions.

It is proposed that the licence fee be set and reviewed annually in the fees and charges review process to ensure value for money new landlords (those that have acquired a house to let in the preceding 3 months).

The costs of licensing while not insignificant are not higher than those found in other areas. Where there are properties which don't currently meet the minimum standards expected there will be increased costs to bring them up to the required standard. Once completed though these improved standards can be maintained with a marginal increase in operating costs likely for the owner, as long as that maintenance continues. With the increase in regulation the standards in the sector will improve and provide a more level playing field for reputable and responsible landlords leading to a fairer market.

With regards to the cost of such a policy being ultimately borne by the tenants, this is a possibility if landlords choose to pass on that charge, however such a charge would be the equivalent of £2.40 per week and local housing allowance is adjusted where there are changes in the private rent levels in the borough. It should be noted that all four areas have high levels of deprivation, amongst the 10% most deprived in England, with Masbrough being within the 3% most deprived. Incomes are clearly low and the proportion of all households receiving housing benefit ranges from 35% in Maltby SE to 47% in Masbrough.

Although there is the potential for a negative impact on lower economic groups through landlords forcing up rents in the short term there will be expected benefits in the longer term with improved areas, better quality housing and more stable communities.

There is also the risk of evictions and higher rates of homelessness as some landlords choose to leave the market, thus placing additional pressures on existing services within the council. However existing structures and communications with council housing, key choices property management, private landlords, police and other social landlords will be used and developed to mitigate the risks and help to ensure landlords and tenants are aware of their rights and prevent offences under the Protection from Eviction Act 1977, and support tenants

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who find themselves homeless. There are already services and partnerships with reputable private landlords in the borough to support this process.

In the main Super Output Areas of the final proposals for Selective Licensing, 1,249 private tenants are on Housing Benefit to support their rental. Based on the 2011 Census this accounts for 75% of private rented households (1,669). Therefore any increase in costs passed on by landlords is likely to have an impact upon the majority of the private renting tenants in those areas. This impact can be monitored through the life of the scheme through regular involvement with tenants and support adjusted by the Council. However, where there are increases in rent, the Local Housing Allowance can take account of some rent rises. Although tenants may see an increase in rent initially, in the longer term this will deliver better quality housing and more stable and desirable areas to live.

What affect will the Policy/Service have on community relations? Identify by protected characteristics

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

The expected benefits for landlords of a Licensing scheme will be

- more informed and responsible tenants,
- cheaper maintenance bills for properties because of more responsible and informed tenants,
- reduced crime and vandalism,
- reduced levels of fly tipping and waste issues,
- more involved landlords sharing good practice,
- and more desirable communities attracting higher sale values for properties.

The expected benefits to the tenants, the general public, Rotherham Council and partners are:

- More responsible landlords
- More information and support from landlords for tenants
- Assurance for tenants that their home is safe.
- lower levels of deprivation in these communities,
- lower turnover of occupiers with more stable communities,
- Potential savings in reactive enforcement work and a more professional landlord community.

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- reductions in ASB and Crime,

Characteristics that need to be taken as a consequence of this assessment and ensure that they are added into your service plan.

Website Key Findings Summary: To meet legislative requirements a summary of the Equality Analysis needs to be completed and published.

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Equality Analysis Action Plan - See page 9 of guidance step 6 and 7

Time Period ...2014/2015 to 2019/2020

Manager: Mark Ford..... Service Area: Safer Neighbourhoods..... Tel.: 01709 823118.....

Title of Equality Analysis: Selective Licensing

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

List all the Actions and Equality Targets identified

Action/Target		State Protected Characteristics (A,D,RE,RoB,G,GI O, SO, PM,CPM, C or All)*	Target date (MM/YY)
Pre-launch review		ALL	April 2015
Annual Review through the life of the scheme		ALL	May 2016
Endeavour during the life of the scheme to compile an accurate as possible profile (including socio-economic characteristics)of tenants, landlords, licence holders and agents to advise the annual Equality Assessment review.		ALL	Ongoing and reported in annual review
Name Of Director who approved Plan	Dave Richmond	Date	25/11/14

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

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Website Summary – Please complete for publishing on our website and append to any reports to Elected Members, SLT or Directorate Management Teams

Completed equality analysis	Key findings	Future actions
<p>Directorate: Neighbourhoods & Adult Services</p> <p>Function, policy or proposal name:</p> <p>Selective Licensing</p> <p>Function or policy status: New (new, changing or existing)</p> <p>Name of lead officer completing the assessment: Zafar Saleem</p> <p>Date of assessment: 25th November 2014 (Revision)</p>	<p>The overall aim of this policy is to introduce selective licensing into specific areas of the borough to address low housing demand.</p> <p>To determine which areas of the borough selective licensing should be applied to the following criteria as set out in the Housing Act 2004 have been considered: (1) low values of residential premises in the area when compared with similar areas, (2) high proportion of empty properties, and (3) and high turnover of occupiers of residential property.</p>	<ul style="list-style-type: none"> • Pre-launch review • Annual review • Ongoing profile compilation of protected characterises and socioeconomic factors to feed into the annual review.