

## APPENDIX 1 – Intervention Case Studies

### Case Study 1 – Eastwood

#### Overview

The property was inspected and found to be heavily cluttered with personal belongings of the tenant. It was identified that the elderly and vulnerable tenant had both hoarding tendencies and mobility issues which made the property unsuitable for their needs.

The exterior of the property was presenting problems to the area due to the dilapidated windows and the lack of maintenance by the landlord.

During the Selective Licensing inspection there were a number of defects identified which should have been controlled by the landlord which had increased the risks of injury and illness to the tenant. These related to:

- Excess Cold – the property suffered from single glazed wooden framed windows, which were in poor state of repair. The heating system was unreliable, with periods of it showing faults and not working so therefore not providing adequate heating and hot water.
- Fire – only one single point battery operated smoke alarm had been provided, offering inadequate means of fire detection and warning.
- The surfaces to the external areas were uneven and on top of this was an unguarded drop in levels between the drive and the front garden. This posed a significant risk of a fall resulting in significant harm to any occupants and there visitors.





Given the vulnerabilities identified, the visiting officer contacted Adult Social Care to enable further support to the tenant while enforcement action was taken by the Selective Licensing Team.

### **Enforcement action and outcomes**

The inspection of the property led to a detailed set of repairs being carried out without the need for formal enforcement notices, which included:

- new double glazing units throughout the property
- new central heating system installed
- guarding to the driveway to mitigate the risk of any fall
- adequate fire detection system installed
- much improved look to the property, contributing to the improved local environment and amenity.

The proactive inspection also enabled the tenant to get essential support and they moved to a more suitable property for their needs, with the support of the Council.

## Case Study 2 – Eastwood

### Overview

Inspection of this property found a multitude of problems which were affecting the health of tenants as well as the visual appearance of the property. The problems included:

- Damp and mould in living areas due to a lack of mechanical ventilation
- A generally cold property due to ill-fitting doors and defective and broken windows
- Lighting in poor repair and a lack of handrails to stairs causing risks of falls throughout the property.
- No fire detection equipment, a missing door, poor quality, cheaper and hollow core doors throughout, increasing the risk of fire spread and the risk that a fire would not be detected until it was too late. The front door was also screwed shut meaning people could not exit the building if there was a fire at the rear of the property. In addition the rear door did not have a door handle.
- Damage to electrical sockets and a lack of adequate numbers of sockets throughout the house, increasing the risk of overloading the system.
- Missing doors on kitchen cabinets, unsealed work surfaces and the structure of the kitchen as poor. These increase risks to food hygiene and safety of family members in the kitchen.



### **Enforcement action and outcomes**

Due to the severity of the hazards and the poor quality of the accommodation, an Improvement Notice was served immediately. The cost associated with serving the notice was charged to the Licence Holder.

The notice was not fully complied with by the due date on the notice and as such a further investigation has taken place into this including an interview under caution with the Licence Holder. The works have since been completed, however further enforcement action is being considered (Prosecution or Civil Penalty) due to the severity of the breach, the risks to the tenants and the additional work required by the Council to secure improvements.

## **Case Study 3 – Maltby**

### **Overview**

A mid-terrace property in Maltby was inspected as part of the licensing designation and a number of defects were identified.

- Penetrating damp into the bathroom and a bedroom.
- Thin brickwork on one wall and a broken window increasing the risk of excess cold.
- The hand rail to the stairs was insufficient and there were no window restrictors fitted to the first floor, increasing the risk of a fall from a height.
- There were inadequate numbers of electrical sockets in the property for modern day living.
- There was a lack of fire detection throughout and poor separation of rooms from the spread of fire.
- A wall to the rear of the property was bulging and in danger of collapse.

### **Enforcement action and outcomes**

A detailed and lengthy schedule of works was given to the Licence Holder, and the property was brought up to the required standard with no further formal enforcement action required.

The repairs were significant with building contractors required to ensure the structural stability of the rear of the property.

The family has remained in the property which is now in a safe condition. This property would have gone unnoticed without the Selective Licensing designation in place

## **Case Study 4 - Dinnington**

### **Overview**

A row of terraced properties with significant issues around the condition of the houses and the condition of rear gardens and shared alleyways, causing blight on the wider neighbourhood.

These properties were subject to proactive housing standards enforcement over 8 years ago, but since the end of the external funding, those properties have not been subject to continued scrutiny, other than dealing with the environmental problems caused on a reactive basis.

During inspections there were significant problems with properties with regards to the management of the tenants, as well as the lack of fire detection and mechanical ventilation to keep the properties free of damp and mould growth.

Repeated fly tipping complaints and waste in gardens issues were reported both from the public and observed by Council staff and elected members.

### **Enforcement action and outcomes**

Property inspections under Selective Licensing have resulted in all the properties being assessed and enforcement action taken to remedy the housing conditions. Additional unlicensed houses have been found through door to door checks on properties and enforcement taken to secure licensing

All landlords of properties with Licences have been given warnings regarding their tenant's behaviour and the potential risk of breaching licence conditions.

Further enforcement has been taken with individuals and addresses to ensure the waste issues are resolved and people held to account for their behaviour.

The street continues to present a high volume of work for the Regulation & Enforcement Service but the problems are being effectively managed through joined up approach with the area Community Protection Unit, Neighbourhood Wardens and the Selective Licensing Team, who are both part of the Regulation & Enforcement Service. This partnership working has included working the Police to SHARE intelligence and ensure appropriate enforcement is taken against offenders to improve the area and the outcomes for tenants.

## **Case Study 5 - Masbrough**

### **Overview**

A report was received about a potentially unlicensed property which the police had found where there was a significant Cannabis cultivation operation taking place. The tenants had left the property before the Police raised but a significant volume of cannabis at the property.

The property was found to be unlicensed and had not had any previous involvement from the Regulation & Enforcement Service.

On owner was identified as being a landlord of other properties and the licence holder for one other house in the current designation areas. The manager of the property, who had let the house, was related to the owner. Interviewed under Caution, both claimed the failure to licence was an oversight, despite one of them living only a few doors away from the property and the other having licensed a house in the same designation area.

### **Enforcement**

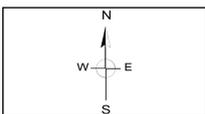
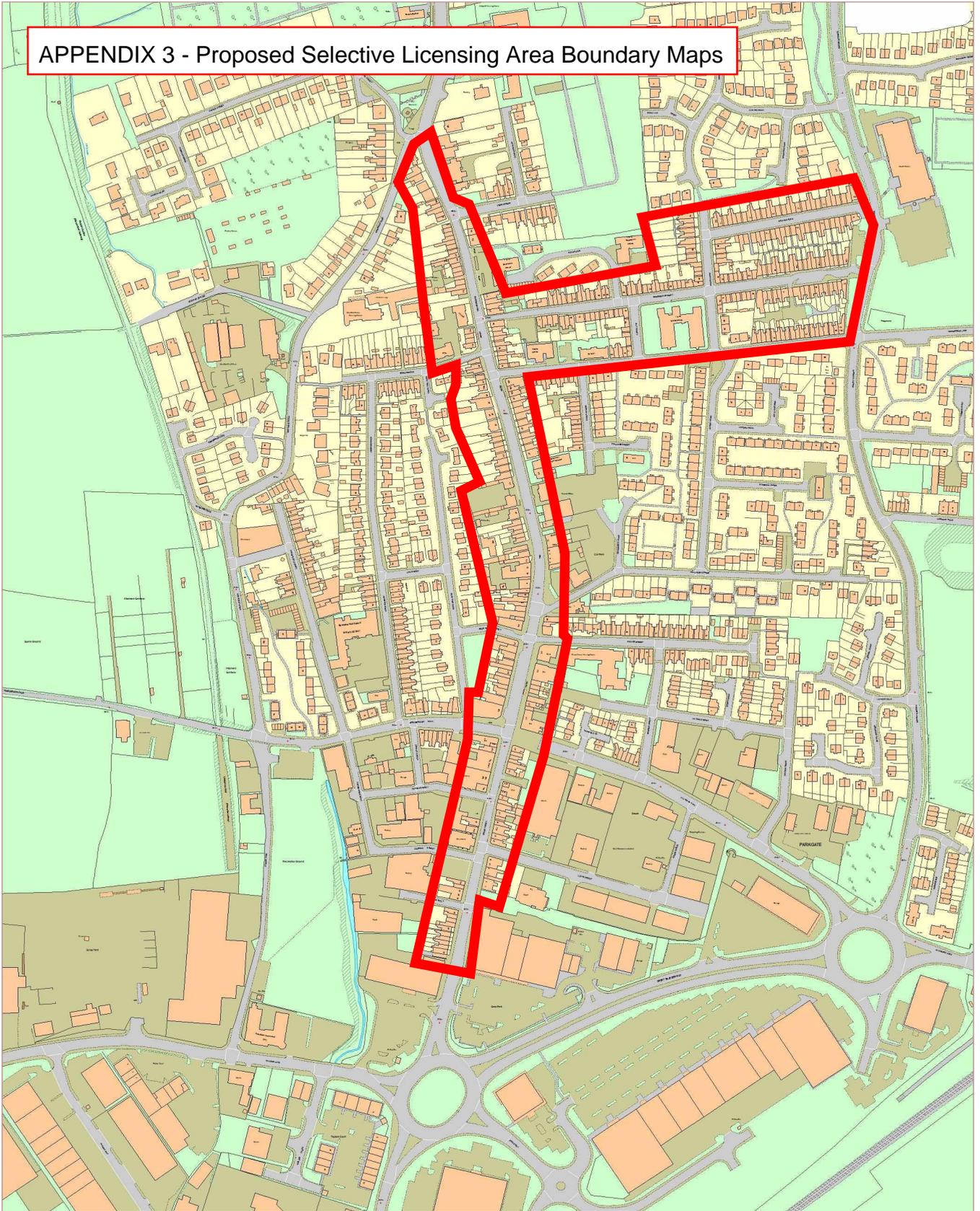
Both the owner and the manager of the property were convicted on a Criminal offence of being in control of or managing a property which was subject to licensing but was not licensed.

Prior to Selective Licensing the owner of the property would have been able to avoid enforcement relating to the tenants behaviour. In this case they had avoided licensing and were convicted of that offence. Further to that if the property were licensed this behaviour could have resulted in the licence holder breaching licence conditions and then being held accountable for their tenants criminal activity which had gone unchecked.

## APPENDIX 2 – Areas which fall within the 20% most deprived in Rotherham, private rented accommodation levels and Selective Licensing Areas

LSOA number	LSOA Name	Index of Multiple Deprivation (IMD) Rank (where 1 is most deprived)	Index of Multiple Deprivation (IMD) Decile (where 1 is most deprived 10% of LSOAs)	Private Rented % (2011 Census)	Current Selective Licensing Designation Area
E01007715	Masbrough West	242	1	37.8	Masbrough
E01007737	East Herringthorpe North	257	1	9	
E01007769	Eastwood Village	302	1	38.8	Eastwood
E01007677	Canklow North	315	1	16.5	
E01007736	Eastwood East	323	1	16.9	Eastwood
E01007735	East Herringthorpe South	480	1	8.1	
E01007768	Eastwood Central	500	1	17.5	Eastwood
E01007764	Maltby East - Maltby Main	597	1	16.6	Maltby South East
E01007739	East Dene East	623	1	4.5	
E01007716	Masbrough East	634	1	24.7	Masbrough
E01007738	East Dene North East	670	1	11.9	
E01007775	Rawmarsh North East	740	1	8.8	
E01007714	Town Centre	805	1	30.9	Eastwood
E01007721	Dalton	1039	1	13.2	
E01007719	Thrybergh South	1106	1	8.8	
E01007790	Dinnington Central	1129	1	24.2	Dinnington
E01007668	Aston North West	1480	1	10.5	
E01007730	Wingfield	1755	1	9	
E01007729	Greasbrough South	1765	1	4.4	
E01007718	Jordan	1835	1	16.7	
E01007760	Maltby East - Muglet Lane	1920	1	32.1	Maltby South East
E01007734	Herringthorpe North	2067	1	7.8	
E01007809	Thurcroft South West	2096	1	10	
E01007723	East Herringthorpe East	2256	1	7.3	
E01007732	Rockingham West	2463	1	4	
E01007822	Wath Central & Newhill	2487	1	10.9	
E01007727	Thrybergh East	2723	1	7.9	
E01007779	Upper Haugh West	2878	1	7.9	
E01007794	Swinton South	2918	1	6.3	
E01007662	North Anston Central	3017	1	4	
E01007791	Dinnington East	3048	1	15.4	Dinnington
E01007766	East Dene South	3190	1	5.4	
E01007708	Herringthorpe South	3309	2	8.5	
E01007740	Kimberworth Park East	3323	2	5.4	
E01007726	Flanderwell	3390	2	12.4	
E01007763	Maltby East - Town Centre	3485	2	25.4	Maltby South East
E01007805	Kimberworth Park Roughwood	3757	2	4.4	
E01007767	Clifton West	3810	2	23.8	Eastwood
E01007804	Kimberworth Park West	4039	2	3.6	
E01007697	West Melton West	4330	2	4.4	
E01007770	East Dene North West	4409	2	11	
E01007717	Bradgate	4744	2	17.1	
E01007784	Parkgate	4818	2	27.5	
E01007806	Kimberworth Park Central	5010	2	5.8	
E01007815	Thurcroft Central & Brampton	5139	2	28.2	
E01007759	Maltby East - Highfield Park	5167	2	8.9	
E01007796	Swinton North	5184	2	7.9	
E01007733	Rockingham East	5664	2	4.5	
E01007783	Rawmarsh South	6089	2	9.8	
E01007782	Rawmarsh North	6345	2	8.7	
E01007694	Brampton North	6390	2	10.1	
E01007745	Richmond Park	6401	2	4.4	

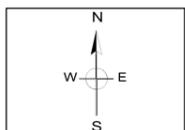
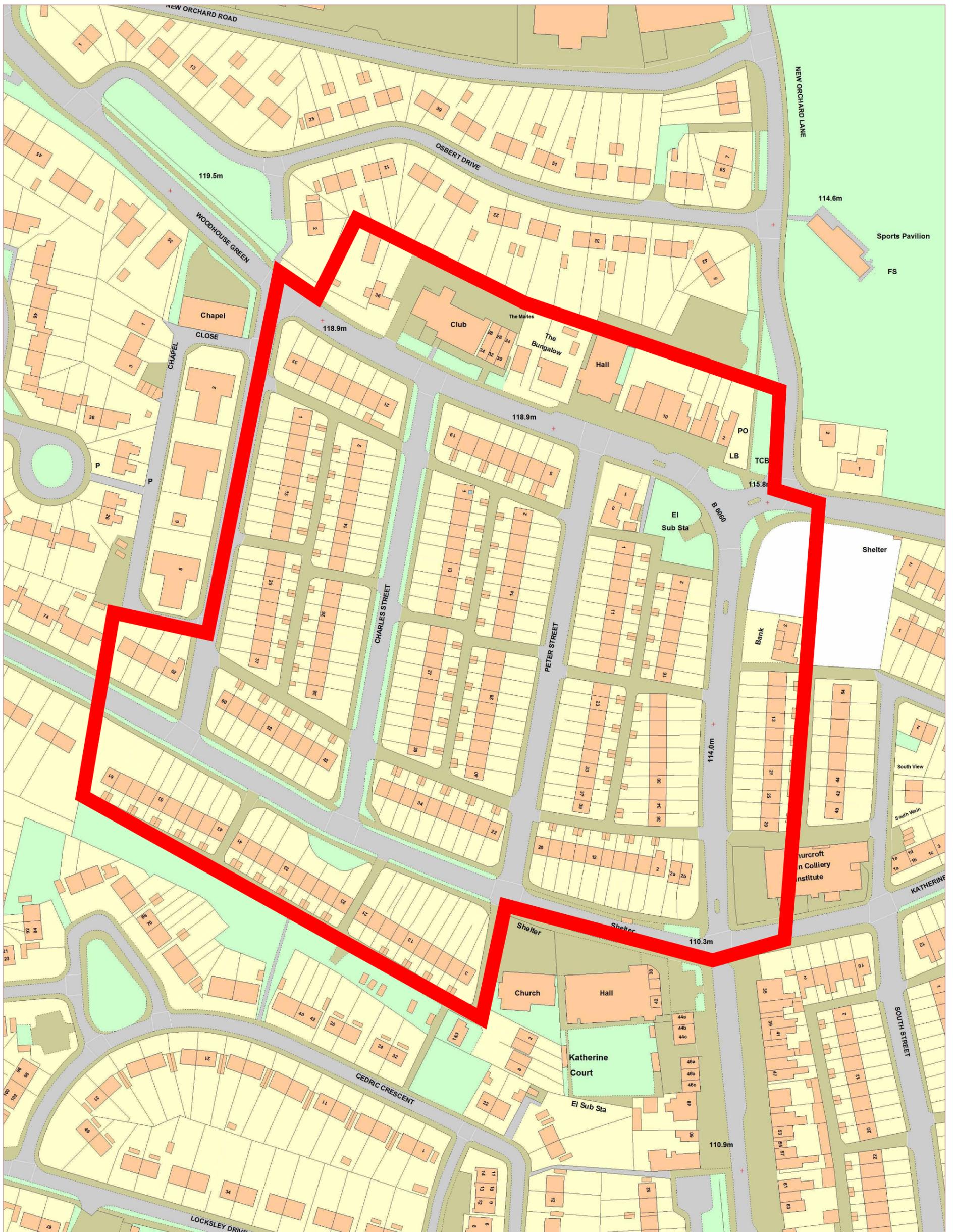
APPENDIX 3 - Proposed Selective Licensing Area Boundary Maps



**Parkgate Proposed Selective Licensing Area**

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**Thurcroft Proposed Selective Licensing Area**

The boundary drawn in red is the proposed area which is being considered for the use of Selective Licensing powers under the Housing Act 2004.



1:1476

## APPENDIX 4 - Current Selective Licensing Conditions in Rotherham

- *As amended by the provisions of Regulation 15 of The Smoke and Carbon Monoxide Alarm (England) Regulations 2015, SI 2015 No. 1693*

*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 a smoke alarm is installed on each storey of the house on which there is a room used wholly or partly as living accommodation, and
  - b. ensure that a carbon monoxide alarm is installed in any room in the house which is used wholly or partly as living accommodation and contains a solid fuel burning combustion appliance;
  - c. (i) keep each such alarm prescribed in 3a & 3b above in proper working order; and  
(ii) supply the authority, on demand, with a declaration by him as to the condition and positioning of any such alarm prescribed in 3a & 3b above.

Please note that a “room” includes a hall or landing, and a bathroom or lavatory is to be treated as a room used as living accommodation.

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 licence holder must provide prospective tenants with a copy of the Energy Performance Certificate (EPC) prior to the commencement of the tenancy.
7. 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.
8. 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.
9. 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.
10. 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.
11. 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.
12. 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.
13. The licence holder must ensure that the water supply and drainage system serving the house is maintained in good, clean and working order.
14. The licence holder must not unreasonably cause any service supplied to the property under the terms of the tenancy agreement to be interrupted.
15. The licence holder must provide the tenant and their household with suitable alternative accommodation where necessary if substantial remedial works are undertaken.

16. 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.
17. 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.
18. 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**

19. 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.
20. 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.
21. 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.
22. The licence holder must provide all tenants with a copy of the licence and the licence conditions.
23. 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.
24. 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.
25. 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.
26. 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.

27. 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).
28. 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.
29. 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
30. The licence holder will not discriminate against prospective occupiers of the house on the grounds of race, disability, gender, religion or sexual orientation.
31. 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)
32. 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.
33. 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.
34. 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).
35. The licence holder must adhere to legal requirements when seeking possession of the property from the tenant.
36. 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).
37. The licence holder must be a permanent resident in the United Kingdom.

## **Security**

38. The licence holder will ensure that keys are provided to the tenant where window locks are provided.
39. 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.
40. The licence holder will ensure front and rear doors are secure and fitted with good quality locking systems.
41. 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**

42. The licence holder shall ensure that the exterior of the house is maintained in a reasonable decorative order and in reasonable repair.
43. 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.
44. 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**

45. 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.
46. 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.
47. 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.

48. 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.
49. 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.