Leicester
City Council

MEETING OF THE HOUSING SCRUTINY COMMISSION

DATE: **MONDAY, 6 JUNE 2022**

TIME: **5:30 pm**

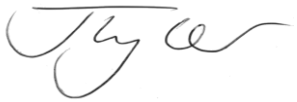
PLACE: **Meeting Room G.01, Ground Floor, City Hall, 115 Charles Street, Leicester, LE1 1FZ**

Members of the Scrutiny Commission

Councillor Westley (Chair)
Councillor Chamund (Vice Chair)

Councillors Ali, Aqbany, Crewe, Fonseca, Gee, and Pantling

Members of the Scrutiny Commission are invited to attend the above meeting to consider the items of business listed overleaf.



For Monitoring Officer

Officer contacts:

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Leicester City Council, City Hall, 115 Charles Street, Leicester, LE1 1FZ

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You have the right to attend formal meetings such as full Council, committee meetings, and Scrutiny Commissions and see copies of agendas and minutes.

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- maintain distancing while entering and leaving the room/building;
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- the building and/or giving their name and contact details at reception prior to the
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For Press Enquiries - please phone the **Communications Unit on 0116 454 4151**.

HOUSING SCRUTINY COMMISSION
USEFUL ACRONYMS

Acronym	Meaning
ACM	Asbestos Containing Materials
AGSC	Annual Gas Safety Check
AHP	Affordable Homes Programme
ALMO	Arms' Length Management Organisation
APA	Alternative Payment Arrangements
ASC	Adult Social Care
AST	Assured Short Hold Tenancy
BAU	Business as Usual
B&B	Bed & Breakfast
BCP	Business Continuity Plan
BRE	Building Research Establishment
CBL	Choice Based Lettings
CIH	Chartered Institute of Housing
CIN	Children in Need
CiTAL	Citizens Advice LeicesterShire
CO	Carbon Monoxide
Co2	Carbon Dioxide
CORE	Continuous Recording of Lettings - independently compiled statistics of all Housing Association letting activity
CPO	Compulsory Purchase Order
CSC	Customer Service Centre
CT	Council Tax
CT	Community Transport
CTCE	Construction Training Centre of Excellence
DAR	Dial A Ride
DCPC	Driver Certificate of Professional Competence
DFG	Disabled Facilities Grant
DHF	Discretionary Housing Funds
DHP	Discretionary Housing Payments
DHS	Decent Homes Standard
DMA	District Management Area
DT	Digital Transformation
DTR	Duty to Refer
DVSA	Driver & Vehicle Standards Agency
DWP	Department for Work and Pensions
EBS	Estate and Building Services
EHP	Empty Homes Premium
EHS	Empty Homes Strategy
EMH	East Midlands Homes
EOL	End of Life
EPC	Energy Performance Certificate

Acronym	Meaning
ERS	Emergency Repairs Service
Euro 6	The Latest Directive Set by The EU to Help Reduce the Level Of Harmful Pollutants Produced By New Vehicles.
EV	Electric Vehicle
EVCS	Electric Vehicle Charging Station
FHS	Future Homes Standard
FRA	Fire Risk Assessment
FS	Floating Support
FTA	Freight Transport Association
G&HS	Gas and Heating Services
GFT	Gas Fill and Test
GSIUR	Gas Safety Installation and Use Regulations
GVM	Gross Vehicle Mass
GVW	Gross Vehicle Weight (Same As GVM)
H&WB	Health and Wellbeing
HA	Housing Application
HAF	Housing Application Form
HB	Housing Benefit
HCA	Homes and Communities Agency
HEDNA	Housing Economic and Development Needs Assessment
HHSRS	Home Health and Safety Rating System
HMO	House in Multiple Occupation
Hol	Housing Online
HPO	Homelessness Prevention Officer
HR	Human Resources
HRA	Housing Revenue Account
HSE	Health and Safety Environment
IMD	Index of Multiple Deprivation
IMT	Income Management Team
KPI	Key Performance Indicator
LA	Local Authority
LAC	Looked After Children
LAHS	Local Authority Housing Statistics
LHA	Local Housing Allowance
LSOA	Lower Super Output Area
MAM	Maximum Authorised Mass (Same As GVM)
MCHLG	Ministry of Housing and Local Government
MHCLG	Ministry of Housing, Communities, And Local Government
MS	Method Statement
MSO	Multi Skilled Operative
MSOA	Middle Layer Super Output Area
NOSP	Notices of Seeking Possession
NOX	Nitrogen Oxides
NPPF	National Planning Policy Framework
ONS	Office Of National Statistics
OOH	Out of Hours
OR	Outreach

Acronym	Meaning
OT	Occupational Therapist
PATS	Passenger and Transport Services
PI	Performance Indicator
PIE	Psychologically Informed Environments
PLT	Property Lettings Team
PRS	Private Rented Sector
PSL	Private Sector Leasing scheme whereby private sector properties are leased by the council for use as temporary accommodation for homeless households.
QC	Quality Check
R&M	Repairs and Maintenance
RA	Residents Association
RA	Risk Assessment
RD	Revolving Door
RMA	Rent Management Advisor
RSI	Rough Sleeping Initiative
RSL / HA / RP	Registered Social Landlord / Housing Association / Registered Provider
RTB	Right to Buy
RTL	Repairs Team Leader
RTL	Ready to Let
SEN	Special Educational Needs
SEND	Special Educational Needs and Disabilities
SH	Sheltered Housing
SLS	Selective Licencing Scheme
STAR	Supporting Tenants and Residents Team
T&L	Tenants and Leaseholders
TA	Tenants Association
TA	Temporary Accommodation
TARA	Tenants and Residents Association
TARS	Tenants Advice and Repairs Service line
TBC	To be confirmed
TC	Traffic Commissioner
UC	Universal Credit
ULEV	Ultra-Low Emission Vehicle
VED	Vehicle Excise Duty
VPLS	Voids and Property Lettings Service
VT	Voids Technician
WIP	Work in Progress
YTD	Year to Date

PUBLIC SESSION

AGENDA

FIRE/EMERGENCY EVACUATION

If the emergency alarm sounds, you must evacuate the building immediately by the nearest available fire exit and proceed to area outside the Ramada Encore Hotel on Charles Street as Directed by Democratic Services staff. Further instructions will then be given.

1. APOLOGIES FOR ABSENCE

2. DECLARATIONS OF INTEREST

Members are asked to declare any interests they may have in the business to be discussed.

3. MINUTES OF THE PREVIOUS MEETING **Appendix A**

The minutes of the meeting of the Housing Scrutiny Commission held on 23 February 2022 are attached, and Members are asked to confirm them as a correct record.

4. PETITIONS

The Monitoring Officer to report on the receipt of any petitions received in accordance with Council procedures.

5. QUESTIONS, REPRESENTATIONS OR STATEMENTS OF CASE

The Monitoring Officer to report on the receipt of any questions, representations or statements of case received in accordance with Council procedures.

6. INTRODUCTION OF DISCRETIONARY LICENSING IN LEICESTER **Appendix B**

The Director of Housing submits a report, which requests consideration of the business case for the introduction of Discretionary Licensing within Leicester.

7. HOUSING CRISIS

The Chair of the Housing Crisis Task Group will provide a verbal update on progress.

8. WHO GETS SOCIAL HOUSING - UPDATE **Appendix C**

The Director of Housing submits a report, which provides an update to the 'headline' Housing Register and Lettings data, relating to Leicester City Council's Housing Register. The report deals with the period starting 1 April 2021 and ending 31 March 2022.

9. HOMELESSNESS & ROUGH SLEEPER STRATEGY - UPDATE **Appendix D**

The Director of Housing submits a report, which provides an update on progress in implementing Leicester's Homelessness & Rough Sleeping Strategy 2018-2023, since the last update to Scrutiny in October 2021.

10. EXECUTIVE RESPONSE TO THE HOUSING SCRUTINY COMMISSION FINDINGS INTO THE PROPOSED HOUSING ANTI-SOCIAL BEHAVIOUR TEAM **Appendix E**

The Director of Housing submits a report, which details the Executive's response to the findings of the Commission review of the proposal for a new Housing Anti- Social Behaviour Team.

11. WORK PROGRAMME **Appendix F**

The Commission's Work Programme is submitted for information and comment.

12. ANY OTHER URGENT BUSINESS

Leicester
City Council

Minutes of the Meeting of the
HOUSING SCRUTINY COMMISSION

Held: MONDAY, 28 FEBRUARY 2022 at 5:30 pm

P R E S E N T :

Councillor Westley (Chair)
Councillor Chamund (Vice Chair)

Councillor Ali Councillor Crewe
Councillor Aqbany Councillor Gee
Councillor Rahman

In Attendance:

Councillor Cutkelvin – Assistant City Mayor (Housing and Education)

* * * * * * * * *

70. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor Byrne.

71. DECLARATIONS OF INTEREST

The Chair declared an interest as members of his family lived in Council accommodation.

The Vice-Chair declared an interest as a member of her family lived in Council accommodation.

Councillor Aqbany declared and interest as members of his family lived in Council accommodation.

In accordance with the Council's Code of Conduct, these interests were not considered so significant that they were likely to prejudice the Councillors' judgement of the public interest. The Members were not, therefore, required to withdraw from the meeting.

72. MINUTES OF THE PREVIOUS MEETING

AGREED:

That the Minutes of the meeting held on 10 January 2022 be confirmed as a correct record.

73. CHAIR'S ANNOUNCEMENTS

The Chair referred to some key issues to be discussed on the agenda, making particular reference to agenda item 7 concerning the housing crisis, looking at the issues regarding social issues, community wellbeing, community safety and security, and financial and economic factors.

74. QUESTIONS, REPRESENTATIONS OR STATEMENTS OF CASE

The Monitoring Officer reported that no Questions, Representations or Statements of Case had been received, in accordance with Council procedures.

75. PETITIONS

The Monitoring Officer reported that no Petitions had been received, in accordance with Council procedures.

76. HOUSING CRISIS

The Director of Housing submitted a report which provided information on the housing crisis nationally and particularly the effect on services in Leicester.

The report explained the problems of housing availability and affordability, including private renting and the severe lack of truly affordable homes which was placing peoples finances, health and wellbeing at serious risk.

The report contained information on the following aspects:

- The Changing face of Housing in the country and Leicester
- The Affordability of Housing
- Homelessness
- Collapse in the supply of truly affordable homes
- The Council’s efforts to tackle the Housing Challenges

The report was also intended to drive national policy change and alongside this suggested the need to be clear about local commitments to address the housing crisis.

In accordance with Scrutiny Procedure Rules, the Chair allowed a question to be put by Mr Stannard. As the question was not received in time to be formally considered, in the interests of openness and transparency, the question was put under rule 8.

Mr Stannard read the following question:

"*Given that it is LCC's intention to declare a housing emergency in our city, can you ask our local MPs to raise with the government the 2012 housing debt settlement (on which LCC paid £8.8m interest in the last full tax year), and suggest that the settlement nationally be cancelled or renegotiated*."

It was noted and accepted that Mr Stannard would receive a written answer to his question, and he was asked to remain in the meeting room to listen to and consider the debate on the housing crisis, but the Chair indicated that he would not be allowed further involvement in the discussion on the item.

The Chair referred to the recommendation in the report and supported the need to establish a Task Group to undertake a review of the situation, including the need to understand the regional pressures on housing allocations and ensuring that affordable homes were available. As part of the Terms of Reference of the Task Group, the need to lobby government to increase local authority housing was emphasised.

Councillor Gee was appointed as the Chair of the Task Group, and members of the Commission were encouraged to join forthcoming meetings.

AGREED:

That the Commission note the urgency of action on the Housing crisis and in response set up a task group, to be Chaired by Councillor Gee, to determine clear asks of central government and the local authority.

77. ENVIRONMENTAL BUDGET 2022/2023

The Director of Housing submitted a report, which outlined how the Environmental Budget would fund improvements on estates across the city in 2022/2023.

It was reported that 21 schemes were being proposed for the city to invest in estates, to improve parking, green areas, measures to reduce anti -social behaviour and to generally make the environment safer and improve the quality of life for residents, making them places where people want to live.

In response to a question, it was noted that the Vice-Chair would be informed of the locations and availability of recycling sites, including bottle banks.

AGREED:

That the report and aims of the Environmental Budget be noted.

78. BUILDING SAFETY BILL (INCLUDING SAFETY COMPLIANCE)

The Director of Housing submitted a report, which gave details of measures in place to ensure that all Council homes were safe for tenants to live in and for staff and contractors to work in. The report also provided an update on the work currently undertaken relating to water hygiene, asbestos and fire safety.

The Chair commented on the timing of new legislation, particularly referring to fire safety as outlined in the report and the fact that the government was warned about cladding fire safety issues in 2002 and 2003 but failed to act until 2018, after the Grenfell disaster. It was also noted that as a result, Council's had been required to improve the safety of their buildings, without any financial support.

It was also reported and recognised that a robust fire safety strategy was in place, prior to the Grenfell disaster, and that adequate and suitable fire doors and sprinkler systems were installed in the Council's buildings. It was not expected that the new legislation would therefore have a significant effect on existing budgets.

In terms of the management of the estates and buildings and in regard to building safety and fire safety, it was suggested that an update be submitted to the Commission on an annual basis, to ensure continued compliance.

AGREED:

That the report be noted and an update be submitted on an annual basis.

79. RETROFIT AND CARBON REDUCTION UPDATE

The Director of Housing submitted a report, which provided an update since the previous report in April 2022, on ongoing work to ensure the Council's target to be carbon zero by 2030 could be met.

The Chair commented on the numbers of homes involved in the range of improvements, which was minimal in terms of the properties in the Council's stock, and also the private sector stock. In response it was explained that increased pressure on government and successful bidding had led to an increased ambition and an understanding and recognition that the responsibility was being taken seriously. The numbers of properties involved in future projects and programmes to 2030 in respect of retrofitting was acknowledged.

AGREED:

That the report and progress be noted

80. GOSCOTE HOUSE DEMOLITION AND INSTALLATION OF SPRINKLERS - UPDATE

The Director of Housing submitted a report, which provided an update on progress made since the demolition of Goscote House and the installation of sprinkler systems in tower blocks.

AGREED:

That the report and update be noted.

81. HOUSING ONLINE REPAIRS

The Director of Housing submitted a report, which outlined the current position of the online provision for Housing repairs services, including key repairs functions undertaken online as well as any key barriers. The report also set out recommendations for the next steps of delivering online services for repairs including the potential to hard stop the two main areas of repairs calls to the customer service centre of reporting repairs and repairs enquiries.

The details report described the support in place for all tenants to enable access to online services including provision for tenants who do not have access to IT or may not be able to use it or for those tenants who are housebound.

The Director of Housing provided a live demonstration of the accessibility to services online. During the demonstration, it was emphasised that the registration/log in process would only be required once, and subsequent access would be faster and simpler for tenants.

The need to engage with and request the support of the Tenants Forum was highlighted.

Commission members supported the proposal but had concerns with the availability of support to some tenants, and therefore requested an update on the revised service at a future meeting, noting the 4 month review period.

AGREED:

That the report be noted, and an update be submitted to the Commission in due course.

82. WORK PROGRAMME

The Commission's Work Programme was submitted and noted.

83. CLOSE OF MEETING

The meeting closed at 7.45pm.

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Appendix B

CONSIDERATION REGARDING THE INTRODUCTION OF DISCRETIONARY LICENSING IN LEICESTER

Scrutiny Paper 6 June 2022
Decision to be taken by: Full Council
Decision to be taken on: 7 July 2022
Executive Lead: Councillor Elly Cutkelvin

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Useful information

- Ward(s) affected: all
- Report author: Tony Cawthorne
- Authors contact details: tony.cawthorne@leicester.gov.uk

  0116 4547133
- Report version number plus Code No from Report Tracking Database: 1

1. Purpose of report

1.1 The purpose of this report is;

a. To consider the business case for the introduction of Discretionary Licensing within Leicester.

b. To provide details of the work undertaken to consult on the introduction of a Discretionary Licensing scheme within the private rented sector in Leicester.

c. To recommend the introduction of a Selective Licensing scheme in specific areas of the city

2. Executive Summary

2.1 Leicester Council has an ambition to ensure the Private Rented Sector (PRS) in Leicester is fit for purpose and a key part of that is to ensure the Council raises housing standards in the sector.

2.2 One way in which housing standards can be raised is through the introduction of a discretionary licensing scheme, that is Selective and / or Additional Licensing schemes. Prior to proceeding with either scheme, the council is required to undertake a comprehensive consultation exercise.

a) Selective Licensing Scheme

In an area subject to a Selective Licensing Scheme, all private landlords must obtain a licence.

b) Additional licensing Scheme

In an area subject to an Additional Licensing Scheme, all landlords of small houses in multiple occupations (HMO's) *[shared by 3 or more unrelated people, constituting 2 or more households, who share facilities such as kitchens and bathrooms]* must obtain a licence.

Under each scheme if the landlord fails to obtain a license, or fails to achieve acceptable management standards, the authority can take enforcement action.

The evidence required to justify each scheme differs, details can be found in the full business case **(Appendix A)** also see 4.1.5.

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2.3 The Council must, mandatorily, consult on the proposal to bring in Discretionary Licensing which took place between the 30/11/21 and 22/2/22.

Data and evidence available for the Private Rented Sector in the business case did not provide support for a citywide Selective Licensing scheme which is specifically designed to address the issues of; low housing demand (or it is likely to become such an area), significant and persistent problems with Anti-Social Behaviour poor property conditions, high levels of migration, high levels of deprivation, high levels of crime.

2.4 We consulted on 3 proposals. The consultation was designed with due cognisance of the Covid-19 situation and the consultation was delivered online and by way of letter, email correspondence, an online survey and a number of virtual public meetings.

As part of the consultation, notification on the options was shared in all libraries and public buildings and on social media and the Councils website. Letters were sent to 110,745 residential properties, emails to 3654 Business Operators, 204 Faith Groups contacted and leaflets made in Gujrati circulated to 1600 congregants, 9 Landlord Associations, 123 Letting and Management Agents who forwarded onto their clients and also responded themselves, 3 MPs, 8 Local Authorities neighbouring Leicester city, 54 Councillors, 3 Media outlets, 17 student accommodation companies 2 Universities and student unions and 1130 Schools in order to give an opportunity to the widest audience possible to have their say on the proposals

<u>The Options:</u>

<u>Option A</u>

Selective Licensing within parts of the Wards of - Stoneygate (East Cluster); Westcotes, Fosse, Braunstone Park & Rowley Fields (West Cluster); Saffron (South Cluster)

The combined area of the schemes covers less than 20% of Leicester's geographical area and less than 20% of privately rented homes in the local authority area.

<u>Option B</u>

Additional Licensing that covers the entire City (citywide).

<u>Option C</u>

Additional Licensing within parts of the Wards of Westcotes, Fosse, Braunstone Park & Rowley Fields and Stoneygate.

2.5 The consultation was designed to capture the opinion of all interested stakeholders. In total 1120 online consultation responses were received, see table below for breakdown of respondents to the online questionnaire.

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	Total	Percentage
Private Tenant	215	19.20%
Leicester Resident	565	50.45%
Private Landlord	270	24.11%
Letting/ Managing Tenant	8	0.71%
Local Business	6	0.54%
Charitable Organisation Providing Accommodation	2	0.18%
Other	54	4.82%
Total	**1120**	**100%**

2.6 The consultation findings show overall support for both Option A and / or Option B

2.7 Results for Option A:

There is overwhelming support from residents and tenants, with some notable opposition from landlords.

270 Landlords responded (24% of all respondents) Although a minority 18% (49 landlords) of private landlords supported the scheme 67% (180 landlords) of landlords opposed the scheme and 15% (41 landlords) did not indicate whether they supported or objected.

- Stoneygate ward (East Cluster).
  74% residents and 59 % of tenants support

- Westcotes, Fosse, Braunstone Park & Rowley Fields (West Cluster).
  81% residents and 64 % of tenants support

- Saffron (South Cluster).
  74% residents and 59% of tenant support

2.8 Results for Option B:

There is significant support (51.25%) for the introduction of Additional Licensing across the city.

2.9 Results for Option C

There is little support (14.29%) for the introduction of Additional Licensing in designated parts of the city only

2.10 The fee proposed within the consultation received a mixed view with the costs being expressed as too much by 42.14% of respondents, that said 39.38% of the respondents stated the costs were about right or too little.

2.11 In relation to discounts offered for “early bird” applications, accredited landlords and charitable organisations, there was overwhelming support. Similarly, there

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was support with 55.45% of the respondents stating that they agree with the levying of a penalty for late applications.

3. Recommendations

3.1 It is recommended that the members approve the report and the recommendations below:

i. Selective Licensing in the targeted areas (Option A) is supported and should be introduced as soon as practicable (See 4.1.10). The designated areas were identified both in the business case and during the consultation as the areas most acutely impacted by the proliferation of the PRS in Leicester.

ii. As the principle of Additional Licensing citywide (Option B) is also favourable, it is recommended that this be revisited once Option A is embedded and there is further evidence of the success of licensing in raising standards in the sector. This will also allow time for any impact of the potential extension of the Article 4 directive to have been realised.

iii. The proposed fees, discounts and penalties identified in Section 5.1, 5.2 and 5.3 are approved.

- With the exception of the early bird discount, All discounts will be applicable for the first 18 months after the commencement of the official start date of the scheme.

  For all new landlords who commence ownership within the term of the scheme will be allowed the discounts for the first 12 months on completion of their legal ownership.

  A maximum of three discounts will be allowed per application

- The discounts for early bird applications be applied prior to the commencement date and following 6 months of the commencement date at 10% discount.

- Accredited landlords be allowed a discount of 10% providing accreditation is maintained for the duration of the scheme.

- Registered Charitable organisations be allowed a discount of 10% providing charitable status is maintained for duration of the scheme

- A discount for properties of EPC banding A, B and C be allowed a discount of 10% to acknowledge the works undertaken on the building in excess of the legal minimum standard and Leicester's drive to improve housing efficiency

- Multiple applications by landlords or managing agents will pay the full fee applicable for the first application. Subsequent applications will be charged

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minus the fit and proper persons checks with a 10% discount for the term of the scheme.

- Premises in the Gold leasing scheme by virtue of them being leased to LCC whilst still maintaining management will be allowed a discount of 10% providing membership is maintained for the duration of the scheme, for the term of the scheme

- Premises that are in the control of the Council under the Platinum leasing scheme by virtue of them being leased to LCC will not be required to be licensed as the premises will be exempt under The Selective Licensing of Houses (Specified Exemptions) (England) Order 2006.

- A late application request will be subject to an additional £200 fee - 18 Months after the commencement of the official start date of the scheme.

4. Report

4.1 Context/ Background

4.1.1 The report provides information following an investigation into the value of introducing options for Discretionary Licensing in the City of Leicester.

Discretionary licensing, which is permissible under the Housing Act 2004 falls into two forms of licensing: either *Selective Licensing*, which requires all privately rented property in a designated area to have a licence from the Council, except for a number of exemptions* or *Additional Licensing*, which requires smaller Houses in Multiple Occupation (HMOs) in a designated area to have a licence where they are shared by three to four tenants living in two or more households who share facilities such as kitchens and bathrooms. Larger HMOs: properties containing 5 or more tenants sharing facilities are already subject to mandatory licensing.

**The exemptions include holiday lets, business premises, student premises where the university is the landlord / manager and premises where the tenant is a family member.*

4.1.2 This report explains how each type of licensing scheme works and gives the background to the areas which have been identified and the reasons for the potential suitability for the schemes.

4.1.3 The proposed scheme/s will support a balanced housing market which in turn will support social and economic improvements in the City of Leicester. Housing plays a fundamental role in delivering sustainable communities, facilitating social and environmental improvement, and promoting economic growth.

4.1.4 This document provides the evidence on the basis of which the authority provisionally (subject to consultation) considered the statutory conditions for Additional Licensing and Selective Licensing Schemes to be met and the evidence that the options proposed would improve the standards of property

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management and address problems affecting residents living in Private Rented Sector Properties (except where exemptions apply)

4.1.5 For us to justify the need for discretionary licencing in the city the Council must evidence the following criteria are met;

Selective Licensing – That an area is experiencing one or more of the following issues:

- high levels of deprivation,
- poor property conditions,
- significant and persistent problems with Anti-Social Behaviour,
- high levels of crime
- high levels of migration,
- low housing demand (or it is likely to become such an area),

Additional Licensing – That a significant proportion of HMOs in the area are being managed sufficiently ineffectively as to give rise, or likely to give rise, to one or more particular problems either for those occupying the HMOs or for members of the public.

4.1.6 Ongoing pressures within the housing market means that for many, including a rising proportion of families, the only chance of a decent home is in a properly managed and well-regulated HMO or other private rented tenancy.

4.1.7 The Mandatory Licensing of larger HMOs in Leicester has been an effective tool in regulating and improving property management and the standard of accommodation offered to let within this sector. Licensing has encouraged a positive interaction with landlords and allowed for any problems presented by each house to be managed on an individual basis through a bespoke set of licence conditions.

4.1.8 One or more of the options (as appropriate) presented in this report would, we believe, extend the positive effects of improved property management and standards brought about by Mandatory Licensing and allow the benefits to be available more widely.

4.1.9 This proposal contains commentary on three schemes as described on the previous page and residents, tenants, landlords, businesses, voluntary and community sector organisations and others were invited to give their view. These have been considered and responded to. A full analytical report of the consultation is attached at **Appendix B**. The findings and outcomes of the consultation.

4.1.10 Should the Council approve any of these schemes or an alternative supported through the business case, consultation, legislation and available evidence, there is a formal notification process to be followed. The designation cannot become operative for a minimum period of three months after any decision.

4.1.11 The designation/s will last for five years in accordance with the legislation.

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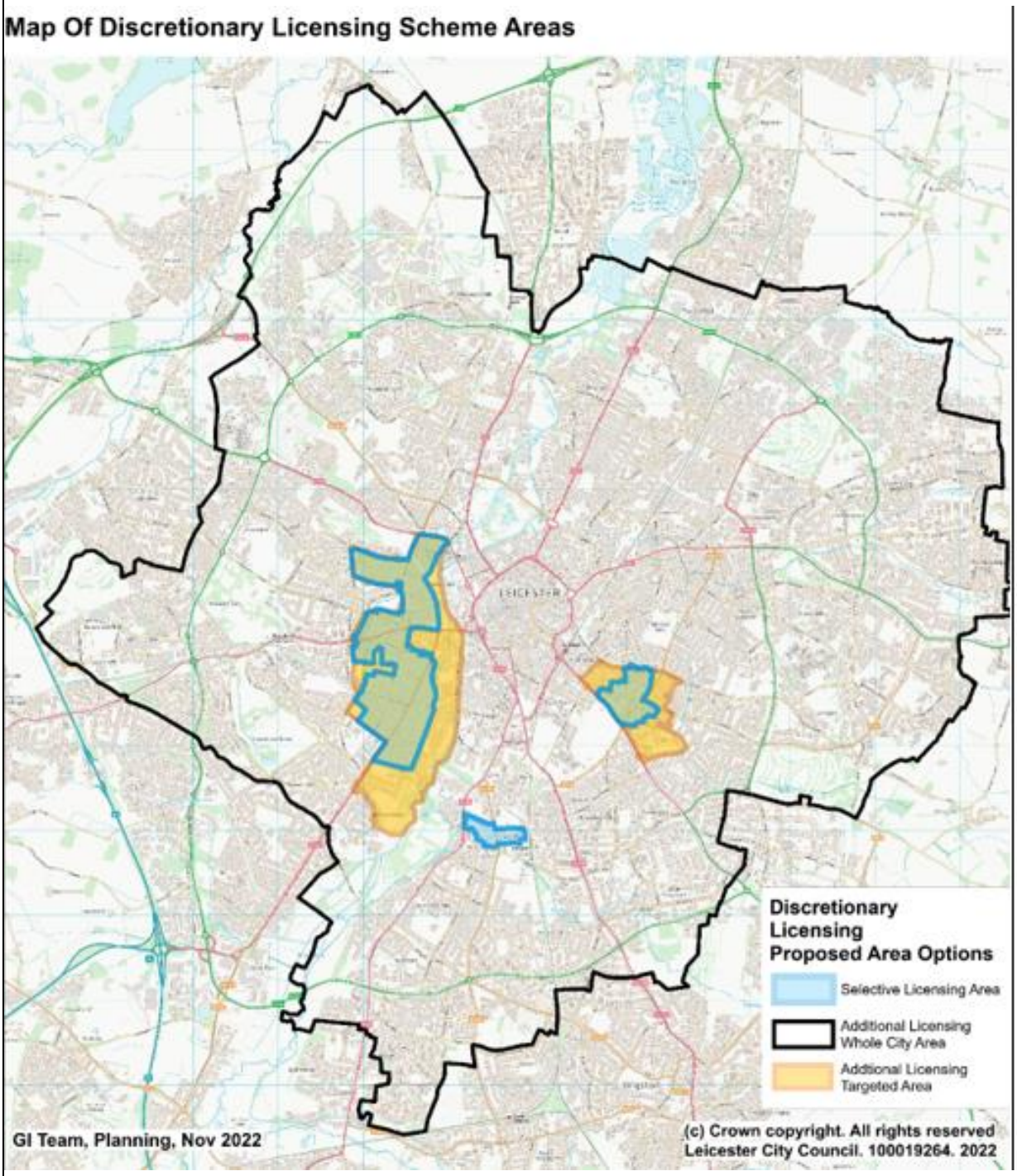
4.1.12 Map including the three proposals for discretionary licensing



4.1.13 It is a criminal offence to let a qualifying property in an area designated for Discretionary Licensing (Selective Licensing or Additional Licensing) without a licence. Failure to apply for a licence could lead to prosecution and the

offence is punishable by an unlimited fine. Alternatively, a Civil Penalty may be issued with a maximum penalty up to £30,000

4.1.14 Access to decent affordable housing is essential to support good health and wellbeing and a good quality of life. Overall, housing standards in Leicester are high and the physical condition of the City Council's housing stock is generally good and energy efficiency levels are above the national average.

4.1.15 However, this overall positive picture masks disparities both between and within sectors that give rise to some concern. Overall, we find some of the worst conditions within the Private Rented Sector (PRS), which includes a significant proportion of Houses in Multiple Occupation (HMO). Further information on the condition of property in Leicester's Private Rented Sector can be found in a BRE Housing Stock Model and Integrated Data Report commissioned by Leicester City Council in 2019. This can be accessed at http://consultations.leicester.gov.uk/comms/landlord-licensing and a summary that provides highlights with reference to Leicester's PRS is provided in the business case.

4.1.16 In areas where there is a concentration of Private Rented Sector housing where many are being poorly managed, community concerns can emerge that lead to the decline or feeling of decline within an area. These include a higher reporting of incidents such as fly tipping, issues regarding bins being left on streets, noise nuisance, unkempt and filthy gardens leading to potential vermin infestations and other types of Anti-Social Behaviour. Not only do these matters relate to environmental health concerns they also have an interplay with how people view and feel about the area they live in. Such environments may show a high churn in tenancies and therefore provide a reduced chance for a sense of community that builds community cohesion amongst its residents which in turn promotes positive health and well-being.

4.1.17 Conversely, well managed Private Rented Sector properties can provide an attractive residence that adds value to areas and encourages behaviours that sustain peoples interest and desire to stay, invest and raise their families within an area.

4.1.18 Actions to improve the standard of Private Rented Sector housing within an area can encourage sustainable communities to thrive for the betterment of the overall locality and its surrounding environs.

4.1.19 Local authorities have an obligation under the Housing Act 2004 to keep housing conditions in their area under review. This includes all tenures of housing, not just stock that may be owned by the local authority.

4.1.20 Leicester Council has developed several policies and strategies to further its overall approach to property conditions and improvements generally in the Private Rented Sector. In particular, the Council has produced a Private Rented Sector Strategy, which can be found at http://consultations.leicester.gov.uk/comms/landlord-licensing

4.1.21 Councils have an obligation to enforce certain statutory minimum standards in housing and have powers that they can use to do this, while further mandatory

and non-mandatory powers are available to the Authority under the Housing Act 2004.

4.1.22 In line with our strategic ambitions to improve people's quality of life, we are focussed on utilising what tools and resources we have to tackle poor housing standards in Leicester. To this end, this report puts forward the Authority's proposal/s for introducing

- Option A

  Selective Licensing Scheme for all tenures in parts of the wards Stoneygate (East Cluster); Westcotes, Fosse, Braunstone Park & Rowley Fields (West Cluster); Saffron (South Cluster),

- Option B

  A citywide Additional Licensing Scheme of smaller HMOs, or potentially (where a citywide Additional Licensing Scheme is not progressed)

- Option C

  Additional Licensing Scheme of smaller HMOs covering parts of the wards of Westcotes, Fosse, Stoneygate and Braunstone Park and Rowley Fields.

4.1.23 In putting forward these options it is important to note that the suggested schemes are not mutually exclusive, and combinations are possible where within the city boundary both Selective and Additional Licensing can run at the same time within designated areas.

4.1.24 Whilst dealing with different types of tenure discretionary licensing is part of a wider set of measures to enable landlords in Leicester to provide good quality housing within their communities. Both schemes can help identify and alleviate the poor housing conditions and management in the sector by setting and maintaining the appropriate standards.

4.1.25 Ensuring standards are maintained delivers a wide range of positive outcomes not just for individuals but for society including: -

- Fewer homes that pose a risk to health and wellbeing
- Improved outcomes for families and young people
- More independence for older or vulnerable households
- Lower carbon emissions, improved energy efficiency and reduced fuel poverty
- Less Anti-Social Behaviour
- Neighbourhoods that are more cohesive, attractive, and economically vibrant

4.1.26 In developing the proposals in this report, we considered evidence from direct contact with other local authorities that have introduced Discretionary Licensing Schemes and we utilised available research to support our

understanding. For example, the Ministry of Housing, Communities and Local Government document, “An Independent Review of the Use and Effectiveness of Selective Licensing” (https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/833217/Selective_Licensing_Review_2019.pdf, a joint research review conducted by the Chartered Institute of Housing and the Chartered Institute of Environmental Health, “A Licence to Rent” https://www.cieh.org/media/2552/a-licence-to-rent.pdf and guidance for local authorities on establishing Discretionary Licensing Schemes: https://www.gov.uk/government/publications/Selective-licensing-in-the-private-rented-sector-aguide-for-local-authorities
&
https://www.gov.uk/government/publications/houses-in-multipleoccupation-and-residential-property-licensing-reform-guidance-for-local-housing-authorities

4.2 Strategic Context

4.2.1 Section 57 (2) and 81 (2) of the Housing Act 2004 states that before making an Additional or Selective Licensing designation the Authority must ensure that any exercise of this power is consistent with the authorities overall housing strategy. The following section is to demonstrate how a proposed Selective Licensing and/or Additional Licensing Scheme (or Schemes) is/are consistent with this in terms of the City Council’s strategic approach to housing in the City.

a) Private Rented Sector Strategy

4.2.2 **Aim**: To bring together Housing, Environmental Health and Private Sector Housing functions to produce a shared strategy on the management of the Private Rented Sector. This is to ensure we work together and with Landlords to improve the condition of housing stock within the City, enforce against those who act illegally and support good Landlords who comply with the law and take appropriate action against those who act illegally.

4.2.3 **What will Selective and/or Additional Licensing Contribute:** The purpose of introducing these schemes as part of the PRS Strategy is to ensure (with other measures as appropriate) the quality of our Housing Stock in Leicester and that landlords are fit and proper people. The Discretionary Licensing Schemes (Selective and/or Additional Licensing) suggested in this report are proposed in accordance with Leicester City Council’s Private Rented Sector Strategy.

Leicester City Council’s Private Rented Sector Strategy is available at: http://consultations.leicester.gov.uk/comms/landlord-licensing

b) Empty Homes Policy

4.2.4 **Aim:** Leicester City Council want to bring all empty homes back into safe circulation and use as soon as possible. They offer the owners advice, support, and guidance to bring the property back into occupation in a timely way but when they are unable to do this, they will enforce legislation.

4.2.5 **What will Selective and/or Additional Licensing contribute:** The Introduction of Selective and/or Additional Licensing will support this agenda as they form part of ensuring that our housing stock is in good condition and improve an area's appeal to renters. Leicester City Council's Empty Homes Policy is available at: http://consultations.leicester.gov.uk/comms/landlord-licensing.

c) Homelessness and Rough Sleeping Strategy 2018-2023

4.2.6 **Aim**: To ensure that Leicester City Council builds on its work to prevent homelessness and have increased focus on homelessness prevention for single people and couples. This is while also having regard to Local Authority duties under the Homelessness Reduction Act. Working with the third sector and the community is a key element of the strategy alongside increasing access to the private rented sector.

4.2.7 **What will Selective and/or Additional Licensing contribute:** Selective and/or Additional Licensing will support the ongoing development of a suitable Private Rented Sector for all groups including advice to both tenants and landlords. Following the Localism Act 2011 we are now able to discharge our Homelessness Duty into the Private Sector and so good quality Private Rented Sector housing will increase the range of properties available to carry out this duty.

Leicester City Council's Homelessness and Rough Sleeping Strategy 2018-2023 is available at: http://consultations.leicester.gov.uk/comms/landlord-licensing

d) Local Plan

4.2.8 **Aim**: In 2019 the government published the revised National Planning Policy Framework (NPPF). The NPPF requires local planning authorities to support sustainable development and to plan positively for it by preparing new Local Plans. Leicester City Council is currently developing a draft/new plan which is to set out the vision and objectives for growth of the City over the next 15 years.

Further information on adopted planning policy of relevance to Leicester can be found at: Adopted planning policy (leicester.gov.uk) and information on work towards a new local plan to set out a vision and objectives for Leicester's growth over the next 15 years can be found at Draft Leicester Local Plan 2020 - Leicester City Council - Citizen Space

4.2.9 **What will Selective and/or Additional Licensing contribute:** Selective Licensing and/or Additional Licensing will support the ongoing development of a suitable Private Rented Sector within Leicester, working as appropriate in line with the aims of the City's Local Plan.

e) Joint Health and Well-Being Strategy 2019 – 2024

4.2.10 **Aim**: The joint Health and Well-Being Strategy states when considering the standard of housing that "we are ensuring all local authority housing meets

decent home standards. By maintaining and improving housing in the public and private sectors we are helping to ensure all properties are safe, healthy places to live in." This strategy also provides a target from the associated action plan, "continue to maintain and improve the quality of existing housing and promote decent housing standards for new homes provided in the public and private sector".

4.2.11 **What will Selective and/or Additional Licensing contribute:** Selective and/or Additional Licensing will support the ongoing development of a suitable Private Rented Sector within Leicester and therefore support the health and well-being of those living in licensed properties/areas designated as Selective and/or Additional Licensing areas.
Leicester's Joint Health and Well Being Strategy 2019-2024 is available at: http://consultations.leicester.gov.uk/comms/landlord-licensing.

f) Safer Leicester Partnership (SLP)

4.2.12 **Aim:** The objectives of the Safer Leicester Partnership are reducing crime and Anti-Social Behaviour, reduce alcohol related harm, reduce instances of domestic and sexual abuse, effectively manage safeguarding issues and to reduce re-offending among both adults and young people.

4.2.13 **What will Selective and/or Additional Licensing contribute:** Both Selective and/or Additional Licensing support the aims of the Safer Leicester Partnership to reduce crime and disorder. Officers employed to deliver Discretionary Licensing Schemes (Selective and/or Additional Licensing) in Leicester (should they be introduced) will work in partnership with Landlords to encourage and assist them to deal with Anti-social Behaviour and crime linked to their properties and tenants.

The Council will continue to work with all landlords and tenants to ensure the safety of our residents and tenants and specifically to ensure that residents who are living in private rented accommodation are living in safe environments, but also that landlords ensure that their tenants behave in a responsible manner.

The Safer Leicester Partnership's Community Safety Plan 2021-2024 is available at: Safer Leicester Partnership Plan

g) The World Health Organisation

4.2.14 **Aim:** Housing and Health guidelines 2018 state improved housing conditions can save lives, prevent disease, increase quality of life, reduce poverty, help mitigate climate change and contribute to the achievement of Sustainable Development Goals, including those addressing health and sustainable cities.

4.2.15 **What will Selective and/or Additional Licensing contribute**: The purpose of introducing these schemes is to ensure the quality of our housing stock in Leicester and that landlords are fit and proper people. This is in direct support of the World Health Organisation's aim.

h) Other Strategic Documents

4.2.16 Other strategic documents of importance to this consultation and Leicester City Council's proposal/s for Discretionary Licensing (Selective and/or Additional Licensing) include: -

- Leicester City Council Tenancy Strategy 2013
- Housing & Economic Development Needs Assessment January 2017
- Strategic Housing& Economic Land Availability Assessment & Five-Year Land Supply Update 2017

4.3 The National Picture

4.3.1 The Office for National Statistics state that there will be a population increase of 11 million over the next 2 decades. People are growing older and living longer. It is estimated that over the coming years the population of over 65s will increase by 7 million. Over a million people aged 20-34 are living with parents and for many home ownership is no longer a tenure of choice or aspiration and the Private Rented Sector is often the only choice for newly forming households which is producing "generation rent".

4.3.2 The English Housing survey 2016/2017 reports that under 35s have always been over-represented in the Private Rented Sector, over the last decade or so the increase in the proportion of such households in the Private Rented Sector has been particularly pronounced.

4.3.3 In 2006/07, 27% of those aged 25-34 lived in the Private Rented Sector. By 2016/17 this had increased to 46%. Over the same period, the proportion of 25-34 year olds in owner occupation decreased from 57% to 37%. In other words, households aged 25-34 are more likely to be renting privately than buying their own home, a continuation of a trend first identified in 2012/13. As with those aged 35-44, the proportion of 25-34 year olds in the social rented sector did not change.

4.3.4 In 2016/2017, 5% of households in the Private Rented Sector were living in over-crowded accommodation.

4.3.5 The rental market has also changed considerably. After stalling in 2013, rents charged by private landlords increased by 8.2% in 2014 across England with the average weekly rent climbing from £163 to £176.40. Currently rental market statistics from ONS data October 2020 to September 2021 average monthly rental £898 or £207 per week a 17.5% increase since 2014.

4.4 The Local Picture

4.4.1 Leicester is the largest City in the immediate area of the East Midlands. It is a predominantly urban area located in the centre of the County of Leicestershire.

East Midlands City Populations				
Area	Status	Census 2001	Census 2011	Census 2019

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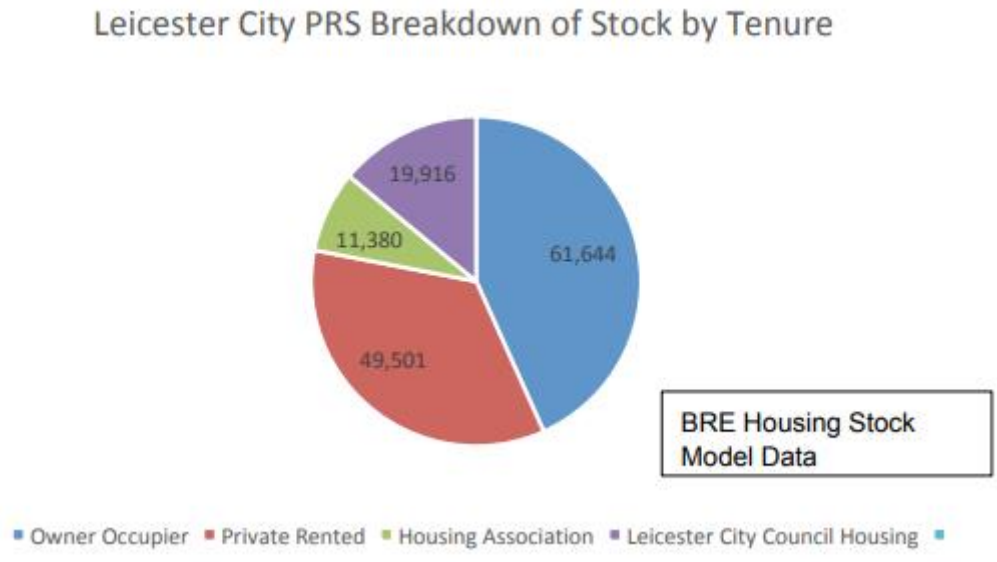
Leicester City	Unitary	279,921	329,839	354,224
Nottingham City	Unitary	266,988	305,680	332,900
Derby City	Unitary	221.708	248,752	257,302

4.4.2 Leicester provides housing, employment, shopping, public administration, leisure and has three hospitals and two universities. The universities had a combined student population of 43,100 students in the 2017/18 academic year.

4.4.3 Data has been made available through a BRE Housing Stock Model & Integrated Data Report commissioned by Leicester City Council in 2019 that looked at the Housing Condition of the Private Rented Sector in the City. This report (which utilises BRE Housing Stock Model Data) can be found at http://consultations.leicester.gov.uk/comms/landlord-licensing .the data has been useful in better understanding the PRS in the City to inform an intelligence led approach to seeking out improvements where they are required.

4.4.4 The BRE Stock Model Data undertaken in 2019 identified there are 142,261 dwellings in Leicester, 43% are owner occupied, 35% private rented and 22% social rented. Map 1 and 2 below shows large parts of the city where the percentage of Private Rented Property is above the national average (19%). There are particularly high concentrations (area with concentrations over 75%) in some parts of Westcotes, Castle, Fosse, Saffron, Stoneygate and pockets of high concentration on the edge of Braunstone Park and Rowley Fields and Hamilton. There are also a couple of outlier concentrations in Beaumont Leys and Evington near the Glenfield and General Hospitals formed by staff accommodation.

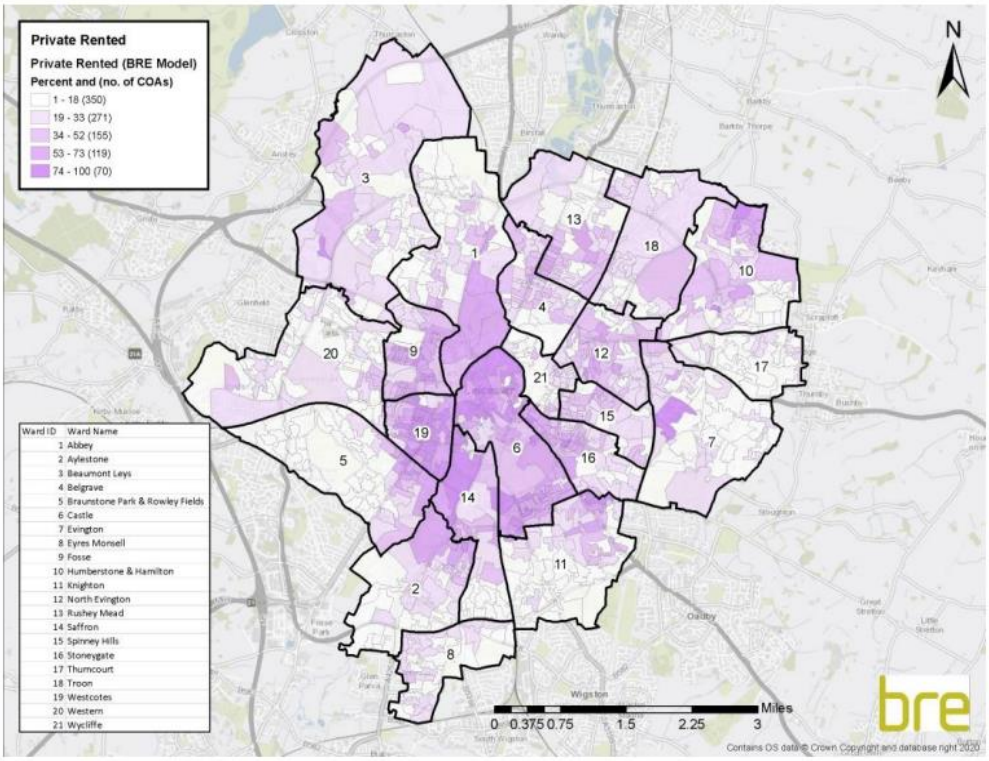
4.4.5 The size of the Private Rented Sector in Leicester (utilising information from the above referenced report) as a breakdown of stock by tenure is shown below: -



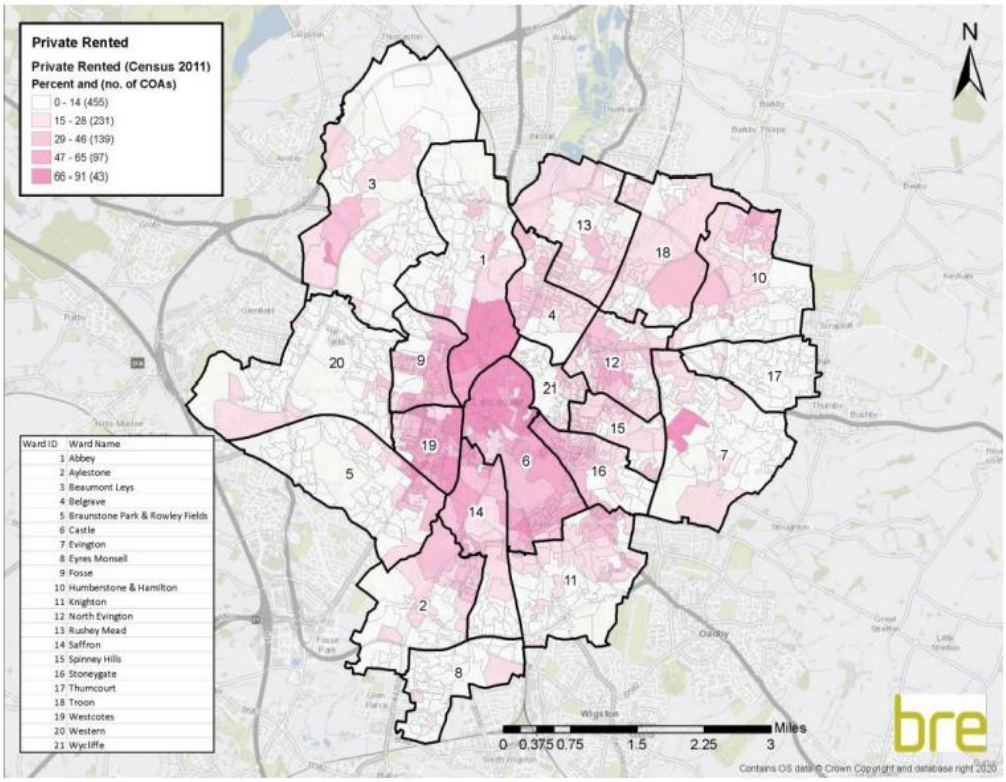
4.4.6 The percentage of dwellings in the Private Rented Sector across Leicester (using BRE Housing Stock Model Data) is 35% compared to the national

average of 19%. A large portion of wards (19 out of 21) in Leicester have a percentage of Private Rented Sector dwellings greater than the national average, in particular Castle (64.4%) and Westcotes (68.7%). The map on the next page illustrates the density of private rented property across Leicester and the Leicester City PRS Breakdown of Stock by Tenure. There are an estimated (BRE Housing Stock Model Data) 9,649 Houses in Multiple Occupation in Leicester with 48% of them in the Westcotes, Castle, Stoneygate and Fosse Wards.

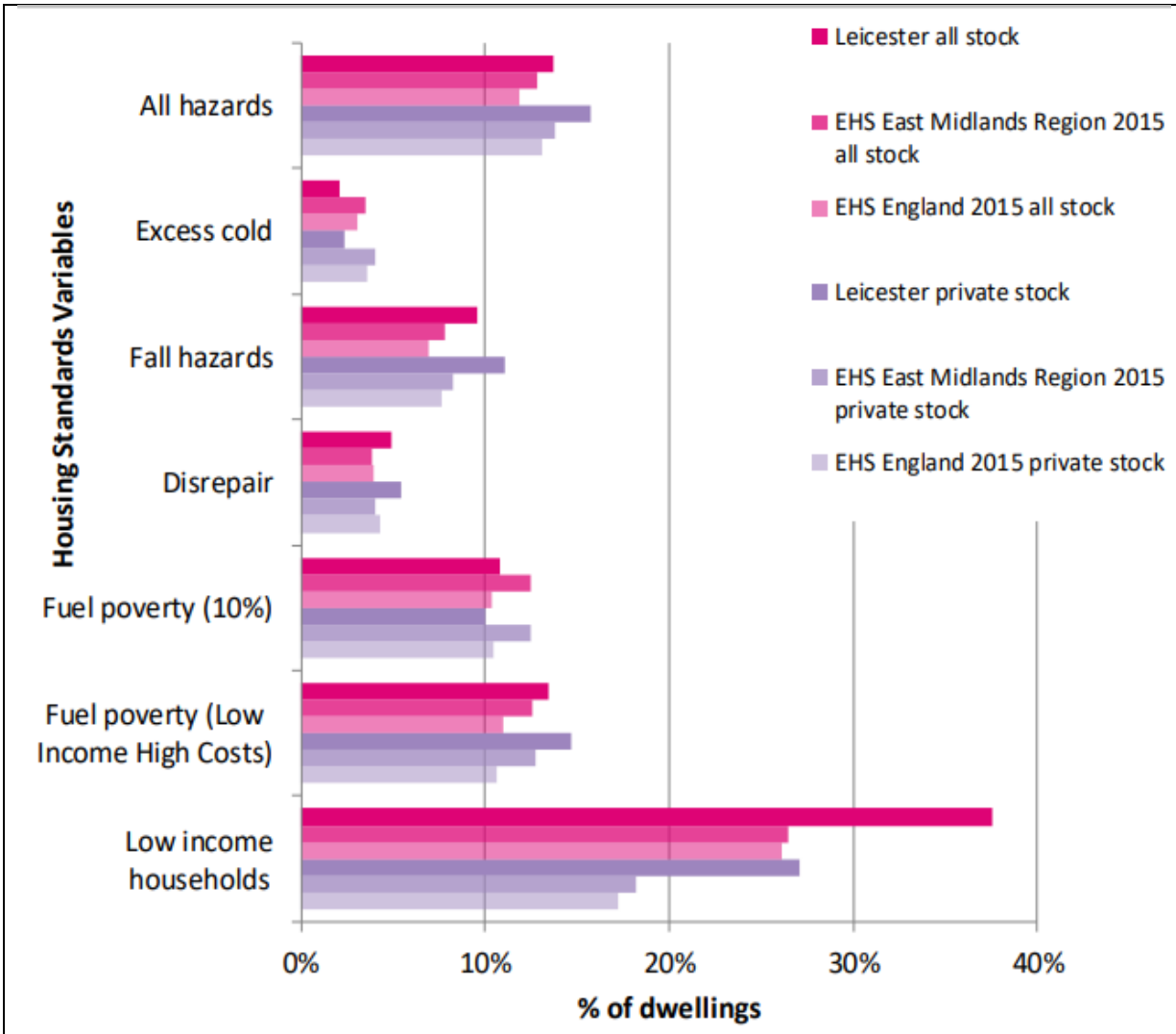
Map 1: Distribution of estimated percentage of private rented dwellings in Leicester – based on database



Map 2: Distribution of estimated percentage of private rented dwellings in Leicester – based on 2011 Census Data (Neighbourhood Statistics)



4.4.7 The table below taken from the BRE's Housing Stock Model and Integrated Data Report available at: http://consultations.leicester.gov.uk/comms/landlord-licensing shows the results for 7 of the Housing Standards Variables in Leicester compared to regional data and England (EHS 2015) - split into all stock and private sector stock. The data shows that the performance of the housing stock in Leicester compared to the EHS England average is generally worse with the exception of excess cold which is slightly better in Leicester. Levels of all hazards and fall hazards are notably higher in Leicester, and the proportion of low-income households is high compared to the England average. Compared to the regional average the picture is similar with Leicester generally performing worse with the exception of excess cold and Fuel poverty (10% definition).



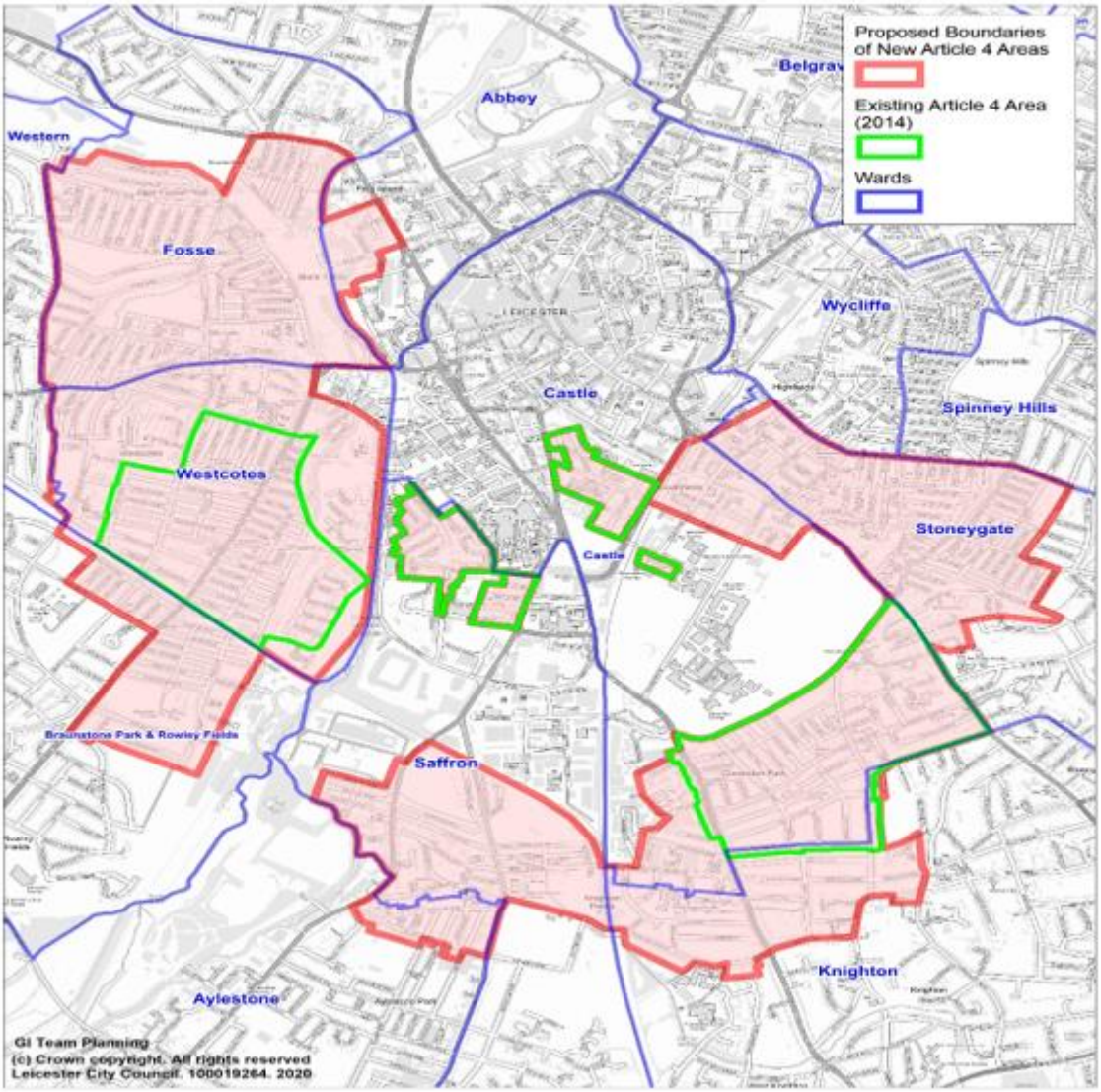
4.4.8 Leicester City Council also currently has Article 4 Direction Areas as set down in the Town and Country Planning Act. This restricts permitted development rights within a geographical area and includes restrictions on the right to use a house as a small-scale House in Multiple Occupation without the need for planning permission.

4.4.9 The Article 4 Direction Areas will be potentially extended for Leicester. This was out for consultation between 18th November 2021 to 13th January 2022, further details can be found at. Article 4 Direction extension - Leicester City Council - Citizen Space if agreed the article 4 designated will be extended in November 2022.

4.4.10 This Article 4 direction ensures that planning applications for such changes of use are required to be submitted and enable an over concentration to be reviewed. These applications are then considered and determined against relevant planning policy

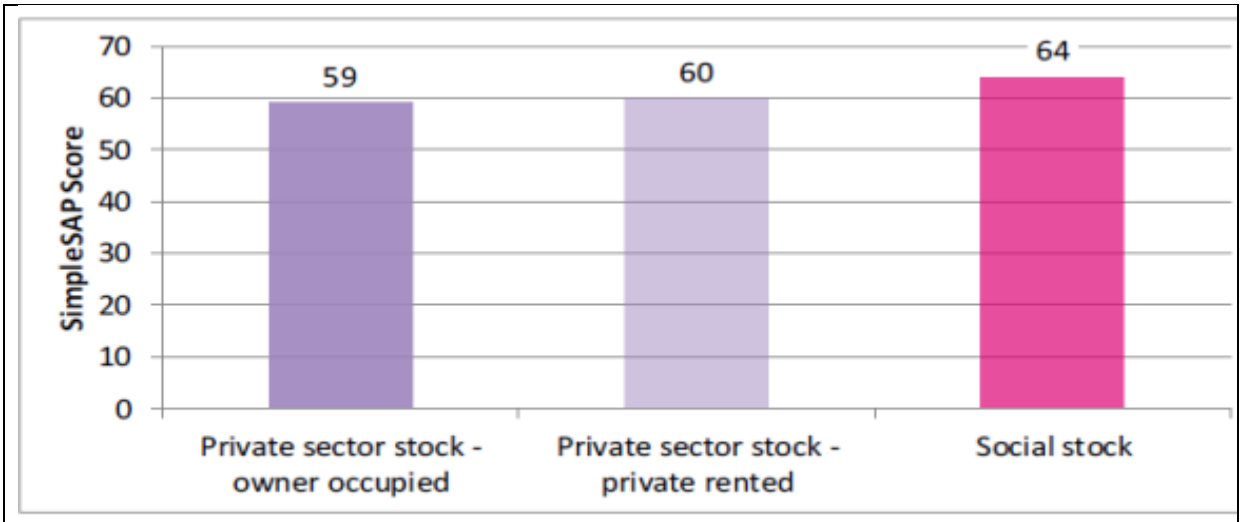
4.4.11 The map below illustrates the location of the current Article 4 Direction areas within Leicester in Green and the extension areas in Red: -

All Existing and Proposed Article 4 Areas



4.4.12 The Housing Stock Model and Integrated Data Report from the BRE (this can be found at: http://consultations.leicester.gov.uk/comms/landlord-licensing) provided baseline data about our housing stock so that we could evaluate if and/or where a Discretionary Licensing Scheme is required. This report has provided very detailed modelled data, down to dwelling level. To give an indication of the information supplied a summary that highlights some key finding with respect to Leicester's Private Rented Sector is provided within this report however, the full report provides much greater detail.

4.4.13 Performance of the Private Rented Sector in comparison with others are shown in the table below using a Standard Assessment Procedure rating (SAP rating) (A SAP rating is a way of comparing energy performance of different homes – it results in a figure between 1 and 100+ (100 representing zero energy cost and anything over means you are exporting energy). The higher the SAP rating, the lower the fuel costs and the lower the associated emissions of carbon dioxide). The Private Rented Sector tends to perform less well than both owner occupied and social stock except for fuel poverty and low income.



Source: BRE Housing Stock Model and Integrated Data Report

4.4.14 Please note the above refers to Simple SAP which is an estimate of a residential dwelling's likely SAP score, it is not based on the full required range of data for a SAP calculation or a reduced data SAP calculation (RDSAP), it should only ever be considered an estimate of the SAP score, and used as a guide. Source: BRE Housing Stock Model and Integrated Data Report

4.4.15 The locations of the HMOs within the City are illustrated below using data from the BRE Housing Stock Model and Integrated Data Report and can be accessed at: http://consultations.leicester.gov.uk/comms/landlord-licensing . You will note that this map illustrates that there are high proportions of HMOs within the City, but that they are particularly concentrated in 6 Wards. These Wards are, Westcotes, Fosse, Saffron, Castle, Stoneygate and Braunstone Park & Rowley Fields.

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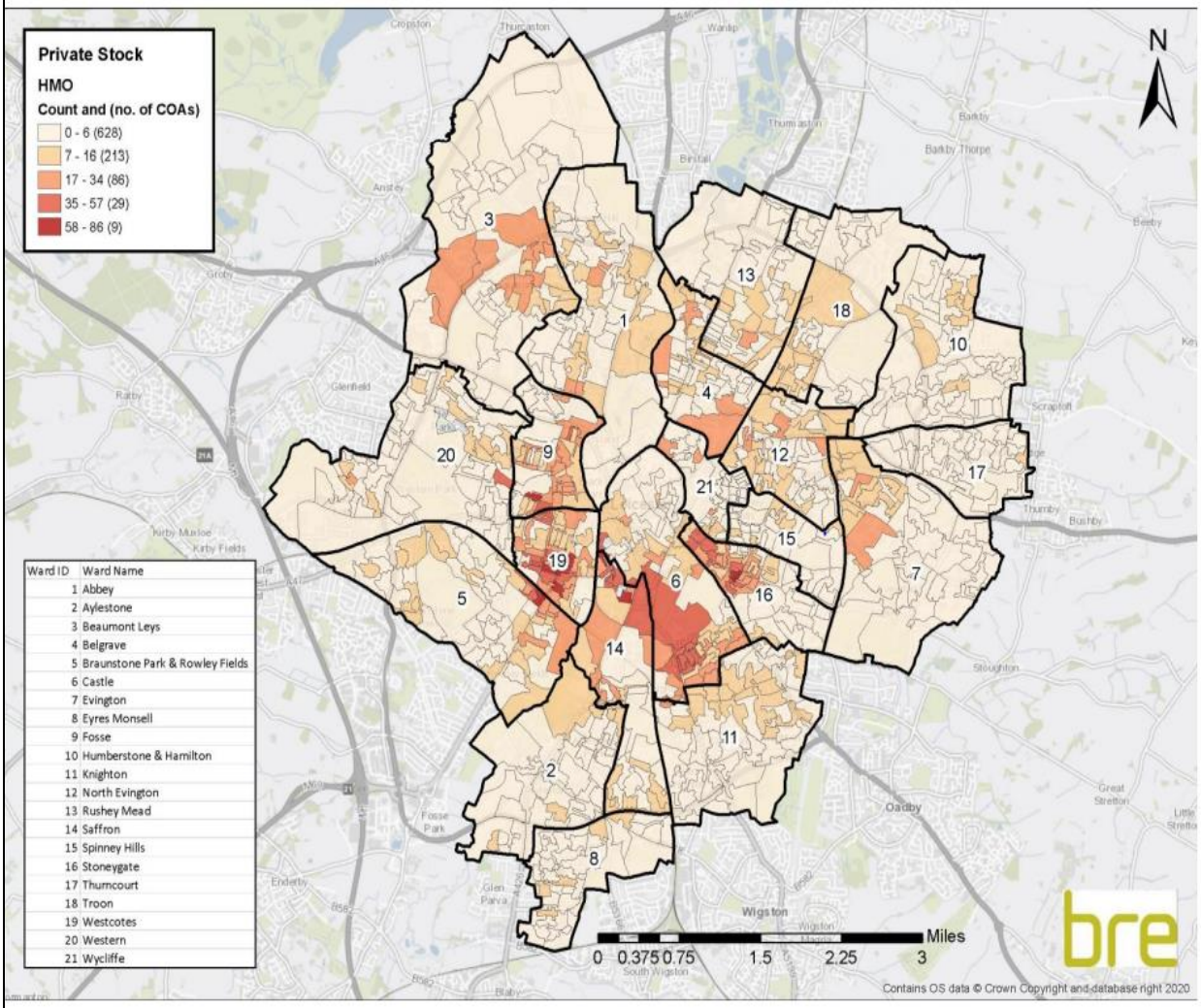
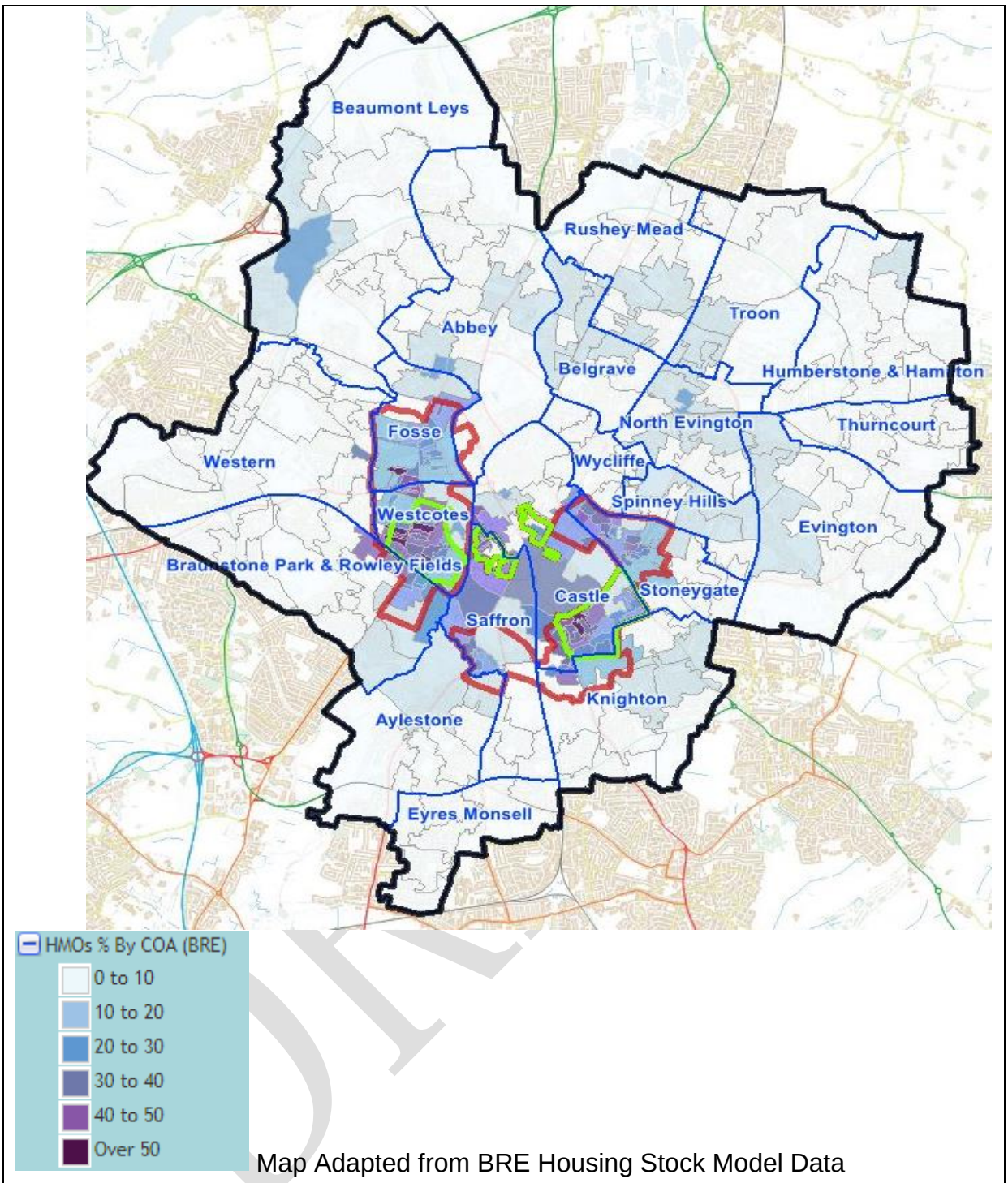
Map 14: Count of HMOs



4.4.16 It is suspected that since the introduction of the Article 4 Direction in Leicester, which requires planning permission to use a home as a small HMO, clusters of these properties have appeared on the edge of these boundaries. This could indicate that those operating this type of accommodation may be seeking to avoid regulation. These clusters can be seen in the map below.



Map Adapted from BRE Housing Stock Model Data

4.5 Data Analysis

a) Selective Licensing.

The Council must consider that an area is experiencing one or more of the following conditions for a Selective Licensing Designation to be made (Section 80 (7)): -

- high levels of deprivation,
- poor property conditions,
- significant and persistent problems with Anti-Social Behaviour,
- high levels of crime
- high levels of migration,
- low housing demand (or it is likely to become such an area),

b) Additional Licensing

The Council must consider that a significant proportion of HMOs in the areas are being managed ineffectively as to give rise, or to be likely to give rise, to one or more problems either for those occupying the HMOs or for members of the public.

4.5.1 Data has also been obtained from the Councils service management recording systems Using data over the period (2017-2020). A series of exercises covering all Private Rented Sector and HMO Housing Conditions and Anti-Social Behaviour have been carried out cross referencing the data in relation to both Selective and Additional Licensing which is detailed below:

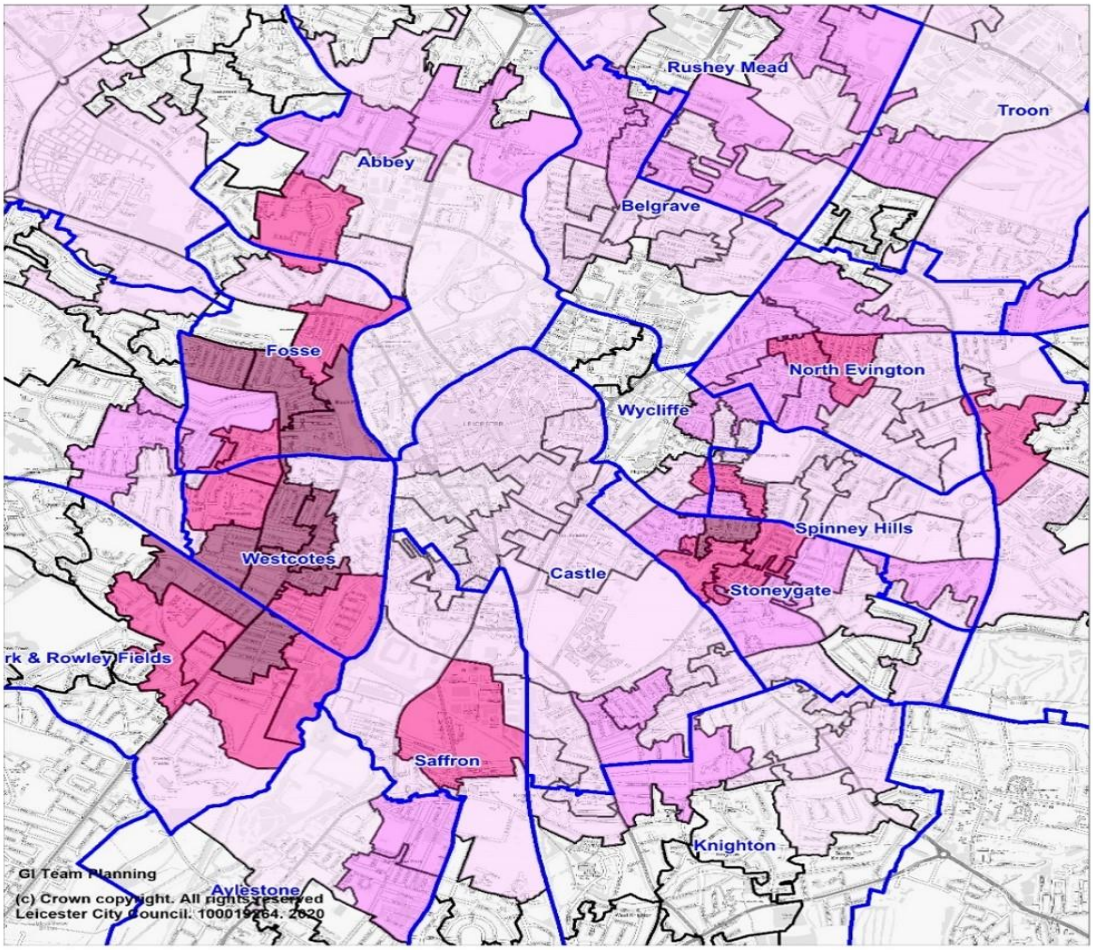
4.5.2 The Private Rented Sector and HMOs have notably larger number of complaints recorded against their tenure:

Tenure	All Housing Complaints		Noise		Housing Condition		Public Health		Fly Tipping	
Tenure	%	Number	%	Number	%	Number	%	Number	%	Number
All Stock	7.3%	10641	2.9%	4095	1.4%	2046	1.5%	2197	2.2%	3065
All Priv Rented	10.8%	5356	3.8%	1870	3.1%	1524	1.7%	837	3.6%	1771
HMOs – (BRE modelled data)	17.0%	1640	6.6%	639	4.3%	419	2.6%	247	6.3%	607
Priv Rented – Non HMOs	9.3%	3716	3.1%	1231	2.8%	1105	1.5%	590	2.9%	1164

4.5.3 Note that the headers are general, and the issues included in this data include: Housing defects, overcrowding, fire safety, defective gas appliances, excess cold, damp, defective drains, pests, noise nuisance, rubbish accumulation and fly-tipping.

4.5.4 The complaints received from correspondents have been plotted geographically across the city so that we have been able to identify the areas with the largest number of complaints. Please see the map below which illustrates the Wards with the highest level of issues are Westcotes, Fosse, Braunstone Park & Rowley Fields and Stoneygate. BRE Housing Stock Model Data used for data relating to stock number.

Map Showing High Percentage of Private Rented Properties
High levels of poor housing condition and antisocial behaviour



4.6 Consultation Data analysis

4.6.1 The analytical report at **Appendix B** presents the findings of the consultation and gives the case for the options which have been identified as potentially suitable for the schemes.

4.6.2 The proposed scheme/s will support a balanced housing market which in turn will support social and economic improvements in the City of Leicester. Housing plays a fundamental role in delivering sustainable communities, facilitating social and environmental improvement, and promoting economic growth.

4.6.3 **Appendix B** explains the evidence which the authority considers the consultation process has met the statutory conditions for Discretionary Licensing. It further provides evidence from respondents they believe that the scheme would improve standards of property management and address

problems affecting residents; either living within Private Rented Sector Properties (except where exemptions apply) through the application of Discretionary Licensing.

4.6.4 The Council undertook consultation following the Government guidance. the minimum consultation period required by legislation is 10 weeks. Due to Christmas falling within the consultation, an additional 2 weeks was provided for respondents to comment. The consultation period ran from 30 November 2021 to 22 February 2022.

4.6.5 Due to the Coronavirus pandemic the decision was taken that the consultation would be undertaken remotely. It is required that the consultation must be robust and reach as many people as possible. Through a communications matrix all actions were logged, and methods of communications were recorded.

4.6.6 Officers ensured that the public and those affected by any possible changes to licensing were reached and encouraged to respond to the consultation and make their views known.

4.7 Options Considered

4.7.1 The following options were proposed either as options on their own (standalone options) or as a combination (as appropriate): -

Option A

Selective Licensing within parts of the Wards of - Stoneygate (East Cluster); Westcotes, Fosse, Braunstone Park & Rowley Fields (West Cluster); Saffron (South Cluster)

The combined area covering the schemes covers less than 20% of Leicester's geographical area and less than 20% of privately rented homes in the local authority area.

Option B

Additional Licensing that covers the entire City (citywide).

Option C

Additional Licensing within parts of the Wards of Westcotes, Fosse, Braunstone Park & Rowley Fields and Stoneygate.

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4.8 Consultation Overview (Full Analytical report at Appendix B)

4.8.1 The consultation was designed to capture the opinion of all interested stakeholders. In total 1120 online consultation responses were received, see table below for breakdown of respondents to the online questionnaire.

	Total	Percentage
Private Tenant	215	19.20%
Leicester Resident	565	50.45%
Private Landlord	270	24.11%
Letting/ Managing Tenant	8	0.71%
Local Business	6	0.54%
Charitable Organisation Providing Accommodation	2	0.18%
Other	54	4.82%
Total	**1120**	**100%**

4.8.2 General Findings

a) A significant number of respondents (32.86%) felt that landlords did not manage their properties well.

b) The main issues associated with poor management of private rented properties include fly-tipping, noise and crime/ anti-social behaviour.

c) Respondents (66.70%) felt that the introduction of the discretionary licences scheme would help to improve standards in the private rented sector.

d) A significant number of respondents (59.55%) felt that the introduction of discretionary licensing would improve the health, safety and general welfare of the community.

4.8.3 Selective Licensing

e) A significant number of respondents commented that the introduction of Selective Licensing would improve housing conditions.

f) The majority of respondents that answered this question stated that they were supportive of such a scheme.

g) There is overwhelming support from residents and tenants, with some notable opposition from landlords.

270 Landlords responded (24% of all respondents) Although a minority 18% (49 landlords) of private landlords supported the scheme 67% (180 landlords) of landlords opposed the scheme and 15% (41 landlords) did not indicate whether they supported or objected.

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4.8.4 Additional Licensing

h) In relation to HMOs in the area, the majority of the respondents stated the following.

- The management of Houses of Multiple Occupation (HMO) had not improved in the last 5 years (although a significant number of respondents were unsure whether the management of HMOs had improved or not).
- Conditions in HMOs had not improved over the last 5 years.
- Anti-social behaviour associated with HMOs has not decreased over the last 5 years.

However, when answering these questions, it is recognised that for many respondents it is very difficult to establish the exact type of tenure of a home and there may be some misunderstanding over an areas property mix.

There is clearly a perception that the existing Mandatory Licensing has not been effective. However, we are aware through inspections and licensing that the scheme has improved management and standards within the Private Rented Sector

i) There is significant support (51.25%) for the introduction of Additional Licensing across the city.

5. Licence Fees

a) The indicative fee proposed within the consultation questionnaire was "The estimated licence fee for Selective and/or Additional Licensing in Leicester would be between £1,000 and £1,150 (depending on which scheme is adopted)". This received a mixed view with the costs being expressed as too much by 42.14% of respondents with 39.38% of respondents considered the costs were about right or too little. It should be borne in mind that the costs of the service must be cost neutral over the period of the licensing scheme.

b) The consultation requested views on a number of discounts offered:

- "early bird" applications 10 % discount; those received within 6 months of the scheme being live
- Accredited landlords10% discount available
- Charitable organisations landlords10% discount available

These proposals received overwhelming support. Similarly, there was support with 55.45% of the respondents stating that they agree with the levying of a penalty for late applications.

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c) The licence is non-transferable, and should the property change hands during the term of the scheme a new application will be required and the full fee payable, subject to discounts applicable.

d) For new landlords who commence following commencement of the scheme no late penalty fee may be applied to the new licence unless 12 months has elapsed since the purchase of the property.

5.1 Following further calculations the revised estimated fees for a discretionary licence are represented in the table below.

Option	Licence Type	Proposed Fee	10% discount	20% discount	30% discount
A	Selective Licence	£1,090	£981	£872	£763
B	Additional Licence (Citywide)	£1,150	£1,035	£920	£805
C	Additional Licence (4 Wards)	£1,250	£1,125	£1,000	£875
A + B		£1,050	£945	£840	£735
A + C		£1,080	£972	£864	£756

5.2 Discounts offered.

1. With the exception of the early bird discount, All discounts will be applicable for the first 18 months after the commencement of the official start date of the scheme.

   For all new landlords who commence ownership within the term of the scheme will be allowed the discounts for the first 12 months on completion of their legal ownership.

   A maximum of three discounts will be allowed per application

2. The discounts for early bird applications be applied prior to the commencement date and following 6 months of the commencement date at 10% discount.

3. Accredited landlords be allowed a discount of 10% providing accreditation is maintained for the duration of the scheme.

4. Registered Charitable organisations be allowed a discount of 10% providing charitable status is maintained for duration of the scheme

5. A discount for properties of EPC banding A, B and C be allowed a discount of 10% to acknowledge the works undertaken on the building in excess of the legal minimum standard and Leicester's drive to improve housing efficiency

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6. Multiple applications by landlords or managing agents will pay the full fee applicable for the first application. Subsequent applications will be charged minus the fit and proper persons checks with a 10% discount for the term of the scheme.

7. Premises in the Gold leasing scheme by virtue of them being leased to LCC whilst still maintaining management will be allowed a discount of 10% providing membership is maintained for the duration of the scheme, for the term of the scheme

8. Premises that are in the control of the Council under the Platinum leasing scheme by virtue of them being leased to LCC will not be required to be licensed as the premises will be exempt under The Selective Licensing of Houses (Specified Exemptions) (England) Order 2006.

5.3. Penalties

1. A late application request will be subject to an additional £200 fee - 18 Months after the commencement of the official start date of the scheme.

2. Incomplete applications will be subject to an administration charge of £100 following three attempts to complete an application.

3. Properties that are found not to be compliant with the licence conditions on inspection or where multiple inspections are required to achieve compliance will be charged a re-inspection fee of £100.

4. Temporary Exemption Notice applications which lasts three months will be subject to a £50 application fee and must be requested within 12 months after the commencement of the official start date of the scheme for those properties legally owned by the landlords or managed through a management agent on the commencement date.

   For all new landlords who commence ownership within the term of the scheme will be allowed the temporary exemption for the first 12 months on completion of their legal ownership.

5. Enforcement action will commence 18 months after the commencement of the official start date of the scheme.

6. Rent repayment orders will be supported for unlicenced properties 12 Months after the commencement of the official start date of the scheme. A rent repayment order (RRO) may be applied for by the tenant or Council and requires repayment, of rent or housing benefit if a landlord has failed to licence a property if it falls within a designated Licensing area.

5.4. The enforcement of the discretionary licensing scheme will be in accordance with the discretionary licensing enforcement policy **Appendix C** and will be proportionate and reasonably enforced.

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6 Staffing

6.1 It is proposed that a designated team be created to administer and enforce the schemes. The staffing levels in the table below have been calculated by estimating the staffing time required to process and enforce the expected number of applications.

Option	Licence Type	Officers	Assistants	Seniors	Team Manager	Community Warden	Total Staffing Team
A	Selective Licence	20	15	2	1	1	39
B	Additional Licence (Citywide)	16	12	2	1	1	32
C	Additional Licence (4 Wards)	5	4	0.5	0.5	0.5	10.5
A + B		37	26	4	1	1	65
A + C		26	18	3	1	1	49

6.2 The scheme will provide for an additional Community Warden to undertake work in the designated areas to address the issues raised in the consultation process, with Fly tipping, waste management, overgrown or dilapidated premises etc.

6.3 A Discretionary Licensing Enforcement Policy **Appendix C** has been prepared to support officers and provide clear guidelines on enforcing the proposed designated scheme.

7.0 Designation

7.1 The designation, if approved at Full Council, will become operative at a time determined by Council, which cannot be earlier than three months after the decision i.e., 10 October 2022.

7.2 The designation/s will last for five years in accordance with the legislation. It is a criminal offence to let a property in an area designated for Selective Licensing or in terms of an area designated for Additional Licensing to let a House in Multiple Occupation without a licence.

8.0 Conclusions and Recommendation/s

8.1 It is recommended that the members approve the report and the recommendations below:

- Selective Licensing in the targeted areas (Option A) is supported and should be introduced as soon as practicable. (October 2022) This area was identified in the business case and during the consultation as the area's most acutely impacted by the proliferation of the PRS in Leicester.

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- As the principle of Additional Licensing city wide (Option B) is also favourable, it is recommended that this be revisited once Option A is embedded and there is further evidence of the success of licensing in raising standards in the sector. This will also allow time for any impact of the potential extension of the Article 4 directive to have been realised.

- The proposed fees, discounts and penalties identified in Section 5.1, 5.2 and 5.3 are approved.

    - The discounts for early bird applications be applied prior to the commencement date and following 6 months of the commencement date at 10% discount.

    - Accredited landlords be allowed discount of 10% providing accreditation is maintained for the duration of the scheme.

    - Registered Charitable organisations be allowed discount of 10% providing charitable status is maintained for duration of the scheme.

    - A discount for properties of EPC banding A, B and C be allowed a discount of 10% to acknowledge the works undertaken on the building in excess of the legal minimum standard and Leicester City's drive to improve housing efficiency.

    - Multiple applications by landlords or managing agents will pay the full fee applicable for the first application. Subsequent applications will be charged minus the fit and proper persons checks with a 10% discount.

    - Premises that are in the control of the Council under the Platinum leasing scheme by virtue of them being leased to LCC will not be required to be licensed as the premises will be exempt under The Selective Licensing of Houses (Specified Exemptions) (England) Order 2006.

    - Premises in the Gold leasing scheme by virtue of them being leased to LCC whilst still maintaining management will be allowed a discount of 10% providing membership is maintained for the duration of the scheme.

    - A maximum of three discounts will be allowed per application

    - A late application request will be subject to an additional fee of £200 - 18 Months after the commencement of the official start date of the scheme.

9. Timetable for Implementation (if approved)

9.1 The Council decision will be for an order sealed by the Council of Leicester City and the order be a Designation of an Area for Selective Licensing under Section 80, Housing Act 2004

9.2 The Council approval is subject to a 3-month standstill to facilitate challenge before it becomes operable.

9.3 Following the 3-month standstill, subject to their being no objection, the order may come into effect.10 10 2022

9.4 From the proposed commencement date of 10 10 2022, persons will be able to apply for a licence to operate a privately rented residential property within the designated area.

9.5 A communication plan for implementation of the scheme has been developed to meet the key milestones.

8. Financial, legal and other implications

8.1 Financial implications

The Council is not permitted to generate a surplus by charging more than the costs incurred in operating a Discretionary Licensing scheme.

The proposed fees and charges outlined within this report would generate sufficient income over the 5-year period of the scheme to cover all costs to the Council; this includes all anticipated one-off and on-going staffing and running costs.

Stuart McAvoy – Acting Head of Finance

8.2 Legal implications

8.2.1 A General Approval was given by Central Government in 2015 which allows local authorities to introduce Selective and/or Additional licensing. In relation to Selective licensing, the general approval applies where the scheme(s) will cover no more than 20% of the local authority's geographical area and will affect no more than 20% of privately rented homes in the local authority area.

8.2.2 Prior to the introduction of a scheme, local authorities are required to consult, for a minimum period of 10 weeks, with those likely to be affected by a Selective and/or Additional licensing designation. The consultation was conducted between 30 November 2021 and 22 February 2022 and the results are contained within the report.

8.2.3 A Selective licensing scheme may be made if the area to which it relates is experiencing one or more of the following:

- A significant and persistent problem caused by anti-social behaviour.
- High level of deprivation.
- Poor property conditions.
- High levels of crime.
- High levels of migration.
- Low housing demand.

8.2.4 An Additional licensing scheme may be made if the local authority considers that it will significantly assist it in dealing with homelessness, empty properties and anti-social behaviour arising from the conduct of occupiers of, or visitors to, residential premises within the designated area.

8.2.5 Any decision to designate an area for Selective or Additional licensing must be consistent with the council's overall housing strategy and be part of a coordinated approach dealing with homelessness, empty properties and anti-social behaviour affecting the private rented sector.

8.2.6 If the council decides to implement a Selective and/or Additional licensing scheme(s), it must specify the date(s) on which it will come into effect, which cannot be any earlier than 3 months from the date of the decision. Any such decision must then be published in accordance with the appropriate regulations.

Jeremy Rainbow – Principal Lawyer (Litigation) – 371435.

8.3 Climate Change and Carbon Reduction implications

Housing is responsible for 33% of carbon emissions in Leicester. Following the city council's declaration of a Climate Emergency in 2019, and it's aim to achieve carbon neutrality, addressing housing emissions is a vital part of the council's work. The council's housing condition report highlighted some of these issues, in terms of the proportion of dwellings experiencing excess cold and fuel poverty and numbers of dwellings with lower EPC ratings.

As noted within a previous report on this consultation, issues that could be addressed through PRS licensing measures include poor housing conditions, incorporating poor insulation, cold and letting of dwellings with EPC certificates below E. Taking action to require landlords to address these issues could lead to improvements in energy efficiency within dwellings, through improved insulation and other measures such as improved heating systems as relevant. Alongside improving comfort levels and reducing fuel poverty, this could deliver a positive climate emergency impact through reducing the corresponding carbon emissions from home heating, depending on the measures implemented.

Aidan Davis, Sustainability Officer, Ext 37 2284

8.4 Equalities Implications

Under the Equality Act 2010, public authorities (including the local authority and schools), have a Public Sector Equality Duty (PSED) which means that, in carrying out their functions, they have a statutory duty to pay due regard to the need to eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act, to advance equality of opportunity between people who share

a protected characteristic and those who don't and to foster good relations between people who share a protected characteristic and those who don't.

Protected Characteristics under the Equality Act 2010 are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation.

The life chances of residents are closely linked to the quality of their neighbourhoods and their housing accommodation. The envisaged benefits of better quality housing accommodation that is well managed and complies with all relevant standards will have a positive impact on people from across all protected characteristics. Therefore, the introduction of the Selective Licensing Scheme is likely to have a positive impact on residents and has the potential to foster good relations and advance equality of opportunity between people who share a protected characteristic and those who don't.

Those with disabilities are more likely to be negatively affected by poor housing conditions, therefore initiatives to ensure housing conditions are regulated will positively impact on disabled persons. Vulnerable tenants, such as new arrivals in the country may be more likely to be exploited and affected by poor housing conditions.

Those that live in deprived areas are statistically more likely to suffer from poor housing conditions, therefore improvements to housing will positively improve their health and wellbeing.

In order to demonstrate that equalities impacts have been taken into account in the consideration and as an integral part of the decision making process, it is recommended that an Equalities Impact Assessment is undertaken. The findings from the consultation should inform the assessment in order to fully understand the potential impacts.

Kalvaran Sandhu, Equalities Manager, Ext 37 6344

8.5 Other Implications (You will need to have considered other implications in preparing this report. Please indicate which ones apply?)

For neighbourhoods and people, the opportunities and quality of life and the ability to reach their potential are closely linked to the quality of their neighbourhoods and their housing accommodation. The envisaged benefits of improved properties of a decent standard that is well managed will have a positive impact on people from across all areas of society. Therefore, the introduction of the Selective Licensing Scheme is likely to have a positive impact on residents and neighbourhoods and has the potential to foster good relations and advance equality of opportunity between groups and neighbourhoods.

Tony Cawthorne, Designated Licensing Project Manager

9. Background information and other papers

Landlord Licensing - Leicester City Council - Citizen Space

Private Rented Strategy

Private Rented Strategy Appendix 1

Homelessness and rough sleeping strategy 2018-2023

Leicester joint health and wellbeing strategy 2019-2024

'A Licence to rent' (joint research review conducted by the Chartered Institute of Housing and the Chartered Institute of Environmental Health)

Empty Homes Policy 1995

Empty Homes Policy revised 2009

BRE Housing stock modelling report

Article 4 Direction extension consultation

Local Plan

Safer Leicester Partnership Community Safety Plan

Guidance for local authorities on establishing discretionary licensing schemes (1)

Guidance for local authorities on establishing discretionary licensing schemes (2)

MHCLG An independent review of the use and effectiveness of selective licensing

10.Summary of appendices:

Appendix A - Business case

Appendix B - Consultation Results

Appendix C - Discretionary Licensing Enforcement Strategy

Appendix D - Equality Impact Assessment

Appendix E - Maps covering any designation and Street names

11. Is this a private report (If so, please indicated the reasons and state why it is not in the public interest to be dealt with publicly)?

No

12 Is this a “key decision”?

Yes

13. If a key decision please explain reason

13.1 The report supports the Homes for All and the increasing the supply of affordable and decent housing.

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13.2 Sustainable Leicester in that it provides a new way of working with landlords and managing agents in providing decent and effective homes that are compliant with legislation and improves properties and the burden on climate action

13.3 A City to enjoy Selective Licensing aims to create communities and increase community engagement through the improvement of housing stock and increasing the tenant's involvement in creating a community based approach and involvement

13.4 A safe an inclusive city Through the Selective Licensing aims to create communities and increase community engagement through the improvement of housing stock and increasing the tenants involvement in creating a community through prolonged tenure, thereby improving inclusivity within the neighbourhoods under the scheme.

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Leicester
City Council

Business Case: Consideration for the Introduction of Discretionary Licensing in Leicester

November 2021

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Foreword

Leicester City Council has an ambition to ensure the Private Rented Sector (PRS) in Leicester is fit for purpose and a key part of that is to ensure the Council raises housing standards in the sector.

To help drive up standards in the Private Rented Sector the City Council has developed a Private Rented Sector Strategy. The overall objective of the Private Rented Sector Strategy is to have a holistic approach that ensures tenants and landlords are appropriately supported and engaged. The Strategy is designed to work with all aspects of the sector with a core focus on retaining and improving the Council's ability to protect tenants' safety and rights, and tackle rogue/poor landlords. Maximising this, whilst maintaining a balanced, fair, and proportionate approach, will ultimately lead to the raising of housing standards within the sector.

Driving up standards in the PRS seeks to protect the Council's most vulnerable residents against poor safety standards. It is also recognised that this work also contributes to safer communities and adds resilience in the local economy. The introduction of a Discretionary PRS Licensing scheme (Additional and/or Selective Licensing) forms a key part of the Council's broader PRS Strategy.

This document presents three Discretionary Licensing options for consultation. As Executive Lead for Housing at Leicester City Council I want to encourage residents, tenants, landlords, businesses, voluntary and community sector organisations, key partners such as the police, Leicestershire Fire and Rescue and others to participate in this consultation. Further details can be found at: http://consultations.leicester.gov.uk/comms/landlord-licensing. Every individual and every organisation's views count as we seek to determine if the options presented in this document are viable and useful in driving up housing standards in the Private Rented Sector in Leicester.

Please use this opportunity to provide your views on this business case for Discretionary Licensing options in Leicester and help us improve housing in Leicester's Private Rented Sector.

Cllr Elly Cutkelvin
Assistant City Mayor (Housing)

1. Executive Summary (Including Options)

This proposal is an investigation into the value of introducing options for Discretionary Licensing in the City of Leicester. Discretionary licensing, which is permissible under the Housing Act 2004 falls into two forms of licensing: either *Selective Licensing*, which requires all privately rented property in a designated area to have a licence from the Council, except for a number of exemptions or *Additional Licensing*, which requires Houses in Multiple Occupation (HMOs) in a designated area to have a licence where they are shared by three to four tenants living in two or more households who share facilities such as kitchens and bathrooms. The following options are being considered either as options on their own (standalone options) or as a combination (as appropriate): -

Option A: Selective Licensing within parts of the Wards of Westcotes, Fosse, Saffron, Braunstone Park & Rowley Fields and Stoneygate. (Covering less than 20% of Leicester's geographical area and less than 20% of privately rented homes in the local authority area).

Option B: Additional Licensing that covers the entire City (citywide),

Option C: Additional Licensing within parts of the Wards of Westcotes, Fosse, Braunstone Park & Rowley Fields and Stoneygate.

This report explains how each type of licensing scheme works and gives the background to the areas which have been identified as potentially suitable for the schemes.

The proposed scheme/s will support a balanced housing market which in turn will support social and economic improvements in the City of Leicester. Housing plays a fundamental role in delivering sustainable communities, facilitating social and environmental improvement, and promoting economic growth.

This document explains the evidence on the basis of which the authority provisionally (subject to consultation) considers the statutory conditions for Additional Licensing and Selective Licensing Schemes to be met, including evidence that the options proposed would improve the standards of property management and address problems affecting residents either living in Private Rented Sector Properties (except where exemptions apply) through the application of Selective Licensing or via Additional Licensing, those living in properties that are HMOs (outside of Mandatory Licensing as defined by the Housing Act 2004).

The evidence contained within this report will support the following conditions for Licensing are met: -

Selective Licensing – That an area is experiencing one or more of the following issues; low housing demand (or it is likely to become such an area), significant and persistent problems with Anti-Social Behaviour (ASB), poor property conditions, high levels of migration, high levels of deprivation, high levels of crime.

Additional Licensing – That a significant proportion of HMOs in the area are being managed sufficiently ineffectively as to give rise, or likely to give rise, to one or more particular problems either for those occupying the HMOs or for members of the public.

Ongoing pressures within the housing market mean that for many, including a rising proportion of families, the only chance of a decent home is in a properly managed and well-regulated HMO or other private rented tenancy.

The Mandatory Licensing of larger HMOs in Leicester has been an effective tool in regulating and improving the standard of accommodation offered to let within this sector. Licensing has encouraged a positive interaction with landlords and allowed for any problems presented by each house to be managed on an individual basis through a bespoke set of licence conditions.

One or more of the options (as appropriate) presented in this report would we believe extend the positive effects of improved property management and standards brought about by Mandatory Licensing and allow the benefits to be available more widely.

This proposal contains commentary on three schemes as described on the previous page and residents, tenants, landlords, businesses, voluntary and community sector organisations and others will be invited to give their view. These will be considered and responded to. Following consultation, a full report on the findings and outcomes of the consultation will be presented to a meeting of all Council Members by Summer 2022, who will make a decision on whether to implement the scheme or schemes under consideration, and as appropriate. Should the Council decide to go forward with any of these schemes or an alternative supported through the consultation, legislation and available evidence, it/they will formally notify the residents and landlords through the service of notice in the paper and contact with all consultees (as appropriate). The designation will become operative following a period of three months' notice.

The designation/s will last for five years in accordance with the legislation.

It is a criminal offence to let a property in an area designated for Selective Licensing or in terms of an area designated for Additional Licensing to let a House in Multiple Occupation (as defined under an Additional Licensing Scheme) without a licence. Failure to apply for a licence could lead to prosecution and the offence is punishable by an unlimited fine. Alternatively, a Civil Penalty may be issued with a maximum penalty up to £30,000.

2. Introduction

Access to decent affordable housing is essential to support good health and wellbeing and a good quality of life. Overall, housing standards in Leicester are high - the physical condition of the City's housing stock is generally good across all sectors and energy efficiency levels are above the national average.

However, this overall positive picture masks disparities both between and within sectors that give rise to some concern. On the whole we find some of the worst conditions within the Private Rented Sector (PRS), which includes a significant proportion of Houses in Multiple Occupation (HMO). Further information on the condition of property in Leicester's Private Rented Sector can be found in a BRE Housing Stock Model and Integrated Data Report commissioned by Leicester City Council in 2019. This can be accessed at http://consultations.leicester.gov.uk/comms/landlord-licensing and a summary that provides highlights with reference to Leicester's PRS is provided in Appendix 1 of this document.

In areas where there is a predominance of Private Rented Sector housing that is being poorly managed by certain landlords, a number of community concerns can emerge that lead to the decline or feeling of decline within an area. Such decline can be seen physically and reflected in the movement of people into and out of an area, that does not encourage a sense of well-being and belonging within communities.

The types of issues that impact on communities from poorly managed private rented stock include fly tipping, issues regarding bins being left on streets, noise nuisance, unkempt and filthy gardens leading to potential vermin infestations and other types of Anti-Social Behaviour. Not only do these matters relate to environmental health concerns they also have an interplay with how people view and feel about the area they live in. Such environments may show a high churn in tenancies and therefore provide a reduced chance for a sense of community that builds community cohesion amongst its residents.

Conversely well managed Private Rented Sector properties can provide an attractive residence that adds value to areas and encourages behaviours that sustain peoples interest and desire to stay, invest and raise their families within an area.

Actions to improve the standard of Private Rented Sector housing within an area, can encourage sustainable communities to thrive for the betterment of the overall locality and its surrounding environs.

Local authorities have an obligation under the Housing Act 2004 to keep housing conditions in their area under review. This includes all tenures of housing, not just stock that may be owned by the local authority.

Leicester City Council has developed a number of policies and strategies to further its overall approach to property conditions and improvements generally in the Private Rented Sector. In particular, the Council has produced a Private Rented Sector Strategy, which can be found at http://consultations.leicester.gov.uk/comms/landlord-licensing.

Councils have an obligation to enforce certain statutory minimum standards in housing and have powers that they can use to do this, while further mandatory and non-mandatory powers are available to the Authority under the Housing Act 2004.

In line with our strategic ambitions to improve people's quality of life, we are focussed on utilising what tools and resources we have to tackle poor housing standards in Leicester. To this end, this report/business case puts forward the Authority's proposal/s for introducing a Selective Licensing Scheme in parts of the wards of Westcotes, Fosse, Saffron, Stoneygate and Braunstone Park and Rowley Fields, a citywide Additional Licensing Scheme of HMOs or potentially (where a citywide Additional Licensing Scheme is not progressed) an Additional Licensing Scheme covering parts of the wards of Westcotes, Fosse, Stoneygate and Braunstone Park and Rowley Fields. In this way the Council is putting forward viable options for meaningful consultation on Discretionary Licensing in Leicester. **In putting forward these options it is important to note that the suggested schemes are not mutually exclusive, and combinations are possible** where within the City boundary both Selective and Additional Licensing can run at the same time within designated areas.

Discretionary licensing is part of a wider set of measures to enable landlords in Leicester to provide good quality housing within their communities. Additional Licensing for example, can help alleviate the poor housing conditions and management in the HMO sector by setting and maintaining the appropriate standards. The same can be said for Selective Licensing when looking at all PRS properties (except for certain exemptions which include holiday lets, business premises, student premises where the university is the landlord/ manager and premises where the tenant is a family member).

Ensuring standards are maintained delivers a wide range of positive outcomes not just for individuals but for society as a whole including: -

- Fewer homes that pose a risk to health and wellbeing
- Improved outcomes for families and young people
- More independence for older or vulnerable households
- Lower carbon emissions, improved energy efficiency and reduced fuel poverty
- Less Anti-Social Behaviour
- Neighbourhoods that are more cohesive, attractive, and economically vibrant

In developing the proposals in this report, we have considered evidence from others experience through direct contact with other local authorities that have introduced Discretionary Licensing Schemes and we have utilised available research to support our understanding. For example, the Ministry of Housing, Communities and Local Government document, "An Independent Review of the

Use and Effectiveness of Selective Licensing" (Title (publishing.service.gov.uk), a joint research review conducted by the Chartered Institute of Housing and the Chartered Institute of Environmental Health, "A Licence to Rent" (a-licence-to-rent.pdf (cieh.org) and guidance for local authorities on establishing Discretionary Licensing Schemes: https://www.gov.uk/government/publications/selective-licensing-in-the-private-rented-sector-a-guide-for-local-authorities & https://www.gov.uk/government/publications/houses-in-multiple-occupation-and-residential-property-licensing-reform-guidance-for-local-housing-authorities

3. Licensing in the Private Rented Sector

Discretionary licensing, which is permissible under the Housing Act 2004 falls into two forms of licensing: either *Selective Licensing*, which requires all privately rented property in a designated area to have a licence from the Council, except for a number of exemptions (which include holiday lets, business premises, student premises where the university is the landlord/manager and premises where the tenant is a family member) or *Additional Licensing*, which requires Houses in Multiple Occupation (HMOs) in a designated area to have a licence where they are shared by three to four tenants living in two or more households who share facilities such as kitchens and bathrooms.

The Housing Act 2004 has given councils the power, in certain circumstances, to introduce additional licensing of HMOs which fall outside of the mandatory HMO licensing definition so as to improve conditions for tenants and the local community.

This section of this document will describe more about Selective and Additional Licensing in the Private Rented Sector. The guidance documents previously referred to are also useful source documents for anyone wanting to know more about Discretionary Licensing. In taking forward this section of this report it is felt important to explain what a House in Multiple Occupation is, what Mandatory Licensing under the Housing Act 2004 is (which is currently operational in Leicester) before then moving on to further describe the Discretionary Licensing Schemes known as Selective and Additional Licensing.

3.1 What is a HMO?

A HMO is defined in Sections 254 and 257 of the Housing Act 2004. A HMO can be a building or part of a building if it is: -

- Occupied by persons who form more than one household, and where those persons share (or lack) one or more basic amenities, such as a WC, personal washing, and cooking facilities.
- A converted building containing one or more units of accommodation that do not consist entirely of self-contained flats. (There is no requirement that the occupiers share facilities).
- A converted building consisting entirely of self-contained flats, where the building work undertaken in connection with the conversion did not comply with the 1991 Building Regulations and more than one third of the flats are occupied under short tenancies.

The HMO must be occupied by 2 or more households: -

- As their only or main residence;
- As a refuge by persons escaping domestic violence;

or

- During term time by students.

In all cases: -

- Occupation of the living accommodation must be the only use of that accommodation;

  and

- Rents are payable or other considerations are provided.

Under the Housing Act 2004, a household comprises: -

- A single person (though a property will not qualify as an HMO if it is occupied by 2 single people who are separate households);
- Co-habiting couples (whether or not of the opposite sex);

  or

- A family (including foster children and children being cared for) and current domestic employees.

Bed and breakfast and hostel accommodation occupied by individuals as their main and permanent address are also considered to be an HMO.

Certain types of buildings will not be HMOs for the purpose of the Housing Act. They are: -

- Buildings, or parts of buildings, occupied by no more than two households, each of which comprise a single person only (for example, two-person house or flat shares);
- Buildings occupied by a resident landlord with up to two tenants;
- Buildings managed or owned by a public sector body, such as the police, local authority, registered social landlords, fire and rescue authority and the NHS;
- Buildings occupied by religious communities;
- Student halls of residence directly managed by an education establishment where the education establishment has signed up to an Approved Code of Practice;

  and

- Buildings occupied entirely by freeholders or long leaseholders.

3.2 Mandatory Licensing

Under the Housing Act 2004, certain types of HMO (defined in Regulations by the Secretary of State) are always licensable. For these HMOs there is an obligation on the landlord to apply for a licence to the local authority where the HMO is located. Local authorities, therefore, must be in a position to manage the applications for licences. Originally, licensable HMOs were those comprising three or more storeys with five or more residents living as two or more households that share some facilities. From 1 October 2018, the definition of a mandatory licensable HMO changed and the rule regarding 3 or more storeys was removed.

All properties that meet the following criteria therefore require a mandatory HMO licence: -

- It is occupied by five or more persons living in two or more separate households;

  and

- It meets either: -

  - The standard test under section 254(2) of the Act;

    or

  - The self-contained flat test under section 254(3) of the Act (but is not a purpose-built flat situated in a block comprising three or more self-contained flats);

    or

  - the converted building test under section 254(4) of the Act.

The total number of licensable HMOs of this nature within Leicester is estimated to be 2,249. This figure is derived from BRE Housing Stock Model Data - please see the Private Rented Sector Housing Condition Report commissioned for Leicester in 2019 (and produced by the BRE) for further details. This can be found at http://consultations.leicester.gov.uk/comms/landlord-licensing. The Council currently licenses (as at October 2021) 1,029 HMOs under the national mandatory scheme. Operating a HMO without a licence is a criminal offence and the Council will investigate and consider taking action in line with our Enforcement Policy (which can be found at http://consultations.leicester.gov.uk/comms/landlord-licensing). The Council will consider the following enforcement action in relation to an unlicensed HMO: the issuing of a civil penalty up to £30k or prosecution. Tenants can apply for a Rent Repayment Order to reclaim up to 12 months' rent where a landlord is found to have rented out an unlicensed property. In addition, while the property is unlicensed, a Notice of Seeking Possession under Section 21 Housing Act 1988 to evict tenants cannot be used.

3.3 Selective and Additional Licensing

In April 2015 the Secretary of State for Communities and Local Government gave Local Authorities general approval to introduce Selective and Additional Licensing designations in England without requiring the specific confirmation of the Secretary of State, if certain conditions are met: Licensing of Houses in Multiple Occupation and Selective Licensing of Other Residential Accommodation (England) General Approval 2015: General_consent_final__2_.pdf (publishing.service.gov.uk).

3.3.1 Selective Licensing

Part 3 of The Housing Act 2004 allows a Local Authority to designate their area or part of their area for Selective Licensing if one of two conditions laid down in Section 80 of the Act are met: -

Section 80 (3) the first set of general conditions are: -

(a) That the area is, or is likely to become, an areas of low housing demand;

and

(b) that making a designation will, when combined with other measures taken in the area by the Local Housing Authority, or by other persons together with the Local Housing Authority, contribute to the improvement of the social or economic conditions in the area.

Section 80 (6) the second set of general conditions are: -

(a) that the area is experiencing a significant and persistent problem caused by Anti-Social Behaviour;
(b) that some or all of the private sector landlords who have let premises in the area (whether under lease or licences) are failing to take action to combat the problem that it would be appropriate for them to take;

and

(c) that making a designation will, when combined with other measures taken in the area by the Local Housing Authority, or by other persons together with the local Housing Authority, lead to a reduction in, or the elimination of, the problem.

Section 80 (7) provides for additional conditions to be made. They have been and are contained within subordinate legislation in particular, the Selective Licensing of Houses (Additional Conditions) (England) Order 2015. This sets out that if an area is experiencing **one or more** of the following conditions a Selective Licensing Designation may be made: -

- Low housing demand (or is likely to become such an area)
- A significant and persistent problem caused by Anti-Social Behaviour
- Poor property conditions
- High levels of migration
- High levels of deprivation
- High levels of crime

Section 81 provides further considerations for the Local Authority in that they should ensure that: -

- Exercising the designation is consistent with the authority's over all housing strategy;
- Seek to adopt a co-ordinated approach in connection with dealing with homelessness, empty properties and Anti-Social Behaviour affecting the Private Rented Sector. Both
  (a) as regards combining licensing under this part with other course of action available to them,

  and

(b) as regards combining licensing such licensing with measures taken by other persons

The Authority must not make a designation unless: –

(a) they have considered whether there are any other courses of action available to them (of whatever nature) that might provide an effective method of achieving the objective(s) that the designation is intended to achieve,

and

(b) they consider that making the designation will significantly assist them to achieve the objective (s) (whether or not they take any other course of action as well)

Prior to making a designation, the legislation requires local authorities to take reasonable steps to consult with any one likely to be affected by the designation and to consider any representations made in accordance with the consultation. Details regarding Leicester City Council's consultation on this business case including methods used to reach landlords, tenants, residents, voluntary and community sector organisations and other organisations, businesses etc can be found at: http://consultations.leicester.gov.uk/comms/landlord-licensing.

Once a Selective Licensing Designation has been made, it means that any private landlord wishing to rent out properties within the designated area must apply for a licence. A separate licence must be obtained for every tenanted house within the designated area.

A house is defined as: -

- A building or part of a building consisting of 1 or more dwellings.
- If houses have been made exempt under the Selective Licensing of Houses (Specific Exemptions) Order 2006 the Local Authority cannot require them to obtain a licence (The Selective Licensing of Houses (Specified Exemptions) (England) Order 2006 (legislation.gov.uk). This includes business tenancies, tenancies which have a term over 21 years or buildings which are regulated under other legislation.
- Selective Licensing does not apply to any person registered as a social landlord under part 2 of the Housing Act 1996.

Please note local authorities are required to obtain confirmation from the Secretary of State for any selective licensing scheme which would cover more than 20% of their geographical area or would affect more than 20% of privately rented homes in the local authority area (General_consent_final__2_.pdf (publishing.service.gov.uk).

3.3.2 Additional Licensing

When considering the introduction of an Additional Licensing Scheme councils must proceed through the statutory process as laid out in Section 56 and 57, and the guidance issued under, the Housing Act 2004.

Section 56 of the Act places requirements upon councils when considering a designation for additional licensing of HMOs, in that councils must: -

- Consider that a significant proportion of the HMOs of that description in the area are being managed sufficiently ineffectively as to give rise, or likely to give rise, to one or more particular problems either for those occupying the HMOs or for members of the public;

- Take reasonable steps to consult with persons who are likely to be affected and consider any representations made in accordance with the consultation and not withdrawn (Details regarding Leicester City Council's consultation on this business case including methods used to reach landlords, tenants, residents, voluntary and community sector organisations and other organisations, businesses etc can be found at: http://consultations.leicester.gov.uk/comms/landlord-licensing);

  and

- Have regard to any information regarding the extent to which any codes of practice approved under section 233 have been complied with by persons managing HMOs in the area (these codes relate to University managed accommodation).

Section 57 provides further considerations for councils in that they should ensure that: -

- Exercising the designation is consistent with the authority's overall housing strategy;
- Seek to adopt a coordinated approach in connection with dealing with homelessness, empty properties and Anti-Social Behaviour affecting the PRS as regards combining licensing with other action taken by them or others;

  and

- Consider whether there are any other courses of action available to them (of whatever nature) that might provide an effective method of dealing with the problem or problems in question;

  and

- That making the designation will significantly assist them to deal with the problem or problems (whether or not they take any other course of action as well).

The General Approval provides the additional condition for any additional licensing scheme not subject to specific confirmation by the Secretary of State that consultation on the proposed designation should take place for not less than 10 weeks.

The guidance for the general approval provides examples of properties being managed “sufficiently ineffectively” including: -

- Those whose external condition and curtilage (including yards and gardens) adversely impact upon the general character and amenity of the area in which they are located;
- Those whose internal condition, such as poor amenities, overcrowding etc. adversely impact upon the health, safety and welfare of the occupiers and the landlords of these properties are failing to take appropriate steps to address the issues;
- Those where there is a significant and persistent problem of Anti-Social Behaviour affecting other residents and/or the local community and the landlords of the HMOs are not taking reasonable and lawful steps to eliminate or reduce the problems;

  and

- Those where the lack of management or poor management skills or practices are otherwise adversely impacting upon the welfare, health, and safety of residents and/or impacting upon the wider community.

The evidence set out in this report is considered to demonstrate that the condition and management practices of a significant proportion of relevant HMOs are such that the proposals would meet the statutory criteria of the Act and the General Approval.

Under section 60(2) of the 2004 Act a designation cannot last for longer than 5 years.

4. Supporting Information

4.1 The National Picture

i. The Office for National Statistics state that there will be a population increase of 11 million over the next 2 decades. People are growing older and living longer. It is estimated that over the coming years the population of over 65s will increase by 7 million.

ii. Over a million people aged 20-34 are living with parents and for many home ownership is no longer a tenure of choice or aspiration and the Private Rented Sector is often the only choice for newly forming households which is producing "generation rent".

iii. The English Housing survey 2016/2017 reports that under 35s have always been overrepresented in the Private Rented Sector, over the last decade or so the increase in the proportion of such households in the Private Rented Sector has been particularly pronounced.

iv. In 2006-07, 27% of those aged 25-34 lived in the Private Rented Sector. By 2016-17 this had increased to 46%. Over the same period, the proportion of 25-34 year olds in owner occupation decreased from 57% to 37%. In other words, households aged 25-34 are more likely to be renting privately than buying their own home, a continuation of a trend first identified in 2012-13. As with those aged 35-44, the proportion of 25-34 year olds in the social rented sector did not change.

v. In 2016/2017, 5% of households in the Private Rented Sector were living in over-crowded accommodation.

vi. The rental market has also changed considerably. After stalling in 2013, rents charged by private landlords increased by 8.2% in 2014 across England with the average weekly rent climbing from £163 to £176.40. Currently rents average £675.

4.2 The Local context

i. Leicester is the largest City in the immediate area of the East Midlands. It is a predominantly urban area located in the centre of the County of Leicestershire.

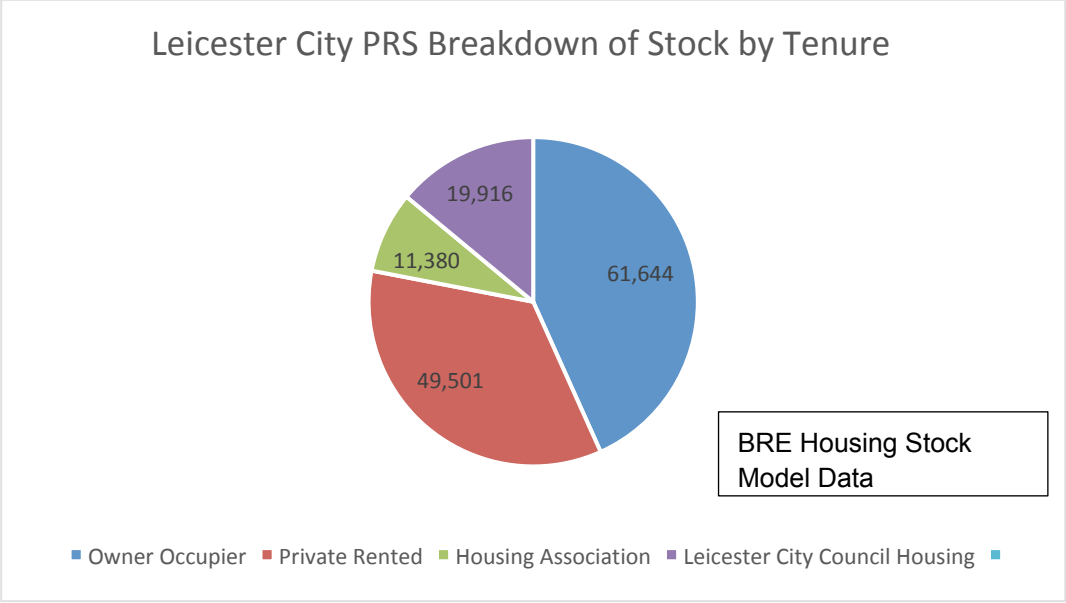
East Midlands City Populations				
Area	**Status**	**Census 2001**	**Census 2011**	**Estimate 2019**
Derby City	Unitary	221,708	248,752	257,302
Leicester City	Unitary	279,921	329,839	354,224

Nottingham City	Unitary	266,988	305,680	332,900

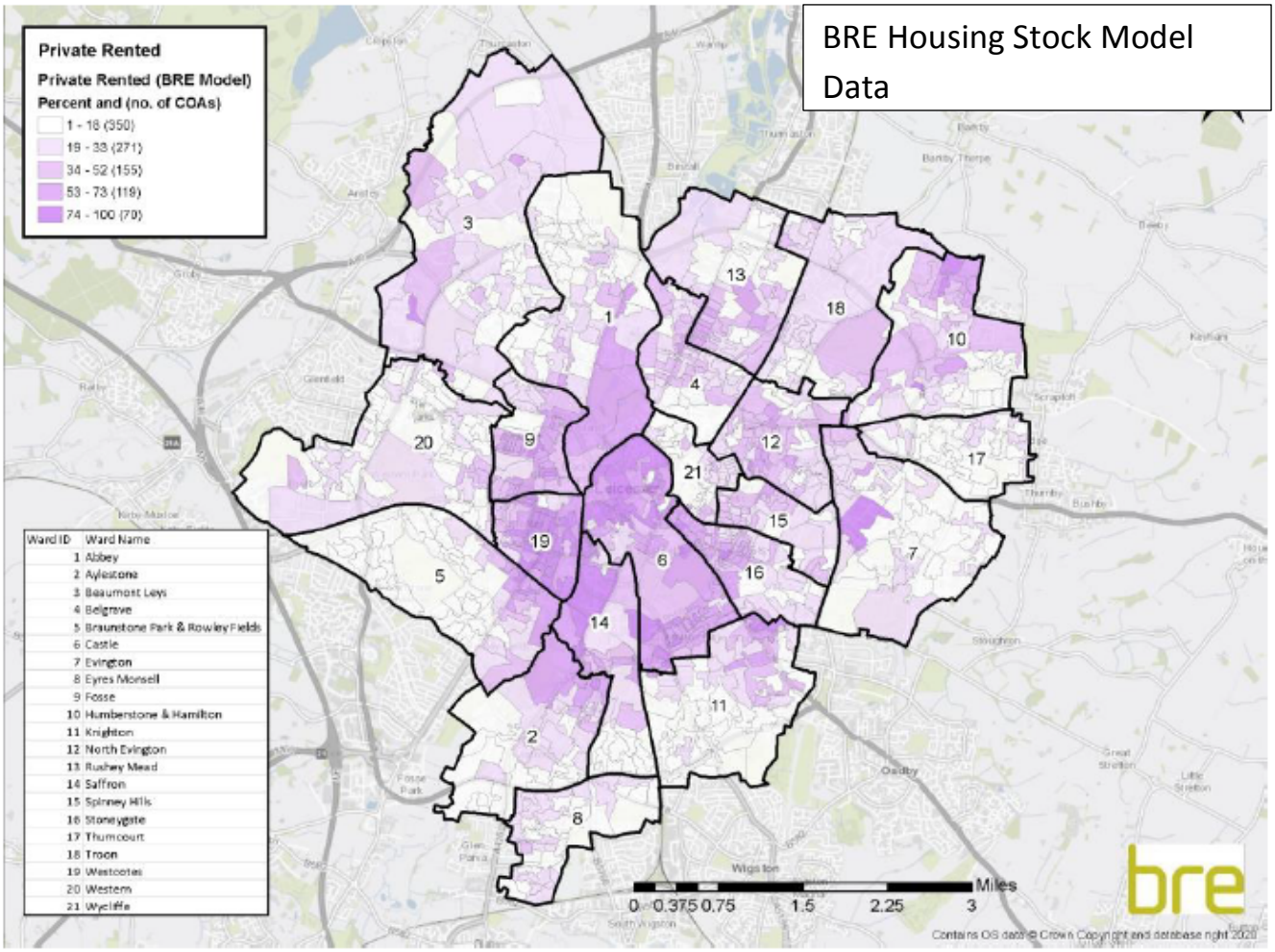
ii. Leicester provides housing, employment, shopping, public administration, leisure and has three hospitals and two universities. The universities had a combined student population of 43,100 students in the 2017/2018 academic year.

iii. Data has been made available through a BRE Housing Stock Model & Integrated Data Report commissioned by Leicester City Council in 2019 that looked at the Housing Condition of the Private Rented Sector in the City. This report (which utilises BRE Housing Stock Model Data) can be found at http://consultations.leicester.gov.uk/comms/landlord-licensing. It has been useful in better understanding the PRS in the City in order to inform an intelligence led approach to seeking out improvements where they are required.

iv. The size of the Private Rented Sector in Leicester (utilising information from the above referenced report) as a breakdown of stock by tenure is show below: -



v. Overall, the percentage of dwellings in the Private Rented Sector across Leicester (using BRE Housing Stock Model Data) is 35% compared to the national average of 19%. A large portion of wards (19 out of 21) in Leicester have a percentage of Private Rented Sector dwellings greater than the national average, in particular Castle (64.4%) and Westcotes (68.7%). The map on the next page illustrates the density of private rented property across Leicester.



vi. There are an estimated (using BRE Housing Stock Model Data) 9,649 Houses in Multiple Occupation in Leicester with 48% of them in the Westcotes, Castle, Stoneygate and Fosse Wards.

vii. The table on the next page taken from BRE's Housing Stock Model and Integrated Data Report commissioned by Leicester City Council in 2019 (produced by the BRE and using BRE Housing Stock Model Data) available at: http://consultations.leicester.gov.uk/comms/landlord-licensing shows the results for seven of the Housing standard Variables in Leicester compared to regional data and England (English Housing Survey (EHS) 2015) split into all stock and private sector stock.

viii. The data shows that the performance of the housing stock in Leicester compared to the EHS average is generally worse with the exception of excess cold which is slightly higher in Leicester.

ix. Levels of all hazards and fall hazards are notably higher in Leicester, and the proportion of low-income households is high compared to the England average.

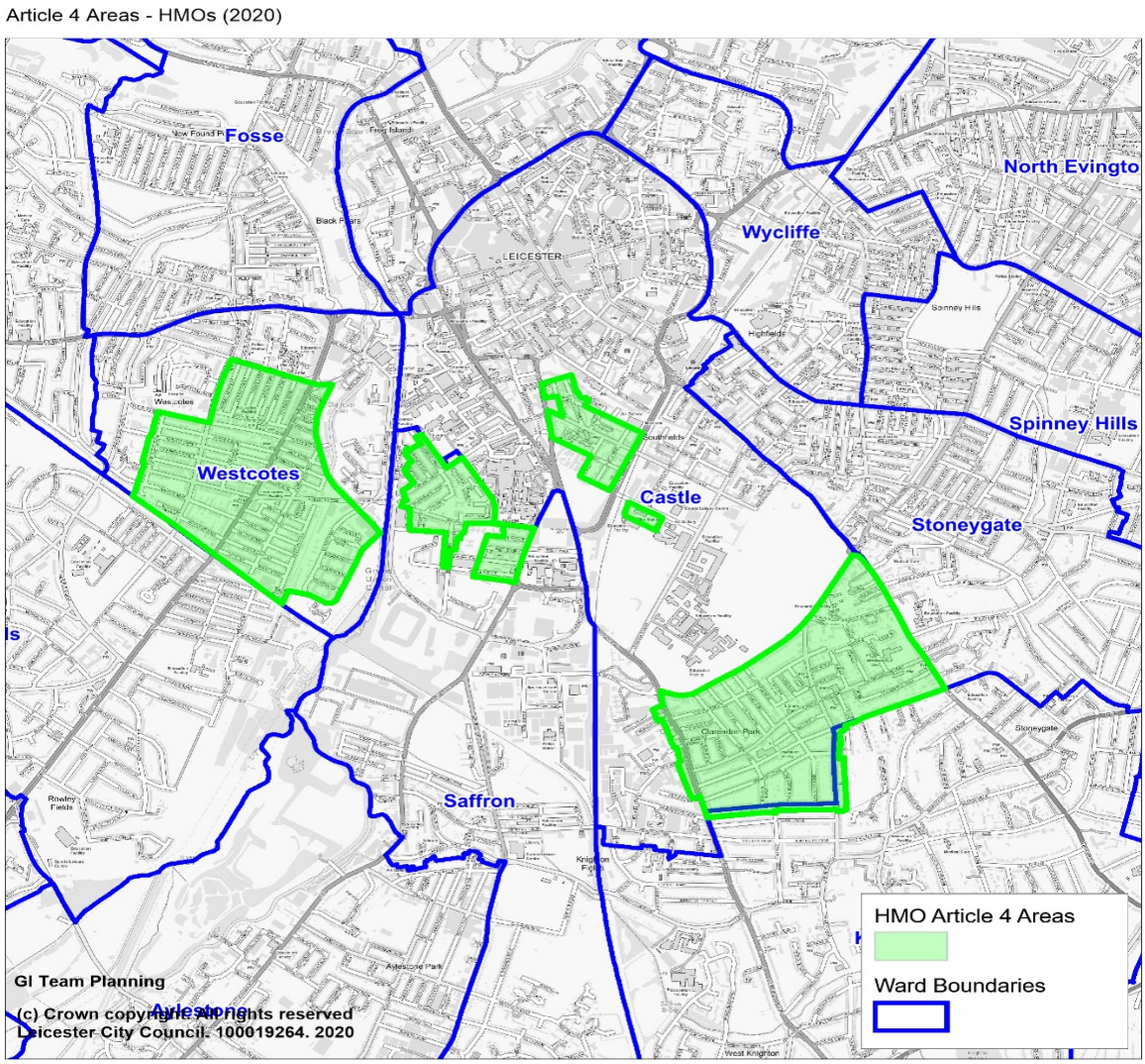
x. Compared to the regional average the picture is similar with Leicester generally performing worse with the exception of excess cold and fuel poverty.

Source: BRE Housing Stock Model

xi Leicester City Council also currently has Article 4 Direction Areas as set down in the Town and Country Planning Act. This restricts permitted development rights within a geographical area and includes restrictions on the right to use a house as a small-scale House in Multiple Occupation without the need for planning permission.

xii This restriction ensures that planning applications for such changes of use are required to be submitted and enable an over concentration of these uses to be reviewed. These applications are then considered and determined against relevant planning policy. A potential extension of the Article 4 Direction for Leicester is out for consultation between 18th November 2021 to 13th January 2022, further details can be found at. Article 4 Direction extension - Leicester City Council - Citizen Space.

xiii The following map illustrates the location of the current Article 4 Direction areas within Leicester: -



4.3 Local Strategic Context

Section 57 (2) and 81 (2) of the Housing Act 2004 states that before making an Additional or Selective Licensing designation the Authority must ensure that any exercise of this power is consistent with the authorities over all housing strategy. The following section is to demonstrate how a proposed Selective Licensing and/or Additional Licensing Scheme (or Schemes) is/are consistent with this in terms of the City Council's strategic approach to housing in the City.

a) Private Rented Sector Strategy

Aim: To bring together Housing and Environmental Health Private Sector Housing functions to produce a shared strategy on the management of the Private Rented Sector. This is to ensure we work together and with Landlords to improve the condition of housing stock within the City, enforce against those who act illegally and support good Landlords who comply with the law and also take appropriate action against those who act illegally.

What will Selective and/or Additional Licensing Contribute: The purpose of introducing these schemes as part of the PRS Strategy is to ensure (with other measures as appropriate) that the quality of our Housing Stock in Leicester and that landlords are fit and proper people. The Discretionary Licensing Schemes (Selective and/or Additional Licensing) suggested in this report are proposed in accordance with Leicester City Council's Private Rented Sector Strategy.

Leicester City Council's Private Rented Sector Strategy is available during the consultation at: http://consultations.leicester.gov.uk/comms/landlord-licensing

b) Empty Homes Policy

Aim: Leicester City Council want to bring all empty homes back into safe circulation and use as soon as possible. They offer the owners advice, support, and guidance to bring the property back into occupation in a timely way but when they are unable to do this, they will enforce legislation.

What will Selective and/or Additional Licensing contribute: The Introduction of Selective and/or Additional Licensing will support this agenda as they form part of ensuring that our housing stock is in good condition and improve an area's appeal to renters.

Leicester City Council's Empty Homes Policy is available at: http://consultations.leicester.gov.uk/comms/landlord-licensing.

c) Homelessness and Rough Sleeping Strategy 2018-2023

Aim: To ensure that Leicester City Council builds on its work to prevent homelessness and have increased focus on homelessness prevention for singles and couples. This is while also having regard to Local Authority duties under the Homelessness Reduction Act. Working with the third sector and the community is a key element of the strategy alongside increasing access to the private rented sector.

What will Selective and/or Additional Licensing contribute: Selective and/or Additional Licensing will support the ongoing development of a suitable Private Rented Sector for all groups including advice to both tenants and landlords. Following the Localism Act 2011 we are now able to discharge our Homelessness Duty into the Private Sector and so good quality Private Rented Sector housing will increase the range of properties available to carry out this Duty.

Leicester City Council's Homelessness and Rough Sleeping Strategy 2018-2023 is available at: http://consultations.leicester.gov.uk/comms/landlord-licensing.

d) Local Plan

Aim: In 2019 the government published the revised National Planning Policy Framework (NPPF). The NPPF requires local planning authorities to support sustainable development and to plan positively for it by preparing new Local Plans. Leicester City Council is currently developing a draft/new plan which is to set out the vision and objectives for growth of the City over the next 15 years. Further information on adopted planning policy of relevance to Leicester can be found at: Adopted planning policy (leicester.gov.uk) and information on work towards a new local plan to set out a vision and objectives for Leicester's growth over the next 15 years can be found at Draft Leicester Local Plan 2020 - Leicester City Council - Citizen Space.

What will Selective and/or Additional Licensing contribute: Selective Licensing and/or Additional Licensing will support the ongoing development of a suitable Private Rented Sector within Leicester, working as appropriate in line with the aims of the City's Local Plan.

e) Joint Health and Well-Being Strategy 2019 – 2024

Aim: The joint Health and Well-Being Strategy states when considering the standard of housing that "we are ensuring all local authority housing meets decent home standards. By maintaining and improving housing in the public **and private sectors** we are helping to ensure all properties are safe, healthy places to live in." This strategy also provides an example from the associated action plan, "**continue to maintain and improve the quality of existing housing and promote decent housing standards** for new homes provided in the public **and private sector**".

What will Selective and/or Additional Licensing contribute: Selective and/or Additional Licensing will support the ongoing development of a suitable Private Rented Sector within Leicester and as a consequence support the health and well-being of those living in licensed properties/areas designated as Selective and/or Additional Licensing areas.

Leicester's Joint Health and Well Being Strategy 2019-2024 is available at: http://consultations.leicester.gov.uk/comms/landlord-licensing.

f) Safer Leicester Partnership (SLP)

Aim: The objectives of the Safer Leicester Partnership are reducing crime and Anti-Social Behaviour (ASB), reduce alcohol related harm, reduce instances of domestic and sexual abuse, effectively manage safeguarding issues and to reduce re-offending among both adults and young people.

What will Selective and/or Additional Licensing contribute: Both Selective and/or Additional Licensing support the aims of the Safer Leicester Partnership to reduce crime and disorder. Officers employed to deliver Discretionary Licensing Schemes (Selective and/or Additional Licensing) in Leicester (should they be introduced) will work in partnership with Landlords to encourage and assist them to deal with ASB and crime linked to their properties and tenants.

The Council will continue to work with all landlords and tenants to ensure the safety of our residents and tenants and specifically to ensure that residents who are living in private rented accommodation are living in safe environments, but also that landlords ensure that their tenants behave in a responsible manner.

The Safer Leicester Partnership's Community Safety Plan 2021-2024 is available at: http://consultations.leicester.gov.uk/comms/landlord-licensing

g) The World Health Organisation

Aim: Housing and Health guidelines 2018 state improved housing conditions can save lives, prevent disease, increase quality of life, reduce poverty, help mitigate climate change and contribute to the achievement of Sustainable Development Goals, including those addressing health and sustainable cities.

What will Selective and/or Additional Licensing contribute: The purpose of introducing these schemes is to ensure the quality of our housing stock in Leicester and that landlords are fit and proper people. This is in direct support of the World Health Organisation's aim.

h) Other Strategic Documents

Other strategic documents of importance to this consultation and Leicester City Council's proposal/s for Discretionary Licensing (Selective and/or Additional Licensing) include: -

- Leicester City Council Tenancy Strategy 2013
- Housing & Economic Development Needs Assessment January 2017
- Strategic Housing& Economic Land Availability Assessment & Five-Year Land Supply Update 2017

The above documents are available at: http://consultations.leicester.gov.uk/comms/landlord-licensing.

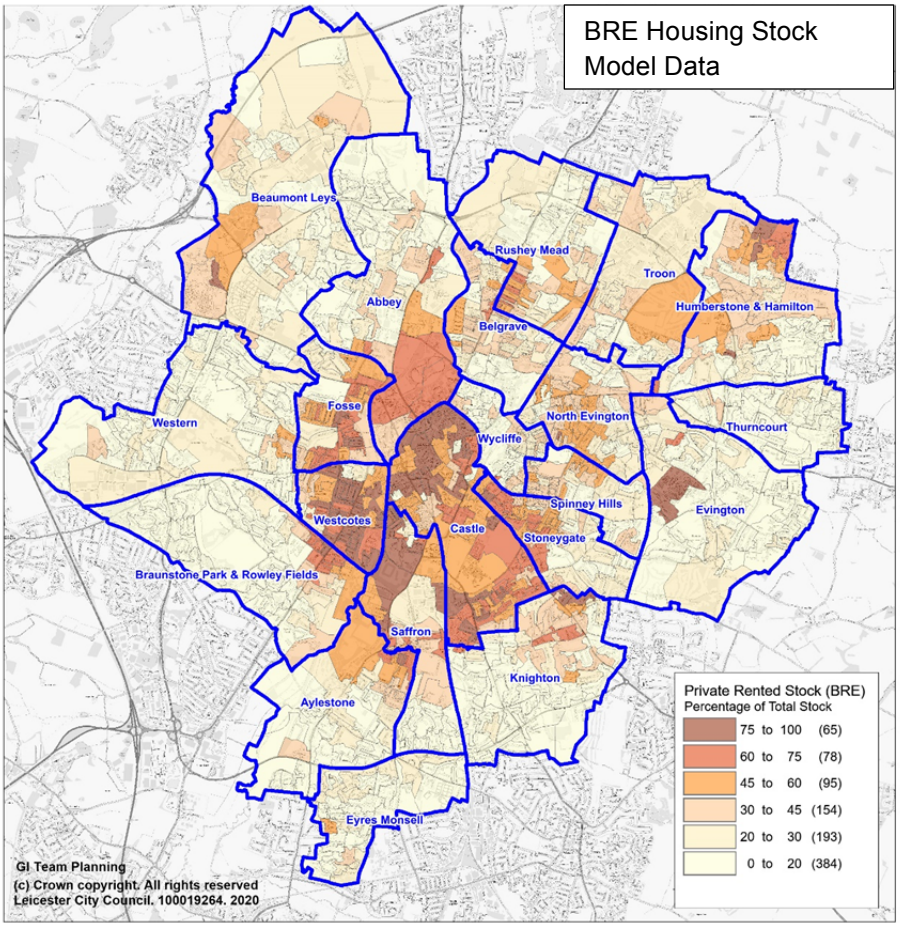
5. Evidence Base

As previously indicated Leicester City Council has procured a Housing Stock Model and Integrated Data Report by the BRE (this can be found at: http://consultations.leicester.gov.uk/comms/landlord-licensing and contains BRE Housing Stock Model Data) to provide baseline data about our housing stock so that we can evaluate if and/or where a Licensing Scheme is required. This report has provided very detailed modelled data down to dwelling level. To give an indication of the information supplied a summary that highlights some key finding with respect to Leicester's Private Rented Sector is provided in Appendix 1 however, the full report provides much greater detail.

5.1 The Density of Private Rented Property in Leicester

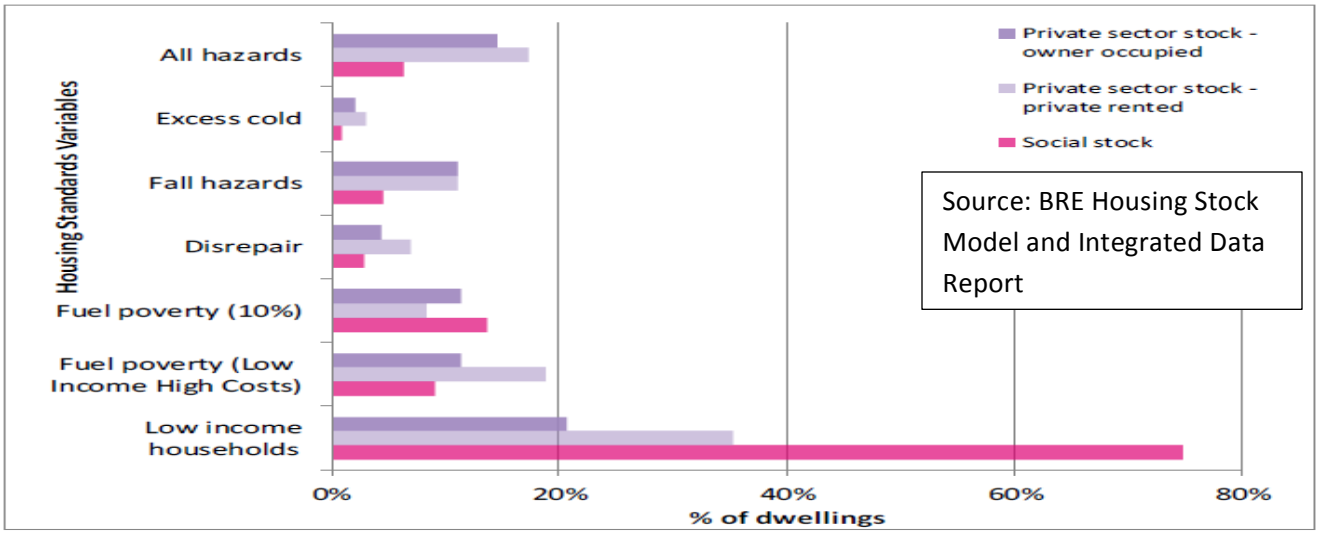
According to BRE Stock Model Data there are 142,261 dwellings in Leicester, 43% are owner occupied, 35% private rented and 22% social rented. The below map shows large parts of the City where the percentage of Private Rented Property is above the national average (19%). There are particularly high concentrations (area with concentrations over 75%) in some parts of Westcotes, Castle, Fosse, Saffron, Stoneygate and pockets of high concentration on the edge of Braunstone Park and Rowley Fields and Hamilton. There are also a couple of outliers in Beaumont Leys and Evington near the Glenfield and General Hospitals with staff accommodation.

Private Rented - Percentage of All Stock by Census Output Area

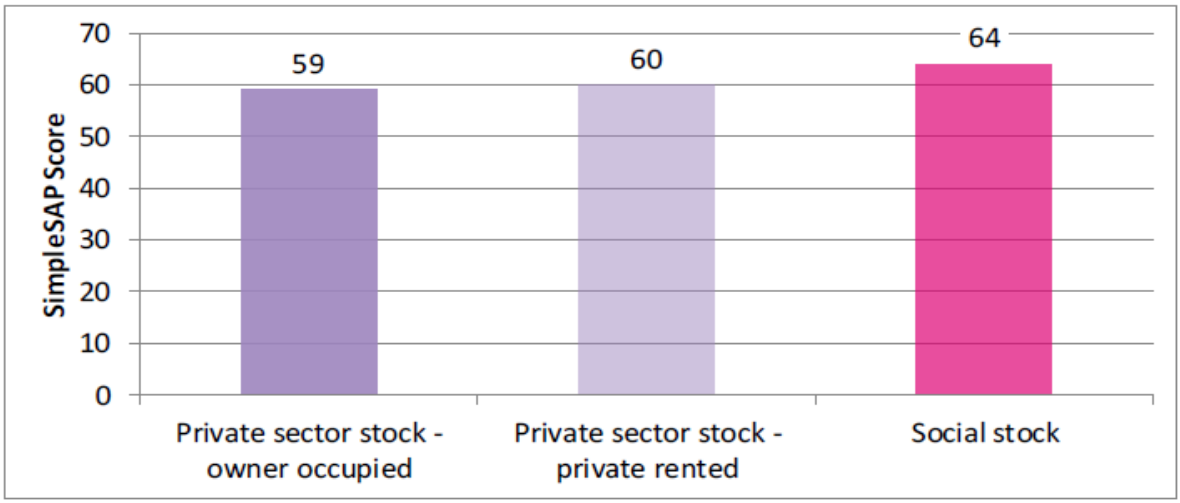


5.2 Performance of Private Rented Sector in comparison with others

You will note from the tables below that the indicators we use to assess housing condition. The Private Rented Sector tends to perform less well than both owner occupied and social stock with the exception of fuel poverty and low income.



Source: BRE Housing Stock Model and Integrated Data Report



Source: BRE Housing Stock Model and Integrated Data Report

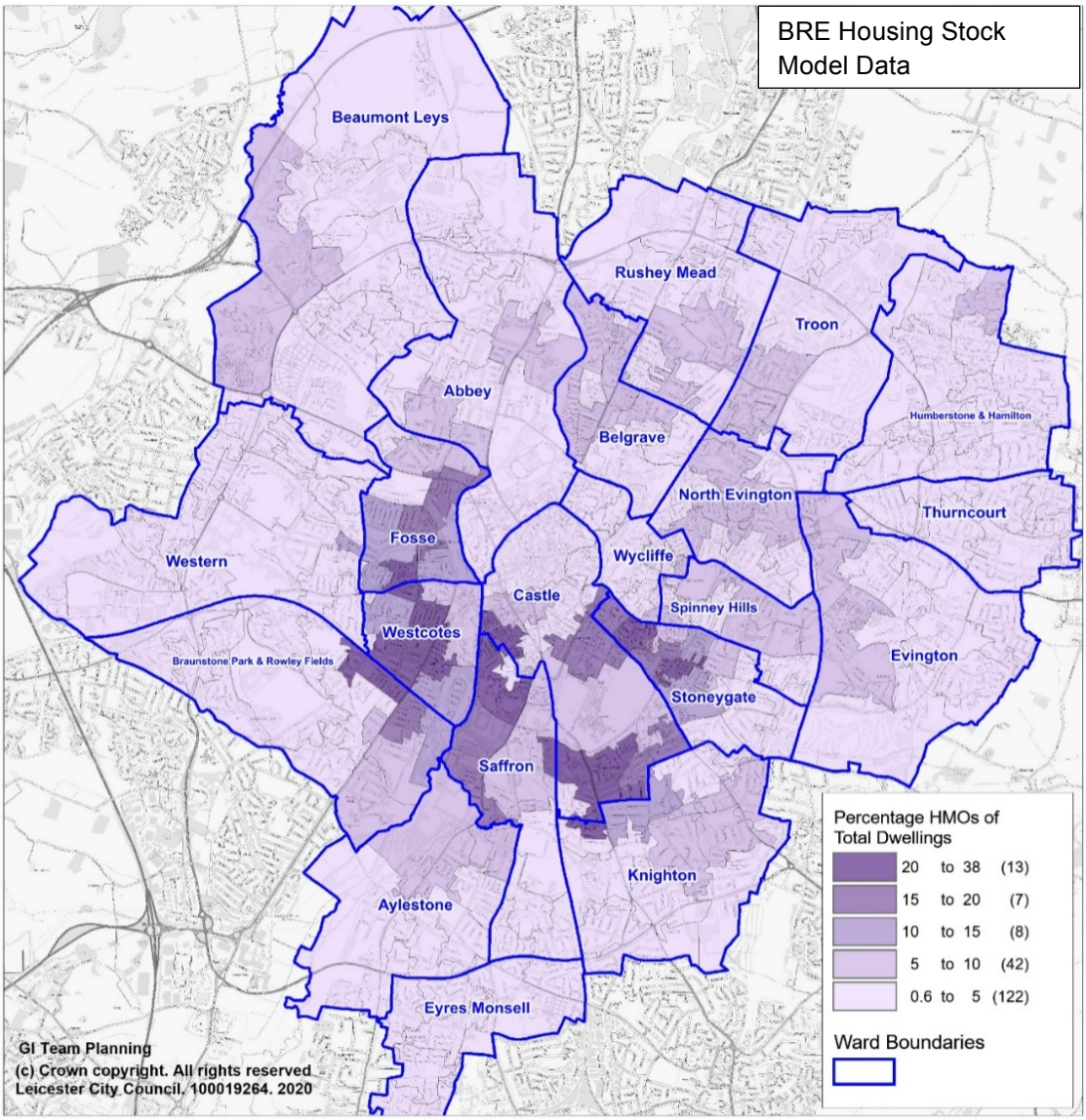
NB. A SAP Rating is a way of comparing energy performance of different homes – it results in a figure between 1 and 100+ (100 representing zero energy cost and anything over means you are exporting energy). The higher the SAP rating, the lower the fuel costs and the lower the associated emissions of carbon dioxide. **Please note the above refers to SimpleSAP** which is an estimate of a residential dwelling's likely SAP score, it is not based on the full required range of data for a SAP calculation or a reduced data SAP calculation (RDSAP), it should only ever be considered an estimate of the SAP score, and used as a guide.

5.3 HMO density

The locations of the HMOs within the City are illustrated on the next page using data from the BRE Housing Stock Model and Integrated Data Report that Leicester City Council commissioned and can be accessed at: http://consultations.leicester.gov.uk/comms/landlord-licensing.

You will note that this map illustrates that there are high proportions of HMOs within the City, but that they are particularly concentrated in 6 Wards. These Wards are, Westcotes, Fosse, Saffron, Castle, Stoneygate and Braunstone Park & Rowley Fields.

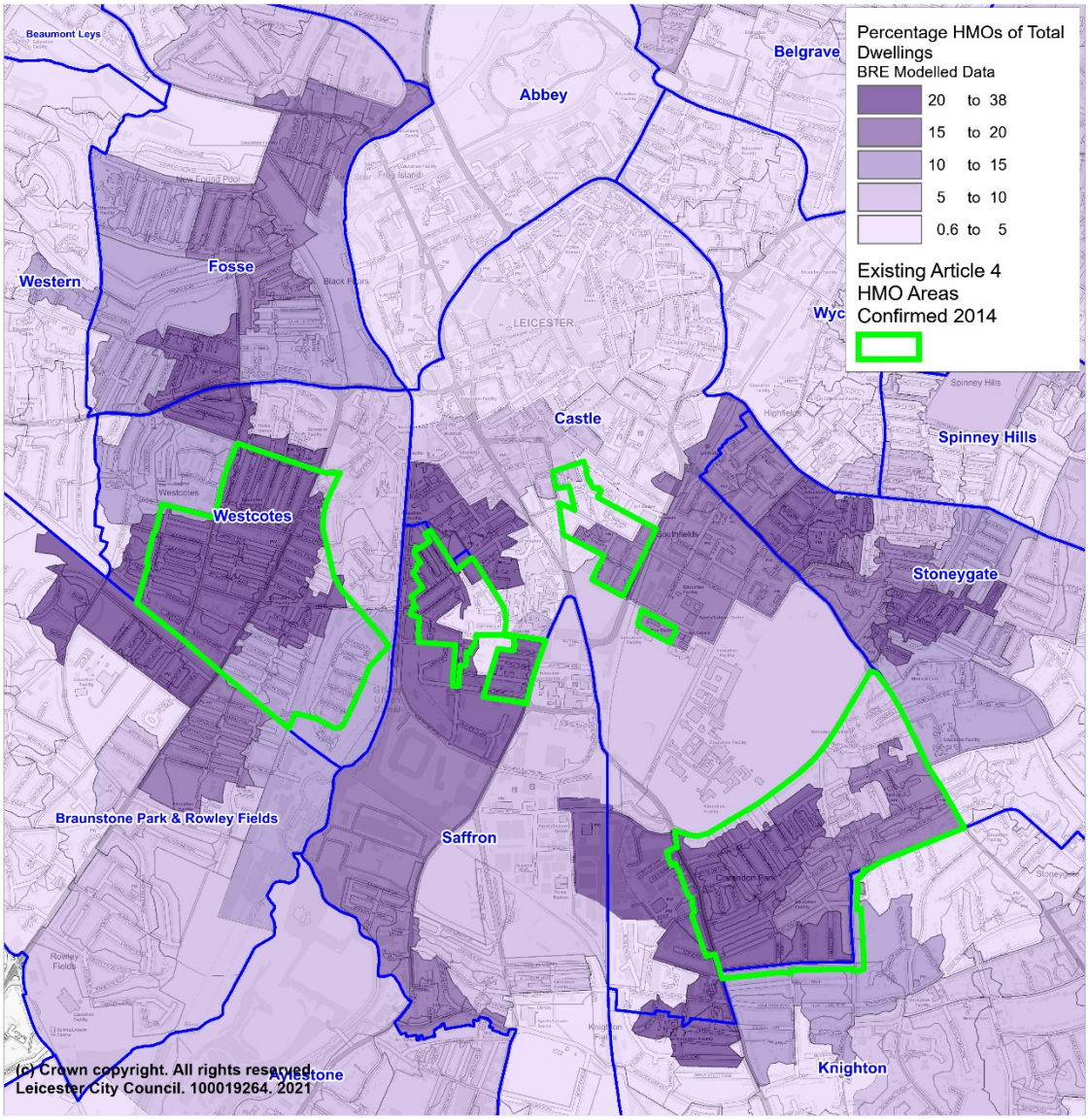
Percentage of HMOs of Total Stock By LSOA



5.4 HMO location based on Planning Article 4 Restrictions

It is suspected that since the introduction of the Article 4 Direction in Leicester, which requires planning permission to use a home as a small HMO, clusters of these properties have appeared on the edge of these boundaries. This could indicate that those operating this type of accommodation may be seeking to avoid regulation. These clusters can be seen in the map below.

Percentage of HMOs (BRE Modelled Data) of Total Stock By LSOA Area



Map Adapted from BRE Housing Stock Model Data

5.5 Data Analysis

Data has also been obtained from Council service management recording systems. A series of exercises have been carried out cross referencing the data in relation to both Selective and

Additional Licensing which is detailed below. Prior to establishing the options for Discretionary Licensing in Leicester: -

a) Selective Licensing

The Council must consider that an area is experiencing one or more of the following conditions for a Selective Licensing Designation to be made (Section 80 (7)): -

- Low housing demand (or is likely to become such an area)
- Poor property conditions
- High levels of migration
- High levels of deprivation
- High levels of crime
- A significant and persistent problem caused by Anti-Social Behaviour

b) Additional Licensing

The Council must consider that a significant proportion of HMOs in the areas are being managed sufficiently ineffectively as to give rise, or to be likely to give rise, to one or more particular problems either for those occupying the HMOs or for members of the public.

5.6 All Private Rented Sector and HMO Housing Condition and Anti-Social Behaviour (ASB)

Using data over the period (2017-2020) from the Council Uniform system (Council service management recording system) looking at issues linked to Housing Condition and ASB both Private Rented Sector and HMOs have notably larger number of complaints recorded against their tenure:

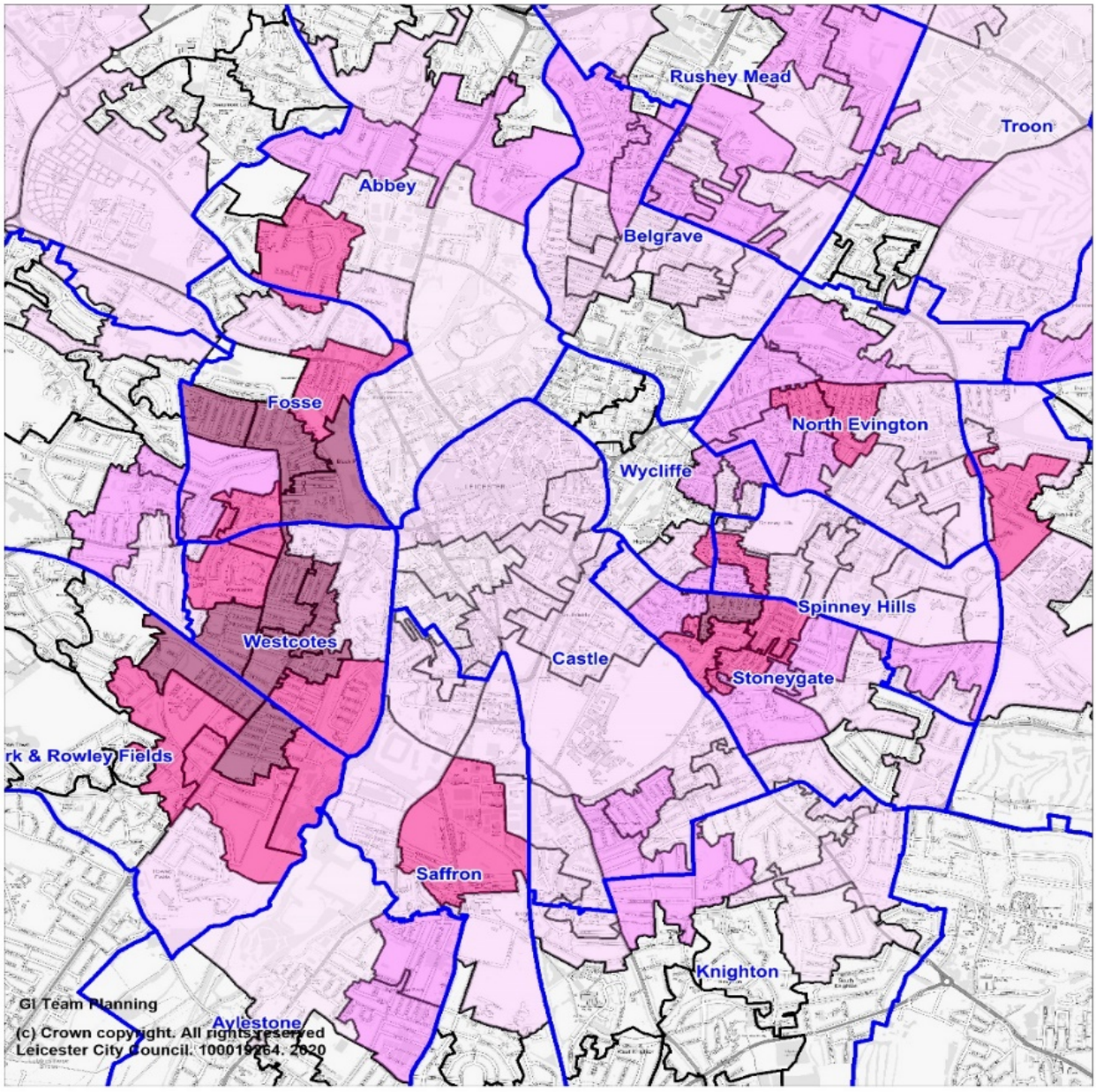
Tenure	All Housing Complaints		Noise		Housing Condition		Public Health		Fly Tipping	
Tenure	%	Number	%	Number	%	Number	%	Number	%	Number
All Stock	7.3%	10641	2.9%	4095	1.4%	2046	1.5%	2197	2.2%	3065
All Priv Rented	10.8%	5356	3.8%	1870	3.1%	1524	1.7%	837	3.6%	1771
HMOs – (BRE modelled data)	17.0%	1640	6.6%	639	4.3%	419	2.6%	247	6.3%	607
Priv Rented – Non HMOs	9.3%	3716	3.1%	1231	2.8%	1105	1.5%	590	2.9%	1164

Please note that the headers are general and the issues included in this data include: Housing defects, overcrowding, fire safety, defective gas appliances, excess cold, damp, defective drains, pests, noise nuisance, rubbish accumulation and fly-tipping.

The complaints have been plotted geographically across the City so that we have been able to identify the areas with the largest number of complaints. Please see the map below which

illustrates the Wards with the highest level of issues are Westcotes, Fosse, Braunstone Park & Rowley Fields and Stoneygate.

Map Showing High Percentage of Private Rented Properties
High levels of poor housing condition and antisocial behaviour



Areas over 20% PR stock, with high levels of complaint on condition and antisocial behaviour. (Over 15% of all PR and over 50 case in area)

This includes complaints on Condition, Fly Tipping, Noise, Pests etc

Housing Condition and Antisocial Behaviour
Complaints By Property - Perc of total PR stock

20	to	27.9	(10)
15	to	20	(15)
10	to	15	(30)
5	to	10	(58)
2.9	to	5	(11)

Leicester Wards

BRE Housing Stock Model Data used for data relating to stock numbers.

5.7 Table 1: Cases – Housing Condition, Public Health and Anti-Social Behaviour (fly tipping and noise) (2017-2020)

The wards where complaints are highest for both Private Rented in general and HMOs (BRE Housing Stock Model Data) in particular are Fosse, Westcotes, Stoneygate and Braunstone Park & Rowley Fields. Whilst Castle has a very high proportion of Private Rented dwellings, issues are much lower as a percentage (for example at 6.9% compared to 20.5% for Fosse) in this area. Castle in general has a large amount of modern purpose-built flats in the City centre although it does have some older stock further out of the centre.

This is based on data for the whole ward and does not go into as much detail as the smaller LSOAs.

* Housing stock data from BRE Housing Stock Model. Please note complaints data Sourced from Leicester City Council.

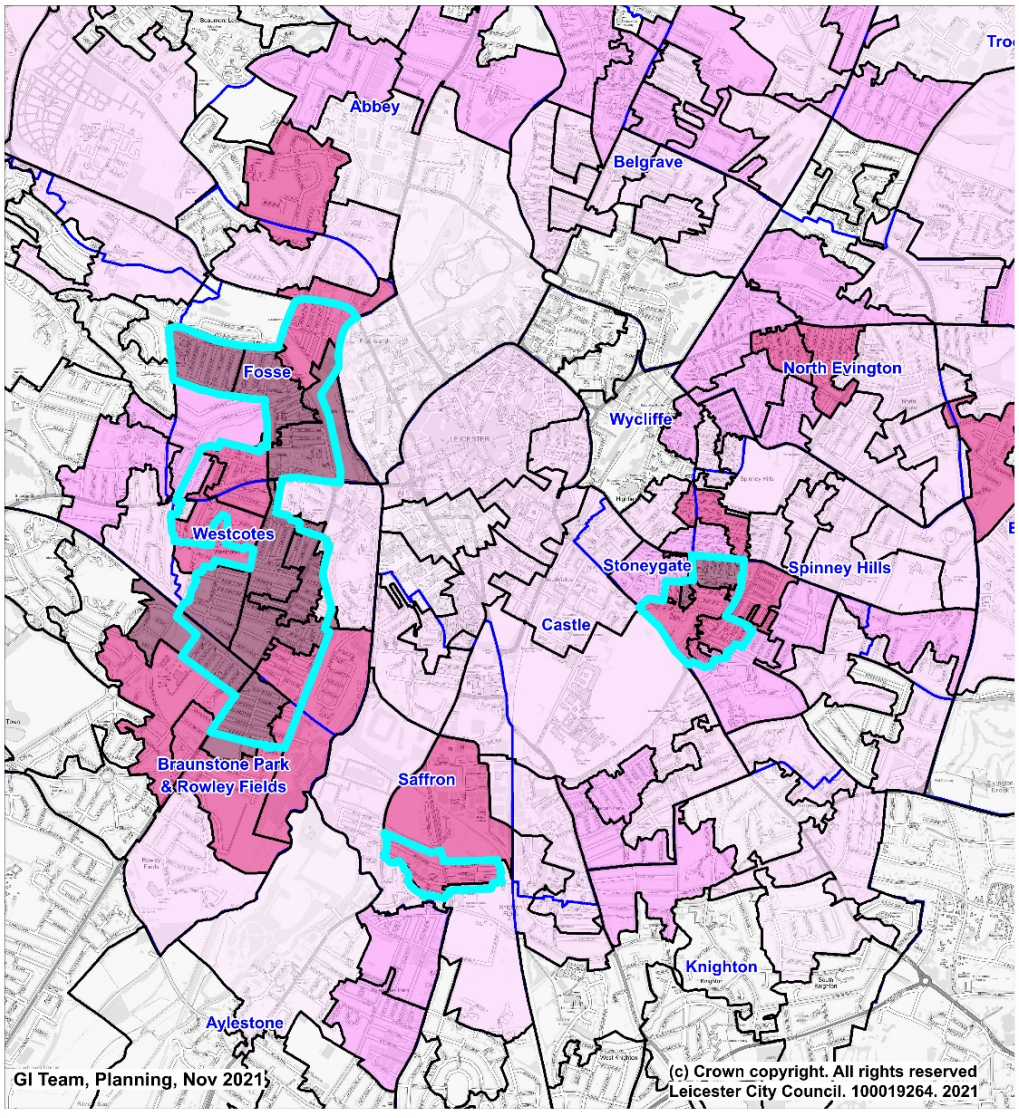
Ward Name	Total Dwellings*	Total Private Rented*	% PR of all Stock	Private Rented with complaints	% of PR with complaints	Total HMOs*	HMOs with complaints	% of HMOs with complaints
Abbey	9501	2616	27.5%	197	7.5%	423	59	13.9%
Aylestone	5326	1526	28.7%	129	8.5%	187	12	6.4%
Beaumont Leys	7318	1694	23.1%	110	6.5%	261	19	7.3%
Belgrave	6321	1916	30.3%	172	9.0%	329	35	10.6%
Braunstone Park & Rowley Fields	8092	1924	23.8%	342	17.8%	567	135	23.8%
Castle	13975	9004	64.4%	623	6.9%	1481	162	10.9%
Evington	6450	1381	21.4%	108	7.8%	225	25	11.1%
Eyres Monsell	4895	959	19.6%	76	7.9%	108	8	7.4%
Fosse	6551	3350	51.1%	688	20.5%	845	218	25.8%
Humberstone & Hamilton	7344	2396	32.6%	161	6.7%	204	15	7.4%

Ward Name	Total Dwellings*	Total Private Rented*	% PR of all Stock	Private Rented with complaints	% of PR with complaints	Total HMOs*	HMOs with complaints	% of HMOs with complaints
Knighton	6986	1679	24.0%	101	6.0%	327	30	9.2%
North Evington	6574	2257	34.3%	264	11.7%	327	41	12.5%
Rushey Mead	5737	1881	32.8%	168	8.9%	258	27	10.5%
Saffron	6007	2821	47.0%	284	10.1%	749	119	15.9%
Spinney Hills	3781	1280	33.9%	130	10.2%	154	16	10.4%
Stoneygate	7303	3183	43.6%	486	15.3%	1020	215	21.1%
Thurncourt	4419	703	15.9%	54	7.7%	89	8	9.0%
Troon	5176	1370	26.5%	126	9.2%	190	19	10.0%
Westcotes	7719	5308	68.8%	913	17.2%	1526	440	28.8%
Western	8179	1378	16.8%	130	9.4%	236	17	7.2%
Wycliffe	4598	875	19.0%	94	10.7%	143	20	14.0%
Total	142252	49501		5356	10.8%	9649	1640	17.0%

5.8 Further Analysis

Analysis has been done to consider Lower Super Output Areas (LSOA) with the highest proportion of cases (issues relating to poor housing conditions and ASB etc) per total number of Private Rented Sector properties that included an overall high level of cases (more than 50 in the area). This identifies the areas highlighted in blue for high levels of poor housing conditions and Anti-Social Behaviour.

Map Showing LSOA areas with a High Percentage of Private Rented Properties
Levels of housing condition and antisocial behaviour By LSOA



Housing Condition and Antisocial Behaviour
Complaints By Property - % of total PR Stock By LSOA

- 20 to 27.9
- 15 to 20
- 10 to 15
- 5 to 10
- 2.9 to 5

Selective Licensing Proposed Area

Leicester Wards

PR Stock (BRE Modelled Data 2020)

BRE Housing Stock Model Data used for data relating to stock numbers.

The boundary largely follows LSOA boundaries but altered in a few areas to follow more logical boundaries according to local knowledge. For example, large modern development excluded in Western Ward as unlikely to have property condition issues.

Boundaries of 31D and 29C modified to exclude large very modern developments.

Data Period 2017-2020. Numbers of Private Rented and HMOs (BRE Housing Stock Model Data) – Issues/cases relating to Poor Housing conditions and ASB etc.

* Housing stock data from BRE Housing Stock Model. Please note complaints/case data Sourced from Leicester City Council.

Ward	LSOA	Total Dwellings	Private Rented*	% PR	HMOs*	% HMO of All	Num Cases PR	% Cases PR	Num Cases HMO	% Cases HMO
Fosse	Leicester 016A	851	528	62.0	157	18.4	92	17.4	37	23.6
Fosse	Leicester 016B	828	461	55.7	102	12.3	95	20.6	24	23.5
Fosse	Leicester 016C	1057	700	66.2	164	15.5	149	21.3	50	30.5
Fosse	Leicester 016D	1215	658	54.2	163	13.4	183	27.8	49	30.1
Stoneygate	Leicester 022E	622	226	36.3	32	5.1	52	23.0	5	15.6
Westcotes	Leicester 023A	798	656	82.2	273	34.2	170	25.9	93	34.1
Westcotes	Leicester 023B	760	631	83.0	281	37.0	128	20.3	72	25.6
Westcotes	Leicester 023D	966	761	78.8	245	25.4	165	21.7	82	33.5
Westcotes	Leicester 023E	744	532	71.5	282	37.9	102	19.2	63	22.3
Westcotes	Leicester 023F	716	365	51.0	77	10.8	63	17.3	16	20.8
Westcotes	Leicester 023G	550	318	57.8	197	35.8	73	23.0	51	25.9
Stoneygate	Leicester 027D	1023	565	55.2	191	18.7	96	17.0	54	28.3
Stoneygate	Leicester 027F	593	355	59.9	201	33.9	67	18.9	38	18.9
BP & RF	Leicester 028E	636	342	53.8	185	29.1	78	22.8	48	25.9
Westcotes	Leicester 029C	1803	1297	71.9	260	14.4	204	15.7	84	32.3
BP & RF	Leicester 029D	810	515	63.6	159	19.6	123	23.9	50	31.4

Saffron	Leicester 031D	943	420	44.5	66	7.0	75	17.9	17	25.8

5.9 Property Conditions

It is well reported that poor housing conditions, including overcrowding and homelessness, are associated with property age and the effect of such conditions have a direct impact on health including in particular, cardiovascular diseases, respiratory conditions, and mental health problems. The age of dwellings in the PRS is therefore an important consideration as there is a direct correlation between property age and conditions - the worse conditions are generally present in older stock types.

5.10 Case Studies

The BRE Housing Stock Model & Integrated Data Report commissioned by Leicester City Council in 2019 (that can be found at http://consultations.leicester.gov.uk/comms/landlord-licensing) indicates there are over 7,000 smaller 3 and 4 person HMOs in Leicester, the properties are not licensable under Part 2 Mandatory Licensing and are not therefore routinely inspected by the City Council's Private Sector Housing Team.

These properties only come to our attention when tenants report disrepair issues or if an external agency such as the Police or Fire and Rescue Service visit the property and report their concerns to the team.

This type of property often suffers from high levels of wear and tear particularly if there is a high level of tenant 'churn' with tenants failing to report disrepair issues at an early stage before further deterioration occurs.

Issues within Leicester's Private Rented Sector can be experienced more generally when considering unlicenced Private Rented Sector Property.

Case Study 1

A number of tenants at a block of flats in the City centre contacted the Private Sector Housing Team about a range of disrepair issues. The block had changed ownership about 2 years previously and the new owners were unresponsive to requests to make repairs.

The flats had metal framed single glazed windows and inadequate electric panel heaters, resulting in problems with condensation and black mould. Hot water was supplied via a hot water heater installed in each kitchen, directly above the electric cooker. This resulted in inadequate space above the stove top to prepare food and a danger should the water heater leak water. In one flat the smoke detector had been covered over rendering it ineffective.

A Selective Licensing Scheme would result in all privately rented properties being inspected and landlords would be forced to ensure properties meet a minimum standard of heating, ventilation, fire precautions and repair.

Case Study 2

A 2-storey terraced property let to 4 unrelated tenants.

There were inadequate fire precautions, no working fire alarm to give occupiers early warning of a fire. Kitchen cupboards were in poor state of repair and the hot tap leaked and had caused damage to the tiles sink back and the cold tap could not be turned off. There was a hole in the kitchen ceiling. The landlord did not have a current gas safety certificate. The lounge room radiator did not get warm and was connected via microbore pipework.

The landlord failed to rectify the disrepair and an Improvement Notice was served, the Improvement Notice was not complied with and Works in Default were carried out.

The property was managed by a letting agent, but neither the agent nor the landlords were co-operative in making the necessary improvements.

The effect of Additional Licensing on this and the many similar properties would be to ensure that the substandard fire precaution and disrepair are improved to an acceptable standard.

6. Proposed Scheme/s

Section 6.1 and section 6.2 of this business case/consultation document (please see the below) provides three options (A, B and C) for Discretionary Licensing which are under consideration and proposed for consultation. However, combinations of the options are also part of the consultation exercise associated with this business case (or they can be chosen as standalone options as referenced). Further details regarding the consultation can be found at: http://consultations.leicester.gov.uk/comms/landlord-licensing.

The below options seek to address within Leicester's Private Rented Sector poor property conditions and Anti-Social Behaviour (for example, issues/complaints relating to noise, fly tipping, accumulation of waste, poor waste management and problems associated with rodents).

6.1 Selective Licensing

Option A: Selective Licensing within parts of the Wards of Westcotes, Fosse, Saffron, Braunstone Park & Rowley Fields and Stoneygate. (Covering less than 20% of Leicester's geographical area and less than 20% of privately rented homes in the local authority area).

Having considered the data analysis and the legal requirements to introduce Selective Licensing it is proposed that the following scheme be considered. This scheme would cover parts of the following wards: Westcotes, Fosse, Saffron, Braunstone Park & Rowley Fields and Stoneygate and cover an estimated 8,784 dwellings (Data Source: BRE Housing Stock Model & Integrated Data Report commissioned by Leicester City Council in 2019). These have been chosen as the areas with highest density of Private Sector Housing with the highest amount of disrepair and ASB.

A list of streets within the areas is contained at Appendix 3.

This scheme is based on Lower Super Output Area (LSOA) boundaries with some minor adjustments to that to exclude large modern developments which are unlikely to have issues with housing condition and are building compliant, through the Building Control regime. The areas covered are outlined on the next page in light blue (as taken from the evidence base in section 5) where the **highest proportion of cases per total number of Private Rented properties PLUS with an overall high level of cases (more than 50 in the area) are highlighted.**

The data utilised for this option is as provided on page 34/35.

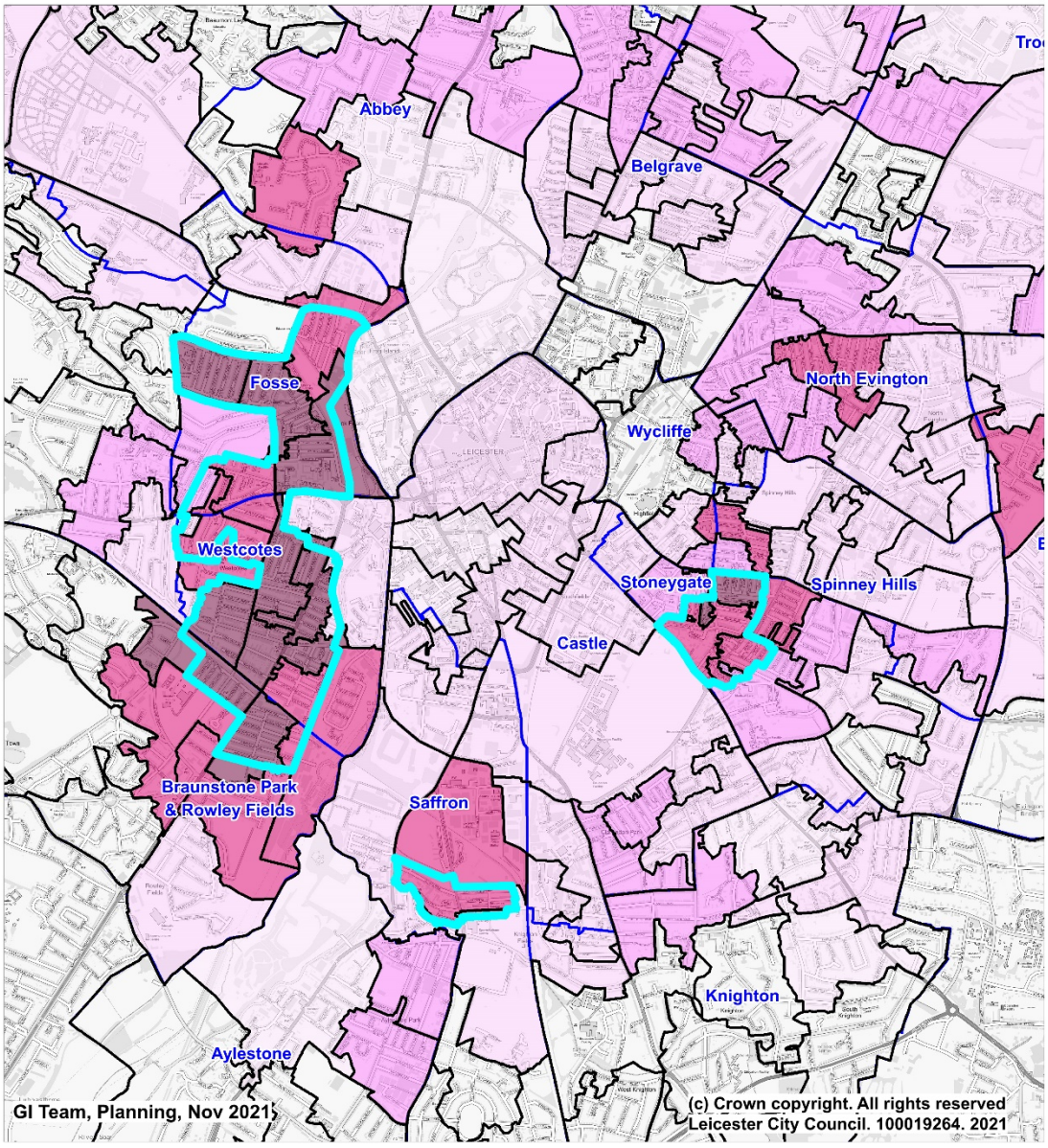
Property Numbers (BRE Housing Stock Model Data): -

All Estimated Properties in the Area – 13,802

Estimated Private Rented Properties – 8,784

Estimated Mandatory Licensable HMOs – 845 included in the 8,784 of which 368 already licensed.

Map Showing LSOA areas with a High Percentage of Private Rented Properties
Levels of housing condition and antisocial behaviour By LSOA



6.2 Additional Licensing

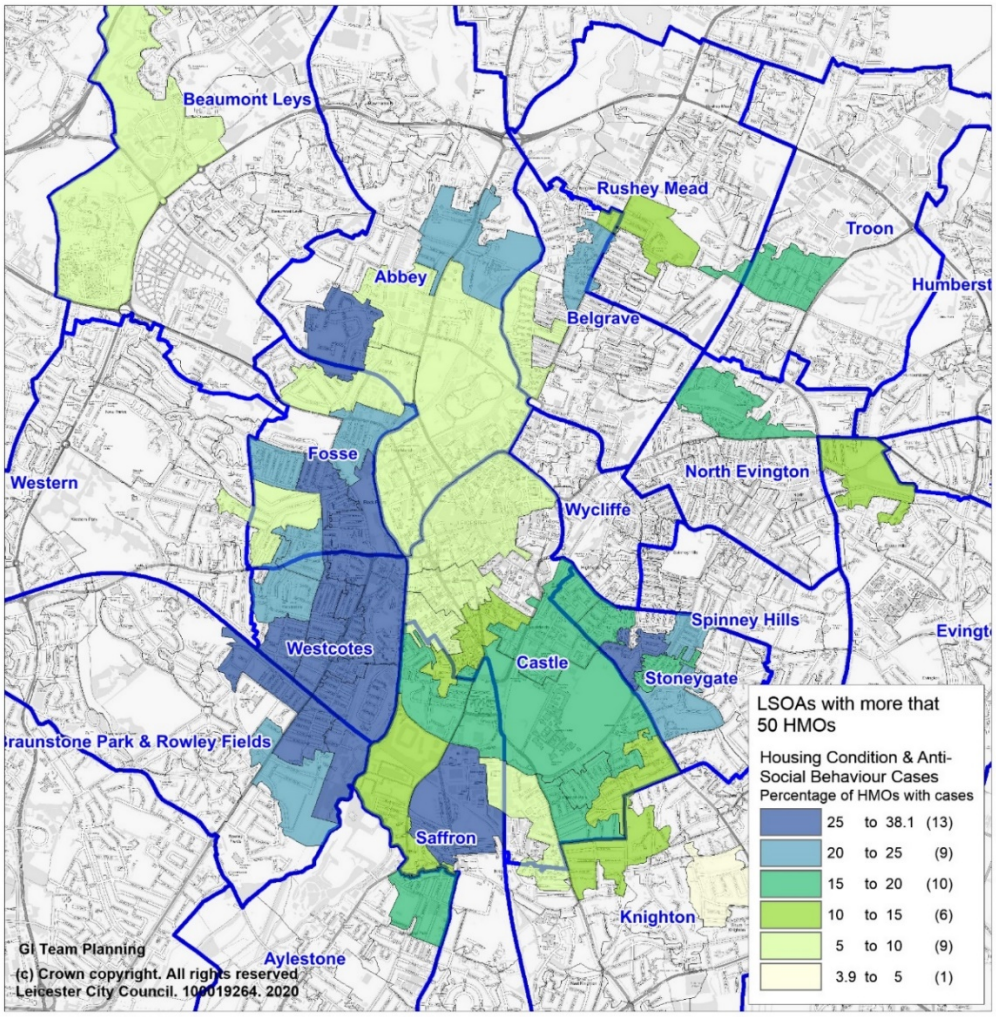
Option B: Additional Licensing that covers the entire City (citywide)

The proposed Additional Licensing Scheme would cover the whole of the local authority area which based on data that has been made available through a BRE Housing Stock Model and Integrated Data Report commissioned by Leicester City Council in 2019 (that can be accessed at: http://consultations.leicester.gov.uk/comms/landlord-licensing)) would equate to an estimated 7,400 properties. This figure is in addition to the estimated 2,249 Houses in Multiple Occupation already captured by Mandatory Licensing.

This proposal is citywide. For further information on streets this proposed scheme covers (ie all streets within Leicester) please see Appendix 4.

Analysis of HMOs – areas with highest concentration of issues where there is also a high number of HMOs in those areas (over 50 HMOs in Lower Super Output Areas)

Housing Condition & ASB for HMOs By LSOA - Percentage of Cases out of Total



BRE Housing Stock Model Data used for data relating to stock numbers.

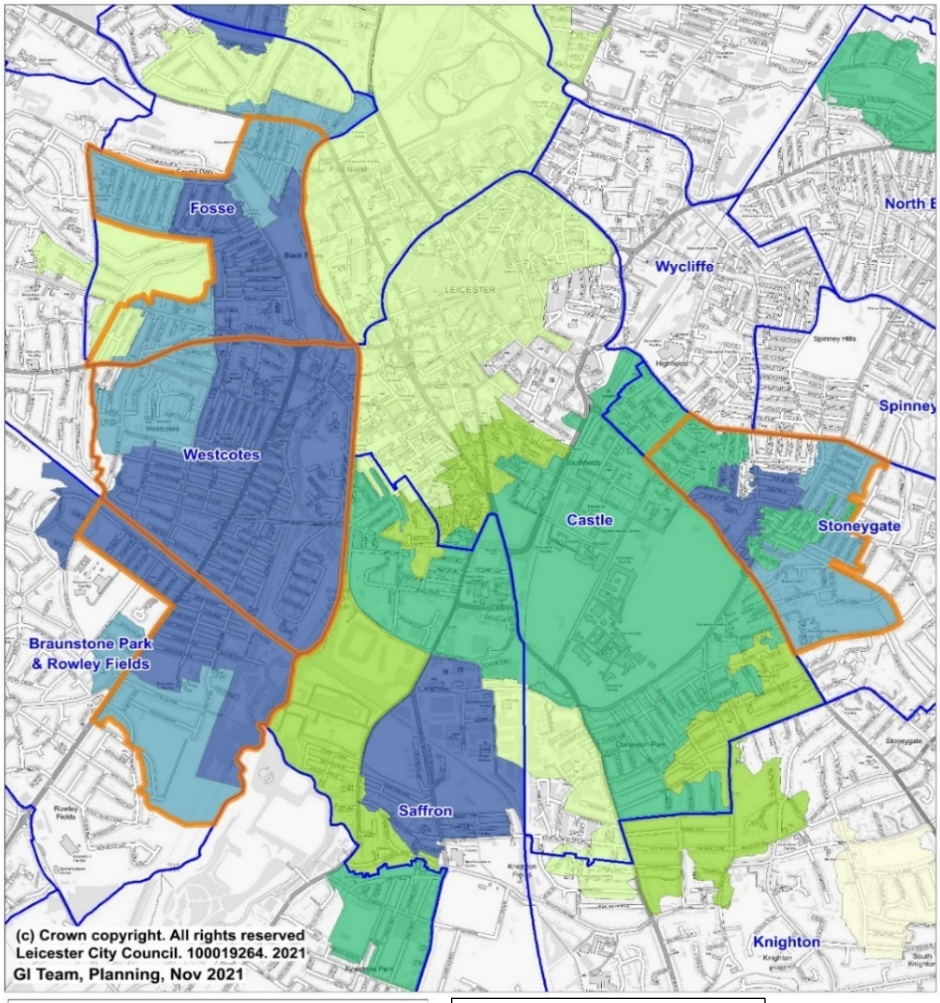
The map above shows concentrations of cases against HMOs housing condition and ASB (noise and fly-tipping) as proportion of the total number of HMOs (BRE modelled data) in the Area.

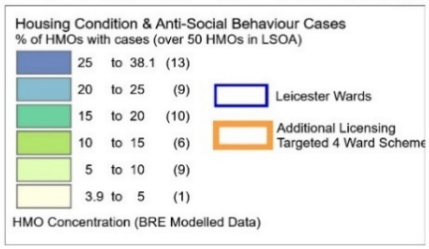
Highest concentrations of issues in areas of – Westcotes, Fosse, Braunstone Park & Rowley Fields (bordering Westcotes) and Stoneygate. In addition, there are smaller areas of high concentrations in Saffron and Abbey and areas with medium levels in Castle and some other areas in Belgrave, Troon, North Evington, Aylestone, Evington and Rushey Mead etc.

These show similar areas to the analysis across the whole of the Private Rented Sector (as these include the HMOs) with the exception of the smaller concentrations in Abbey and Belgrave being more noticeable.

Option C): Additional Licensing within parts of the Wards of Westcotes, Fosse, Braunstone Park & Rowley Fields and Stoneygate. This option would not apply if Option B was approved as Option B provides Additional Licensing across the entire City.

Housing Condition & ASB Cases Related to HMOs (BRE Modelled Data)
Map Showing Percentage of HMOs with Cases in LSOAs- Targeted 4 Ward Areas





BRE Housing Stock Model Data used for data relating to stock numbers.

Four Wards with highest concentrations of issues with HMOs Highlighted (areas bounded by gold lines).

A list of streets within the areas is provided at Appendix 5.

Wards with the highest rates of issues/complaints relating to HMOs: -

- Westcotes – 28%
- Fosse – 25.8%
- Braunstone Park & Rowley Fields – 23.8%
- Stoneygate – 21.1%

Additional Licensing Property Numbers (BRE Housing Stock Model Data): -

All Estimated Properties in the Area – 18,750

Estimated HMOs – 3,499

Estimated Mandatory Licensable HMOs – 1,074 (included in the 3,499 some of which (466) are already licensed.

7. Other Options

Introducing a Discretionary Licensing Scheme (Additional and/or Selective Licensing) is something that the City Council needs to consider if other options to improve housing conditions and related matters have not brought about the needed improvements in an area.

We believe that by introducing Discretionary Licensing Scheme/s this will be the most effective means of tackling poor private sector housing conditions/standards in the City. These scheme/s will enhance the Council's ability to use its existing powers and enable it to target action towards the most problematic private sector housing in the City. There are other courses of action, or alternatives, to the proposals that have been considered. We do not believe that they provide an effective means of tackling poor housing conditions in the City. The alternatives we have considered include the following: -

- we could do nothing/continuing as we are – the evidence supports that a do nothing option i.e. continuing doing what we currently do, will not bring about the improvements in the Private Rented Sector that are aspired to.
- we could increase enforcement activity – this is already supported through our PRS Strategy
- we could introduce other area-based schemes different to the ones proposed. The evidence suggests the most appropriate viable options are as presented in this business case/report.
- we could encourage more voluntary landlord accreditation – this is already supported through our PRS Strategy.

We do not feel that these options will provide the same level of improvement in the Private Rented Sector and protection of the health, safety, and welfare of the residents as the proposed Discretionary Licensing Schemes (Selective and/or Additional Licensing).

We also recognise that many other schemes are expensive and would require funds being taken from the Council Tax. This seems unfair when many of the problems are due to poor management practices by landlords or agents operating in a marketplace. Selective and/or Additional licensing will be self-financing with the fee covering the cost of licensing; the fee will be paid by the applicants and not by the wider community.

In addition to the above other schemes will not give the Council detailed and accurate information concerning the PRS/HMO stock. This is essential in order to undertake meaningful prioritisation and work planning. Such information is not only used in the area of Regulatory Services but is also used and required by colleagues in other services.

The Council believe that Selective and/or Additional Licensing has an important role to play and offers valuable support to existing initiatives to prevent homelessness and create sustainable high-quality neighbourhoods with reduced levels of ASB.

All of the following initiatives for example, have contributed to improving the Private Rented Sector and will continue to further develop and compliment the proposed scheme/s of Licensing.

What have Leicester City Council been doing to improve the Private Rented Sector?

The City Council has developed a Private Rented Sector Strategy that can be found at: http://consultations.leicester.gov.uk/comms/landlord-licensing. This strategy highlights significant work in support of the Private Rented Sector in Leicester.

Support for the Private Rented Sector in Leicester from Leicester City Council includes: -

7.1 Landlord Forum

This is a regular meeting that invites all Landlords and Letting Agents of Leicester to come together and discuss a range of relevant and topical issues. This includes information on accommodation schemes for the private rented sector and other relevant topics such as latest legislation changes and changes linked to Universal Credit.

7.2 Rent Bond Guarantee

This is where Leicester City Council will either guarantee a deposit or provide a rent bond guarantee to Landlords to low income individuals, but also works with the Landlord to ensure that accommodation is safe and fit for the tenants needs (see also 7.3 below).

7.3 Leicester City Council Private Letting Schemes

There is currently not enough social housing in Leicester to meet the needs of its residents. The City Council are regularly approached by people in housing need for a variety of reasons from overcrowding, to relationship breakdowns, to parental exclusions.

The Private Rented Sector now has a very big part to play in meeting critical and urgent housing needs. Leicester City Council wants to support landlords to provide long-term, stable private rented tenancies to those in the city who need housing the most.

Good quality, stable housing improves the lives of families, allows children to achieve more from education, and generally benefit communities and the City as a whole.

The City Council Private Letting Schemes aim to create around 200 new tenancies each year, and to support those tenancies going forward to ensure they succeed. Leicester City Council has been working in partnership with local landlords for many years and the Council has improved and simplified lettings schemes based on feedback and experience.

The Council offers a Bronze, Silver, Gold and Platinum leasing scheme offer. The Gold offer for example is as follows: -

Rent guarantee scheme for family sized accommodation (only)

In return for letting a family-sized property at 90% of reasonable market rent, with an initial fixed-term of 12 months or more, the benefits are:

Note: Management of property would remain the landlord's responsibility.

- No commission or set up costs
- Free property inspection to check the housing health and safety rating system standards
- Free tenant finding service with thorough vetting process
- Regular tenancy health checks, including early intervention and tenancy sustainment if problems arise
- Non-refundable cash incentive of up to £500
- Deposit guarantee agreement covering damage up to the value of one month's rent
- 12-month rent guarantee agreement (terms and conditions apply) and FREE non-payment If requested, our team will take action to get the rent paid directly to you and attempt to recover any rent loss
- Landlord dedicated support team for advice with excellent links to Department of Welfare and Pensions (Local Housing Allowance and Universal Credit questions answered quickly)

7.4 Use of existing Housing Act Powers

The Council uses existing enforcement powers under the Housing Act 2004 to improve Housing Conditions including the operation of a Mandatory HMO Licensing scheme and a reactive approach to complaints from tenants and partner agencies.

While these powers are effective at improving conditions, taking prosecutions, and undertaking work in default are resource intensive processes. Landlords are also able to avoid prosecution by doing a small amount of the work required but delaying completion or evicting tenants and sometimes selling the property to a new owner.

In these cases, the Council may have to invest a significant amount of time into tracking down new owners before any enforcement action can be taken. The proposed Licensing scheme helps to avoid this by making it a mandatory requirement for landlords to apply for a licence in designated areas.

7.5 Education & Enforcement Operations

The Landlords Forums provide up to date guidance and discussion to landlords and in conjunction with Landlords Associations offers training to improve the knowledge of landlords and knowledge of their responsibilities.

Leicester City Council has sought to encourage reporting of housing related matters through an on-line option which means those reporting can also remain anonymous. There are also scheduled inspection and enforcement schemes to ensure application and compliance under existing schemes and in hot spot areas to tackle poor property management and ASB.

Whilst the above highlights some of the City Council's strategic PRS options that we are utilising, we continue to consider all available options depending on their merits and of course any sound business case that is supported by evidence. For example, whilst an option of last resort we are aware of the potential for use of Special Interim Management Orders (SIMOs), Interim Management Orders (IMO) and Final Management Orders (FMO), which are granted through a power given to Local Authorities under the Housing Act 2004. These orders allow application to the Housing Tribunal for the Local Authority seek to manage a property for a period of up to 5 years in specific circumstances. The property is then returned to the original owner. This is resource intensive and reactive and only provides medium term resolution and does not tackle poor management. As described, they are an option of last resort.

8. Benefits of the Scheme/s

We know from the experience of other Local Authorities and our initial consultation and attendance at Landlord Association meetings there will be a small but, probably vocal, group of landlords who will need convincing to see the benefits of the proposed scheme/s of Discretionary Licensing. These views and potential criticisms usually centre around un-necessary financial burden and additional bureaucratic interference. This has we believe been magnified during 2020/21 as a consequence of the impact of the COVID-19 pandemic.

Whilst noting the above, when you view the proposed scheme/s holistically, there are we believe wider benefits to landlords, tenants and communities that help ensure that our housing stock is of a good standard and managed well. It is felt that the proposed scheme/s of Licensing would bring benefit to all, whilst recognising there are risks.

The Council has considered the benefits and risks in detail. Whilst this section focuses on what we believe are the overriding benefits which further compel us to consult in a meaningful way on the Discretionary Licensing options for the City, table 2 on pages 51 to 55 looks at what we consider to be the risks as well as the benefits. Within this table we have included suggested mitigating actions.

The key fundamental benefit derived from Discretionary Licensing is an improvement in the quality of accommodation within the Private Rented Sector and an increase in Landlord/s knowledge of their responsibilities. However, more broadly benefits include: -

8.1 Benefit – Targeted approach on problem areas

Leicester has chosen to make suggested use of Selective and/or Additional Licensing to ensure that everyone in Leicester lives in a decent home. It is acknowledged that there are a number of good landlords within Leicester; that said, there are a number who are not and this impacts on the reputation of an area or of landlords in general.

With that in mind, the proposed licensing scheme(s) consider areas (Options A (Selective Licensing in a designated/targeted area) and C (Targeted (Reduced Designated Area) Additional Licensing Scheme) and Option B citywide (Targeted across the entire City) Additional Licensing) which have poor housing condition and ASB and are not being managed sufficiently well. As indicated through option B, when looking at HMOs we believe this could be applied/targeted across the City or applied to a reduced area.

8.2 Benefit – Potential increase in property value

Leicester has a strong housing market however the introduction of the proposed Discretionary Licensing Scheme (should any proceed) means that there will be potential financial benefit to landlords as the standards are raised across both the general Private Rented Sector and HMOs in the proposed areas.

As standards improve the locations in which the schemes are operational will become more desirable to tenants who will want to live in a well-managed property, in good condition which will increase demand and in turn potential rental value. This applies to landlords who wish to purchase properties in such areas, which will in turn is likely to potentially increase the overall property values in a location.

In the HMO sector, properties tend to be heavily used and house individuals for shorter periods of time, as a result the tenants are less likely to report property maintenance issues causing the fabric of the property to decline at a faster rate. Where there are heavy concentrations of HMOs such as those that we see in Leicester this can lead to a general reduction on the attractiveness of an area leading to the potential loss of rental and capital value of properties.

Having the proposed scheme/s will help ensure that standards are maintained, and improvements are encouraged which means that neighbourhoods do not deteriorate, and property values can potentially be enhanced.

8.3 Benefit - Links with landlords

The Introduction of the proposed scheme/s would bring about better links with landlords. Formal (direct and individual) links will be developed due to the establishment of the scheme/s and as such the flow of information between the local authority and landlords will improve. The owners of houses can receive news, ideas and support through the landlord support pages and City Council Landlord Forum. They can also feedback into the Authority so the landlord viewpoint can be considered when decisions are made regarding issues which impact on them and their tenants.

The creation of these links and the partnership between landlord and council are a notable benefit of the proposed licensing scheme/s.

8.4 Benefit – A recognised group of landlords

Landlords who are subject to Selective and/or Additional Licensing become part of a group recognised by Government. This means that they have the ability to organise themselves and influence licensing-based decisions should they wish to.

This may also bring benefit or support to a landlord application to a financial institution for securing monies to undertake work on their properties, should that work be required by the local authority.

Licensing also brings a degree of reliability and assurance to the relationship between landlord and letting agent. Agents and letting organisations are more likely to accept landlords if their property is part of a licensing scheme. Both Selective and Additional Licensing Schemes require landlords to formalise their letting arrangements; rather than rely on verbal agreement/s which can result in disputes later on.

8.5 Benefits – Pro-active approach

One of the benefits of the proposed Licensing Scheme/s is it/they mitigate or eliminate many issues that can become contentious between landlords and tenants. Both Selective and Additional Licensing is a means of pre-empting problems such as damp, which can lead to poor living conditions, which would be dealt with before they become matters of contention that the landlord would have to manage.

While the Council already deals with much of this work, it usually does so in response to a service request. While the proposed scheme/s will mitigate some of the work, it/they will also bring about compliance with a set of conditions and an active programme of inspection and enforcement which will ensure those landlords who do not comply or operate without the appropriate licence will be located, advised and where necessary will be taken down an enforcement route.

8.6 The Costs of licensing

The cost of licensing a property is a legitimate business expense and can be claimed back through the Landlords tax return. This can limit and offset the extent to which costs are passed on to the tenant.

One of the biggest criticisms of licensing schemes is that the cost associated with the licensing fee will be passed onto tenants by an increase in rent. In 2018/19 Coventry City Council reported on research (Appendix_1___Additional_Licensing_Feasibility_Report_Final (3).pdf) into this area that they had conducted when considering whether to introduce a Discretionary Licensing Scheme. Through their work they made a comparison of rents from 2014-2018 between areas in England that had Discretionary Licensing Schemes and those that did not, in order to establish if there was any evidence to show that discretionary licensing increases rent.

It was reported that analysis of data for this period shows that the average rent increases across the West Midlands were relatively consistent and well above the average for England. Coventry and Worcester experienced the highest increases with 8% and 5% respectively. Overall, the greatest increases occurred in areas which do not have Discretionary Licensing Schemes in operation.

It has been concluded that despite the perception that licensing increases rents it is apparent that there is little evidence to suggest that Discretionary Licensing Schemes are directly responsible for rental increases. Where there has been an increase in rent it is more likely associated with broader market factors and not as a direct result of the introduction of Discretionary Licensing Schemes.

Accordingly, the evidence identified above is consistent with licensing costs being insignificant in impact on rent increases which are driven by existing supply and demand dynamics.

8.7 Table 2: Benefits and Risks of Discretionary PRS Licensing Schemes (Selective Licensing and Additional Licensing)

Scheme	Benefits	Risks	Mitigating Action Against Risks
Both Selective and Additional Licensing (NB this applies to Options A, B and C)	Landlords details will be readily identifiable on a public register	Require robust business case and extensive formal consultation	Commissioning of Housing Conditions report – to ensure a good understanding of the Private Rented Sector in Leicester. Internal consultation with Executive and Scrutiny already undertaken. Formal 12-week consultation planned with key stakeholders, landlords and tenants.
	Tenants will have a clear list of conditions on the occupation of the property and the landlord's responsibilities.	Good landlords often feel that they are being unfairly penalised and bad landlords don't want the information passed to the tenant.	Effective communication to landlords explaining the reasoning behind these schemes and the benefits in dealing with rogue landlords.
	Add to LCC's powers to deal with poor standards in problematic areas of the City.	Good landlords often feel that they are being unfairly penalised. This can undermine relationships with the sector and lead to negative press coverage.	Effective communication to landlords explaining the reasoning behind these schemes i.e. landlord licensing schemes improve the quality of the Private Rented Sector. Review the establishment of discounted schemes for good landlords and/or early-bird discounts.

	Shown to increase standards of accommodation.	Cost associated with the licensing fee may be passed onto tenants by an increase in rent. This makes the sector less affordable for those on low income but also may put additional pressure on Council Discretionary Housing Payment schemes	Clear communication via evidential information which has shown that landlord licensing has not been responsible for rent increases.
	Increases desirability of living in the area.	Potential to disenfranchise the sector at a time of existing fiscal pressure and when we need the market to be strong to provide housing solutions for vulnerable residents on the housing register.	Effective communication to landlords explaining the reasoning behind these schemes i.e. landlord licensing schemes improve the quality of the Private Rented Sector.
	Some evidence that it can lead to an increase in property values	Prohibitive cost of licensing: landlord may already be struggling with rent collection due to pandemic but also where the landlord has multiple properties that require a licence	We know that landlord licensing is tax deductible, this information needs to be shared with landlords who may be unaware so that rent levies are not increased unnecessarily.
	Attracts tenants who are likely to be less transient and want to make the property their home.	Need to ensure initial application and administrative process is not burdensome or acts as a barrier for vulnerable landlords.	Officers will ensure that good practice across other areas is reviewed and a streamlined process is place.
	Improved ability to identify and tackle poor and rogue landlords & managing agents.	Whilst improvements in safety standards are quicker to realise it takes longer for wider community benefits such as a reduction in tenant turnover.	Officers will monitor outcomes, which will include improvements in standards, tenancy turnover etc.
	Seek to support existing enforcement legislation dealing with	Scale of schemes need to be appropriately resourced to enable	A team will be established to ensure that the schemes are properly

	Anti-Social Behaviour (including fly-tipping/ bins on streets/ noise/ general ASB).	proactive inspection.	administered, and inspections carried out.
	Increased links and engagement with landlords - raises knowledge of good standards across the sector.	Landlords who want to resist a scheme may aggravate the application process.	A streamlined application process will be put in place and landlords will be supported in participating through clear communications to help reduce any concerns.
	Licensing schemes provide councils with enhanced powers of entry in some circumstances not requiring notice (Although enforcement may be required through the courts).	In the first instance rouge/potentially less scrupulous landlords may not apply. Once the first tranche of licences are complete, the Local Authority will need to actively seek out remaining properties.	Once the first tranche of licences are complete, the Local Authority would further actively seek out remaining properties.
	Increased confidence of tenants to report issues as reduces the fear of bad management practice including eviction.	Some areas that have high concentrations of PRS property actually show a high level of compliance and low levels of complaints: evidence for the need for Discretionary Licensing in these areas becomes harder to demonstrate.	Noted.
	Licensed landlords find networking easier, enabling them to come together to influence and lobby on common issues.	Require a three month stand still period.	Communications will be maintained as necessary during this period with responses to enquires supplied as appropriate.
	Can design in discounts in the cost of the initial fee by using such	Affiliated landlord discounts may be applicable.	Communication with landlords and letting agents on costs to licensing

	mechanisms as accreditation schemes.		stressing legitimate expense and claim through tax.
Additional [General Options B (citywide) and C (targeted to a reduced designated area)]	Provides extra powers and protection for tenants living in the smaller HMO properties.	Will not address problems in all tenures (in particular issues around singular family homes and homes that have been converted to studio flats).	The City Council would maintain delivery of the other actions in the Council's Private Rented Sector Strategy to assist in mitigating against this.
	Can take a targeted approach or be introduced citywide without Secretary of State approval	A restricted targeted approach may push poor landlords into other locations and label certain areas as less desirable initially.	The City Council would maintain delivery of the other actions in the Council's Private Rented Sector Strategy to assist in mitigating against this.
Additional [Citywide – Option B]	When applied citywide this creates a level playing field for all landlords with smaller HMOs.	Applied citywide affecting all landlords and letting agents irrespective of their approach.	Communication with landlords and letting agents on requirements and benefits of a citywide scheme. Setting a level playing field and providing clarity on the requirement to be licenced across the City not in a specific area
	Balances the housing market and prevents certain areas of the City being labelled as less desirable.	Some might consider it a more diffuse approach if not targeted.	Scheme needs to be sufficiently resourced to ensure focus across the City. Improved small HMO tenancy and

			landlord relationships leading to fewer void periods and builds longer term tenancies across the City.
Selective (NB Option A is less than 20% of the PRS or City's geographical area)	Whilst still requiring a robust business case, Secretary of State approval for schemes under 20% is not required.	We would not be able to justify a citywide scheme and therefore remaining under 20% seems appropriate. This inhibits an opportunity of providing equity across the City.	A targeted approach is proposed to deal with issues in the areas in which they are occurring within the City's PRS.
	Captures the majority of tenure in the Private Rented Sector (exemptions include: holiday lets, business premises, student premises where the university is the landlord/ manager and premises where the tenant is a family member).	By being focused in on certain areas it can create a perception of degeneracy.	A targeted approach is proposed to deal with issues in the areas in which they are occurring in the City's PRS.

9. Proposed Licence Conditions

All landlords letting private rented property (except for those properties that are classed as exempt as previously referenced) in a Selective Licensing Area or HMO in an Additional Licensing area as indicated under Options A, B and C in this report will require a licence from the Council, for each of their private rented/HMO properties. A full list of the proposed licence conditions are provided in Appendix 2 of this report/business case.

Both licensing schemes would place conditions on the landlord to improve on issues such as: -

- Gas safety
- Safety of electrical appliances,
- Installation of smoke alarms/ fire detection systems
- Carbon monoxide alarms
- Property management (repair and maintenance, external areas clear/ tidy)
- Deal with rubbish and waste
- Tenancy management
- Tackle Anti-Social Behaviour
- Energy Performance

They include conditions required as part of the National Mandatory HMO licensing scheme and proposed new conditions required by the Council around room size having regard to government guidance:

The mandatory room size conditions will however be the statutory minimum and are not intended to be the optimal room size. Local housing authorities will continue to have discretion to require higher standards within licence conditions but must not set lower standards.

Recent tribunal decisions have been really clear that the size of the individual rooms should be sufficient to enable adequate living space for all reasonable functions of daily life to be carried out and that a council is entirely justified in refusing to grant a HMO licence.

The licence will also specify the maximum number of households the Council assess the HMO can accommodate or limit the occupancy of the HMO. This might occur if a HMO size was unable to accommodate the number of households or if there was part of the HMO that would not be suitable as a bedroom, etc.

Failure to comply with any of the licence conditions within Discretionary Licences may result in prosecution or the imposition of a civil penalty of up to £30,000 per breach and loss of the licence.

When deciding to grant a licence the Council must be satisfied that the proposed licence holder is a ‘fit and proper person’.

Where landlords fail to license a property, the Council can take enforcement action against them. Under these circumstances the Council could prosecute the landlord who could, if the Council was successful, face an unlimited fine (plus costs) or as an alternative to prosecution the Council

may pursue the imposition of a civil penalty of up to £30,000. Tenants and the Council can claim back rent and/or local housing allowance for a period of up to a year during the time a property that should have been licensed has not been licensed. Landlords cannot use section 21 eviction proceedings to evict their tenants whilst the rented property remains unlicensed.

Energy Performance

The Domestic Minimum Energy Efficiency Standard (MEES) Regulations set a minimum energy efficiency level for domestic private rented properties.

The Regulations apply to all domestic private rented properties that are:

- let on specific types of tenancy agreement
- legally required to have an Energy Performance Certificate (EPC)

Since 1 April 2020, landlords can no longer let or continue to let properties covered by the MEES Regulations if they have an EPC rating below E, unless they have a valid exemption in place.

If Landlords are currently planning to let a property with an EPC rating of F or G, you need to improve the property's rating to E, or register an exemption, before you enter into a new tenancy.

If landlords are currently letting a property with an EPC rating of F or G, and you haven't already taken action, you must improve the property's rating to E immediately, or register an exemption.

10. Processing the Licence Application

Under the Housing Act 2004 the Council can either grant or refuse a licence. A flow diagram of the process for applying for a Selective or Additional Licence is provided on page 64.

If the Council is satisfied as to the following, then they may grant a licence to the Applicant or other agreed person: -

- the proposed licence holder is a fit and proper person(s) and the most appropriate person(s) to hold the licence; and
- there is no banning order
- the proposed manager either has control of the house or is an agent or employee of the person who has control
- that the proposed manager is a fit and proper person to be the manager of the house
- that the proposed management arrangements for the house are otherwise satisfactory.
- that the licence holder is a resident in the UK

On receipt of a duly made application the Council will aim to provide a decision as soon as is reasonably practicable, however each case will require different processes to be completed, for example if an inspection of a property is necessary (prior to issuing a licence – please note all properties will be inspected during the licensed period, if they aren't prior to a licence being issued) then the Council will be required to complete this before issuing a decision. Therefore, this could extend the time it takes to process the application.

The Council aims to process all duly made applications and provide the relevant persons with a decision within 130 working days of receipt.

If a completed application and fee is received the Council must issue the licence within 6 months when the licence became valid or the licence will become Tacit.

The Council will always propose the granting of a licence by way of a Decision Notice and a draft Licence followed by the issuing of the final Licence upon receipt of the second part of the licence fee and completion of the consultation period, which allows for representations to be made.

It is an offence contrary to Section 95 to not have a licence where one is required.

10.1 Fit and Proper Person Test

The Council must be satisfied that both the proposed licence holder and manager of the property are fit and proper persons to hold a licence and/or to manage the property. This requirement is to ensure that those responsible for operating the licence and managing the property are of sufficient integrity and good character to be involved in the management of the particular

residential premises to which the application relates and as such they do not pose a risk to the health, safety and/or welfare of persons occupying and visiting the property.

The Council assesses whether or not a person is 'fit and proper' on a case by case basis. Each case will be considered on its own merits and regard will be had to information provided/omitted from an application form; historical information already held by Leicester City Council relating to the premises and or any relevant person connected with the licence application. When considering whether a person is 'fit and proper', in addition to the evidence of the matters in Section 89 (2) and (3) the Council will have regard to information such as whether the person is listed on the Rogue Landlord Database, any relevant information held on Council records and the person's conduct in relation to the application being made.

An applicant for a licence must disclose any conduct matters which relate to themselves, the proposed manager, and any other relevant person, if any.

The Council has to be satisfied that it has sufficient information (supplied in connection with the application) to determine the application, it may require the applicant to provide further details and/or undertake their own further enquiries with other relevant Council services (for example, Licensing, Planning, Building Control, Council Tax and Housing Benefit) and external bodies as it deems necessary, including for example the Disclosure and Barring Service (DBS) and the Police.

10.2 Satisfactory Management Arrangements

The Council may only grant a licence if satisfied, amongst other things, that "the proposed management arrangements are satisfactory". These arrangements include (but are not limited to) consideration of whether the: -

- persons proposed to be involved in the management of the premises has a sufficient level of competence to be involved

- persons proposed to be involved with the management of the premises are actually involved in the management

- persons are 'fit and proper' (which is discussed above) and the proposed management structures and funding arrangements are suitable.

If the Council has concerns about the competencies and structures in place to manage the property, then conditions can be imposed on the licence to ensure that the necessary arrangements are in place. However, if such conditions will still not be possible or practical to impose then it may be necessary to refuse to grant a licence.

It is for a Council to determine whether a person has sufficient competence to be involved in the management of the property and the level of competence required will in some measure be determined by the complexity of the management challenges posed by the particular property.

The following is a non-exhaustive list of factors that the Council may take into account in addition to the statutory requirements when considering whether or not the management arrangements are satisfactory: -

- the applicant's experience and track record of managing the property and, in particular where he or she is the existing manager, the premises to which the application relates.

- Landlords who are members of an Accreditation Scheme are more likely to be regarded as having the necessary competence to be involved in the management of the premises than those who are not because, such organisations can be called upon for advice and assistance where necessary.

- The management structures must be such that the manager is able to comply with any licence conditions and deal with the day to day operational management issues that arise as well as being able to deal with longer term management issues.

In considering whether the structures are appropriate the Council may take account of the following evidence: -

- Systems In place that are sufficient to enable the manager to comply with any condition of a licence or if such systems can be put in place through a condition of a licence to ensure compliance

- Effective management of: -

    - emergency repairs and other issues
    - routine repairs and maintenance to the premises and its curtilage
    - cyclical maintenance
    - management and the provision of services (if any) to the building and its curtilage
    - management of tenancies or occupants
    - management of the behaviour of tenants, occupants, and their visitors to the premises
    - neighbourhood issues (including disputes)

- History of engagement with the Local Authority, Police, and other agencies, where appropriate.

The Council must be satisfied that the financial arrangements relating to the property are suitable. In that regard the manager must be sufficiently funded or have access to funding to carry out his obligations under the licence and his or her general management functions.

The Council can vary or revoke a licence at any time during the licence period if there is sufficient evidence to support this decision.

A licence may be varied, for example, where new information is discovered which could impact on the number of households or occupiers that are appropriate as the maximum (where applicable).

A licence may be revoked, for example, as a result of a serious breach of a licence condition or repeated breaches of such a condition, or in cases where the Council no longer considers that the licence holder is a fit and proper person.

Visits to licensed properties may therefore be undertaken during the licence period to check for compliance with the licensing and management regimes which apply. The visits can be unannounced in certain circumstances. This is consistent with the powers provided under Section 239 of the Housing Act 2004. Breach of any such legislation is an offence for which further action could be taken.

10.3 Consideration of 'persons associated or formerly associated' with the proposed licence holder or manager

If there is evidence that a person associated, or formally associated, with the person proposed to be the licence holder and/or manager of the property is responsible for any conduct that would result in the potential licence holder and/or manager not being considered fit and proper then the Council is also entitled to take this conduct into account when determining the application if satisfied that it is relevant.

10.4 What information will be needed at the application stage

Alongside the application form applicants will need to provide payment (Part A initially and Part B towards the end of the process) and several documents to support their application.

The documents required to be provided are: -

- Copy of current gas safety certificate (if applicable).
- Satisfactory Electrical installation condition report.
- Proof of a buy to let mortgage.
- Fire safety risk assessment.
- Copy of any tenancy agreements (for current tenants).
- Energy performance certificate (EPC).
- Information about any person(s) with interest in the property.

Any documents not provided with the application will need to be submitted no longer than 1 month after the date of application.

10.5 Issuing a Licence

All licensed property will be inspected during the lifetime of the licence to check compliance with licence conditions, management responsibilities and minimum standards as well as inspections under Part 1 of the Act. The visits can be unannounced in certain circumstances.

Where the inspection has been pre-arranged then all applicants/tenants will be required to facilitate access to all rooms in the property at a suitably arranged appointment.

Failing to comply with any conditions on a licence is an offence and the licence holder could face prosecution or be issued with a Civil Penalty of up to £30,000.

All contact with the licence holder and relevant person(s) will be made using the contact information provided by the applicant on the original application. Accordingly, it is the applicant/licence holder's responsibility to ensure that all contact details are up to date and they must notify the Council's Private Sector Housing/Area Environmental Health Service of any change in details. The Council will not be held responsible for any delay in communication if it is as a result of any contact information changing. The Council's preferred method of contact will be through emails to allow transparency and retention of information between both parties.

A draft licence with conditions may be issued based on the findings from an inspection or through the information provided with the application form. The draft licence will be emailed to all relevant persons and other interested parties for consultation.

The relevant persons will have an opportunity to make any representations, which will be considered by the officer handling the application and where appropriate the Team Manager for Private Sector Housing/Area Environmental Health.

When this process is complete a full licence with the conditions will be issued and will be emailed to all relevant persons and other interested parties for consultation. The Licence will be issued and will cover the licence period from the first to last day of the licence.

If the applicant/licence holder is still dissatisfied with the conditions of the licence, they have an opportunity to appeal to the First-tier Property Tribunal.

10.6 Application for a revocation or variation of a Licence

If circumstances regarding the property covered by the licence change during the licence period, the licence holder must notify the Private Sector Housing/Area Environmental Health Service directly so the licence can be re-assessed and varied if suitable to do so. If for example a licenced property is no longer going to be occupied as a Private Rented Property or the licence holder changes, then the licence holder must make an application for the licence to be revoked. Any remaining period of the licence will be forfeited and a there will be no right to refund of the original payment.

10.7 Fire Risk Assessments for Licensed Property

Having a fire risk assessment for a licensed property is a legal requirement under the Regulatory Reform (Fire Safety) Order 2005, which is enforced by the Leicestershire Fire and Rescue Service.

The duty is placed on the 'responsible person' who could be the landlord/licence holder or an agent with full management control. The assessment must be 'suitable and sufficient', and assistance from an appropriately competent person should be sought as necessary to achieve this.

The Council will accept a signed self-certification form declaring that a suitable and sufficient fire risk assessment is in place; however, the Council may request and audit the fire risk assessment and other records at any time during the lifetime of the licence. If any documents requested cannot be provided within 7 days of the request, the Council may revoke the licence.

The acceptance of a fire risk assessment/self-declaration does not protect the responsible person from any action required by the Leicestershire Fire and Rescue Service.

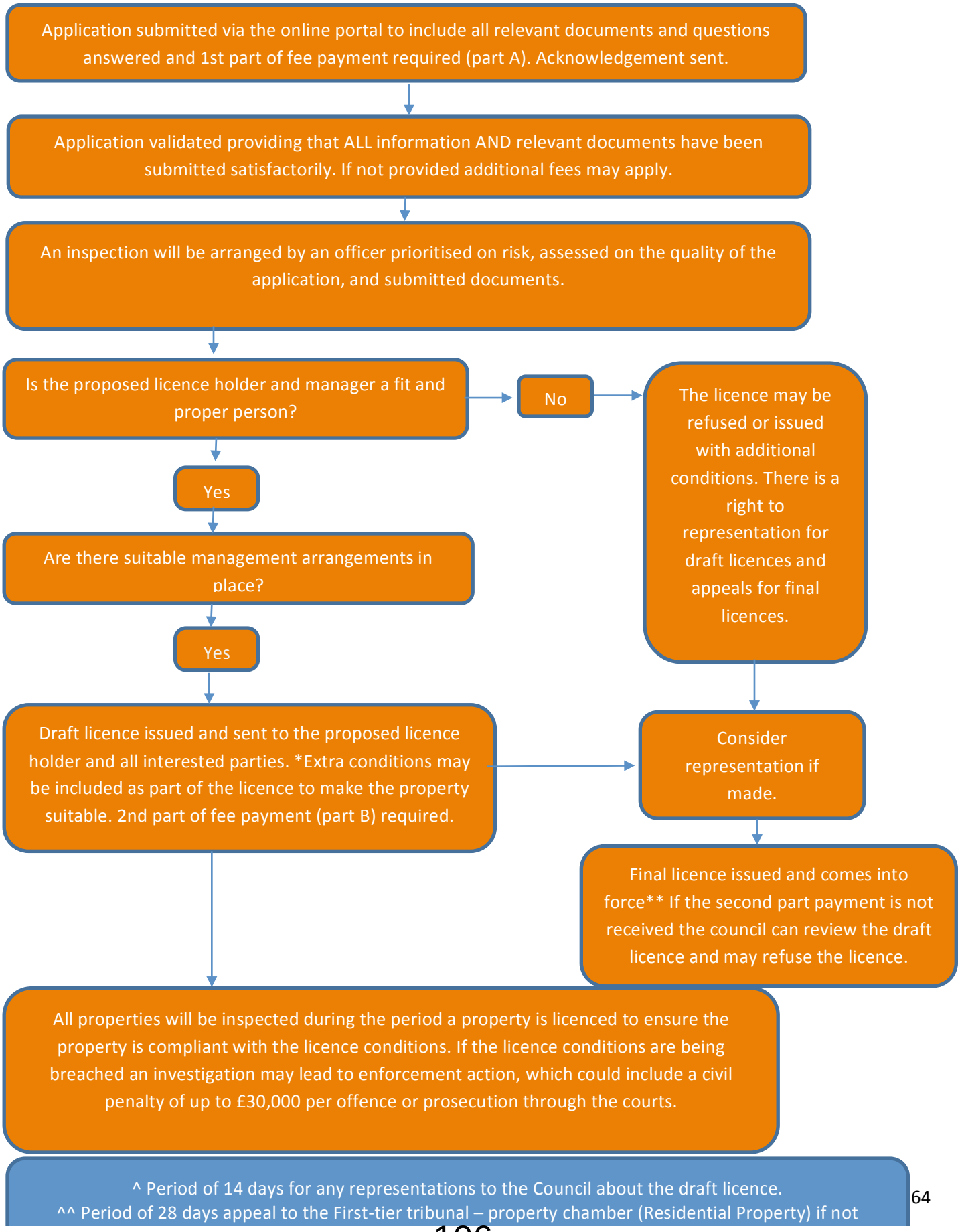
10.8 Public Registers

A public register of Licensed property will be made available online (as it already is for Mandatory Licensed Property).

10.9 Appeals

If an application for a Selective or Additional Licence is refused, there is a right to appeal this decision within 28 days to the First-tier Tribunal (Property Chamber - Residential Property).

11. The Discretionary Licensing Application Process for Selective or Additional Licences



12. Proposed Fees

The Housing Act 2004 allows the local authority to recover the cost of implementing and administering a licensing scheme by charging fees.

The City Council will charge a fee to cover the scheme running costs. The licensing process includes visits to ensure that the Licence conditions are being met.

The Council cannot make a profit or surplus from the scheme, which means it will annually review the cost of running the scheme and the projected revenue stream from licensing. As the Council will be reviewing these fees annually, officers will seek to identify any opportunities for efficiency so that the licensing fees can be kept as low as possible.

It is proposed and in compliance with Legal guidance (Hemming) v Westminster City Council (2017), that the licence fee will be split between the administrative (Part A) and enforcement costs (Part B). The administrative cost of processing the licence will be charged for at the time of application and the enforcement cost will be charged to successful applicants only at the point the licence is issued. Included in the administrative costs will be all set up costs. No enforcement charge will be made if the Council refuse to issue the licence.

Licences for both Additional and Selective Schemes will be valid for 5 years.

A Landlord who obtains a property within the designated areas within the designated licensing period will be required to obtain a licence. No late fee will be applicable if a valid application is received within 12 months of the ownership of the property. The full fee will required for the licensing of the property.

The final fee will be determined after consultation has taken place.

There is the opportunity to offer the following discounts to licence applicants: -

- Reduced fee for those making an application in the first 6 months of the scheme
- Discount for Charitable Organisations who own/manage private rented accommodation
- Reduced fee for landlords registered with a bona fide/recognised landlord accreditation scheme.

<u>Penalty Fees</u>

Following 1 Year from the commencement of the scheme, all premises that are required to be licenced and that have not signed up to the scheme (or within 1 year of a property becoming a rented property that is required to be licenced) will be subject to a penalty fee for the non-licensing of the property and also may be subject to a civil penalty. The penalty for late application will be subject to the consultation.

Proposed Fees for Consultation

The following estimated fees are based on a team structure that would be required to fulfil the duties associated with the forecast number of licence applications and enforcement activity. Underpinning this is a calculation which quantifies the workload of officers.

The current fee for mandatory licences is £900, a rate that has been in place since 2018.

A fee calculator is used to determine licence fees, taking into account the amount of time required to administer, process, and enforce licences.

The estimated licence fee for Selective and/or Additional Licensing in Leicester would be between £1,000 and £1,150 (depending on which scheme is adopted). The Part A fee (Administrative cost) is estimated at between £700 and £800 (depending on which scheme is adopted) and the Part B fee (which relates to enforcement cost) is estimated at between £300 and £350 (depending on which scheme is adopted).

Discounts and Penalties

Proposed Discount /Penalty	**Proposed Financial Discount or Penalty Amount applied to all Discretionary Schemes against the total Standard Fee.**
Early Bird Discount Fee Available within six months of a Selective or Additional Licensing Scheme being introduced.	Proposed 10% discount
Discount for Charitable Organisations who own/manage private rented accommodation.	Proposed 10% discount
Discount to members of a bonified/recognised private landlord accreditation scheme.	Proposed 10% discount
Late Licence Penalty Fee (applies if a valid application for a property that is required to be licenced is not made within the first twelve months of an area being designated for either Selective or Additional Licensing or within 12 months of it becoming a rented property that is required to be licenced).	Proposed 20% penalty charge alongside any considered Civil Penalty* *The only proposed exceptions to this additional fee are if the property was empty during the application period or has recently been purchased.

13. Conclusion

The use of Discretionary Licensing Scheme/s to drive up standards in Leicester's Private Rented Sector present a realistic opportunity for improvements in rented property in the City (where such schemes might apply and in accordance with the Housing Act 2004). A combination of Selective and Additional Licensing are viable options for Leicester, as are standalone options. This business case provides evidence and reasoning which sets out the position so that we are able to proceed to the formal consultation phase of introducing a scheme. The options provided in this report/consultation business case are presented for meaningful consultation.

The data (made available through a BRE Housing Stock Model & Integrated Data Report commissioned by Leicester City Council in 2019) shows us that the Private Rented Sector is generally worse than both the social sector and the owner occupied sector and that based on the English Housing Survey (EHS) Leicester housing stock performs generally worse than the national average with the exception of excess cold where we are slightly better.

Overall, the percentage of dwellings in the Private Rented Sector across Leicester is 35% compared to the National average of 19%. 19 out of our 21 wards have more Private Rented Sector dwellings than the National average.

When comparing Leicester to the East Midlands region, the picture is similar with Leicester performing worse with the exception of excess cold and fuel poverty.

Option A provides a Selective Licensing scheme which if accepted will licence all privately rented properties within the selected areas (apart from those properties that are classified as exempt under the legislation). **This proposal covers parts of the Wards of Westcotes, Fosse, Saffron, Braunstone Park & Rowley Fields and Stoneygate.** As a proposed scheme it covers less than 20% of Leicester's geographical area and less than 20% of privately rented homes in the local authority area.

The Additional Licensing aspect of the options for consideration will under Option B licence all HMOs within the identified area (citywide) irrespective of the number of storeys that are occupied by less than five unrelated persons and all section 257 HMOs (buildings converted into self-contained flats) where the building is wholly occupied by tenants, **or under Option C the same type of HMOs will be licenced but only in parts of the wards of Westcotes, Fosse, Braunstone Park & Rowley Fields and Stoneygate designated.**

As stated previously the above options can be applied on their own as standalone options or as combinations (as appropriate). The options seek to address within Leicester's Private Rented Sector poor property conditions and Anti-Social Behaviour (for example, noise, fly tipping, accumulation of waste, poor waste management and problems associated with rodents).

If accepted, landlords who have chosen to manage their properties poorly and let them in a poor condition will have to ensure that they comply with the Selective Licensing and/or the Additional

Licensing conditions applied and will form part of a risk based scheme of pro-active inspection and enforcement.

We know that many issues with Private Rented Sector and HMOs go un-reported for a number of reasons and this results in the standards not being enforced and the quality of rental stock does not improve.

Leicester City Council has embraced Mandatory Licensing, and this has proven to be a valuable tool in improving poor conditions and management practices in Leicester. The expansion of Discretionary Licensing under the options provided will (applied as appropriate) bring about further improvements.

We want to continue to improve our links and partnerships with landlords and agents in the City and introducing Discretionary Licensing in whichever form is deemed appropriate is just one part of that. The introduction of such a scheme (or schemes) is part of our long-term strategy to improve the Private Rented Sector - it is one important element of the toolkit needed to improve the Private Rented Sector housing stock in Leicester.

The proposals on the options set out in this business case is out to consultation between **Tuesday 30th November 2021 to Tuesday 22nd February 2022. The consultation/on-line consultation questionnaire can be accessed at:** http://consultations.leicester.gov.uk/comms/landlord-licensing. Following consultation, a full report on the findings and outcomes of the consultation will be presented to a meeting of all Council Members by Summer 2022, who will make a decision on whether to implement a scheme or schemes. Should the Council decide to go forward with any of these schemes or an alternative supported through the consultation and available evidence, it/they will become operative following a Notice being publicly available and a period of three months' notice lapsing.

Queries regarding the consultation and proposals can be sent to: **consultations@leicester.gov.uk.**

Appendix 1 – Housing Conditions Report (BRE Housing Stock Model Data) available at: http://consultations.leicester.gov.uk/comms/landlord-licensing.

BRE Report Extract (BRE Housing Stock Model Data)

The following is taken from a BRE Housing Stock Model and Integrated Data Report commissioned by Leicester City Council in 2019.

According to BRE Stock Model Data there are 142,261 dwellings in Leicester, 43% are owner occupied, 35% private rented and 22% social rented.

Summary of Private Rented Sector analysis from BRE Housing Stock Model Data

There are an estimated 49,501 private rented properties in Leicester. There are within that an estimated 9,649 HMOs in the City of which approximately 2,249 come under the mandatory licensing scheme.

Overall, the percentage of dwellings in the private rented sector across Leicester is 35% compared to the national average of 19%. A large proportion of wards (19 out of 21 wards) in Leicester have a percentage of private rented sector dwellings greater than the national average, in particular Castle (64.4%) and Westcotes (68.7%).

Three types of analysis area within Leicester were identified based on levels of private rented stock, which were a) 4 wards in excess of 44%, b) 5 wards with 31-44%, and c) 10 wards with 19-30% (i.e. above the national average of 19%).

HMOs in Leicester have slightly higher levels of fall hazards, but the same levels of all hazards and excess cold compared to private rented sector non-HMOs. HMOs have higher levels of disrepair and notably higher levels of fuel poverty (Low Income High Costs definition). However, private rented stock which are non-

HMOs have higher levels of fuel poverty (10% definition) and low-income households. HMOs also have lower energy efficiency levels compared to non-HMOs (average SimpleSAP score of 58 compared to 61).

Of the total 9,649 HMOs, 7,400 are non-licensable and 2,249 are mandatory licensable. Looking at the condition of dwellings within these two groups, mandatory licensable HMOs have a higher proportion of all hazards, excess cold and falls hazards. They also have notably higher levels of fuel poverty (particularly the Low-Income High Costs definition).

Westcotes ward has the highest number of HMOs (1,526 HMOs, 29% of private rented stock in that ward), followed by Castle ward (1,481 HMOs, 16%) Stoneygate ward (1,020 HMOs, 32%) and Fosse ward (845 HMOs, 25%). These same wards also have the highest numbers and proportions of licensable HMOs.

Around 48% of HMOs in Leicester are in the 4 wards with over 44% private rented stock.

Of the wards within Leicester with over 44% private rented stock, Westcotes ward stands out as having the highest level of all hazards (23%). However, Fosse ward has the highest levels of fall hazards (15%) and disrepair levels (10%) but excess cold is highest in Westcotes ward (7%). Compared to the figures for the Leicester private rented stock overall, these wards tend to have higher levels of each of the property condition indicators, with the exception of Castle ward.

Of the wards in Leicester with 31–44% private rented stock, Spinney Hills ward has the highest level of hazards (24%). Levels of fall hazards across these wards span 8-14% and disrepair doesn't exceed 9%.

Of the wards with 19-30% private rented stock Belgrave has the highest levels of hazards (22%) as well as falls hazards (15%) and disrepair (9%). Knighton ward has the highest level of excess cold at 4%.

100% of private rented dwellings in Eyres Monsell ward are located in the 20% most deprived LSOAs in England, there are 67% in both Braunstone Park & Rowley Fields and Wycliffe wards, and 62% in Western ward. These are all notably higher than the figure for Leicester's private rented stock as a whole (36%).

Incidents of Anti-Social Behaviour in recent years (2018 and 2019) have been highest in Castle, Western, Braunstone Park & Rowley Fields and Eyres Monsell wards.

There are specific areas within the wards identified which have higher levels of private rented stock and deprivation and disrepair which could be considered for targeted interventions.

Appendix 2 – Proposed Licence Conditions

A) Proposed Licence Condition for Houses Covered by SELECTIVE LICENSING

For Selective Licensing the Government requires councils to use a set of PRESCRIBED CONDITIONS (contained with the Housing Act 2004). Councils are not permitted to alter or remove any of these conditions. They are set in statute and not 'open' for consultation.

They relate to: -

1. Gas Safety
2. Furniture and Furnishings
3. Safety of Electrical Appliances
4. Smoke Alarms
5. Carbon Monoxide Alarms
6. Tenancy Agreement

1. Gas Safety

If gas is supplied to the premises, the Licence Holder must provide to the Council a Landlord's Gas Safety Record issued in accordance with the Gas Safety (Installation and Use) Regulations 1998 (as amended) with respect to all gas appliances, fittings, flues and pipework. Such a Gas Safety Record must have been obtained from a Gas Safe engineer and be dated within the 12 months prior to the date of application for this licence.

The licence holder shall produce the gas safety certificate issued in respect of the house within the previous 12 months for inspection within 7 days of the Council's demand.

Details of Gas Safe engineers can be found at www.gassaferegister.co.uk

2. Furniture and Furnishings

The Licence Holder must ensure that all upholstered furniture supplied by them for use by any occupier of the premises is compliant with the Furniture and Furnishings (Fire Safety) Regulations 1988 (as amended in 1989 and 1993).

They must supply to the Council when requested, a declaration as to the safety of such furniture within 7 days of the Council's demand.

Any such furniture which fails to comply with these regulations must be removed from the premises without delay and properly disposed of. Suitable replacement furniture must be provided as appropriate.

3. Safety of Electrical Appliances

The licence holder shall ensure that electrical appliances made available in the house by them are kept in a safe condition and proper working order at all times.

The licence holder shall ensure a record of visual inspection and tests of such appliances is maintained and shall submit this record to the Council within 7 days of the Council's demand.

4. Smoke Alarms/Fire Detection Systems

The licence holder shall ensure that at all times a suitable fire detection and alarm system is installed in the house and is maintained in proper working order. As a minimum, there must be a smoke alarm installed on each storey of the house on which there is a room used wholly or partly as living accommodation. For the purposes of this paragraph, a bathroom or lavatory is to be treated as a room used as living accommodation.

The licence holder shall supply a declaration as to the condition and position of any smoke alarms/detectors in the property within 7 days of the Council's demand.

5. Carbon Monoxide Alarms

The licence holder shall 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. Any such alarm must be kept in proper working order. For the purposes of this paragraph, a bathroom, lavatory, hall, or landing are all treated as being a room used as living accommodation.

The licence holder shall supply a declaration as to the condition and position of any carbon monoxide alarms in the property within 7 days of the Council's demand.

6. Tenancy Agreement

The licence holder shall supply to the occupiers of the house a written statement of the terms on which they occupy it. This statement shall be provided within 7 days of the occupancy beginning and the licence holder shall supply a copy of the written statement within 7 days of the Council's demand.

The licence holder shall demand references for new occupiers before entering into any occupancy agreement with them or allowing them to occupy the premises. Copies of these

references shall be kept for the duration of this licence and made available to the Council within 7 days of the Council's demand.

Supplementary/Additional Conditions which the Local Authority proposes to include: -

7. Safety of Electrical Installations

The licence holder shall ensure that the electrical installation in the house is kept safe and in proper working order at all times. The licence holder shall ensure that a satisfactory Electrical Installation Condition Report (EICR) or Electrical Installation Certificate (EIC) is produced at intervals of no more than 5 years or more frequently if indicated on the previous report and supply the most recent EICR or EIC to the Council within 7 days of the Council's demand.
This must be carried out by a suitably qualified electrical contractor who should be a member of an approved scheme such as NICEIC, ECA, NAPIT and registered to undertake electrical works in accordance with part P of the Building Regulations. Electrical contractors that are on a relevant competent person scheme can be found at www.competentperson.co.uk

8. Electrical Installation Remedial Works

All remedial works required to rectify C1, C2 or FI or equivalent must be completed as specified and an updated test certificate obtained before a licence is issued. Should any remedial works be recommended (C3) on the electrical installation condition report, the Licence Holder must ensure that such works are completed no later than 12 months following the date of the report and must inform the Council upon completion of such works.

9. Emergency Escape Lighting

The licence holder shall ensure that any emergency escape lighting in the house if present is inspected, tested, and serviced by a competent person in accordance with BS 5266-1:20122 (or any British Standard which subsequently replaces this.) Copies of testing certificates shall be provided to the Council within 7 days of the Council's demand.

10. Automatic Fire Detection & Warning System Standard

The Licence Holder must ensure that any automatic fire detection and warning system that is present is designed and installed to the current applicable British Standard and is maintained in proper working order.

11. Fire Safety Certification

The licence holder must provide maintenance reports to Leicester City Council on request within 28 days with regards to emergency lighting, fire detection and alarm systems. The maintenance must be undertaken by a qualified fire alarm engineer and certification provided to confirm the systems complies with the relevant British Standards.

12. Fire Fighting Equipment

The Licence Holder must ensure that all firefighting equipment, where provided, is maintained in accordance with the manufacturer's recommendations and that replacement or refilled equipment is provided without delay following any usage which renders it no longer effective.

13. Condition of Furniture

The licence holder will ensure that any furniture supplied at the start of a tenancy or licence is in safe and good condition and maintained or replaced as far as it is the Landlord's responsibility throughout the tenancy.

14. Tenancy Management

A copy of the following documents must be given to the tenant(s): -

- This licence, or a copy of it
- Gas Safety Certificate (if a gas supply at property)
- Name and address of Licence Holder OR their Manager
- Contact Telephone Number of Licence Holder OR their Manager

The contact and telephone number details should be applicable for contact between 9am – 5pm Monday to Friday and should also include out of hours contact details for use in emergencies Any change in contact and/or telephone number details should be provided to occupiers within 24 hours of the changes being made.

At the beginning of a tenancy the following should be provided: -

- Information explaining how they can make a complaint about the property and the arrangements in place to deal with emergency and other repairs.
- The licence holder shall indicate to the occupier(s) how they intend to respond to the complaint including a timescale for the steps they intend to take.
- The licence holder shall respond to any complaint within a reasonable timescale.
- Copies of all correspondence relating to complaints shall be retained during the currency of the occupation and for 6 months thereafter and shall be provided to the Council within 7 days of the Council's demand

At the beginning of their tenancy each tenant must be given true copies of the current gas (if present in property), electrical safety and energy performance certificates.

The licence holder shall comply with all relevant landlord and tenant law shall ensure that all legal processes are followed when requiring occupiers to leave. If a complaint of illegal eviction is made to the Council, the licence holder shall provide information as to the steps taken to evict an occupant within 7 days of the Council's demand.

The licence holder shall ensure there is suitable and sufficient buildings insurance in place for the duration of this licence. This should cover the costs of re-housing occupiers in the event of a need arising.

Before a new tenancy is issued the licence holder/agent should carry out an inventory and document it with photographs (where appropriate). Both the licence holder and the tenant shall date and sign the inventory and each retain a copy.

You must ensure that you undertake all lettings in line with the Right to Rent Scheme including but not limited to securing references. https://www.gov.uk/check-tenantright-to-rent-documents/who-to-check

You must give written receipts to tenants at the time the payment is made for any rent paid in cash. Where rent is paid weekly you must provide a rent book or similar document and this must be kept up to date. During the fixed term of the tenancy agreement, any rent increase proposed must be through the appropriate legal procedure (currently Housing Act 1988 s.13).

Where a deposit is taken the licence holder must provide any tenant with the relevant information about the deposit scheme to which it relates, and any other information required under section 213 of the Housing Act 2004. The information must be provided to the Council within 7 days of the Council's demand.

15. Property Inspections

The licence holder must ensure that the tenant's right to quiet enjoyment of the property is respected. Where entry is required the licence holder must ensure that any notice requirements contained in the tenancy agreement are complied with. Where the tenancy agreement does not contain any such requirements, the licence holder must ensure that the tenant receives at least 24 hours written notice of intention to enter the property specifying the reason entry is required. The only exception when it would not be reasonable to give such notice and access is urgent, e.g. in an emergency.

The licence holder shall ensue that inspections of the property are carried out at least every six months to identify any problems relating to the condition and management of the property. The records of such inspections shall be kept for the duration of this licence. As a minimum requirement, the record must contain a log who carried out the inspection, date and time of inspection and issues for an action(s) taken. Copies of these must be provided within 7 days of the Council's demand.

16. Repairs and Maintenance

The licence holder must ensure all reasonable and practical steps are taken to respond to repair and maintenance issues at their property and that any works to deal with repairs are undertaken within a reasonable period of time after they are notified, and within the timescales notified to occupiers under condition 14.

The licence holder must ensure that: -

a) The property is kept in a good state of repair and free from significant hazards that could affect the health and safety of tenants, occupiers, and visitors to the property (as required by part 1 of the Housing Act 2004)

b) The exterior of the property is maintained in a reasonable decorative order, and in a good state of repair.

c) The exterior of the property and boundary walls, fences and gates etc. are kept free from graffiti.

d) Gardens, yards, and other external areas within the boundary of the property are kept in a clean and tidy condition and free from rodent infestations at all times.

17. Fit and Proper Persons

The Licence Holder shall ensure that any person or persons involved with the management of the house are to the best of their knowledge “fit and proper persons” for the purposes of Section 66 of the Housing Act 2004.

18. Security

The licence holder shall ensure the property is secure by complying with the requirements of paragraphs a) to g) below: -

a) So far as reasonably possible, any emergency works necessary to protect

the security of the property are undertaken within 24hrs of notification e.g. damage to windows/entrance points to the property.

b) The security provisions for the access to the property (locks, latches, deadbolts, and entry systems etc.) are maintained in good working order at all times;

c) Where window locks are fitted, that keys are provided to the occupant(s) of the property;

d) Where a burglar alarm is fitted to the house, that the occupant(s) is (are) made aware of the code, how the alarm is operated and the circumstances under which the code for the alarm can be changed;

e) Where previous occupiers have not surrendered keys, arranging for a lock change to be undertaken, prior to new occupiers moving in;

f) Where alley gates are installed to the side or rear of the licensed property, taking responsibility for holding a key and making satisfactory arrangements for the occupiers' access;

g) The main escape route (usually the front door) must be fitted with a thumb turn mortice lock, or equivalent, to five-lever security level. The lock must comply with fire safety requirements in that it shall be openable from the inside without the use of a key.

19. Bin Provision for Waste Collection and Disposal

The licence holder shall ensure that suitable and adequate provision is made for refuse storage and collection which comprises of closable bins of suitable capacity; including for recycling as specified by Leicester City Council.

- The licence holder shall ensure that the occupiers make arrangements for the collection of waste in accordance with these provisions and, when the property is unoccupied, adhere to these provisions themselves.

- The licence holder is also responsible for ensuring that any kind of refuse which the Council will not ordinarily collect (e.g. hazardous waste etc.) are disposed of responsibly and appropriately.

20. Information Provision for Waste Collection and Disposal

The licence holder shall at the beginning of a tenancy, provide written information to the occupiers of the property indicating: -

- which day refuse collections will take place; (http://biffaleicester.co.uk/services/waste-collection-days/)

- what type of bins/bags to use for household and recycling waste;

- what items can be placed in the recycling waste

- details of the Council's bulky waste collection service; (https://www.leicester.gov.uk/your-environment/recycling-and-waste/bulky-item-collections/)

- the occupiers responsibility to put bins out no earlier than 7pm on the day before collection (and be presented by at least 7am on collection day) and to return refuse containers within the boundary of the property on the same day that they are emptied or at the latest by 7am the day after the collection;

- that occupiers should make arrangements for any extra rubbish that cannot fit in the bins to be collected and/or disposed of as soon as is reasonably possible and ensure that such rubbish, where possible, is stored at the rear of and within the boundary of the property until collection/disposal.

21. Tackling Anti-Social Behaviour

The licence holder shall ensure that all reasonable and practical steps are taken to prevent and respond to Anti-Social Behaviour. These include written tenancy management arrangements to prevent or reduce Anti-Social Behaviour by persons occupying or visiting the property. Copies of these must be provided to the Council within 7 days of the Council's demand. If the licence holder or manager / agent receive complaints of Anti-Social Behaviour that concern the occupiers of, or visitors to the property or that result from their actions they must comply with requirements (a) to (i) below: -

a) Any letters, relating to Anti-Social Behaviour, sent, or received by the licence holder, or agent of the licence holder, must be kept by the licence holder. True copies of the original document should be provided to the Council within 7 days on demand.

b) Ensure that written notes are kept of any meetings or telephone conversations or investigations regarding Anti-Social Behaviour.

c) If a complaint is received, or Anti-Social Behaviour is discovered, within 7 days the tenant must be informed of the allegations of anti-social behaviour in writing and of the consequence of its continuation.

d) From the date of receipt of the complaint of Anti-Social Behaviour, monitor any allegations of anti-social behaviour and take all necessary steps to establish if it is continuing.

e) Where the Anti-Social Behaviour is continuing after 14 days from receipt of the complaint, the licence holder, or his agent must, within 7 days visit the premises and give to the tenant, or leave at the property marked for their attention, a warning letter advising them of the possibility of eviction.

f) Where the licence holder or his agent has reason to believe that the Anti-Social Behaviour involves criminal activity the licence holder must ensure that the appropriate authorities (e.g. Police, Council etc.) are informed.

g) If after 14 days of giving a warning letter the tenant has failed adequately to address the Anti-Social Behaviour so that it is continuing, the licence holder must take appropriate formal steps under the tenancy agreement, whether to enforce its terms or to terminate it, including, where necessary, by taking legal proceedings against the occupier(s).

h) Where the obligation under (g) has arisen, the licence holder must, within 7 days, provide to the Council in writing a plan setting out the steps he proposes to take, and the timescale for taking those steps, in order to resolve the problem.

i) If the licence holder is invited to do so, they must attend a case conference or Multi-Agency Meeting arranged by the Council or Police (whether following the provision of a plan referred to at (h) above, or generally.)

There may be instances where Anti-Social Behaviour occurs more than once, but not continuously and possibly several months apart. In such circumstances the licence holder would still be expected to take all reasonable and practical steps to ensure it is effectively dealt with, up to and including eviction.

22. Change of Details or Circumstances

The licence holder must inform the Council within 21 days of any material change in circumstances including: -

a) Change of their address

b) Change of manager, management arrangements or ownership

c) Any changes to their, the manager's or any associate's circumstances which could affect their fit and proper person status i.e. any cautions or convictions for any offence involving fraud, dishonesty, violence, drugs, sexual offences (under Sexual Offences Act, schedule 3) discrimination or breach of housing or landlord/tenant law.

d) Any proposed changes to the layout of the house that would affect the licence or licence conditions.

Licence holders should note that some of the changes above may result in either a new application or a variation being required to an existing licence.

23. Licence Holder Training

In the event that the Council confirms the presence of significant and/or continuous deficiencies in the supervision and/or maintenance of a licensed property the licence holder and/or manager may be required by the Council to attend an accredited management training course

This requirement can be satisfied in one of the following ways: -

a) By completion of the accreditation training of the National Landlords Association (NLA) or Residential Landlords Association (RLA) or other equivalent recognised landlord accreditation body and submitting the pass certificates to the Council for confirmation.

b) By completion of other suitable training on the law and legal requirements relating to managing privately rented properties subject to approval by the Council in advance and subject to submitting a pass certificate or similar document to the Council for confirmation.

24. Minimum Energy Efficiency

The property must have a valid Energy Performance Certificate (EPC) throughout the duration of the licence.

The government proposes that private rented dwellings must achieve an EPC of a minimum rating of D by 2025. Where a licence is granted up to or past 2025 it will be contingent upon the premises either: -

- Meeting the minimum EPC level i.e. D by 2025 or

- Have a valid exemption and be registered prior to 2025 on the national exemption register. Where the landlord / managing agent of the property fails to secure either a) or b) above this condition will be considered breached and action taken under licensing legislation and or Minimum Energy Efficiency Standards.

25. Remedial Works Required

Note: this section is used to list remedial works that are required at the specific property the licence applies to.

Appendix 2 - Proposed Licence Conditions Continued.

B) Proposed Licence Conditions for Houses in Multiple Occupation Covered by ADDITIONAL LICENSING

For Additional Licensing the Government requires Councils to use a set of PRESCRIBED CONDITIONS (contained within the Housing Act 2004). Councils are not permitted to alter or remove any of these conditions. They are set by statute and not 'open' for consultation. They relate to:

1. Gas Safety
2. Furniture and Furnishings
3. Electrical Appliances
4. Smoke Alarms
5. Carbon Monoxide Alarm
6. Tenancy Agreement
7. Bedroom Sizes
8. Waste Management

Prescribed Conditions set by Government and required by the Housing Act 2004.

1. Gas Safety

If gas is supplied to the premises, the Licence Holder must provide to the Council a Landlord's Gas Safety Record issued in accordance with the Gas Safety (Installation and Use) Regulations 1998 (as amended) with respect to all gas appliances, fittings, flues and pipework. Such a Gas Safety Record must have been obtained from a Gas Safe registered engineer and be dated within the 12 months prior to the date of application for this licence. The licence holder shall produce the gas safety certificate issued in respect of the house within the previous 12 months for inspection within 7 days of the Council's demand.

Details of Gas Safe engineers can be found at www.gassaferegister.co.uk.

2. Furniture and Furnishings

The Licence Holder must ensure that all upholstered furniture supplied by them for use by any occupier of the premises is compliant with the Furniture and Furnishings (Fire Safety) Regulations 1988 (as amended in 1989 and 1993).

They must supply to the Council when requested, a declaration as to the safety of such furniture within 7 days of the Council's demand.

Any such furniture which fails to comply with these regulations must be removed from the premises without delay and properly disposed of. Suitable replacement furniture must be provided as appropriate.

3. Electrical Appliances

The licence holder shall ensure that electrical appliances made available in the house by them are kept in a safe condition and proper working order at all times.

The licence holder shall ensure a record of visual inspection and tests of such appliances is maintained and shall submit this record to the Council within 7 days of the Council's demand.

4. Smoke Alarms/Fire Detection Systems

The licence holder shall ensure that at all times a suitable fire detection and alarm system is installed in the house and is maintained in proper working order. As a minimum, there must be a smoke alarm installed on each storey of the house on which there is a room used wholly or partly as living accommodation. For the purposes of this paragraph, a bathroom or lavatory is to be treated as a room used as living accommodation.

The licence holder shall supply a declaration as to the condition and position of any smoke alarms/detectors in the property within 7 days of the Council's demand

5. Carbon Monoxide Alarms

The licence holder shall 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. Any such alarm must be kept in proper working order. For the purposes of this paragraph, a bathroom, lavatory, hall, or landing are all treated as being a room used as living accommodation.

The licence holder shall supply a declaration as to the condition and position of any carbon monoxide alarms in the property within 7 days of the Council's demand.

6. Tenancy Agreement

The licence holder shall supply to the occupiers of the house a written statement of the terms on which they occupy it. This statement shall be provided within 7 days of the occupancy beginning and the licence holder shall supply a copy of the written statement within 7 days of the Council's demand.

7. Bedroom Sizes

A room smaller than the specified relevant sizes below must not be used as sleeping accommodation, and communal space in other parts of the HMO cannot be used to compensate for rooms smaller than the prescribed minimum.

Number of People	Age in Years	Minimum Bedroom Floor Area
One person	over 10	6.51m2
Two persons	over 10	10.22m2

Any area of the room in which the ceiling height is less than 1.5m cannot be counted towards the minimum room size.

8. Waste Management

The licence holder must ensure that suitable and adequate provision is made for the storage and disposal of domestic refuse from the house and that the Council's arrangements for storage and waste disposal are adhered to.

Supplementary/Additional Conditions which the Local Authority proposes to include: -

9. Safety of Electrical Installations

The Licence Holder must ensure that the fixed electrical installation of the premises is inspected and tested at intervals not exceeding five years.

The licence holder shall ensure that a satisfactory Electrical Installation Condition Report (EICR) or Electrical Installation Certificate (EIC) is produced at intervals of no more than 5 years or more frequently if indicated on the previous report and supply the most recent EICR or EIC to the Council within 7 days of the Council's demand.

This must be carried out by a suitably qualified electrical contractor who should be a member of an approved scheme such as NICEIC, ECA, NAPIT and registered to undertake electrical works in accordance with part P of the Building Regulations. Electrical contractors that are on a relevant competent person scheme can be found at www.competentperson.co.uk

10. Electrical Installation Remedial Works

All remedial works required to rectify C1, C2 or FI or equivalent must be completed as specified and an updated test certificate obtained before a licence is issued. Should any remedial works be recommended (C3) on the electrical installation condition report, the Licence Holder must ensure that such works are completed no later than 12 months following the date of the report and must inform the Council upon completion of such works.

11. Emergency Escape Lighting

The licence holder shall ensure that any emergency escape lighting in the house is inspected, tested, and serviced by a competent person in accordance with BS 5266-1:20122 (or any British Standard which subsequently replaces this.) Copies of testing certificates shall be provided to the Council within 7 days of the Council's demand.

12. Automatic Fire Detection & Warning System Standard

The Licence Holder must ensure that an automatic fire detection and warning system that is designed and installed to the current applicable British Standard for Houses in Multiple Occupation and is maintained in proper working order.

13. Fire Safety Certification

The licence holder must provide maintenance reports to Leicester City Council on request within 28 days with regards to emergency lighting, fire detection and alarm systems. The maintenance must be undertaken by a qualified fire alarm engineer and certification provided to confirm the systems complies with the relevant British Standards.

14. Fire Fighting Equipment

The Licence Holder must ensure that all firefighting equipment, where provided, is maintained in accordance with the manufacturer's recommendations and that replacement or refilled equipment is provided without delay following any usage which renders it no longer effective.

15. Condition of Furniture

The licence holder will ensure that any furniture supplied at the start of a tenancy or licence is in safe and good condition and maintained or replaced as far as it is the Landlord's responsibility throughout the tenancy.

16. Tenancy Management

a) Contact Details

A copy of the following documents should be displayed in a prominent position within the property at all times: -

- This licence, or a copy of it
- Name and address of Licence Holder OR their Manager
- Contact Telephone Number of Licence Holder OR their Manager

The contact and telephone number details should be applicable for contact between 9am –

5pm Monday to Friday and should also include out of hours contact details for use in emergencies Any change in contact and/or telephone number details should be provided to occupiers within 24 hours of the changes being made

b) Complaints

At the beginning of a tenancy the following should be provided: -

- Information explaining how they can make a complaint about the property and the arrangements in place to deal with emergency and other repairs.
- The licence holder shall indicate to the occupier(s) how they intend to respond to the complaint including a timescale for the steps they intend to take.
- The licence holder shall respond to any complaint within a reasonable timescale.
- Copies of all correspondence relating to complaints shall be retained during the currency of the occupation and for 6 months thereafter and shall be provided to the Council within 7 days of the Council's demand.

At the beginning of their tenancy each tenant must be given true copies of the current gas (if present in property), electrical safety and energy performance certificates.

The licence holder shall comply with all relevant landlord and tenant law and shall ensure that all legal processes are followed when requiring occupiers to leave. If a complaint of illegal eviction is made to the Council, the licence holder shall provide information as to the steps taken to evict an occupant within 7 days of the Council's demand.

The licence holder shall ensure there is suitable and sufficient buildings insurance in place for the duration of the licence. This should cover the costs of re-housing occupiers in the event of a need arising.

Before a new tenancy is issued the licence holder/agent should carry out an inventory and document it with photographs (where appropriate). Both the licence holder and the tenant shall date and sign the inventory, and each retain a copy.

You must ensure that you undertake all lettings in line with the Right to Rent Scheme including but not limited to securing references. https://www.gov.uk/check-tenantright-to-rent-documents/who-to-check.

You must give written receipts to tenants at the time the payment is made for any rent paid in cash. Where rent is paid weekly you must provide a rent book or similar document, and this must be kept up to date. During the fixed term of the tenancy agreement, any rent increase proposed must be through the appropriate legal procedure (currently Housing Act 1988 s.13).

Where a deposit is taken the licence holder must provide any tenant with the relevant information about the deposit scheme to which it relates, and any other information required under section 213 of the Housing Act 2004. The information must be provided to the Council within 7 days of the Council's demand.

17. Property Inspections

The licence holder must ensure that the tenant's right to quiet enjoyment of the property is respected. Where entry is required the licence holder must ensure that any notice requirements contained in the tenancy agreement are complied with. Where the tenancy agreement does not contain any such requirements, the licence holder must ensure that the tenant receives at least 24 hours written notice of intention to enter the property specifying the reason entry is required. The only exception when it would not be reasonable to give such notice and access is urgent, e.g. in an emergency.

The licence holder shall ensue that inspections of the property are carried out at least every six months to identify any problems relating to the condition and management of the property. The records of such inspections shall be kept for the duration of this licence. As a minimum requirement, the record must contain a log who carried out the inspection, date and time of inspection and issues for an action(s) taken. Copies of these must be provided within 7 days of the Council's demand.

18. Repairs and Maintenance

The licence holder must ensure all reasonable and practical steps are taken to respond to repair and maintenance issues at their property and that any works to deal with repairs are undertaken within a reasonable period of time after they are notified, and within the timescales notified to occupiers under condition 16.

The licence holder must ensure that: -

a) The property is kept in a good state of repair and free from significant hazards that could affect the health and safety of tenants, occupiers, and visitors to the property (as required by part 1 of the Housing Act 2004)

b) The exterior of the property is maintained in a reasonable decorative order, and in a good state of repair.

c) The exterior of the property and boundary walls, fences and gates etc. are kept free from graffiti.

d) Gardens, yards, and other external areas within the boundary of the property are kept in a clean and tidy condition and free from rodent infestations at all times.

19. Fit and Proper Persons

The Licence Holder shall ensure that any person or persons involved with the management of the house are to the best of their knowledge “fit and proper persons” for the purposes of Section 66 of the Housing Act 2004.

20. Security

The licence holder shall ensure the property is secure by complying with the requirements of paragraphs a) to g) below: -

a) So far as reasonably possible, any emergency works necessary to protect the security of the property are undertaken within 24hrs of notification e.g. damage to windows/entrance points to the property.

b) The security provisions for the access to the property (locks, latches, deadbolts, and entry systems etc.) are maintained in good working order at all times;

c) Where window locks are fitted, that keys are provided to the occupant(s) of the property;

d) Where a burglar alarm is fitted to the house, that the occupant(s) is (are) made aware of the code, how the alarm is operated and the circumstances under which the code for the alarm can be changed;

e) Where previous occupiers have not surrendered keys, arranging for a lock change to be undertaken, prior to new occupiers moving in;

f) Where alley gates are installed to the side or rear of the licensed property, taking responsibility for holding a key and making satisfactory arrangements for the occupiers’ access;

g) The main escape route (usually the front door) must be fitted with a thumb turn mortice lock, or equivalent, to five-lever security level. The lock must comply with fire safety requirements in that it shall be openable from the inside without the use of a key.

21. Bin Provision for Waste Collection and Disposal

The licence holder shall ensure that suitable and adequate provision is made for refuse storage and collection which comprises of closable bins of suitable capacity; including for recycling as specified by Leicester City Council.

- The licence holder shall ensure that the occupiers make arrangements for the collection of waste in accordance with these provisions and, when the property is unoccupied, adhere to these provisions themselves.
- The licence holder is also responsible for ensuring that any kind of refuse which the Council will not ordinarily collect (e.g. hazardous waste etc.) are disposed of responsibly and appropriately.

22. Information Provision for Waste Collection and Disposal

The licence holder shall at the beginning of a tenancy, provide written information to the occupiers of the property indicating: -

- which day refuse collections will take place; (http://biffaleicester.co.uk/services/waste-collection-days/)
- what type of bins/bags to use for household and recycling waste;
- what items can be placed in the recycling waste
- details of the Council's bulky waste collection service; (https://www.leicester.gov.uk/your-environment/recycling-and-waste/bulky-item-collections/)
- the occupiers responsibility to put bins out no earlier than 7pm on the day before collection (and be presented by at least 7am on collection day) and to return refuse containers within the boundary of the property on the same day that they are emptied or at the latest by 7am the day after the collection;
- that occupiers should make arrangements for any extra rubbish that cannot fit in the bins to be collected and/or disposed of as soon as is reasonably possible and ensure that such rubbish, where possible, is stored at the rear of and within the boundary of the property until collection/disposal.

23. Tackling Anti-Social Behaviour

The licence holder shall ensure that all reasonable and practical steps are taken to prevent and respond to Anti-Social Behaviour.

These include written tenancy management arrangements to prevent or reduce Anti-Social Behaviour by persons occupying or visiting the property. Copies of these must be provided to the Council within 7 days of the Council's demand. If the licence holder or manager / manager receive complaints of Anti-Social Behaviour that concern the occupiers of, or visitors to the property or that result from their actions they must comply with requirements (a) to (i) below:

a) Any letters, relating to Anti-Social Behaviour, sent, or received by the licence holder, or agent of the licence holder, must be kept by the licence holder. True copies of the original document should be provided to the Council within 7 days on demand

b) Ensure that written notes are kept of any meetings or telephone conversations or investigations regarding Anti-Social Behaviour.

c) If a complaint is received, or Anti-Social Behaviour is discovered, within 7 days the tenant must be informed of the allegations of Anti-Social Behaviour in writing and of the consequence of its continuation.

d) Take all necessary steps to establish if it is continuing.

e) Where the Anti-Social Behaviour is continuing after 14 days from receipt of the complaint, the licence holder, or their manager must, within 7 days visit the premises and give to the tenant, or leave at the property marked for their attention, a warning letter advising them of the possibility of eviction.

f) Where the licence holder or his manager has reason to believe that the Anti-Social Behaviour involves criminal activity the licence holder must ensure that the appropriate authorities (e.g. Police, Council etc.) are informed.

g) If after 14 days of giving a warning letter the tenant has failed adequately to address the Anti-Social Behaviour so that it is continuing, the licence holder must take appropriate formal steps under the tenancy agreement, whether to enforce its terms or to terminate it, including, where necessary, by taking legal proceedings against the occupier(s).

h) Where the obligation under (f) has arisen, the licence holder must, within 7 days, provide to the Council in writing a plan setting out the steps they proposes to take, and the timescale for taking those steps, in order to resolve the problem

i) If the licence holder is invited to do so, they must attend a case conference or Multi-Agency Meeting arranged by the Council or Police (whether following the provision of a plan referred to at (g) above, or generally.

There may be instances where Anti-Social Behaviour occurs more than once, but not continuously and possibly several months apart. In such circumstances the licence holder would still be expected to take all reasonable and practical steps to ensure it is effectively dealt with, up to and including eviction.

24. Notification of Change of Circumstances

The licence holder must inform, in writing, the Council within 21 days of any material change in circumstances including: -

a) Change of their address
b) Change of manager, management arrangements or ownership
c) Any changes to their, the manager's or any associate's circumstances which could affect their fit and proper person status i.e. any cautions or convictions for any offence involving fraud, dishonesty, violence, drugs, sexual offences (under Sexual Offences Act, schedule 3) discrimination or breach of housing or landlord/tenant law
d) Any proposed changes to the layout of the house that would affect the licence or licence conditions.

Licence holders should note that some of the changes above may result in either a new application or a variation being required to an existing licence.

25. Preventing and Tackling Overcrowding

The number of persons residing in the premises at any one time shall not exceed the maximum number of occupants stated on the licence. The licence holder must not allow the property to be overcrowded and communal rooms (e.g. living rooms) must not be used as bedrooms. If the licence holder becomes aware of overcrowding at the property, they must take all reasonable steps to deal with the issue and advise the authority of the actions taken.

26. Care of Common (Shared) Areas

The licence holder must make arrangements to ensure that: -

- The common parts in the premises are kept free from obstruction, in a clean condition and in good order and repair.

- Common areas, including shared living rooms, kitchens, and hallways are not used for sleeping by tenants or their guests.

- Smoking is not permitted in any common area.

27. Provision of Amenities for Cooking, Food Storage and Space Heating

The Licence Holder must ensure that the premises are provided with sufficient and adequate standard amenities for use by the current or intended number of occupiers for Cooking, Food Storage and Space Heating in line with our 'HMO Amenities Standards' which can be found on the following link https://www.leicester.gov.uk/your-community/housing/renting-private-housing/houses-in-multiple-occupation/

28. Occupancy Levels

[This will list specific rooms within the property and the occupancy allowed for each room].

29. Training

In the event that the Council confirms the presence of significant and/or continuous deficiencies in the supervision and/or maintenance of a licensed HMO the licence holder and/or manager may be required by the Council to attend an accredited management training course.

This requirement can be satisfied in one of the following ways: -

a) By completion of the accreditation training of the National Landlords Association (NLA) or Residential Landlords Association (RLA) or other equivalent recognised landlord accreditation body and submitting the pass certificates to the Council for confirmation.

b) By completion of other suitable training on the law and legal requirements relating to managing privately rented properties subject to approval by the Council in advance and subject to submitting a pass certificate or similar document to the Council for confirmation.

30. Minimum Energy Efficiency

The HMO have a valid Energy Performance Certificate (EPC) throughout the duration of the licence.

The government proposes that private rented dwellings including HMOs must achieve an EPC of a minimum rating of D by 2025. Where a licence is granted up to or past 2025 it will be contingent upon the HMO either: -

- Meeting the minimum EPC level i.e. D by 2025 or

- Have a valid exemption and be registered prior to 2025 on the national exemption register. Where the landlord / managing agent of the HMO fails to secure either a) or b) above this condition will be considered breached and action taken under HMO licensing and or Minimum Energy Efficiency Standards.

31. Remedial Works Required

Note: This section is used to list remedial works that are required at the specific HMO property the licence applies to.

Appendix 3 - List of Streets within the Proposed Selective Licensing Area (Option A)

Street	Part Street
Abingdon Road	
Abingdon Walk	
Alma Street	
Arundel Street	
Ashleigh Road	
Balfour Street	
Barclay Street	
Bartholomew Street	
Bassett Street	
Battenberg Road	
Beaconsfield Road	
Beatrice Road	
Beckingham Road	
Biddulph Avenue	Yes
Biddulph Street	
Bisley Street	
Blue Fox Close	
Bolton Road	
Bonchurch Street	
Borlace Street	
Bosworth Street	
Bramley Road	
Briton Street	Yes
Brooksby Street	
Browning Street	
Bruce Street	
Cambridge Street	
Canterbury Terrace	
Carlisle Street	
Catesby Street	
Cavendish Mews	
Cavendish Road	
Cedar Road	
Celt Street	
Central Road	
Chandos Street	
Chartley Road	
Chaucer Street	
Cherryleas Drive	
Church Avenue	
Clifford Street	
Clifton Road	

Street	Part Street
Compton Road	
Conifer Close	
Connaught Street	
Cranmer Street	
Cromer Street	Yes
Daneshill Road	
Dannett Street	
Dannett Walk	
Danvers Road	
Dashwood Road	
Denton Street	Yes
Devana Road	Yes
Draper Street	
Dulverton Road	
Dunster Street	
Dunton Street	
Eastleigh Road	
Empire Road	
Equity Road	
Evington Footway	
Evington Place	
Evington Road	Yes
Flora Street	
Fosse Road Central	
Fosse Road North	Yes
Fosse Road South	Yes
Franche Road	
Gaul Street	
Glenfield Road	Yes
Glenfield Road East	
Guilford Street	
Haddenham Road	Yes
Hamilton Street	
Hardwick Court	
Harrow Road	
Hawthorne Street	
Henton Road	
Herschell Street	
Hinckley Road	Yes
Hoby Street	
Hopefield Road	
Hughenden Drive	
Imperial Avenue	Yes
Ingle Street	

Street	Part Street
Ivanhoe Street	
Ivy Road	
Kate Street	
Kimberley Road	Yes
King Richards Road	
Kirby Road	
Knighton Fields Road West	Yes
Lambert Road	
Latimer Street	
Laurel Road	
Lavender Road	
Linkway Gardens	
Livingstone Street	
London Road	Yes
Lonsdale Street	
Lothair Road	
Luther Street	
Lyme Road	Yes
Mantle Road	
Marlow Road	
Marshall Street	
Mayfield Road	
Merton Avenue	
Minehead Street	
Mostyn Street	Yes
Mountcastle Road	
Mundella Street	
Muriel Road	
Myrtle Road	
Narborough Road	Yes
New Park Road	
Newport Street	
Noble Street	
Noel Street	
Nook Street	
Norfolk Street	Yes
Norman Street	
Nugent Street	
Nutfield Road	
Oban Street	
Oliver Street	
Onslow Street	
Oxford Avenue	
Paget Road	

Street	Part Street
Paton Street	
Pool Road	
Porlock Street	
Raymond Road	
Repton Street	
Ridley Street	
Ripon Street	
Rivers Street	
Roman Street	
Roslyn Street	
Rowan Street	
Ruby Street	
Ruding Road	
Ruding Terrace	
Rugby Street	
Saffron Hill Road	
Saffron Lane	Yes
Saxon Street	
Shaftesbury Road	
Shakespeare Street	
Sheffield Street	
Sheridan Street	
Skipworth Street	
St Albans Road	Yes
St Dunstan Road	
St James Road	
St James Terrace	
St Pauls Road	
St Peters Road	Yes
St Stephens Road	Yes
Stephenson Drive	Yes
Storey Street	
Stretton Road	
Stuart Street	
Sutherland Street	
Sweetbriar Road	
Sykefield Avenue	
Sylvan Street	
Taunton Road	
Tennyson Street	
Tetuan Road	Yes
Tewkesbury Street	
Thackeray Street	
Tudor Close	

Street	Part Street
Tudor Road	
Tyndale Street	
Tyrrell Street	
Upperton Rise	
Upperton Road	Yes
Vaughan Street	
Vernon Street	
Victoria Terrace	
Walton Street	
Warren Street	
Warwick Street	
Wentworth Road	
Westcotes Drive	Yes
Western Road	Yes
Westleigh Avenue	
Westleigh Road	
Wilberforce Road	
Wilmington Road	
Winchester Avenue	
Wolverton Road	
Woodgate	Yes

Appendix 4 – List of Streets within the Citywide Additional Licensing Scheme (Option B)

Please visit List of streets (leicester.gov.uk) for a full list of streets within the municipal boundary of Leicester.

This scheme covers all Wards in the City. A ward is a geographical boundary used to divide the city up into different areas. There are 21 wards.

1. Abbey
2. Aylestone
3. Beaumont Leys
4. Belgrave
5. Braunstone Park and Rowley Fields
6. Castle
7. Evington
8. Eyres Monsell
9. Fosse
10. Humberston and Hamilton
11. Knighton
12. North Evington
13. Rushey Mead
14. Saffron
15. Spinney Hills
16. Stoneygate
17. Thurncourt
18. Troon
19. Westcotes
20. Western
21. Wycliffe

Appendix 5 – List of Streets within the Option of a Reduced Additional Licensing Scheme (Option C)

Street	Part of Street
Abingdon Road	
Abingdon Walk	
Alma Street	
Andrewes Close	
Andrewes Street	
Andrewes Walk	
Arundel Street	
Ashfield Road	
Ashleigh Road	
Ashover Road	
Avon Street	
Balfour Street	
Barclay Street	
Barradale Court	
Bartholomew Street	
Baslow Road	
Bassett Street	
Battenberg Road	
Beaconsfield Road	
Beatrice Road	
Beckingham Road	
Bede Street	
Biddulph Avenue	
Biddulph Street	
Bisley Street	
Blue Fox Close	
Bolton Road	
Bonchurch Street	
Borlace Street	
Bosworth Street	
Bramley Road	
Braunstone Avenue	Yes
Braunstone Gate	
Briton Street	
Browning Street	
Bruce Street	
Cambridge Street	
Canterbury Terrace	
Carlisle Street	
Catesby Street	
Cedar Road	

Street	Part of Street
Celt Street	
Central Road	
Chandos Street	
Chartley Road	
Chaucer Street	
Chepstow Road	
Cherryleas Drive	
Chesterfield Road	Yes
Church Avenue	
Churchill Street	
Clifford Street	
Collingham Road	
Compton Road	
Conifer Close	
Connaught Street	
Conway Road	Yes
Cooden Avenue	
Coriander Road	
Cranmer Street	
Cromer Street	
Dane Street	
Daneshill Road	
Dannett Street	
Dannett Walk	
Danvers Road	
Darnall Road	
Dashwood Road	
Denton Street	Yes
Devana Road	
Dixon Drive	
Dore Road	
Draper Street	
Dulverton Road	
Dumbleton Avenue	Yes
Duns Lane	
Dunster Street	
Dunton Street	
East Park Road	Yes
Eastleigh Road	
Elmfield Avenue	
Empire Road	
Equity Road	
Evelyn Drive	
Evesham Road	
Evington Footway	

Street	Part of Street
Evington Place	
Evington Road	Yes
Fitzroy Street	
Flora Street	
Fosse Road Central	
Fosse Road North	Yes
Fosse Road South	Yes
Foxon Street	
Franche Road	
Gaul Street	
Glenfield Road	Yes
Glenfield Road East	
Glossop Street	
Gordon Avenue	
Gotham Street	
Guilford Street	
Haddenham Road	
Halsbury Street	
Hamilton Street	
Hardwick Court	
Harrow Road	Yes
Hattersley Way	
Hawthorne Street	
Helmdon Road	
Henton Road	
Herschell Street	
Heyworth Road	
Highfield Street	
Hinckley Road	Yes
Hoby Street	
Holmfield Road	Yes
Hopefield Road	
Imperial Avenue	Yes
Ingle Street	
Ivanhoe Street	
Ivy Road	
Kate Street	
Kimberley Road	Yes
King Richards Road	
Kingston Road	
Kirby Road	
Lambert Road	
Latimer Street	
Laurel Road	
Lavender Road	

Street	Part of Street
Linkway Gardens	
Linton Street	
Livingstone Street	
London Road	Yes
Lonsdale Street	
Luther Street	
Lyme Road	
Mandora Lane	
Mantle Road	
Marlow Road	
Marshall Street	
Marylebone Place	
Mavis Avenue	
Mayfield Road	
Medway Street	
Melcroft Avenue	
Mere Road	Yes
Meredith Road	Yes
Merton Avenue	
Mill Hill Lane	
Minehead Street	
Mint Road	
Mostyn Street	
Mountcastle Road	
Mundella Street	
Muriel Road	
Musgrove Close	
Myrtle Road	
Narborough Road	Yes
Newport Street	
Noble Street	
Noel Street	
Nook Street	
Norfolk Street	
Norfolk Walk	
Norman Street	
Normanton Road	
Nugent Street	
Nutfield Road	
Oakfield Road	
Oban Street	
Onslow Street	
Osmaston Road	Yes
Oxford Avenue	
Paget Road	

Street	Part of Street
Paton Street	
Pool Road	
Porlock Street	
Quainton Road	
Raymond Road	
Repton Street	
Ridley Street	
Ripon Street	
Rivers Street	
Roman Street	
Roslyn Street	
Roundhay Road	
Rowan Street	
Rowsley Street	
Ruby Street	
Ruding Road	
Ruding Terrace	
Rugby Street	
Sage Road	
Sawley Street	
Saxby Street	Yes
Saxon Street	
Scholars Walk	
Severn Street	
Shaftesbury Road	
Sheffield Street	
Skipworth Street	
Somerville Road	Yes
St Albans Road	
St Dunstan Road	
St James Road	
St James Terrace	
St Pauls Road	
St Peters Road	Yes
St Stephens Road	
Stanley Road	
Stephenson Drive	Yes
Storey Street	
Stretton Road	
Stuart Street	
Sutherland Street	
Sweetbriar Road	
Sykefield Avenue	
Sylvan Street	
Tarragon Road	

Street	Part of Street
Taunton Road	
Tennyson Street	
Tetuan Road	Yes
Tewkesbury Street	
Thorpe Street	
Thyme Close	
Tichborne Street	
Tudor Close	
Tudor Road	
Tyndale Street	
Tyrrell Street	
Upper Tichborne Street	
Upperton Rise	
Upperton Road	
Vaughan Street	
Vernon Street	
Victoria Avenue	
Victoria Terrace	
Walton Street	
Warren Street	
Warwick Street	
Watkin Road	
Welland Street	
Wentworth Road	
Westbridge Close	
Westcotes Drive	
Western Boulevard	
Western Road	
Westleigh Avenue	
Westleigh Road	
Wilberforce Road	
Wilmington Road	
Winchester Avenue	
Wolverton Road	
Woodbine Avenue	
Woodford Road	
Woodgate	Yes
Woodville Road	Yes

Discretionary Licensing Consultation Findings/Evaluation

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1. Executive Summary

1.1 This report will supplement the full report to be presented to Full Council on the findings and outcomes of the consultation as outlined in the business case for Discretionary Licensing. Members will be required to determine whether to adopt any scheme or schemes at Full Council on the 7 July 2022.

1.2 Leicester city council's intention to introduce discretionary licensing proposals were considered by consulting all those who would be potentially affected if discretionary licensing was to be introduced. This involves following Government guidance where a consultation period is required by legislation of a minimum of 10 weeks. During this time, the council is required to share a full business case with evidence of need and then agree a suggested way forward with recommendations and options.

1.3 With the above in mind, Leicester's consultation ran from 30 November 2021 to 22 February 2022; due to Christmas falling within the consultation period, it was agreed that an additional 2 weeks would be added to the 10 weeks to allow respondents to engage in the consultation.

1.4 The consultation resulted in the completion of 1120 on-line questionnaires being completed and 201 correspondences received from tenants, landlords and stakeholders.

1.5 The following options were proposed either as options on their own (standalone options) or as a combination (as appropriate): -

- **Option A**: selective licensing within areas of the city identified as:
    - parts of the Stoneygate Ward
    - parts of the Saffron Ward
    - parts of Westcotes, Fosse, Braunstone Park & Rowley Fields Wards.

  The Selective Licensing areas covers less than 20% of Leicester's geographical area and less than 20% of privately rented homes in the local authority area

    - **Option B**: Additional Licensing that covers the entire City (citywide),
    - **Option C**: Additional Licensing within parts of the Wards of Westcotes, Fosse, Braunstone Park & Rowley Fields and Stoneygate.

1.6 The proposed scheme/s will support a balanced housing market which in turn will support social and economic improvements in the City of Leicester and improve the standards of property management and address problems affecting residents either living in Private Rented Sector Properties (except where exemptions apply) through the application of Selective Licensing or via Additional Licensing, those living in properties that are HMOs (outside of Mandatory Licensing as defined by the Housing Act 2004).

1.7 The consultation evidence contained within this report support the following conditions for Licensing are met: -

i. As can be seen from below, there was overwhelming support from residents and tenants for selective licensing, with some significant opposition from landlords.

a. Analysis of the responses for selective licensing in the part of Stoneygate Ward with the Leicester residents indicating that 74% support the scheme and 59 % of tenants. Although 67% of landlords opposed the scheme in the East (Stoneygate ward) a sizeable minority 18% of private landlords supported the scheme.

b. Analysis of the responses for parts of Westcotes, Fosse, Braunstone Park & Rowley Fields Ward with the Leicester residents indicating that 81% support the scheme and 64 % of tenants. Although 64% of landlords opposed the scheme a sizeable minority 20% of private landlords supported the scheme

c. Analysis of the responses for parts of Saffron Ward with the Leicester residents indicating that 74% support the scheme and 59% of tenants. Although 60% of landlords opposed the scheme a sizeable minority 19% of private landlords supported the scheme.

From the consultation key information was gathered. The preferred options of Leicester residents indicated support of 38% of respondents for a citywide Selective Licensing scheme. Private tenants' respondents indicated support of 36% for citywide Selective Licensing. Whilst 32% of private landlord respondents supported targeted Selective Licensing.

However, the citywide selective licensing is not a viable option and was not one of the proposals for consideration as there is insufficient evidence to support the expansion of the proposals from the designated areas.

The preferred options of Leicester residents indicated support of 38% of respondents for Additional Licensing citywide. Private tenants' respondents indicated support of 35% for Additional Licensing citywide. Whilst 35% of private landlord respondents support targeted Additional Licensing within the designated areas.

ii. Analysis of the responses for Additional Licensing within Leicester for both the Citywide and the designated areas options indicated that 69% residents and 53% of tenants supported the scheme Citywide. Although 43% of landlords opposed the scheme a sizeable minority 21% of private landlords supported the citywide scheme. In terms of the designated areas this was not generally supported due to the

selection of the citywide option being significant, although private landlords supported some form of Additional Licensing in overall supported by 40% of private landlord respondents compared to the 43% of private landlord respondents opposed to the imposition of additional licensing being brought in.

iii. The designation will become operative following a period of three months' notice.

iv. The designation/s will last for five years in accordance with the legislation.

2. Recommendation

i. Option A.- Selective Licensing is supported and should be adopted within the designated areas and should be brought in as soon as practical due to the acute issues identified in the areas in the business case.
ii. Option B - Additional Licensing city wide is supported and will be further consulted on further when the Article 4 directive has been in operation
iii. Option C additional Licensing designated areas. There was no support for the scheme and therefore no further action should be taken
iv. The proposed discounts identified in section 7.4 are agreed

3. Background

3.1 The Discretionary Licensing consultation investigated the value of introducing options for Discretionary Licensing in the City of Leicester. Discretionary licensing, which is permissible under the Housing Act 2004 falls into two forms of licensing: either Selective Licensing, which requires all privately rented property in a designated area to have a licence from the Council, except for a number of exemptions or Additional Licensing, which requires Houses in Multiple Occupation (HMOs) in a designated area to have a licence where they are shared by three to four tenants living in two or more households who share facilities such as kitchens and bathrooms.

3.2 The following options were considered either as options on their own (standalone options) or as a combination (as appropriate): -

3.3 Option A: selective licensing within areas of the city identified as:

- Parts of the Stoneygate Ward
- Parts of the Saffron Ward
  and
- Parts of Westcotes, Fosse, Braunstone Park & Rowley Fields Wards.
  Covering less than 20% of Leicester's geographical area and less than 20% of privately rented homes in the local authority area.

3.4 Option B: Additional Licensing that covers the entire City (citywide),

3.5 Option C: Additional Licensing within parts of the Wards of Westcotes, Fosse, Braunstone Park & Rowley Fields and Stoneygate.

3.6 This report presents the findings of the consultation and gives the case for the options which have been identified as potentially suitable for the schemes.

3.7 The proposed scheme/s will support a balanced housing market which in turn will support social and economic improvements in the City of Leicester. Housing plays a fundamental role in delivering sustainable communities, facilitating social and environmental improvement, and promoting economic growth.

3.8 This document explains the evidence on the basis of which the authority considers the statutory conditions for Additional Licensing and Selective Licensing Schemes following the consultation process and provides evidence that the options proposed would improve the standards of property management and address problems affecting residents either living in Private Rented Sector Properties (except where exemptions apply) through the application of Selective Licensing or via Additional Licensing, those living in properties that are HMOs (outside of Mandatory Licensing as defined by the Housing Act 2004).

3.9 The requirements to declare Discretionary Licensing are set in legislation and must provide evidence to support the cases: -

Selective Licensing – The council must demonstrate that an area is experiencing one or more of the following issues.

- significant and persistent problems with Anti-Social Behaviour (ASB),
- high levels of deprivation,
- poor property conditions,
- high levels of crime.
- high levels of migration,
- low housing demand (or it is likely to become such an area),

Additional Licensing – The council must show that a significant proportion of HMOs in the area are being;

- managed sufficiently ineffectively as to give rise, or likely to give rise, to one or more particular problems either for those occupying the HMOs or for members of the public.

3.10 Ongoing pressures within the housing market mean that for many, including a rising proportion of families, the only chance of a decent home is in a properly managed and well-regulated HMO or other private rented tenancy.

3.11 The Mandatory Licensing of larger HMOs in Leicester has been an effective tool in regulating and improving the standard of accommodation offered to let within this sector.

3.12 Licensing has encouraged a positive interaction with landlords and allowed for any problems presented by each house to be managed on an individual basis through a bespoke set of licence conditions. Discretionary Licensing, we believe extends the positive effects of improved property management and standards brought about by Mandatory Licensing and allow the benefits to be available more widely.

3.13 Following the Councils decision on 7 July 2022 formal notification to the residents and landlords through the service of notice in the papers is required and all correspondents during the consultation are required to be contacted as appropriate to advise on the outcome of the Councils decision.

3.14 The designation will become operative following a minimum period of three months' notice.

3.15 The designation/s will last for five years from the date contained in the decision notice in accordance with the legislation.

3.16 It is a criminal offence to let a property in an area designated for Selective Licensing or in terms of an area designated for Additional Licensing to let a House in Multiple Occupation (as defined under an Additional Licensing Scheme) without a licence. Failure to apply for a licence could lead to prosecution and the offence is punishable by an unlimited fine. Alternatively, a Civil Penalty may be issued with a maximum penalty up to £30,000.

4. The Need for Discretionary Licensing

4.1 Access to decent affordable housing is essential to support good health and wellbeing and a good quality of life. Overall, housing standards in Leicester are high - the physical condition of the City's housing stock is generally good across all sectors and energy efficiency levels are above the national average.

4.2 However, this overall positive picture masks disparities both between and within sectors that give rise to some concern. Overall, we find some of the worst conditions within the Private Rented Sector (PRS), which includes a significant proportion of Houses in Multiple Occupation (HMO). Further information on the condition of property in Leicester's Private Rented Sector can be found in a BRE Housing Stock Model and Integrated Data Report commissioned by Leicester City Council in 2019. and a summary that provides highlights with reference to Leicester's PRS is provided in Appendix 1 of this document.

4.3 In areas where there is a predominance of Private Rented Sector housing that is being poorly managed by certain landlords, a number of community issues can emerge that lead to the decline or feeling of decline within an area. Such decline can be seen physically and reflected in the movement of people into and out of an area, these issues do not encourage a sense of well-being and belonging within communities.

4.4 The types of issues that impact on communities from poorly managed private rented stock include fly tipping, issues regarding bins being left on streets, noise nuisance, unkempt and filthy gardens leading to potential vermin infestations and other types of Anti-Social Behaviour. Not only do these matters relate to environmental health concerns they also have an interplay with how people view and feel about the area they live in.

4.5 Such environments may show a high churn in tenancies and therefore provide a reduced chance for a sense of community that builds community cohesion amongst its residents. Conversely well managed Private Rented Sector properties can provide an attractive residence that adds value to areas and encourages behaviours that sustain peoples interest and desire to stay, invest and raise their families within an area.

4.6 Actions to improve the standard of Private Rented Sector housing within an area, can encourage sustainable communities to thrive for the betterment of the overall locality and its surrounding environs. Local authorities have an obligation under the Housing Act 2004 to keep housing conditions in their area under review. This includes all tenures of housing, not just stock that may be owned by the local authority.

4.7 Leicester City Council has developed a number of policies and strategies to further its overall approach to property conditions and improvements generally in the Private Rented Sector. In particular, the Council has produced a Private Rented Sector Strategy.

4.8 Councils have an obligation to enforce statutory minimum standards in housing. These enforcement powers requires the occupiers consent, while further mandatory and non-mandatory powers are available to the Authority under the Housing Act 2004 the enforcement powers may be undertaken without the requirement of the tenant to make a formal complaint and thereby protect the tenant from harassment by the landlord.

4.9 In line with our strategic ambitions to improve people's quality of life, we are focussed on utilising what tools and resources we have, to tackle poor housing standards in Leicester. Discretionary licensing is part of a wider set of measures to ensure landlords in Leicester provide good quality housing within their communities. Additional Licensing for example, can help alleviate the poor housing conditions and management in the HMO sector by setting and maintaining the appropriate standards. The same can be said for Selective Licensing when looking at all PRS properties (except for certain exemptions which include holiday lets, business premises, student premises where the university is the landlord/ manager and premises where the tenant is a family member).

4.10 Ensuring standards are maintained delivers a wide range of positive outcomes not just for individuals but for society as a whole including: -

- Fewer homes that pose a risk to health and wellbeing
- Improved outcomes for families and young people
- More independence for older or vulnerable households.
- Lower carbon emissions, improved energy efficiency and reduced fuel poverty
- Less Anti-Social Behaviour

- Neighbourhoods that are more cohesive, attractive, and economically vibrant.

5 Consultation Methodology

5.1 The Council undertook a consultation following the Government guidance. The minimum consultation period required by legislation is 10 weeks. Due to Christmas falling within the consultation an additional 2 weeks was provided for respondents to comment. The consultation period ran from 30 November 2021 to 22 February 2022.

5.2 Due to the Corona-virus pandemic the decision was taken that the consultation would be undertaken remotely. However, it is required that the consultation must be robust and reach as many people as possible. Through a communications matrix all actions were logged, and methods of communications were recorded.

5.3 Officers ensured that the public and those affected by any possible changes to licensing were reached and encouraged to respond to the consultation an make their views known.

5.4 In order to ensure that the above was undertaken in a comprehensive manner a communication matrix was produced. The document was live and amended / updated as more information came to the attention of officers. Engagements Actions included:

- Letters to all residential properties in Leicestershire - 110725
- Emails to All business owners – 3654
- Email to All Faith Groups – 204 including a translation of letter into Gujarati and distributed to 1600 members of gurdwara
- Email to Landlord Associations – 9
- Email to DASH
- Email to Letting, Estate and Managing agents – 123
- Landmark advertised consultation on their local website and East Midlands website
- Email to District Council Chief Executives – 8
- Email to All Councillors + City Mayor – 54
- Article in FACE notifying all LCC staff
- Email to all Universities
- Email all student accommodation providers – 17
- Email all student Unions
- Email all schools - 1130
- A4 posters delivered to LCC libraries and community centres across the city
- Press releases and updates two local papers + Leicester Mercury
- Information to LCC Customer Services on handling enquiries
- Email to Police
- Email to LFRS
- Email to RICS, Charted Institute of Housing and National Homes Federation
- Email to Citizen Advice Bureau placed consultation details on their website – 7,000 hits
- The web-based survey received 1120 responses.

- Response to consultation in addition to the online statistical questionnaire resulted in 162 emails, 50 Letters and 20 Phone calls.
- Landlord, estates and managing agent virtual presentations with Q&A's were undertaken on the 26 and 27 January and 2 February.2022
- The programme manager attended the Fosse ward meeting by Zoom on 2 February
- The programme manager attended the Homelessness Charter Management Group by TEAMS on the 10 February 2022
- Three Q&A drop-in sessions were publicised and held on the 15, 17 & 18 February 2022

6. Consultation Findings

6.1 Discretionary Licensing Efficacy of Consultation.

6.1.1 In total, over the 12-week consultation period, 1120 responses were received. The tables below shows the timeline of the correspondence received from the online questionnaire starting from the day after the launch of the consultation to the day after the consultation closed. The tables for the support of the schemes have been used as an indication of the engagement for the various schemes and the major events used in contacting consultees

6.1.2 Outlined at tables 1-4 below are the level of responses received in relation to both Selective and Additional Licensing, where ward-based discretionary licensing has been proposed.

Table 1: Response to consultation for Selective Licensing within parts of Stoneygate Ward

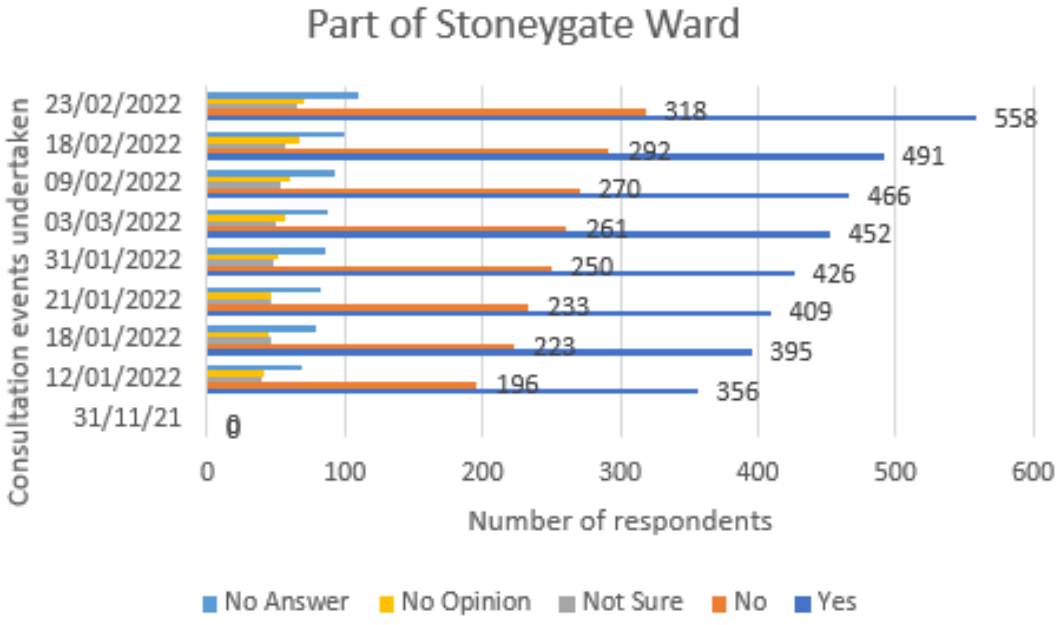


Table 2: Response to consultation for Selective Licensing within parts of Saffron Ward

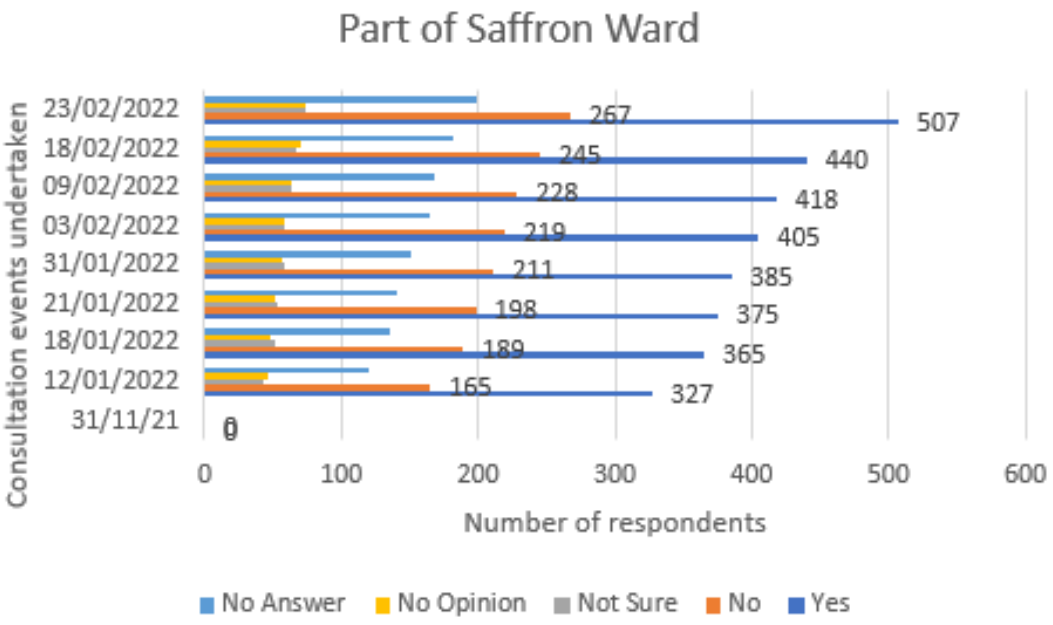


Table 3: Response to consultation for Selective Licensing within parts of the Wards of Westcotes, Fosse, Braunstone Park & Rowley Fields

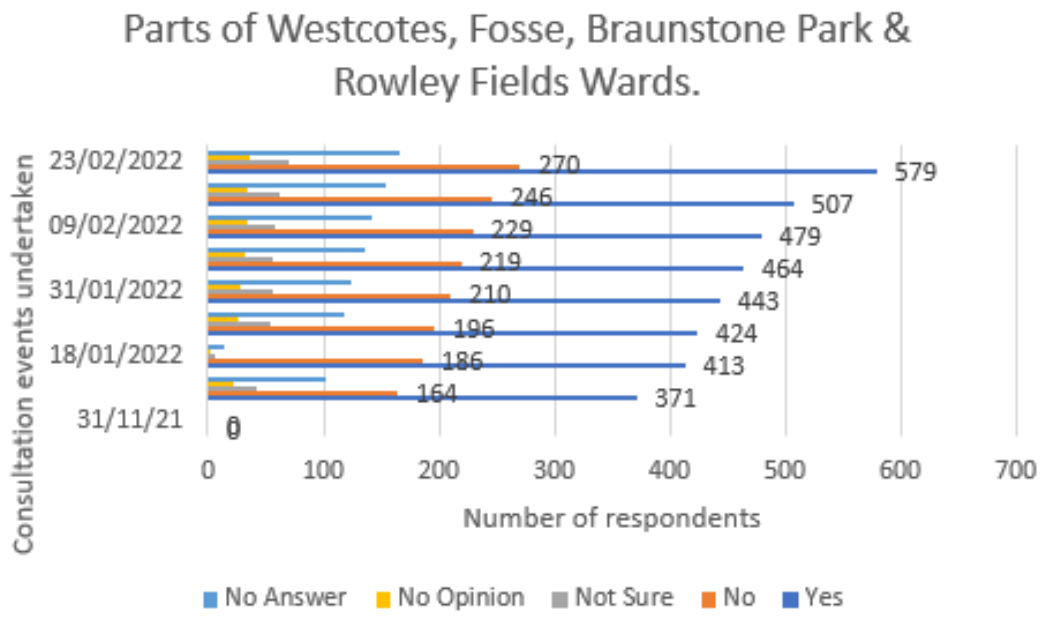
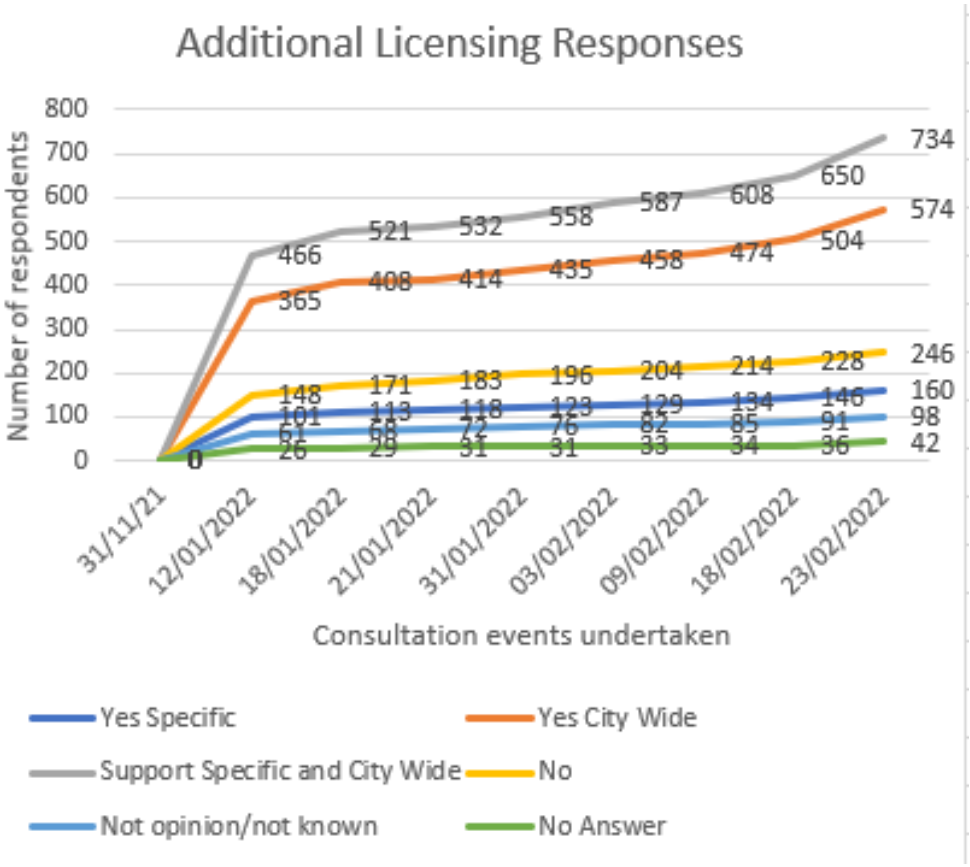


Table 4 outlines responses received over time in relation the proposal to introduce Additional Licensing.

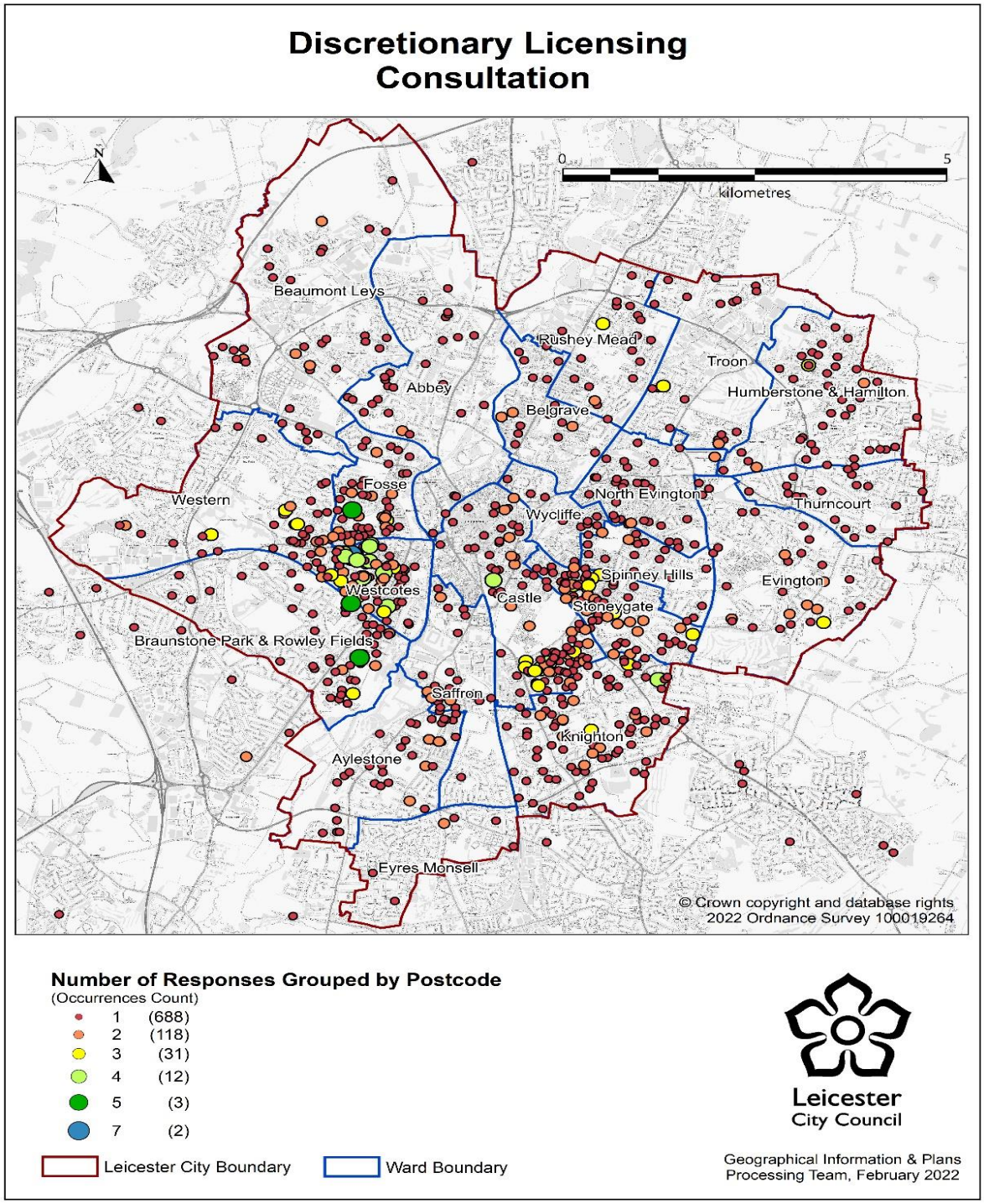


6.2 Information on Respondents (Location, Tenancies)

6.2.1 The responses to the consultation were recorded in terms of whether the consultee was responding in the role of tenant, landlord, etc; from the information below it can be seen that responses were received from all sections of the community. Interestingly, there were comparable number of responses from private tenants and private landlords. The highest proportion of respondents came from the residents of Leicester (50.45%), who were not private tenants.

Tenure	Number	%
Private Tenant	215	19.2
Leicester Resident	565	50.5
Landlord	270	24.1
Letting/Managing Agent	8	0.7
Local Business	6	0.5
Charitable Organisation	2	0.2
Not Identified (other)	54	4.8

6.2.2 The postcodes have been plotted below to identify the areas that consultees represented in their response.



The responses key relates to the numbers of responses from a given postcode, with the highest number of 7 respondents from the same post codes within the Westcotes Ward and three occasions where 5 respondents from the same post code commented. One in Braunstone and Rowley Fields Ward, One in Westcotes and One in Fosse all within the selective licensing designated areas

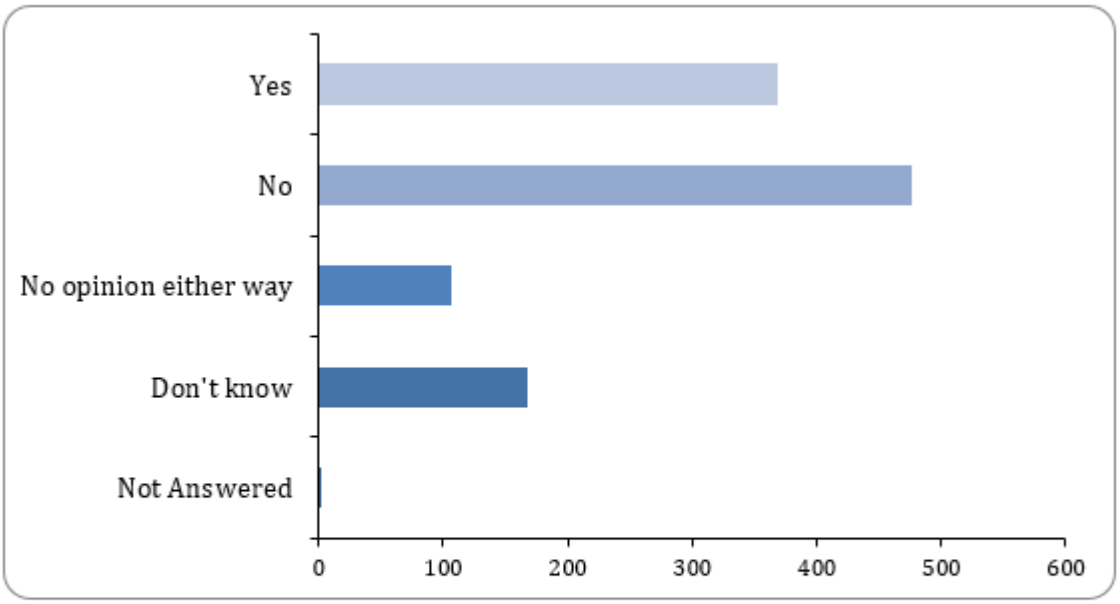
6.3 Responses – General Views re Introducing Discretionary Licensing

6.3.1 As part of the consultation the questionnaire requested information in relation to landlord responsibilities and the state of accommodation and the look of the general area etc. to understand the thoughts of the respondents as a wider view of the private rented sector to assist with further analysis to inform on further work to address issues within the PRS .

6.3.2 In relation to the question regarding whether properties were managed well or not by landlords, as can be seen from below 42.59% of the respondents felt that the properties were not managed well by landlords whereas 32.86% felt that they were.

Do you think privately rented properties in your area are well managed?

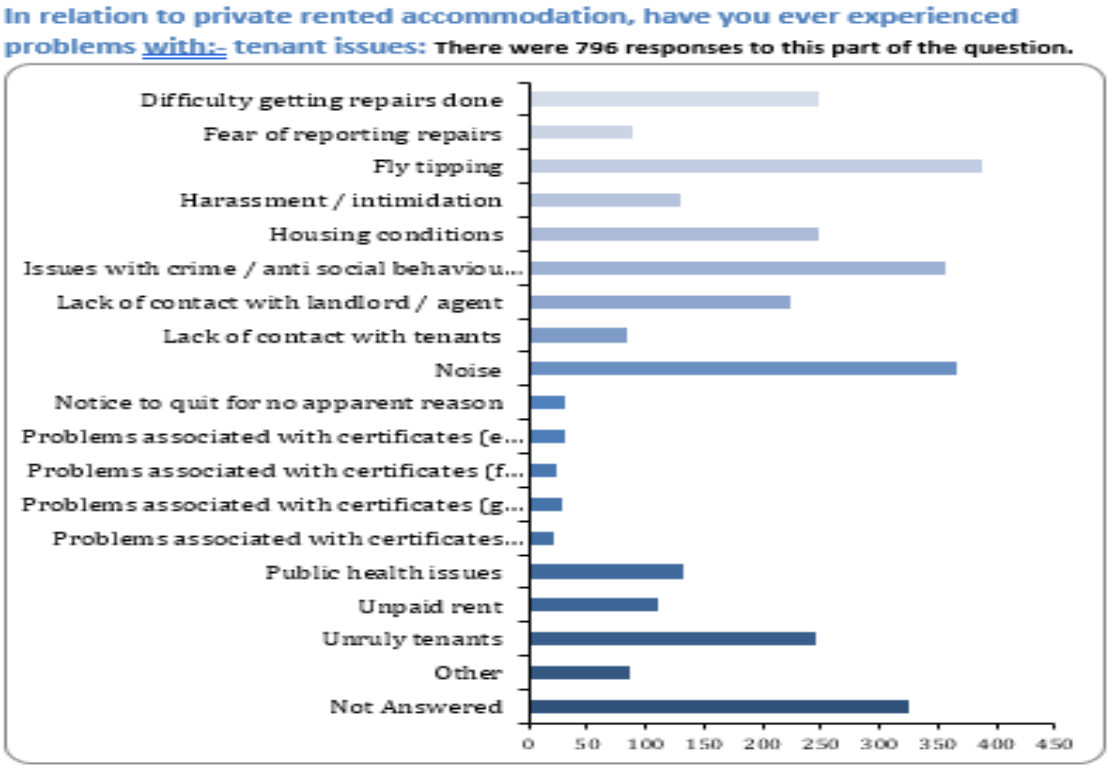
There were 1119 responses to this part of the question.



Option	Total	Percent
Yes	368	32.86%
No	477	42.59%
No opinion either way	107	9.55%
Don't know	167	14.91%
Not Answered	1	0.09%

6.3.3 When asked whether there had been problems with private rented accommodation and what these were, as can be seen from below, the top three issues identified are;

34.64% (388 respondents) complained of flytipping
32.77% (367 respondents) complained on noise issues
and,
31.79% (356 respondents) complained of issues with Crime / Anti-social behaviour.

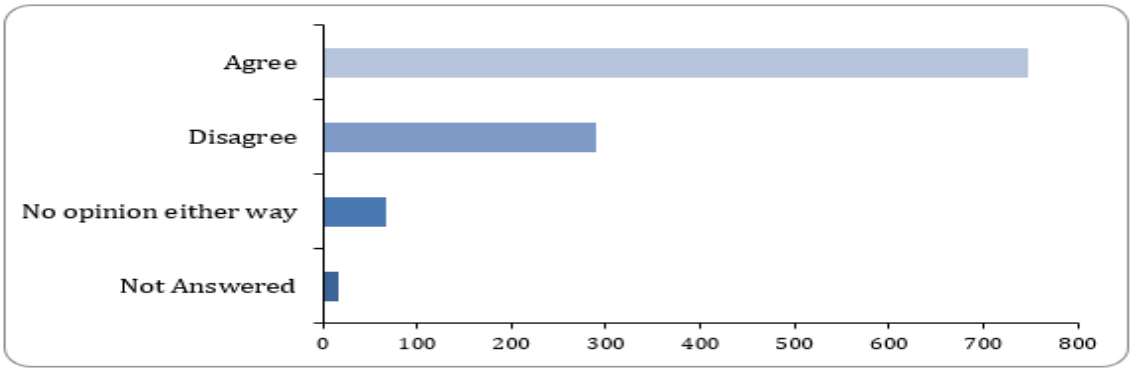


Option	Total	Percent
Difficulty getting repairs done	247	22.05%
Fear of reporting repairs	88	7.86%
Fly tipping	388	34.64%
Harassment / intimidation	130	11.61%
Housing conditions	248	22.14%
Issues with crime / anti social behaviour	356	31.79%
Lack of contact with landlord / agent	223	19.91%
Lack of contact with tenants	83	7.41%
Noise	367	32.77%
Notice to quit for no apparent reason	30	2.68%
Problems associated with certificates (electricity)	31	2.77%
Problems associated with certificates (fire)	23	2.05%
Problems associated with certificates (gas)	28	2.50%
Problems associated with certificates (HMO)	22	1.96%
Public health issues	132	11.79%
Unpaid rent	110	9.82%
Unruly tenants	245	21.88%
Other	87	7.77%
Not Answered	324	28.93%

6.3.7 Consultees were asked whether licensing would ensure that landlords would follow certain standard, as can be seen from below a significant percentage, 66.70% agreed that this would be the case.

statements matrix - Licensing sets specific standards that all landlords must follow

There were 1104 responses to this part of the question.

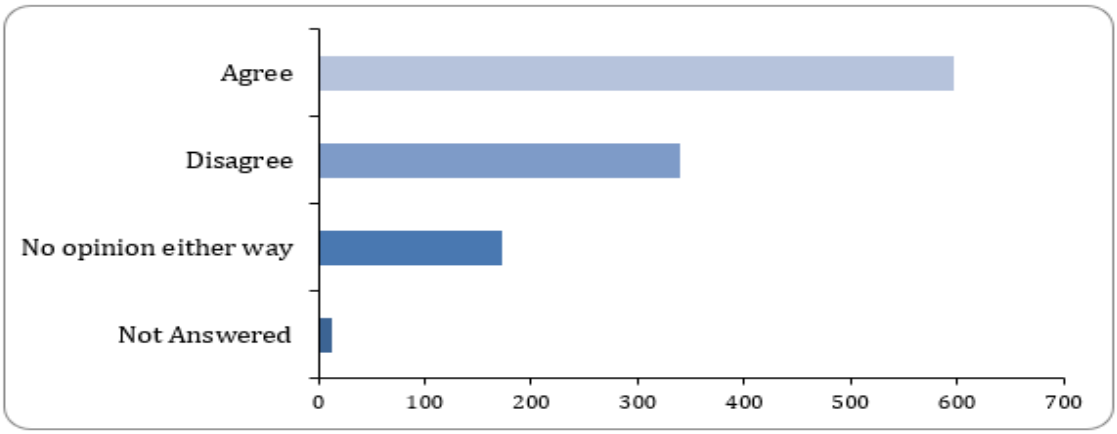


Option	Total	Percent
Agree	747	66.70%
Disagree	289	25.80%
No opinion either way	68	6.07%
Not Answered	16	1.43%

6.3.8 Prescribed conditions & supplementary conditions – a large proportion of respondents 53.21%, felt that introducing prescribed and supplementary conditions would improve joint working between the council and external agencies.

statements matrix - Licensing enables better joint working between council departments and agencies

There were 1108 responses to this part of the question.

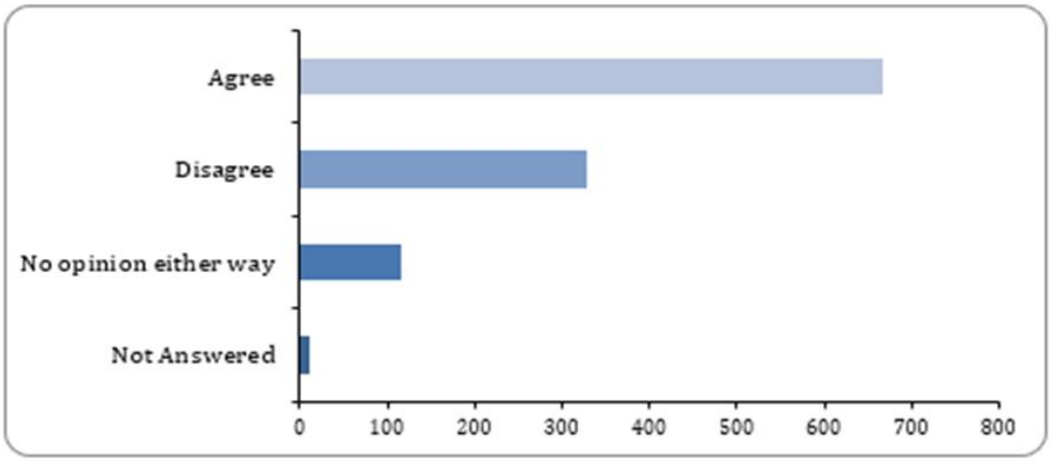


Option	Total	Percent
Agree	596	53.21%
Disagree	340	30.36%
No opinion either way	172	15.36%
Not Answered	12	1.07%

6.3.9 A significant number of respondents (59.55%) felt that introducing discretionary licensing would ensure and improve the health, safety and the general welfare of the community.

statements matrix - Licensing helps protect the health, safety and welfare of the community

There were 1109 responses to this part of the question.



Option	Total	Percent
Agree	667	59.55%
Disagree	327	29.20%
No opinion either way	115	10.27%
Not Answered	11	0.98%

6.4 Selective Licensing

6.4.1 This section highlights the views of respondents with Option A in relation to the introduction of Selective Licensing scheme. Respondents were consulted on whether they agreed / not agree with establishment of Selective Licensing scheme and whether thought should be given to expanding, reducing or keep the same geographical area.

6.4.2. Selective Licensing within parts of the Wards have been named as clusters these being: Stoneygate (East Cluster); Westcotes, Fosse, Braunstone Park & Rowley Fields (West Cluster); Saffron (South Cluster)

6.4.3 From direct correspondence via email, letter and phonecalls in support of Selective Licensing

Option	Total	Percent
Yes	71	35.15%
No	30	14.85%

6.4.4 Selective Licensing was supported in all of the designated areas from the questionnaire with: Parts of Stoneygate Ward (East Cluster) 49.82%, Parts of Saffron Ward (South Cluster) 44.7%. Parts of Westcotes, Fosse, Braunston Park, Rowley Fields Wards (West Cluster) 51.7%, see graphs and tables below. Also in all cases, a significant

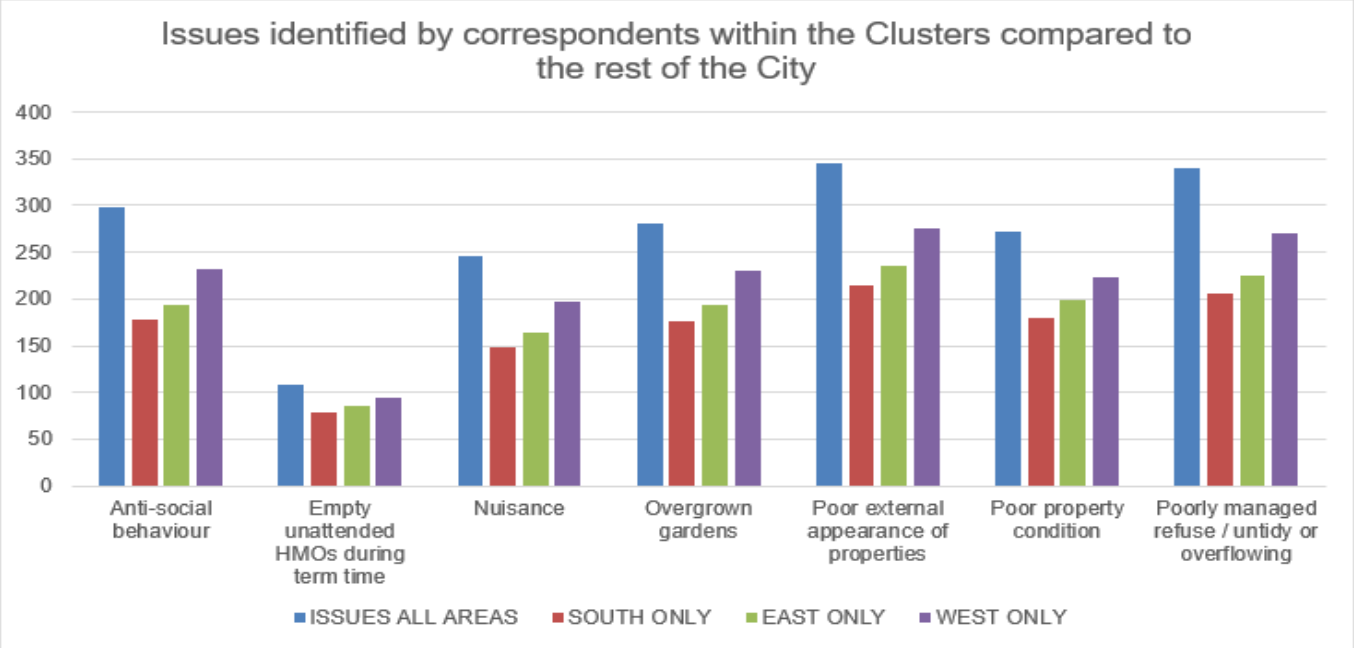
proportion of respondents stated that the area considered for Selective Licensing should be expanded.

6.4.5 Each of the cluster areas have been further analysed and compared to the situation in the rest of the City. As can be seen from the table below and the chart. The issues encountered in the three Cluster areas is acute with the numbers in all areas being comparable to the rest of the City

6.4.6 Although the Selective Licensing Scheme covers less than 20 % geographical area the three designated areas account fo:

- 66.85% of Anti-Social Behaviour issues
- 70.39% of empty/unattended HMO's
- 67.46% of Nuisance issues
- 68.15% of Overgrown gardens
- 67.75% of Poor external appearance of properties
- 68.87% of Poor property conditions
- 67.3% of waste management issues

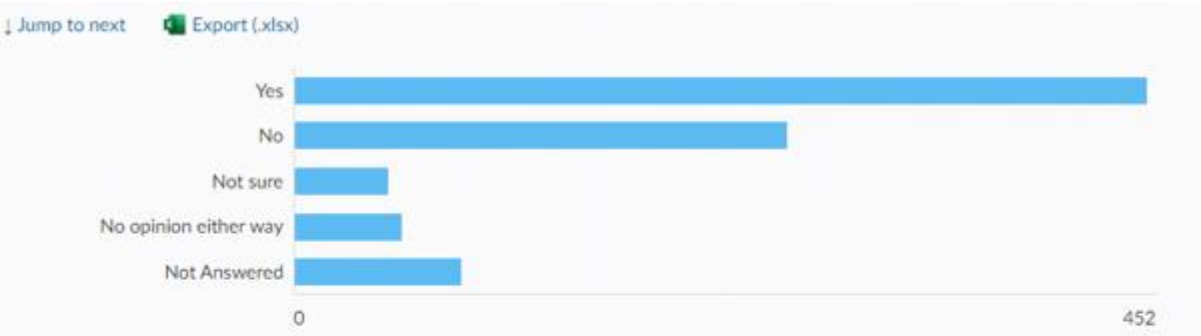
Area	Anti-social behaviour	%	Empty unattended HMOs	%	Nuisance	%	Overgrown gardens	%	Poor external appearance of properties	%	Poor property condition	%	Poorly managed refuse / untidy or overflowing	%
ISSUES ALL AREAS	299	33.12	109	29.62	246	32.54	280	31.85	345	32.24	272	31.12	340	32.69
SOUTH ONLY	178	19.73	79	21.47	149	19.71	176	20.02	214	20	180	20.59	205	19.71
EAST ONLY	193	21.4	85	23.1	164	21.69	193	21.96	235	21.96	198	22.65	225	21.63
WEST ONLY	232	25.72	95	25.82	197	26.06	230	26.17	276	25.79	224	25.63	270	25.96



6.4.7 The acute problems identified above indicate that the designation of Selective Licensing within the three Cluster areas can have a dramatic effect on the neighbourhoods and improve conditions for residents and visitors.

6.4.8 Stoneygate (East Cluster) support for Selective Licensing

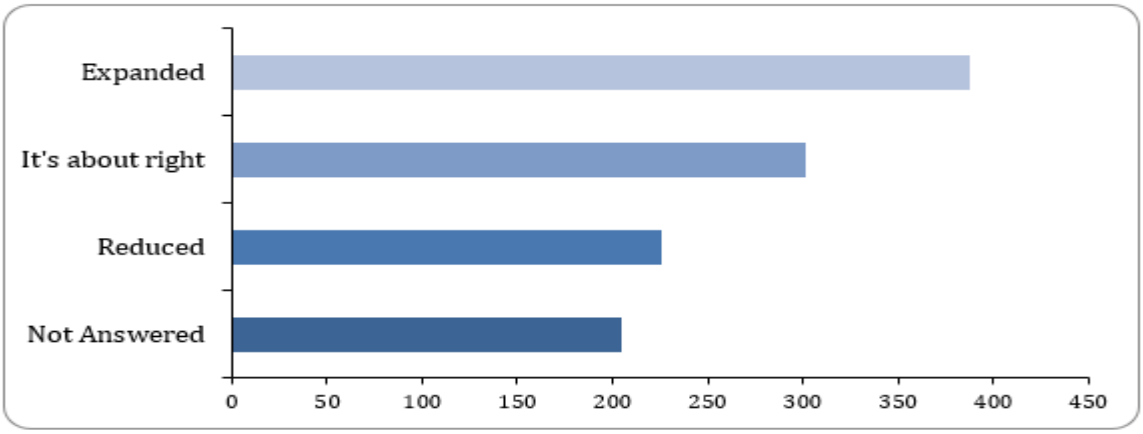
818 respondents



Option	Total	Percent
Yes	452	49.89%
No	261	28.81%
Not sure	49	5.41%
No opinion either way	56	6.18%
Not Answered	88	9.71%

Stoneygate Ward area size

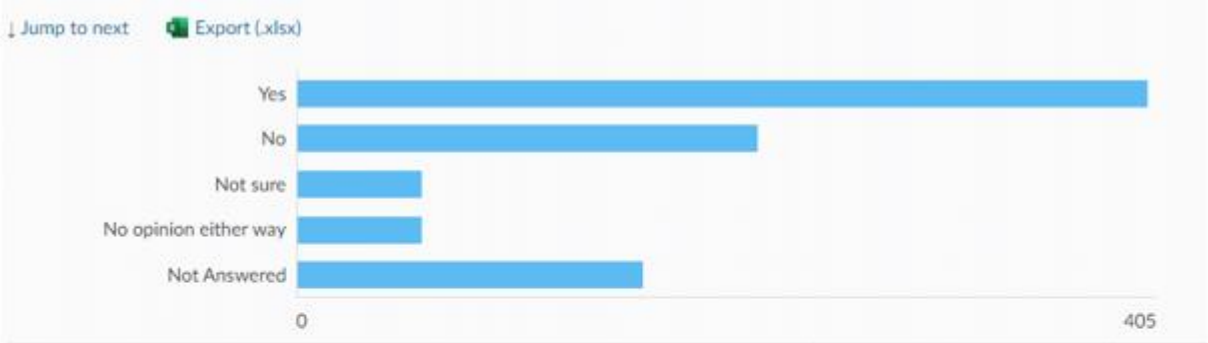
There were 915 responses to this part of the question.



Option	Total	Percent
Expanded	388	34.64%
It's about right	301	26.88%
Reduced	226	20.18%
Not Answered	205	18.30%

6.4.9 Saffron (South Cluster) support for Selective Licensing

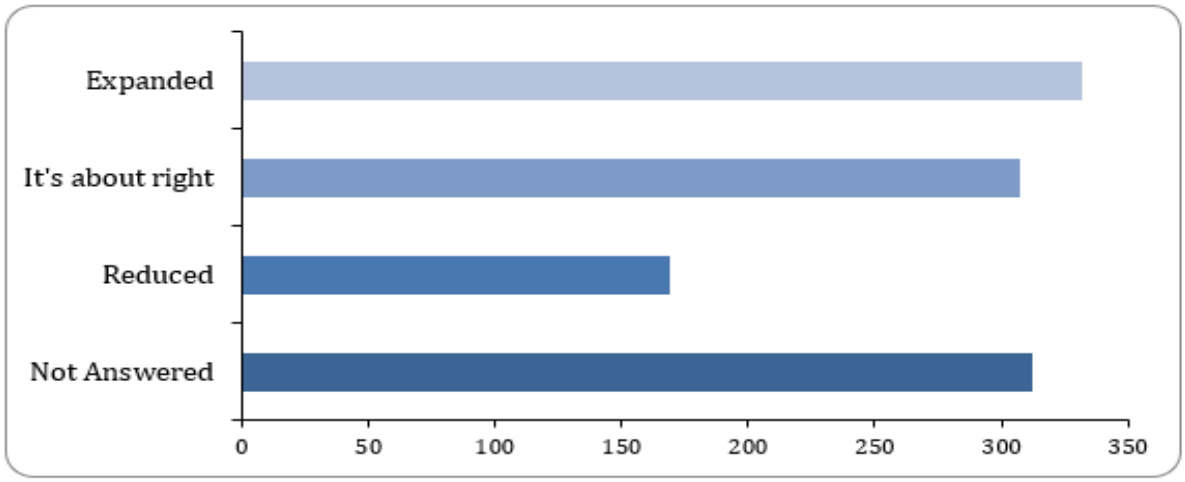
742 respondents



Option	Total	Percent
Yes	405	44.70%
No	219	24.17%
Not sure	59	6.51%
No opinion either way	59	6.51%
Not Answered	164	18.10%

Saffron Ward area size

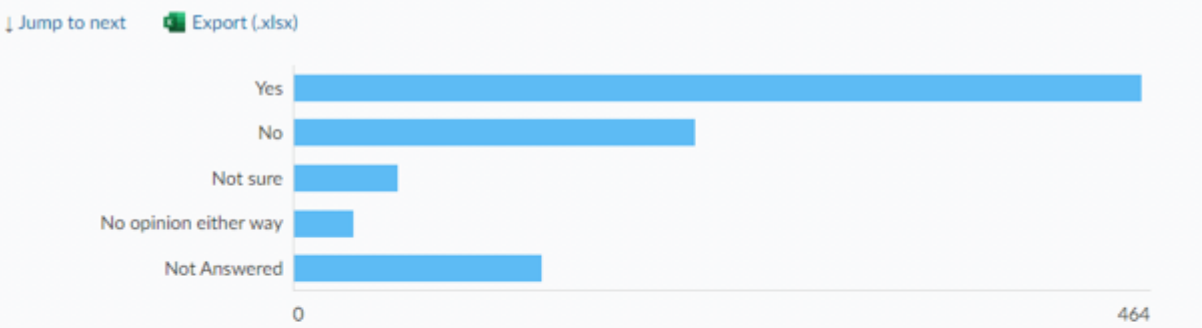
There were 808 responses to this part of the question.



Option	Total	Percent
Expanded	332	29.64%
It's about right	307	27.41%
Reduced	169	15.09%
Not Answered	312	27.86%

6.4.10 Westcotes, Fosse, Braunston Park, Rowley Fields Wards (West Cluster) support for Selective Licensing

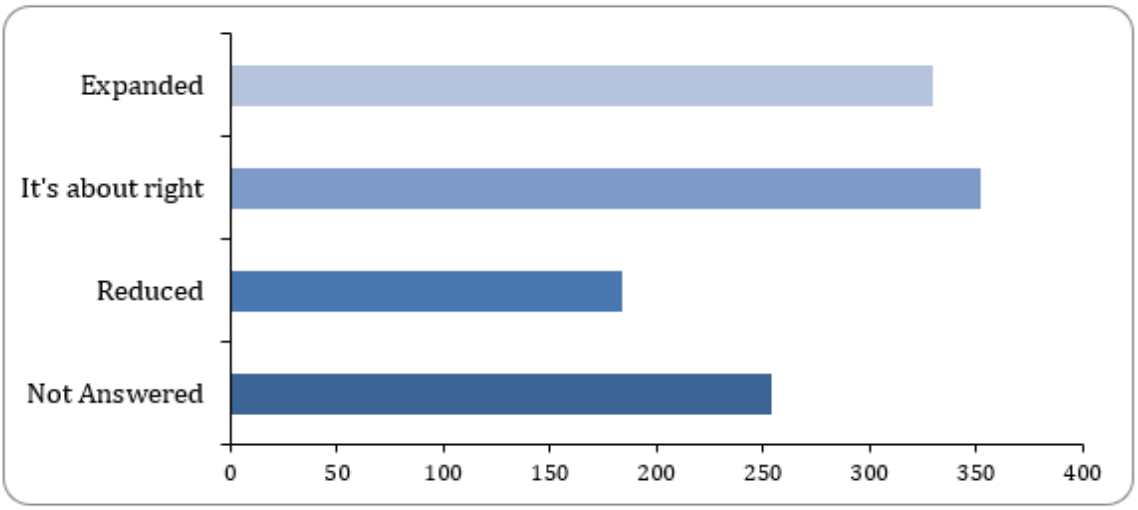
771 spondents



Option	Total	Percent
Yes	464	51.21%
No	219	24.17%
Not sure	56	6.18%
No opinion either way	32	3.53%
Not Answered	135	14.90%

Westcotes, Fosse, Braunstone Park, Rowley Fields Wards area size

There were 866 responses to this part of the question.



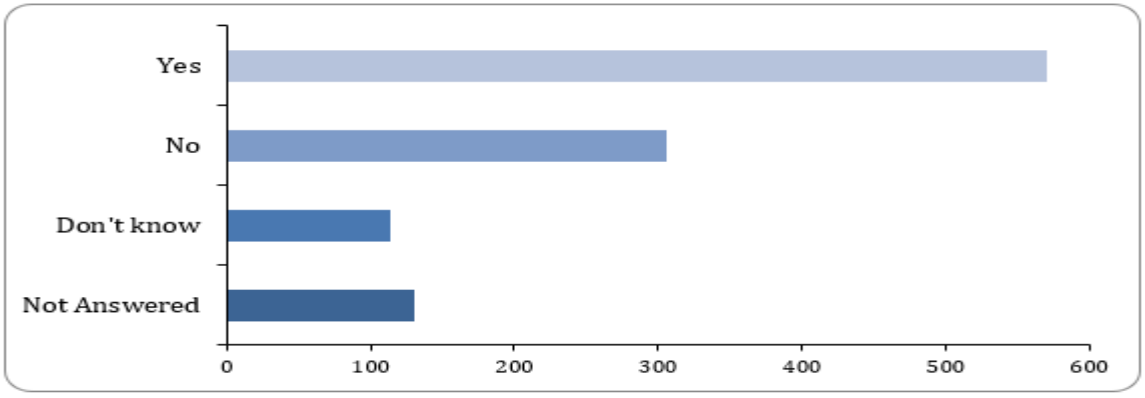
Option	Total	Percent
Expanded	330	29.46%
It's about right	352	31.43%
Reduced	184	16.43%
Not Answered	254	22.68%

6.4.11 A further area addressed within the consultation was the respondents thoughts on whether Selective Licensing would improve housing conditions. As can be seen from the bar charts and tables below, all area responses indicated that a significant

proportion of respondents felt that introducing Selective Licensing would improve housing conditions.

Stoneygate Ward - Do you think selective Licensing will improve Housing standards

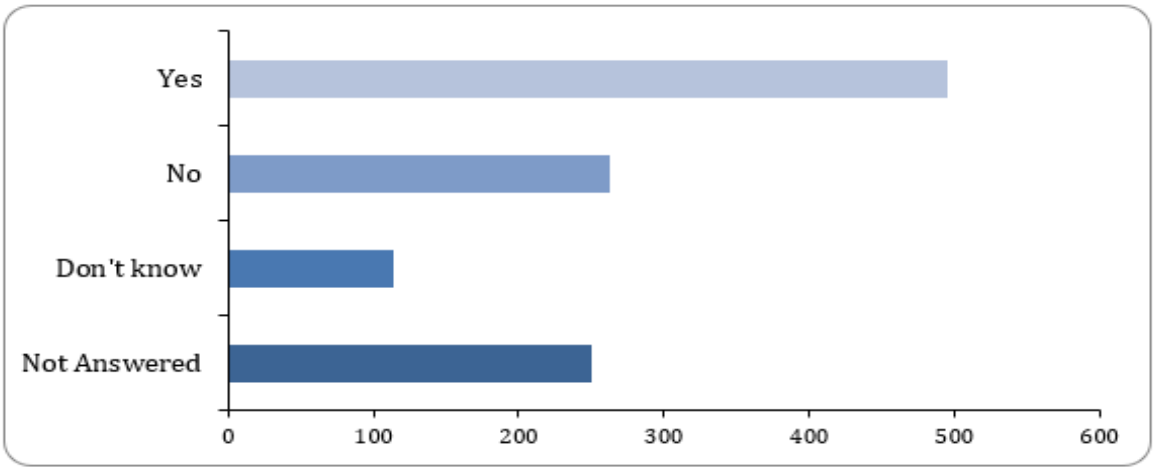
There were 990 responses to this part of the question.



Option	Total	Percent
Yes	570	50.89%
No	306	27.32%
Don't know	114	10.18%
Not Answered	130	11.61%

Saffron Ward - Do you think selective Licensing will improve housing standards

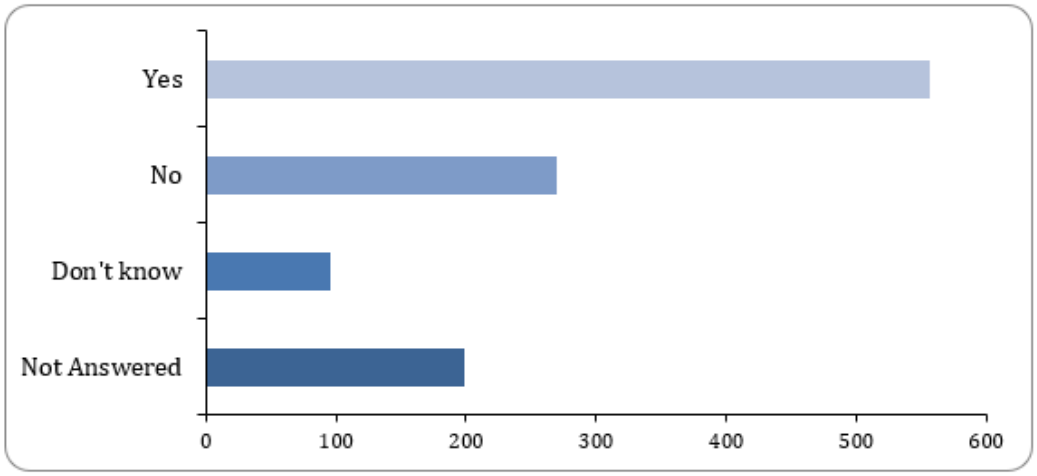
There were 870 responses to this part of the question.



Option	Total	Percent
Yes	495	44.20%
No	262	23.39%
Don't know	113	10.09%
Not Answered	250	22.32%

Westcotes, Fosse, Braunstone Park, Rowley Fields Wards - Do you think selective Licensing will improve housing standards improve standards

There were 922 responses to this part of the question.



Option	Total	Percent
Yes	557	49.73%
No	270	24.11%
Don't know	95	8.48%
Not Answered	198	17.68%

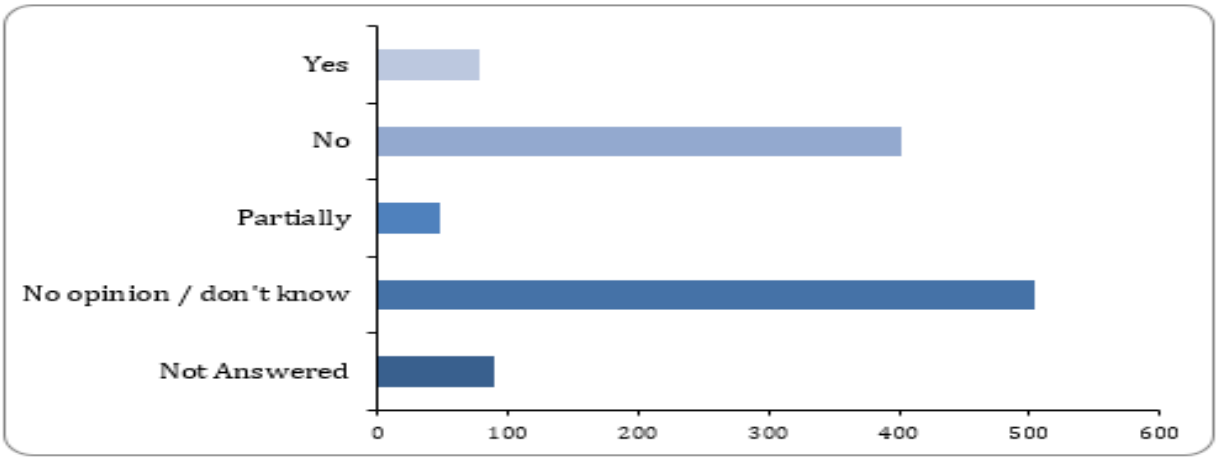
6.5 Additional Licensing

6.5.1 This section highlights the respondents' views in relation to the possible introduction of Additional Licensing. When asked a large proportion of respondents felt that the maintenance of HMOs had not improved over the last 5 years (a significant proportion responded "no opinion/ not sure" to these questions.

In your experience, have HMOs changed in the past five years?

HMO 5 years matrix - HMO maintenance has improved

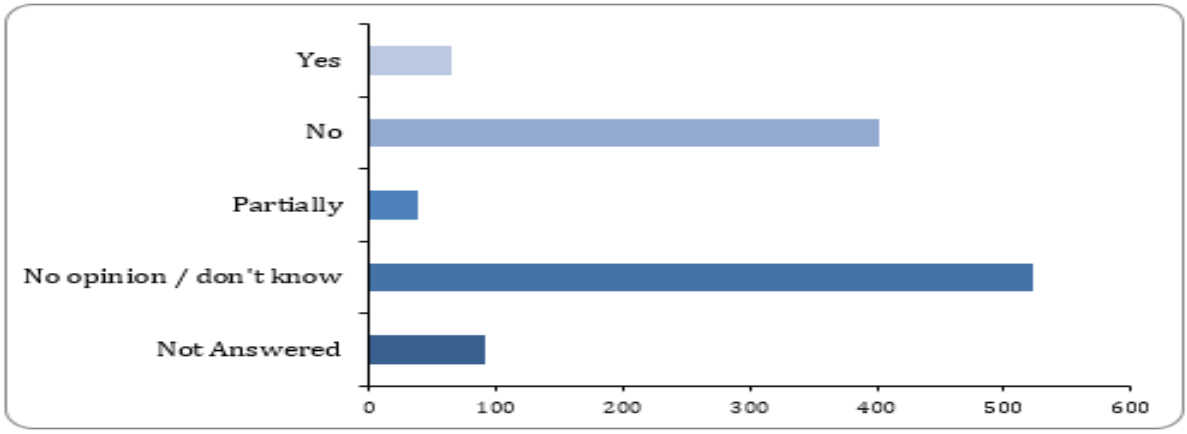
There were 1031 responses to this part of the question.



Option	Total	Percent
Yes	78	6.96%
No	402	35.89%
Partially	48	4.29%
No opinion / don't know	503	44.91%
Not Answered	89	7.95%

HMO 5 years matrix - HMO management has improved

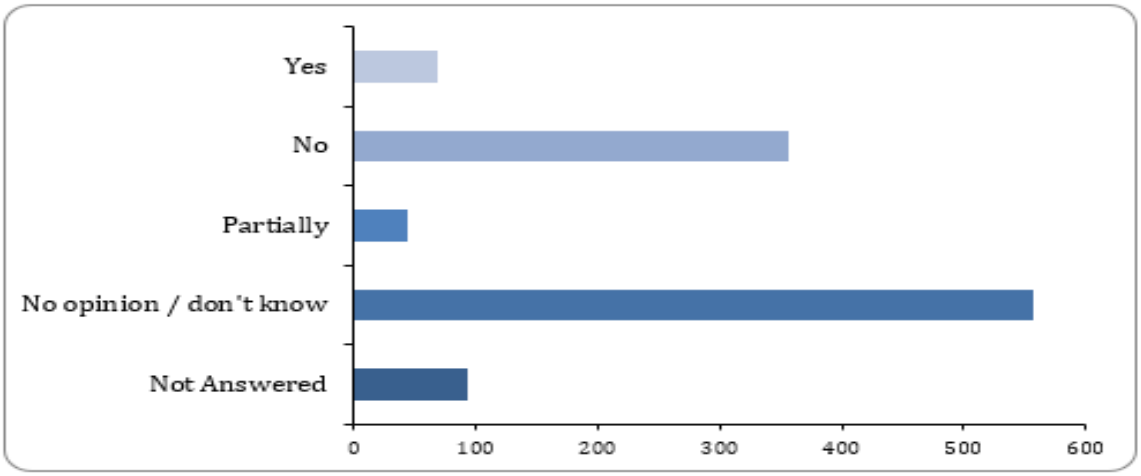
There were 1028 responses to this part of the question.



Option	Total	Percent
Yes	65	5.80%
No	402	35.89%
Partially	39	3.48%
No opinion / don't know	522	46.61%
Not Answered	92	8.21%

HMO 5 years matrix - Living conditions in HMOs have improved

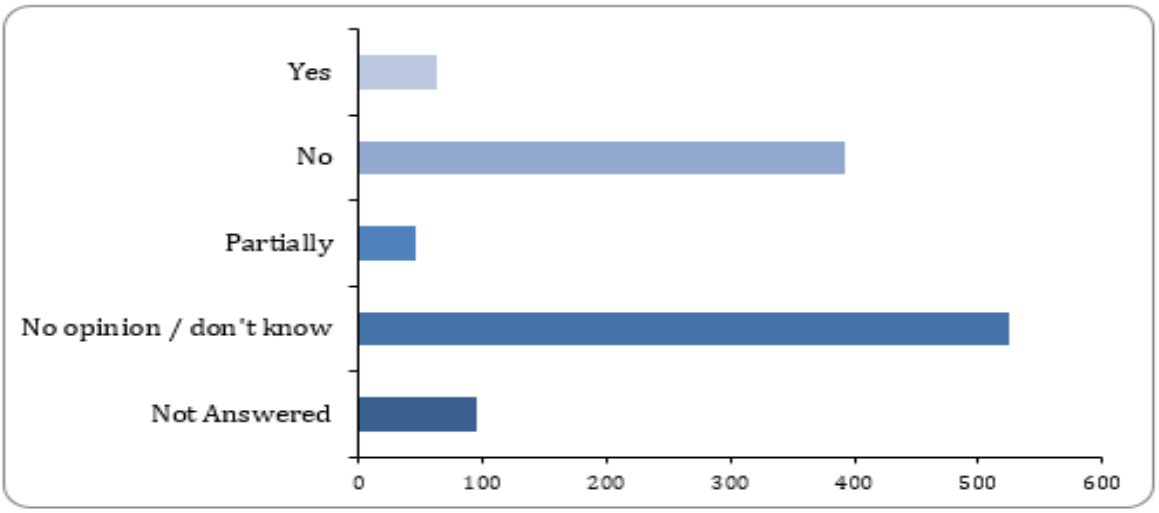
There were 1026 responses to this part of the question.



Option	Total	Percent
Yes	69	6.16%
No	357	31.87%
Partially	43	3.84%
No opinion / don't know	557	49.73%
Not Answered	94	8.39%

HMO 5 years matrix - There's less anti-social behaviour associated with HMOs

There were 1025 responses to this part of the question.

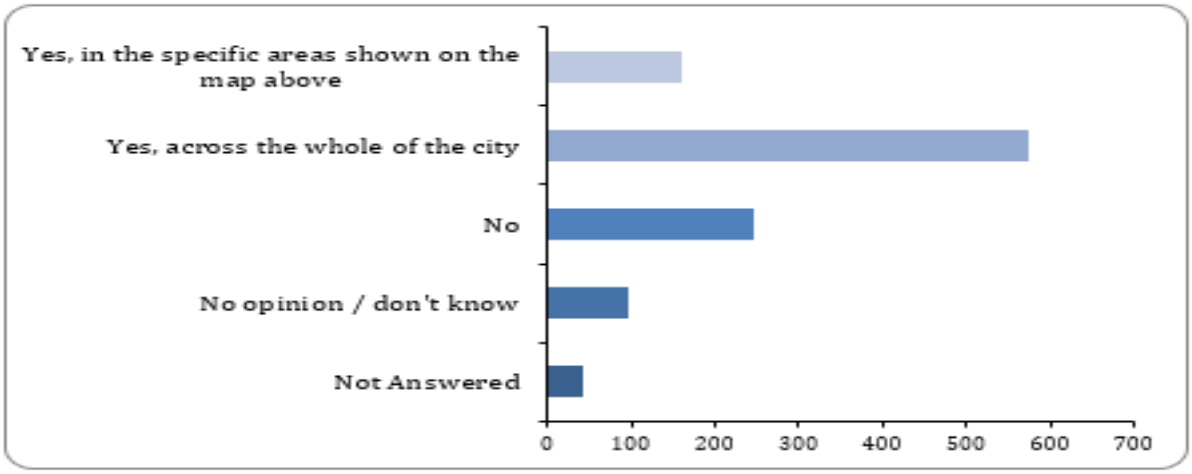


Option	Total	Percent
Yes	63	5.62%
No	393	35.09%
Partially	45	4.02%
No opinion / don't know	524	46.79%
Not Answered	95	8.48%

6.5.2 Findings: agree / not agree with establishment of additional licensing.

Do you support the introduction of Additional Licensing for HMOs?

There were 1078 responses to this part of the question.



Option	Total	Percent
Yes, in the specific areas shown on the map above	160	14.29%
Yes, across the whole of the city	574	51.25%
No	246	21.96%
No opinion / don't know	98	8.75%
Not Answered	42	3.75%

6.5.3 Consultation results received in addition to the questionnaire were received by email, letter and phone calls. These have been reviewed in the table below and indicate their support for each of the proposed options.

Option	Total	Percent
Yes Option A	64	31.68%
Yes Option B	43	21.29%
Yes Option C	0	0%
No	30	14.84%
No Opinion	65	32.18%

6.5.4 Additional licensing Option B City wide was supported by 51.25% of respondents within the respondents who undertook the questionnaire; with all answers being considered including those that specifically supported the Additional Licensing in the designated areas, were unsure, or had no opinion or did not answer.

6.5.5 Additional Licensing Option C in the designated areas adding the trends from the comments to the yes / no vote resulted in the support for the scheme was supported by only 12.48%.

6.5.6 Additional Licensing Option B adding the trends from the comments to the yes / no vote results in support of the Additional Licensing city wide was supported by 49.49%

7. Fees

7.1 The fees for discretionary licensing are recovered under the Housing Act 2004. The local housing authority may (subject to any regulations made under subsection (5)) take into account—

(a) all costs incurred by the authority in carrying out their functions under this Part,

and

(b) all costs incurred by them in carrying out their functions under Chapter 1 of Part 4 in relation to Part 3 houses and HMOs (so far as they are not recoverable under or by virtue of any provision of that Chapter).

The funds raised from discretionary licensing are ring fenced, so the Local Authority cannot fund other services through the licence fee.

7.2 The licence fee is calculated on the costs of staffing of the discretionary licensing team including administrative officers and associated costs incurred including legal, HR and IT departments and the supply of equipment to undertake the duties of the team.

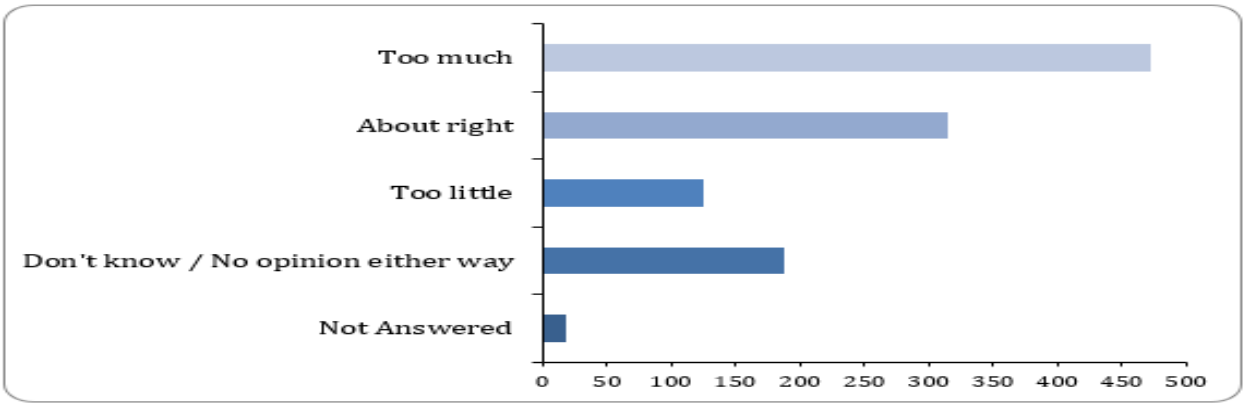
7.3 The council is therefore mindful of the costs of the licence fee and minimising any unnecessary costs. However, the licence fee must cover the costs of the service.

7.4 The fee proposed within the consultation received a negative view with the costs being expressed as too much by 42.14% of respondents. This however when considered with the respondents who stated the costs were about right or too little compared at 39.37%. It should be borne in mind that the costs of the service must be cost neutral over the period of the licensing scheme

7.5 Question relating to the fees chargeable

7.5.1 The fee proposed within the consultation received a negative view with the costs being expressed as too much by 42.14% of respondents, that said 39.38% of the respondents stated the costs were about right or too little.

There were 1101 responses to this part of the question.



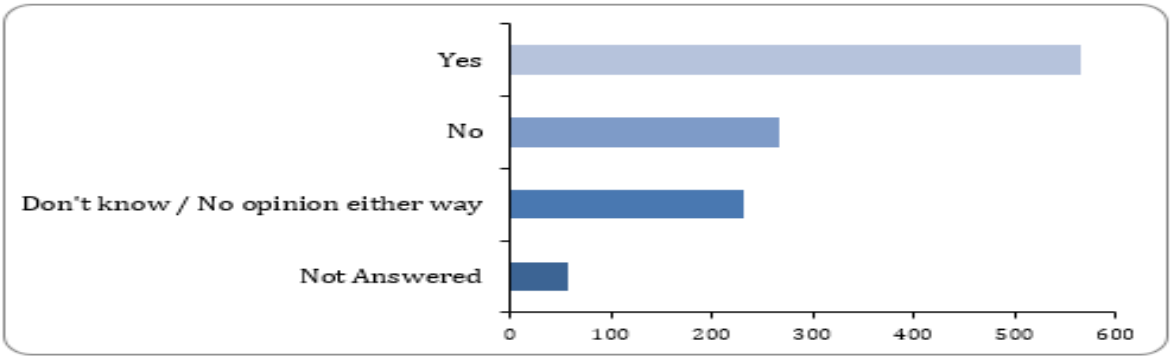
Option	Total	Percent
Too much	472	42.14%
About right	315	28.12%
Too little	126	11.25%
Don't know / No opinion either way	188	16.79%
Not Answered	19	1.70%

7.5.2 Findings- Analysis of discounts

The proposed discounts in the consultation were supported by the majority of respondents with early bird discount being supported by 50.45%, Charities discount being supported by 53.66 % and accredited landlords discount being supported by 52.77%,

Should we offer a 10% early bird discount for applications received within six months of a Selective or Additional Licensing scheme being introduced?

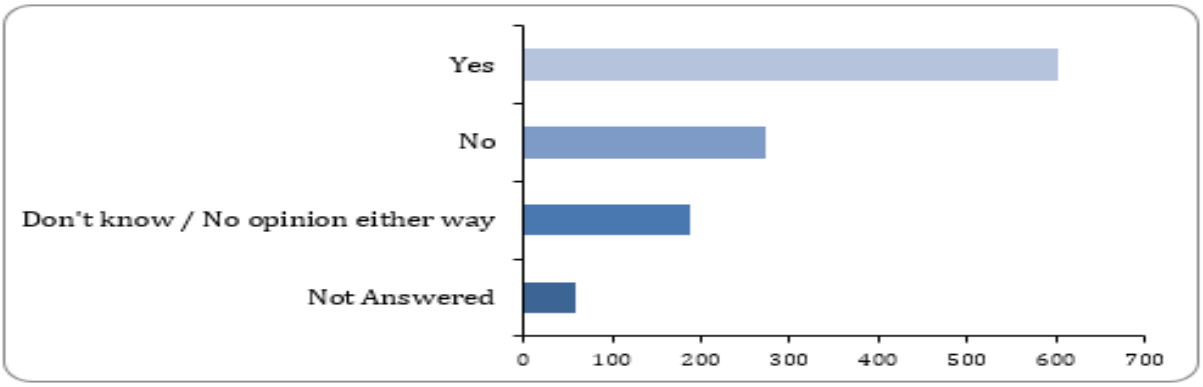
There were 1063 responses to this part of the question.



Option	Total	Percent
Yes	565	50.45%
No	266	23.75%
Don't know / No opinion either way	232	20.71%
Not Answered	57	5.09%

Should we offer a 10% discount for charitable organisations who own / manage private rented accommodation?

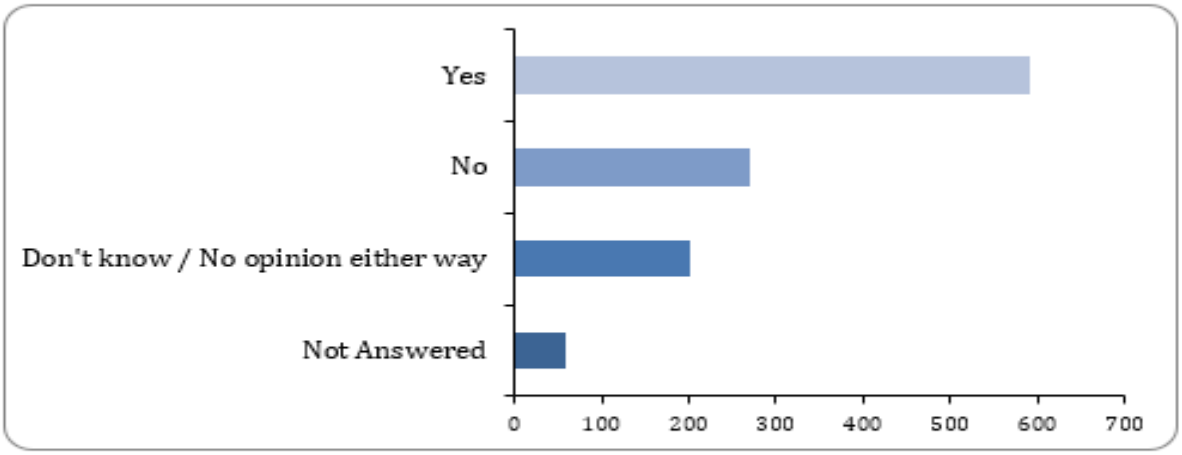
There were 1062 responses to this part of the question.



Option	Total	Percent
Yes	601	53.66%
No	273	24.38%
Don't know / No opinion either way	188	16.79%
Not Answered	58	5.18%

Should we offer a 10% discount to members of a private landlord accreditation scheme?

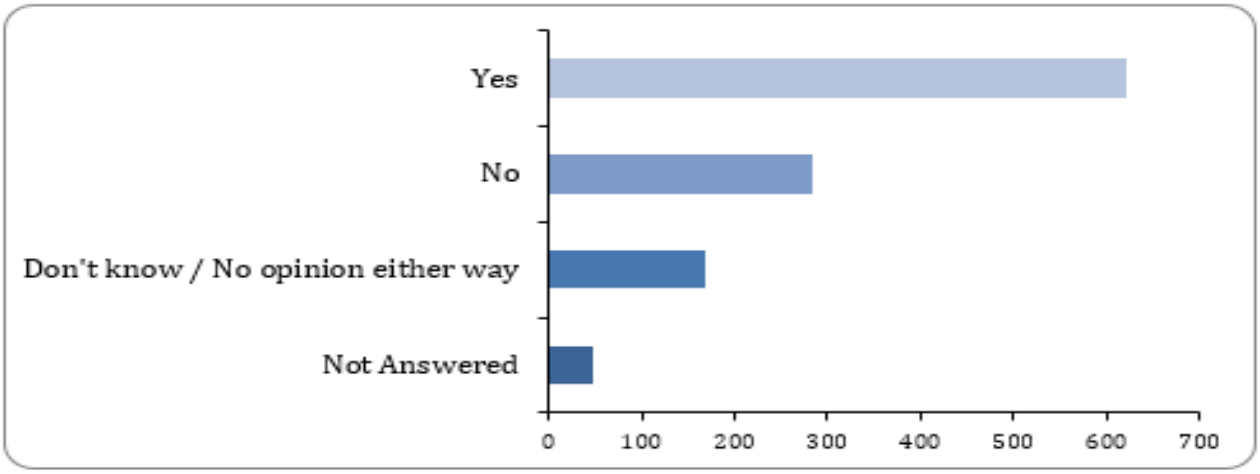
There were 1061 responses to this part of the question.



Option	Total	Percent
Yes	591	52.77%
No	269	24.02%
Don't know / No opinion either way	201	17.95%
Not Answered	59	5.27%

7.5.3 Similarly, there was support with 55.45% of the respondents stating that they agree with the levying of a penalty for late applications.

Should we introduce a 20% late license penalty fee?
There were 1072 responses to this part of the question.



Option	Total	Percent
Yes	621	55.45%
No	283	25.27%
Don't know / No opinion either way	168	15.00%
Not Answered	48	4.29%

7.5.4 From comments received within the questionnaire and supporting commentary from the trends in the comments there was a significant indication that those properties which were above the current EPC rating of E should be rewarded with a discount. This would encourage landlords to bring in a higher EPC and be in support of the Council's Environmental Agenda.

7.5.5 Comments received during the consultation was for a discount for landlords of multiple properties. There would not be a requirement for a landlord to provide evidence for a fit and proper persons test following the initial application thereby streamlining the process for subsequent application.

8. Overall View on Each Option Presented

8.1 There are six options available to full Council on the schemes available. The total options are outlined below

i. Option A: Selective licensing within parts of the Wards of Westcotes, Fosse, Saffron, Braunstone Park & Rowley Fields and Stoneygate. (Covering less than 20% of Leicester's geographical area and less than 20% of privately rented homes in the local authority area).

ii. Option B: Additional licensing that covers the entire city (citywide).

iii. Option C: Additional licensing within parts of Westcotes, Fosse, Braunstone Park & Rowley Fields and Stoneygate.

iv. Option A and B: Combination of selective licensing and city-wide additional licensing

v. Option A and C: Combination of selective licensing and designated additional licensing areas

vi. No scheme being adopted

8.2 Option A: The scheme has widespread support with the Stoneygate Ward being supported by 58.35%, Saffron Ward was supported by 56.55% and the Westcotes, Fosse, Braunstone Park & Rowley Fields Wards was supported by 61.85%. In addition a number of respondents requested all areas be expanded Stoneygate Ward 34.64%, Saffron 29.64% and the Westcotes, Fosse, Braunstone Park & Rowley Fields Wards 29.64%.

8.3 The table below provides a more detailed analysis of the responses with the Leicester residents for Selective Licensing indicating that 74% support the scheme and 59 % of tenants. Although 67% of landlords opposed the scheme in the Stoneygate Ward a sizeable minority 18% of private landlords supported the scheme.

Selective licensing East response stats

Proposal agreement	Total	Supportive		Unsupportive		Not sure		No opinion	
Private tenants	200	117	59%	61	31%	12	6%	10	5%
Leicester residents	495	365	74%	64	13%	29	6%	37	7%
Private landlords	261	47	18%	175	67%	18	7%	21	8%
Letting / managing agents	8	1	13%	6	75%	1	13%		
Local business	7	1	14%	3	43%	2	29%	1	14%
Charities	4	1	25%	1	25%	1	25%	1	25%
Organisation reps	4	3	75%	1	25%				
TOTALS	979	535	55%	311	32%	63	6%	70	7%

8.4 The table below provides a more detailed analysis of the responses for parts of Westcotes, Fosse, Braunstone Park & Rowley Fields Ward) with the Leicester residents indicating that 81% support the scheme and 64 % of tenants. Although 64% of landlords

opposed the scheme a sizeable minority 20% of private landlords supported the scheme.

Selective licensing West response stats

Proposal agreement	Total	Supportive		Unsupportive		Not sure		No opinion	
Private tenants	176	113	64%	41	23%	14	8%	8	5%
Leicester residents	479	389	81%	54	11%	23	5%	13	3%
Private landlords	247	50	20%	157	64%	26	11%	14	6%
Letting / managing agents	7			5	71%	2	29%		
Local business	6	3	50%	2	33%			1	17%
Charities	4	2	50%			1	25%	1	25%
Organisation reps	4	3	75%	1	25%				
TOTALS	923	560	61%	260	28%	66	7%	37	4%

8.5 The table below provides a more detailed analysis of the responses for Saffron Ward with Leicester residents indicating that 74% support the scheme and 59% of tenants. Although 60% of landlords opposed the scheme a sizeable minority 19% of private landlords supported the scheme.

Selective licensing South response stats

Proposal agreement	Total	Supportive		Unsupportive		Not sure		No opinion	
Private tenants	185	109	59%	46	25%	16	9%	14	8%
Leicester residents	442	329	74%	56	13%	27	6%	30	7%
Private landlords	242	46	19%	145	60%	23	10%	28	12%
Letting / managing agents	7			6	86%	1	14%		
Local business	6	2	33%	3	50%	1	17%		
Charities	4	2	50%	1	25%	1	25%		
Organisation reps	4	3	75%	1	25%				
TOTALS	890	491	55%	258	29%	69	8%	72	8%

8.6 Option B: This scheme was supported by 51.25% of respondents; with the option being limited to a single answer; In total the total number of persons in support of additional licensing is 75.29%

8.7 Option C in the 4 designated areas overall support was supported by only 42.38%

8.8 The table below provides a more detailed analysis of the responses for Additional Licensing within Leicester for both the Citywide and the designated areas options. The Leicester residents indicated that 69% and 53% of tenants supported the scheme Citywide. Although 43% of landlords opposed the scheme a sizeable minority 21% of private landlords supported the citywide scheme.

8.9 In terms of the designated areas this was not generally supported due to the selection of the citywide option being significant and there not being an opportunity to make multiple choices, although private landlords supported some form of additional licensing in overall supported by 40% of private landlord respondents compared to the 43% of private landlord respondents opposed to the imposition of additional licensing being brought in.

Additional licensing response stats

Proposal agreement	Total	Yes, specified area		Yes, city-wide		No		No opinion	
Private tenants	198	25	13%	105	53%	45	23%	23	12%
Leicester residents	554	80	14%	382	69%	67	12%	25	5%
Private landlords	261	49	19%	55	21%	113	43%	44	17%
Letting / managing agents	8	0	0%	0	0%	8	100%	0	0%
Local business	6	1	17%	3	50%	2	33%	0	0%
Charities	2	0	0%	1	50%	1	50%	0	0%
Organisation reps	4	1	25%	1	25%	1	25%	1	25%
TOTALS	1033	156	15%	547	53%	237	23%	93	9%

8.10 Option A and B: The questionnaire and trends from the comments support the delegation of both Selective Licensing being on average 58.92% and Additional Licensing city wide being 51.25%

8.11 Option A and C: The combination of the selective licensing and the designated areas for Additional Licensing is not supported by analysis of the data. The fear expressed in comments is that by targeting of a designated area for additional licensing will move the issue of smaller Houses in Multiple Occupation being moved to areas which are not within the designation and so spread to other areas of the City the growth of smaller Houses in Multiple Occupation

8.12 The table below provides an analysis of the responses for the preferred options being accumulated from all responses. The totals are where there was an opportunity for

respondents to questions in the questionnaire and included questions for mandatory licensing of HMOs and is the total responses received form the questionnaire.

8.13 Additional Licensing within Leicester for Citywide had the most support with 34% of respondents and citywide Selective Licensing with 33% of respondents although this was not an option proposed by council as it would need support from the Secretary of State.

8.14 The Leicester residents indicated support of 38% for citywide selective licensing and 38% additional licensing citywide and private tenants indicated support of 36% for citywide selective licensing and 35% additional licensing citywide. Whilst private landlords support of 32% for targeted selective licensing and 35% targeted additional licensing.

Preferred option response stats

	Total	Selective targeted		Selective city-wide		Small HMO targeted		Small HMO city-wide	
Private tenants	315	42	13%	113	36%	51	16%	109	35%
Leicester residents	990	121	12%	379	38%	114	12%	376	38%
Private landlords	299	96	32%	35	12%	106	35%	62	21%
Letting / managing agents	2	1	50%			1	50%		
Local business	9	2	22%	2	22%	1	11%	4	44%
Charities	1							1	100%
Organisation reps	7	1	14%	2	29%	2	29%	2	29%
TOTALS	1623	263	16%	531	33%	275	17%	554	34%

8.15 No scheme being adopted: This would appear not to be an option due to the strong support for a scheme or schemes to be brought into force. There is a concern form the data that there are issues within the private rented sector that the imposition of discretionary licensing can resolve. The setting of minimum rental standards will protect tenants and ensure the management of the private rented sector is met.

9. Conclusions and Recommendations

9.1 The consultation exercise into the suitability of Leicester City to adopt discretionary licensing within the city was extensively undertaken although no personal physical meetings were held the Councils approach due to the Coronavirus pandemic was robust and the undertaking to consult all residential properties in the city and through engaging

with the private sector through the estate, lettings and managing agents ensured Landlords were able to engage with the process and put their point of view across. The holding of virtual meetings has led to a cohort of landlords working with the Council to address issues within the private rented sector.

9.2 It is the recommended that Option A is adopted Selective licensing within areas identified as Stoneygate Ward parts of the Saffron Ward and Parts of Westcotes, Fosse, Braunstone Park & Rowley Fields Wards. (Covering less than 20% of Leicester's geographical area and less than 20% of privately rented homes in the local authority area)

9.3 Although there is support for Option B it is proposed that the Council continue with the work to identify all mandatory licences and the use of the Article 4 direction to limit the number of smaller HMOs and to establish the efficacy of the approach the Council is currently undertaken before proceeding with any Additional Licensing schemes

9.4 The proposed discounts listed below be accepted:

9.4.1 Early bird discount be available for applicants that register three months prior to the commencement date of the scheme/s and following 3 months of the commencement date of the scheme/s.

9.4.2 Charities being discounted by 10 % up to the late penalty date.

9.4.3 Accredited landlords discounted by 10% up to the late penalty date

9.4.4 An EPC rating of C or above discounted by 10% up to the late penalty date

9.4.5 Landlords with multiple applications be discounted after the first application by 10% up to the late penalty date.

9.5 The maximum number of discounts applicable to a licence will be two.

9.6 A late penalty fee be added to the licence fee of 20% for those properties that are not registered within 18 months of the commencement date of the scheme/s.

Appendices

- Appendix I – Communication Plan
- Appendix II – Consultation Questionnaire
- Appendix III – Consultation reponses to Key Issues raised by respondents
- Appendix IV - Responses from - EMPO
- Appendix V – Responses from - NRLA
- Appendix VI - Responses from Jonathan Ashworth MP – Rented Sector Student Tenants
- Appendix VII - Responses from Climate Action
- Appendix VIII - Responses from - Action Homeless
- Appendix IX - Responses from Safe Agent

Leicester City Council

DISCRETIONARY LICENSING ENFORCEMENT POLICY

Leicester City V1

2022 – 2027

Full Council Adopted 7/7/22

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1.0 Introduction

This policy has been provided to give guidance to officers and members of the public under Section 80 of the Housing Act 2004.

Leicester City Council has the power to designate areas of the district subject to discretionary Licensing.

The selective licensing scheme will relate to all privately rented properties within designated areas.

The areas are within parts of the Wards of Stoneygate (East Cluster); Westcotes, Fosse, Braunstone Park & Rowley Fields (West Cluster); Saffron (South Cluster). (Covering less than 20% of Leicester's geographical area and less than 20% of privately rented homes in the local authority area).

Leicester City Council has exercised these powers and designated the following areas of the authority as subject to Selective Licensing.

This document sets out the structure of the scheme and the fees and charges and criteria Leicester City Council will apply to all licences in relation to its Discretionary Licensing schemes.

Figure 1 - Map of Selective Licensing areas.

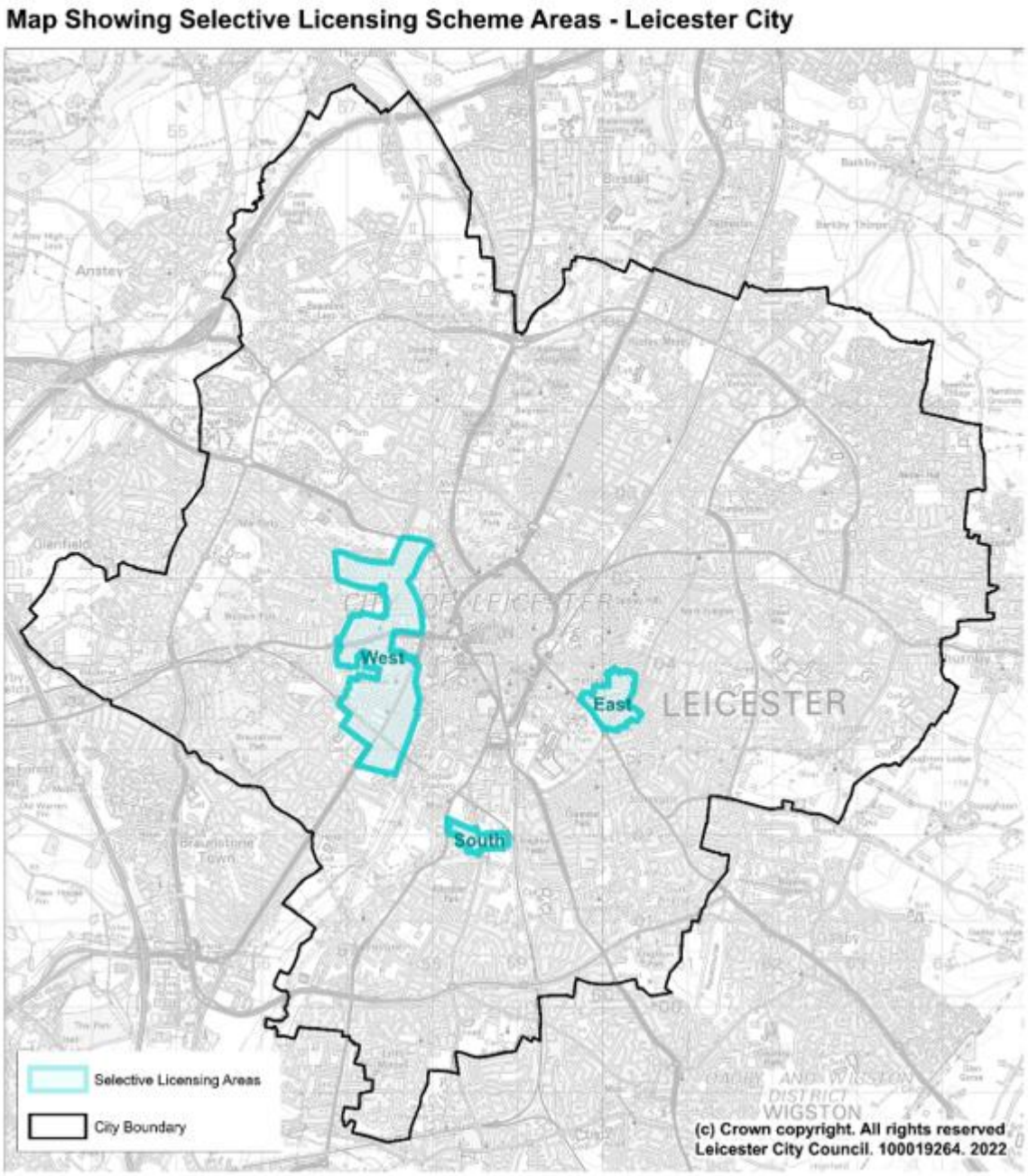


Table 1 – List of Roads in Selective Licensing areas

Street Name	Included Part Street
Abingdon Road	
Abingdon Walk	
Alma Street	
Arundel Street	
Ashleigh Road	
Balfour Street	
Barclay Street	
Bartholomew Street	
Bassett Street	
Battenberg Road	
Beaconsfield Road	
Beatrice Road	
Beckingham Road	
Biddulph Ave	1 -9 not 1A
Biddulph Street	
Bisley Street	
Blue Fox Close	
Bolton Road	
Bonchurch Street	
Borlace Street	
Bosworth Street	
Bramley Road	
Briton Street	3 - 43 odd and 8 - 38 even
Brooksby Street	
Browning Street	
Bruce Street	
Cambridge Street	
Canterbury Terrace	
Carlisle Street	
Catesby Street	
Cavendish Mews	
Cavendish Road	
Cedar Road	
Celt Street	
Central Road	
Chandos Street	
Chartley Road	
Street Name	Included Part Street
Chaucer Street	
Cherryleas Drive	
Church Avenue	
Clifford Street	
Clifton Road	
Compton Road	
Connaught Street	
Cranmer Street	
Cromer Street	

Street Name	Included Part Street
Daneshill Road	
Dannett Street	
Dannett Walk	
Danvers Road	
Dashwood Road	
Denton Street	1 -3 odd and 2 - 4 - even
Devana Road	1- 63a odd and 2 -10a even
Draper Street	
Dulverton Road	
Dunster Street	
Dunton Street	
Eastleigh Road	
Empire Road	
Equity Road	
Evington Footway	
Evington Place	
Evington Road	1 -159 odd and 2 - 118 even
Flora Street	
Fosse Road Central	
Fosse Road North	
Fosse Road South	1 -281 odd and 2a - 256 even
Franche Road	
Gaul Street	
Glenfield Road	1 -89 odd and 2 - 50 even
Glenfield Road East	
Guilford Street	
Haddenham Road	3 -135 odd and 2 - 130 even
Hamilton Street	
Hardwick Court	
Harrow Road	
Hawthorne Street	
Henton Road	
Herschell Street	
Hinckley Road	7 -265 odd and 2 - 238 even
Hoby Street	
Hopefield Road	
Hughenden Drive	
Imperial Avenue	3 -37 odd
Ingle Street	
Ivanhoe Street	
Ivy Road	
Kate Street	

Street Name	Included Part Street
Kimberley Road	3 -49 odd and 2 - 74 even
King Richards Road	
Kirby Road	
Knighton Fields Road West	7 -103 odd and 2 - 138 even
Lambert Road	
Latimer Street	
Laurel Road	
Lavender Road	
Linkway Gardens	
Livingstone Street	
London Road	148a - 220 even
Lonsdale Street	
Lothair Road	
Luther Street	
Lyme Road	
Mantle Road	
Marlow Road	1 -37 odd and 2 - 36 even
Marshall Street	
Mayfield Road	
Merton Avenue	
Minehead Street	
Mostyn Street	
Mountcastle Road	
Narborough Road	1 -259 odd and 2 - 330 even
New Park Road	
Newport Street	
Noble Street	
Mundella Street	
Muriel Road	
Myrtle Road	
Narborough Road	1 -259 odd and 2 - 330 even
New Park Road	
Newport Street	
Noble Street	
Noel Street	
Nook Street	
Norfolk Street	11 -61 odd and 94 - 96 even
Norman Street	
Nugent Street	
Nutfield Road	
Oban Street	
Oliver Street	

Street Name	Included Part Street
Onslow Street	
Oxford Avenue	
Paton Street	
Pool Road	
Porlock Street	
Raymond Road	
Repton Street	
Ridley Street	
Ripon Street	
Rivers Street	
Roman Street	
Roslyn Street	
Rowan Street	
Ruby Street	
Ruding Road	
Ruding Terrace	
Rugby Street	
Saffron Hill Road	
Saffron Lane	179 -233 odd and 182 - 216 even
Saxon Street	
Shaftesbury Road	
Shakespeare Street	
Sheffield Street	
Sheridan Street	
Skipworth Street	
St Albans Road	
St Dunstan Road	
Tudor Close	
St James Road	
Tyndale Street	
Tyrrell Street	
Upperton Rise	
Upperton Road	1 -181 odd and 6 - 118 even
Vaughan Street	
Vernon Street	
Victoria Terrace	
Walton Street	
Warren Street	
St James Road	
St James Terrace	
St Pauls Road	
St Peters Road	25 -87 odd and 36 – 88a even
St Stephens Road	
Stephenson Drive	138 - 150 even
Storey Street	
Stretton Road	

Street Name	Included Part Street
Stuart Street	
Sutherland Street	
Sweetbriar Road	
Sykefield Avenue	
Sylvan Street	
Taunton Road	
Tennyson Street	
Tetuan Road	
Tewkesbury Street	
Thackeray Street	
Warwick Street	

Street Name	Included Part Street
Wentworth Road	
Westcotes Drive	1 -105 odd and 2 - 186 even
Western Road	3 -251a odd and 122a - 278 even
Westleigh Avenue	
Westleigh Road	
Wilberforce Road	
Wilmington Road	
Winchester Avenue	
Wolverton Road	
Woodgate	2 - 88 even

Selective Licensing covers all private rented houses within the designated areas and all licence applications are to be accompanied with a fee determined by the Council. Once a licence is issued it is not transferable.

2.0 Selective Licensing in Leicester City

Under the "Leicester City Council Areas (TBC) Designation for Selective Licensing 2022" which will come into force on the 10 October 2022 most privately rented homes in the Designated area will be required to have a property licence.

The Council has exercised its powers to charge under Section 87(3) and (7) of the Housing Act 2004 and does so taking into account the Provision of Services Regulations 2009.,

Under Part 3 of the Housing Act 2004, a house is required to be licensed if:

- The whole of it is occupied under a single non-exempt tenancy or licence.
  or
- The whole of it is occupied under two or more non-exempt tenancies or licences in respect of different separate dwellings within the building.

In the event that a building has multiple dwellings contained within it the Council will require a separate application and fee for each of the dwellings within the building. The Council will consider each application and will take the following factors into account before deciding to issue a multi property licence or not:

- Each of the dwellings are separate dwellings (usually self-contained flat,) which are contiguous to one another in the same building.
- Each of the dwellings are occupied under non-exempt tenancies.
  and
- Each of the dwellings within the same building are within common ownership and management control.

Where the Council is satisfied that individual property licences should be granted, it will give notice of this to the applicant and every relevant person. There is a right to appeal this decision to the First Tier Tribunal (Residential Property Chamber), notwithstanding the grant of these licences.

In cases of a registered `not for profit` charity or an individual housing provider, such as a private landlord or organisation who is assisting the Council by offering permanent accommodation to meet our homelessness duties applications will be accepted, for the particular property being provided without a fee being payable. An assessment of the organisation will then be carried out and if appropriate the Council will determine the application and issue a licence without requiring any fee. Each case will be considered on its merits based on the type of individual or organisation submitting the application and the removal of the fee requirement will only be applied to the licence for the house being provided for homelessness purposes.

3.0 Licence Fees

Section 87 of the Housing Act 2004 permits the Council to require any application for a licence under Part 3 to be accompanied by a licence fee and that this fee may properly cover all costs incurred by the Council in carrying out its functions.

In developing its fee structure the Council has had regard to the European Court of Justice ruling in R (Hemming) V Westminster City Council (Case C-316/15) and the High Court decision in R (Gaskin) v LB Richmond Upon Thames (2018) EWHC 1996 (Admin) which held that the EU's Provision of Services Directive, which is enshrined in UK law as the Provision of Services Regulations 2009 should apply to property licensing fees and the processes involved in implementing and delivering such schemes.

The Services Directive should be interpreted as precluding charging in advance for costs other than those directly related to the authorisation process of the scheme. In other words, the Council is not permitted to demand fees in advance for anything other than the costs of administering the application for a licence even if it makes it clear that unsuccessful applicants are provided with a refund of the remaining part of the fee. The Council may legitimately recover its wider costs, over and above those relating to the administration of applications, but this should be at the point at which the Council has determined that a licence is to be granted.

The judgements in Hemming and Gaskin have therefore had the effect that the fee for a discretionary Licence under Part 3 of the 2004 Act must be levied in two separate parts.

The Council is not allowed to demand fees in the Stage 1 process for anything other than the costs of administering and processing the application for a licence. Furthermore, this element of the fee is non-refundable should the application be unsuccessful.

In the case of Stage 2 payments these can only be requested if the initial application is successful and will be charged to cover the costs of running and enforcing the scheme. As such the Council, when setting its fees, has adopted the two-stage approach. All fees and charges will be reviewed on an annual basis and the following tables set out those fees for July 2022 – June 2023.

Table 1- Fees and Charges

Stage	Type of Licence	Fee
Stage 1 Fee – Payable at the time of making the application	5 Year Licence	£869
Stage 2 Fee – Payable once the Council has determined the to grant a licence	5 Year Licence – where the landlord is licensing a property without being identified as part of the councils proactive enforcement	£217
Total Fee		£1086
Stage	Type of Licence	Fee
Stage 1 Fee – Payable at the time of making the application	1 year licence	£695
Stage 2 Fee – Payable once the Council has determined the to grant a licence	1 Year Licence – where the landlord is licensing a property without being identified as part of the councils proactive enforcement	£174
Total Fee		£869
Stage	Type of Licence	Fee
Stage 1 Fee – Payable at the time of making a renewal for end of scheme licensing application	Renewal of licence – subject to criteria	£522
Stage 2 Fee – Payable once the Council has determined the to grant a renewal of a licence	Renewal of licence	£130
Total Fee		£652

Under Section 90 (6) of the Housing Act 2004 the Council has the power to impose a restriction / obligation on a particular person (with their consent). In accordance with this power the Council will require the licence holder's consent to pay the Stage 2 fee in advance of the licence being issued, this will be required as part of the application process.

In addition, the Council will attach a condition to all licences requiring this obligation to be met i.e. to pay the Stage 2 fee. This approach is consistent with that set out in the Hemming case. Failure to make the Stage 2 payment will result in the Council taking action through, either the revocation or refusal of the licence or by enforcing the non-compliance of the licence condition associated with the making of the Stage 2 payment.

4.0 Processing the Application

Under the Housing Act 2004 the Council can either grant or refuse a licence. In determining whether to grant or refuse a licence the Council must satisfy itself of the following:

- That the proposed licence holder or manager of the property is a fit and proper person to be a licence holder or manager
- That there are satisfactory management arrangements in place or that such arrangements can be put in place by the imposition of conditions in the licence.

5.0 Tests for Fitness etc. and Satisfactory Management Arrangements

Leicester City Council must be satisfied that "the proposed management arrangements are satisfactory" before granting a licence. Those arrangements include (but are not limited to) consideration of whether:

- the person(s) proposed to be involved in the management of the premises has/have a sufficient level of competence to be involved.
- the person(s) proposed to be involved with the management of the premises is/are actually involved in the management.
- the person(s) is/are 'fit and proper' (which is discussed below).
  and
- the proposed management structures and funding arrangements are suitable.

If there are concerns about the competencies and structures in place to manage the premises, then conditions can be imposed on the licence to ensure that the necessary arrangements are in place. However, if such conditions are not possible or practical to impose then it may be necessary to refuse to grant a licence.

It is for a Council to determine whether a person has sufficient competence to be involved in the management of a premise and, of course, the level of competence required will in some measure be determined by the complexity of the management challenges posed. The Council will, therefore, be looking at the applicant's experience and track record of managing residential premises and, in particular, where he/she is the existing manager, the premises to which the application relates. In most cases landlords who belong to a recognised trade association or are members of an accreditation scheme will be regarded as having the necessary competence to be involved in the management of the premises because, at such organisations can be called upon for advice and assistance where necessary.

The management structures must be such that the manager is able to comply with any licence conditions and deal with the day to day operational management issues that arise as well as being able to deal with longer term management issues. In considering whether the structures are appropriate the Council may take account of the following:

- evidence as to whether the systems in place are sufficient to enable the manager to comply with any condition of a licence or if such systems can be put in place through a condition on the licence to ensure compliance.

- evidence of the systems for dealing with:
  - emergency repairs and other issues.
  - routine repairs and maintenance to the premises and its curtilage.
  - cyclical maintenance.
  - management and the provision of services (if any) to the building and its curtilage.
  - management of tenancies or occupants; management of the behaviour of tenants, occupants and their visitors to the premises.
    and
  - neighbourhood issues (including disputes)

- evidence of structures for engagement with the local authority, police and other agencies, where appropriate.

To be able to demonstrate much of the above evidence it is likely that the manager will need to operate within a reasonable proximity to the premises, so that he/she can attend to matters promptly and retain an overview on the condition of the premises and the management of the tenancies.

The Council must also be satisfied that the financial arrangements relating to the premises are suitable. In that regard the manager must be sufficiently funded or have access to funding to carry out his obligations under the licence and his/her general management functions.

Leicester City Council can vary or revoke a licence at any time during the licence period if there is sufficient evidence to support these decisions. Unannounced visits of licensed properties will therefore be undertaken during the licence period to check for compliance with the licensing and management regimes which apply. This is consistent with the powers provided under Section 239 of the Housing Act 2004.

Breach of any such legislation is a strict offence for which further action will be taken. The Housing, Health and Safety Rating System (HHSRS) also applies to rented properties and (if appropriate) remedial works can be enforced via this legal mechanism separately to the powers provided under the licensing scheme.

6.0 The Fit and Proper Test

In deciding to grant a licence Leicester City Council must be satisfied that the proposed licence holder “is a fit and proper person to be the licence holder” and that “the proposed manager of the house is a fit and proper person to be the manager of the house”.

This requirement is to ensure that those responsible for operating the licence and managing the premises are of sufficient integrity and good character to be involved in the management of the residential premises to which the application relates and as such they do not pose a risk to the health, safety or welfare of persons occupying and visiting the premises.

When considering whether a person is ‘fit and proper’ Leicester City Council will have regard to any misdemeanours (wrong doings) of the relevant person concerned. This is evidence that the person has:

- committed any offence involving fraud or other dishonesty, violence or drugs and certain types of sexual offences.
- practised unlawful discrimination on the grounds of sex, colour, race, ethnic or national origins or disability, in connection with the carrying out of business.
- contravened any provision of housing or landlord and tenant law.
  or
- acted otherwise than in accordance with an approved code of practice.

The above list is not exhaustive, and Leicester City Council can and will consider whether a relevant person has committed other relevant misdemeanours, for example, discrimination under the Equality Act 2010. A relevant person will not be deemed unfit, simply because of poor management, although this is highly relevant to determining any question of suitability or competence.

Leicester City Council do not adopt a blanket policy on its consideration of factors under a fit and proper person test. Each case will be considered on its own merits and regard will be had to information provided / omitted from an application form; historical information already held by Leicester City Council relating to the premises and / or any relevant person connected with the licence application. In an application for a licence the applicant must provide details of the following in relation to him/herself and the proposed manager (if the applicant is not to be the licence holder):

- unspent convictions.
- any findings of a court/tribunal that the person has practised unlawful discrimination.
- any judgement entered against that person in relation to a contravention of housing or landlord and tenant law (and, in so far it relates to the housing or landlord and tenant law, any contravention of any enactment relating to public or environmental health).
- any control order made in respect of any House in Multiple Occupation (HMO) under his/her management or ownership (and also in respect of any former HMO he/she owned or managed).
- any enforcement action in respect of any house or HMO under his/her management or ownership (and also any former HMO or house he/she owned or managed) under the housing health and safety rating system in Part 1 of the Housing Act 2004 so far as that enforcement action related to a category one hazard.
- details of any refusal to grant a licence, or details of the revocation of a licence granted for non-compliance of a condition or conditions in respect of any house or HMO under his/her management or ownership (and also in relation to any former HMO or house he owned or managed).
  and
- details of any interim or final management orders made by a Local Housing Authority in respect of any house or HMO under his management (and also in respect of any former HMO
- or house he owned or managed).

An applicant for a licence must disclose any misdemeanours which relate to themselves, the proposed manager, and any other relevant person, if any. Leicester City Council should therefore have sufficient information to decide a person's fitness based on the application.

If Leicester City Council are not satisfied that it has sufficient information (being that supplied in connection with the application) to make a determination, it may require the applicant to provide further details and / or undertake their own further enquiries with other relevant Council departments and external bodies as it deems necessary, including for example Disclosure & Barring

Service checks (DBS) and Trading Standards. The completion and signing of the Licence application form will be taken as an agreement to any such action.

Checks will also be made internally with other Council departments such as Licensing, Planning, Building Control, Council Tax and Housing Benefit.

Leicester City Council are also able to request information on criminal convictions, and although this is not undertaken as a matter of routine a Police National Computer (PNC) check will be requested where there is sufficient evidence that this is necessary. A PNC check may also be requested for the purposes of officer safety during the course of the licensing application should this also be considered necessary.

Such reasons for a PNC check may include that:

- Leicester City Council have evidence of a history of complaints or problems with the landlord (which in themselves might not amount to 'evidence' of unfitness to meet the test), but further investigation may be required.
- the applicant has been evasive or untruthful in their application for a licence.
- the applicant, or proposed manager, is unknown to Leicester City Council and has not demonstrated any history or competence of managing HMOs or other private rented properties.
- Leicester City Council has reasonable grounds to suspect that the applicant,
  or
- the proposed manager, has committed an offence which is relevant to the determination of any question of his/her fitness.
  or
- the premises provides accommodation mainly to vulnerable persons.

In deciding whether a misdemeanour (including a criminal offence) is relevant to the determination of a person's fitness Leicester City Council will consider the following factors:

- the relevance of the misdemeanour(s) in relation to the person's character and integrity to manage residential premises and in particular the type of premises to which the licence relates.
- the seriousness of the misdemeanour(s) in terms of impact, or potential impact, upon the residents and the wider community, including if more than misdemeanour has been carried out the cumulative impact.
- the length of time since any misdemeanour.
  and
- any mitigating circumstances

7.0 Consideration of 'Persons Associated or Formerly Associated' with the Proposed Licence Holder or Manager

If there is evidence that a person associated, or formally associated, with the person proposed to be the licence holder or manager of the property, has committed any misdemeanours, that evidence maybe taken into account in determining the proposed licence holder's or manager's fitness (even if that person has himself or herself an unblemished record).

The purpose of this requirement is to ensure that only fit and proper persons hold licences or are in any way involved in the management of licensed properties. It would not be appropriate for a licence to be granted to someone, or for someone to be the manager of a property, if that person

was merely acting as a 'front' for someone else who, if he or she were not unfit, would be entitled to be the manager or licence holder.

An example might be that of a husband and wife, where the husband is the landlord (or indeed both he and his partner are joint landlords), but only the wife has applied for the licence. If there is evidence that the husband has committed misdemeanours and those misdemeanours are relevant to the wife's management of the property or licence, then the Council may refuse to grant her a licence.

Likewise, if a landlord with an unsatisfactory record nominated a 'manager' who has a clean record, but had acted for him whilst the misdemeanours were committed, Leicester City Council may consider the managing agent by association to be unfit too.

8.0 Issuing a Licence

All properties subject to an annual property licence will be inspected prior to the issuing of a draft licence to ensure that the property meets the required standards and the necessary and appropriate management arrangements are in place.

Where the licence holder and manager have satisfied the requirements for a longer licence the licence will be issued after an initial inspection being completed. All properties will however remain subject to further inspections during the lifetime of the licence to check compliance with licence conditions, management responsibilities and minimum standards. In certain cases the Leicester City Council may decide to carry out such inspections without prior notice being given to the owner, licence holder and /or manager.

Where the inspection has been pre-arranged then all applicants will be required to provide access to all rooms in the house at a suitably arranged appointment.

All contact with the licence holder and relevant person(s) will be made using the contact information provided by the applicant on the original application. Accordingly, it is the licence holder's responsibility to ensure that all contact details are up to date and you must notify the Landlord Licensing Team of any change in details. The Landlord Licensing Team will not be held responsible for any delay in communication if it is as a result of any contact information changing.

A draft licence with conditions will be issued based on the findings from this inspection. The draft licence (known as an Intention Notice) will be emailed to all relevant persons and other interested parties for consultation.

The relevant persons will have an opportunity to make any representations, which will be considered.

When this process is complete a full licence with the conditions (known as the Decision Notice) will be issued. Again, copies will be sent to all interested parties.

If the licence holder is still dissatisfied with the conditions of the licence, they will have an opportunity to appeal to the First-tier Property Tribunal. The details of how this appeal can be made will be provided with the Licence.

All properties will be inspected at least once during the period of the licence to check conditions have been complied with. Failing to comply with any conditions on a licence is an offence under Section 95(2) of the Housing Act 2004 and, if found guilty the licence holder could face a prosecution or be issued with a Civil Penalty of up to £30,000.

In cases where the licence is being issued to or on behalf of a new landlord who has never licensed a property before the first licence will run for one (1) year, and the licence must be renewed before it expires. After the first year, the opportunity will be provided to apply for a longer licence, provided all the relevant criteria is met.

The Council considers this approach is justified in furtherance of the overriding public interest of improving the standard of rented properties and their management.

The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (Amendment) (England) Regulations 2012 set out amendments to "renewal applications", which reduces the burden on landlords applying for the renewal of a licence.

9.0 Renewal Applications

In the case of renewal applications where a one year licence has been issued the applicant must:

- supply with the application, completed and signed declarations of the works undertaken required in the licence that have been attended too to allow for application for a complete application for a Selective Licence.
- supply in addition a completed and signed declaration that notification has been given to all interested parties that a complete selective licence application is to be made.
  and
- in either case, a signed application form will be required by the Council.

The form of declaration mentioned above will be available for applicants to sign as part of any renewal application.

The regulations define a "renewal application" as "an application for a licence under section 87 of the Act where, at the time the application is made a licence of the kind applied for is already held by the applicant and has effect in respect of the HMO or house".

The effect of this part of the Regulations is that in order for the Council to treat any application as a "renewal" the application must be made during the active period of the current licence. If a renewal application is received on or after expiry of the current licence, then the application will be treated as a new application and the appropriate fees above will apply.

10.0 Application for a Revocation or Variation of a Licence

If circumstances regarding the property change during the licence period, for example a change in the number of letting units, the licence holder must notify the Discretionary Licensing Team directly so the licence can be re-assessed and varied if the premise is considered suitable to accommodate the variation request.

Similarly, if the premises are no longer going to be occupied as a rented property or the licence holder changes, then the licence holder must make an application for the licence to be revoked. Any remaining period of the licence will be forfeited and there will be no right to a refund of the original payment.

11.0 Licence Criteria

One Year Licence Application Criteria

Annual licences are normally issued to properties where issues have arisen that in the opinion of the officer the issue may be resolved in the short term or where they have recently acquired or converted their property into a licensable property. This licence will be issued for a probationary period of 12 months and will be subject to the inspections process described earlier.

Upon renewal the landlord/licence holder will be able to apply for a longer licence and, subject to meeting the relevant criteria, may be issued with a 5 year or “end of scheme” licence. In cases where the landlord/licence holder is not able to meet the qualifying criteria an annual licence will be issued as a renewal.

It is important that a renewal application is submitted before expiry of the current licence otherwise it may be determined that this is a new application and additional information will be required. A different fee may also apply to reflect the increased time involved in processing the application.

Annual licences will automatically be issued to those landlords who are found to be operating an unlicensed property through proactive visits carried out by the Council. In cases such as these it is likely that the landlord may also be subject to a formal investigation by the Council – given that they have been found to be operating an unlicensed property. This may affect their eligibility as licence holder or manager so they will be required to nominate an alternative competent person to be licence \holder/ manager.

Upon renewal the landlord/licence holder will be able to apply for a longer licence and, subject to meeting the relevant criteria, may be issued with a 5 year or “end of scheme” licence. In cases where the landlord/licence holder is not able to meet the qualifying criteria an annual licence will be issued as a renewal.

In all cases the applicant must:

- Complete a valid application within 12 weeks of the property being licensable.
  and
- Comply with all licence conditions before the licence is due for renewal.

Five Year / End of Scheme Licence Application Criteria

All applicants that meet the criteria set out below will be eligible for a ‘five-year’ licence (granted for 5 calendar years or up to the expiry date of the operating scheme).

The criteria for such a license is as follows:

- Valid renewal application completed promptly before or within 2 weeks of being sent the first renewal reminder.
- In the case of new applications, a complete application form.
- Fee paid.
- Declaration signed.
  and
- Five-year licence self-certification forms signed by the licence holder and (if applicable) managing agent.

All parties involved in the licensing and management of the property must also have a good history with the Council. When determining the compliance with this element of the criteria the Council will take the following into account:

- All licence applications made on time.
- No outstanding licence conditions.
- No recent complaints about the property we have taken action to resolve.
- All certificates provided up to date and satisfactory.
- No issues with other departments within the council i.e., planning/environmental health.
- Have suitable maintenance arrangements in place with suitably qualified and competent tradespeople for the upkeep of the property.
  and
- Adhere to the principles set out in the **Private Rented Sector Code of Practice.**

Managing Agents (with sole or joint management responsibility) must meet the following additional criteria:

- 50% or more of the company's employees are suitably qualified in residential property management.
- All employees carry out regular continued professional development (CPD).
  and
- The company is registered with a recognised professional association.

Should any issues arise, or new information be discovered after the licence is issued, Leicester City Council reserves the right to revoke the licence. If any relevant person is found to have provided false or misleading information or made a false declaration, we may take enforcement action against them separately.

It is the responsibility of the proposed licence holder and manager(s) to meet all of the eligibility criteria for the licence and provide all necessary evidence when requested. If all requested documentation is not provided in time, the Council will automatically assess the application based on the evidence we hold and issue a licence accordingly, which will generally be an annual licence.

12.0 Will Tacit Consent Apply?

In deciding whether tacit consent applies the Council has taken into consideration the recent High Court decision in the case of R(Gaskin) v Richmond LBC [2018] EWHC 1996 (Admin).

The Gaskin case says that the Provision of Services Directive applies to licensing schemes in full and that regulators should set out how long it will take to carry out a licensing approval process and if they do not meet that timeline then approval (tacit consent) should happen automatically.

Upon receiving a valid application, the Council will aim to provide a decision as soon as is reasonably practicable, however each case will require different processes to be completed, for example if an inspection of the property is necessary then the Council will be required to complete this before issuing you with a decision. This could therefore extend the time it takes to process your application.

It is therefore the Council's aim to process all valid applications and provide the relevant persons with a decision within 12 weeks of receipt. This will require the full co-operation of the applicant with the Council's requirements for determining a licence application.

If a decision about a licence application has not been received after this period, then tacit approval may apply but the proposed licence holder should not assume they will automatically have been granted a licence.

As mentioned, the target completion period for issuing a decision and a licence is subject to many factors and as such applicants should check with the Council on the status of their application. By the Council setting out and displaying publicly their licensing processing time, the Council considers this will instil confidence in local landlords and help to keep them informed about the process.

13.0 Public Registers

A register of property Licences is available online and details of this can be obtained by sending a formal, written request to the Discretionary Licensing team.

14.0 Appeals

If an application for a property Licence is refused, there is a right to appeal this decision within 28 days to the First-tier Tribunal (Property Chamber - Residential Property). The details of this will be provided with the Decision Notice.

15.0 Discretionary Licensing Enforcement

Discretionary Licensing is a regulatory tool under Part 3 of the Housing Act 2004 which provides a discretionary power for Local Authorities to introduce selective licensing of privately rented homes within a designated area. This is based on specific indicators of low housing demand, problems with anti-social behaviour, and concerns relating to one or more of the following - levels of crime, deprivation, migration and housing conditions.

Discretionary Licensing contributes to confidence in the private rented sector and encourages landlords to increase accountability for the management of their property and tenants. Generally, good responsible landlords will benefit from the additional support with unscrupulous landlords finding it a less appealing proposition.

This policy sets out the broad principles and processes which Officers will follow within the Discretionary Licensing Scheme when delivering landlord licensing in line with the requirements of The Housing Act 2004, and other appropriate housing legislation to ensure the approach is fair and consistent and that it will stand up to scrutiny.

This enforcement policy helps to promote efficient and effective approaches to regulatory inspection and enforcement of licensing schemes, which improve regulatory outcomes without imposing unnecessary burdens.

Enforcement in the context of this policy is not limited to formal enforcement action such as serving notices or prosecution but includes the inspection of premises to check for compliance with the scheme and relevant legislation and the provision of advice, support and guidance. It sets out what owners, landlords, their agents and tenants of private sector properties can expect from Leicester City Council and the types of enforcement action that can be taken and considered.

16.0 Overall Enforcement Policy

The Discretionary Licensing Team will endeavour to work with landlords to provide support and guidance to improve housing standards and practices within the private rented sector.

Any enforcement action considered will be based on risk and will also have full regard to any statutory duty. Assessment of risk will be based on current legislation and specific guidance.

In response to the enforcement concordat (note[1]) the Discretionary Licensing Team consider the following principles as the basis for undertaking fair and balanced enforcement:

Openness

- We will provide information to the public in plain language and if possible, avoid any jargon.
- We are open and honest about how we do our work and in particular how we set our charges for enforcement.
- We will always discuss general issues, specific failures or problems with anyone who we have enforced against.
- We will try to ensure that people understand what is expected from them as well as making them aware of what they can expect from us.

Helpfulness

- Our staff will provide a courteous, efficient and helpful service.
- All staff visiting properties will identify themselves by name and carry identification cards.
- We will provide a contact point and telephone number for further dealings with Officers.

Proportionality

- Where possible, we will endeavour to minimise the costs of compliance with notices by ensuring the action we take is proportionate to the risks.
- We will work with those required to take action so that they can meet their legal obligations without unnecessary expense.
- Any sanctions we impose will take account of the seriousness of the offence.

Note 1

The Legislative and Regulatory Reform (Regulatory Functions) (Amendment) Order 2014 ("the 2014 Order") amends the Legislative and Regulatory Reform (Regulatory Functions) Order 2007 ("the 2007 Order"), which specifies regulatory functions which are within the scope of the better regulation principles and the Regulators' Code. The Order updates the 2007 Order by adding and removing specific regulatory functions

Consistency and fairness

- Officers will carry out their duties in a fair and consistent manner. To achieve this, we will develop and put in place procedures for the range of enforcement activities we carry out and ensure that Officers follow such procedures.

Although Officers have to exercise judgment in individual cases, we will ensure that procedures, wherever possible, are the same and people are treated equitably. It must be stressed that as a rule we believe in gaining the desired result through effective engagement with the parties involved. However, we will take enforcement action if the criteria of the enforcement policy have not been satisfied.

Service complaints

The Council has a corporate complaints system that enables the public to provide their views on our services. Details of the procedure can be found online by visiting the Council's website at https://www.leicester.gov.uk/contact-us/comments-compliments-and-complaints/#:~:text=You%20can%20also%20write%20to,us%20on%200116%20454%201000.

We will respond promptly to complaints received about the service.

Principles of enforcement and enforcement decisions

When discharging its duties in relation to the discretionary Licensing Schemes, the Council will follow the principles of good enforcement and ensure that enforcement decisions are made, and actions are taken in line with the provisions of the following legislation:

- The Human Rights Act 1998
- Regulators Compliance Code
- Criminal Procedures and Investigations Act 1996
- Regulation of Investigatory Powers Act 2000
- The Crime and Disorder Act 1998
- The Anti-social Behaviour Crime and Policing Act 2014
- The Police and Criminal Evidence Act 1984 (as amended)
- Civil penalties under the Housing and Planning Act 2016

Partnership working

We will engage in partnership working with other enforcement agencies where there is a shared enforcement role, or where it is in the public interest to share matters concerning non-compliance with enforcement actions taken. For example liaising with; the Police, the Fire and Rescue Service and other Council Services.

Enforcement action will be based on risk and will have full regard to any statutory duty. Assessment of risk will be based on current legislation and specific guidance. The Council will seek to ensure it recovers appropriate costs from those landlords who are not being proactive in managing or letting properties.

Actions available broadly divide into two categories:

- Informal action
- Formal action

Once we have established that action needs to be taken to resolve an issue, wherever possible an informal approach will be adopted having regard to either the Code or the Concordat.

However, in certain cases there will be no alternative but to take formal action.

Consideration will be given to:

The impact of interventions on economic progress; especially within small businesses and whether the benefit justifies the costs and poses the minimum burden to achieve the objective. Whether informal action may compromise the objective or whether there is a serious breach of legislation. For example, where an imminent risk to public health exists and removal of the risk is only guaranteed through a formal approach.

Any relevant history in relation to the case, in particular, officers will consider whether any action has been taken in the past, the recipient's response and the ability and willingness of the recipient to keep to agreed timetables of work.

Whether an act or omission is serious enough to warrant formal action, or whilst there is no infringement of legislation, a positive benefit from informal action can be derived.

The initial decision to take informal or formal action will be made by the enforcement officer. The decision will be agreed with the relevant line manager; however, overall responsibility for officers' actions rests with the Director for Neighbourhood and Environmental Services

Informal Action

Informal action includes but is not exhaustive to:

- Issuing verbal advice or instruction,
- Working in partnership with key agencies,
- The provision of advisory written information; examples are schedules of work in relation to required property repairs and informal warning/reminder letters to submit a licence application/information.
- Guidance, information and advice to licence holders advising them of their responsibilities, including an online document library and landlord support pages.

Formal Action

If informal engagement fails, or it is not appropriate to adopt an informal approach as certain circumstances require immediate formal action, formal action will be taken.

The Council will use both formal and informal actions when dealing with contraventions and the use of any measure will depend on the circumstances of each case.

Authorisation of Officers

By exercising its powers of delegation, the Council has authorised officers within the Landlord Licensing Team to carry out enforcement action. Only officers who the Council have determined as competent will be authorised to take enforcement action. Any enforcement action will be initiated by suitably qualified and experienced enforcement officers.

Officers will have sufficient training and understanding of this enforcement policy and their area of work to ensure a consistent approach to their duties. We undertake to monitor officers' actions to ensure they are always in accordance with our policies.

All officers will carry identification and an authorisation. They are required to show these if asked.

Delegation of Authority

The Director for Neighbourhood and Environmental Services and the Service Manager have delegated authority under this policy to authorise appropriately qualified Enforcement Officers.

Licence Holder

Licence holders must ensure their properties are well managed, safe and comply with all of the licence conditions attached to the discretionary Licence.

If the Council receive concerns about a particular property, licence holder, manager or a breach of the licence conditions they will investigate to determine the best course of action.

The Council may take into consideration the following factors when determining the most appropriate course of action:

- The number of properties in the licence holders portfolio
- The length of time the person has been a landlord, manager, or licence holder
- Their willingness to engage and address issues at their properties
- Confidence in the management to tackle the issues raised by the Council
- The seriousness of the event.
- Previous history

There are criminal offences under discretionary Licensing relating to failure to comply with the licensing requirements:

It is a criminal offence to manage or have control of a property which is required to be licensed under Part 3 and is not so licensed. On summary conviction, a person found guilty of such an offence may be given an unlimited fine.

Where a licence holder, or person who has agreed to be bound by the licence, then breaches a condition of a licence without a reasonable excuse they will be guilty of an offence and may be fined under the Civil Penalty scheme under the Housing Act 2004.

A person commits an offence if s/he knowingly supplies any information in respect of Part 3 licensing, to the Council or another person which is false or misleading or is reckless as to whether it is false or misleading. On summary conviction, a person found guilty of such an offence may receive an unlimited fine.

Unlicensed Properties

It is an offence for a landlord to rent a property in a designated area without applying for a discretionary Licence. The Council will investigate and take enforcement action if/or when necessary, and this will be carried out in accordance with this Policy and the C Enforcement Concordat. The Council may take action under the Civil Penalties scheme for such offences or take proceedings in the relevant Court.

After promotion of the scheme, it is expected landlords will make an application for a licence in a timely manner. Where applications are not made or where properties are found to be unlicensed mid scheme, the Council will investigate those properties which there is reason to believe should be licensed but are not and will be charge a late application fee – See Fees and Charges.

An unannounced property inspection that may include the Police/Immigration/Fire may be undertaken to all properties where no licence application is received to determine the standard and use of accommodation. The Council views the offence of failing to ensure that a rented home was licensed under its discretionary licensing schemes as a significant issue, meaning that the tenants and wider community are not protected by the additional regulatory controls afforded by licensing. It may also affect any decision regarding existing or future licenses both in South Wigston and within other local authorities.

Other actions may be taken if concerns about the property are revealed during an investigation, e.g. a safety inspection under part 1 of the Housing Act 2004, to deal with category 1 or 2 hazards that have been identified during the inspection. Action may also be taken against the tenant in relation to anti-social behaviour or refuse concerns.

Currently the Council charges where it has to serve statutory notices under this legislation such as improvement notices, or prohibition orders (see fees and charges for details). Any such action may impact on decisions regarding suitability to hold a licence in the future.

Unlicensed properties may result in one or more of the following:

- A caution
- The application of a civil penalty charge as an alternative to prosecution.
- A prosecution against the landlord/agent being considered.

Following any action for an unlicensed property the property the landlord will be required to apply for a licence for the term of the scheme. The enforcement action may result in the premises being managed by a managing agent due to the landlord not being a "fit and proper person".

The following will be taken into consideration in determining which method of action to undertake:

- There must be sufficient evidence to give a realistic prospect of conviction.
- Is this the first time this landlords property has been uncovered as operating without a licence or are their previous similar offences.
- How long has the potential offence been committed for. Have there been complaints in relation to the property/landlord that have impacted on the tenants or local community.
- Is the landlord new to the area, an existing licence holder, known to the Landlord Licensing Team and for what reason, their history of compliance, willingness to comply.
- Is there evidence of intentional non-compliance, neglect, recklessness or ignorance.
- Does the owner/landlord have a reasonable excuse for failing to apply?
- Is it in the public interest to pursue a prosecution?
- Landlord/owner confidence, experience, training.
- What would be the outcome/impact of a prosecution versus a civil penalty/caution (this is not an exhaustive list).

Failure to Comply with and Provide Information to Confirm Licence Condition Compliance

All Licence Holders renting out properties within the designated licensing area are expected to comply with the conditions of their licence under part 3 of the Housing Act 2004. Any licence holder, found to be in breach of their licence will be investigated by the Landlord Licensing Team.

There are many different examples that could be deemed as a licence holder breaching the terms of their licence which may include but is not limited to:

- Failing to carry out repairs to property, as instructed by the Local Authority (this breach may result in the serving of an improvement notice under part 1 of the Housing Act)
- Failure to provide requested information e.g., valid gas safety certificate and a satisfactory electrical installation condition report with the annual review or at any other time when requested.
- Failing (when requested by the Council) to provide other information on request such as copies of tenancy agreements or evidence of reference checks for new tenant's or proof of correspondence regarding issues of anti-social behaviour.

The Council will work to support licence holders who breach their licence for minor offences, they will provide support, education and guidance to help them comply with the licence conditions. However, the Council will consider revoking a licence where a licence holder is found to be in breach of their licence on more than one occasion.

Any licence holder who fails to comply with the terms of their licence could experience difficulties in securing future landlord licenses both in Leicester City and with other Local Authorities. It is a criminal offence to breach the conditions of a discretionary licence.

Every effort will be made by the Council to prevent a licence holder from breaching any of the conditions of their licence. However, it is the licence holder's responsibility to ensure the property is being managed effectively and in accordance with the licence. Consideration will be given to a formal prosecution and/or the issue of a civil penalty charge for repeated breaches of licence conditions.

If the requested information is not received and/or the Council suspect that an offence has been committed the licence holder or landlord/agent will be invited to attend a formal interview under caution under the Police and Criminal Evidence Act 1984 (PACE). PACE interviews are conducted under caution and are recorded, suspects have the opportunity to have legal representation present. The record of interview is admissible as evidence in any subsequent prosecution. Copies of the recorded interview may be provided to the suspect at the end of the interview or as soon as reasonably practicable afterwards. The Council will use the information provided by suspects in the PACE interview to help consider if further action is required, and what the course of action might be.

Simple Cautions

Under certain circumstances, a Simple Caution may be used as an alternative to prosecution and will usually be considered before making a decision to prosecute. A caution is a serious matter. It may be used to influence any decision whether or not to prosecute should the individual, organisation or business offend again, and it may be referred to in any subsequent court proceedings. Simple cautions remain on record for a period of 3 years.

If a Simple Caution is offered but not accepted the Council may take the case to Court for prosecution

Cautions are intended to:

- Deal quickly and simply with certain, less serious offences.
- Avoid unnecessary appearance in criminal courts.
- Reduce the chance of offenders re-offending.

Before issuing a caution, the following matters will be taken into account when deciding whether a caution is appropriate:

- There must be sufficient evidence to give a realistic prospect of conviction.
- The offender must understand the significance of the formal caution and admit the offence by signing a declaration.
- The seriousness of the offence, as a caution is not suitable for serious offences.

Decisions to issue a caution will be notified to all known interested bodies, including tenants, managers, freeholders, leaseholders and mortgagees. Where an individual chooses not to accept a simple caution the Council will consider other options such as a civil penalty or a prosecution. Simple Cautions are viewed as valuable enforcement tools because they can be cited in court if the same

person or organisation, within three years of the original offence, commits similar offences and typically saves officer time and reduces the burden placed upon the court system.

Prosecution

The Council will use discretion in deciding whether to bring a prosecution and generally will only commence proceedings when it is considered to be in the public interest. The decision to prosecute lies with the Service Manager.

Before deciding to prosecute there must be sufficient evidence for a realistic prospect of conviction, taking into account any defence that may be available. In certain circumstances, prosecution without prior warning may take place.

The decision to prosecute will always take into account the criteria laid down in the Code for Crown Prosecutors issued by the Crown Prosecution Service i.e., the Evidential Test and the Public Interest Test.

Each case that we deal with is unique and must be considered on its own facts. In deciding whether to issue a Simple Caution or proceed with a prosecution, the initial decision will be made by the enforcement officer in consultation with the line manager. Having collected and collated evidence, officers will produce a case file and forward this to the manager to review prior to it being forwarded to the Head of Law and Democracy to consider and review the merit of the proposed action.

Civil Penalties

As an alternative to prosecution a civil penalty can be issued for the offences committed under Part 3 of the Housing Act 2004 (section 95). The power to impose a civil penalty as an alternative to prosecution for these offences was introduced by section 126 and Schedule 9 of the Housing and Planning Act 2016 and came into force on 6 April 2016.

In the first instance, local authorities must have sufficient evidence to initiate a prosecution, but the liable person can be issued with a civil penalty of up to £30,000 per offence as an alternative to prosecution. The liable person has a right to appeal to the First-Tier Tribunal (Residential Property Tribunal) following the issue of a Civil Penalty. Any enforcement action will be taken in accordance with this Enforcement Policy and each case will be judged on its own merit. Please refer to the Private Sector Housing Team - Housing and Planning Act Policy and Financial Penalty Guidance for more information

Other Sanctions available to the Local Authority

In addition to the above, there are other enforcement options and sanctions which the Council have at their disposal, including but not limited to:

The Housing Health and Safety Rating System (HHSRS)

HHSRS is the statutory approach to the evaluation of potential risks to health and safety from any deficiencies identified in dwellings. The underlying principle of the HHSRS is that any residential premises should provide a safe and healthy environment for any potential occupier or visitor.

For the purposes of the HHSRS, it must be pointed out that the assessment is solely about the risks to health and safety. The feasibility, cost or extent of any remedial action is irrelevant to the assessment. For example, some deficiencies, such as a broken stair tread or a leaking pipe, may be quickly, easily and cheaply remedied, but while such deficiencies are present, the threat to health or safety can be considerable.

The Council has a duty under the Act, to take action if a Category 1 hazard is discovered in a property, and a discretionary power to take action to deal with a Category 2 hazard.

The first step will be to approach the landlord (or agent) informally, however the amount of leeway allowed to a landlord (or agent) informally will be at the officer's discretion. The officer will have regard to the requirements of the Regulators' Compliance Code and the Enforcement Concordat, whichever one is applicable.

If the landlord does not respond within a reasonable time, formal action is likely, which may include any of the following:

- Service of an Improvement Notice (requires that the hazard is removed within a set time)
- Make a Prohibition Order (prohibits the use of all or part of the dwelling)
- Service of a Hazard Awareness Notice (for minor hazards, the notice simply advises and does not carry any formal sanctions)
- Taking Emergency Remedial Action or making an Emergency Prohibition Order (if a category 1 hazard exists and is so serious that it represents an 'imminent risk of serious harm' to the occupants. Such a notice allows the Council to enter the premises and take urgent action to deal with the hazard. The Council can charge owners for the costs of this work, but the owners have a right of appeal against the notice and the costs involved).
- Make a Demolition Order.
- Declare a Clearance Area.

Even without using emergency powers, the Council can, with or without the agreement of the owner, carry out the works required in a notice and charge accordingly. Alternatively, the owners can be prosecuted or issued with a civil penalty charge for failing to comply with an Improvement Notice or Prohibition Order.

The Act also gives the Council the power to charge to recover the costs of any enforcement action: any such charge must be reasonable and only covers the Council's actual costs.

In addition, the Council can and will levy a notice service charge in respect of each relevant statutory notice it serves, even if such a notice is later revoked or not acted upon by the Council the notice charge will remain.

Statutory Notices

A wide range of legislation contains provisions for the use of statutory notices, which legally require the execution of works, the removal of statutory nuisances or the protection of public health and/or safety. Only officers specifically authorised are permitted to serve statutory notices. All notices contain detailed notes that explain the effect of the notice and the recipient's right of appeal.

The Council will always be willing to discuss the works specified in the notice, as well as timescales given and the reason for the service of the notice. In emergency circumstances the Council is authorised to carry out works without the service of a notice; normally when this would cause an undue delay.

In other situations, there is a presumption that notices will be served if the criteria set down in the legislation are met. However, this presumption can be rebutted depending on the circumstances of the case. As cases vary so much it is difficult to be prescriptive about when notices will not be served.

Each case is looked at individually and the following factors taken into account:

- informal action has not achieved the desired effect.
- there is a lack of confidence that the individual/company will respond to an informal approach.

- there is a history of non-compliance with informal action.
- standards are generally poor with little management awareness of statutory requirements.
- the consequences of non-compliance could be potentially serious to the health and safety of the public.

If the recipient fails to comply with the notice, the Council has various sanctions it can impose including; carrying works in default, prosecution, caution or the use of emergency powers. Statutory notices may also be served in conjunction with prosecutions.

Having regard to statutory powers, and where the law allows, a charge will apply when issuing a statutory notice. All charges will be levied on the person upon whom the notice is served and will be made at a level fixed within the Council's agreed fees and charges policy having regard to a written record assessing costs reasonably incurred. In all cases the Council will instigate debt recovery action.

Where a notice is not complied with by the expiry date, a prosecution or the issue of a civil penalty charge maybe considered appropriate. In these circumstances a report, in accordance with the Constitution, will be made to decide what further enforcement action is appropriate.

Works in Default

In some circumstances, failure to comply with a notice may result in the Council arranging for the necessary works to be carried out (works in default). The cost to the owner will usually be more than if the owner carried out the works themselves as they will be charged for officer time on visits, carrying out schedules of work and any other reasonable costs incurred by the local authority.

In determining whether carrying out works in default is the most appropriate course of action, we will consider the following:

- The effects of not carrying out the work on the health and safety of the residents concerned.
- The reason for the work not being carried out in the first place
- Whether the benefits of doing the works justify the costs and pose the minimum burden to achieve the objective.

It should be noted that carrying out works in default does not necessarily exclude the Council from either issuing a formal caution or prosecuting the offender. The Council are legally entitled to ensure that the work is carried out and will also consider if it is appropriate to take further action.

The Council will actively pursue debts incurred. Enforced sale of empty properties will be considered where appropriate in line with The Law of Property Act 1925 where a debt has been incurred for example following works undertaken to an empty home in the owner's default. Until the debt is cleared it will remain registered on the local Land Charges Register as a financial charge. Once it is registered the charge will accrue interest.

Rent Repayment Orders

Rent repayment orders (RROs) are a mechanism under the Housing Act 2004 by which rent or Housing Benefit can be recovered from landlords found to be renting a property without a licence where one is needed.

The Council can also apply to the First Tier Tribunal – Residential Property Tribunal to recover Housing Benefit paid in respect of a property during any period when it ought to have been licensed

but was not. The maximum that an authority may claim is twelve months Housing Benefit, during any period that a dwelling was not licensed.

In addition, an occupier (or former occupier) may also be able to apply for a rent repayment order in respect of rent paid (less any Housing Benefit). To make an application for a rent repayment order, a tenant needs to submit a claim to the First Tier Tribunal which sets out the reasons for the claim and the dates to which it relates and includes:

The offence must relate to housing that was occupied by the tenant at the time of the offence; and the application for a rent repayment order must be made within 12 months of the date that the offence was committed.

Rent repayment orders have now been extended through the Housing and Planning Act 2016 to cover a much wider range of offences, described below:

- Failure to comply with an Improvement Notice (section 30 of the Housing Act 2004)
- Failure to comply with a Prohibition Order (section 32 of the Housing Act 2004)
- Breach of a banning order made under section 21 of the Housing and Planning Act 2016
- Using violence to secure entry to a property (section 6 of the Criminal Law Act 1977)
- Illegal eviction or harassment of the occupiers of a property (section 1 of the Protection from Eviction Act 1977)
- Failure to obtain a licence (section 85 of the Housing Act 2004)

A rent repayment order can also be made against a landlord who has received a civil penalty in respect of an offence, but only at a time when there is no prospect of the landlord appealing against that penalty. The Council must consider a rent repayment order after a person is the subject of a successful civil penalty and in most cases the Council will subsequently make an application for a rent repayment order to recover monies paid through Housing Benefit or through the housing element of Universal Credit.

Restrictions on Terminating Tenancies under Section 21 of the Housing Act 1988:

Discretionary Licensing requirements can restrict the termination of assured shorthold tenancies. Under Section 21 of the Housing Act 1988, a landlord may serve a notice (known as a Section 21 notice) on an assured shorthold tenant, giving two months' minimum notice that the landlord intends to apply for possession. Provided that the statutory requirements are met, a court must make an order granting possession to the landlord. No element of tenant default is required. However, a landlord may not give a Section 21 notice to a tenant of a property that is required to be licensed under a Discretionary Licensing Scheme, but that is not so licensed.

Interim and Final Management Orders

Where a licence has not been obtained, or where the licence conditions have not been complied with, the Council may, apply to take over the management of the property for an appropriate period of time, or use a managing agent. This provision is detailed under Part 4 of the Housing Act 2004.

Interim Management Orders (IMO)

An interim management order is made for the purpose of securing any action that the Council considers necessary, to protect the health, safety and welfare of the occupants. There are specific circumstances when the Council will have a statutory duty to make an IMO on a licensable property (under Part 2 or Part 3 of the Act) including:

Where a property that should be licensed but is not so licensed, and there is no reasonable prospect of it becoming licensed in the near future.

When a property that should be licensed but is not so licensed, and there are serious health, safety or welfare concerns that cannot be dealt with adequately by using the statutory powers available under Part 1 of the Act (e.g. Improvement Notices);

When the Council have revoked the licence from a licensable property and there will be no reasonable prospect of it becoming licensed again in the near future.

When the Council have revoked the licence; on a property and there will be (on the revocation date), serious health, safety or welfare concerns that cannot be dealt with adequately by using the statutory powers available under Part 1 of the Act (e.g., Improvement Notices).

Interim management orders are in place for a maximum of one year.

Final Management Orders (FMO)

Final management orders (FMOs) are orders which may only be made after the making of an IMO. FMOs are similar to IMOs but provide for a longer-term solution and can be in place for up to five years. An FMO must include a "management scheme" that sets out how the Council would manage the property while the FMO is in place. A management scheme must be in two parts, including:

Part 1 of the scheme must contain a plan giving details of the way in which the Council proposes to manage the house.

Part 2 must describe, in general terms, how the Council intends to address the matters which caused them to make the FMO. Under an FMO, the Council has the power to issue assured shorthold tenancies without obtaining permission from the landlord.

Any costs incurred by the Council during the course of the management orders (IMO or FMO) will be recovered by the Council from the rental Income. The Council may also decide to use the property to meet its own housing need and will follow its own allocations policy to re-let the property. The Council will assume full managerial responsibility for the property

Mandatory Duty to make a Final Management Order

If the Council has made an IMO in respect of a property that is required to be licensed under Parts 2 or 3 of the Act (HMO and Selective Licensing) and it is of the opinion that on the expiry of the IMO there would be no prospect of it being able to grant a licence, it must make an FMO to replace the IMO prior to its expiry.

If the reasons for the service of the management orders remain e.g., not a fit and proper landlord the Council would be obliged to make a further FMO.

Discretionary Power to make a Final Management Order

If the Council has made an IMO in respect of a property that is not required to be licensed under

Parts 2 or 3 of the Act (HMO and selective licensing), but it is of the opinion that there is a longer term need to protect the health, safety and welfare of residents and neighbours, it may make an FMO to replace the IMO prior to its expiry.

If the reasons for the service of the management Orders remain e.g., not a fit and proper landlord and the above conditions were to apply again prior to the expiry of the first FMO, the Council would be obliged to make a further FMO.

Anti-Social Behavioural (ASB)

Anti-social behaviour is defined as acting in a way that is capable of causing nuisance or annoyance to anyone. There are many issues which can affect a person within their own homes and can be categorised as anti-social behaviour including, but not exclusively:

- Loud noise from neighbours
- Harassing behaviour such as verbal abuse or threats
- Vandalism, property damage and graffiti
- Fly-tipping, dumping rubbish and abandoned cars
- Animal nuisance including persistent dog barking and dog faeces

Anti-Social Behaviour Powers

The Anti-Social Crime and Policing Act 2014 provides for a absolute ground for possession by private landlords where a tenant or member of their household or visitor has met one of the following conditions:

- Is convicted of a serious criminal offence
- Is found by a court to have breached an Injunction to Prevent Nuisance or Annoyance (IPNA)
- Is convicted of breach of a Community Behaviour Order (CBO)
- Is convicted for breach of a Noise Abatement Notice
- Tenants property closed under a Closure Order

If a landlord applies to the court after serving the relevant notice then the court MUST grant possession provided the correct procedures have been followed. The courts discretion to suspend possession is restricted to 14 days or 6 weeks in exceptional circumstances.

Partnership Working to Tackle ASB

The Council's Landlord Licensing Team will take a lead role in improving partnership working by providing education and support for landlords in the management of tenants who cause anti-social behaviour. The Council will work in partnership with other agencies as well as the Police to tackle issues of ASB including supporting landlords through the eviction process should it become necessary to seek possession.

If a landlord suspects criminal activity, s/he will immediately notify the appropriate authorities, including the anti-social behaviour officer or the police. The landlord must also participate in any case conferences or multi agency meetings that take place to address ASB associated with their property as detailed in the licence conditions.

Powers of Entry

The Discretionary Licensing Scheme under the Housing Act 2004 gives authorised officers, on production of their authority, the power to enter premises at any reasonable time. These far-reaching powers of entry allow access to ascertain whether or not a statutory nuisance exists; or for the purpose of taking any action, or executing any work, authorised or required by law. This may include inspections or the taking of samples, photographs, and recordings.

Notice of entry is not required to be given in cases where the Council consider that the premises are unlicensed and should be licensed, or where there is a suspected breach of licensing conditions.

If entry is obstructed or refused the Housing Act 2004 allows the Council to obtain a warrant from a magistrates court. A warrant permits entry at any time (by force if needed) in order to ascertain whether there is a contravention of the relevant act or to carry out remedial action.

17.0 Fee Payments

Fees will be required at the point of application. On issuing of the Licence an invoice will be raised which is required to be paid within 30 days for the enforcement element of the Discretionary Licensing fee.

Non-successful applicants **will not** be refunded the application fee. They will be advised the reasons for refusal.

18.0 Revocation of a Licence

A licence can be varied or revoked by the Council.

The Council can revoke an application on its own initiative, on further application from the licence holder or their legal representative e.g. “any person who has an estate or interest in the house or part of it (but is not a tenant under a lease with an unexpired term of 3 years or less), or any other person who (but for the order) would be a person managing or having control of the house or part of” where an application to do so is made by the licence holder or their legal representative, or where the Council consider that:

- The licence holder has seriously breached a condition of the licence, or repeatedly breached a condition of the licence or is no longer a fit and proper person.
- The management of the house is being carried on by someone who is not a fit and proper person.
- The property ceases to be one that requires a licence.
- The property is granted a licence as an HMO (under part two of the Housing Act 2004).

Incomplete licence applications

Where an application is missing information that is required as part of the application process, one opportunity will be offered to supply the correct information (administration charge payable). Where information is still not supplied as required to comply with the requirements of an application the application will be returned. The applicant will be deemed to have not made a valid application and may be at risk of further investigation for failing to licence the property.

This policy will be reviewed on an annual basis to maintain accuracy, in order to secure the level of service given to the public

dEquality Impact Assessment (EIA) Tool:

Title of proposal	CONSIDERATION REGARDING THE INTRODUCTION OF DISCRETIONARY LICENSING IN LEICESTER
Name of division/service	Neighbourhoods and Environmental Services
Name of lead officer completing this assessment	Tony Cawthorne
Date EIA assessment completed	17/5/22
Decision maker	
Date decision taken	

EIA sign off on completion:	**Signature**	**Date**
Lead officer	*TCawthorne*	17/5/22
Equalities officer	Surinder Singh	23/05/22
Divisional director		

Please ensure the following:

a) That the document is **understandable to a reader who has not read any other documents** and explains (on its own) how the Public Sector Equality Duty is met. This does not need to be lengthy but must be complete and based in evidence.

b) That available support information and data is identified and where it can be found. Also be clear about highlighting gaps in existing data or evidence that you hold, and how you have sought to address these knowledge gaps.

c) That the equality impacts are capable of aggregation with those of other EIAs to identify the cumulative impact of all service changes made by the council on different groups of people.

d) That the equality impact assessment is started at an early stage in the decision-making process, so that it can be used to inform the consultation, engagement and the decision. It should not be a tick-box exercise. Equality impact assessment is an iterative process that should be revisited throughout the decision-making process. It can be used to assess several different options.

e) Decision makers must be aware of their duty to pay 'due regard' to the Public Sector Equality Duty (see below) and 'due regard' must be paid before and at the time a decision is taken. Please see the Brown Principles on the equality intranet

pages, for information on how to undertake a lawful decision-making process, from an equalities perspective. Please append the draft EIA and the final EIA to papers for decision makers (including leadership team meetings, lead member briefings, scrutiny meetings and executive meetings) and draw out the key points for their consideration. The Equalities Team provide equalities comments on reports.

1. Setting the context

Describe the proposal, the reasons it is being made, and the intended change or outcome. Will the needs of those who are currently using the service continue to be met?

The City Council has an ambition to ensure the Private Rented Sector (PRS) in Leicester is fit for purpose and a key part of that is to ensure the Council raises housing standards in the sector. There are approximately 49,500 private rented properties in Leicester 34 % of all households, the national average is 19%. One way in which housing standards can be raised is through the introduction of a discretionary licensing scheme, that is Selective and/ or Additional Licensing schemes.

1.1 There are two types of discretionary licensing

a) Selective Licensing Scheme

In an area subject to a Selective Licensing Scheme (SLS), all private landlords must obtain a licence.

b) Additional licensing

In an area subject to Additional Licensing Scheme (ALS), all landlords of small houses in multiple occupations (HMO's) [shared by 3 or more unrelated people, constituting 2 or more households, who share facilities such as kitchens and bathrooms]

1.2 Discretionary licensing is an option under the Housing Act 2004 to bring in measures that will improve standards within the Local Housing stock and areas. Prior to proceeding with either scheme, the council is required to undertake a comprehensive consultation exercise and provide evidence that addresses one of the following requirements:
Selective Licensing – That an area is experiencing one or more of the following issues: low housing demand (or it is likely to become such an area), significant and persistent problems with Anti-Social Behaviour (ASB), poor property conditions, high levels of migration, high levels of deprivation, high levels of crime

Additional Licensing – That a significant proportion of Houses in Multiple Occupation (HMOs - a property rented out by at least 3 people who are not from 1 'household' (for example a family) but share facilities like the bathroom and kitchen).in the

area are being managed sufficiently ineffectively as to give rise, or likely to give rise, to one or more particular problems either for those occupying the HMOs or for members of the public.

1.3 To provide the information and to consult those who may be affected, a consultation was undertaken between the 30th November 2021 to the 22 February 2022.

1.4 The Consultation provided details of the work undertaken to consider the introduction of a discretionary licensing scheme within the private rented sector in Leicester.

1.5 Notification on the options was shared in all libraries and public buildings and on social media and the Councils website. Letters were sent to 110,745 residential properties, emails to 3654 Business Operators, 204 Faith Groups contacted and leaflets made in Gujrati circulated to 1600 congregants, 9 Landlord Associations, 123 Letting and Management Agents who forwarded onto their clients and also responded themselves, 3 MPs, 8 Local Authorities neighbouring Leicester City, 54 Councillors, 3 Media outlets, 17 student accommodation companies 2 Universities and student unions and 1130 Schools in order to give an opportunity to the widest audience possible to have their say on the proposals

1.6 The report “Consideration Regarding the Introduction of Discretionary Licensing in Leicester “recommends the introduction of the selective licensing scheme in key areas of the city

2. Equality implications/obligations

Which aims of the Public Sector Equality Duty (PSED) are likely be relevant to the proposal? In this question, consider both the current service and the proposed changes.

a. Eliminate unlawful discrimination, harassment and victimisation

- How does the proposal/service ensure that there is no barrier or disproportionate impact for anyone with a particular protected characteristic?
- Is this a relevant consideration? What issues could arise?

2.1 Discretionary licensing covers all private rented properties within designated areas and relates to the improvement of standards associated to the property.

2.2 The licensing schemes will introduce conditions to set a minimum standard within the property and ensure the behaviour of the tenants is adequately managed. Landlords will be responsible for the operation of the property and ensuring it is well maintained and issues of repair are addressed as soon as practicable.

2.3 The scheme addresses all Private Sector tenancies within the designated area and all protected characteristics under the Equality Act 2010 age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation are provided with the same protections under the Housing Act 2004.

2.4 Those with disabilities are more likely to be negatively affected by poor housing conditions, the discretionary Licensing scheme housing conditions will positively impact on disabled persons. Vulnerable tenants, such as new arrivals in the country who may be more likely to be exploited and affected by poor housing conditions.

2.5

b. Advance equality of opportunity between different groups

- How does the proposal/service ensure that its intended outcomes promote equality of opportunity for people?
- Identify inequalities faced by those with specific protected characteristic(s).
- Is this a relevant consideration? What issues could arise?

The life chances of residents are closely linked to the quality of their neighbourhoods and their housing accommodation. The envisaged benefits of better quality housing accommodation that is well managed and complies with all relevant standards will have a positive impact on people from across all protected characteristics.

2.6 The scheme aims to improve the quality of accommodation and management in the private rented sector. Tenants will benefit from the additional requirements imposed on licenced landlords.

2.7 It is proposed an additional community warden is appointed to patrol the designated areas. Tenants will benefit from the

2.8 It is proposed an additional community warden is appointed to patrol the designated areas. Tenants will benefit from greater attention and enforcement within the designated areas, which will encourage neighbourhoods and belonging.

c. Foster good relations between different groups

- Does the service contribute to good relations or to broader community cohesion objectives?
- How does it achieve this aim?

- Is this a relevant consideration? What issues could arise?

2.6 The residents are closely linked to their neighbourhoods and their housing accommodation. The envisaged benefits of better quality housing accommodation that is well managed and complies with all relevant standards will have a positive impact on people from across all protected characteristics. It is proposed that the scheme will provide for an additional Community Warden to undertake work in the designated areas to address issues, with Fly tipping, waste management, overgrown or dilapidated premises etc. and so improve the surroundings within the designated area and this is likely to have a positive impact on residents and has the potential to foster good relations and advance equality of opportunity between people who share a protected characteristic and those who don't.

3. Who is affected?

Outline who could be affected, and how they could be affected by the proposal/service change. Include people who currently use the service and those who could benefit from, but do not currently access the service.

3.1 The scheme addresses all Private Sector tenancies within the designated area there are a number of possible signations

- Option A Selective Licensing within parts of the Wards of - Stoneygate (East Cluster); Westcotes, Fosse, Braunstone Park & Rowley Fields (West Cluster); Saffron (South Cluster), Option B Additional Licensing that covers the entire City (citywide)

- Option C Additional Licensing within parts of the Wards of Westcotes, Fosse, Braunstone Park & Rowley Fields and Stoneygate.

- Combined Option A and B Selective Licensing within parts of the Wards of - Stoneygate (East Cluster); Westcotes, Fosse, Braunstone Park & Rowley Fields (West Cluster); Saffron (South Cluster) and Additional Licensing citywide.

- Combined Option A and C Selective Licensing within parts of the Wards of - Stoneygate (East Cluster); Westcotes, Fosse, Braunstone Park & Rowley Fields (West Cluster); Saffron (South Cluster) and Additional Licensing within parts of the Wards of Westcotes, Fosse, Braunstone Park & Rowley Fields and Stoneygate.).

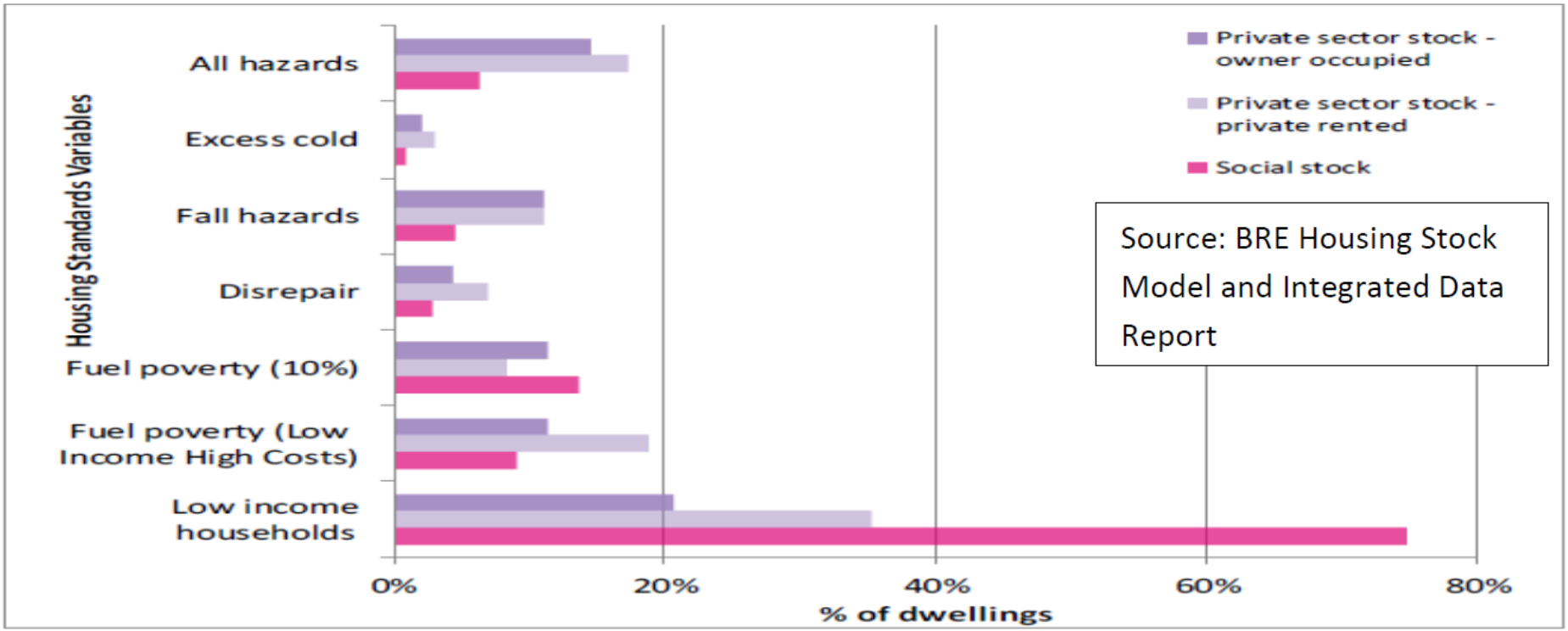
and all protected characteristics under the Equality Act 2010 age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation and those who do not have a protected characteristic are all provided with the same protections under the Housing Act 2004.

4. Information used to inform the equality impact assessment

- What **data, research, or trend analysis** have you used?
- Describe how you have got your information and what it tells you
- Are there any gaps or limitations in the information you currently hold, and how you have sought to address this? E.g. proxy data, national trends, equality monitoring etc.

4.1 Access to decent affordable housing is essential to support good health and wellbeing and a good quality of life. Overall, housing standards in Leicester are high - the physical condition of the City's housing stock is generally good across all sectors and energy efficiency levels are above the national average.

However, this overall positive picture masks disparities both between and within sectors that give rise to some concern. Overall, we find some of the worst conditions within the Private Rented Sector (PRS), which includes a significant proportion of Houses in Multiple Occupation (HMO).



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5. Consultation

What **consultation** have you undertaken about the proposal with people who use the service or people affected, people who may potentially use the service and other stakeholders? What did they say about:

- What is important to them regarding the current service?
- How does (or could) the service meet their needs? How will they be affected by the proposal? What potential impacts did they identify because of their protected characteristic(s)?
- Did they identify any potential barriers they may face in accessing services/other opportunities that meet their needs?

5.1 To provide the information required and to undertake a meaningful consultation with all users and to consult those who may be affected, a consultation was undertaken between the 30th November 2021 to the 22 February 2022.

5.2 The Consultation has been analysed It can be accessed in the main report and is appended as Annex B to this assessment.

There were no barriers in relation to equality identified with the introduction of the scheme. There was overwhelming support from residents and tenants for selective licensing, with some significant opposition from landlords.

5.3 The consultation was open to all and with read aloud functionality.

5.3 Notification on the options was shared in all libraries and public buildings and on social media and the Councils website. Letters were sent to 110,745 residential properties, emails to 3654 Business Operators, 204 Faith Groups contacted and leaflets made in Gujrati circulated to 1600 members, 9 Landlord Associations, 123 Letting and Management Agents who forwarded onto their clients and also responded themselves, 3 MPs, 8 Local Authorities neighbouring Leicester City, 54 Councillors, 3 Media outlets, 17 student accommodation companies 2 Universities and student unions and 1130 Schools in order to give an opportunity to the widest audience possible to have their say on the proposals

6. Potential Equality Impact

Based on your understanding of the service area, any specific evidence you may have on people who use the service and those who could potentially use the service and the findings of any consultation you have undertaken, use the table below to explain which individuals or community groups are likely to be affected by the proposal because of their protected characteristic(s). Describe what the impact is likely to be, how significant that impact is for individual or group well-being, and what mitigating actions can be taken to reduce or remove negative impacts. This could include indirect impacts, as well as direct impacts.

Looking at potential impacts from a different perspective, this section also asks you to consider whether any other particular groups, especially vulnerable groups, are likely to be affected by the proposal. List the relevant groups that may be affected, along with the likely impact, potential risks and mitigating actions that would reduce or remove any negative impacts. These groups do not have to be defined by their protected characteristic(s).

Protected characteristics

Impact of proposal:

Describe the likely impact of the proposal on people because of their protected characteristic and how they may be affected. Why is this protected characteristic relevant to the proposal? How does the protected characteristic determine/shape the potential impact of the proposal? This may also include **positive impacts** which support the aims of the Public Sector Equality Duty to advance equality of opportunity and foster good relations.

Risk of disproportionate negative impact:

How likely is it that people with this protected characteristic will be disproportionately negatively affected? How great will that impact be on their well-being? What will determine who will be negatively affected?

Mitigating actions:

For disproportionate negative impacts on protected characteristic/s, what mitigating actions can be taken to reduce or remove the impact? You may also wish to include actions which support the positive aims of the Public Sector Equality Duty to advance equality of opportunity and to foster good relations. All actions identified here should also be included in the action plan at the end of this EIA.

a. Age

Indicate which age group/s is/ are most affected, either specify general age group - children, young people working age people or older people or specific age bands

What is the impact of the proposal on age?

- The proposals will set a minimum standard and address the Housing Health and Safety Rating System under the Housing Act 2004 The housing health and safety rating system (HHSRS) is a risk-based evaluation tool to help local authorities identify and protect against potential risks and hazards to health and safety from any deficiencies identified in dwellings. The HHSRS assessment assess a Vulnerable Group these may be a particular group of people based upon age who could live in the dwelling for whom the risk of a hazard is greater than for most people. The assessment provides for category of Harm the worst being a category 1 harm The imposition of conditions will illuminate Category 1 hazards from the dwelling

What is the risk of disproportionate negative impact on age?

- The negative effect of not bringing in the scheme will mean the improved standards by the removal of Category 1 hazards will not be realised and harm could come to the tenant

What are the mitigating actions?

- All properties will be compliant

b. Disability

If specific impairments are affected by the proposal, specify which these are. Our standard categories are on our equality monitoring form – physical impairment, sensory impairment, mental health condition, learning disability, long standing illness or health condition.

What is the impact of the proposal on disability?

- The proposals will set a minimum standard and address the Housing Health and Safety Rating System under the Housing Act 2004 The housing health and safety rating system (HHSRS) is a risk-based evaluation tool to help local authorities identify and protect against potential risks and hazards to health and safety from any deficiencies identified in dwellings. The HHSRS assessment assess a Vulnerable Group these may be a particular group of people based upon age who could live in the dwelling for whom the risk of a hazard is greater than for most people. The assessment provides for category of Harm the worst being a category 1 harm The imposition of conditions will illuminate Category 1 hazards from the dwelling

What is the risk of disproportionate negative impact on disability?

- The negative effect of not bringing in the scheme will mean the improved standards by the removal of Category 1 hazards will not be realised and harm could come to the tenant

What are the mitigating actions?

- All properties will be compliant

c. Gender reassignment

Indicate whether the proposal has potential impact on trans men or trans women, and if so, which group is affected.

What is the impact of the proposal on gender reassignment?

- The proposal will affect all tenancies and will set a minimum standard and address the Housing Health and Safety Rating System under the Housing Act 2004 The housing health and safety rating system (HHSRS) is a risk-based evaluation tool to help local authorities identify and protect against potential risks and hazards to health and safety from any deficiencies identified in dwellings. The assessment provides for category of Harm the worst being a category 1 harm The imposition of conditions will illuminate Category 1 hazards from the dwelling

What is the risk of disproportionate negative impact on gender reassignment?

- The negative effect of not bringing in the scheme will mean the improved standards by the removal of Category 1 hazards will not be realised and harm could come to the tenant

What are the mitigating actions?

- All properties will be compliant

d. Marriage and civil partnership

What is the impact of the proposal on marriage and civil partnership?

- The proposal will affect all tenancies and will set a minimum standard and address the Housing Health and Safety Rating System under the Housing Act 2004 The housing health and safety rating system (HHSRS) is a risk-based evaluation tool to help local authorities identify and protect against potential risks and hazards to health and safety from any deficiencies identified in dwellings. The assessment provides for category of Harm the worst being a category 1 harm The imposition of conditions will illuminate Category 1 hazards from the dwelling

What is the risk of disproportionate negative impact on marriage and civil partnership?

- The negative effect of not bringing in the scheme will mean the improved standards by the removal of Category 1 hazards will not be realised and harm could come to the tenant

What are the mitigating actions?

- All properties will be compliant

e. Pregnancy and maternity

What is the impact of the proposal on pregnancy and maternity?

- The proposal will affect all tenancies and will set a minimum standard and address the HHSRS under the Housing Act 2004 a risk-based evaluation tool to help local authorities identify and protect against potential risks and hazards to health and safety from any deficiencies identified in dwellings. The assessment provides for category of harm the worst being a category 1 harm The imposition of conditions will illuminate Category 1 hazards from the dwelling

What is the risk of disproportionate negative impact on pregnancy and maternity?

There is no negative impact on this vulnerable group. The imposition of the scheme will improve residential standards for tenants and ensure warmth and security

What are the mitigating actions?

- All properties will be compliant

f. Race

What is the impact of the proposal on race?

- The proposal will affect all tenancies and will set a minimum standard and address the HHSRS under the Housing Act 2004 a risk-based evaluation tool to help local authorities identify and protect against potential risks and hazards to health and safety from any deficiencies identified in dwellings. The assessment provides for category of harm the worst being a category 1 harm The imposition of conditions will illuminate Category 1 hazards from the dwelling

What is the risk of disproportionate negative impact on race?

- There is no negative impact on this group by the imposition of a scheme the conditions within all rental properties will be improved

What are the mitigating actions?

- All properties will be compliant

g. Religion or belief

If specific religious or faith groups are affected by the proposal, our equalities monitoring form sets out categories reflective of the city's population. Given the diversity of the city there is always scope to include any group that is not listed.

What is the impact of the proposal on religion or belief?

- The proposal will affect all tenancies and will set a minimum standard and address the HHSRS under the Housing Act 2004 a risk-based evaluation tool to help local authorities identify and protect against potential risks and hazards to health and safety from any deficiencies identified in dwellings. The assessment provides for category of harm the worst being a category 1 harm The imposition of conditions will illuminate Category 1 hazards from the dwelling, 204 Faith Groups were contacted and asked whether translations were required leaflets made in Gujrati and circulated to 1600 members,

What is the risk of disproportionate negative impact on religion or belief?

- There is no negative impact on this group by the imposition of a scheme the conditions within all rental properties will be improved

What are the mitigating actions?

- All properties will be compliant

h. Sex

Indicate whether this has potential impact on either males or females

What is the impact of the proposal on sex?

- The proposal will affect all tenancies and will set a minimum standard and address the HHSRS under the Housing Act 2004 a risk-based evaluation tool to help local authorities identify and protect against potential risks and hazards to health and safety from any deficiencies identified in dwellings. The assessment provides for category of harm the worst being a category 1 harm The imposition of conditions will illuminate Category 1 hazards from the dwelling

What is the risk of disproportionate negative impact on sex?

- There is no negative impact on this group by the imposition of a scheme the conditions within all rental properties will be improved

What are the mitigating actions?

- All properties will be compliant

7. Summary of protected characteristics

a. **Summarise why the protected characteristics you have commented on, are relevant to the proposal?**
All protected characteristics will be affected by the proposed scheme. The scheme affects and improves living conditions across all persons within the designated areas and makes landlords responsible for the property. Inspections will be undertaken into the property as part of the licence and will ensure that any risks to the tenant are removed and the standard of the accommodation meets a minimum decency standard. The conditions of the licence will also ensure the conduct of the landlord or managing agent and a copy of the licence will be provided to the tenant who will be able to uphold the landlord to the conditions.

b. **Summarise why the protected characteristics you have not commented on, are not relevant to the proposal?**
All protected characteristics will be affected by the proposed scheme and therefore have been included in the assessment.

8. Other groups

Other groups

Impact of proposal:

Describe the likely impact of the proposal on children in poverty or any other people who we may consider to be vulnerable, for example people who misuse substances, ex armed forces, people living in poverty, care experienced young people, carers. List any vulnerable groups likely to be affected. Will their needs continue to be met? What issues will affect their take up of services/other opportunities that meet their needs/address inequalities they face?

Risk of disproportionate negative impact:

How likely is it that this group of people will be negatively affected? How great will that impact be on their well-being? What will determine who will be negatively affected?

Mitigating actions:

For negative impacts, what mitigating actions can be taken to reduce or remove this impact for this vulnerable group of people? These should be included in the action plan at the end of this EIA. You may also wish to use this section to identify opportunities for positive impacts.

a. Children in poverty

What is the impact of the proposal on children in poverty?

The scheme affects and improves living conditions across all persons within the designated areas and makes landlords responsible for the property. Inspections will be undertaken into the property as part of the licence and will ensure that any risks to the tenant are removed and the standard of the accommodation meets a minimum decency standard. The conditions of the licence will also ensure the conduct of the landlord or managing agent and a copy of the licence will be provided to the tenant who will be able to uphold the landlord to the conditions.

What is the risk of negative impact on children in poverty?

Failure to implement a scheme will have an adverse effect on children in poverty. The business case identified the areas under consideration are within the top 20 % of areas within England in multiple deprivation and by bringing in a discretionary licensing scheme the Council is attempting to address the fundamental issues which lead to the deprivation. Building stronger neighbourhoods, addressing anti-social behaviour, improving living accommodation. Addressing these issues will improve the conditions for vulnerable groups and improve the wellbeing of the community and improve a belonging to the area.

What are the mitigating actions?

Positive engagement with landlords and tenants, the appointment of a community warden to patrol the designated areas in conjunction with other council departments and positive engagement with the Police to address community issues

b. Other vulnerable groups

What is the impact of the proposal on other vulnerable groups?

The scheme affects and improves living conditions across all persons within the designated areas and makes landlords responsible for the property. Inspections will be undertaken into the property as part of the licence and will ensure that any risks to the tenant are removed and the standard of the accommodation meets a minimum decency standard. The conditions of the licence will also ensure the conduct of the landlord or managing agent and a copy of the licence will be provided to the tenant who will be able to uphold the landlord to the conditions.

What is the risk of negative impact on other vulnerable groups?

Failure to implement a scheme will have an adverse effect on vulnerable groups. The business case identified the areas under consideration are within the top 20% of areas within England in multiple deprivation and by bringing in a discretionary licensing scheme the Council is attempting to address the fundamental issues which lead to the deprivation. Building stronger neighbourhoods, addressing anti-social behaviour, improving

living accommodation. Addressing these issues will improve the conditions for vulnerable groups and improve the wellbeing of the community and improve a belonging to the area.

What are the mitigating actions?

Positive engagement with landlords and tenants, the appointment of a community warden to patrol the designated areas in conjunction with other council departments and positive engagement with the Police to address community issues

c. Other (describe)

What is the impact of the proposal on any other groups?

The scheme affects and improves living conditions across all persons within the designated areas and makes landlords responsible for the property. Inspections will be undertaken into the property as part of the licence and will ensure that any risks to the tenant are removed and the standard of the accommodation meets a minimum decency standard. The conditions of the licence will also ensure the conduct of the landlord or managing agent and a copy of the licence will be provided to the tenant who will be able to uphold the landlord to the conditions.

What is the risk of negative impact on any other groups?

Failure to implement a scheme will have an adverse effect on neighbourhoods. The business case identified the areas under consideration are within the top 20% of areas within England in multiple deprivation and by bringing in a discretionary licensing scheme the Council is attempting to address the fundamental issues which lead to the deprivation. Building stronger neighbourhoods, addressing anti-social behaviour, improving living accommodation. Addressing these issues will improve the conditions for vulnerable groups and improve the wellbeing of the community and improve a belonging to the area.

What are the mitigating actions?

Positive engagement with landlords and tenants, the appointment of a community warden to patrol the designated areas in conjunction with other council departments and positive engagement with the Police to address community issues

9. Other sources of potential negative impacts

Are there any other potential negative impacts external to the service that could further disadvantage service users over the next three years that should be considered? For example, these could include:

- other proposed changes to council services that would affect the same group of service users;
- Government policies or proposed changes to current provision by public agencies (such as new benefit arrangements) that would negatively affect residents;
- external economic impacts such as an economic downturn.

The application of a licence incurs a fee, this may lead to costs being passed to the tenant. There is protection in law on a fair rent and all persons that find hardship will be referred to other council services and advised of their rights and provided with support. Landlords may decide to sell their property rather than meet the licence conditions. Most rental properties from evidence provided by other authorities identify that the properties are sold with sitting tenants so the proposed new landlord will pick up the works required. The scheme also after the initial instigation, increases landlord involvement as the areas improve and become more desirable and portfolio landlords will move into the area.

10. Human rights implications

Are there any human rights implications which need to be considered and addressed (please see the list at the end of the template), if so please outline the implications and how they will be addressed below:

The proposal will affect all privately rented properties where there is currently little legislative protection for residents, and anyone can be a landlord. Through the licencing and inspection checks on the property and the tenants will be undertaken and the tenants of the human rights will be protected: Article 5: Right to liberty and security - ensuring the property is secure and anti-social behaviour is addressed, Article 8: Right to respect for private and family life – ensuring the landlord maintains his legal duties with regards the property whilst ensuring the tenants are not harassed and are provided with respect for private and family life

11. Monitoring impact

You will need to ensure that monitoring systems are established to check for impact on the protected characteristics and human rights after the decision has been implemented. Describe the systems which are set up to:

- monitor impact (positive and negative, intended and unintended) for different groups
- monitor barriers for different groups
- enable open feedback and suggestions from different communities
- ensure that the EIA action plan (below) is delivered.

If you want to undertake equality monitoring, please refer to our equality monitoring guidance and templates.
The scheme will be under constant review and must in law be reviewed during its course to ensure it meets the objectives of the scheme. The reports will be provided to Council to ensure the targets set out and any issues that have not been addressed are taken into account. A complaints system will also be set up and will be addressed and the responses published on the Councils website subject to GDPR.

12. EIA action plan

Please list all the equality objectives, actions and targets that result from this assessment (continue on separate sheets as necessary). These now need to be included in the relevant service plan for mainstreaming and performance management purposes.

Equality Outcome	Action	Officer Responsible	Completion date
Improved accommodation, throughout the lifetime of the scheme	Inspection of all properties under the scheme	Discretionary licensing Team	End of scheme
Ensure all mandatory requirements are complied with by landlords	Inspection of all applications under the scheme	Discretionary licensing Team	End of scheme
Reduction in Environmental Crime and Anti-Social Behaviour	Community Warden and Police patrols and joint working	Community Warden/Police	Continuous
Ensure tenants/ landlords and managing Agents concerns are heard	Set up tenants groups landlord liaison and managing agents groups quarterly and identify any barriers or additional requirements to include all e.g. If someone was deaf, we could potentially get a BSL signer on camera or in person	Selective Licensing Manager	Continuous

Human rights articles:

Part 1: The convention rights and freedoms

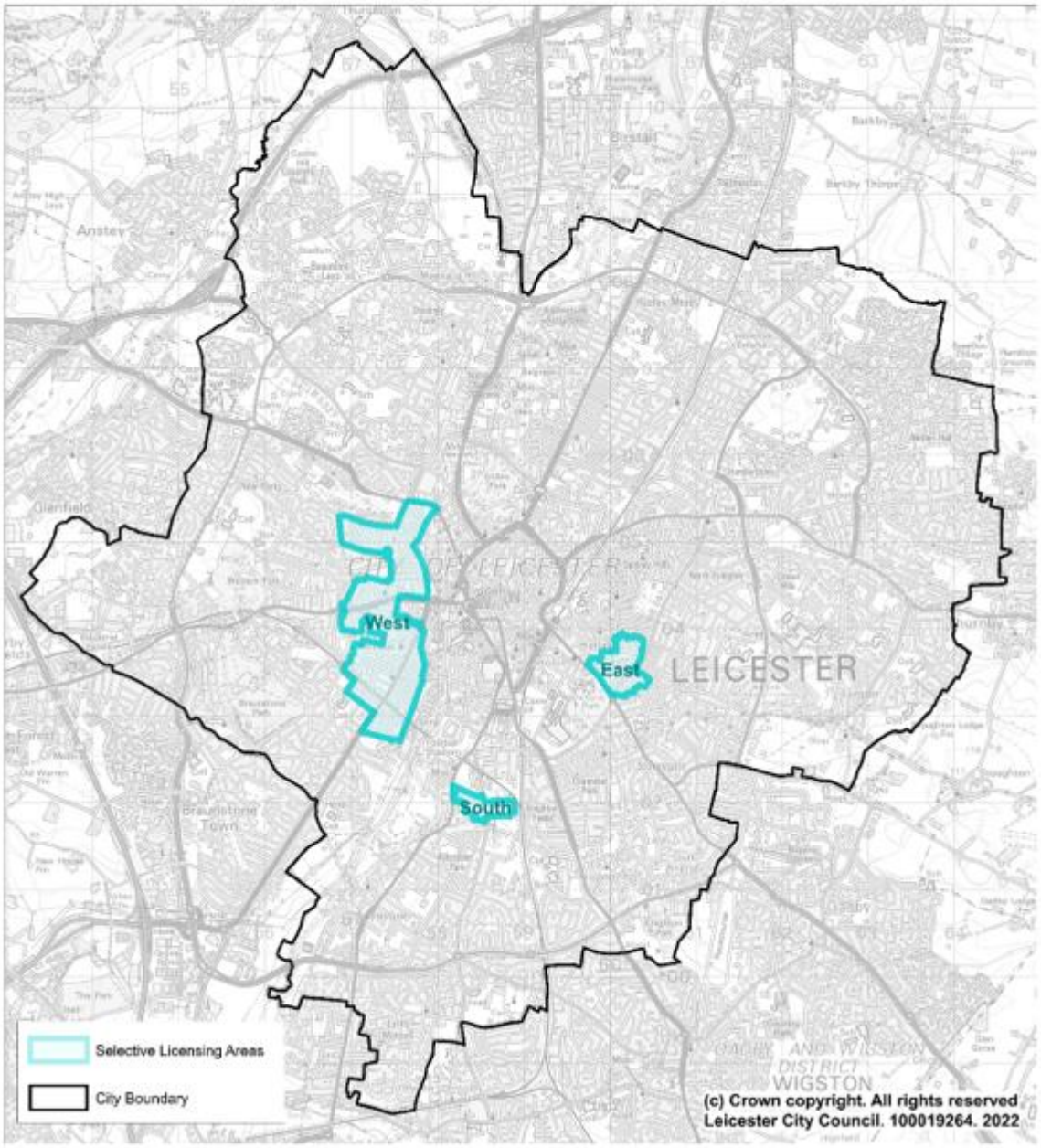
Article 2: Right to Life
Article 3: Right not to be tortured or treated in an inhuman or degrading way
Article 4: Right not to be subjected to slavery/forced labour
Article 5: Right to liberty and security
Article 6: Right to a fair trial
Article 7: No punishment without law
Article 8: Right to respect for private and family life
Article 9: Right to freedom of thought, conscience and religion
Article 10: Right to freedom of expression
Article 11: Right to freedom of assembly and association
Article 12: Right to marry
Article 14: Right not to be discriminated against

Part 2: First protocol

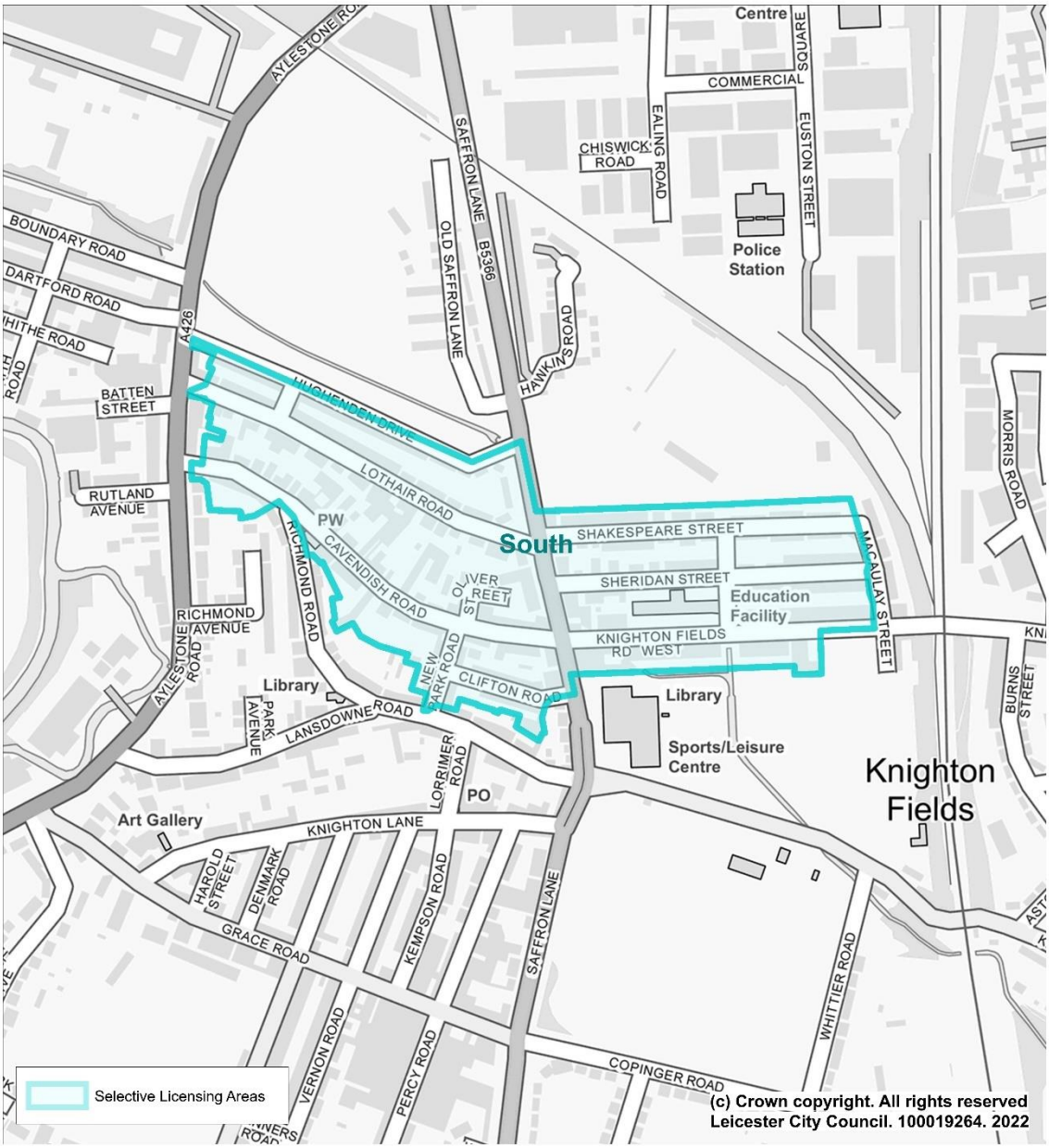
Article 1: Protection of property/peaceful enjoyment
Article 2: Right to education
Article 3: Right to free elections

Appendix E - Maps of proposed Selective Licensing designated areas

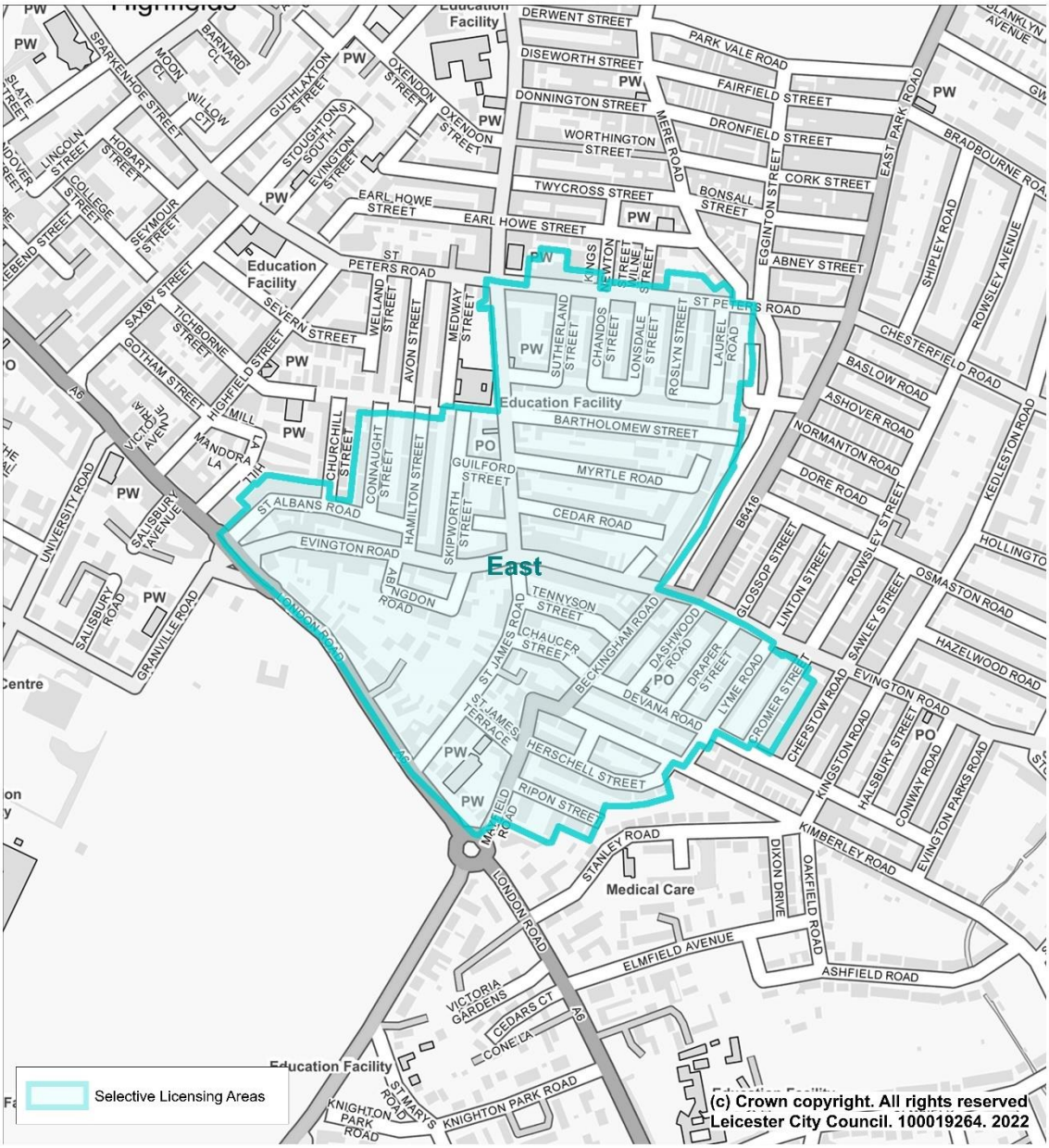
Map Showing Selective Licensing Scheme Areas - Leicester City



Map Showing Selective Licensing Scheme Area - South



Map Showing Selective Licensing Scheme Area - East



Map Showing Selective Licensing Scheme Area - West

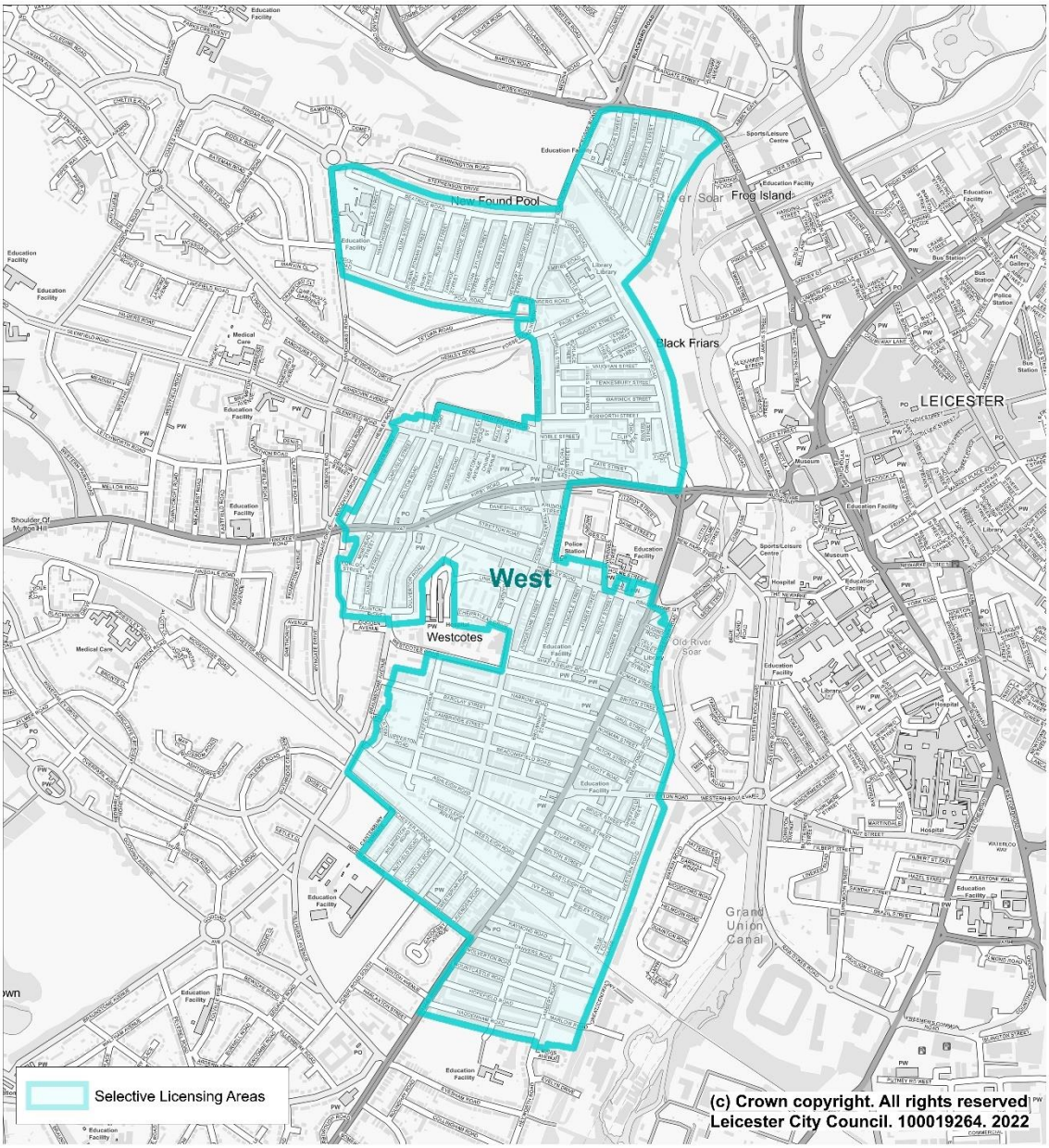


Table 1 – List of Roads in Selective Licensing areas

Street Name	Included Part Street
Abingdon Road	
Abingdon Walk	
Alma Street	
Arundel Street	
Ashleigh Road	
Balfour Street	
Barclay Street	
Bartholomew Street	
Bassett Street	
Battenberg Road	
Beaconsfield Road	
Beatrice Road	
Beckingham Road	
Biddulph Ave	1 -9 not 1A
Biddulph Street	
Bisley Street	
Blue Fox Close	
Bolton Road	
Bonchurch Street	
Borlace Street	
Bosworth Street	
Bramley Road	
Briton Street	3 - 43 odd and 8 - 38 even
Brooksby Street	
Browning Street	
Bruce Street	
Cambridge Street	
Canterbury Terrace	
Carlisle Street	
Catesby Street	
Cavendish Mews	
Cavendish Road	
Cedar Road	
Celt Street	
Central Road	
Chandos Street	
Chartley Road	
Chaucer Street	
Cherryleas Drive	
Church Avenue	
Clifford Street	
Clifton Road	
Compton Road	
Connaught Street	
Cranmer Street	
Cromer Street	
Daneshill Road	
Dannett Street	
Dannett Walk	
Danvers Road	
Dashwood Road	
Denton Street	1 -3 odd and 2 - 4 - even
Devana Road	1- 63a odd and 2 -10a even
Draper Street	
Dulverton Road	
Dunster Street	
Dunton Street	
Eastleigh Road	
Empire Road	
Equity Road	
Evington Footway	
Evington Place	
Evington Road	1 -159 odd and 2 - 118 even
Flora Street	
Fosse Road Central	
Fosse Road North	
Fosse Road South	1 -281 odd and 2a - 256 even
Franche Road	
Gaul Street	
Glenfield Road	1 -89 odd and 2 - 50 even
Glenfield Road East	
Guilford Street	
Haddenham Road	3 -135 odd and 2 - 130 even
Hamilton Street	
Hardwick Court	
Harrow Road	
Hawthorne Street	
Henton Road	
Herschell Street	
Hinckley Road	7 -265 odd and 2 - 238 even
Hoby Street	
Hopefield Road	
Hughenden Drive	
Imperial Avenue	3 -37 odd
Ingle Street	
Ivanhoe Street	

Ivy Road	
Kate Street	
Kimberley Road	3 -49 odd and 2 - 74 even
King Richards Road	
Kirby Road	
Knighton Fields Road West	7 -103 odd and 2 - 138 even
Lambert Road	
Latimer Street	
Laurel Road	
Lavender Road	
Linkway Gardens	
Livingstone Street	
London Road	148a - 220 even
Lonsdale Street	
Lothair Road	
Luther Street	
Lyme Road	
Mantle Road	
Marlow Road	1 -37 odd and 2 - 36 even
Marshall Street	
Mayfield Road	
Merton Avenue	
Minehead Street	
Mostyn Street	
Mountcastle Road	
Narborough Road	1 -259 odd and 2 - 330 even
New Park Road	
Newport Street	
Noble Street	
Mundella Street	
Muriel Road	
Myrtle Road	
Narborough Road	1 -259 odd and 2 - 330 even
New Park Road	
Newport Street	
Noble Street	
Noel Street	
Nook Street	
Norfolk Street	11 -61 odd and 94 - 96 even
Norman Street	
Nugent Street	
Nutfield Road	
Oban Street	

Oliver Street	
Onslow Street	
Oxford Avenue	
Paton Street	
Pool Road	
Porlock Street	
Raymond Road	
Repton Street	
Ridley Street	
Ripon Street	
Rivers Street	
Roman Street	
Roslyn Street	
Rowan Street	
Ruby Street	
Ruding Road	
Ruding Terrace	
Rugby Street	
Saffron Hill Road	
Saffron Lane	179 -233 odd and 182 - 216 even
Saxon Street	
Shaftesbury Road	
Shakespeare Street	
Sheffield Street	
Sheridan Street	
Skipworth Street	
St Albans Road	
St Dunstan Road	
Tudor Close	
St James Road	
Tyndale Street	
Tyrrell Street	
Upperton Rise	
Upperton Road	1 -181 odd and 6 - 118 even
Vaughan Street	
Vernon Street	
Victoria Terrace	
Walton Street	
Warren Street	
St James Road	
St James Terrace	
St Pauls Road	
St Peters Road	25 -87 odd and 36 – 88a even
St Stephens Road	
Stephenson Drive	138 - 150 even
Storey Street	
Stretton Road	

Stuart Street	
Sutherland Street	
Sweetbriar Road	
Sykefield Avenue	
Sylvan Street	
Taunton Road	
Tennyson Street	
Tetuan Road	
Tewkesbury Street	
Thackeray Street	
Warwick Street	
Wentworth Road	

Westcotes Drive	1 -105 odd and 2 - 186 even
Western Road	3 -251a odd and 122a - 278 even
Westleigh Avenue	
Westleigh Road	
Wilberforce Road	
Wilmington Road	
Winchester Avenue	
Wolverton Road	
Woodgate	2 - 88 even

Appendix I :

Landlord Licensing Consultation Stakeholder Communication Matrix

V5 15.2.22

	Audience	Communication Lead	Communication Channels	Reach	Key Date(s)	Completed / Comment Y/ N
1.	All residents/ tenants/ landlords/ partners/ business sector etc	Communication Team	Website (Citizen Space)		30.11.21	Y
2.	All residents/ tenants/ landlords/ partners/ business sector etc	Communication Team	LCC social media (Facebook, Twitter)		10.12.21	Y
3.	All residents/ tenants/ landlords/ partners/ business sector etc	Communication Team	Partner social media (request reposts of our messages)		10.12.21	Comms not sure of partners
4.	All residents/ tenants/ landlords/ partners/ business sector etc	Communication Team	Posters (LCC buildings in scheme areas: Aylestone Leisure Centre, Westcotes Library, Fosse Library)		10.12.21	Y
5.	All residents/ tenants/ landlords/ partners/ business sector etc	Communication Team	LCC newsletter (Your Leicester)	The Your Leicester newsletter item has been held over till 1 Feb because of other requests It's not a problem as we currently have a good response rate and a later YL item will help boost late responses 58500	1/2/22	Next issue

	Audience	Communication Lead	Communication Channels	Reach	Key Date(s)	Completed / Comment Y/ N
6.	Schools via Intranet	Landlord Licensing Programme Manager Jason.Graham@leicester.gov.uk	Email/ schools newsletter	This will be included in our weekly bulletin going out to all schools on Friday. I'll send you a copy when it goes out. I'll also look to include in one of the briefings from Sue Welford, principal education officer. This will reach every school in Leicester City including academies, free schools and independents via the heads and school office email. We also have a large number of staff signed up to receive the bulletin directly, such as premises managers, business managers etc. Leicester City Schools – 114 and if we include independents and privates (130 total) Just over a thousand subscribers currently. We also rely on schools to share round with staff.	12/1/21	TC sent
7.	Neighbourhood Link (Police IT)	Michael Cawley	Email		21.12.21	Y
8.	Citizens Advice (Accommodation Services)	Landlord Licensing Programme Manager richard.evans@citizensadviceleicestershire.org	Email/ Letter	Thanks for the email and update. We had picked up on this already and I understand we will or have put in a response. In the meantime, we will let colleagues know and also put on our website	14/1/22 Response 17/1/22	TC sent email to Contact

	Audience	Communication Lead	Communication Channels	Reach	Key Date(s)	Completed / Comment Y/ N
9.	HMO tenants	Landlord Licensing Programme Manager	Letter		17/12/21	Letter sent with residential letters
10.	HMO landlords	Landlord Licensing Programme Manager	Letter / email		17/12/21	Letter sent with residential letters
11.	Private landlords	Housing Options	Letter / email		17/12/21	Y
12.	Letting agents / estate agents	Landlord Programme Manager	email	130 emails 867 Landlords forwarded details 131 emails 7 days left and advertise Q&A	17/12/21 15/2/22	Y Y
13.	Residents in scheme areas	Landlord Licensing Programme Manager	Letter (see above no. 5 and 14) Drop-in events	Included in letter to all residents' letter 110745	17/12/21 Dates to be determined between 30/11/2021 and 22/02/22.	Y No drop in events arranged letter sent due to Covid restrictions

	Audience	Communication Lead	Communication Channels	Reach	Key Date(s)	Completed / Comment Y/ N
14.	Private tenants	Landlord Licensing Programme Manager	Letter	110725	letters go to every household in the city 17/1/21	Y
15.	Agent Rainmaker	Landlord Licensing Programme Manager team@agentrainmaker.co.uk	Post on Facebook Email	1	10/1/22	Y
16.	General public	Landlord Licensing Programme Manager	Letter Drop-in Sessions	110725 Mayors twitter session to be advised of date and time. Three drop in sessions being set up via Teams, and will take place on Tuesday, February 15, from 3pm to 4pm, and on Friday, February 18, from 12noon to 1pm.	17/12/21 Date to be determined between 30/11/2021 and 22/02/2022.	Y Virtual Meeting dates to be Identify dates and persons to coordinate
17.	LCC tenants	Housing Option	Letter		23.12.21 This may not be required if letters go to every household in the city	Not being sent out as not eligible under the scheme

	Audience	Communication Lead	Communication Channels	Reach	Key Date(s)	Completed / Comment Y/ N
18.	Ward Councillors and City Mayor	Landlord Licensing Programme Manager	Email	54	16/12/21	Y
19.	Ward Meetings	Landlord Licensing Programme Manager	Presentation at meetings	Aylestone WCM - agenda item to consider A5 Leaflet produced by Comms 17/1/22 for distribution to Cllrs as required Fosse Ward Zoom Meeting 2/2/22	Between Jan 5th and 22nd Feb (awaiting dates)	Fosse Ward 2/2/22 6:00pm
20.	Local media (Print, TV, and Radio)	Communication Team	Press Release		30.11.21	Y
21.	Local media (Print, TV, and Radio)	Communication Team Press Release	Press release		Updates through the consultation	16/12/21
22.	Students / Universities	Communication Team registrar@leicester.ac.uk talvin.gill@dmu.ac.uk (Press officer) nm365@leicester.ac.uk (Nicola Mirams) rj222@leicester.ac.uk go44@leicester.ac.uk kw279@leicester.ac.uk	Partner Communication Team	8 student Letting agents and 2 Unis Both Uni press officers	23.12.21 & 14.01.22 12/1/22	17/12/21 Additional targeted to emails tacts provided 10/1/22
23.	Businesses	Communication Team	Email	3654 112 Staff	12.01.22	Email sent to all business with residential

	Audience	Communication Lead	Communication Channels	Reach	Key Date(s)	Completed / Comment Y/ N
						letter attached
24.	Partner organisations	Landlord Licensing Programme Manager	Email	kevan.l@valonline.org.uk	15.12.21	Y
25.	Frontline staff	Communication Team	Email		23.12.21 & 21.01.22	CSC script on dealing with Queries created 17/12/21
26.	LCC staff	Communication Team	Interface Face newsletter	All LCC staff January FACE	12/1/22	Y
27.	Mosques/ Temples/ Gurdwara and other faith organisations	Landlord Licensing Programme Manager	Email/ Letter	204	17/12/21	Y
28.	Translation service for All Faith Groups if required	Communications team	Gujarati email version created	1600	21/12/21	Y
29.	EMPO (East Midlands Property Owners)	Landlord Licensing Programme Manager	Email	1	15/12/21	Y
30.	ARLA (Association of Residential Letting Agents)	Landlord Licensing Programme Manager	Email	1	15/12/21	Y
31.	NRLA (National Residential Landlords Association)	Landlord Licensing Programme Manager	Email	1	15/12/21	Y
32.	Guild of Residential Landlords	Landlord Licensing Programme Manager	Email	11	15/12/21	Y

	Audience	Communication Lead	Communication Channels	Reach	Key Date(s)	Completed / Comment Y/ N
33.	Residential landlords	Landlord Licensing Programme Manager	Email	6	15/12/21	Y
34.	DASH (Decent & Safe Homes)	Landlord Licensing Programme Manager	Email	25 landlords	17/12/21	Y
35.	MPs	Landlord Licensing Programme Manager	Email	3	17/12/21	Y
36.	Neighbouring LAs	Communication Team/ Landlord Licensing Programme Manager	Email	8	17/12/21	Y
37.	District councils	Landlord Licensing Programme Manager	Email	8	17/12/21	Y
38.	VCS organisations	Landlord Licensing Programme Manager	Email	kevan.l@valonline.org.uk	17/12/21	Y
39.	Police (local beats)	Landlord Licensing Programme Manager	Email		17/12/21	Y through Insp Cawley
40.	Fire service	Landlord Licensing Programme Manager	Email		17/12/21	Y
41.	Woodgate Residents Association	Landlord Licensing Programme Manager	Drop-in Session	Attended Fosse ward meeting 2/2/22 copy of presentation slides forwarded 3/2/22	Date to be determined between 30/11/2021 and 22/02/2022.	Drop ins not to be undertaken due to Covid. Virtual meetings to be arranged

	Audience	Communication Lead	Communication Channels	Reach	Key Date(s)	Completed / Comment Y/ N
						where possible
42.	Generation Rent	Landlord Licensing Programme Manager	Email		17/12/21	17/12/21
43.	Braunstone Echo	Landlord Licensing Programme Manager	Press release	1	16.12.21	Y
44.	Evington Echo	Landlord Licensing Programme Manager	Press release	1	16.12.21	Evington Echo issue begin Feb
45.	Western Park Gazette	Landlord Licensing Programme Manager	Press release	1	16.12.21	Y
46.	RICS, CIH, NHF	Landlord Licensing Programme Manager	Email	3 organisations	10/2/22	Y
47.	Teams Q&A	Landlord Licensing Programme Manager	Press release	15-2-22 – 8 Attended 17-2-22 18-2-22		Y
48.	Friends of Clarendon Park and Friends of Victoria Park	Landlord Licensing Programme Manager	Newsletter	Mailing list	15/2/22	Y

Landlord Licensing

Overview

Access to decent affordable housing is essential to support good health and wellbeing and a good quality of life. Ongoing pressures within the housing market mean that for many, including a rising proportion of families, the only chance of a decent home is a private rented tenancy.

Leicester City Council has an ambition to ensure the Private Rented Sector (PRS) in Leicester is fit for purpose and a key part of that is to ensure the council raises housing standards in the sector.

To help drive up standards in the private rented sector the city council has developed a Private Rented Sector Strategy. The overall objective of the Strategy is to have a holistic approach that ensures tenants and landlords are appropriately supported and engaged.

The Strategy is designed to work with all aspects of the sector with a core focus on retaining and improving the council's ability to protect tenants' safety and rights, and tackle rogue/poor landlords.

Maximising this, whilst maintaining a balanced, fair, and proportionate approach, will ultimately lead to the raising of housing standards within the sector.

A key part of the Strategy includes extending the council's powers by the introduction of a Discretionary PRS Licencing scheme (Additional and/or Selective Licensing).

The proposed schemes will support a balanced housing market which in turn will support sustainable communities, facilitate social and environmental improvement, and promote economic resilience and growth in Leicester.

Driving up standards in the PRS seeks to protect the council's most vulnerable residents.

In addition to this, we have recently re-launched our **private rented sector incentive scheme** *<https://www.leicester.gov.uk/your-community/housing/renting-private-housing/our-private-sector-lettings-schemes/>* and will incorporate decisions resulting from our recent **Local Plan** *<https://www.leicester.gov.uk/your-council/policies-plans-and-strategies/planning-and-development/emerging-planning-policy/>* (which will adopt national space standards) and a potential extension of the Article 4 Directive (which considers the concentration of HMOs in specific areas - **consultation currently open** *</sec/article-4-direction-extension/>*). Each of these will play an important role in the strategy, and will contribute to improved standards in the sector and better neighbourhoods.

About this consultation

Under the Housing Act 2004, the Government provided local authorities with the legislative powers to tackle poor quality Houses in Multiple Occupancy (HMOs) through a **Mandatory Licensing Scheme** *<https://www.leicester.gov.uk/your-community/housing/renting-private-housing/houses-in-multiple-occupation>* .

This requires all HMOs occupied by five or more tenants living in two or more separate households and share facilities such as kitchens and bathrooms, to have a licence, these are also known as large HMOs. Across Leicester we currently have over 1,000 properties licensed using these powers

In order to further improve housing standards and property management in the private rented sector, we are consulting on proposals that extend the regulations that are already in place. There are two types of Discretionary Licensing Schemes:

Selective Licensing scheme

In an area subject to a Selective Licensing scheme, all private landlords must obtain a licence (a few exemptions do apply).
Additional Licensing scheme

In an area subject to an Additional Licensing scheme, all houses in multiple occupations (HMO's) occupied by three or more tenants living in two or more households and share facilities such as kitchens and bathrooms, to have a licence, these are also known as small HMOs.
Based on evidence, both schemes can be introduced either citywide or targeted to areas there are known to have existing evidenced problems.

This consultation considers three potential alternatives:

Option A: Selective Licensing (Targeted)
Option B: Additional Licensing (City-wide)
Option C: Additional Licensing (Targeted)
A **data pack and maps** *<user_uploads/licensingevidencemaps.pdf>* relating to these options is available for download. Detailed maps relating to the targeted schemes are also embedded in the consultation for reference.

A **recent report** *<user_uploads/landlord-licensing-osc-report.pdf>* was taken to Leicester City Council's Overview Select Committee (also **Appendix A** *<user_uploads/appendix-a-landlord-licensing.pdf>* and **Appendix B** *<user_uploads/appendix-b-landlord-licensing.pdf>*). Within this you will find more detail including a comparison of the risks and benefits associated with each scheme and details of exempt properties under a selective licensing scheme. This can also be found within the **full business case** *<user_uploads/discretionary-licensing-business-case.pdf>* (alternatively, view **business case summary** *<user_uploads/discretionary-licensing-business-case-summary.pdf>*).

Please note that each scheme lasts for a five-year term, at which point it can be decided whether to renew. Where evidenced, both selective and additional licensing can co-exist.

Leicester City Council would like to encourage residents, tenants, landlords, businesses, voluntary and community sector organisations, key partners such as the Police, Leicestershire Fire and Rescue and others to participate in this consultation.

Every individual and every organisation's views count as we seek to determine if the options presented in this document are viable and useful in driving up housing standards in the private rented sector in Leicester.

Are you responding as...

Please select only one item

- ◯ A private tenant
- ◯ A Leicester resident (not a private tenant)
- ◯ A private landlord
- ◯ A letting or managing agent
- ◯ A local business
- ◯ A charitable organisation providing accommodation
- ◯ An organisation representative
- ◯ Other

If Other, please specify

Charity / organisation name (if applicable)

What is your home / work postcode? (as appropriate)

Please note: we collect postcode data to gain a better understanding of which parts of the city / county respond to our consultations. We cannot identify individual properties or addresses from this information.

Generally speaking, do you think privately rented properties in your area are well managed?

Please select only one item

- ◯ Yes
- ◯ No
- ◯ No opinion either way
- ◯ Don't know

In relation to private rented accommodation, have you ever experienced problems with: (please tick all that apply)

Please select all that apply

- [ ] Difficulty getting repairs done
- [ ] Fear of reporting repairs
- [ ] Fly tipping
- [ ] Harassment / intimidation
- [ ] Housing conditions
- [ ] Issues with crime / anti social behaviour
- [ ] Lack of contact with landlord / agent
- [ ] Lack of contact with tenants
- [ ] Noise
- [ ] Notice to quit for no apparent reason
- [ ] Problems associated with certificates (electricity)
- [ ] Problems associated with certificates (fire)
- [ ] Problems associated with certificates (gas)
- [ ] Problems associated with certificates (HMO)
- [ ] Public health issues
- [ ] Unpaid rent
- [ ] Unruly tenants
- [ ] Other

If Other, please specify

What are your views on the following statements about landlord licensing?

	Agree	Disagree	No opinion either way
Tenants can view landlord references if their landlord is licensed *Please select only one item*	○	○	○
Tenants can access information about acceptable housing standards if their landlord is licensed *Please select only one item*	○	○	○
Licensing ensures landlords manage and maintain their property(s) correctly *Please select only one item*	○	○	○
Licensing sets specific standards that all landlords must follow *Please select only one item*	○	○	○
Licensing enables better joint working between council departments and agencies *Please select only one item*	○	○	○
Licensing helps protect the health, safety and welfare of the community *Please select only one item*	○	○	○

Selective / Additional Licensing summary

Selective Licensing - all privately rented properties must have a licence (certain exemptions apply).

Additional Licensing - all small HMOs (3-4 unrelated tenants, sharing facilities such as kitchens and bathrooms) must have a licence. Large HMOs already require a licence under Mandatory Licensing.

Prescribed conditions (also known as mandatory conditions)

We are required to always use a set of what are known as prescribed conditions. These are set out in legislation.

See lists below to view subject areas covered by each licensing option.

Selective Licensing

- Carbon monoxide alarms
- Furniture and furnishings
- Gas safety
- Safety of electrical appliances
- Smoke alarms
- Tenancy agreements

Download PDF for more detailed information *<user_uploads/selective-licensing-prescribed-conditions.pdf>* .

Additional Licensing

- Bedroom sizes *
- Carbon monoxide alarms
- Furniture and furnishings
- Gas safety
- Safety of electrical appliances
- Smoke alarms
- Tenancy agreements
- Waste management *

(* applies to Additional Licensing only)

Download PDF for more detailed information *<user_uploads/additional-licensing-prescribed-conditions.pdf>* .

Do you have any comments about the prescribed conditions?

Supplementary conditions

We are permitted to add conditions to Selective and Additional Licences. These are called supplementary conditions.

See lists below to view subject areas covered by each licensing option.

Selective Licensing

- A licence holder must be ‘fit and proper’.
- Additional measures around electrical safety covering fixed installations and remedial works.
- Fire safety to include a fire alarm system that meets an appropriate British Standard, escape lighting, fire fighting equipment and fire safety certification.
- Tenancy management covering the supply of an information pack to tenants, including an inventory, details of where a deposit has been lodged etc.
- Regular property Inspections, details of how to report disrepair and timescales for repairs.
- Where a property is furnished, that the furniture is safe and in good repair.
- Adequate security measures such as locks, latches, entry systems and where fitted alleygate keys.
- Information about waste management to include collection day and how to recycle.
- Tackling anti-social behaviour including what management arrangements are in place to prevent or reduce anti social behavour .
- Licence holder training.
- A requirement to inform the council of any material changes to the licence holder, managing agent of property.
- Minimum energy efficiency

Download PDF for more detailed information *<user_uploads/selective-licensing-supplementary-conditions.pdf>* .

Additional Licensing

- A licence holder must be ‘fit and proper’.
- Additional measures around electrical safety covering fixed installations and remedial works.
- Fire safety to include a fire alarm system that meets an appropriate British Standard, escape lighting, fire fighting equipment and fire safety certification.
- Tenancy management covering the supply of an information pack to tenants, including an inventory, details of where a deposit has been lodged etc.
- Regular property Inspections, details of how to report disrepair and timescales for repairs.
- Where a property is furnished, that the furniture is safe and in good repair.
- Adequate security measures such as locks, latches, entry systems and where fitted alleygate keys.
- Information about waste management to include collection day and how to recycle.
- Tackling anti-social behaviour including what management arrangements are in place to prevent or reduce anti social behavour .
- Licence holder training.
- A requirement to inform the council of any material changes to the licence holder, managing agent of property.
- Minimum energy efficiency.
- Occupancy levels. *
- Care of common area. *

(* applies to Additional Licensing only)

Download PDF for more detailed information *<user_uploads/additional-licensing-supplementary-conditions.pdf>* .

Do you think it is beneficial for us to add supplementary conditions?

Please select only one item

- ◯ Yes
- ◯ No
- ◯ Partially

Do you have any comments or suggestions for the proposed supplementary conditions?

Do you have any further comments on licensing conditions?

Selective Licensing

A Selective Licensing scheme would require all landlords to obtain a licence in order to rent out any accommodation (apart from those properties that are classified as exempt under the legislation). The landlord would also need to be a 'fit and proper person' and competent to manage the property.

The licence holder would also be required to meet specific conditions to ensure any licensed property they own or manage is safe, meets basic standards and is managed in a satisfactory way. If approved, the licence scheme would last for five years.

The penalties for not obtaining a licence (where one is required) include prosecution, fines, and being banned from operating as a landlord.

In the first instance Selective Licensing enables a conversation about and inspection of internal standards, educating both landlords and residents about appropriate safety standards. However, with a robust enforcement action plan, selective licensing can facilitate wider social and environmental improvement.

The council must consider that an area is experiencing one or more of the following conditions for a Selective Licensing Designation to be made:

A significant and persistent problem caused by anti-social behaviour
Poor property conditions
High levels of migration
High levels on deprivation
High levels of crime

Option A provides a Selective Licensing scheme which, if accepted, will license all privately rented properties within selected areas (apart from those properties that are classified as exempt under the legislation).

The proposal covers parts of the wards of Westcotes, Fosse, Saffron, Braunstone Park & Rowley Fields and Stoneygate (see the maps below).

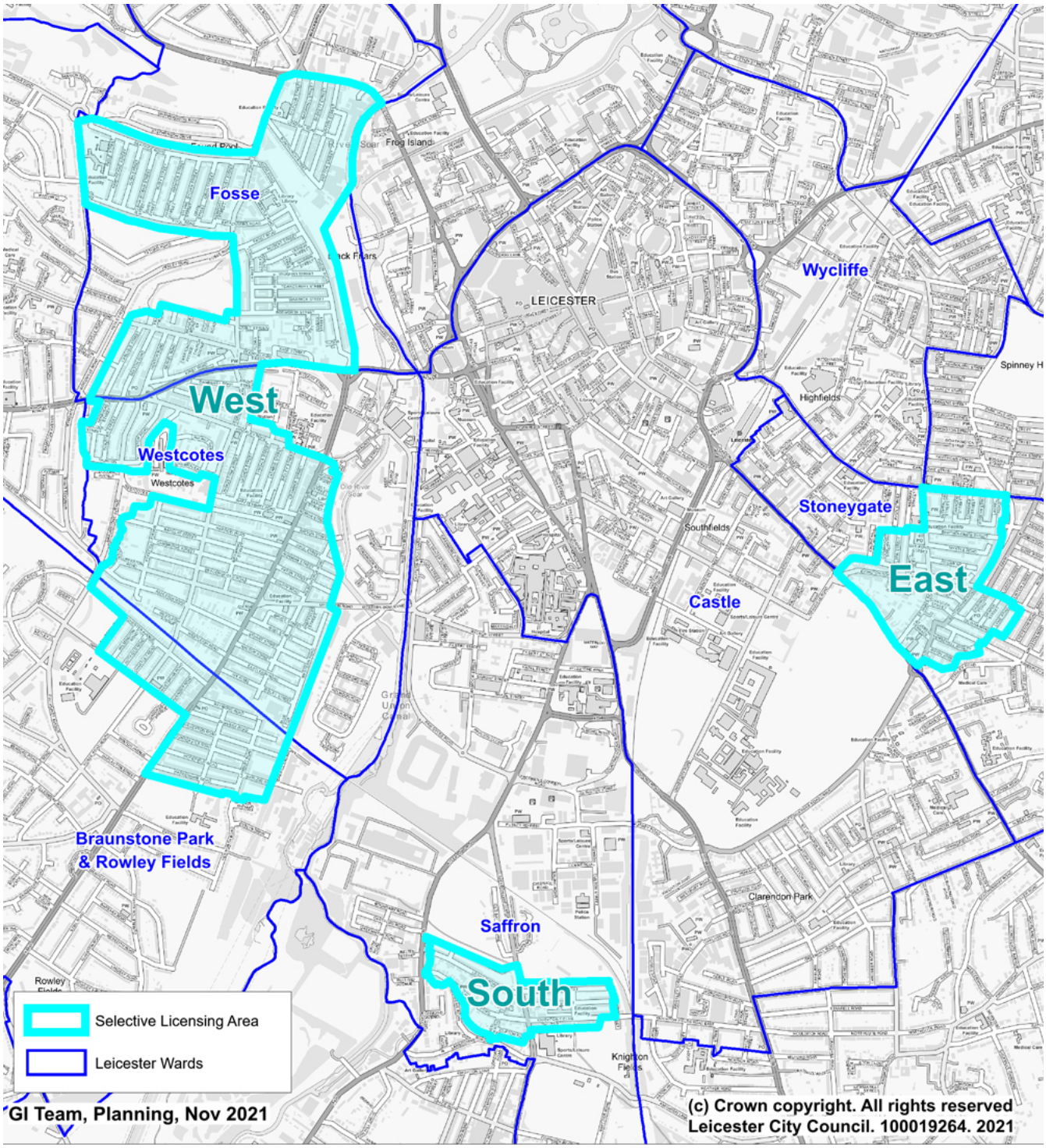
Selective / Additional Licensing summary

Selective Licensing - all privately rented properties must have a licence (certain exemptions apply).

Additional Licensing - all small HMOs (3-4 unrelated tenants, sharing facilities such as kitchens and bathrooms) must have a licence. Large HMOs already require a licence under Mandatory Licensing.

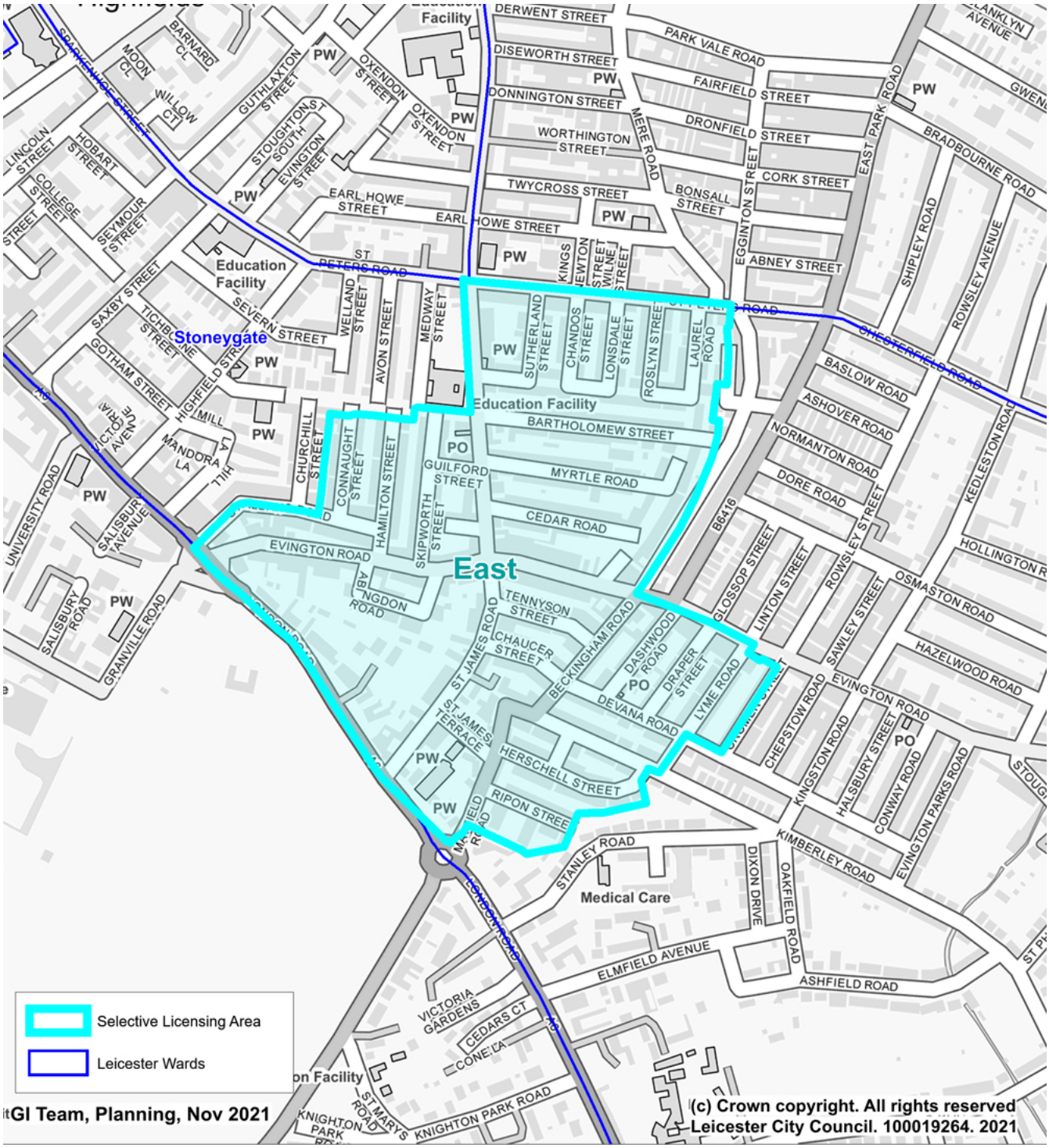
All areas

View map showing all areas covered by the scheme



East area

View East area map



Do you agree we should introduce a Selective Licensing scheme to this area?

Please select only one item

- ◯ Yes
- ◯ No
- ◯ Not sure
- ◯ No opinion either way

Should the area be expanded / reduced?

Please select only one item

- ◯ Expanded
- ◯ It's about right
- ◯ Reduced

If reduced or expanded, please indicate how much

Do you think a Selective Licensing scheme would improve housing standards in this area?

Please select only one item

- ◯ Yes
- ◯ No
- ◯ Don't know

What impact would a Selective Licensing scheme have on local businesses?

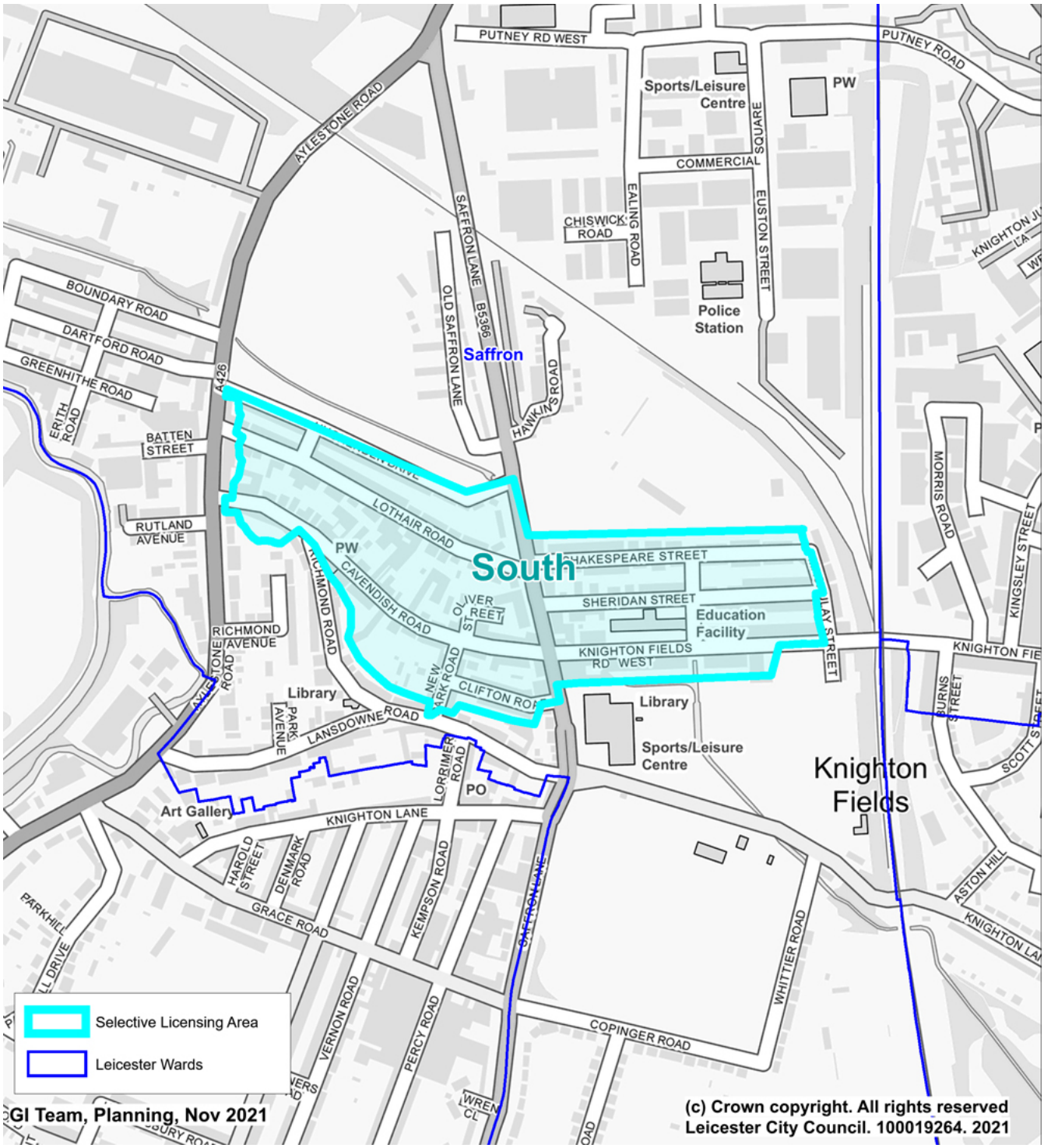
Please select only one item

- ◯ Extremely positive
- ◯ Positive
- ◯ No change either way
- ◯ Negative
- ◯ Extremely negative

Do you have any final comments on Selective Licensing in this area?

South area

View South area map



Do you agree we should introduce a Selective Licensing scheme to this area?

Please select only one item

- ◯ Yes
- ◯ No
- ◯ Not sure
- ◯ No opinion either way

Should the area be expanded / reduced?

Please select only one item

- ◯ Expanded
- ◯ It's about right
- ◯ Reduced

If reduced or expanded, please indicate how much

Do you think a Selective Licensing scheme would improve housing standards in this area?

Please select only one item

- ◯ Yes
- ◯ No
- ◯ Don't know

What impact would a Selective Licensing scheme have on local businesses?

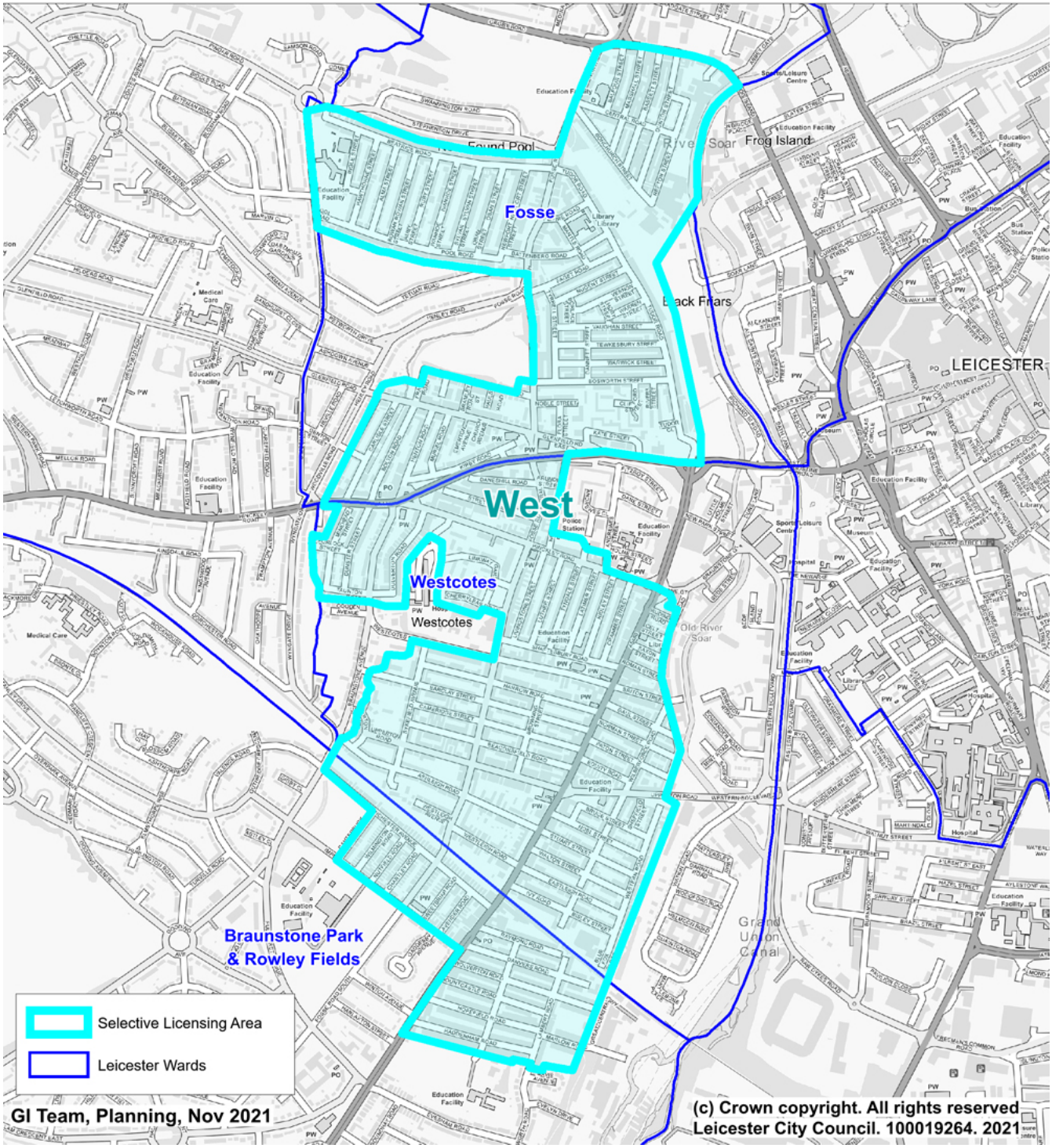
Please select only one item

- ◯ Extremely positive
- ◯ Positive
- ◯ No change either way
- ◯ Negative
- ◯ Extremely negative

Do you have any final comments on Selective Licensing in this area?

West area

View West area map



Do you agree we should introduce a Selective Licensing scheme to this area?

Please select only one item

- ◯ Yes
- ◯ No
- ◯ Not sure
- ◯ No opinion either way

Should the area be expanded / reduced?

Please select only one item

- ◯ Expanded
- ◯ It's about right
- ◯ Reduced

If reduced or expanded, please indicate how much

Do you think a Selective Licensing scheme would improve housing standards in this area?
Please select only one item

- ◯ Yes
- ◯ No
- ◯ Don't know

What impact would a Selective Licensing scheme have on local businesses?
Please select only one item

- ◯ Extremely positive
- ◯ Positive
- ◯ No change either way
- ◯ Negative
- ◯ Extremely negative

Do you have any final comments on Selective Licensing in this area?

Additional Licensing

An Additional Licensing scheme would require all landlords to obtain a license in order to rent out small houses in multiple occupation (three or more unrelated people who share facilities such as kitchens and bathrooms) and where they currently fall outside of the mandatory HMO licensing definition.

The licence holder would also be required to meet specific conditions to ensure any licensed property they own or manage is safe, meets basic standards and is managed in a satisfactory way. If approved, the licence would last for five years.

The penalties for not obtaining a licence (where one is required) include prosecution, fines, and being banned from operating as a landlord.

In addition to the benefits seen by Selective Licensing, Additional Licensing also looks at internal space standards and waste management. With a robust enforcement action plan, additional licensing can also facilitate wider social and environmental improvement.

The council must consider that a significant proportion of HMOs in the designated area are being managed sufficiently ineffectively as to give rise to, or likely rise, to one or more particular problems either for those occupying the HMOs or for members of the public.

These include:

Where external condition and curtilage (including yards and gardens) adversely impact on the general area in which they are located.
Where internal standards, poor amenities, overcrowding etc adversely impact upon the health, safety and welfare of the occupiers.
Where there is a persistent problem with anti-social behaviour and landlords of the HMOs are not taking reasonable and lawful steps to eliminate.
Where lack of management or poor management adversely impact upon the health, safety and welfare of the occupier or wider community.

Option B provides an Additional Licensing scheme which if accepted will license all small HMOs across the whole of Leicester.

Option C provides an Additional Licensing scheme which if accepted will license all small HMOs in designated parts of Westcotes, Fosse, Braunstone Park & Rowley Fields and Stoneygate (see maps below). This option would not apply if option B was approved.

Selective / Additional Licensing summary

Selective Licensing - all privately rented properties must have a licence (certain exemptions apply).

Additional Licensing - all small HMOs (3-4 unrelated tenants, sharing facilities such as kitchens and bathrooms) must have a licence. Large HMOs already require a licence under Mandatory Licensing.

Are you aware of any HMOs in the immediate area where you live?

Please select only one item

- ◯ Yes
- ◯ No
- ◯ Don't know

If there are HMOs in the area where you live, have you experienced any of the following problems? (please tick all that apply)

Please select all that apply

- ☐ Anti-social behaviour
- ☐ Empty unattended HMOs during term time
- ☐ Nuisance
- ☐ Overgrown gardens
- ☐ Poor external appearance of properties
- ☐ Poor property condition
- ☐ Poorly managed refuse / untidy or overflowing
- ☐ Other
- ☐ N/A

If Other, please specify

In your experience, have HMOs changed in the past five years?

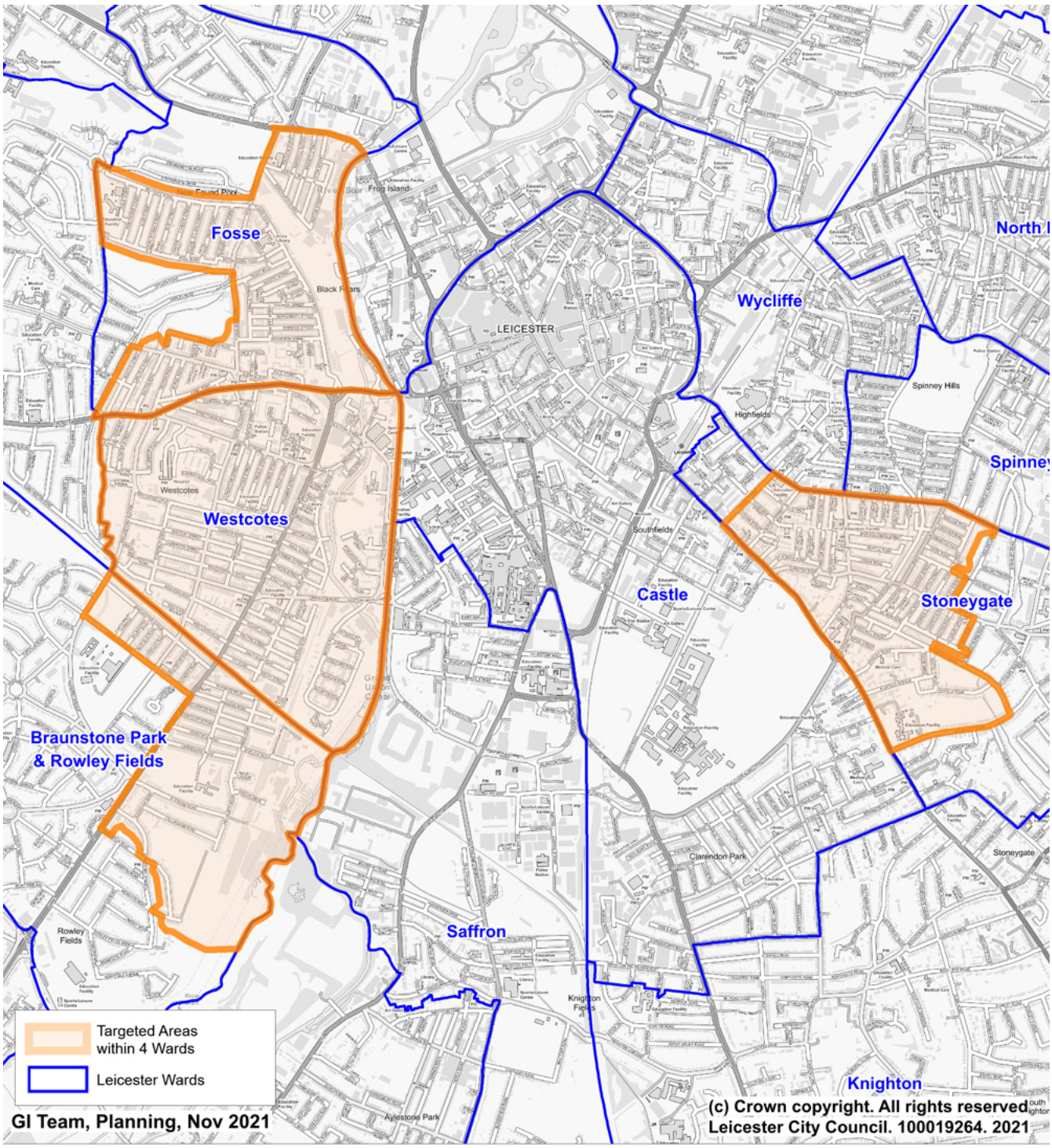
	Yes	No	Partially	No opinion / don't know
HMO maintenance has improved *Please select only one item*	◯	◯	◯	◯
HMO management has improved *Please select only one item*	◯	◯	◯	◯
Living conditions in HMOs have improved *Please select only one item*	◯	◯	◯	◯
There are fewer HMOs *Please select only one item*	◯	◯	◯	◯
There are more HMOs *Please select only one item*	◯	◯	◯	◯
There's less anti-social behaviour associated with HMOs *Please select only one item*	◯	◯	◯	◯

Additional Licensing options

Two Additional Licensing options are available for small HMOs in Leicester (three or more households in each property):

- City-wide
- Targeted

View map showing targeted areas



Do you support the introduction of Additional Licensing for HMOs?

Please select only one item

- ◯ Yes, in the specific areas shown on the map above
- ◯ Yes, across the whole of the city
- ◯ No
- ◯ No opinion / don't know

Do you have any comments on this?

Fees

The Housing Act 2004 allows local authorities to recover the cost of implementing and administering a licensing scheme by charging fees.

A fee calculator is used to determine license fees, taking into account the amount of time required to administer, process and enforce licences. Leicester City Council does not profit financially from licensing schemes.

The current fee for mandatory licences is £900, a rate that has been in place since 2018.

The estimated licence fee for Selective and/or Additional Licensing in Leicester would be between £1,000 and £1,150 (depending on which scheme is adopted).

Selective / Additional Licensing summary

Selective Licensing - all privately rented properties must have a licence (certain exemptions apply).

Additional Licensing - all small HMOs (3-4 unrelated tenants, sharing facilities such as kitchens and bathrooms) must have a licence. Large HMOs already require a licence under Mandatory Licensing.

Do you think the estimated licence fee mentioned above is...

Please select only one item

- ◯ Too much
- ◯ About right
- ◯ Too little
- ◯ Don't know / No opinion either way

Do you have any comments on this?

Should we offer a 10% early bird discount for applications received within six months of a Selective or Additional Licensing scheme being introduced?

Please select only one item

- ◯ Yes
- ◯ No
- ◯ Don't know / No opinion either way

Do you have any comments on this?

Should we offer a 10% discount for charitable organisations who own / manage private rented accommodation?

Please select only one item

- ◯ Yes
- ◯ No
- ◯ Don't know / No opinion either way

Do you have any comments on this?

Should we offer a 10% discount to members of a private landlord accreditation scheme?

This is a voluntary scheme which recognises landlords, letting agents and managing agents who currently offer good-quality, well-managed accommodation.

Please select only one item

- ◯ Yes
- ◯ No
- ◯ Don't know / No opinion either way

Do you have any comments on this?

Should we introduce a 20% late license penalty fee?

A late licence penalty would apply if a valid application for a property that is required to be licensed is not made within the first 12 months of an area being designated for either Selective or Additional Licensing (or within 12 months of it becoming a rented property that is required to be licensed).

*The only proposed exceptions to this additional fee are if the property was empty during the application period or has recently been purchased.

Please select only one item

- ◯ Yes
- ◯ No
- ◯ Don't know / No opinion either way

Do you have any comments on this?

Do you have any comments on other discounts that could be applied?

Final comments

Selective / Additional Licensing summary

Selective Licensing - all privately rented properties must have a licence (certain exemptions apply).

Additional Licensing - all small HMOs (3-4 unrelated tenants, sharing facilities such as kitchens and bathrooms) must have a licence. Large HMOs already require a licence under Mandatory Licensing.

Which of these options do you think we should focus on? (please tick all that apply)

	Targeted areas	Citywide
Selective Licensing of all types of rented accommodation *Please select only one item*	◯	◯
Additional Licensing of large HMOs *Please select only one item*	◯	◯
Additional Licensing of small HMOs *Please select only one item*	◯	◯

Do you have any additional views on how we can improve the quality and management of privately rented properties across Leicester?

Consultation update option

Please provide contact details if you would like us to send you information about our decision regarding this consultation.

The information you provide here will be kept in accordance with terms of current Data Protection legislation and will only be used to send you the information mentioned above.

Your details will not be passed on to any other individual, organisation or group. Leicester City Council is the data controller for the information on this form for the purposes of current Data Protection legislation.

Your name

Email

Equality monitoring

The information you provide in this final section of the questionnaire will be kept in accordance with terms of current Data Protection legislation and will only be used for the purpose of monitoring.

Your details will not be passed on to any other individual, organisation or group. Leicester City Council is the data controller for the information on this form for the purposes of current Data Protection legislation.

Ethnic background:

Please select only one item

- ◯ Asian or Asian British: Bangladeshi
- ◯ Asian or Asian British: Indian
- ◯ Asian or Asian British: Pakistani
- ◯ Asian or Asian British: Any other Asian background
- ◯ Black or Black British: African
- ◯ Black or Black British: Caribbean
- ◯ Black or Black British: Somali
- ◯ Black or Black British: Any other Black background
- ◯ Chinese
- ◯ Chinese: Any other Chinese background
- ◯ Dual/Multiple Heritage: White & Asian
- ◯ Dual/Multiple Heritage: White & Black African
- ◯ Dual/Multiple Heritage: White & Black Caribbean
- ◯ Dual/Multiple Heritage: Any other heritage background
- ◯ White: British
- ◯ White: European
- ◯ White: Irish
- ◯ White: Any other White background
- ◯ Other ethnic group: Gypsy/Romany/Irish Traveller
- ◯ Other ethnic group: Any other ethnic group
- ◯ Prefer not to say

If you said your ethnic group was one of the 'Other' categories, please tell us what this is:

Age:

Please select only one item

- ◯ under 18
- ◯ 18 - 25
- ◯ 26 - 35
- ◯ 36 - 45
- ◯ 46 - 55
- ◯ 56 - 65
- ◯ 66+
- ◯ Prefer not to say

Sexual orientation. Do you consider yourself to be ...

Please select only one item

- ◯ Bisexual
- ◯ Gay / lesbian
- ◯ Heterosexual / straight
- ◯ Prefer not to say
- ◯ Other (please specify)

Disability

The Equality Act 2010 defines a person as disabled if they have a physical or mental impairment which has a substantial and long-term effect on their ability to carry out normal day-to-day activities and has lasted or is likely to last for at least 12 months. People with HIV, cancer, multiple sclerosis (MS) and severe disfigurement are also covered by the Equality Act.

Do you consider yourself to be a disabled person?

Please select only one item

- ◯ Yes
- ◯ No
- ◯ Prefer not to say

If you have answered **'Yes'** to the above, please state the type of impairment that applies to you. People may experience more than one type of impairment, in which case you may need to tick more than one box. If none of the categories apply, please tick 'Other' and state the type of impairment.

Please select all that apply

- ☐ A long standing illness or health condition such as cancer, HIV, diabetes, chronic heart disease, or epilepsy
- ☐ A mental health difficulty, such as depression, schizophrenia or anxiety disorder
- ☐ A physical impairment or mobility issues, such as difficulty using your arms or using a wheelchair or crutches
- ☐ A social / communication impairment such as a speech and language impairment or Asperger's syndrome / other autistic spectrum disorder
- ☐ A specific learning difficulty or disability such as Down's syndrome, dyslexia, dyspraxia or AD(H)D
- ☐ Blind or have a visual impairment uncorrected by glasses
- ☐ Deaf or have a hearing impairment
- ☐ An impairment, health condition or learning difference that is not listed above (specify if you wish)
- ☐ Prefer not to say
- ☐ Other

If Other, please say

How would you define your religion or belief?

Please select only one item

- ◯ Atheist
- ◯ Bahai
- ◯ Buddhist
- ◯ Christian
- ◯ Hindu
- ◯ Jain
- ◯ Jewish
- ◯ Muslim
- ◯ Sikh
- ◯ No religion
- ◯ Prefer not to say
- ◯ Other

If Other, please specify

What is your sex?

Please select only one item

- ◯ Female
- ◯ Male
- ◯ Prefer not to say

Is your gender identity the same as your sex registered at birth?

Please select only one item

- ◯ Yes
- ◯ No
- ◯ Prefer not to say

If No, what term do you use to identify your gender? (leave blank if prefer not to say)

Appendix III

Consultation responses to Key issues raised by respondents

Question Comment	Response
Why was the consultation not paused as requested by some respondents?	The consultation legally must be undertaken for a minimum of 10 weeks. LCC consultation was undertaken for a period of 12 weeks (30/11/21 – 22/2/22) and has now closed. The extended time was due to the Christmas break being within the consultation process, as we had received a significant response already from various stakeholders and a decision was taken to send a letter to all residential properties which provided multiple options for commenting on the process. In addition, emails were sent to all businesses and other relevant persons and responses received indicating that there was no hindrance to participating in the consultation as had been suggested in the request. The consultation was therefore not to be paused or extended as there was no justifiable grounds for either.
Some respondents questioned why the consultation was done face to face?	The preparatory work for the consultation had been underway since 2019 and a House Condition survey had been undertaken prior to the pandemic and the Council had already invested a significant amount of money to get the project underway so it would not have been in the public interest to simply abandon or delay the project further. The consultation was designed with due cognisance of the Covid-19 situation and as such everything was delivered online by way of letter, email correspondence, an online survey and a number of virtual public meetings. In addition, as part of the consultation, postal notification on the options was broadcast in all libraries and public buildings and also on social media and the councils website. Letters were sent to 110,745 residential properties, emails to 3654 Business Operators, 204 Faith Groups contacted and leaflets made in Gujrati circulated to 1600 congregants, 9 Landlord Associations, 123 Letting and Management Agents who forwarded onto their clients and also responded themselves, 3 MPs, 8 Local Authorities neighbouring Leicester City, 54 Councillors, 3 Media outlets, 17 student accommodation companies 3 Universities and student unions and 1130 Schools in order to give an opportunity to the widest audience possible to have their say on the proposals. An online survey, three virtual public meetings and Landlord and Managing agents meetings were held as this was deemed the safest way of gaining public feedback whilst ensuring safety for those that wished to take part. This was done in full compliance with government guidelines on Covid-19 to ensure that the most vulnerable and the elderly remain protected. There was also the option for residents to be able to call a dedicated number if they wished to

Question Comment	Response
Landlords will sell up if a scheme is imposed!	Having spoken to a number of Local Authorities operating similar schemes, there is little evidence to suggest that displacement has occurred. Furthermore, the 2019 MHCLG review of Selective Licensing also supported this view. It would be mainly rogue landlords that would be forced to change their practices or be driven out of business. A recent discussion with colleagues at Nottingham and Coventry supports this assumption.
Rents are likely to increase due to licensing schemes this will lead to tenants being unable to pay. – leading to more homelessness?	The fee structure must cover only the costs of running the proposed scheme and will be kept as low as possible to minimise cost to landlords whilst ensuring that the scheme remains cost neutral so it is deemed to be fair and reasonable, over the five-year period. The proposed fee is tax deductible and discounts will be available. The Council has considered the risk of homelessness as an unintended consequence but on the basis of the requirements of the schemes and costs associated with them it does not believe it should lead to increased levels of homelessness. Selective Licensing aims to stabilise tenants in better managed homes, reducing the high turnover that can lead to homelessness. “The reality is that the PRS is a competitive market. Rents are set at what the market will bear and can respond quickly to market conditions e.g., if a property is hard to let the rent will be adjusted down, and vice versa. There is no conclusive evidence that licensing fees increase rents, and with healthy profits in the private rented sector such licensing fees are usually paid for by landlords’ surplus and do not impact on tenants.” Core Cities Report 2018” which can be found at: Core_Cities_UK_Metastreet_licensing_report_Oct_2018.pdf
Why are some streets with known problems not included while streets with no problems are?	The licensing legislation does not allow this distinction to be applied as the designation is often applied over entire neighbourhoods, whole wards or the entire city. Lower Layer Super Output (LSOA) data is widely used and regarded as a strong way to target problem areas within neighbourhoods. This allows for targeted focus on problem areas however, the Council acknowledges that at times this may mean some streets with lower levels issues are included. Furthermore, it is strongly believed that the positive impacts of Selective Licensing will affect the wider area, therefore all streets in a surrounding area would see the benefit
Why penalise good landlords for the shortcomings of the minority?	Selective Licensing is a strategic area-based intervention, based on evidence gathered for these areas. A local authority may designate their whole district or an area (or a number of areas) within its district for the purposes of Selective Licensing. Once made, a local authority has no power to determine its own exemptions within a designated area.

Question Comment	Response
Most landlords are responsible and professional. Can good landlords be exempted from the scheme?	The Council recognises that there are good landlords in the proposed neighbourhoods that offer good and well managed accommodation. However, unfortunately there are also badly managed properties which licensing aims to address
Why was social housing not included in the scheme?	Section 79(3) of the Housing Act 2004 exempts socially let properties (both Local Authority and Housing Association tenancies) from the scheme. Selective Licensing only applies to private rented properties. Social housing is excluded as there is separate legislation that governs social housing. The Council's housing stock is also held to a decent homes standard to ensure safety for all residents.
Exemptions for charities who rent their properties.	A local authority has no power to determine its own exemptions within a designated area. Only dwellings subject to statutory exemption, as set out in the Housing Act 2004 and The Selective Licensing of Houses (Specified Exemptions) (England) Order 2006 (SI 2006/370) are exempt. However, a discount may be applied to assist organisation. The exemptions may be viewed by following the link The Selective Licensing of Houses (Specified Exemptions) (England) Order 2006 (legislation.gov.uk)
All landlords need to be licensed. This helps ensure standards are maintained	The legislation currently does not allow for this, licensing can only be introduced if certain criteria are satisfied e.g., high levels of private rentals, with poor housing conditions, ASB, deprivation etc. and only in places with high concentration of the private rented sector. The designation criteria would not apply to the entire City. The Government is considering in its levelling up white paper to introduce registration for all landlords, although any scheme adopted by the Council will be in addition to this requirement
Selective Licensing wont deal with ASB and Landlords won't make their tenant's behave	Licensing by itself will not completely get rid of ASB but it has been proved to improve persistent issues with ASB through the implementation of licence conditions and joint working with other departments to ensure the issues are effectively addressed. A dedicated community officer will be provided to address specific issues in the SL areas. Whilst the Council accepts that landlords cannot be held solely responsible for the actions of their tenants, the Council strongly believes that landlords can, more often than not, have some influence on the behaviour of their tenants. The Council believes that good landlords would, once they became aware that their tenants were engaged in unacceptable activities that had a detrimental effect on neighbours, try to take some steps to resolve the situation. It is accepted that landlords have limited options other than to give verbal and written warnings and in extreme cases to evict the tenant(s). However, the threat of

Question Comment	Response
	eviction may, in some circumstances, bring about a resolution. Clearly, the council does not want to see tenants lose their homes and would hope it would not come to that in most cases. Landlords do not need to be alone in facing difficult tenants. The Council, Police and the proposed enforcement officer can help. Any landlord who asks for help and advice will receive it. The Council recognises that as well as rogue landlords, there are rogue tenants who the Council and its partners will look to deal with. The Council proposes to use its discretionary power to incorporate an ASB condition within the proposed Selective Licensing Designation. It would outline the licence holder to take reasonable steps to try and deal with any ASB caused by their tenants and to cooperate with the Council and Police as necessary. It is also worth noting that a mandatory condition of Selective Licensing relates to tenant referencing. All licence holders, in any Selective Licensing scheme, must require a reference from any person wishing to take up occupation in one of their licensed dwellings.
Some of the respondents were not convinced that houses occupied by single families need to be licensed as they believed that these types of occupation do not lead to anti-social behaviour instead, they believe that ASB is attributed to HMOs.	The proposed neighbourhoods have the highest number of private rentals, high levels of poor housing conditions, highest levels of ASB, crime and are the most deprived in the City and have required substantial interventions from the Council.
Financial impact on Landlord?	The scheme does not impose additional costs in terms of compliance with housing standards as the standards apply under existing legislation already. The licensing scheme provides a more effective regulatory framework and brings much of the compliance requirements into one place and aims to prevent rogue landlords undermining good landlords. We are considering the practicalities of applying discounts for full applications received during a fixed period of the schemes. The Selective Licensing proposals are not a tax, and are not a way to raise income for the Council, because the funds from the scheme, legally must be spent only on administering, and compliance monitoring of the license and cannot be spent on anything else.

Question Comment	Response
Respondents raised concerns that with the additional costs from Selective Licensing and complying with it, in addition to loss of income in rent due to some tenants losing jobs or being unable to receive rent as a result of the pandemic and would lead to more landlords selling their properties or raising the rent and so increasing homelessness.	One of the aims of Selective Licensing is to improve the area, property conditions and management thereby strengthening the community. Making the area more attractive to tenants and to be of benefit to landlords and it is therefore expected that fees will not be passed to tenants. The Council acknowledges that there may be some small cases where landlords do sell some or all or their property portfolio in areas where Selective Licensing is introduced, due to being unwilling, or unable to comply with the scheme requirements for various reasons. However, research shows that where this happens the properties are normally bought by professional landlords who see properties in designated areas as a good, safe investment, as they understand that capital values of properties and rental yields are likely to increase over time as an outcome. If the landlords choose to sell and the properties are bought by other professional landlords, such dwellings will remain full and kept within the private rented sector. Government guidance provides advice on rent increases and the tenancy agreement should include how and when the rent will be reviewed. For a periodic tenancy (rolling on a week-by-week or month-by month basis) a landlord can't normally increase the rent more than once a year without the tenant's agreement. For a fixed-term tenancy (running for a set period) a landlord can only increase the rent if the tenant agrees. If the tenant does not agree, the rent can only be increased when the fixed term ends. Generally, for all tenancies, a landlord must get the tenants permission if they want to increase the rent by more than previously agreed and the rent increase must be fair and realistic, i.e., in line with average local rents. A tenant can apply to a tribunal to decide on certain rent disputes in England. Whilst the Council does not approve of licensing fees being passed to tenants it is anticipated that the fee and discounts will ensure that any rent increase would be minimal.

Question Comment	Response
Do we have enough resources in? How will you manage a scheme of this size? Selective Licensing is only good if enforced	The Council's ability to manage the scheme was noted as a concern for some of the respondents. The Council intends to prepare fully for the implementation of the scheme. The scheme will need to be properly resourced, and information will be provided on how the scheme will work in practice. This is currently being developed with input cross a range of departments, and also with the advice and guidance of experienced colleagues in other local authorities where similar schemes have been implemented. The Council recognises that there will be a new Selective Licensing function set up to ensure effectiveness and act as the link between landlords, tenants and other Council departments and stakeholders
How will landlords who do not licence be identified	The Council recognises that it will be challenging to determine exact number of landlords who do not proactively licence their properties. Occupiers, residents or other landlords and agents will be encouraged to contact the Council in confidence to report properties (or landlords) they feel may be operating poorly managed properties or be unlicensed. The Council will work with its partner agencies including the fire service, police, environmental health and other council departments to identify unlicensed properties
The Council should publish clear service standards setting out the timescale for processing and approving licence applications and to publish regular updates so that performance in this area can be monitored	If the scheme gets the go ahead there will be a requirement to regularly review the scheme progress and achievements as well as publishing the service standards it will work to. And relevant reports will be published annually
Why can the Council not enforce standards under its existing powers? Why choose licensing over enforcement action?	Enforcement of housing standards under the Housing Act Part 1 is a reactive intervention and not a strategic response as there is no impact beyond the property and the wider issues that have been identified in private rented sector would not be addressed. Furthermore, the Council has to follow a number of steps under enforcement, which can take a significant period of time with associated costs and resources. Licensing powers are provided by the Housing Act 2004 (Part 2 & 3) to enable local housing authorities to take a more proactive and quicker route to ensure that management and standards of accommodation are satisfactory. The Council does not need to receive a complaint to inspect a property and landlords are required under the terms of their licence to adhere to the scheme's licence conditions or face enforcement action. Licensing also promotes further engagement with landlords and agents and will enable the Council to communicate effectively with the sector. All enforcement measures to tackle housing offences will be used alongside licensing to achieve the objectives of the scheme

Question Comment	Response
Make better use of existing enforcement powers. Powers to deal with disrepair and ASB	While it is accepted that there are some overlapping legislative provisions, Selective Licensing remains a powerful and unique legislative tool that can have a tangible impact on problematic areas where there are higher than average levels of privately rented accommodation. Selective Licensing provides the Council with additional powers to ensure management standards are sufficiently maintained. The use of licence conditions would enable the Council to impose responsibilities on landlords that would otherwise be unenforceable. Where there are overlapping legislative provisions, the use of Selective Licensing can make for quicker and more efficient resolutions to housing related problems. As Selective Licensing enhances and widens the range of enforcement options, the Council is of the opinion that it is an effective means of promoting good management standards, better housing conditions, and wider regeneration in the area. The Government introduced Selective Licensing to help Councils increase their chance of successfully tackling social and environmental issues in areas such as those proposed for designation.
Many licensing schemes fail due to the lack of adequate resources needed to undertake the necessary enforcement activity	Enforcement, especially of unlicensed properties, is key to delivering an effective licensing scheme and the Council is currently working to scope the level of resources that would suffice for the proposed scheme
Deal with HMO's	The Council is focusing its current enforcement activity on unlicensed properties. Whilst poor compliance with the regulation is a concern and leads to higher overheads for the Council, what is of greater concern is the number of criminal landlords who are renting out properties in very poor conditions most of such properties are occupied by families with young children or other vulnerable groups which is why the Council is taking steps to address this through the proposed scheme in the worst identified neighbourhoods Delivering a large-scale proactive inspection programme in the absence of property licensing powers and income would be very challenging. Licensing provides a legal framework in which the Council can work in partnership with landlords to drive up property standards and reduce ASB. Licensing income will support the recruitment and retention of skilled staff to undertake the work over the life of the scheme.
Selective Licensing does not work	There are recent reports on the effectiveness of licensing schemes which can be found online; CIEH Review; https://www.cieh.org/news/blog/2019/how-effective-is-selective-licensing/ MHCLG Review; https://www.gov.uk/government/publications/selective-licensing-review

Question Comment	Response
There is already enough legislation in place for Landlords to comply with in terms of the condition that a property is offered to a tenant and what a landlord is required to do in terms of electrical and gas safety, smoke alarms etc. Surely the council have enough powers to prosecute Landlords not complying with their statutory obligations already.	The examples given are not all enforced by the same regulatory body e.g., gas safety is regulated by the HSE (Health & Safety Executive). One of the benefits of Selective Licensing is that these can be enforced by one authority under a clear framework rather than by a patchwork of different regulatory bodies. Selective Licensing brings these all under one umbrella and requires the documents to be produced on request which ensure all these are in place.
Energy efficiency should be incorporated into the proposed scheme.	The Council understands that one of the significant challenges for the private rented sector in the coming years in the energy efficiency of the properties is the move to an EPC C from 2025. The Council is proposing a discount for those landlords with an EPC A,B or C and with the proposed scheme an audit of properties energy efficiency (e.g. windows, insulation, boiler etc.) will be included in the inspections that are undertaken if the scheme is agreed, so that Government bids can be more targeted. This would allow for landlords to get grants specifically to improve the fabric of their buildings and the licensing scheme to be seen as beneficial to them
Why haven't you done Selective Licensing before?	Selective Licensing was first available under the Housing Act 2004 but the decision was made at the time to use other interventions to address the problems and has been using other powers to investigate and take action. Due to the problems persisting, the Council has re-visited this again. To deliver the scheme, the Council has undertook a thorough study to identify areas of concern in relation to factors such as low demand, migration, poor property conditions, deprivation, crime or ASB, in conjunction with levels of private rented housing across areas and further undertook a House Condition survey with BRE in 2019. We now have sufficient evidence for the prevalence of the last four criteria available to support a Selective Licensing Scheme within the designated areas.
There was a suggestion that the proposal is being used for political advantage.	The proposals were made because there was a recognition that there was a need to intervene in order to address the issues within the private rented sector. This has also been confirmed by the overall positive response to the consultation by respondents from all groups. With most people having to live and work from home due to the pandemic, those living in substandard accommodation will now be most impacted and it is in view of such residents that the Council proceeded with the consultation.

Question Comment	Response
The Council are charging the good landlords to fund trying to prosecute the bad ones	The proposed application fee only covers the cost of processing and administration of the application. An additional enforcement fee will be required and used for the enforcement of all licences in addition the Council's Discretionary Licensing enforcement policy will place a higher cost burden on 'bad' landlords. This is done by targeting enforcement towards unlicensed properties, reducing the length of the licence if the landlord has a record of poor management or has not licensed their properties when asked to do so. As currently there is no mandate to provide information on what properties are rented, a licensing scheme is the only way to collate this information in a Council area. Having a scheme in place helps identify those that are absent and therefore allows the Council to target enforcement. There is substantial evidence that enforcement is more targeted and increases in areas with Selective Licensing schemes. Raising standards and identifying criminal landlords. If the scheme is introduced, it will be clear which landlords have not applied for a new licence and enforcement action can be targeted at these landlords. We will then continue with our intelligence led enforcement to ensure that all landlords are licensed and are complying with licence conditions.
More expenses for owners mean less supply of property and pressure to put up rents both due to shortage and costs	Our research does not support this view. It should also be noted that there are very few secure protected tenancies in the private rented sector. Secure tenancies are often only available to council housing or housing association tenants which are not included in the proposed scheme and therefore would not be affected.
ARLA Propertymark believes that instead of introducing Selective Licensing, the Local Authorities should adopt a collaborative approach with letting agents, landlords and professional bodies to tackle issues within the private rented sector	The Council welcomes a collaborative approach with letting agents and landlords and have been encouraged by the reformation of the landlord forums in the City for both Landlords and Managing agents and is committed to participating in various platforms. However, self-regulation has proven not to be successful in this sector. Due to poor take up of accreditation schemes as it is a voluntary scheme with no real way of enforcing breaches by members.
The testing of fit and proper persons and how we are going to carry this out as we will not be using DBS.	The 'fit and proper test' is a statutory test set out in the Housing Act 2004, section 66. The bar is set quite high and relates to serious and relevant unspent convictions, so to deem someone as not a fit and proper person would mean they have a current conviction or have spent a considerable time in prison.

Question Comment	Response
	The Council has the option to address someone who passes the fit and proper test but is still a 'person of concern' by reducing the licence term e.g., to 1 year so that their management can be scrutinised over that year, or ask them to do additional training etc. It is important to note, that every licence decision made by the Council may be appealed to the Tribunal (Property Chamber) who have the power to overturn Council decisions. The Council would be required to remain reasonable and within the law in its assessment of each case.

EMPO represents a considerable number of residential landlords and Agents across the East Midlands area.

We collaborate closely with many councils in providing the following services:

- Professional landlord training courses
- Providing advice and guidance and market updates
- Quarterly newsletters
- Working together on joint initiatives
- Hosting joint landlord forums and events

EMPO is keen to collaborate with councils in examining initiatives to improve property standards and reduce levels of antisocial behaviour (ASB) in our communities.

Overview of Private Rented Sector Regulation

There is a huge amount of housing legislation councils can rely on to undertake enforcement and notify tenants of their rights when dealing with non-compliant landlords. **See Appendix A for more details**

Additionally, since April 2017, councils have been able to issue civil penalty notices to a maximum of £30K per offence for certain breaches of housing legislation, and councils can keep these fines to pay for general housing enforcement activities.

The state of the PRS in Leicester

EMPO recognises that the PRS forms a significant part of the housing stock in Leicester, and that there are both good landlords and problem areas within the PRS. It is EMPO's belief that only a minority of landlords are accidental/ amateur/criminal, and therefore believe targeted policies should be a consideration instead of polices that impact all landlords.

Use of Discretionary Licensing

For discretionary licensing to be successful, a robust case, a properly costed budget, and adequate resources to undertake a widescale inspection and enforcement scheme are key to ensuring the good landlord community is onboard. It is recognised discretionary licensing will only work in an area where there is some intense

application of resources from external agencies including the council itself. Therefore, a fully costed and detailed report is required at the consultation stage outlining where monies and resources will come from; to ensure problems including anti-social behaviour, crime, low housing demand and deprivation will be tackled effectively by any proposed scheme.

Part of this due diligence process should include evidence that other options other than licensing have been carefully considered by the council. For Example

- An HHSRS based scheme, would be less costly to implement and any formal notice issued, the council can recoup the cost of issue.
- Providing a range of professional landlord training courses to improve landlord management is a less costly alternative to implementing a licensing scheme.
- Councils can develop active regimes for enforcing breaches of housing legislation such as the Tenant Fees Act, missing EIRC certificates and components contained in the Housing & Planning Act will all provide enforcement funding and have a more direct impact on tenant welfare and landlord management than the implementation of discretionary licensing schemes. In fact, as has been demonstrated in Newham for example, for a discretionary licensing scheme to be effective it will require considerable funding beyond that recovered from licensing fees to fund an effective inspection scheme; and a detection and enforcement process to identify dwellings that should be licensed and to deal with them.

Despite the huge financial cost associated with the implementation of discretionary licensing schemes, there is an inability from councils to demonstrate successful periodic outcomes or efficient delivery in addressing rising rents, rising homelessness, landlords selling up and landlord relationship damage.

Appendix B highlights some of the pitfalls of introducing discretionary licensing.

Appendix C provides viewpoints about discretionary licensing from the professional landlord community.

Additional licensing

EMPO questions the need for an additional licensing scheme in Leicester. EMPO believes licensing is a broad-brush approach to a situation where local authorities already have extensive powers they can use, see **Appendix A**. For example, if HMOs are found to be not up to standard, there are many regulations including **Part 1 and Part 2 of the 2004 Act** and the **HMO Management Regulations 2006** the council can rely on to improve standards.

Selective licensing

EMPO would like to see more information on what other options have been seriously explored to deal with crime, anti-social behaviour, low housing demand, high migration, and property disrepair in the six wards being considered for selective licensing.

Fees

EMPO finds the question of fees central to the debate around licensing

How can Ashfield District Council charge £350 for their Selective Licensing Scheme which impacts around seven hundred properties whilst Leicester is proposing fees of over £1000 with a far larger scheme?

High licensing fees are often viewed as a tax on landlords, and landlords believe licensing is often politically motivated and therefore introduced for the 'wrong reasons,' primarily to gain income for the authority to pay for the cost to bolster general housing enforcement.

General comments on licensing

EMPO believes landlords can be broadly categorised into three groups: those who are competent and professional, who can be left to get on with providing good housing; those who do not fully know what they should do, who need support and training; and those who do not care what the law says. It is this last group, an exceedingly small group of landlords that local authorities should concentrate on.

EMPO places strong emphasis on training and support for landlords. It finds that often landlords attend training initially because they are required to, but then find it has been useful and helpful to them.

EMPO would be pleased to receive answers to the following points published in the [LCC Licensing presentation] slides:

- What was the trigger and what actions were taken to resolve the 195 overcrowding assessments during 2021?
- How many of the 56 Civil Penalties were enforced and how much revenue has the council received from these penalties?
- How many of the landlords who failed to licence under mandatory licensing have been issued with an RRO?
- How many of the landlords who failed to licence under mandatory licensing have been issued with a Banning Order and added to the Rogue Landlord Register?
- How many landlords who failed to licence under mandatory licensing have been fined under the HMO Management Regulations 2006?
- How many of the seventy-four landlords issued with a Prohibition Notice, failed to comply, and therefore were issued with a Banning Order?

EMPO's experience of licensing shows the cost of the licensing fee is invariably passed onto tenants by an increase in rent. This makes the PRS less affordable for those on low income but also may put additional pressure on Council Discretionary Housing Payment schemes.

Conclusion

The council have extensive powers to deal with landlords who are renting properties which are poorly managed, including civil penalty legislation. EMPO asks the council to pause their licensing consultations, and instead collaborate more closely with partner organisations such as DASH, EMPO, ARLA, NRLA, large portfolio landlords and agents to improve property standards and reduce levels of anti-social behaviour in the most problematic parts of Leicester.

It is clear landlords and agents want to work with LCC to deal with the many challenges the property sector is facing. To introduce discretionary licensing schemes may not be viewed by the professional landlord/Agent as a mechanism to maintaining a good working together relationship with the council.

Appendix A

1. Landlord and Tenant Act 1730
2. Distress for Rent Act 1737
3. Anti-terrorism, Crime and Security Act 2001
4. Anti-Social Behaviour Act 2003
5. Anti-social Behaviour, Crime and Policing Act 2014
6. Assured Tenancies and Agricultural Occupancies (Forms) (Amendment) (England) Regulations 2003
7. Assured Tenancies and Agricultural Occupancies (Forms) (Amendment) (Wales) Regulations 2003
8. Building Regulations Part P: Guidance Booklet
9. Capital Gains Tax
10. Consumer Protection Act 1987
11. Control of Asbestos Regulations 2006 (SI no.2739)
12. Control of Pollution Act 1974
13. Council Tax (Additional Provisions for Discount Disregards) Order 1992
14. Council Tax (Chargeable Dwellings) Order 1992
15. Council Tax (Discount Disregards) Order 1992
16. Council Tax (Exempt Dwellings) Order 1992
17. Council Tax (Liability for Owners) (Amendment) Regulations 1993
18. Council Tax (Liability for Owners) Regulations 1992
19. Construction (Design and Management) Regulations 2015
20. Crime and Security Act 2010
21. Criminal Law Act 1977
22. Data Protection Act 1998
23. Defective Premises Act 1972
24. Deregulation Act 2015
25. Deregulation Act 2015 (Commencement No. 1 and Transitional and Saving Provisions) Order 2015
26. Disability Discrimination Act 2005
27. Electrical Equipment (Safety) Regulations 1994 (SI no.3260)
28. Employment Rights Act 1986
29. Energy Performance of Buildings (Certificates and Inspections) Regulations 2007
30. Energy Performance of Buildings (Certificates and Inspections) (England and Wales) (Amendment No.2) Regulations 2008
31. Energy Performance of Buildings (Certificates and Inspections) (England and Wales) (Amendment) Regulations 2010
32. Energy Performance of Buildings (Certificates and Inspections) (England and Wales) (Amendment) Regulations 2011
33. Energy Performance of Buildings (Certificates and Inspections) (England and Wales) (Amendment) Regulations 2012
34. Energy Performance of Buildings (England and Wales) (Amendment) Regulations 2014
35. Energy Act 2011
36. Enterprise and Regulatory Reform Act 2013

37. Environmental Permitting (England and Wales) Regulations 2010
38. Environmental Permitting (England and Wales) (Amendment) Regulations 2014
39. Environmental Permitting (England and Wales) (Amendment) (England) Regulations 2014
40. Equality Act 2010
41. Equality Act 2006
42. Estate Agents Act 1979
43. Finance Act 2003 (Part 4)
44. Firearms Act 1968
45. Firearms (Amendment) Act 1988
46. Firearms (Amendment) Act 1997
47. First-tier Tribunal (Property Chamber) Fees Order 2013
48. Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations 2002
49. Freedom of Information Act 2000
50. Furniture and Furnishings (Fire) (Safety) (Amendment) Regulations 2010
51. Furniture and Furnishings (Fire) (Safety) (Amendment) Regulations 1993
52. Furniture and Furnishings (Fire) (Safety) (Amendment) Regulations 1989
53. Furniture and Furnishings (Fire) (Safety) Regulations 1988 (SI no.1324)
54. Gas Safety (Installation and Use) Regulations 1998 (SI No. 2451)
55. Health and Safety at Work etc Act 1974
56. Health and Safety (Consultation with Employees) Regulations 1996
57. Health and Safety (Training for Employment) Regulations 1990
58. Heat Network (Metering and Billing) (Amendment) Regulations 2015
59. Heat Network (Metering and Billing) Regulations 2014
60. Home Information Pack (Suspension) Order 2010
61. *How to Rent* Guide
62. Houses in Multiple Occupation (Management) (England) Regulations 2009
63. Houses in Multiple Occupation (Management) (Wales) Regulations 2009
64. Housing (Interim Management Orders) (Prescribed Circumstances) Order 2006
65. Housing Act 1985
66. Housing Act 1988
67. Housing Act 1996
68. Housing Act 2004
69. Housing Act 2004 (Commencement No 5 and Transitional Provisions and Savings) (England) Order 2006
70. Housing Benefit (Local Housing Allowance and Information Sharing) Amendment Regulations 2007
71. Housing Benefit (Local Housing Allowance, Miscellaneous and Consequential) Amendment Regulations 2007
72. Housing Benefit (State Pension Credit) (Local Housing Allowance and Information Sharing) Amendment Regulations 2007
73. Housing Benefit (Amendment) Regulations 2009
74. Housing Health and Safety Rating System (England) Regulations 2005 (SI no.3208)
75. Housing Health and Safety Rating System (Wales) Regulations 2006
76. Housing (Tenancy Deposits) (Prescribed Information) Order 2007
77. Housing (Tenancy Deposit) (Specified Interest Rate) Order 2007
78. Housing (Tenancy Deposit) Order 2007
79. Income & Corporation Taxes Act 1988

80. Income Tax (Trading and other Income) Act 2005
81. Infrastructure Act 2015
82. Inheritance Tax Act 1984
83. Immigration Act 2014
84. Immigration Act 2016 (The Right to Rent)
85. Land Registration Act 2002
86. Land Registration Rules 2003 (Si no.1417)
87. Landlord Income Tax Relief (Section 24)
88. Landlord and Tenant Act 1985 (as amended)
89. Landlord and Tenant Act 1987
90. Landlord Registration Act 2002
91. Legal Aid, Sentencing and Punishment of Offenders Act 2012
92. Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (Amendment)(England) Regulations 2012
93. Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007
94. Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (Wales) Regulations 2007
95. Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006
96. Licensing of Houses in Multiple Occupation (Prescribed Descriptions) (England) Order 2006
97. Local Government Act 2003
98. Local Government Finance Act 1992
99. Management of Health and Safety at Work (Amendment) Regulations 2006
100. Management of Health and Safety at Work Regulations 1999 (as amended)
101. Management of Houses in Multiple Occupation (England) Regulations 2006
102. Manufacture and Storage of Explosives Regulations 2005
103. Minimum Energy Efficiency Standards (MEES)
104. Money Laundering Regulations 2003
105. Money Laundering Regulations 2007
106. Mortgage Repossessions (Protection of Tenants etc) Act 2010
107. Occupiers Liability Act 1957
108. Plugs and Sockets etc. (Safety) Regulations 1994
109. Prevention of Damage by Pests Act 1949
110. Private Water Supplies (England) Regulations 2016
111. Proceeds of Crime Act 2002
112. Protection from Eviction Act 1977
113. Public Health Act 1961
114. Public Health Act 1936
115. Race Relations Act 1976
116. Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to belong to a Scheme etc) (England) Order 2014
117. Regulatory Reform (Assured Periodic Tenancies) (Rent Increases) Order 2003
118. Regulatory Reform (Fire Safety) Order 2005 (Si no.1541)
119. Regulatory Reform (Housing Assistance) (England and Wales) Order 2002
120. Rent Act 1977
121. Rent Acts (Maximum Fair Rent) Order 1999
122. Renters Reform Bill

123. Rent Officer (Housing Benefit Functions) Amendment Order 2007
124. Rent Repayment Orders (Supplementary Provisions) (England) Regulations 2007
125. Rent Repayment Orders (Supplementary Provisions) (Wales) Regulations 2008
126. Residential Property Tribunal Procedures and Fees (England) Regulations) 2011
127. Residential Property Tribunal Procedure (England) Regulations 2006
128. Residential Property Tribunal (Fees) (England) Regulations 2006
129. Residential Property Tribunal Procedure (Wales) Regulations 2006
130. Residential Property Tribunal Procedures and Fees (Wales) Regulations 2012
131. Residential Property Tribunal (Fees) (Wales) Regulations 2006
132. Safety Representatives and Safety Committees Regulations 1977
133. Selective Licensing of Houses (Specified Exemptions) (England) Order 2006
134. Selective Licensing of Houses (Specified Exemptions) (Wales) Order 2006
135. Selective Licensing of Houses (Additional Conditions) (Wales) Order 2006
136. Serious Organised Crime and Police Act 2005
137. Sex Discrimination Act 1975
138. Taxation of Chargeable Gains Act 1992
139. Terrorism Act 2000
140. The Homes (Fitness for Human Habitation) Act 2018
141. The Smoke and Carbon Monoxide Alarm (England) Regulations 2015
142. The Tenants Fee Ban
143. Town and Country Planning (Use Classes) (Amendment) (England) Order 2010
144. Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2010
145. Town and Country Planning (Use Classes) (Amendment) (Wales) Order 2002
146. Town and Country Planning (Use Classes) (Amendment) (England) Order 2006
147. Town and Country Planning (Use Classes) (Amendment) (England) Order 2005
148. Town and Country Planning (Use Classes) Order 1987
149. Town and Country Planning (Scotland) Act 1997
150. Town and Country Planning Act 1990
151. Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013
152. Unfair Terms in Consumer Contracts Regulations 1994
153. Unfair Terms in Consumer Contracts Regulations 1999
154. Unfair Terms in Consumer Contracts (Amendment) Regulations 2001
155. Water Environment (Controlled Activities) (Scotland) Regulations 2011
156. Water Industry Act 1999
157. Water Industry Act 1991
158. Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011
159. Weeds Act 1959
160. Welfare Reform Act 2007
161. Welfare Reform Act 2007 (Commencement no 4 and Savings and Transitional Provisions) Order 2007
162. Wildlife and Countryside Act 1981
163. Work at Height (Amendment) Regulations 2007
164. Work at Height Regulations 2005 (as amended)

165. Work at Height Overhaul of guidance January 2014

Appendix B – Some of the pitfalls of introducing a scheme

In Nottingham (where Additional HMO & Selective Licensing has been operating since 2014 & 2018 respectively) rents and homelessness have increased significantly, placing unmanageable demand on social housing providers. Nottingham City Council (NCC) has been unable to provide evidence to suggest anti-social behaviour (ASB) or that crime has improved in the areas where discretionary licensing schemes operate. During discretionary licensing consultations NCC made a big fanfare about how licensing will reduce crime and ASB, in fact, owner occupiers have triggered at least two community trigger meetings in areas of Nottingham where high density discretionary licensing schemes exist to discuss persistent issues with rising crime and anti-social behaviour.

Croydon, Hastings, and Liverpool have all had their applications for renewal of their discretionary licensing schemes denied.

So, Croydon generated £6million in licence fees in the first year alone, however, setting up their selective licensing scheme in 2015 and actively administering it proved challenging for the council.

According to the council's own figures, in 2016-2017 the council completed 3,473 inspections of private housing. Yet for all those visits, according to a Freedom of Information response, Croydon's inspectors did not record any information on the number of Category 1 hazards – the type which might have resulted in a prosecution – in private rental properties. Overall, the scheme raised £22million, according to the council's 2019-2020 accounts, but auditors Grant Thornton were unable to say with any certainty how that money had been spent.

Under another Freedom of Information request in respect to Charnwood Borough Councils (CBC) proposal to bring in wide scale licensing under Additional HMO and Selective Licensing into Loughborough, which is now active, it was discovered CBC had issued no civil penalties across the proposed area for licensing. Furthermore, since January 2017 CBC has issued just 1% of all rental properties in Loughborough with an improvement notice.

Since April 2017, local authorities have powers to issue civil penalties to a maximum of £30K per offence for licensing offences and not complying with improvement notices. The law allows local authorities to keep the monies from penalties to use for general housing enforcement.

Gedling Borough Council (GBC) is proposing to extend their Selective Licensing scheme to cover more wards. When asked by the professional landlord community to provide details on the number of improvement notices issued in the proposed wards over recent years the council response was as follows:

“During the period you mentioned no improvement notices were served. One improvement notice is currently being considered for an ongoing case. In previous years four improvement notices, one hazard awareness notice and one emergency prohibition order were served. The council regularly receives service requests in the proposed selective licensing areas which evidence poor housing conditions and the current reactive approach is not delivering the level of improvements the council would like to see.”

In the GBC justification report for the extended scheme, it is claimed 86% of properties inspected have contained hazards requiring remedial works under the Housing Health & Safety Rating System. However, the report and council cannot provide any categorization of these hazards to present a convincing argument to landlords that further licensing is required. Instead of utilizing the armoury of housing legislation to deal with these hazards the council is embarking on introducing more costly licensing in the Gedling area.

Appendix C - Viewpoints about discretionary licensing from the Professional landlord community

"I currently let a property which will fall under the new scheme. The tenant receives Housing benefit from the council, therefore as I will have to increase their rent to cover the additional cost. The alternative is I replace the tenant with a non-benefit tenant and let the council re-house my tenant which will be more expensive for them. Have they built these costs into their model? Second aspect is that since the additional HMO licensing was introduced, we have purchased three properties in other towns therefore taking private investment out of the area."

"I will no longer purchase BTL in the areas where selective licensing is being implemented."

"I knew this was a sure thing when I attended the seminar a few months ago! Well, I have ten more rental properties (other than the HMOs already licensed) and it will cost me a minimum of £5000 (including the proposed discount for accredited landlords). This fee (as the other licence fees already paid) will be passed on to my tenants! Again, we "Professionals" are being penalised. I am accredited and will still have to pay around £500 per property, plus incur the costs of having to comply with conditions which are not contained within national housing legislation."

"Selective Licensing! All my houses have combi boilers, double glazing, new kitchens etc. The number of houses I have x £890. Where does the council think, the money is going to come from? There's is going to be less repairs going forward, or increased rents to pay this £890."

"The council are going about this the wrong way. They should target rogue landlords rather than add extra costs to all landlords. I have a licensed HMO and two properties in the area. If this costs me £1800 for two licenses, I will seriously consider selling them. This will mean two tenants having to move out at a time when there is a shortage of rental properties. "

"We have been renting for over 20 years, never had complaints of anti-social behaviour nor do we provide sub-standard properties that are not well maintained and that meet all compliance issues. We do this for the properties we manage and for the ones we own personally. Just feel now that both central government and local government are determined to dismantle the whole private rented sector and well done the council for producing more costly and ridiculous draconian measures to squeeze yet more money out of private landlords. It will come to a point soon where

all landlords pay out way more than what they earn and how many of us will continue to run a business at a huge loss?"

"As an owner landlord managing approx. twenty properties, which will be included under the licensing, additional & selective. Can the council tell me how I am meant to administer the additional admin, applications, and form filling? This is regardless of the additional £800 cost for each additional flat license, which is an increasing cost that will have to get passed on to tenants".

"I had two properties that I licensed under Selective Licensing, I licensed them and then a year later sold both properties as the housing market was in a good place to sell. They were sold to young families, the tenants ended up going to the council for re-housing. Without licensing I would have continued being a landlord as I viewed the properties as my pension, it was just about being labelled as a bad landlord having to license when I wasn't."

"The council told me they believed that landlords should be able to absorb the license fees as part of the cost of running their business. By having a licence, they can demonstrate that they offer a good standard of accommodation. It's just a nonsense, is this what they say to Sainsburys when a supplier increases their costs?"

Viewpoints about discretionary licensing from the Professional Agents community

David James Estates says, "At a time when the private rental sector is seeing massive challenges, it is short-sighted of the council to perceive selective licensing as having a positive impact in any capacity. In the proposed area for scaled up licensing, we have encountered landlords disposing of excellent quality housing stock over the last two years as a direct effect of selective licensing."

Woo Properties says, "Three years on, we are struggling to see the benefit of the scheme. The certification and information we must provide to tenants moving into or living in privately rented properties these days is very comprehensive; yet the licensing scheme has added a duplication of administrative work on top of this, at a significant additional cost to landlords. It is too much for some and we have seen landlords leave the market because the licensing scheme was introduced, due to the added burden. The sad thing is that these landlords were all caring landlords with suitable properties - the very ones the Council state they want to encourage. Those remaining need to recover the cost of the scheme. Rent increases are the only course of action available to landlords to do this and we are understandably being asked to implement these increases."

NRLA
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Introduction

The National Residential Landlords Association (NRLA) exists to protect and promote the interests of private residential landlords.

The NRLA would like to thank the council for the opportunity to respond to the consultation. We are happy to discuss any comments that we have made and develop any of the issues with the local authority.

The NRLA seek 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.

Summary

The NRLA believes that local authorities need a healthy private rented sector to compliment the other housing in an area. Leicester has seen the development of an unhealthy situation due to policies delivering high rents and where the poor have greater difficulty renting in the private rented sector. The ability to provide a variety of housing types and can be flexible around meeting the needs of both the residents that live and want to live in the area and the landlords in the area. There are already significant challenges around housing in Leicester, and we have concerns that this will be exasperated by this policy.

The sector is regulated, and enforcement is an important part of maintaining the sector from criminals who exploit landlords and tenants. An active enforcement policy that supports good landlords is important as it will remove those that exploit others and create a level playing field. This has been lacking in Leicester. We have concerns around the council's approach to licensing, you have failed to inspect properties that come under HMO regulations and currently are poor on inspections compared to comparable local authorities. Some schemes are delivering multiple inspections, up to 3 of every property. This is not being proposed within your scheme. Multiple inspections pushes criminals out of the sector and drives up the standards for landlords and tenants.

We understand that the council have a reactive enforcement policy, but it is important to understand how the sector operates. Landlords are often victims of criminal activity with their properties being exploited, both through subletting and criminals exploiting properties through county lines and other criminal activity.

We believe the council should adopt an approach similar to the Leeds rental Standard, which supports the compliant landlords and allows the local authority to target the criminals.

Having considered the evidence presented, as well knowing the area very well and having undertaken our own evaluation of the circumstances faced by landlords, tenants and residents of Leicester, a number of questions are raised:

- In following Hemmings and the Gaskin court cases, and with the fee is split. Monies paid by a landlord clearly now coming under the service directive (which has been adopted into UK legislation). Can the council provide a breakdown between part A and part B monies paid by a landlord and how you make sure that it is apportioned to the individual landlord and works done in connection to the license.
- You highlight discounts, how much money has been made available from the general fund for this, as a landlord cannot subsidise another landlord under the Gaskin ruling of the service directive. Therefore a landlord can not support another landlord all monies paid by a landlord have to be spent on them.
- The documentation provided fails to indicate what additional funding will be available to support the expansion of licensing. Adult social care will have to involved as many tenants have mental health, alcohol, or drug related illnesses. How do landlords' access this for their tenants?
- The council fails to say how it will prevent malicious claims of poor housing being made, which could result in tenants losing their tenancies. Can this be provided and how will it operate?
- The council fails to say how the proposal will tackle rent-to-rent, modern day slavery, indentured labour, subletting, criminal enterprise/county lines or even Airbnb. These are all increasing in the county.

We would like clarification on these points so that the private rented sector has confidence in any scheme that is delivered, and it will deliver against its set aims. Equally the current proposal for fees is not outlined, we expect these to be corrected in line with the law. What is the service that a landlord can expect in line with the service directive which has been incorporated into UK law.

The NRLA will judge the scheme against the criteria that the council is proposing the scheme under. We are not opposed to licensing schemes, what we wish to see is them delivered against what they are proposed to do. What we wish to know is how is the local authority going to deliver against what it is proposing. As you will be aware, the NRLA publishes data against performance

We believe that any regulation of the private rented sector must be balanced. Additional regulatory burdens should focus on increasing the professionalism of landlords, improving the quality of private rented stock and driving out the criminals who act as landlords and blight the sector. These should be the shared objectives of all the parties involved, to facilitate the best possible outcomes for landlords and tenants alike. Good practice should be recognised and encouraged, in addition to the required focus on enforcement activity. How does the local authority plan to communicate best practice to the landlord and tenants of Leicester? Will Leicester inspect each property at least once?

Selective licensing will also introduce new social economic group of tenants into licensing. The law is clear landlords do not manage their tenants; they manage a tenancy agreement. If a tenant is non cooperative, or causing a nuisance a landlord can end the tenancy, will the council will make it clear in the report that they will support the landlord in the ending of the tenancy?

Consultation

Licensing is a powerful tool. If used correctly by Leicester Council, it could resolve specific issues. We have historically supported/worked with many local authorities in the introduction of licensing schemes (additional and selective) that benefit landlords, tenants and the community. From what has been presented there is still work needed to be done to make a scheme work. You introduced the one of the most expensive licensing regime in the country and detrimentally affected the poorest the most. We are disappointed that the local authority has not engaged with the NRLA to deliver a successful scheme, as other local authorities have. Equally you have not looked at other more successful schemes which have delivered better outcomes, and managed to inspect all the properties multiple times for the local authority, tenants and landlords.

Costs

While any additional costs levied on the private rented sector runs the risk of these being passed through to the tenants, as has previously been established. We are disappointed that the local authority has not looked at a cost in a monthly basis. Is the council going to allow landlords to pay monthly, thus following best practice? If other councils are able to do this, why cannot Leicester? The introduction of licensing post Covid 19 will have an impact on cash flow for many landlords, and tenants therefore following best practice a monthly fee as highlighted by other councils does seem appropriate. As other local authorities are able to deliver this, we hope Leicester follows these examples as it benefits all parties.

This will also the issue of insurance is often overlooked as a cost, as premiums increase for everyone (homeowners and landlords) when a local authority designates an area with licensing it is indicating problems in the area. This will add costs to those renting as well as to owner-occupiers. Already Leicester is expensive and this will continue affecting those on the lowest income.

A joined-up coordinated approach within the council will be required. Additional costs in relation to adult social care along with children's services and housing will be incurred if the council's goal is to be achieved. Yet there is no evidence from the council that this will be done – can this be provided? How will landlords feed into system if they suspect a tenant is at risk? What support will be put in place so a landlord can support a tenancy where a tenant has mental health, alcohol, drug issues or they have problems and need support. The NRLA works with many local authorities on this.

Criminal Activity

In addition, the proposal does not take into account rent-to-rent or those who exploit people (both tenants and landlords). Landlords who have legally rented out a property that has later been illegally sublet, the property still has a license, with the council not inspecting they no there is no risk. The landlord does not rent the property as an HMO, but is illegally sublet. The license holder can end the tenancy (of the superior tenant, the sub tenants have no legal redress) but the landlord would need support the local authority in criminal prosecution. But what is the process for landlords, it would help if the council could document how this would work. Often, landlords are victims, just as much as tenants. What support will the council provide for landlords to whom this has happened? Will the council support an accelerated possession order?

The issue of overcrowding is difficult for a landlord to manage if it is the tenant that has overfilled the property. A landlord will tell a tenant how many people are permitted to live in the property, and that the tenant is not to sublet it or allow additional people to live there. Beyond that, how is the landlord to manage this matter without interfering with the tenant's welfare? Equally, how will the council assist landlords when this problem arises? It is impractical for landlords to monitor the everyday activities or sleeping arrangements of

tenants. Where overcrowding does take place, the people involved know what they are doing and that they are criminals, not landlords. The council already has the powers to deal with this.

Tenant behaviour

Landlords are usually not experienced in the management of the behaviour of tenants, and they do not expect to, with the expansion of the scheme this will be drawn into licensing. The contractual arrangement is over the renting of a property, not a social contract. They do not and should not resolve tenants' mental health issues or drug and alcohol dependency. If there are allegations about a tenant causing problems (e.g. nuisance) and a landlord ends the tenancy, the landlord will have dispatched their obligations under the selective/additional licensing scheme, even if the tenant has any of the above issues. This moves the problems around Leicester, but does not actually help the tenant, who could become lost in the system, or worst moved towards the criminal landlords. They will also blight another resident's life. There is no legal obligation within selective/additional licensing for the landlord to resolve an allegation of behaviour. Rather, a landlord has a tenancy agreement with a tenant and this is the only thing that the landlord can legally enforce.

Tenancy Management

In many situations, the council should consider enforcement notices and management orders. The use of such orders would deliver immediate results.

We would also like to see the council develop a strategy that includes action against any tenants who are persistent offenders. These measures represent a targeted approach to specific issues, rather than a blanket licensing scheme that would adversely affect all professional landlords and tenants alike, while leaving criminals able to operate covertly. Many of the problems are caused by mental health or drink and drug issues. Landlords cannot resolve these issues and will require additional resources from the council.

Often when tenants are nearing the end of their contract/tenancy and are in the process of moving out, they will dispose of excess household waste by a variety of methods. These include putting waste out on the street for the council to collect. This is in hope of getting there deposit back, this is made worse when the council does not allow landlords access to municipal waste collection points. Local authorities with a large number of private rented sector properties need to consider a strategy for the collection of excess waste at the end of tenancies. We would be willing to work with the council to help develop such a strategy. An example is the Leeds Rental Standard, which works with landlords and landlord associations to resolve issues while staying in the framework of a local authority.

Current law

A landlord currently has to comply with over 130 pieces of legislation, and the laws with which the private rented sector must comply can be easily misunderstood. A landlord is expected to give the tenant a 'quiet enjoyment' of the property. Failure to do so could result in a harassment case being brought against the landlord. The law within which landlords must operate is not always fully compatible with the aims of the council. For example, a landlord keeping a record of a tenant could be interpreted as harassment.

Changes to section 21

We would like clarification on the council's policy in relation to helping a landlord when a section 21 notice (or future notice as currently being consulted upon under the renters

Reform Bill) is served, the property is overcrowded or the tenant is causing antisocial behaviour, as per what the council says in the consultation. What steps will the council take to support the landlord? It would be useful if the council were to put in place a guidance document before the introduction of the scheme, to outline its position regarding helping landlords to remove tenants who are manifesting antisocial behaviour.

The change to how tenancies will end and a move to a more adversarial system, will mean landlords will become more risk adverse to take tenants that do not have a perfect reference and history. We would be willing to work with the council and develop a dispute resolution service which we have with other local authorities. It also poses a question where does the council expect people to live who have been evicted due to a tenancy issue.

HOUSE OF COMMONS

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12 February 2021
Our Ref: SJ/JA38206

Dear Mr Burgin

Re: Private Rented Sector Student Tenants

I have been contacted by the University of Leicester's Students' Union in regard to private sector accommodation in the City.

This issue of the City Council licensing and/or introducing a landlord accreditation scheme that supports student tenants was also discussed at a recent meeting with the Chief Executive of the University of Leicester Students' Union and the Students' Union President.

I understand that the City Council are planning to introduce a licensing scheme in Castle ward. I would be grateful if you can provide details of this scheme, when it will be implemented and whether it may be extended to other wards in the City where students rent property.

The Students' Union have asked me to emphasise that licensing schemes are not the only lever available to the City Council to support student tenants. I am told that Councils which have not been able to cover all student-facing wards have introduced separate landlord accreditation schemes (such as Derby, via the DASH scheme). I would be grateful if such an accreditation scheme can be considered by the City Council in addition to any licensing schemes.

I would be grateful if you can look into this issue and specifically when the Castle ward licensing scheme will go live and if the City Council will consider a wider landlord accreditation scheme.

I look forward to receiving a reply on this important matter that I may share with the University of Leicester's Students' Union.

Yours sincerely

Jon Ashworth

Jonathan Ashworth
Member of Parliament for Leicester South

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Dear Leicester City Council,

This is Climate Action Leicester and Leicestershire's response to your Landlord Licencing Consultation.

We are very strongly in support of you introducing selective licencing for all rental properties in order to ensure that housing is brought up to meet at least minimal energy efficiency standards. This means we support your option A.

We are deeply aware that the people who end up living in these shoddy, cold rental homes are also the people who will inevitably suffer most as climate change worsens. They have the fewest resources, often poor health, and less capacity to deal with heatwaves, food shortages, storms, and all the other things which are going to result from worsening global heating. They also tend to be the people who have contributed the least to carbon emissions due to their low incomes.

It is excellent that you plan to include a requirement for~~requiring~~ Energy Performance Certificate band E, going up to band D as a condition of licencing rental housing. We definitely want to see you requiring basic energy efficiency standards, irrespective of whether you end up going for additional or selective licencing. However, we are aware that you do have the capacity to require higher than EPC bands E/D, and we strongly recommend that you do this.

- **Suggestion 1: Specifically we recommend that you require EPC band D in order to receive a licence, and that by 2025 you increase this to band C.**

Obviously given the huge drop in carbon footprint needed to keep the world below 1.5^{o}C of global heating, and therefore the drop in energy use we need to see in Leicester, we have to ensure that all homes are quickly made much more energy efficient. The bulk of these changes need to happen in the next 5 to 10 years – if we wait until 2050, it will be too late. Therefore measures such as energy efficiency requirements need to be put in and enforced quickly and applied to everyone – including rental housing.

- **Suggestion 2: We want to see a clear and effective enforcement mechanism put in place to ensure that once licenced at EPC band E (or D as we would suggest), properties lose this licence if they are not then improved to EPC band D (or C as we would prefer) by 2025.**

Installing energy efficiency measures is both much more expensive for the landlord, and much more disruptive for tenants if it is carried out piece by ~~peice~~piece instead of all at once, so we want to see your licencing scheme supporting swift and substantial action in this area.

- **Suggestion 3: in order to encourage and reward action in this area, we would like you to offer substantial discounts to the licencing fee for rental properties which are band A, B and C.**

We do NOT want to see licencing only required for HMOs for the following reasons.

- Firstly, as much rental housing as possible needs to be made energy efficient. While HMOs~~HMOS~~ may often be among the least energy efficient, there are also hundreds of homes rented to individuals and families which are very~~appallingly~~ badly insulated. Everyone living in rental housing should be able to heat their homes. Everyone also

needs to be able to reduce their carbon footprint. Draughfty, uninsulated housing makes this extremely difficult.

- Secondly, we do not want HMOs to be singled out as if they are always a bad thing, which is what additional licencing does. In reality people sharing houses, resources, possessions (which is facilitated by HMOsHMOS) gives them the potential to have a much lower carbon footprint than people living singly or in small groups. Additionally, the skills one can gain from living with others about communicating and looking after each other are skills we need as many people as possible to learn, to cope with the coming changes caused by global heating. HMOs are a part of the solution if they are well set up and supported.
- **Suggestion 4: In addition to supporting the introduction of selective licencing in the areas covered by option A, we also want to see you introduce a new selective licencing scheme in areas not covered by the proposed scheme once the homes in the current scheme area have been improved.**

Over time we'd like to see you moving selective licencing to all parts of the city so that all rental houses are eventually given improved energy efficiency.

Finally we want to raise a concern about the licencing requirements you are proposing in relation to what you term "untidy" gardens. While dirty gardens and yards can be a health hazard and problem for neighbourhoods, just because a garden is untidy does not automatically make it a problem.
Untidy green garden which are kept clear of rubbish but allowed to grow trees, brambles, nettles etc can be extremely beneficial for neighbourhoods. The areas you suggest your selective licencing area cover are deeply lacking in green spaces, and every small green oasis in them reduces flood and urban heat island effects as well as increasing biodiversity. We do not want to see your licencing scheme resulting in further paving over of front yards and gardens for the sake of tidiness. This is problematic for the local neighbourhood as they become less resilient to climate change. Additionally, people who live in these grey paved-over areas have poorer mental health and more air pollution than those privileged to live in greener areas. Living green gardens can help with this.

- **Suggestion 5: make it clear in your licencing scheme that the council supports green gardens which are unkempt so long as they are kept clearclean of rubbish and litter. It may be easier to keep paved yards and gardens clean, but it is also bad for the environment and reduces resilience to climate change.**

Finally we want to say again that we strongly support the introduction of a selective licencing scheme which requires basic energy efficiency levels to be met.

Best wishes,
Zina Zelter and Michael Taylor and Zina Zelter
on behalf of Climate Action Leicester and Leicestershire.

Selective Licensing Consultation Response Action Homeless

Background

Action Homeless Leicester is the largest provider of accommodation for those experiencing homelessness in the City and we provide over 250 bed spaces mainly in HMO's spread across the City. The properties are either owned by ourselves, managed on behalf of Housing Associations, or leased from private owners. Much of the accommodation we manage is in the wards covered by the proposals being consulted on in section A and C.

Over the past 7 years Action Homeless has had a strategy of expanding the amount of accommodation we manage and have proactively engaged with property owners in the City and this has given us a significant insight into the range and quality of HMO's in the City having viewed in excess of 200 properties.

Action Homeless has invested in the property it owns and have created high quality homes giving tenants their own bathrooms and cooking facilities, while still retaining communal spaces. This allows people to have privacy and dignity, but also gives an opportunity for them to have a supported peer environment.

Good quality shared housing, that is well managed, can meet the needs of single people and offers security and stability. There are few other options for this group and we feel that the focus should be to encourage more landlords to let to those on lower incomes and invest in their properties. Action Homeless had a great deal of success through the Empty Homes Community Grants Programme, in bringing back empty and neglected properties back into use for those on lower incomes.

In our experience there is a good supply of quality HMO's in the City, much of it aimed at the student market. Most of this meets the standards of HMO licensing and as a result the owners are able to let properties easily and are able to charge rent higher than LHA rates.

We are aware that there are some poor quality properties that do not meet current standards. We have seen many properties that would require investment to bring them up to standard, but most of the landlords are reluctant to invest and in many cases choose to leave it vacant.

We are responding to this consultation as both an operator of HMO's and as a provider of accommodation for those experiencing homelessness.

Response as a Homeless Provider

<u>Demand for Shared Accommodation.</u>

The current housing market in the City is extremely challenging and there is a shortage of good quality, affordable and secure housing, which means that those on lower income and reliant on benefits find it extremely difficult to find a home. Most single people do not qualify for statutory housing and therefore are dependent on the private rented sector for accommodation. The shortage of affordable housing is further compounded by the level of housing benefit they can claim due to Local Housing Allowance being well below market rents and the rules for under 35's that

mean they can only claim benefits to rent shared accommodations. As a consequence the only accommodation available to them is shared HMO's.

Action Homeless has encountered a level of opposition to HMO's in the communities it works in and also observed that some elected representatives can also be unsupportive of HMO's. We receive feedback that many of our neighbours believe that they are the causes of anti-social behaviour and those living there are transient and do not respect the wider community.

There is also a view that shared household housing does not offer a high enough quality of housing for people. Action Homeless supports the aspirations that everyone should have their "own-front door" and that self-contained accommodation is best for people. However, this aspiration is not available for most single people on low incomes and shared housing is the only viable source of housing available to them.

Action Homeless believes that a thriving PRS sector is the only way in which the needs of single homeless people's needs can be met and HMO's and their landlords need to be seen as an asset to the City and not a problem. We welcome the Council's commitment to improving the quality of private sector housing in the City, but we have concerns that increased licensing will deter landlords from investing in HMO's and may reduce the stock in the City. The increased cost of investing in properties that are "small" HMO's may also deter landlords. We feel that any increase in regulation should be supported with incentives and investment to support the development of this sector.

Concentration of HMO's.

The reality is that the nature of the housing stock in the wards identified in the consultation are most suited to be converted into HMO's. Many are too large to be used by families and would be difficult to convert into self-contained housing as the cost to do so is prohibitive. We have been in discussion with our Housing Associations with regard to converting the shared properties that we manage for them into self-contained housing and they support the view that it is not cost effective to do so and to be able to offer them at affordable rents. We are also aware that a number of housing associations have sold HMOs in rent years and they have been either converted to student housing, or flats and are let at high rents and have therefore been lost as social housing.

Again we recognise there are challenges to having high concentration of mixed shared households in the areas identified, but we feel that there needs to be a balance between reducing the impact of poorly managed shared housing, while retaining an important stock of accommodation.

We believe that Additional Licensing might dissuade landlords of good quality smaller homes to register, again removing another valuable source of housing. The landlord will potentiality assess the cost and resource required to register and comply as an HMO and choose that they will sooner let as family homes. However, it is possible that they will be able to do so at market rents and the current benefit caps would mean those families on lower incomes could not afford them.

Example: A two bed House that has its communal lounge converted into a bedroom can be rented at LHA rates to 3 singles people at £234 a week, a market rent of £160 for this house as a two bed property. A single family with two under 10 year old children can only claim £ **130.03.**

Anti-social behaviour

Action Homeless agrees that there is a high concentration of HMO's in some wards and we are neighbours to many of these houses and we also experience anti-social behaviours from our neighbours. However, the issue is not the houses themselves, but the level of support and management provided to the tenants and property.

Many of the HMOs in these wards are let to students who have little investment in their communities. It our experience that many of the student HMO's are let through agents who are unwilling to manage, or challenge behaviour and do not actively manage these properties. However, their properties will meet the HMO Licencing requirements.

A large number are also managed by Serco under the Home Offices Asylum Seeker Dispersal scheme, again there is much evidence that the level of supervision of these properties is very low and that many of those housed have support needs that are not being met.

There are also a number of agents who are leasing properties to accommodate homeless families from local authorities both locally and further afield. Action Homeless was approached by one such agent to ascertain if we wanted to lease units from them.

These properties are already registered as HMO's and by and large are of a reasonable quality and Action Homeless is unsure how the proposals will limit the number of HMO's in the wards identified, or improve the management of these houses and their occupants. We are also unclear how greater licencing conditions will improve the quality any further, or incentivise landlords to be more proactive in their management as this would be an additional cost.

Further hiding of problem properties.

In Action Homeless's experience responsible landlords already meet the requirements and are registered and if additional licencing is brought in will comply. However, our client's report that they have rented properties that do not meet the basis requirements and are unsafe or unhealthy. Few tenants are aware of requirements and do not know how, or to whom they can report issues to. We feel that any new licencing enforcement is not likely to change, or address this issue, there will still need to be a considerable level of enforcement.

We understand the challenge of resourcing private sector compliance through Council tax, but the issues caused by poor quality housing effects the whole community and we feel that there should be investment in addressing this important issue.

Response as a landlord

Action Homeless already has a number of its properties registered as HMO's, however we apply the same level of standards across all our properties and ensure we go over and above what is legally required. The introduction of additional licencing will bring a large number of our properties needing a Licences. Unlike private landlords we cannot off set licence fees as we do not pay tax as we are a Charity, so any increase in costs will have to be passed on to our tenants. This will be the case for other not for profit providers in the City.

As stated Action Homeless is committed to expanding the stock of accommodation we let for those experiencing homelessness. The introduction of additional licencing along with the extension of the Article 4 in the City will make it more difficult to develop schemes in the areas proposed. For instance this year we developed scheme in partnership with the City Council in Westcotes. This was made possible through funding from the Councils right to buy grant and government's Rough Sleeping funding. Applying for planning permission for this scheme would have made this more difficult and potentially prevented the scheme from going forward. The areas identified for proposed additional licensing are ones where we look to acquire properties to let as smaller shared units.

Action Homeless would ask that consideration be given to recognising the status of "exempt accommodation" with-in applications for schemes in Article 4 and proposed licensing areas.

We also feel that the consultation process has not been responsive enough to capture the views and experiences of those who live or have lived in HMO's and the wider private rented sector. We did distribute the consultations to our residents, but feedback is that the online survey was too complicated to access and complete, this is compounded by the fact that many of our residents are digitally excluded. We would have welcomed the opportunity to do more focused consultation with those who have experience of living in HMO's.

We also notice that the direct engagement with landlords has been with those who are most likely to have large portfolios and their views are not reflective of the larger number of small single property owning landlords and those who are likely to have the smaller properties that additional licencing will incorporate.

Action Homeless is supportive of the ambition to improve the quality of HMO's in the City, but it is not convinced that proposals being consulted on will improve the quality of the sector, or increase the number of landlord willing to register and address the issues with in communities.

LEICESTER CITY COUNCIL'S SELECTIVE AND ADDITIONAL LICENSING PROPOSALS

A RESPONSE TO THE CONSULTATION FROM SAFEAGENT - FEBRUARY 2022

INTRODUCTION

safeagent www.safeagents.co.uk is an accreditation scheme for lettings and management agents operating in the Private Rented Sector (PRS) **safeagent** firms are required to:

- deliver defined standards of customer service
- operate within strict client accounting standards
- maintain a separate client bank account
- be included under a Client Money Protection Scheme

Firms must provide evidence that they continue to meet **safeagent** criteria on an annual basis, in order to retain their licence. The scheme operates UK wide and has 1500 firms with over 2500 offices.

safeagent is an accredited training provider under the Rent Smart Wales scheme and meets the requirements for training for agents under the Scottish Government Register. Recently, we have been approved by Government as an approved Client Money Protection scheme.

SAFEAGENT AND LICENSING

safeagent is supportive of initiatives such as selective and additional licensing, providing they are implemented in a way that takes account of the PRS's own efforts to promote high standards.

safeagent believes that positive engagement with voluntary schemes and the representative bodies of landlords and agents (such as **safeagent**) is essential to the success of initiatives such as selective and additional licensing. We are mindful that the operational problems associated with lack of such engagement have been highlighted in House of Commons Standard Note SN/SP 4634 https://publications.parliament.uk/pa/cm201314/cmselect/cm

The same note sets out how important it is for licensing schemes to avoid being burdensome. We believe that promoting voluntary schemes and offering discounted licence fees to accredited landlords and agents, can help to achieve this. Voluntary schemes often require members to observe standards that are at least compatible with (and are often over and above) those of licensing schemes. We believe, therefore, that if Leicester City Council were to allow discounts based on membership of **safeagent** (as well as other similar bodies) implementing and policing the licensing scheme would ultimately be less costly and more effective, allowing resources to be concentrated in the areas where they are most needed.

This is a commonly accepted approach by many English Local Authorities. We would further point out that, in Wales, the Welsh Government has recently recognised the importance of membership of specified bodies such as **safeagent** and is offering discounted fees to members as a consequence https://www.rentsmart.gov.wales/en/

PROMOTING PROFESSIONALISM IN THE PRS - THE ROLE OF AGENTS

safeagent's engagement around the country, with various local authorities, suggests that lettings and management agents have a key role to play in making licensing, accreditation and other, voluntary regulatory schemes work effectively. Agents tend to handle relatively large portfolios of properties, certainly when compared to small landlords. They tend, therefore, to be in a position to gain an understanding of licensing based on wider experience. They become expert in trouble shooting and ensuring that the balance of responsibilities between the agent and the landlord is clearly understood. This, amongst other things, can help to prevent non-compliance due to misunderstandings about local licensing arrangements.

safeagent ensures its members maintain certain operational standards, have Client Money Protection arrangements in place, keep separate client accounts and comply with their legal obligation to be a member of a redress scheme. We also provide training. All this can be of assistance to councils who are trying to drive up standards in the PRS.

Although agents are now required by law to belong to a government approved redress scheme, display their fees and publish their mandatory client money protection status, our experience to date suggests local authorities face challenges in enforcing these standards. Membership of bodies such as **safeagent** can reduce the need for the local authority to use its formal, legal powers in these areas.

Furthermore, **safeagent** firms have a key role to play in helping to avoid the occurrence of widespread evictions, following the expiry of the COVID-19 eviction ban. Lettings and management agents are uniquely placed to offer mediation and negotiation between tenants and landlords.

In a survey of "**safeagent**" firms across England, agents were asked about the proportion of landlords who have been sympathetic and willing to help tenants affected by COVID-19, by offering rent reductions or payment plans. 47% of firms said 75-100% of their landlords were willing to help, showing a high level of support for tenants to allow them to stay in their homes. Agents can provide the important service of setting up payment plans, as well as collating and holding the confidential evidence needed at all stages of the process.

LEICESTER CITY COUNCIL'S PROPOSALS - SPECIFIC ISSUES

Partnership Working with Lettings and Management Agents

safeagent believes effective enforcement is fundamental to better regulation of the PRS and has, echoing the recent National Audit Office (NAO) report on the regulation of private renting, called on Government to develop a coherent plan to assist Local Authorities in delivering their regulatory responsibilities.

In this context, we would urge Leicester City Council to work closely with accredited lettings & management agents, to ensure that the regulatory effort associated with licensing schemes is focussed on the greatest risks. The highest priority should be tackling rogue landlords and agents, not policing the compliant.

Many rogue landlords and unaccredited agents operate "under the radar". Resources should be directed towards these serious, high risk, cases. There is danger that too much time will be spent on those properties and landlords where an existing, reputable agent is already best placed to ensure compliance with license conditions.

We feel the approach to licensing should be risk based and targeted, thus pursuing those landlords and properties with track records of poor provision and compliance, ensuring that they sign up to and comply with the scheme.

To this end, we would urge the council to fully recognise the compliance work reputable agents carry out as part of their day to day work. We would also suggest that the Council work closely with accredited agents to proactively seek out and identify unlicensed properties. We would urge Leicester City Council to work with agents to identify those irresponsible landlords who impact negatively on the reputation of the PRS.

We would also draw Leicester City Council's attention to safeagent's new Enforcement Toolkit. safeagent-Effective-Enforcement-Toolkit-2021.pdf (safeagents.co.uk) This has been updated to reflect the legal requirement for lettings and management agents to belong to a client money protection scheme and now includes over 100 Tribunal decisions from across England. It also includes template warning letters to letting agents who are failing to comply with legal duties, advice on serving civil penalties and even examples on how to highlight enforcement action to the local media.

Selective and Additional Licensing Fees

A license fee of between £1000 and £1150 would be high compared to most other local authorities in England, even after any discounts applicable are applied.

We believe a more significant discount than the proposed 10% should be available to agents and landlords who are members of recognised national accreditation bodies, such as **safeagent.** We would suggest that this is justified because **safeagent** members and the landlords who engage them are far less likely to be non-compliant. As a result, there are reduced enforcement costs to the council in respect of properties managed by **safeagent** firms. We would also suggest that **safeagent** membership mitigates the need for compliance visits to be carried out by the council. For example, the timing and content of **i**nspections could be risk rather than routine based, recognising that the risk of non-compliance is much lower in the case of properties managed by **safeagent** firms.

To sum up, the council will have fewer concerns about the management, use, condition or occupation of the property where a **safeagent** member is managing it. This should be reflected in a significant license fee discount, which provides an incentive towards the engagement of accredited agents. Below, we outline how the standards required by **safeagent** are compatible with the requirements of the licensing scheme.

Late License Penalty Fee

We do not agree with the proposed Late License Penalty Fee. In our experience, administrative errors and resourcing issues on the part of the council are the most common cause of licensing delays. These include problems with receipt and processing of applications, as well as errors and delays in dealing with queries. These are often the primary cause of the correct license not being in place at the right time.

In this context, a Late License Penalty Fee would be unfair. After all, it is unlikely that rebates will apply in the case of council error or delay. Furthermore, we would question whether the council will always be in a position to provide definitive advice on licensing in a timely and easily accessible fashion. In our view, it would be better to address the issue of errors and delays in an amicable fashion, recognising that administrative problems can sometimes arise on either side.

Fee Waiver – the PRS Lettings Scheme and Tackling Homelessness

We are very supportive of LCC's private sector lettings scheme, which we recognise aims to support landlords to provide long-term, stable private rented tenancies to the people in the city who need housing the most.

We would suggest that, in cases where a private landlord is participating in this scheme, license applications should be accepted without any fee being payable (or with the fee being paid by another council department) We know that this arrangement is in place in some English local authorities, for example Bristol City Council.

Whilst taking the point on saving agent's fees, it might be worth exploring how an agent could access the scheme on a landlord's behalf. Our members locally will, I think, be able to help identify suitable lettings - and it would be a shame to limit the scheme to self-managed properties.

The approach could become more structured if the council were to enter into partnership arrangements whereby lettings agents source properties for council referrals of homeless people or those at risk of homelessness. safeagent is currently working on a model whereby a "Social Lettings Partnership" is created through links to one or more established local agents. This is an alternative to the LCC approach, whereby established agents are bypassed. We would be happy to discuss this model with the council at any time.

Licensing Period and Changes in License Holder

We would be concerned if any licence application made part way through the designated period was to incur the full fee. This is unfair and makes licenses granted later in the designated period poor value for money. In these cases, we believe the fee should be charged "pro-rata".

This issue is highlighted in the government report "An Independent Review of the Use and Effectiveness of selective Licensing" (MHCLG 2019)

This report describes how *"Most licence fees do not take any account of the remaining time of the licensing designation. This can lead to landlords being required to pay the full cost five-year of licensing even if there is only a short time remaining before the designation expires (with no option to "carry over" where re-designation is intended). This negatively impacts on relationships with landlords, who perceive this as manifestly unfair. This issue can be partially mitigated by making the enforcement portion of the licence fee payable on a pro-rata basis"*

Charging of full fees for part periods is also anti-competitive, as it can add cost to the process of engaging or changing a license holding managing agent. Specifically, we often see cases where a reputable agent has to take on management of a property and the license, when there has been a history of management and/or compliance problems. We would suggest that, in cases where an agent steps in as licence holder/manager, the licensing fee should again be charged "pro-rata".

Alternatively, it should be made clear that licenses taken out part way through the period last for a full 5 years - and remain valid when the designation is renewed or comes to an end.

We note, for example, that in Bristol all individual licences for selective or additional licensing are valid for 5 years from the date of issue. This does not necessarily tie in with the dates that schemes are operational, as each licence can be issued at any time during the 5 year

term of the relevant licensing scheme. Licenses will naturally run on past the end of the designated scheme.

As a result, Bristol do not operate a pro rata fee for applications received part way through the scheme. Instead, licence holders must comply with the terms of the licence for a period of five years **even when the scheme has come to an end.** Bristol still inspect licensed properties and take any necessary action to ensure the property meets licensing standards, until the licence has expired.

Proposed Licensing Area

We welcome the targeted nature of the licensing proposals. However, steps should be taken to ensure that introducing a further layer of regulation and cost through licensing does not discourage landlords from staying in the rental market, especially at a time when there has been an increase in the value of most properties. Landlords selling up could reduce the supply of rental stock in the city and create further upward pressure on rents - something which may be an unwelcome and unintended side-effect of the scheme.

LICENCE CONDITIONS

In our detailed comments below, we point out some of the areas where compliance with key standards is an inherent part of the **safeagent** scheme. These are the areas where we think promotion of **safeagent** membership through license fee discounts could ultimately save the Council money, as well as increase the take up of voluntary accreditation.

Tenant Referencing

We are supportive of any requirement to obtain references for prospective tenants. **safeagent** is actively involved in promoting good practice in tenant referencing. We would be happy to discuss our work in this area with the Council.

Tenancy Management

safeagent agents are expected provide and fill in a tenancy agreement on behalf of the landlord. they will always make sure the terms of the tenancy are fair and help the tenant to understand the agreement.

They will always provide clear information to the tenant about any pre-tenancy payments and what these cover. They will explain any requirement for a guarantor and what the guarantor role entails. At the end of a tenancy, they will always serve the tenant with the correct period of notice as set out in the tenancy agreement.

Under **safeagent's** service standards, agents are required to take a deposit to protect against possible damage. They are required to explain the basis on which the deposit is being held and the purpose for which it is required, as well as to confirm the deposit protection arrangements. When joining **safeagent**, agents are asked to provide details of the number and value of the deposits they have registered with the scheme.

Agents are asked to authorise **safeagent** to contact the scheme to verify this information.

During the course of a tenancy, **safeagent** agents will check the condition of the property and draw up a schedule to outline any deductions to be made from the tenant's deposit.

They will return the deposit in line with timescales and processes required by the statutory tenancy deposit schemes.

safeagent agents are also required to:

- have a designated client account with the bank
- operate to strictly defined Accounting Standards
- be part of a mandatory Client Money Protection Scheme.

These requirements provide additional security for client monies held. Again, this is an area where increased **safeagent** membership would be of benefit to the Council and local tenants.

Licence Conditions Relating to the Property

We welcome Leicester City Council's drive to improve property standards. We believe that **safeagent**'s standards go a long way to ensuring compliance with license conditions.

Under **safeagen**t's service standards, **safeagent** agents are expected to visit any property to be let with the landlord and advise on any action needed before letting the property. This includes any repairs and refurbishments needed to put it into a fit state for letting. They will also go with possible new tenants to view unoccupied property. Tenants can, therefore, be confident that **safeagent** agents have provided advice to the landlord concerning any repairs or refurbishments which are necessary.

Safeagent agents are expected to explain both the landlord's and the tenant's the rights and responsibilities. To guard against misunderstandings, they will arrange for the preparation of a schedule of the condition of the property.

Safeagent agents are required to ensure that tenants are provided with copies of safety certificates on gas and electrical appliances before they commit to the tenancy. They will provide details of the condition of the property, plus a list of its contents. The property will have undergone all required safety checks on furnishings, and gas and electrical services.

Thereafter, **safeagent's** standards require agents to carry out property inspections periodically, as agreed with the landlord, in line with normal good practice. **Safeagent** and our firms would anticipate inspections to be carried out every 6 months as a minimum, to identify any problems relating to the condition and management of the property. In line with common practice, records of such inspections would contain a log of who carried out the inspection, the date and time of inspection and issues found and action(s) taken. Under a licensing scheme, this information could be shared with the council in an appropriate format.

Tenants will be fully aware of access arrangements. **Safeagent** agents are expected to arrange in advance a time for access, in order to inspect the condition of the property in accordance with the tenancy agreement. **Safeagent** agents will arrange to have routine maintenance work carried out, up to a limit agreed with the landlord. The agent will refer expenditure above that limit to the landlord.

Training

We welcome any proposals requiring agents who are license holders to undergo training. However, we would suggest that the training provided by **safeagent** should be recognised by the council (please see Professional development - Letting agents | safeagent (safeagents.co.uk))

Membership of **safeagent** means that agents have access to an extensive training package, engagement with which should reduce the need for the local authority to intervene. Although not a *condition* of **safeagent** membership, **safeagent** offers accreditation through an online foundation course as well as qualifications such as BTEC Level 3 in Lettings and Management practice.

safeagent offers training to those who have been involved in lettings and management for some time as well as those who are just starting out. Training is available for principals of firms as well as employees. Thus, **safeagent's** Virtual Learning Environment (VLE) is designed to cater for a wide range of professional development needs. Training is easily accessible and can be undertaken when it suits the trainee. Any candidate completing the **safeagent** Foundation Lettings Course successfully also has the opportunity to use the designation **'safeagent qualified'**. **safeagent** Foundation Lettings Course (Wales) is also approved training recognised by Rent Smart Wales, the Welsh Government's regulatory body as meeting the requirements for agents to have complying with their licensing requirement.
One advantage of this approach is that it makes it easy to ascertain (through on-line monitoring) that participants have in fact undertaken the required training, prior to or immediately after accreditation. Modules available cover:

- Pre-tenancy issues
- Responsibilities and liabilities
- Setting up a tenancy
- During a tenancy
- Ending a tenancy
- General law concepts, statute vs contract
- Relationships
- Obligations
- Process
- Considerations for corporate tenants
- Continuing Professional Development (CPD)

In addition, **safeagent** provides mini online courses designed to cover a number of elements in more detail, as appropriate to the learner's role, include topics such as:

Assured Shorthold Tenancies (ASTs)
Client Money
Consumer Protection Regulations (CPRs)
Deposits
Disrepair
Electrical Appliances & Safety
Gas Appliances & Safety
Houses in Multiple Occupation
Housing, Health & Safety Rating System (HHSRS)
Inventories and schedules of condition
Joint Tenancies
Notice Requiring Possession

We would re-iterate that discounted fees for **safeagent** firms would provide an incentive to positive engagement with training that is fully compatible with the requirements of the licensing scheme.

Anti-Scial Behaviour (ASB)

For our members, dealing with actual and perceived anti-social behaviour in the PRS is a day to day activity. However, in general, we have concerns about the assumed link between the amount of PRS accommodation in the neighbourhood and the incidence of ASB. In our experience, levels of ASB can be just amongst homeowners and tenants of social housing.

There may be some *correlation* between incidences of ASB and the prevalence of PRS accommodation on the area. However, correlation does not equate to *causation*. The *causes* of ASB are many and varied. It is not, in our view, reasonable to expect agents and landlords to play a disproportionately large part in tackling them.

Furthermore, we would strongly advise against any proposals which imply a parity of approach between the PRS and the social rented sector. Social landlords are publicly funded (and regulated) to develop and manage housing on a large scale. Their social purpose brings with it wider responsibilities for the communities in which they work. As private businesses, PRS landlords and their agents, whilst having clear responsibilities to manage their properties professionally, cannot reasonably be expected to tackle wider social problems.

Fit and Proper Person Test - Suitability of Licence Holder

All principals, partners and directors of a **safeagent** firm are asked to make the following declaration on application:

– *"I confirm that: for a period of 10 years prior to this application I have had no conviction for any criminal offence (excluding any motor offence not resulting in a custodial sentence) nor have I been guilty of conduct which would bring the Scheme or myself into disrepute; I am not an undischarged bankrupt nor is there any current arrangement or composition with my creditors; I am not nor have I been a director of a company which has within the period of 10 years prior to this application entered into liquidation whether compulsory or voluntary (save for the purpose of amalgamation or reconstruction of a solvent company) nor had a receiver appointed of its undertaking nor had an administration order made against it nor entered into an arrangement or composition with its creditors; nor have I at any time been disqualified from acting as a Director of a company nor subject to a warning or banning order from the Consumer Markets Authority or the Department for Business, Enterprise and Regulatory Reform.*

If I am subject to any current claim or am aware of any impending claim for professional negligence or loss of money or if I have been the subject of any investigation by the Consumer Markets Authority and/or local Trading Standards Office, full details of the circumstances are set out in a report enclosed with the application; all information provided by me in connection with this application is, to the best of my knowledge, correct"

We believe this certification is broadly in line with Leicester City council's licensing conditions and is another example of where promotion of **safeagent** membership through discounts could help to ensure compliance.

Complaints

All **safeagent** firms are required to have a written customer complaints procedure, available on request. Our guidance sets out how the first step for complainants is to ask the firm they are dealing with for a copy, which will outline the method by which they can seek to resolve any issues.

In line with statutory requirements, all **safeagent** members must also be members of a recognised redress scheme. Firms are required, at the request of the complainant, to refer the complaint to a redress scheme once their in-house procedure has been exhausted. They are also required to comply with any award determined by the redress scheme, within the timescale prescribed.

Under co-regulation schemes elsewhere in the UK, **safeagent** has undertaken to review any complaints that have been adjudicated upon by any of the redress schemes. Under such an arrangement, **safeagent** can report to the Council on the number of complaints reaching this stage and on the adjudications made. Non-compliance with a redress scheme's adjudication would eventually lead to disqualification of the agent from **safeagent**. We would be happy to come to a similar arrangement with Leicester City.

MEASURING THE SUCCESS OF THE SCHEME

We believe that regular information on implementation of the scheme should be made available in a clear and consistent format. Reports to local landlord and agent forums, representative bodies and other stakeholders should include at minimum:

- The estimated number of private rented properties that require licensing under the selective and additional licensing schemes
- The number of applications received in respect of these properties
- Progress in processing (granting, querying or refusing) the licence applications received
- Analysis of the reasons for any queries or refusals and the extent to which remedial action is identified and taken as a result
- Analysis of the outcomes of ongoing inspections and the extent to which remedial action is identified and taken as a result
- Progress reports across the whole 5 year period covered by the scheme.

This should help to enable the Council to work in partnership with landlords, agents, representative bodies and other stakeholders to ensure the success of the scheme.

CONCLUSION

It seems to us that many of the licencing requirements in the Leicester City scheme highlight how important it is for landlords to work with reputable agents such as **safeagent** members.

Offering a discount to licence holders who work with a **safeagent** accredited agent would help to promote this.

safeagent would welcome a collaborative approach with Leicester City Council, based on shared objectives. We believe that agents who are members of a recognised body are more likely to embrace selective and additional licensing and less likely to generate complaints or breaches of their licence. Discounted fees for **safeagent** members would be a significant incentive to positive engagement by agents. In return, the Council would experience reduced administration and compliance costs.

CONTACT DETAILS

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APPENDIX 1 – COMPATIBILITY OF SAFEAGENT SERVICE STANDARDS WITH TYPICAL SCHEME CONDITIONS

Example Scheme Conditions	**SAFEAGENT Service Standard Requirements**
Fees	SAFEAGENT promotes complete transparency in agency fees. Members provide landlords with a statement of account as often as agreed.
Rent Liabilities and Payments	SAFEAGENT agents collect the rent and pass it on every month or as otherwise agreed. The agent will keep a separate clients' account to hold all monies.
Contact Details	SAFEAGENT agents are expected to respond to tenant and other legitimate enquiries in a timely manner. Up to date contact details will enable them to respond to tenants' requests for maintenance or repairs which might in some cases have to be referred to the landlord for approval.

Example Scheme Conditions	SAFEAGENT Service Standard Requirements
State of Repair	SAFEAGENT agents visit the property with landlords and advise on any action needed before letting the property. This includes any repairs and refurbishments needed to put it into a fit state for letting. They will also go with possible new tenants to view unoccupied property. Tenants can be confident that SAFEAGENT agents have provided advice to the landlord concerning any repairs or refurbishments which are necessary.
Access and Possession arrangements	SAFEAGENT agents will visit the property periodically during the course of the tenancy as often as agreed with the landlord. Tenants will be fully aware of access arrangements. At the end of a tenancy, they will always serve the tenant with the correct period of notice as set out in the tenancy agreement.
Repairs and Maintenance	SAFEAGENT agents will arrange to have routine maintenance work carried out, up to a limit agreed with the landlord. The agent will refer expenditure above that limit to the landlord.
Access, Cleaning and Maintenance of Common Parts	SAFEAGENT agents will arrange in advance a time for access to the property in order to inspect the condition of the property in accordance with the tenancy agreement.
Level of Facilities	SAFEAGENT agents ensure that tenants are provided with copies of safety certificates on gas and electrical appliances before you commit to the tenancy. They provide details of the condition of the property, plus a list of its contents. The property will have undergone all required safety checks on furnishings, and gas and electrical services.

Example Scheme Conditions	SAFEAGENT Service Standard Requirements
Deposits	SAFEAGENT agents provide and fill in a tenancy agreement and take a deposit to protect against possible damage. They will explain the basis on which it is being held and the purpose for which it is required.
References	SAFEAGENT agents choose a tenant in a way agreed with the landlord, taking up references or checking the tenant's rent payment record.
Complaints & Dispute Handling	SAFEAGENT agents explain both the landlord's and the tenant's the rights and responsibilities. To guard against misunderstandings, they will arrange for the preparation of a schedule of the condition of the property. During the tenancy, they will arrange to check the condition of the property and draw up a schedule to outline any deductions to be made from the tenant's initial deposit. They will return the deposit as soon as possible, less any appropriate deductions.

Equality Impact Assessment (EIA) Tool:

Title of proposal	CONSIDERATION REGARDING THE INTRODUCTION OF DISCRETIONARY LICENSING IN LEICESTER
Name of division/service	Neighbourhoods and Environmental Services
Name of lead officer completing this assessment	Tony Cawthorne
Date EIA assessment completed	17/5/22
Decision maker	
Date decision taken	

EIA sign off on completion:	**Signature**	**Date**
Lead officer	*TCawthorne*	17/5/22
Equalities officer	Surinder Singh	23/05/22
Divisional director		

Please ensure the following:

a) That the document is **understandable to a reader who has not read any other documents** and explains (on its own) how the Public Sector Equality Duty is met. This does not need to be lengthy but must be complete and based in evidence.

b) That available support information and data is identified and where it can be found. Also be clear about highlighting gaps in existing data or evidence that you hold, and how you have sought to address these knowledge gaps.

c) That the equality impacts are capable of aggregation with those of other EIAs to identify the cumulative impact of all service changes made by the council on different groups of people.

d) That the equality impact assessment is started at an early stage in the decision-making process, so that it can be used to inform the consultation, engagement and the decision. It should not be a tick-box exercise. Equality impact assessment is an iterative process that should be revisited throughout the decision-making process. It can be used to assess several different options.

e) Decision makers must be aware of their duty to pay 'due regard' to the Public Sector Equality Duty (see below) and 'due regard' must be paid before and at the time a decision is taken. Please see the Brown Principles on the equality intranet

pages, for information on how to undertake a lawful decision-making process, from an equalities perspective. Please append the draft EIA and the final EIA to papers for decision makers (including leadership team meetings, lead member briefings, scrutiny meetings and executive meetings) and draw out the key points for their consideration. The Equalities Team provide equalities comments on reports.

1. Setting the context

Describe the proposal, the reasons it is being made, and the intended change or outcome. Will the needs of those who are currently using the service continue to be met?

The City Council has an ambition to ensure the Private Rented Sector (PRS) in Leicester is fit for purpose and a key part of that is to ensure the Council raises housing standards in the sector. There are approximately 49,500 private rented properties in Leicester 34 % of all households, the national average is 19%. One way in which housing standards can be raised is through the introduction of a discretionary licensing scheme, that is Selective and/ or Additional Licensing schemes.

1.1 There are two types of discretionary licensing

a) Selective Licensing Scheme

In an area subject to a Selective Licensing Scheme (SLS), all private landlords must obtain a licence.

b) Additional licensing

In an area subject to Additional Licensing Scheme (ALS), all landlords of small houses in multiple occupations (HMO's) [shared by 3 or more unrelated people, constituting 2 or more households, who share facilities such as kitchens and bathrooms]

1.2 Discretionary licensing is an option under the Housing Act 2004 to bring in measures that will improve standards within the Local Housing stock and areas. Prior to proceeding with either scheme, the council is required to undertake a comprehensive consultation exercise and provide evidence that addresses one of the following requirements:
Selective Licensing – That an area is experiencing one or more of the following issues: low housing demand (or it is likely to become such an area), significant and persistent problems with Anti-Social Behaviour (ASB), poor property conditions, high levels of migration, high levels of deprivation, high levels of crime

Additional Licensing – That a significant proportion of Houses in Multiple Occupation (HMOs - a property rented out by at least 3 people who are not from 1 'household' (for example a family) but share facilities like the bathroom and kitchen).in the

area are being managed sufficiently ineffectively as to give rise, or likely to give rise, to one or more particular problems either for those occupying the HMOs or for members of the public.

1.3 To provide the information and to consult those who may be affected, a consultation was undertaken between the 30th November 2021 to the 22 February 2022.

1.4 The Consultation provided details of the work undertaken to consider the introduction of a discretionary licensing scheme within the private rented sector in Leicester.

1.5 Notification on the options was shared in all libraries and public buildings and on social media and the Councils website. Letters were sent to 110,745 residential properties, emails to 3654 Business Operators, 204 Faith Groups contacted and leaflets made in Gujrati circulated to 1600 congregants, 9 Landlord Associations, 123 Letting and Management Agents who forwarded onto their clients and also responded themselves, 3 MPs, 8 Local Authorities neighbouring Leicester City, 54 Councillors, 3 Media outlets, 17 student accommodation companies 2 Universities and student unions and 1130 Schools in order to give an opportunity to the widest audience possible to have their say on the proposals

1.6 The report “Consideration Regarding the Introduction of Discretionary Licensing in Leicester “recommends the introduction of the selective licensing scheme in key areas of the city

2. Equality implications/obligations

Which aims of the Public Sector Equality Duty (PSED) are likely be relevant to the proposal? In this question, consider both the current service and the proposed changes.

a. Eliminate unlawful discrimination, harassment and victimisation

- How does the proposal/service ensure that there is no barrier or disproportionate impact for anyone with a particular protected characteristic?
- Is this a relevant consideration? What issues could arise?

2.1 Discretionary licensing covers all private rented properties within designated areas and relates to the improvement of standards associated to the property.

2.2 The licensing schemes will introduce conditions to set a minimum standard within the property and ensure the behaviour of the tenants is adequately managed. Landlords will be responsible for the operation of the property and ensuring it is well maintained and issues of repair are addressed as soon as practicable.

2.3 The scheme addresses all Private Sector tenancies within the designated area and all protected characteristics under the Equality Act 2010 age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation are provided with the same protections under the Housing Act 2004.

2.4 Those with disabilities are more likely to be negatively affected by poor housing conditions, the discretionary Licensing scheme housing conditions will positively impact on disabled persons. Vulnerable tenants, such as new arrivals in the country who may be more likely to be exploited and affected by poor housing conditions.

2.5

b. Advance equality of opportunity between different groups

- How does the proposal/service ensure that its intended outcomes promote equality of opportunity for people?
- Identify inequalities faced by those with specific protected characteristic(s).
- Is this a relevant consideration? What issues could arise?

The life chances of residents are closely linked to the quality of their neighbourhoods and their housing accommodation. The envisaged benefits of better quality housing accommodation that is well managed and complies with all relevant standards will have a positive impact on people from across all protected characteristics.

2.6 The scheme aims to improve the quality of accommodation and management in the private rented sector. Tenants will benefit from the additional requirements imposed on licenced landlords.

2.7 It is proposed an additional community warden is appointed to patrol the designated areas. Tenants will benefit from the

2.8 It is proposed an additional community warden is appointed to patrol the designated areas. Tenants will benefit from greater attention and enforcement within the designated areas, which will encourage neighbourhoods and belonging.

c. Foster good relations between different groups

- Does the service contribute to good relations or to broader community cohesion objectives?
- How does it achieve this aim?

- Is this a relevant consideration? What issues could arise?

2.6 The residents are closely linked to their neighbourhoods and their housing accommodation. The envisaged benefits of better quality housing accommodation that is well managed and complies with all relevant standards will have a positive impact on people from across all protected characteristics. It is proposed that the scheme will provide for an additional Community Warden to undertake work in the designated areas to address issues, with Fly tipping, waste management, overgrown or dilapidated premises etc. and so improve the surroundings within the designated area and this is likely to have a positive impact on residents and has the potential to foster good relations and advance equality of opportunity between people who share a protected characteristic and those who don't.

3. Who is affected?

Outline who could be affected, and how they could be affected by the proposal/service change. Include people who currently use the service and those who could benefit from, but do not currently access the service.

3.1 The scheme addresses all Private Sector tenancies within the designated area there are a number of possible signations

- Option A Selective Licensing within parts of the Wards of - Stoneygate (East Cluster); Westcotes, Fosse, Braunstone Park & Rowley Fields (West Cluster); Saffron (South Cluster), Option B Additional Licensing that covers the entire City (citywide)

- Option C Additional Licensing within parts of the Wards of Westcotes, Fosse, Braunstone Park & Rowley Fields and Stoneygate.

- Combined Option A and B Selective Licensing within parts of the Wards of - Stoneygate (East Cluster); Westcotes, Fosse, Braunstone Park & Rowley Fields (West Cluster); Saffron (South Cluster) and Additional Licensing citywide.

- Combined Option A and C Selective Licensing within parts of the Wards of - Stoneygate (East Cluster); Westcotes, Fosse, Braunstone Park & Rowley Fields (West Cluster); Saffron (South Cluster) and Additional Licensing within parts of the Wards of Westcotes, Fosse, Braunstone Park & Rowley Fields and Stoneygate.).

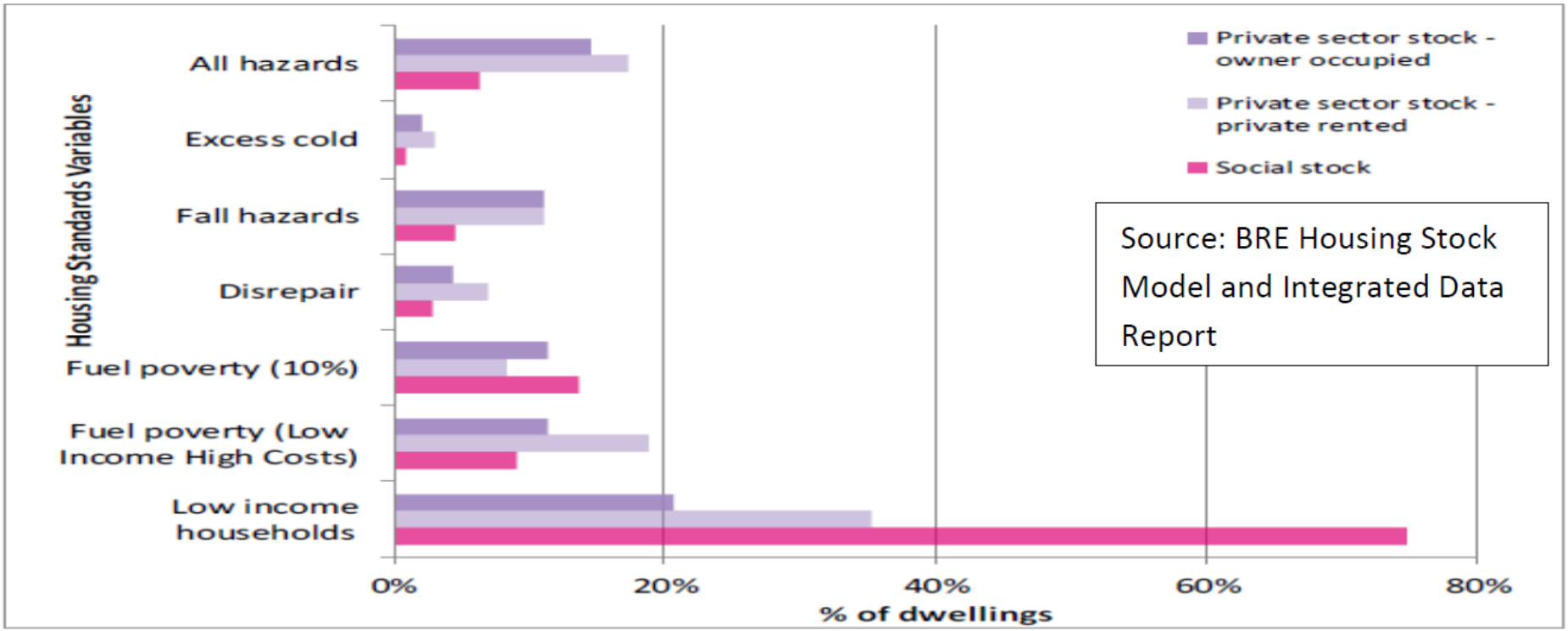
and all protected characteristics under the Equality Act 2010 age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation and those who do not have a protected characteristic are all provided with the same protections under the Housing Act 2004.

4. Information used to inform the equality impact assessment

- What **data, research, or trend analysis** have you used?
- Describe how you have got your information and what it tells you
- Are there any gaps or limitations in the information you currently hold, and how you have sought to address this? E.g. proxy data, national trends, equality monitoring etc.

4.1 Access to decent affordable housing is essential to support good health and wellbeing and a good quality of life. Overall, housing standards in Leicester are high - the physical condition of the City's housing stock is generally good across all sectors and energy efficiency levels are above the national average.

However, this overall positive picture masks disparities both between and within sectors that give rise to some concern. Overall, we find some of the worst conditions within the Private Rented Sector (PRS), which includes a significant proportion of Houses in Multiple Occupation (HMO).



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5. Consultation

What **consultation** have you undertaken about the proposal with people who use the service or people affected, people who may potentially use the service and other stakeholders? What did they say about:

- What is important to them regarding the current service?
- How does (or could) the service meet their needs? How will they be affected by the proposal? What potential impacts did they identify because of their protected characteristic(s)?
- Did they identify any potential barriers they may face in accessing services/other opportunities that meet their needs?

5.1 To provide the information required and to undertake a meaningful consultation with all users and to consult those who may be affected, a consultation was undertaken between the 30th November 2021 to the 22 February 2022.

5.2 The Consultation has been analysed It can be accessed in the main report and is appended as Annex B to this assessment.

There were no barriers in relation to equality identified with the introduction of the scheme. There was overwhelming support from residents and tenants for selective licensing, with some significant opposition from landlords.

5.3 The consultation was open to all and with read aloud functionality.

5.3 Notification on the options was shared in all libraries and public buildings and on social media and the Councils website. Letters were sent to 110,745 residential properties, emails to 3654 Business Operators, 204 Faith Groups contacted and leaflets made in Gujrati circulated to 1600 members, 9 Landlord Associations, 123 Letting and Management Agents who forwarded onto their clients and also responded themselves, 3 MPs, 8 Local Authorities neighbouring Leicester City, 54 Councillors, 3 Media outlets, 17 student accommodation companies 2 Universities and student unions and 1130 Schools in order to give an opportunity to the widest audience possible to have their say on the proposals

6. Potential Equality Impact

Based on your understanding of the service area, any specific evidence you may have on people who use the service and those who could potentially use the service and the findings of any consultation you have undertaken, use the table below to explain which individuals or community groups are likely to be affected by the proposal because of their protected characteristic(s). Describe what the impact is likely to be, how significant that impact is for individual or group well-being, and what mitigating actions can be taken to reduce or remove negative impacts. This could include indirect impacts, as well as direct impacts.

Looking at potential impacts from a different perspective, this section also asks you to consider whether any other particular groups, especially vulnerable groups, are likely to be affected by the proposal. List the relevant groups that may be affected, along with the likely impact, potential risks and mitigating actions that would reduce or remove any negative impacts. These groups do not have to be defined by their protected characteristic(s).

Protected characteristics

Impact of proposal:

Describe the likely impact of the proposal on people because of their protected characteristic and how they may be affected. Why is this protected characteristic relevant to the proposal? How does the protected characteristic determine/shape the potential impact of the proposal? This may also include **positive impacts** which support the aims of the Public Sector Equality Duty to advance equality of opportunity and foster good relations.

Risk of disproportionate negative impact:

How likely is it that people with this protected characteristic will be disproportionately negatively affected? How great will that impact be on their well-being? What will determine who will be negatively affected?

Mitigating actions:

For disproportionate negative impacts on protected characteristic/s, what mitigating actions can be taken to reduce or remove the impact? You may also wish to include actions which support the positive aims of the Public Sector Equality Duty to advance equality of opportunity and to foster good relations. All actions identified here should also be included in the action plan at the end of this EIA.

a. Age

Indicate which age group/s is/ are most affected, either specify general age group - children, young people working age people or older people or specific age bands

What is the impact of the proposal on age?

- The proposals will set a minimum standard and address the Housing Health and Safety Rating System under the Housing Act 2004 The housing health and safety rating system (HHSRS) is a risk-based evaluation tool to help local authorities identify and protect against potential risks and hazards to health and safety from any deficiencies identified in dwellings. The HHSRS assessment assess a Vulnerable Group these may be a particular group of people based upon age who could live in the dwelling for whom the risk of a hazard is greater than for most people. The assessment provides for category of Harm the worst being a category 1 harm The imposition of conditions will illuminate Category 1 hazards from the dwelling

What is the risk of disproportionate negative impact on age?

- The negative effect of not bringing in the scheme will mean the improved standards by the removal of Category 1 hazards will not be realised and harm could come to the tenant

What are the mitigating actions?

- All properties will be compliant

b. Disability

If specific impairments are affected by the proposal, specify which these are. Our standard categories are on our equality monitoring form – physical impairment, sensory impairment, mental health condition, learning disability, long standing illness or health condition.

What is the impact of the proposal on disability?

- The proposals will set a minimum standard and address the Housing Health and Safety Rating System under the Housing Act 2004 The housing health and safety rating system (HHSRS) is a risk-based evaluation tool to help local authorities identify and protect against potential risks and hazards to health and safety from any deficiencies identified in dwellings. The HHSRS assessment assess a Vulnerable Group these may be a particular group of people based upon age who could live in the dwelling for whom the risk of a hazard is greater than for most people. The assessment provides for category of Harm the worst being a category 1 harm The imposition of conditions will illuminate Category 1 hazards from the dwelling

What is the risk of disproportionate negative impact on disability?

- The negative effect of not bringing in the scheme will mean the improved standards by the removal of Category 1 hazards will not be realised and harm could come to the tenant

What are the mitigating actions?

- All properties will be compliant

c. Gender reassignment

Indicate whether the proposal has potential impact on trans men or trans women, and if so, which group is affected.

What is the impact of the proposal on gender reassignment?

- The proposal will affect all tenancies and will set a minimum standard and address the Housing Health and Safety Rating System under the Housing Act 2004 The housing health and safety rating system (HHSRS) is a risk-based evaluation tool to help local authorities identify and protect against potential risks and hazards to health and safety from any deficiencies identified in dwellings. The assessment provides for category of Harm the worst being a category 1 harm The imposition of conditions will illuminate Category 1 hazards from the dwelling

What is the risk of disproportionate negative impact on gender reassignment?

- The negative effect of not bringing in the scheme will mean the improved standards by the removal of Category 1 hazards will not be realised and harm could come to the tenant

What are the mitigating actions?

- All properties will be compliant

d. Marriage and civil partnership

What is the impact of the proposal on marriage and civil partnership?

- The proposal will affect all tenancies and will set a minimum standard and address the Housing Health and Safety Rating System under the Housing Act 2004 The housing health and safety rating system (HHSRS) is a risk-based evaluation tool to help local authorities identify and protect against potential risks and hazards to health and safety from any deficiencies identified in dwellings. The assessment provides for category of Harm the worst being a category 1 harm The imposition of conditions will illuminate Category 1 hazards from the dwelling

What is the risk of disproportionate negative impact on marriage and civil partnership?

- The negative effect of not bringing in the scheme will mean the improved standards by the removal of Category 1 hazards will not be realised and harm could come to the tenant

What are the mitigating actions?

- All properties will be compliant

e. Pregnancy and maternity

What is the impact of the proposal on pregnancy and maternity?

- The proposal will affect all tenancies and will set a minimum standard and address the HHSRS under the Housing Act 2004 a risk-based evaluation tool to help local authorities identify and protect against potential risks and hazards to health and safety from any deficiencies identified in dwellings. The assessment provides for category of harm the worst being a category 1 harm The imposition of conditions will illuminate Category 1 hazards from the dwelling

What is the risk of disproportionate negative impact on pregnancy and maternity?

There is no negative impact on this vulnerable group. The imposition of the scheme will improve residential standards for tenants and ensure warmth and security

What are the mitigating actions?

- All properties will be compliant

f. Race

What is the impact of the proposal on race?

- The proposal will affect all tenancies and will set a minimum standard and address the HHSRS under the Housing Act 2004 a risk-based evaluation tool to help local authorities identify and protect against potential risks and hazards to health and safety from any deficiencies identified in dwellings. The assessment provides for category of harm the worst being a category 1 harm The imposition of conditions will illuminate Category 1 hazards from the dwelling

What is the risk of disproportionate negative impact on race?

- There is no negative impact on this group by the imposition of a scheme the conditions within all rental properties will be improved

What are the mitigating actions?

- All properties will be compliant

g. Religion or belief

If specific religious or faith groups are affected by the proposal, our equalities monitoring form sets out categories reflective of the city's population. Given the diversity of the city there is always scope to include any group that is not listed.

What is the impact of the proposal on religion or belief?

- The proposal will affect all tenancies and will set a minimum standard and address the HHSRS under the Housing Act 2004 a risk-based evaluation tool to help local authorities identify and protect against potential risks and hazards to health and safety from any deficiencies identified in dwellings. The assessment provides for category of harm the worst being a category 1 harm The imposition of conditions will illuminate Category 1 hazards from the dwelling, 204 Faith Groups were contacted and asked whether translations were required leaflets made in Gujrati and circulated to 1600 members,

What is the risk of disproportionate negative impact on religion or belief?

- There is no negative impact on this group by the imposition of a scheme the conditions within all rental properties will be improved

What are the mitigating actions?

- All properties will be compliant

h. Sex

Indicate whether this has potential impact on either males or females

What is the impact of the proposal on sex?

- The proposal will affect all tenancies and will set a minimum standard and address the HHSRS under the Housing Act 2004 a risk-based evaluation tool to help local authorities identify and protect against potential risks and hazards to health and safety from any deficiencies identified in dwellings. The assessment provides for category of harm the worst being a category 1 harm The imposition of conditions will illuminate Category 1 hazards from the dwelling

What is the risk of disproportionate negative impact on sex?

- There is no negative impact on this group by the imposition of a scheme the conditions within all rental properties will be improved

What are the mitigating actions?

- All properties will be compliant

7. Summary of protected characteristics

a. **Summarise why the protected characteristics you have commented on, are relevant to the proposal?**
All protected characteristics will be affected by the proposed scheme. The scheme affects and improves living conditions across all persons within the designated areas and makes landlords responsible for the property. Inspections will be undertaken into the property as part of the licence and will ensure that any risks to the tenant are removed and the standard of the accommodation meets a minimum decency standard. The conditions of the licence will also ensure the conduct of the landlord or managing agent and a copy of the licence will be provided to the tenant who will be able to uphold the landlord to the conditions.

b. **Summarise why the protected characteristics you have not commented on, are not relevant to the proposal?**
All protected characteristics will be affected by the proposed scheme and therefore have been included in the assessment.

8. Other groups

Other groups

Impact of proposal:

Describe the likely impact of the proposal on children in poverty or any other people who we may consider to be vulnerable, for example people who misuse substances, ex armed forces, people living in poverty, care experienced young people, carers. List any vulnerable groups likely to be affected. Will their needs continue to be met? What issues will affect their take up of services/other opportunities that meet their needs/address inequalities they face?

Risk of disproportionate negative impact:

How likely is it that this group of people will be negatively affected? How great will that impact be on their well-being? What will determine who will be negatively affected?

Mitigating actions:

For negative impacts, what mitigating actions can be taken to reduce or remove this impact for this vulnerable group of people? These should be included in the action plan at the end of this EIA. You may also wish to use this section to identify opportunities for positive impacts.

a. Children in poverty

What is the impact of the proposal on children in poverty?

The scheme affects and improves living conditions across all persons within the designated areas and makes landlords responsible for the property. Inspections will be undertaken into the property as part of the licence and will ensure that any risks to the tenant are removed and the standard of the accommodation meets a minimum decency standard. The conditions of the licence will also ensure the conduct of the landlord or managing agent and a copy of the licence will be provided to the tenant who will be able to uphold the landlord to the conditions.

What is the risk of negative impact on children in poverty?

Failure to implement a scheme will have an adverse effect on children in poverty. The business case identified the areas under consideration are within the top 20 % of areas within England in multiple deprivation and by bringing in a discretionary licensing scheme the Council is attempting to address the fundamental issues which lead to the deprivation. Building stronger neighbourhoods, addressing anti-social behaviour, improving living accommodation. Addressing these issues will improve the conditions for vulnerable groups and improve the wellbeing of the community and improve a belonging to the area.

What are the mitigating actions?

Positive engagement with landlords and tenants, the appointment of a community warden to patrol the designated areas in conjunction with other council departments and positive engagement with the Police to address community issues

b. Other vulnerable groups

What is the impact of the proposal on other vulnerable groups?

The scheme affects and improves living conditions across all persons within the designated areas and makes landlords responsible for the property. Inspections will be undertaken into the property as part of the licence and will ensure that any risks to the tenant are removed and the standard of the accommodation meets a minimum decency standard. The conditions of the licence will also ensure the conduct of the landlord or managing agent and a copy of the licence will be provided to the tenant who will be able to uphold the landlord to the conditions.

What is the risk of negative impact on other vulnerable groups?

Failure to implement a scheme will have an adverse effect on vulnerable groups. The business case identified the areas under consideration are within the top 20% of areas within England in multiple deprivation and by bringing in a discretionary licensing scheme the Council is attempting to address the fundamental issues which lead to the deprivation. Building stronger neighbourhoods, addressing anti-social behaviour, improving

living accommodation. Addressing these issues will improve the conditions for vulnerable groups and improve the wellbeing of the community and improve a belonging to the area.

What are the mitigating actions?

Positive engagement with landlords and tenants, the appointment of a community warden to patrol the designated areas in conjunction with other council departments and positive engagement with the Police to address community issues

c. Other (describe)

What is the impact of the proposal on any other groups?

The scheme affects and improves living conditions across all persons within the designated areas and makes landlords responsible for the property. Inspections will be undertaken into the property as part of the licence and will ensure that any risks to the tenant are removed and the standard of the accommodation meets a minimum decency standard. The conditions of the licence will also ensure the conduct of the landlord or managing agent and a copy of the licence will be provided to the tenant who will be able to uphold the landlord to the conditions.

What is the risk of negative impact on any other groups?

Failure to implement a scheme will have an adverse effect on neighbourhoods. The business case identified the areas under consideration are within the top 20% of areas within England in multiple deprivation and by bringing in a discretionary licensing scheme the Council is attempting to address the fundamental issues which lead to the deprivation. Building stronger neighbourhoods, addressing anti-social behaviour, improving living accommodation. Addressing these issues will improve the conditions for vulnerable groups and improve the wellbeing of the community and improve a belonging to the area.

What are the mitigating actions?

Positive engagement with landlords and tenants, the appointment of a community warden to patrol the designated areas in conjunction with other council departments and positive engagement with the Police to address community issues

9. Other sources of potential negative impacts

Are there any other potential negative impacts external to the service that could further disadvantage service users over the next three years that should be considered? For example, these could include:

- other proposed changes to council services that would affect the same group of service users;
- Government policies or proposed changes to current provision by public agencies (such as new benefit arrangements) that would negatively affect residents;
- external economic impacts such as an economic downturn.

The application of a licence incurs a fee, this may lead to costs being passed to the tenant. There is protection in law on a fair rent and all persons that find hardship will be referred to other council services and advised of their rights and provided with support. Landlords may decide to sell their property rather than meet the licence conditions. Most rental properties from evidence provided by other authorities identify that the properties are sold with sitting tenants so the proposed new landlord will pick up the works required. The scheme also after the initial instigation, increases landlord involvement as the areas improve and become more desirable and portfolio landlords will move into the area.

10. Human rights implications

Are there any human rights implications which need to be considered and addressed (please see the list at the end of the template), if so please outline the implications and how they will be addressed below:

The proposal will affect all privately rented properties where there is currently little legislative protection for residents, and anyone can be a landlord. Through the licencing and inspection checks on the property and the tenants will be undertaken and the tenants of the human rights will be protected: Article 5: Right to liberty and security - ensuring the property is secure and anti-social behaviour is addressed, Article 8: Right to respect for private and family life – ensuring the landlord maintains his legal duties with regards the property whilst ensuring the tenants are not harassed and are provided with respect for private and family life

11. Monitoring impact

You will need to ensure that monitoring systems are established to check for impact on the protected characteristics and human rights after the decision has been implemented. Describe the systems which are set up to:

- monitor impact (positive and negative, intended and unintended) for different groups
- monitor barriers for different groups
- enable open feedback and suggestions from different communities
- ensure that the EIA action plan (below) is delivered.

If you want to undertake equality monitoring, please refer to our equality monitoring guidance and templates.
The scheme will be under constant review and must in law be reviewed during its course to ensure it meets the objectives of the scheme. The reports will be provided to Council to ensure the targets set out and any issues that have not been addressed are taken into account. A complaints system will also be set up and will be addressed and the reponses published on the Councils website subject to GDPR.

12. EIA action plan

Please list all the equality objectives, actions and targets that result from this assessment (continue on separate sheets as necessary). These now need to be included in the relevant service plan for mainstreaming and performance management purposes.

Equality Outcome	Action	Officer Responsible	Completion date
Improved accommodation, throughout the lifetime of the scheme	Inspection of all properties under the scheme	Discretionary licensing Team	End of scheme
Ensure all mandatory requirements are complied with by landlords	Inspection of all applications under the scheme	Discretionary licensing Team	End of scheme
Reduction in Environmental Crime and Anti-Social Behaviour	Community Warden and Police patrols and joint working	Community Warden/Police	Continuous
Ensure tenants/ landlords and managing Agents concerns are heard	Set up tenants groups landlord liaison and managing agents groups quarterly an identify any barriers or additional requirements to include all e.g. If someone was deaf, we could potentially get a BSL signer on camera or in person	Selective Licensing Manager	Continuous

Human rights articles:

Part 1: The convention rights and freedoms

Article 2: Right to Life
Article 3: Right not to be tortured or treated in an inhuman or degrading way
Article 4: Right not to be subjected to slavery/forced labour
Article 5: Right to liberty and security
Article 6: Right to a fair trial
Article 7: No punishment without law
Article 8: Right to respect for private and family life
Article 9: Right to freedom of thought, conscience and religion
Article 10: Right to freedom of expression
Article 11: Right to freedom of assembly and association
Article 12: Right to marry
Article 14: Right not to be discriminated against

Part 2: First protocol

Article 1: Protection of property/peaceful enjoyment
Article 2: Right to education
Article 3: Right to free elections

Discretionary Licensing (Additional and Selective) in the Private Rented Sector

Overview

a) Background

b) Results of the Consultation

c) Support for the Schemes

d) Key Issues Raised in the Consultation

e) Recommendations

f) Questions and Close

Discretionary Licensing

Two forms of Discretionary Licensing

- **Selective Licensing gives local authorities the power to introduce, in a given area licensing for all tenures in the Private Rented Sector except:** holiday lets, business premises, student premises where the university is the landlord/manager, Housing Associations and Council Housing and premises where the tenant is a family member).

- **Additional Licensing** requires Houses in Multiple Occupation (HMOs) that have **three or more** unrelated tenants that **share facilities** such as kitchens and bathrooms, to have a licence.

Formal Consultation

A formal public consultation for twelve weeks was undertaken between 30th November 2021 – 22nd February 2022

We received 1120 Consultation responses through the online questionnaire

A spreadsheet was kept of responses and actions taken there were 313 separate records actioned during the consultation

Consultation Methods

- Website – Consultation Platform https://consultations.leicester.gov.uk/comms/landlord-licensing
- Letters were sent to 110,745 residential properties,
- Email to 3654 Business Operators,
- 204 Faith Groups contacted and leaflets made in Gujrati and circulated to 1600 members,
- 9 Landlord Associations,
- 123 Letting and Management Agents
- 3 MPs,
- 8 Local Authorities neighbouring Leicester City,
- 54 Councillors,
- 3 Media outlets,
- 17 student accommodation companies
- 2 Universities and student unions
- 1130 Schools
- All Council Staff
- VCS Organisations e.g. Citizens Advice

Options

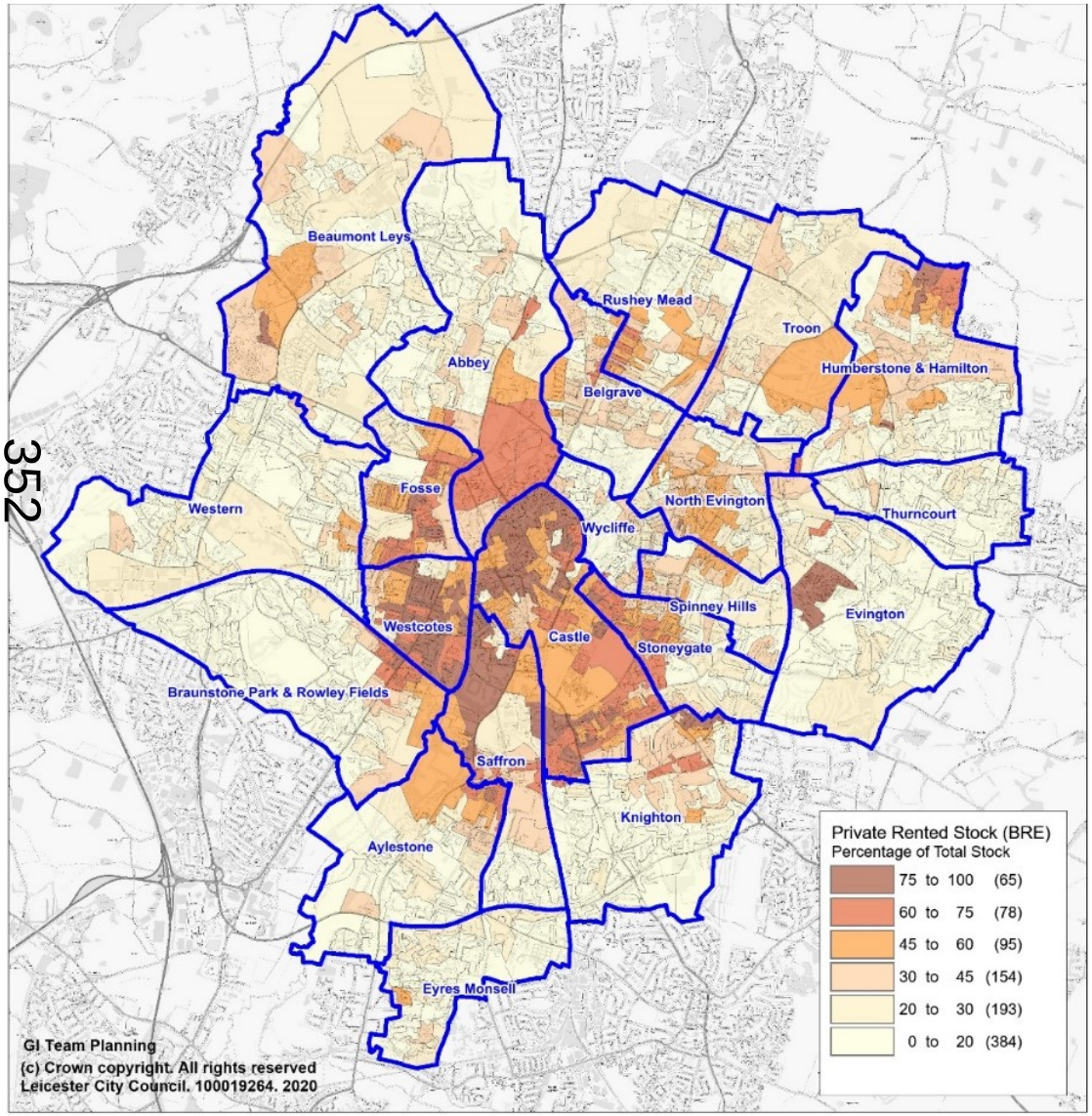
- Option A
- Selective Licensing within parts of the Wards of - Westcotes, Fosse, Braunstone Park & Rowley Fields (West Cluster); Stoneygate (East Cluster); Saffron (South Cluster)
- The combined area covering the schemes covers less than 20% of Leicester's geographical area and less than 20% of privately rented homes in the local authority area and therefore if adopted would not need SoS permission.
- Option B
- Additional Licensing that covers the entire City (citywide).
- Option C
- Additional Licensing within parts of the Wards of Westcotes, Fosse, Braunstone Park & Rowley Fields and Stoneygate.

4 Main Points

- There is support for the bringing in of discretionary licensing
- The evidence from the business case was supported through the consultation process
- There are 18 lower super areas in the top 20% of multiple deprivation in the Country within the designated areas.
- The designated areas have the highest number of private rented properties in the City with concentrations over 75% in some wards the national average is 19%.

Evidence Base for Discretionary Licensing (Selective and Additional) Schemes

Private Rented - Percentage of All Stock by Census Output Area



This map shows large parts of the City where the percentage of Private Rented properties (BRE modelled data) is above the national average (19%). **There are particularly high concentrations (areas with concentrations over 75%) in Westcotes, Castle, Fosse, Saffron, Stoneygate and pockets of high concentrations on the edge of Braunstone Park and Rowley Fields and Hamilton.**

There are also a couple of outliers near in Beaumont Leys and Evington near the Glenfield and General Hospitals with staff accommodation.

NB: The data source used for the mapping of private rented dwellings and Houses in Multiple Occupation (HMOs) across the city is the BRE Integrated Dwelling Level Housing Stock Modelling Report and Database for Leicester City Council (Sept 2020). The BRE Housing Stock Model data and the BRE report and database provides a modelled data set to estimate the location and concentration of HMOs and private rented dwellings by area for Leicester city.

Option A: Selective Licensing – Suggested Scheme

Area bounded by light blue line - Estimated number of Private Rented Dwellings in the area – 8,275

LSOAs selected include those with the highest proportion of cases per total number of PR properties PLUS with an overall high level of cases (more than 50 in the area)

Map Showing LSOA areas with a High Percentage of Private Rented Properties
Levels of housing condition and antisocial behaviour By LSOA

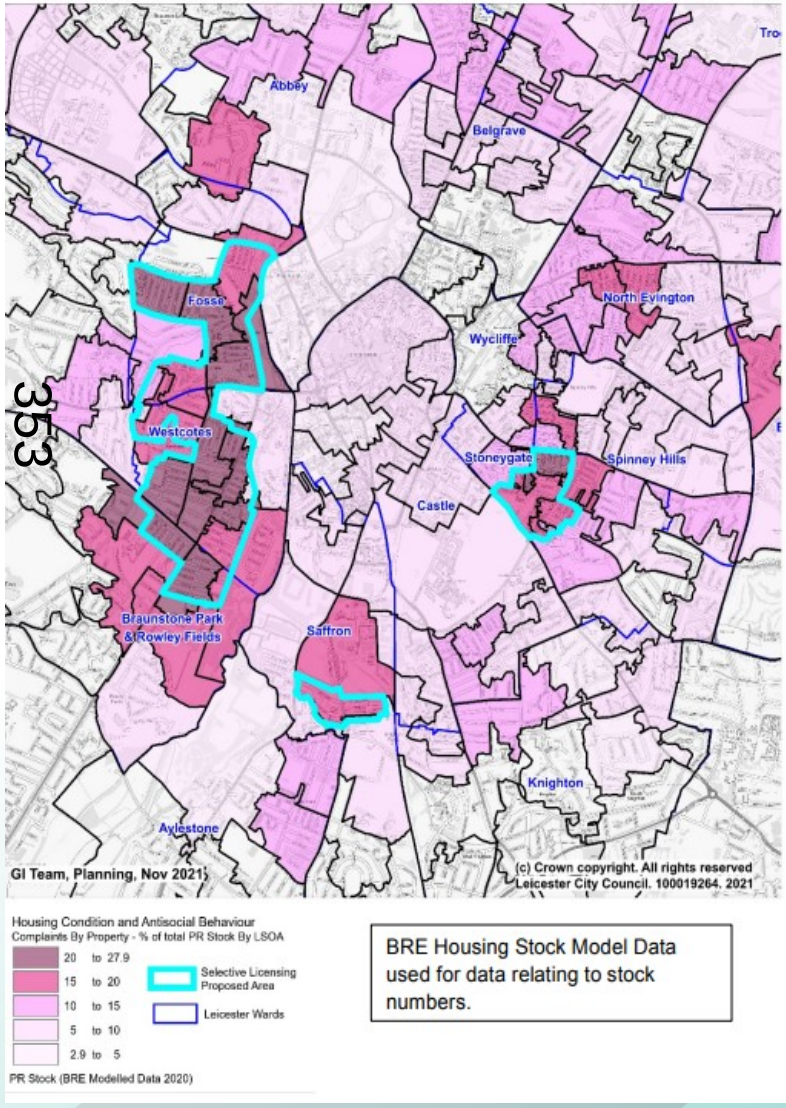


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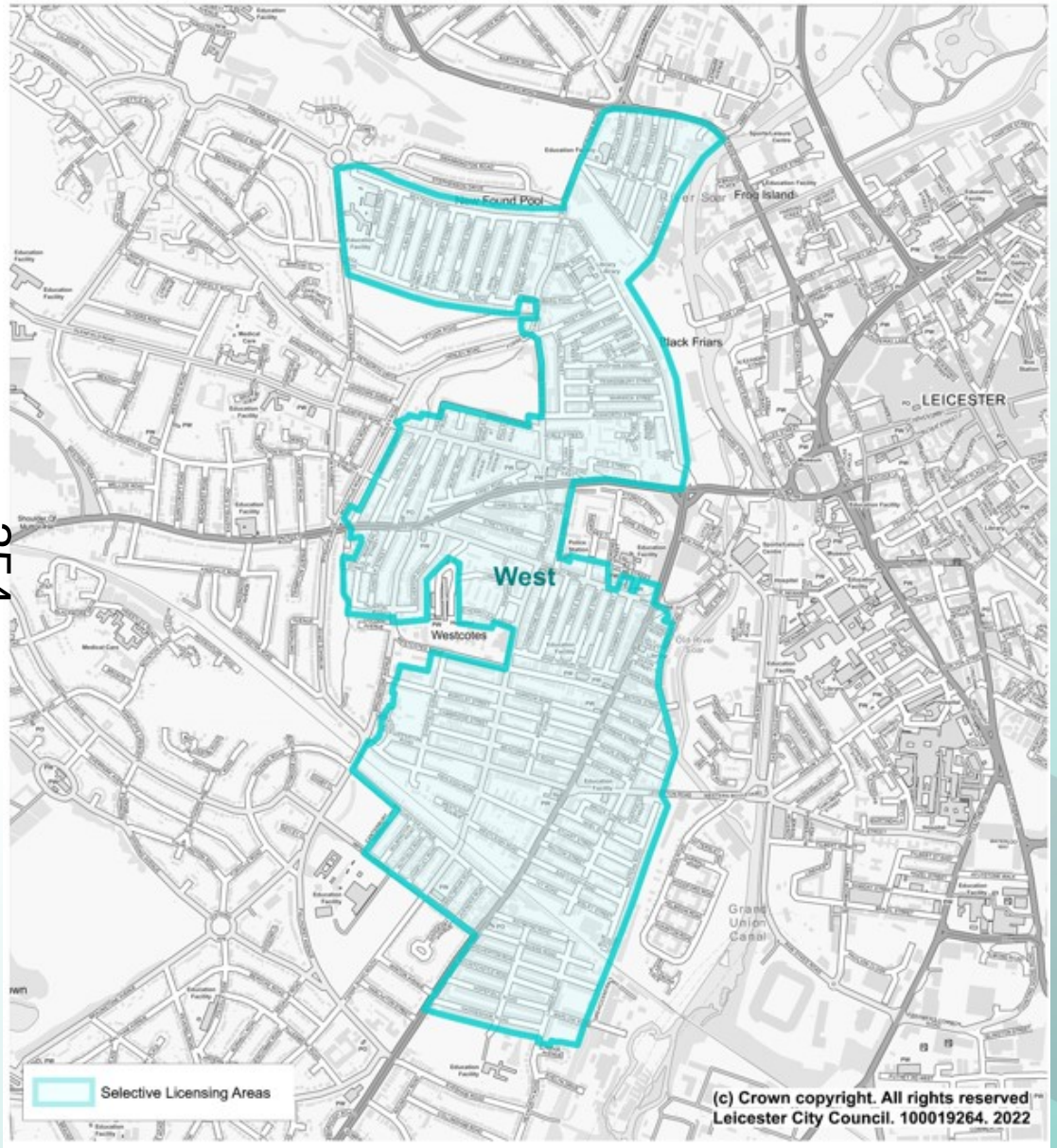
Table 3: LSOAs in Selective Licensing Scheme - Complaints/issues by Tenure type and LSOA

Ward	LSOA	Total Dwellings	Private Rented*	% PR	HMOs*	% HMO of All	Num Cases PR	% Cases PR	Num Cases HMO	% Cases HMO
Saffron	Leicester 031D	943	420	44.5	66	7.0	75	17.9	17	25.8
Fosse	Leicester 016A	851	528	62.0	157	18.4	92	17.4	37	23.6
Fosse	Leicester 016B	828	461	55.7	102	12.3	95	20.6	24	23.5
Fosse	Leicester 016C	1057	700	66.2	164	15.5	149	21.3	50	30.5
Fosse	Leicester 016D	1215	658	54.2	163	13.4	183	27.8	49	30.1
Stoneygate	Leicester 022E	622	226	36.3	32	5.1	52	23.0	5	15.6
Westcotes	Leicester 023A	798	656	82.2	273	34.2	170	25.9	93	34.1
Westcotes	Leicester 023B	760	631	83.0	281	37.0	128	20.3	72	25.6
Westcotes	Leicester 023D	966	761	78.8	245	25.4	165	21.7	82	33.5
Westcotes	Leicester 023E	744	532	71.5	282	37.9	102	19.2	63	22.3
Westcotes	Leicester 023F	716	365	51.0	77	10.8	63	17.3	16	20.8
Westcotes	Leicester 023G	550	318	57.8	197	35.8	73	23.0	51	25.9
Stoneygate	Leicester 027D	1023	565	55.2	191	18.7	96	17.0	54	28.3
Stoneygate	Leicester 027F	593	355	59.9	201	33.9	67	18.9	38	18.9
BP & RF	Leicester 028E	636	342	53.8	185	29.1	78	22.8	48	25.9
Westcotes	Leicester 029C	1803	1297	71.9	260	14.4	204	15.7	84	32.3
BP & RF	Leicester 029D	810	515	63.6	159	19.6	123	23.9	50	31.4
Saffron	Leicester 031D	943	420	44.5	66	7.0	75	17.9	17	25.8

The boundary largely follows LSOA boundaries but altered in a few areas to follow more logical boundaries according to local knowledge. Eg large modern development excluded in Western as unlikely to have property condition issues.

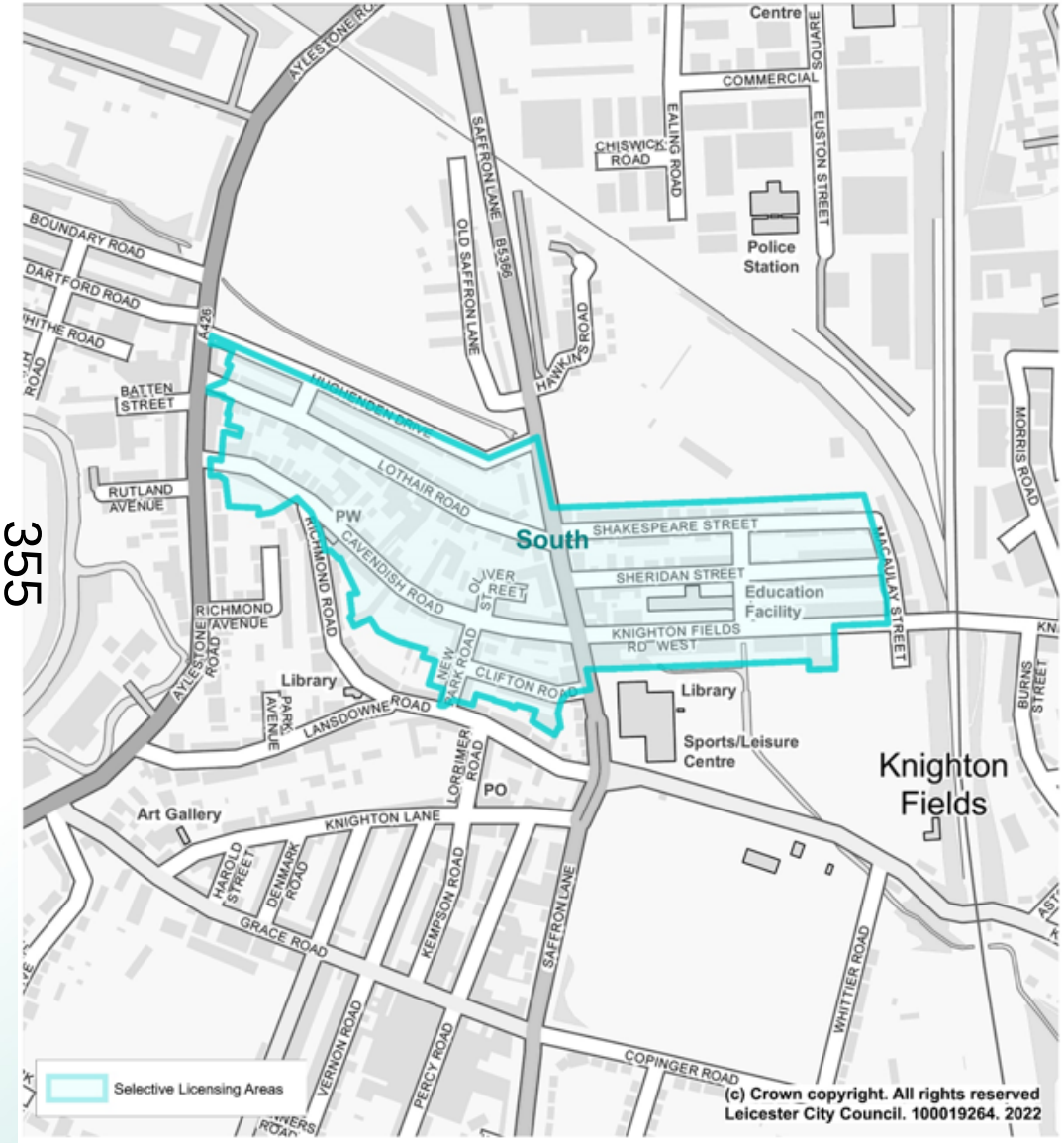
Boundaries of 31D and 29C modified to exclude large very modern developments

Map Showing Selective Licensing Scheme Area - West

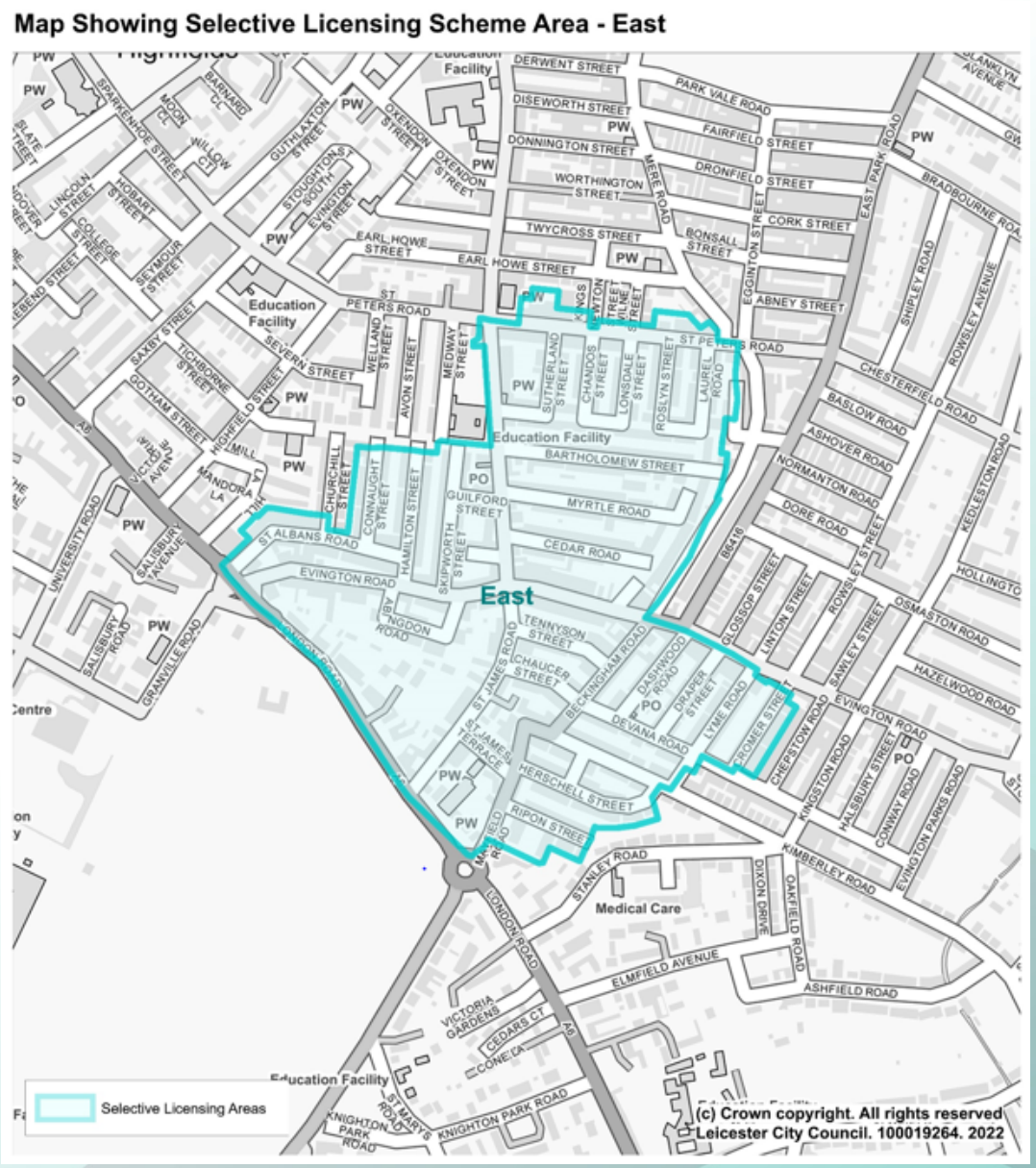


Selective Licensing WEST Cluster Area: Parts of Fosse, Westcotes and Braunstone Park & Rowley Fields Wards

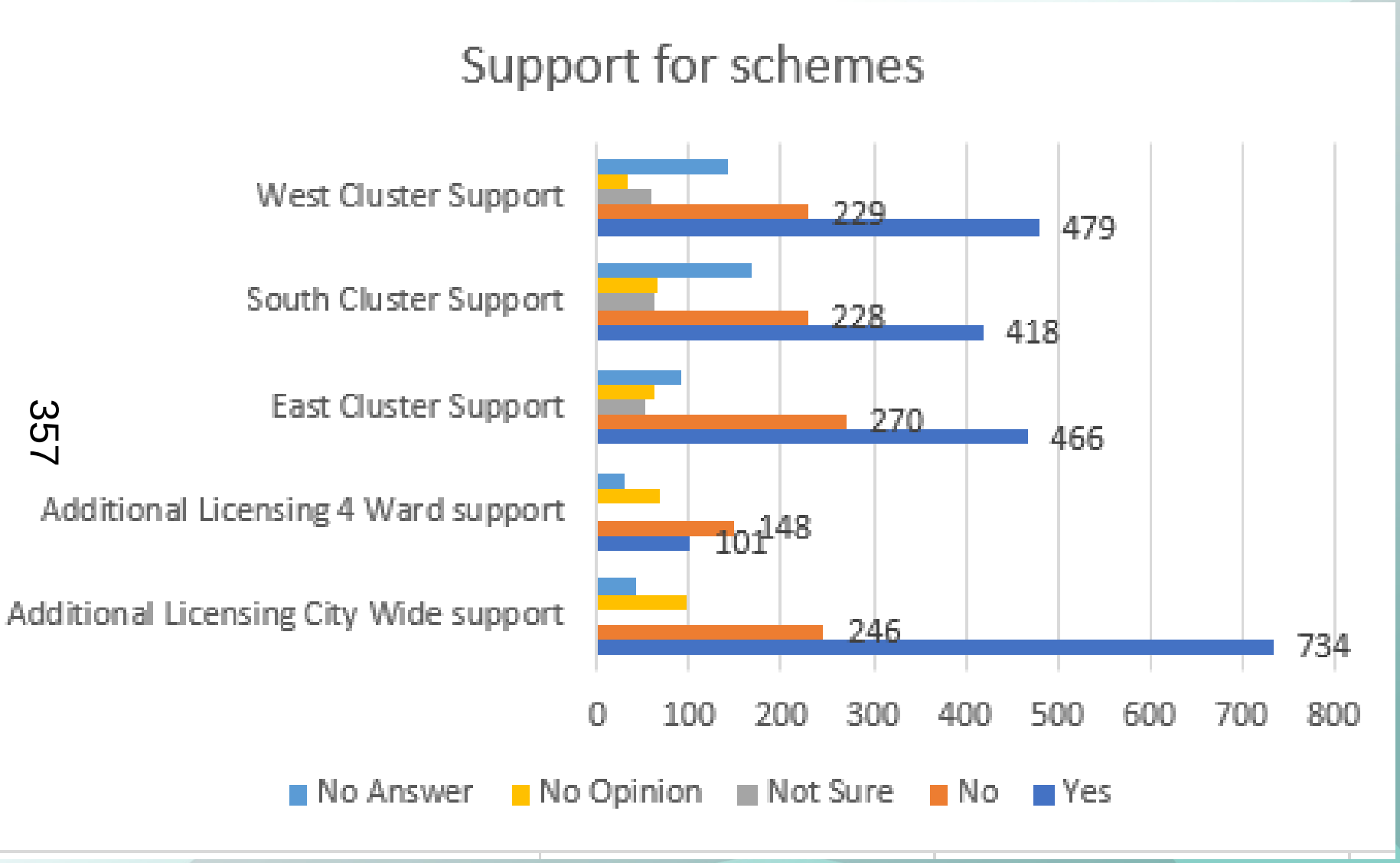
Map Showing Selective Licensing Scheme Area - South



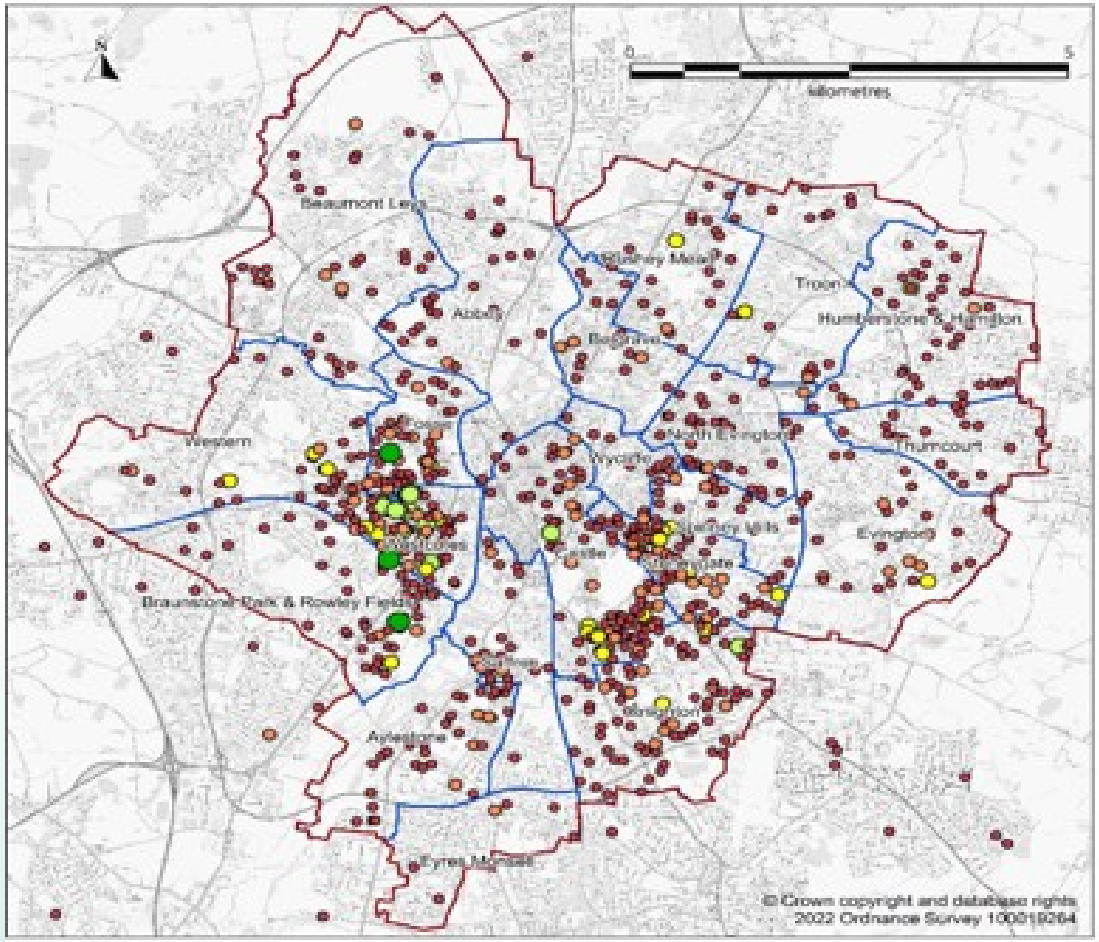
Selective Licensing SOUTH Cluster Area: South Part Saffron



Selective Licensing EAST Cluster Area: Part of Stoneygate


Support for schemes
West Cluster Support
South Cluster Support
East Cluster Support
Additional Licensing 4 Ward support
Additional Licensing City Wide support
229
479
228
418
270
466
148
101
246
734
0
100
200
300
400
500
600
700
800
No Answer
No Opinion
Not Sure
No
Yes

Discretionary Licensing Consultation



Number of Responses Grouped by Postcode
(Occurrences Count)

1	(688)
2	(118)
3	(31)
4	(12)
5	(3)
7	(2)

Leicester City Boundary

Ward Boundary

Leicester
City Council

Geographical Information & Plans
Processing Team, February 2022

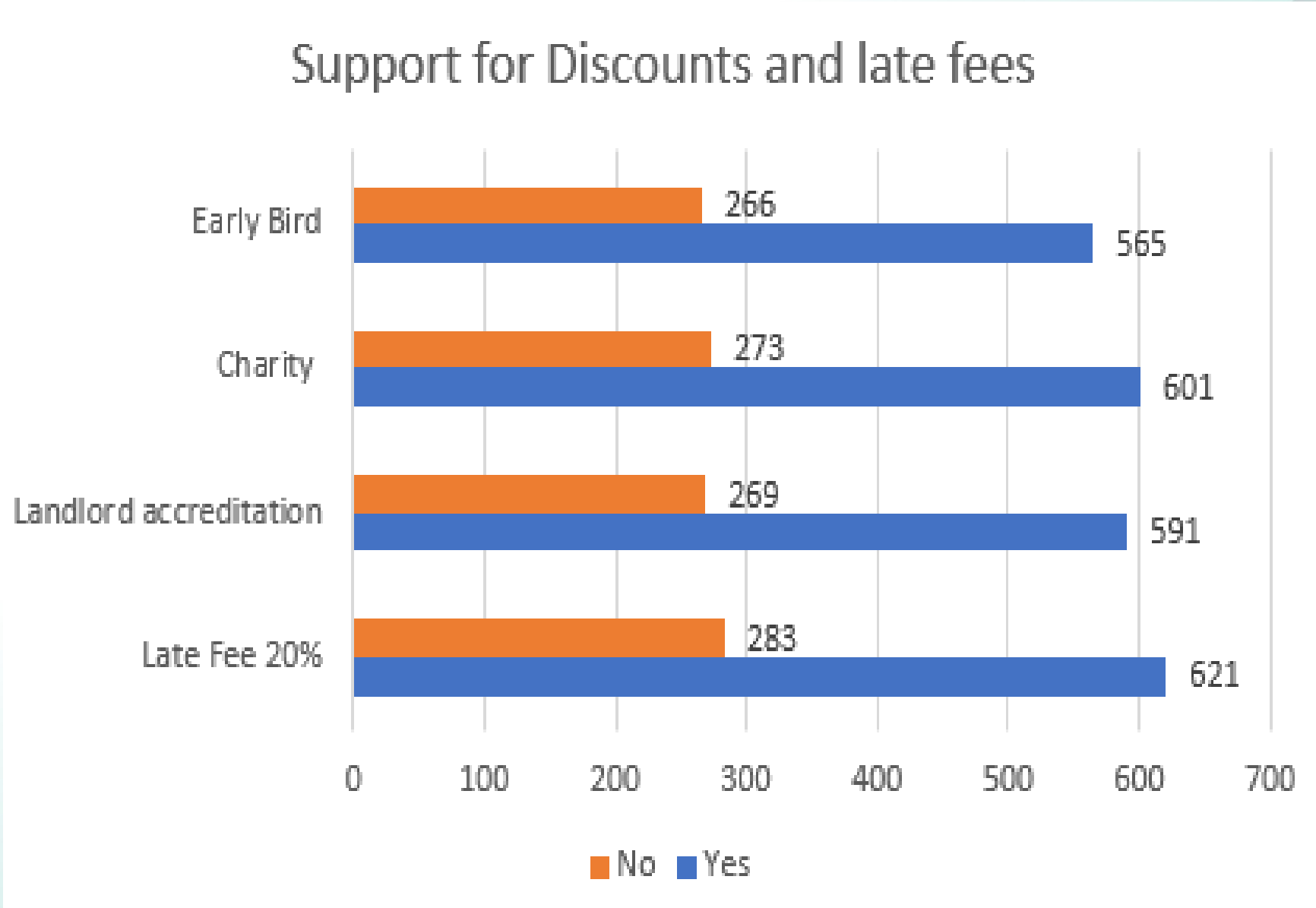
Ward	SLC Responses count by ward	%
Westcotes	132	12.69
Castle	130	12.5
Stoneygate	107	10.29
Knighton	99	3.52
Fosse	68	6.54
Braunstone Park and Rowley Fields	64	6.15
Western	53	5.67
Humberstone & Hamilton	46	4.42
Aylestone	38	3.65
Beaumont Leys	38	3.65
Evington	38	3.65
Abbey	32	2.69
Saffron	28	2.69
Rushey Mead	26	2.5
Troon	22	2.12
Spinney Hills	20	1.32
Belgrave	19	1.83
Thurncourt	18	1.73
Wycliffe	15	1.44
Eyers Monsell	7	0.67

The responses have been further analysed in the table into responses received at Ward level. The proposed Selective Licensing Ward areas within the proposals have been highlighted in yellow. The highest response rate was from the Westcotes ward with 12.69% of the respondents

Option	Total
Fly tipping	388
Noise	367
Issues with crime / anti social behaviour	356
Housing Conditions	248
Difficulty getting repairs done	247
Unpaid rent	245
lack of contact with landlord / Agent	223
Public Health issues	132
Harassment / Intimidation	130
Unruly tenants	110
Fear of reporting repairs	88
Other	87
Lack of contact with tenants	83
problems associated with certificates (electicity)	31
Notice to quit for no apparent reason	30
problems associated with certificates (gas)	28
problems associated with certificates (fire)	23
problems associated with certificates (HMO)	22
Not answered	324

When asked whether there had been problems with private rented accommodation the top three issues identified were;

Fly-tipping
Noise
and,
Crime / anti-social behaviour.


Support for Discounts and late fees
Early Bird
266
565
Charity
273
601
Landlord accreditation
269
591
Late Fee 20%
283
621
0
100
200
300
400
500
600
700
No
Yes

The proposed discounts listed below:

- **Early bird discount be available for applicants that register prior to the commencement date of the scheme/s and following 6 months of the commencement date of the scheme/s.**
- **The late penalty date will be 18 months after the commencement date of the scheme**
- **Charities being discounted by 10 % up to the late penalty date.**
- **Accredited landlords discounted by 10% up to the late penalty date**
- **An EPC rating of A, B or C discounted by 10% up to the late penalty date**
- **Landlords with multiple applications be discounted after the first application by 10% up to the late penalty date.**
- **The maximum number of discounts applicable to a licence will be three.**
- **A late penalty fee of £200 will be added to the licence fee for those properties that are not registered within 18 months of the commencement date of the scheme/s.**

Proposed fees and discounts applied

Option	Licence Type	Proposed Fee	Licence Application Fee	Enforcement Fee	Proposed fee - 10%	Proposed fee - 20%	Proposed fee - 30%
A	Selective Licence	£1,090	**£872**	£218	£981	£872	£763
B	Additional Licensing (Citywide)	£1,150	**£920**	£230	£1,035	£920	£805
C	Additional Licensing (4 Wards)	£1,250	**£1,000**	£250	£1,125	£1,000	£875
A + B		£1,050	**£840**	£210	£945	£840	£735
A + C		£1,080	**£864**	£216	£972	£864	£756

Numbers of Proposed Licences in each scheme

	Selective Licensing	City Wide Additional	4 Ward Additional	A+B	A+C	Source
Total number of rented properties	7,939	7,410	2,425	15,349	10,364	BRE Data
Proportionate reduction due to modelling	0%	15%	15%			(BRE data modelling error)
Number of chargeable properties	7,939	6,299	2,061	14,238	10,000	

RISK

Risk	Potential issues	Mitigation
Ability to process applications	The number of licences to process exceeds capacity of staffing levels	Limit licensing to selective licensing within designated areas and limit number of discounts to three.
Resourcing and Staff	Insufficient resources to deliver discretionary licensing	Recruitment exercise in place to ensure staffing levels are accomplished the increase of staff for additional licensing would be hindered due to the significant staffing levels required
Financial Risk	Costs to LCC due to increased inspection and enforcement work and temporary accommodation costs	The fee structure has been developed to recover all monies required to develop the scheme. The scheme is cost neutral by the end of the scheme.
Scheme Fails	The scheme is not taken up by all landlords	A communications matrix has been put in place to promote the scheme and discounts are available to reduce the costs for applying for those that make an application. Failure to licence will be pursued and legal action can be taken for none licensing.
Reputational risk	The impact of substandard and/or dangerous accommodation in the city if discretionary licensing is not delivered.	Instigation of discretionary licensing and maintain links with external agencies to ensure progress is monitored and information communicated ensuring the take up of the scheme is universal. Publicise actions taken to raise standards and fight the issues o be addressed

Thank You

Any Questions?

Appendix C

Update Report

Who Gets Social Housing 2021 - 2022

Lead Member Briefing: 25th April 2022

Housing Scrutiny Commission: 6th June 2022

Assistant Mayor for Housing: Cllr Elly Cutkelvin

Lead Director: Chris Burgin

Useful information

- Ward(s) affected: All
- Report authors: Justin Haywood, Head of Service, Housing (Housing Solutions & Partnerships)
- Author contact details: justin.haywood@leicester.gov.uk
- Report version number: 1

1. Purpose

1.1. This report provides an update to Members of the 'headline' Housing Register and Lettings data, relating to Leicester City Council's Housing Register.

1.2. The report deals with the period starting 1st April 2021 and ending 31st March 2022.

2. Headline data from the Housing Register

2.1. *Overall number of households on the Housing Register*

2.1.1. The number of households on the Housing Register has decreased by 5% from 6366 on 01/04/2021 to 6053 on 01/04/2022.

2.1.2. This decrease is not as a result of lowered demand. Instead it is the result of a cleansing exercise undertaken where inactive applications were cancelled. Applicants who make contact again within 6 months of cancellation can be reinstated with no detrimental effects.

2.2. *Banding proportions*

2.2.1. Band 1 applicants account for 16% (964) of all households on the Housing Register, a small increase of 2% from the previous year.

2.2.2. Band 2 applicants account for 40% (2440). This is a small increase of 2% from the previous year.

2.2.3. Band 3 applicants account for 44% (2649). This is a decrease of around 4% from the previous year.

2.3. *Primary reasons for joining the Register*

2.3.1. Overcrowding remains the biggest reason for joining the Housing Register and currently accounts for 59% (3589) of the register.

2.3.2. Following a Summer 2019 Policy change, there are now three levels of banding priorities for overcrowding, rather than the original two. This allows for overcrowding needs on the Housing Register to be better separated dependent on level of need, which in turn allows for those in the most critical housing need to be elevated and prioritised appropriately.

2.3.3. The following information summarises the differences between priorities:

- Band 1 Overcrowding priority is awarded to those whose overcrowding meets the most critical need – either meeting the statutory overcrowding definition within the Housing Act 198, or otherwise exceeding the property's maximum occupancy levels.

- Band 2 Overcrowding priority is awarded to those whose overcrowding falls short of Band 1 criteria, but is acknowledged within LCC's Allocations Policy as severe – generally those lacking 2 bedrooms or more, or families living in 1-bed flats.

- Band 3 Overcrowding priority is awarded to those whose overcrowding is not severe, but is acknowledged within LCC's Allocations Policy as causing potential houses difficulties – generally those lacking just one bedroom.

2.3.4. The number of statutory overcrowded/critically overcrowded households has increased from 158 to 218 (38% increase) in the last 12 months. This is partly due to the greater awareness of the higher priority awarded to those with the severest overcrowding leading to more overcrowding assessments being requested.

2.3.5. There is evidence that the Policy change is working as intended as those with more critical overcrowding circumstances are receiving offers at greater rates than others, but the overall increase is also evidence that we need to do more to tackle overcrowding in the city.

2.3.6. The Housing Division hold an Overcrowding Reduction Strategy to look at other ways to tackle the housing register, and are in the process of introducing a scheme to incentivise and assist with moves where people are under-occupying homes, to allow those homes to be better utilised. The strategy also includes recruiting a resource that can work more closely with applicants on the register with the most critical overcrowding situations to exploring options, including pragmatic solutions such as extending homes, where viable.

2.3.7. People who are homeless or threatened with homelessness account for 22% (1157) of all households on the Housing Register. The number of cases has increased by 16% in the last 12 months. This is mainly due to a general increase in the number of households approaching the council for homelessness assistance.

2.3.8. More detailed information on reasons for joining the housing register can be found at Appendix 1 - Households on the Register by Band & Priority and as at 01/04/2022.

2.4. *<u>Housing demand vs. Housing Need</u>*

2.4.1. Housing demand and housing need are different.

2.4.2. Housing need is driven by population growth and various socioeconomic factors, and is measured by the Local Authority in terms of circumstances. These circumstances are then assessed, and priority is awarded on the housing register depending on the level of housing need.

2.4.3. Housing demand includes housing need as a driver, but other drivers exist. Housing demand is also driven by preference, for example wanting to live in a certain area of the city. This can subsequently drive up waiting times in that particular area. Preference is a key element of Leicester City Council's Housing Register, as we operate a choice-based lettings scheme, allowing applicants to bid on properties as they wish (with the exception of those priorities that require auto-bidding due to urgency).

2.4.4. In Leicester, we can ascertain that:

Type of accommodation (i.e. house, bungalow, flat, maisonette)

- Need for all types of accommodation is high, and significantly outstrips supply.
- When looking at family-sized housing, houses have higher demand than maisonettes and flats, leading to lower average waiting times for the latter.

Adapted accommodation

- Need for adapted accommodation outstrips supply significantly. Work is ongoing to analyse this and determine how we can increase supply.

Size of accommodation

- The highest size-need is for 2-bedroom accommodation which accounts for 33% of total need.

Area of accommodation

- Housing need in all areas of the city is high, needs are highest in Troon Ward and Eyres Monsell Ward where 21.3% of people on the housing register are awarded the highest possible priority (Band 1). Lowest need is in Stoneygate Ward and North Evington Ward, where Band 1 figures stand at 11.3% and 11.5% respectively. Mapped data can be found at Appendix 4 - % of Applications within each Ward that are awarded Band 1 Priority.
- Housing demand shows us a different picture. By comparing various data sets we can reliably conclude that demand for housing in Belgrave, North Evington, Wycliffe, and Stoneygate Wards is highest, despite housing need in those areas being relatively low in severity. Evidence from customer interactions backs up the conclusion above, and also suggests that those currently living in those areas prefer to remain there if possible, and will wait longer on the register in order to do so, potentially leading to the high number of ongoing applications in those wards. Appendices 2 and 3 provide mapped data on the number of applications ongoing within each ward, and the average time spend on the housing register within each ward.
- Supply (lets) across the city is disparate, with the north-west seeing high numbers of lettings, as well as pockets in the south and south-west. With the exception of Evington, lets in the east of the city are much lower, with the lowest being seen in Rushey Mead Ward – just 10 lets over the year. Supply in various wards can be affected by a number of factors but is primarily driven by the level of Council stock

in the area, and the frequency with which tenants leave accommodation. Mapped data can be found at Appendix 5 - Number of lettings in each Ward area.

Landlord preference

- Demand for Council tenancies is higher than Housing Association tenancies, which are also available through the Housing Register. This leads to marginally lower average waiting times for the latter.

2.5. Other observations

2.5.1. Social Housing tenants (Leicester) account for 23% (LCC tenants 904, 15% & RSL tenants 508, 8%) of all households on the Housing Register.

3. Lettings Headline data

3.1. Overall number of lettings

3.1.1. There were 1189 lettings during 2021/2022. Lettings during 2020/2021 were 980. This equates to a net increase of 209 lets (21%).

3.1.2. This is primarily due to the easing of pandemic restrictions that has enabled more services to be provided in the lettings process, most notably with Registered Providers who have now reverted to pre-pandemic norms.

3.2. Which applicants are achieving the lettings?

3.2.1. Of all lettings in 2021/2022;

- Band 1 accounted for 69.5% (827) of offers of accommodation.
- Band 2 accounted for 26% (308).
- Band 3 accounted for 4.5% (54).

3.2.2. This is very similar to the breakdown seen for 2020/2021, although it should be noted that all bands achieved more lets than in 2020/2021 due to the 23% increase in lets overall.

3.2.3. 621 (52%) of all lettings were for households who became homeless or were at risk of becoming homeless within 56 days. This was a 1% proportionate decrease from the corresponding period last year, which is considered to be steady, and reflects the support given to homeless households to secure settled accommodation through the housing register.

3.2.4. More detailed information on lettings can be found at Appendix 6 - Lettings by Priority for the 12-month period 01/04/2021 – 31/03/2022, and Appendix 7 - Lettings by Area for the 12-month period 01/04/2021 – 31/03/2022.

3.3. *Time taken to achieve an offer of accommodation*

3.3.1. Please note that where the charts below state a number, the number indicates the average time, in months, to achieve an offer during the period for applicants who are regularly bidding and exploring all available options across the whole city. Amount of time spent on the register is highly dependent on the applicant's activity and choices. As such, waiting times increase as a result of lower bidding activity and/or activity that is focused on particular areas of the city, or particular property types.

3.4. *Waiting times for 'General Needs' properties*

3.4.1. For general needs properties that were not directly allocated, the current average waiting times for Band 1 households within 2021/2022 were (shown in months):

3.4.2. General needs properties are known as Cat C properties, and are defined as those that do not have any significant adaptations installed.

	1 Bed	2 Bed	3 Bed	4 Bed+
BAND 1				
House / Maisonette	N/A	9	8	10
Bungalow	5	19	N/A	N/A
Flat	5	4	N/A	N/A
Bedsit	2	N/A	N/A	N/A
Sheltered	1	N/A	N/A	N/A

* N/A indicates there were no lets of that type in the period.

3.4.3. This has remained relatively steady compared to 2020/2021 but it should be noted that it is significantly increased from 2019/2020 where offers within Band 1 could be received within an average of 4 months. This is attributed to:

- Declining LCC stock numbers, with a lack of family homes in particular - 52% of lets were 1-bed accommodation.

- Direct allocation processes to those in critical need will have left those in less critical need waiting for a longer-than-normal period due to having access to 63% of vacancies, rather than 100%.

3.4.4. For general needs properties that were not directly allocated, the current average waiting times for Band 2 households within 2021/2022 were (shown in months):

	1 Bed	2 Bed	3 Bed	4 Bed+
BAND 2				
House / Maisonette	N/A	28	38	48
Bungalow	8	36	N/A	N/A
Flat	16	30	N/A	N/A

Bedsit	16	N/A	N/A	N/A
Sheltered	3	N/A	N/A	N/A

* N/A indicates there were no lets of that type in the period.

3.4.5. This has seen an increase compared to 2020/2021 and it should be noted that it is significantly increased from 2019/2020 where offers within Band 2 could be received within an average of 18 months for 2-beds, and 24 months for 3 beds. This is attributed to the same reasons as cited in 3.4.3., in addition to 2019 policy changes which placed more households with critical needs into Band 1.

3.5. Waiting times for Wheelchair Accessible Accommodation

3.5.1. Known as Cat A accommodation, and defined as being fully adapted for wheelchair users, which would include widened doorways.

3.5.2. For wheelchair accessible properties that were not directly allocated, the current average waiting times for households within 2021/2022 were (shown in months):

	1 Bed	2 Bed	3 Bed	4 Bed	5 Bed
BAND 1	10	27	35	40	48
BAND 2	36	48	48	60	60
BAND 3	48	60	60	60	60

3.5.3. This has seen an increase compared to 2020/2021. This is attributed to a supply and demand issue that is being actively addressed through development of an Adaptations Strategy. The Strategy, led by Housing Development, will look at how we can better meet adapted demand with our existing stock, and any new stock we acquire.

3.6. Other Adapted Accommodation

3.6.1. Known as Cat B accommodation, and defined as being significantly adapted, for example having a Level Access Shower in situ.

	1 Bed	**2 Bed**	**3 Bed**	**4 Bed**	**5 Bed**
BAND 1	4	9	20	48	60
BAND 2	5	31	41	60	60
BAND 3	8	48	48	60	60

3.6.2. This has remained relatively steady compared to 2020/2021.

3.7. Ground Floor Accommodation

3.7.1. Known as Cat G accommodation, and defined as being a property all on the ground floor, or having facilities on the ground floor that would make it suitable for someone unable to use stairs.

	1 Bed	2 Bed	3 Bed	4 Bed	5 Bed
BAND 1	5	7	36	60	60
BAND 2	8	8	48	60	60
BAND 3	12	12	60	60	60

3.7.2. This has seen small improvements compared to 2020/2021.

3.8. *Housing Association & HomeCome Lettings*

3.8.1. Lettings from Housing Associations account for 246 (21%) of all lettings in the last 12 months. This is an increased compared to 146 (15%) of all lettings in 2020/2021. This increase is primarily due to the easing of pandemic interim process as referenced in 3.1.2.

3.8.2. PA Housing Association was the largest provider with 120 (46%) of the lets with Riverside Midlands Housing Association being the next highest provider with 31 lettings (12%).

3.8.3. There were 192 lettings to private landlords via the Housing Options Private Rented Sector Team. This was an increase of 53 (38%) from the corresponding period last year. This is mainly due to an increase in the confidence of private landlords to let properties following the easing of rules imposed by the government during the pandemic to prevent homelessness, combined with the improved Landlord Incentive Schemes launched in July 2021.

3.9. *Direct Lettings*

3.9.1. Leicester City Council's Housing Allocations Policy allows for direct allocations of housing to be made to applicants whose circumstances merit priority rehousing on the basis of managing risk, emergencies, and best use of stock.

3.9.2. The number of direct lettings accounts for 27% (324) of all lettings for the 12-month period. This was an 11% decrease from the corresponding period last year (38%, 375), with the number of lets made in this way reducing by 51.

3.9.3. Direct lets to homeless households (or households at risk of becoming homeless within 56 days) accounts for 86% (280) of total direct lettings.

3.10. *Other observations*

3.10.1. There was a total of 620 lettings of 1-bedroom accommodation in the last 12 months. This accounts for 52% of all lettings.

3.10.2. New Parks had the most lettings (167) in the last 12 months followed by Mowmacre / Stocking Farm (128), and Beaumont Leys (117).

4. Summary of appendices:

4.1. Appendix 1 - Households on the Register by Band & Priority and as at 01/04/2022
4.2. Appendix 2 - Map - Applications on the Housing Register by Ward
4.3. Appendix 3 - Map - Average time spend on the register (months) by Ward
4.4. Appendix 4 - Map - % of Applications within each Ward that are awarded Band 1 Priority
4.5. Appendix 5 - Map - Number of lettings in each Ward area
4.6. Appendix 6 - Lettings by Priority for the 12-month period 01/04/2021 – 31/03/2022
4.7. Appendix 7 - Lettings by Area for the 12-month period 01/04/2021 – 31/03/2022
4.8. Appendix 8 - Customer Information Dashboard

5. Is this a private report? No

6. Is this a "key decision"? If so, why? No – update only.

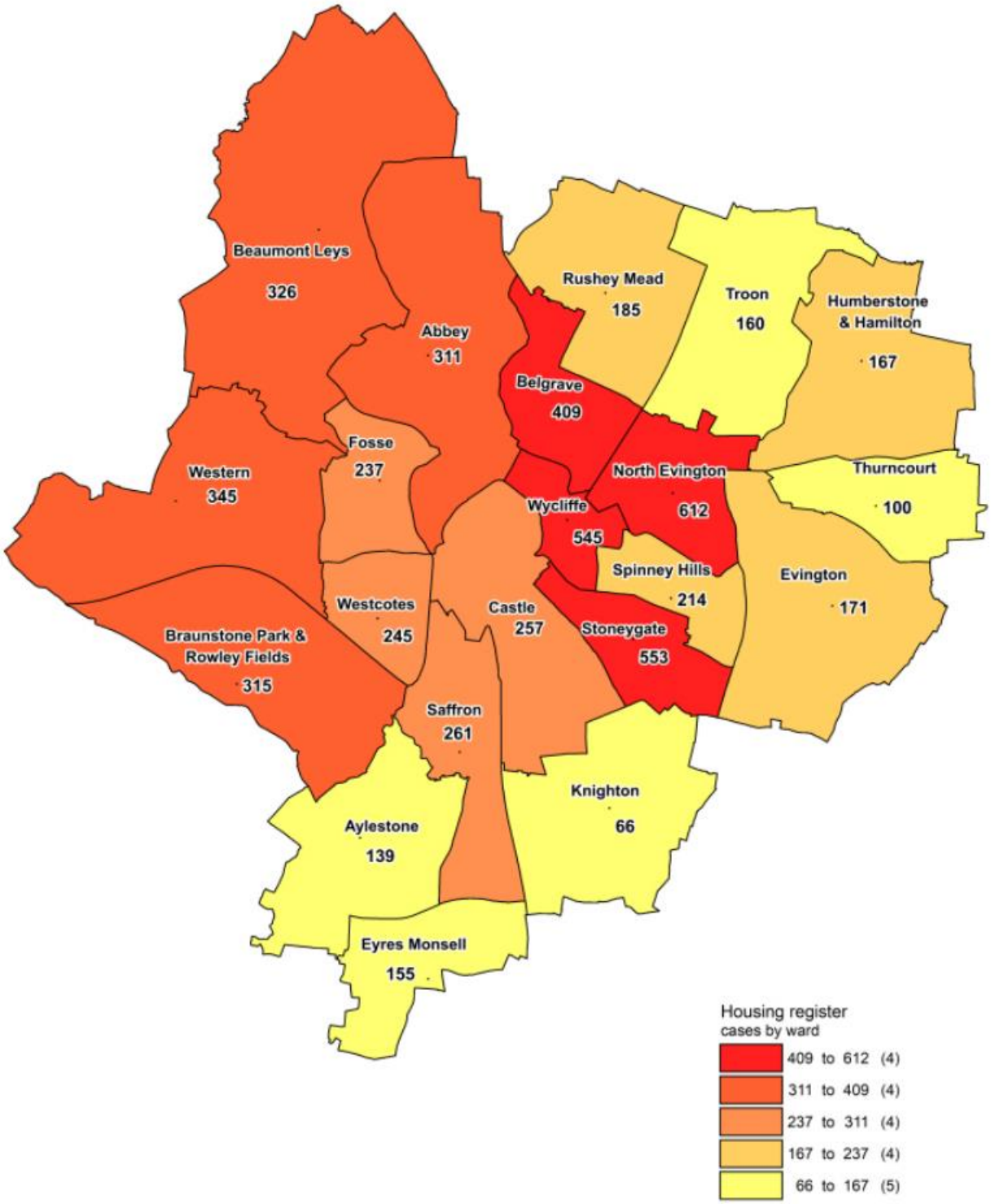
Appendix 1

Households on the Register by Band & Priority and as at 01/04/2022

	1 Bed	2 Bed	3 Bed	4 Bed	5 Bed	6 Bed	7 Bed	9 Bed	Total
BAND 1	**214**	**325**	**256**	**106**	**52**	**11**	**-**	-	**964**
Harassment	4	21	10	1	1	-	-	-	37
Management Case	17	7	2	3	1	-	-	-	30
Medical	66	74	78	37	12	2	-	-	269
Priority Under-occupation	58	5	2	-	-	-	-	-	65
Referred Case	1	7	1	-	1	-	-	-	10
Statutory Overcrowding	1	74	78	29	29	7	-	-	218
Statutory Homeless	38	134	85	36	8	2	-	-	303
Young Person Leaving Care	29	3	-	-	-	-	-	-	32
BAND 2	**837**	**882**	**345**	**233**	**110**	**27**	**5**	**1**	**2440**
Care package ASC	29	2	-	-	-	-	-	-	31
Leaving Armed Forces	1	1	-	-	-	-	-	-	2
Leaving Residential Care	9	1	-	-	-	-	-	-	10
Medical	100	115	152	72	13	4	-	-	456
Overcrowded Families in 1 Bed	-	482	86	6	2	-	-	-	576
Severe Overcrowding	-	9	30	137	92	23	5	1	297
Statutory Homeless	409	228	63	15	2	-	-	-	717
Temporary Accommodation	289	29	5	1	-	-	-	-	324
Under-occupation	-	15	9	2	1	-	-	-	27
BAND 3	**785**	**820**	**836**	**187**	**19**	**2**	**-**	-	**2649**
Sheltered Housing Only	88	-	-	-	-	-	-	-	88
Adult Leaving Care	1	-	-	-	-	-	-	-	1
Medical Care + Support	25	22	4	1	1	-	-	-	53
Overcrowding - Non Tenants	655	579	116	16	6	-	-	-	1372
Overcrowding - Tenants	12	218	714	169	11	2	-	-	1126
Right to Move	-	1	-	-	-	-	-	-	1
Workplace Move	4	-	2	1	1	-	-	-	8
Grand Total	**1836**	**2027**	**1437**	**526**	**181**	**40**	**5**	**1**	**6053**

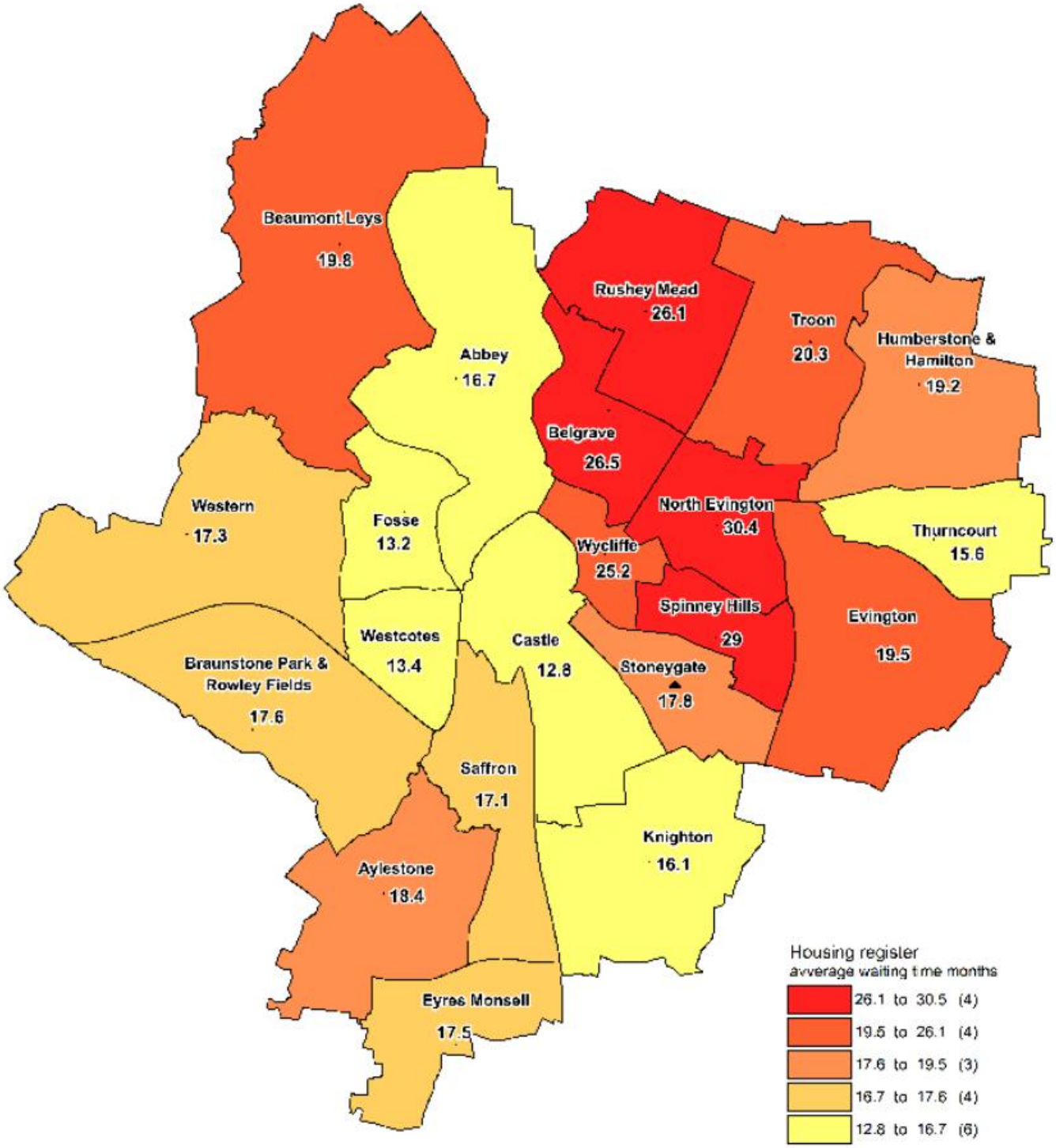
Appendix 2

Applications on the Housing Register by Ward (01/04/2022)



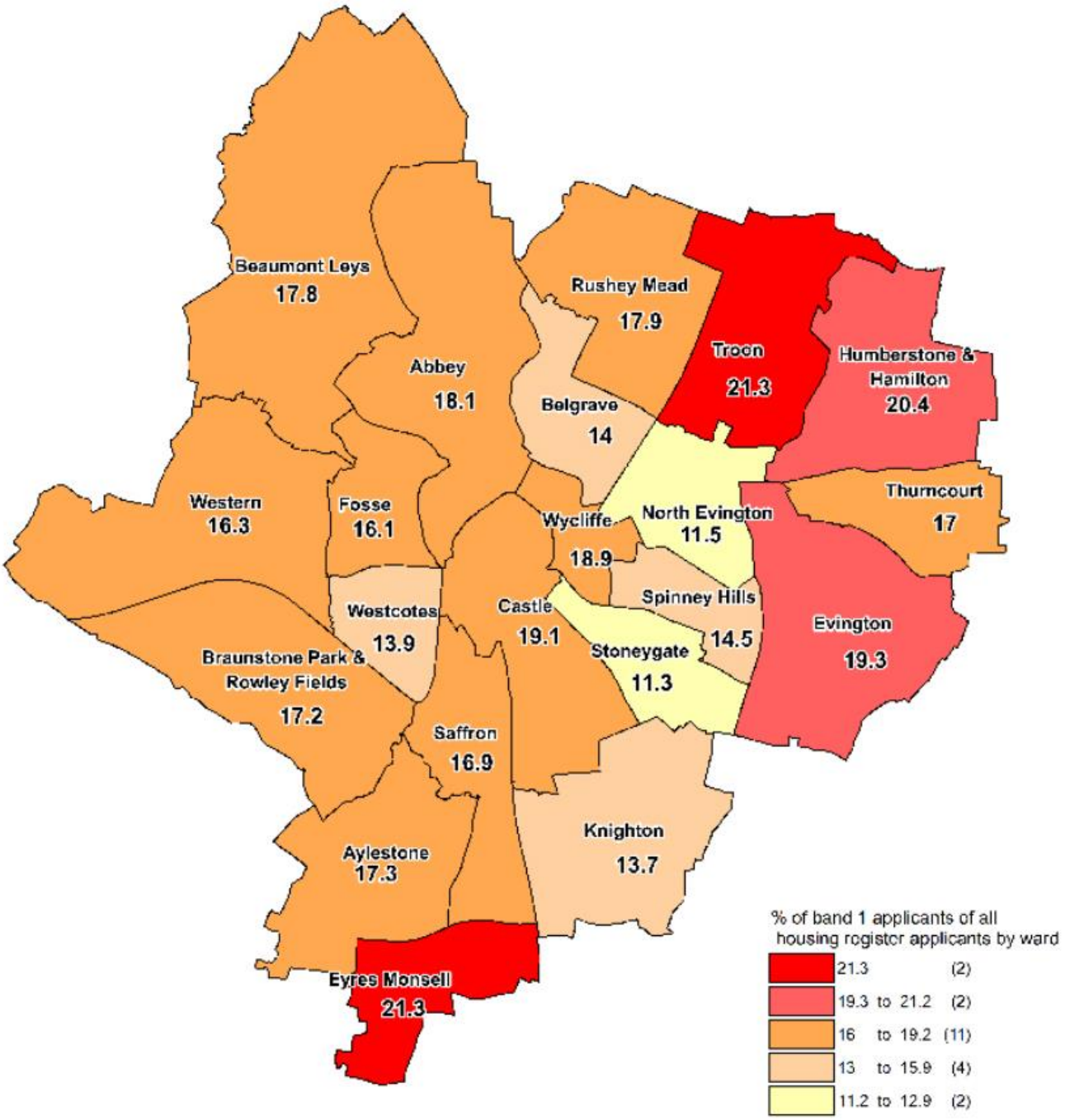
Appendix 3

Average time spend on the register (months) by Ward (01/04/2022)

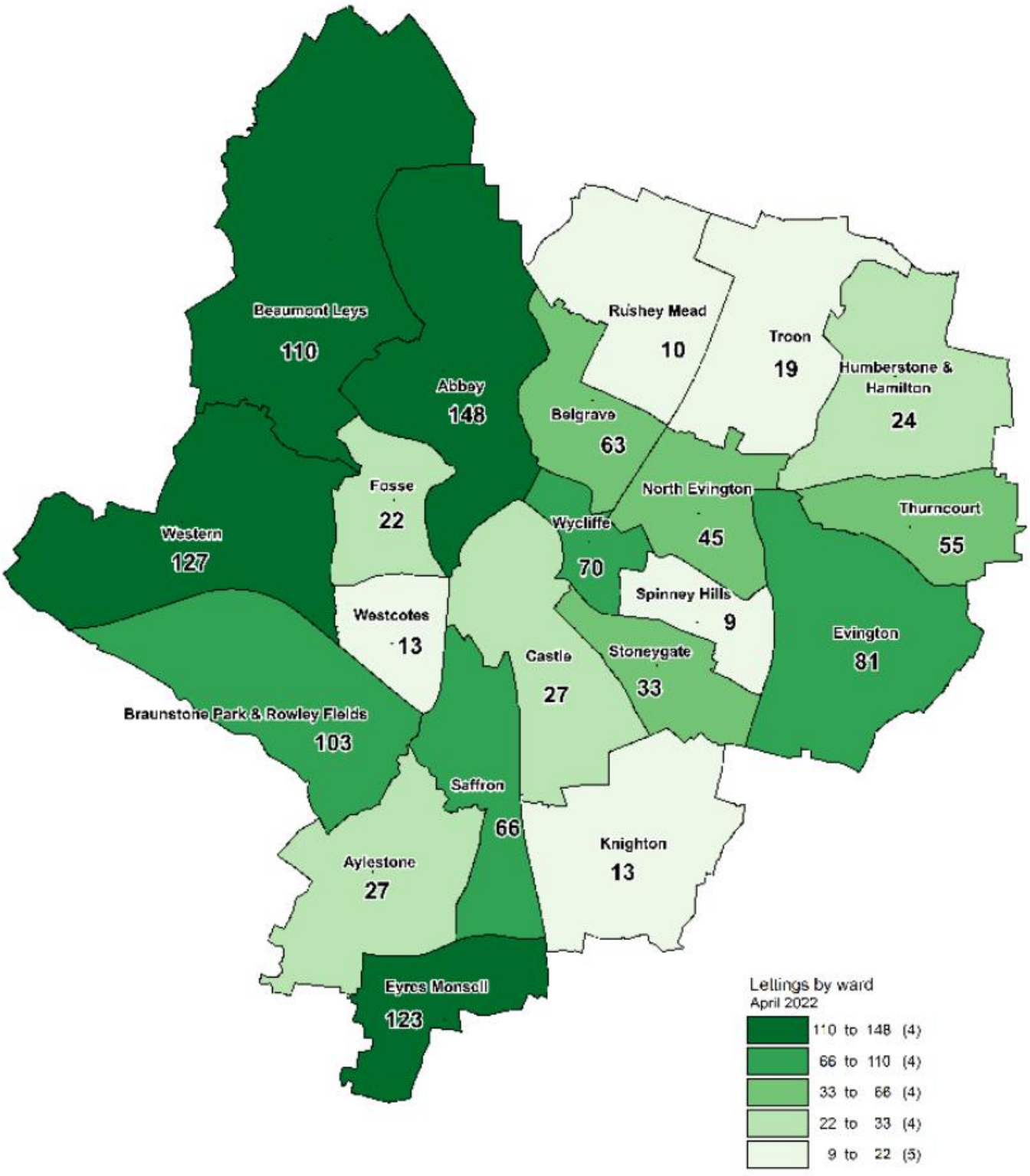


Appendix 4

% of Applications within each Ward that are awarded Band 1 Priority (01/04/2022)



Number of lettings in each Ward area (01/04/2022)



Appendix 6

Lettings by Priority for the 12-month period 01/04/2021 – 31/03/2022

Please note that allocations areas will not always directly correlate with Ward boundaries

	1 Bed	2 Bed	3 Bed	4 Bed	5 Bed	Total
BAND 1	**286**	**293**	**230**	**15**	**3**	**827**
Harassment	28	16	12	2	1	59
Management Case	22	10	7	-	-	39
Medical	59	27	19	3	-	108
Priority Under-occupation	31	2	-	-	-	33
Referred Case	1	2	1	-	-	4
Statutory Overcrowding	4	55	66	4	-	129
Statutory Homeless	96	177	124	6	2	405
Young Person Leaving Care	45	4	1	-	-	50
BAND 2	**281**	**15**	**11**	**1**	**-**	**308**
Care package ASC	12	-	-	-	-	12
Leaving Residential Care	3	-	-	-	-	3
Medical	58	7	3	1	-	69
Overcrowded Families in 1 Bed	-	5	2	-	-	7
Severe Overcrowding	-	1	-	-	-	1
Statutory Homeless	86	1	5	-	-	92
Temporary Accommodation	122	1	1	-	-	124
BAND 3	**53**	**1**	**-**	-	-	**54**
Sheltered Housing Only	16	-	-	-	-	16
Medical Care + Support	6	-	-	-	-	6
Overcrowding - Non Tenants	30	-	-	-	-	30
Overcrowding - Tenants	1	1	-	-	-	2
Grand Total	**620**	**309**	**241**	**16**	**3**	**1189**

Appendix 7

Lettings by Area for the 12-month period 01/04/2021 – 31/03/2022

	1 Bed	2 Bed	3 Bed	4 Bed	5 Bed	Total
Beaumont Leys	**59**	**37**	**19**	**1**	**1**	**117**
Bungalow	-	-	1	-	-	1
Flat	56	26	1	-	-	83
House	-	11	17	1	1	30
Sheltered	3	-	-	-	-	3
Belgrave	**60**	**14**	**5**	**1**	**-**	**80**
Bedsit	2	-	-	-	-	2
Flat	47	2	-	-	-	49
House	-	11	3	1	-	15
Maisonette	-	1	2	-	-	3
Sheltered	11	-	-	-	-	11
Braunstone	**52**	**9**	**40**	**2**	**-**	**103**
Bungalow	28	1	-	-	-	29
Flat	20	-	-	-	-	20
House	-	8	40	2	-	50
Sheltered	4	-	-	-	-	4
City Centre	**20**	**14**	**-**	-	**1**	**35**
Bedsit	4	-	-	-	-	4
Flat	14	11	-	-	-	25
House	-	3	-	-	1	4
Sheltered	2	-	-	-	-	2
Eyres Monsell	**39**	**24**	**44**	**4**	**-**	**111**
Bungalow	26	-	-	-	-	26
Flat	12	10	-	-	-	22
House	-	14	44	4	-	62
Sheltered	1	-	-	-	-	1
Highfields / Charnwood	**57**	**26**	**9**	**-**	-	**92**
Bedsit	6	-	-	-	-	6
Bungalow	3	-	-	-	-	3
Flat	42	4	-	-	-	46
House	-	16	4	-	-	20
Maisonette	-	6	5	-	-	11
Sheltered	6	-	-	-	-	6
Humberstone / Victoria / Hamilton / Tailby	**28**	**5**	**5**	**1**	**-**	**39**
Bungalow	6	-	-	-	-	6
Flat	13	1	-	-	-	14
House	1	4	5	1	-	11
Maisonette	1	-	-	-	-	1
Sheltered	7	-	-	-	-	7
Mowmacre / Stocking Farm / Abbey Rise	**47**	**49**	**28**	**3**	**1**	**128**
Bedsit	2	-	-	-	-	2
Bungalow	14	-	-	-	-	14
Flat	27	28	-	-	-	55

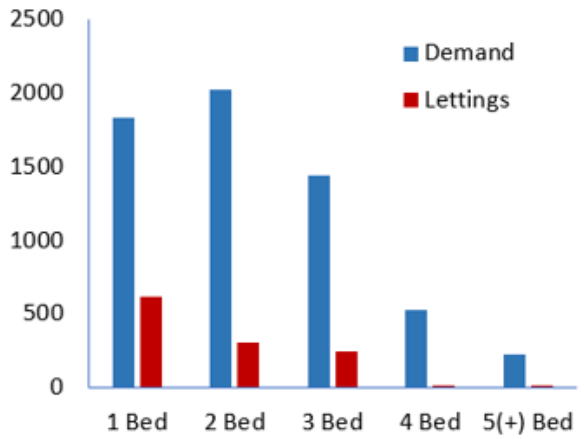
House	-	21	28	3	1	53
Sheltered	4	-	-	-	-	4
Netherhall / Thurnby Lodge	**52**	**16**	**6**	**-**	-	**74**
Bungalow	41	-	-	-	-	41
Flat	10	3	-	-	-	13
House	-	11	6	-	-	17
Maisonette	-	2	-	-	-	2
Sheltered	1	-	-	-	-	1
New Parks/Braunstone Frith/West End	**77**	**41**	**40**	**3**	**-**	**161**
Bungalow	23	2	-	-	-	25
Flat	49	15	-	-	-	64
House	1	23	40	3	-	67
Maisonette	-	1	-	-	-	1
Sheltered	4	-	-	-	-	4
Rowlatts Hill / Evington / Beatty / Coleman	**66**	**17**	**7**	**-**	-	**90**
Bungalow	10	-	-	-	-	10
Flat	52	9	-	-	-	61
House	-	7	7	-	-	14
Maisonette	-	1	-	-	-	1
Sheltered	4	-	-	-	-	4
Saffron / Aylestone	**32**	**31**	**34**	**1**	-	**98**
Bedsit	1	-	-	-	-	1
Bungalow	9	7	-	-	-	16
Flat	19	13	-	-	-	32
House	-	11	34	1	-	46
Sheltered	3	-	-	-	-	3
St Andrews / Bede Island / Knighton	**18**	**6**	**3**	**-**	-	**27**
Bedsit	1	-	-	-	-	1
Flat	16	5	-	-	-	21
House	-	1	3	-	-	4
Sheltered	1	-	-	-	-	1
St Matthews	**13**	**20**	**1**	**-**	-	**34**
Flat	12	-	-	-	-	12
House	-	-	1	-	-	1
Maisonette	-	20	-	-	-	20
Sheltered	1	-	-	-	-	1
Grand Total	**620**	**309**	**241**	**16**	**3**	**1189**

Who Gets Social Housing? (Council and Housing Association Homes)

Updated every 6 months
Last update: April 2022

Total Applicants on 1st April 2022	Total Lettings April 2021 to March 2022
6,053	1,189

Demand for housing v Supply



Average waiting times (months) for different property types*

*Figures quoted are average waiting times for individuals who are bidding regularly across all areas of the city

General Needs Homes

	1 BED	2 BED	3 BED	4 BED	5 BED
BAND 1	5	9	8	10	10
BAND 2	16	30	38	48	60
BAND 3	17	72	72	72	72

Wheelchair Accessible Homes

	1 BED	2 BED	3 BED	4 BED	5 BED
BAND 1	10	27	35	40	48
BAND 2	36	48	48	60	60
BAND 3	48	60	60	60	72

Accessible Homes with Level Access Shower

	1 BED	2 BED	3 BED	4 BED	5 BED
BAND 1	4	9	20	48	60
BAND 2	5	31	41	60	60
BAND 3	8	48	48	60	60

Ground Floor Homes

	1 BED	2 BED	3 BED	4 BED	5 BED
BAND 1	5	7	36	60	60
BAND 2	8	8	48	60	60
BAND 3	12	12	60	60	60

For further information visit our website at www.leicester.gov.uk/housingapplications

Appendix D

Homelessness & Rough Sleeper Strategy Update

Housing Scrutiny Commission: 6th June 2022

Assistant Mayor for Housing: Cllr Elly Cutkelvin

Lead Director: Chris Burgin

Useful information

- Ward(s) affected: All
- Report author: Caroline Carpendale
- Author contact details: caroline.carpendale@leicester.gov.uk
- Report version number: 1

1. Purpose

1.1. This report provides a further update to Members of the Housing Scrutiny Commission on progress in implementing Leicester's Homelessness & Rough Sleeping Strategy 2018-2023[1], since the last update to Scrutiny in October 2021.

2. Summary

2.1. Part 3 of this report gives important background information for the period.

2.2. Part 4 of this report shows the latest progress made since the last update across the key strategic aims:

1. Anyone at risk of homelessness is aware of and has access to the services they may need to prevent it.
2. Provide suitable accommodation and support options for people who are, or who may become homeless.
3. Reduce rates of repeat homelessness amongst single people.
4. Provide the right support and services so that no person needs to sleep rough in Leicester.

2.3. In summary good progress has been made on all points, although some objectives have had to be changed in order to respond to the recovery plan following the national COVID-19 pandemic.

3. Background

Homelessness & Rough Sleeping Strategy

3.1. All housing authorities are required to complete a homelessness review for their district and formulate and publish a 5-year homelessness strategy based on the results of the review.

[1] Homelessness and Rough Sleeping Strategy 2018-2023 (leicester.gov.uk)

3.2. Leicester City Council's fourth Homelessness Strategy was formally agreed May 2018 and coincided closely with the commencement of the Homelessness Reduction Act, which came into force on 3rd April 2018.

3.3. The Strategy factored in new pressures, and an updated landscape, and makes it clear that this is not a council endeavour alone, as tackling homelessness requires significant partnership working to address the root causes of homelessness and provide the level of support and advice needed to those affected.

3.4. As such, Leicester City Council, and key partners commit to undertake an ambitious programme of work to tackle homelessness locally. Work has been ongoing to implement the agreed actions / proposals and build on the extensive work already in place.

Homelessness Reduction Act

3.5. The Homelessness Reduction Act[2] significantly increased the depth and breadth of local authorities' statutory homeless duties. Most notably it added two new duties: the 'Prevention Duty' and 'Relief (recovery from homelessness) Duty'.

3.6. As a result, the workload of our front-line officers and the Service increased significantly, and the government have provided temporary funding to acknowledge these increased burdens upon local authorities. It is important that this funding continues to be made available by central government if they expect local authorities to continue to achieve the level of prevention and support currently being delivered.

Covid-19 Pandemic – Recovery

3.7. In addition to existing pressures, Leicester's 'Everyone In' directive, which began at the end of March 2020 continued through to April 2021. The directive ensured that people who were rough sleeping or in shared sleeping arrangements (for example, night-shelters) at the time of the first lockdown were provided with self-contained temporary accommodation (TA) reducing the risk of COVID-19 infection and transmission. This was necessary to reduce the impact of COVID-19 on people sleeping rough and at risk of rough sleeping and ultimately to prevent deaths during this public health emergency.

3.8. This was largely due to the humanitarian approach taken by LCC, opting to continue with the principles of 'Everyone In' to continue to protect individuals from COVID-19 for longer than the majority of other local authorities. The service is still in recovery from the pandemic with an additional 68 units of TA still being in place specifically for singles and recovery is likely to take this rest of this financial year (22/23).

Family homelessness

3.9. Post covid, the Service has seen a significant increase in the number of family households presenting as homeless. This is in part due to the lifting of the moratorium on evictions from the private rented sector and the court backlogs and family exclusions breaking down.

3.10. The upsurge in threats of homelessness for families is not just a local issue but one that is being seen nationally and we are currently seeing a higher-than-normal number of cases in temporary accommodation.

[2] Homelessness code of guidance for local authorities - Guidance - GOV.UK (www.gov.uk)

4. Progress on the Homelessness Strategy

4.1. Strategic Aim 1: Anyone at risk of homelessness is aware of and has access to the services they may need to prevent it

4.1.1. Homelessness Prevention is part of the statutory duty. The duty requires an authority to provide help and advice to prevent homelessness for households in their district. Case officers work together with applicants to create and carry out a personalised housing plan. Applicants have a responsibility to carry out any reasonable action identified in the plan, and housing authorities can cease duties in cases where Applicants are non-cooperative.

Prevention solutions

4.1.2. Due to the COVID-19 pandemic and additional service pressures, prevention solutions have fallen on the pre-covid levels, however we are still achieving prevention of homelessness in 61% of cases. [3] This is in the main due to cases presenting with less time for us to achieve a prevention outcome due to the eviction moratorium.

4.1.3. The Service looks to achieve high prevention rates by offering a multitude of interventions and putting the focus initially into exhausting every possibility of sustaining the current accommodation. If that fails, we work with the customer to identify a new accommodation solution before homelessness occurs. Interventions include:

- Negotiation with family and friends, lenders, and landlords.
- Affordability assessments, and maximising income.
- Referrals and signposting to partner agencies and specialist advice.
- Private Rented Sector solutions through financial help and incentive schemes.
- Housing Register priority; and,
- Advice about other housing solutions such as Shared Ownership, where appropriate.

4.2. Strategic Aim 2: Provide suitable accommodation and support options for people who are, or who may become homeless

Relief / Recovery support

4.2.1. If prevention does not work, or if applicants seek help when they are already homeless, there is a range of support available to work with the customer to help them recover as quickly as possible.

4.2.2. The success levels for applicants can depend on the applicant's flexibility in terms of willingness to explore all elements set out in the personalised plan. Applicants who explore all elements in full, rather than limiting themselves to preferences, have a high chance of getting a successful outcome.

[3] Data based on Quarter 3 2021/22.

4.2.3. The Service offers a variety of housing options to applicants, including the housing register, signposting to separate RP housing lists, Private Rented Sector solutions through financial help and incentive schemes, advice about other housing solutions such as Shared Ownership, where appropriate, and ensuring any support required to sustain solutions is made available. The applicant must then undertake the actions in their personalised housing plan in order to ensure that they make full advantage of the options and schemes available.

4.2.4. LCC achieved successful relief of homelessness in 67% of cases. [4] This is a 14% improvement compared to the last update report, and compares very well to the national average.

Increasing supply - stock

4.2.5 In addition to advice and support, the city council is working hard to deliver the manifesto commitment of 1,500 new affordable homes by May 2023, including developing sites to provide the estimated 640 additional Extra Care supported living spaces needed over the next 10 years. So far 843 new affordable housing units have been delivered, we have another 95 single property acquisition planned. We are due to start on site with phase 2 and 2b of our new build housing programme that will add a further 75 homes and we are currently carrying out a due diligence exercise on a proposed purchase of new build block of flats that that will increase the numbers by an additional 69 homes.. All units are going in to the HRA as Council properties.

Increasing supply - Private Rented Sector

4.2.6. With regard to the private rented sector solutions, we have now formally launched some recently piloted changes to landlord incentive schemes. The changes have resulted in a significant increase in PRS tenancies available for let to homeless households, now averaging around 200 new tenancies per annum.

4.2.7. Due to the lack of social housing, it is now even more important to ensure customers are fully aware that in resolving their homelessness we need to look for solutions beyond the Housing Register and PRS is considered a suitable alternative to resolve homelessness.

4.2.8. LCC also plans to roll out licensing schemes across Leicester's private rented sector, as part of an overall Private Sector Strategy that is being developed. The strategy aims at improving the overall quality of accommodation. Options are currently being consulted on.

Temporary Accommodation (TA)

4.2.9. Importantly, the Council's duties at this stage also includes providing TA to families and vulnerable single-person households.

4.2.10. On average, each quarter there are 51 new families requiring TA[5].

[4] Data based on Quarter 3 2021/22.

[5] Figure based on the quarterly average over the 2021/22 annum.

4.2.11. Despite pressures we have, so far been able to maintain a 100% record of ensuring all families placed in B&B do not exceed 6-weeks' occupancy, which is a legal requirement upon LAs.

4.2.12. During the period, we have continued to progress the model of family TA to support the "Homes not Hostels" vision. All the families that need to enter TA are now offered self-contained accommodation. This allows families to live as normal a family life as possible, whilst they work with us to find suitable settled accommodation for their family.

Temporary accommodation for singles

4.2.13. On average, each quarter there are 144 single persons requiring TA[6].

4.2.14. As highlighted in previous updates, we have now embarked on an exciting piece of work to improve and reconfigure the Dawn Centre to increase the number of rooms that we have available. We are looking to increase capacity by creating an additional 8 rooms giving us a potential uplift from 44 to 52 bedspaces. These beds will support the multi-agency assessment approach with swift move-on within the single homeless pathway to support the strategy objective that no one needs to sleep rough in our city. There will be a number of these rooms that will also be classed as medium-long-term for the most entrenched and complex cases that require intensive support. We are also looking, as part of our provisional 'Ending Rough Sleeping Plan' and our current bid to the Rough Sleepers Initiative Fund 22/25 to develop a multi-agency Hub at the Dawn Centre where anyone who is at risk of rough sleeping can access advice and support to prevent 'a first night out'.

Prison releases, and accommodation for offenders

4.2.15. Contracts remain in place with Adullam Housing Association who are a long-standing provider of accommodation support services for offenders locally. Specialist services help us support criminal justice agencies locally by ensuring the safety of the public and reduce reoffending rates.

4.2.16. The number of specialist accommodation units available for offenders is 30 units. This accommodation includes a range of support levels and licence agreement terms, including 'step down' accommodation to assist Offenders to move on into independent accommodation.

4.2.17. We have recently launched a Prison Pathway Protocol with the surrounding Districts to work more closely with Probation Services and prisons to have a seamless pathway to ensure the ex-offenders do not go onto rough sleep upon release, as well as securing additional funding through the Accommodation for Ex-Offenders programme which involves getting recent ex-offenders into private sector accommodation with appropriate support.

Hospital Discharges

[6] Figure based on the quarterly average over the 2021/22 annum.

4.2.18. The referral and pathway set up with the NHS's Housing Enablement Team is continuously reviewed in partnership, and further improvements have been made to ensure LCC are alerted earlier and can act more swiftly.

Accommodation for young people

4.2.19. Since the last update the joint commissioning exercise with Children's Services has been completed and has resulted in more accommodation providers being commissioned to manage the supported accommodation needs of 16-25-year-olds in the city. The driver behind the joint commissioning exercise was to allow LCC to provide a better range of options for young people from April 2022.

4.2.20. Strategy actions relating to younger persons are aligned with the ongoing placement sufficiency work.

4.2.21. Pathways in place are now regularly monitored to ensure they continue to provide successful routes and also include a robust process for care leavers.

Asylum & Immigration

4.2.22. As a national dispersal area, for Asylum seekers, since the Pandemic we are seeing additional pressures in the number of cases being referred to the Authority to manage Home Office backlogs. These cases can be single or family households who have received their refugee status and want to remain in Leicester. However, at the present moment in time there is no additional pressures on homelessness services due to the Afghan Schemes or the Ukrainian emergency situation. We will continue to monitor this closely. In relation to the European Union (EU) the application deadline for applications for settled status has passed and we are seeing more EU Nationals rough sleeping. We can offer to sign post to Migrant Help and if they have pre-settled status try and engage them with our employment, education, and training initiatives.

Housing-related Floating support

4.2.23. A range of support is available that can be used flexibly and effectively by the service to ensure that accommodation is sustained, whether that is existing accommodation or new accommodation arranged as a solution out of homelessness.

4.2.24. The majority of homeless applicants can move on into tenancies with no support requirement, but a minority have a much better chance of sustainment with pre-planning, and post-sign-up support. We currently commission P3 to provide ongoing support for private tenants that may be at risk of losing their homes and also support the transition if another housing option is required.

4.2.25. In terms of pre-planning, Leicester City Council have a sensitive lettings policy that is invoked where special consideration needs to be given to placing an individual within a community, in order to both ensure that the arrangement is sustainable. We have seen huge successes with this approach, which is completed in partnership with Housing Management. We have also recently introduced an Enhanced Lettings As a result of matters raised via HSC we have also introduced an offer to provide additional help and

support to the most vulnerable move out of homelessness which includes decorating and soft furnishings, to include carpeting.

4.2.26. In terms of post-sign-up support, housing related floating support is commissioned by LCC. P3 is the provider to assist with sustainment of accommodation in the private rented sector, both existing and new. Where individuals enter into LCC tenancies, the STAR Team will complete the same support. Referrals are made by case workers where it is deemed appropriate and needed.

4.2.27. In addition to this, Changing Futures initiative is being mobilised to drive lasting change and long-term intensive support with regard to the most vulnerable people in our society. The Housing Division are not leading on the Changing Futures programme but are playing a key part in its development. Successful delivery will be dependent on strong governance and partnership working.

4.3. <u>Strategic Aims 3 and 4: Reduce rates of repeat homelessness amongst single people & provide the right support and services so that no person needs to sleep rough in Leicester</u>

4.3.1 During the period, work has continued with local partners and charities, and we Continue to fund and support various initiatives in the community, including day centres and specialist case workers (navigators).

4.3.2 Donation points across the city continue to raise money for voluntary sector partners, to support their work with homeless persons and rough sleepers.

4.3.3 The official launch of the St Mungo's Recovery college providing Employment, Education and Training opportunities took place on the 17th of May 2022 with a range of initiatives with specialist employment support workers helping people to access training and employment opportunities. We are also working with BEAM, as a pilot project for 12 months, which is a crowd funding initiative to help secure accommodation and employment.

4.3.4 Together, this is an important part of recovery and ending homeless due to the intrinsic links between unemployment and homelessness.

4.3.5 We have also developed an ambitious 'Ending Rough Sleeping Plan' in coproduction with the Department for Levelling Up for Communities and Housing. This plan has informed and directed a further bid for the additional funding opportunities through the Rough Sleeping Initiative Round 5 for the period 22/25.

4.3.6 The number of rough sleepers on the streets remain at an all time low for the city with regular snapshot counts taking place on a monthly basis, as well as the teams being out on a daily basis both early morning and evenings. April' 22 count was a total of 7 which was slightly up on previous months but is in line with seasonal trends and the ending of the Cold Weather period.

5 Review and Development of the Leicester's next Homelessness & Rough Sleeping Strategy.

5.1 Why are we carrying out a review of homelessness?

5.1.1 The Homelessness Act 2002 places a duty on all local housing authorities to carry out a review of homelessness and homelessness service provision for their area and, in consultation with local partners and stakeholders, formulate and publish a homelessness and rough sleeping strategy based on the results of that review, at least every five years. The last full review in Leicester was conducted in 2017 and the current Homelessness Strategy covers the period 2018-23.

5.1.2 The review aims to develop a picture of homelessness in Leicester and look at the current provision of services to establish whether the needs of homeless people and those at risk of homelessness are still being met, to identify any gaps in service to inform the new strategy and potential for improvements that will also help to ensure any future commissioning of homelessness services remain fit for purpose.

5.1.3 The last few years have seen significant changes which have impacted on homelessness:

- The implementation of the Homelessness Reduction Act, in 2018, which extended statutory responsibilities for local authorities to provide meaningful support to single people as well as extending prevention & relief duties for all eligible households.
- Economic growth has been slow over the period of the strategy and economic forecasts suggest uncertainty in the coming years particularly affected by the decision to leave the European Union. The impact of the UK's decision to leave the European Union, presenting challenges for EEA nationals with uncertain statuses with regard to employment, benefits, and housing rights.
- The overall rate of new housing provision is not keeping pace with household growth and is failing to reduce housing market pressures.
- Affordable' rental products are now beyond the reach of those on the lowest incomes and Local Housing Allowance (LHA) rates remain lower than market rents.
- Welfare reform continues to have an impact on those receiving benefits (lower benefit caps, roll-out of Universal Credit, freezing of LHA rates).
- Cuts to local government funding.
- The diminishing stock of social housing due to the RTB and the lack of affordable homes.
- Impact upon homelessness of the Covid pandemic.

5.1.4 A draft high level and detailed plan has been developed to manage both the review of the current strategy and the compiling of the new strategy for 2023-2028. The plan is attached at App.1.

5.1.5 The views of both the public and partners is key and an essential part of formulating the new strategy and as in previous exercises meaningful consultation, both of the review and new strategy needs to be undertaken.

5.1.6 This important work has now started, and the review document will be presented to CMB and HSC in due course to agree and move to consult on the findings.

5.1.7 Both the review of the current strategy and formulation of the new strategy are and have been in the past high profile and both documents will be presented to CMB for approval, in order to comply with the duty to have the new strategy in place during 2023.

5.1.8 Additional resources have been deployed as we need to demonstrate a level of impartiality, as well as self-assessment in conducting this exercise.

5.1.9 Positively, Leicester has excellent working relationships with partners, which are much improved since the previous review, and over the life of the current strategy we have placed a strong emphasis in developing relationships and working together to provide strong homelessness services for the city, as well as working alongside statutory partners such as Health, Probation and DV Services to ensure the homelessness offer remains fit for purpose for specific groups.

7. Summary of appendices:

App 1 – Timeline for the Homelessness Strategy Review.

8. Is this a private report (If so, please indicate the reasons and state why it is not in the public interest to be dealt with publicly)? No

9. Is this a "key decision"? If so, why? No – update only.

Appendix E

Housing Scrutiny Commission Report

Executive Response to the Housing Scrutiny Commission findings into the Proposed Housing Anti-Social Behaviour Team

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Date: 6th June 2022

Lead Director: Chris Burgin

Lead member: Cllr Elly Cutkelvin

Wards Affected: All wards
Report author: Gurjit Kaur Minhas
Author contact details: 0116 454 5144

Report version number: 1

1. Purpose

1.1 To provide a response to the findings of the Housing Scrutiny Commission review of the proposal for a new Housing Anti- Social Behaviour Team.

2. Summary

2.1 The Scrutiny review was a focused exercise to gain clarity and assurances over the new proposal for a central Housing ASB team that would work closely with CrASBU (Crime and Anti- Social Behaviour Unit). To find out how the new structure would work and how it would improve processes and outcomes. How the team would work alongside other agencies including CrASBU and to understand the benefits that this could bring. The review resulted in a number of recommendations and requested feedback once the new structure is in place and impact of the team in dealing with cases of anti-Social Behaviour to be reported back to the scrutiny commission.

2.2 The Lead Member for Housing and the Director of Housing welcomed the findings of the review and agreed for the recommendations from the review to be incorporated into future service delivery to help enhance the service proposal.

3. Recommendations

3.1 To note the response from the Assistant Mayor and the Director of Housing

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4. Report

4.1 The detailed recommendations agreed from the scrutiny review are set out below:

a) That mechanisms be established to ensure that the new Housing ASB team has access to the data and information held by other agencies required to progress cases, including adequate access to relevant police records and data.

b) That a comprehensive communication strategy be compiled which sets out the changes and benefits for tenants, the respective roles of each agency in dealing with ASB and clearly explains the new process in incremental stages

c) To use fliers/letters to tenants and residents to communicate the changes and the benefits of the these, and to consider additional methods of contact in areas with a higher prevalence of ASB cases.

d) That further communication on the new proposal be provided to the Tenants and Residents Forum and that the forum receives an a regular summary of progress.

e) That, where appropriate, representatives from the Tenants and Leaseholders Forum be invited to participate in inter-agency liaison, particularly through regular beat meetings arranged by the Police.

f) That a robust programme of training be put in place for the new team, including mediation training and training in relation to mental health when supporting victims and those that report ASB.

g) That a training programme regarding the new process be embedded into the work of all corporate customer services staff.

h) That a more robust and regular system of contact between the new team and victims of ASB be established, particularly in respect of those cases that take many months to resolve.

i) That future consideration be given in respect of the size and structure of the newly established team based on its initial period of work, with considering given to flexibly transferring resources to support areas of the city with the highest need.

j) That further work be undertaken to continue to benchmark the service provision against neighbouring and comparable local authorities, given that several other authorities are in the process of establishing a similar model to that proposed.

k) That in addition to the preparation of an Executive response report, further reports be brought to the Housing Scrutiny Commission every six months once the new team has been established. Such reports would cover to what extent the anticipated benefits had been achieved, including benefits to the work of NHOs.

4.2 The Lead Member for Housing and the Director welcomed the response from the Commission Working Group and officers have within the attached report in Appendix A have embedded these recommendations and will embed recommendations which will become part of working arrangements upon go live of the revised specialist service.

5. Is this a private report (If so, please indicate the reasons and state why it is not in the public interest to be dealt with publicly)?
No

6. Is this a "key decision"? If so, why?
No

Appendix A

City Mayor Briefing Report

Response to the Housing Scrutiny Review

Anti-Social Behaviour Service Proposal

10th March 2022

Assistant Mayor for Housing: Cllr Elly Cutkelvin

Lead Director: Chris Burgin, Director of Housing

City Mayor

Report Author:
Gurjit Minhas – Head of Service, Housing Division

1. Summary

1.1 This report sets out a revised proposal in response to the scrutiny review of the Anti-Social Behaviour (ASB) service offer. It is proposed that a new central Housing ASB Team is set up alongside the Crime and Anti-Social Behaviour Unit (CrASBU). The housing team will deal with ASB associated with council tenancies and CrASBU will continue to deal with cases across all tenures. The Tenants and Leaseholders Forum have been consulted on this proposal and an in-depth review of the proposal has been undertaken by the Housing Scrutiny Commission.

1.2 The process of consultation and review has been lengthy; however, it has proved valuable, and we have listened to and revised this proposal in line with the feedback received. The service offer being put forward is much enhanced, as it has been shaped by the very people that receive the service. In line with feedback from the Tenant's Forum, the new team will retain and have access to housing knowledge as well as being specialised in dealing with ASB, therefore providing an improved service offer.

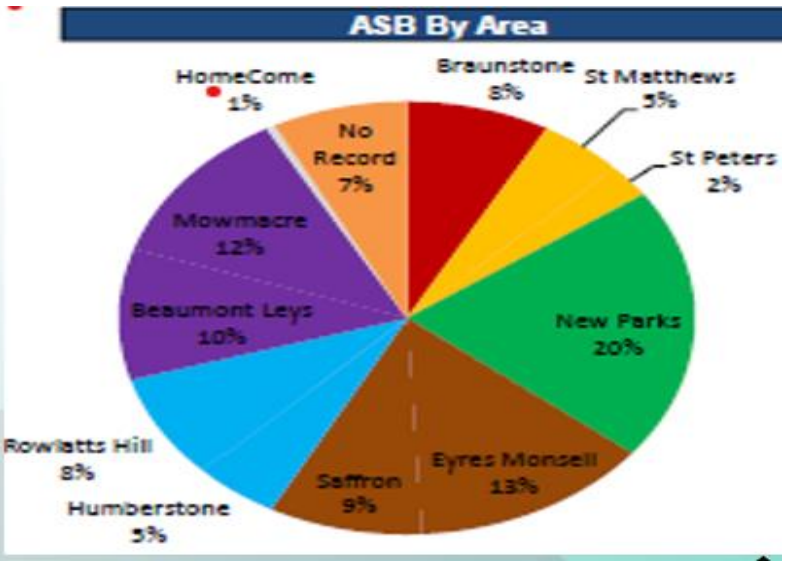
2. Background

2.1 ASB is defined in the Crime and Disorder Act (1998) as acting in a manner that was likely to cause harassment, alarm or distress to one or more persons not of the same household as the perpetrator. ASB has a real detrimental impact on the lives of our residents and Leicester City Council is committed to delivering the most effective service to tackle this social issue.

2.2 The current arrangement is for council housing associated ASB to be reported to the Neighbourhood Housing Officer (NHO), who will investigate lower-level cases using an incremental approach. CrASBU deal with cases across all tenures including the higher-level cases in relation to council tenants. With the increasing mixture of tenants on estates, the two investigatory functions sitting separately is not in alignment with the nature of ASB service requests being reported.

Current work is allocated by area

Officers in New Parks have the higher case load



2.3 NHOs are required to investigate ASB cases in their own geographical area as above, which has led to an uneven and often, excessive workload for some officers. Therefore, the need to review how we allocate resources to tackle ASB effectively in the city is paramount. The existing pool of 37.6 NHOs currently spend approximately 20% of their time dealing with approximately 1,200 cases of ASB a year.

The Revised Proposal

2.4 To create a new central Housing Anti-Social Behaviour (ASB) team that would sit alongside the existing Crime and Anti-Social Behaviour Unit (CrASBU). Council tenants will still be able to report ASB to their Neighbourhood Housing Officer (NHO), who would deal with any low-level nuisance, but any incident that requires investigation or case work would be referred to the new team.

2.5 The scrutiny commission were keen to understand the improved outcomes the proposal would deliver as well as the working relationship with the new team, CrASBU and the Police and the impact on NHOs.

Improved Outcomes/Benefits of the Revised Proposal

2.6 The benefits of the proposal include less duplication of work, a dedicated specialised service offering a consistent approach. One officer will lead on a case and hand over in a timely manner to CrASBU when the case requires higher-level intervention. The key outcome will be a more effective and equitable service.

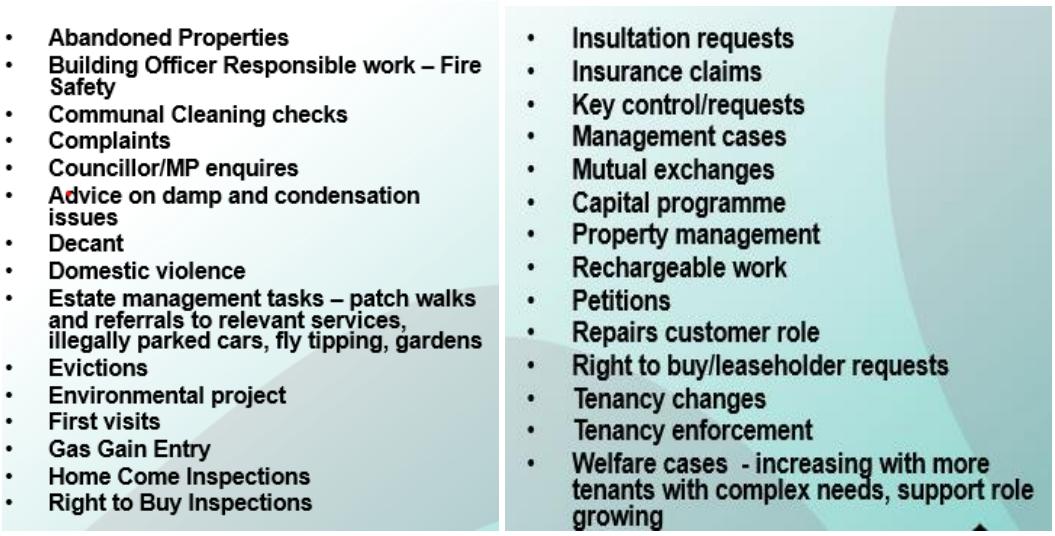
2.7 The team will have access to specialised ASB training from the Police and CrASBU and will be trained to support people with poor mental health. Closer working with the Police and sharing of intelligence will be possible, it has been confirmed that the new team can be co-located at Mansfield House and will have access to the Police database, Sentinel.

Impact on the NHO Role

2.8 Separating out the ASB function from the NHO role will enable officers to provide more support to tenants and be less involved in enforcement issues, which currently can cause conflict in their role. This will help ease the case load of NHOs and enable officers to deal with the increasing number of complex support cases.

2.9 The support needs of tenants are increasing and NHOs need to be able to implement the Tenancy Support Policy effectively by managing the welfare case work and referring people to appropriate support agencies. NHO capacity will be released to deliver the range of other landlord tasks, such as dealing with fire safety, tenancy related functions, estate management and estate improvement tasks as set out below:

NHO Duties



2.10 NHO's will retain the key point of contact role for the tenant, tenants will still be able to report ASB to NHOs. Any ASB cases will be referred onto the new team to investigate and NHO's will also share local intelligence and information relevant to the case. Close working will take place with housing staff as ASB officers will also be co-located in community hubs and have access to Northgate the housing IT system.

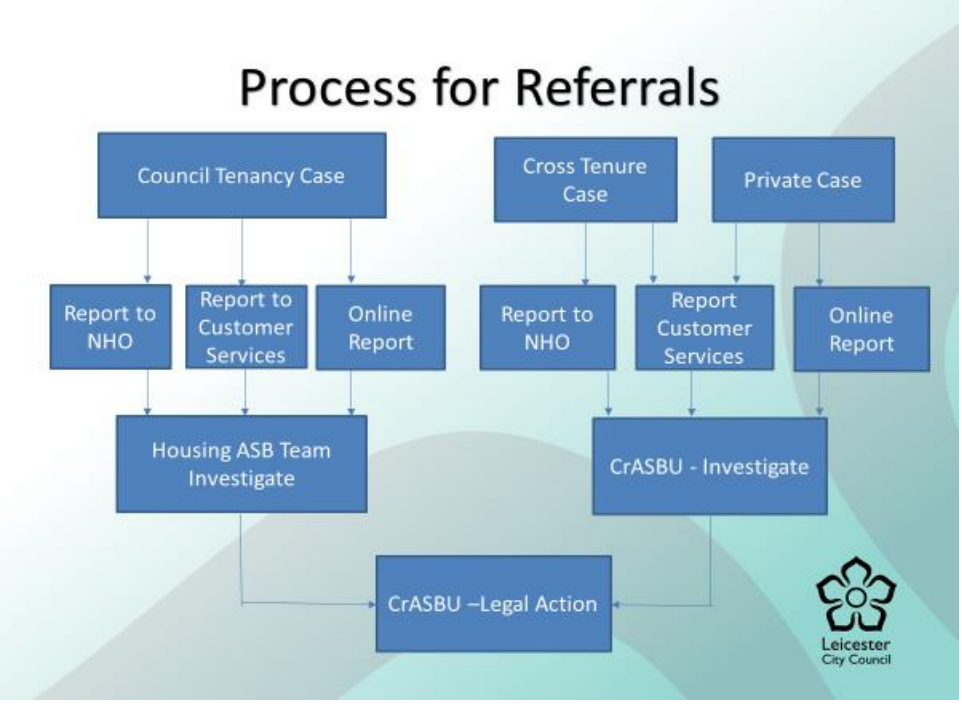
New ASB Team

2.11 It is proposed that the Housing ASB team be made up of four new dedicated and specialist Housing ASB officers, who would report to a Neighbourhood Housing Team Leader, but would also be managed in partnership by CrASBU. ASB officers would be co-located at local neighbourhood hubs and at Mansfield House, which would enable intelligence to be more easily shared between the Housing team, CrASBU and the Police.

2.12 It is expected that each ASB officer would deal with approximately 18 intensive cases each month, and that this represents a more manageable case approach and would offer a greater level of dedicated and tailored support to victims and those affected by ASB. Caseloads are anticipated to be evenly spread amongst staff, with officers being deployed to areas with a higher case prevalence if deemed necessary.

2.13 The CrASBU manager will be responsible for ensuring the new team works to capacity and becomes specialised through work allocation and management of caseloads. Best practice procedures around decision making will also be utilised by the new team.

2.14 The new team will lead on all cases primarily involving council housing, whilst CrASBU would lead on those primarily involving private housing and would also work cross-tenure to include council housing when required, as indicated in the process chart below. The new co-managerial and co-location arrangements would support the cross-working arrangements between CrASBU and Housing.



2.15 To resource the new team it is proposed that vacancies within the establishment of NHOs be utilised to take into account the transfer of the ASB function and the job role of the NHO be amended to reflect this change. Currently there are staff on temporary contracts covering vacant NHO posts, who would have the skills, knowledge and experience to be in a good position to apply for any new posts in the Housing ASB team.

Equality Issues

2.16 The Scrutiny Commission were particularly interested on the equality impact. A full Equality Impact Assessment has been completed. The assessment findings were that the creation of a new team should lead to positive impacts for tenants from across a range of protected characteristics by improving the services available to them.

2.17 The new team will meet the needs of the diverse population of Leicester by ensuring language needs of different communities are met and team members receive equality and diversity training to enable them to provide appropriate services to people with a range of protected characteristics.

Initial Proposal

2.18 In 2020 an initial proposal to transfer dealing with all cases of ASB (regardless of tenure) from the Housing Division to the CrASBU was consulted on. This proposal was met with a number of concerns from the Tenants and Leaseholder Forum and the Housing Scrutiny Commission such as:

- *fewer resources for housing services with the retention of the £100k efficiency saving*

• *a loss of housing officer's specialist knowledge*

• *a view from tenants that they wanted to report incidents to housing officers*

• *views that CrASBU would not be sufficiently resourced to deal with the work*

• *concerns that the new arrangement would need to be monitored to check its effectiveness*

• *questions around the support for people poor mental health*

2.19 The Housing Scrutiny commission requested that further consultation be carried out with the Tenants and Leaseholders Forum and a revised report addressing the above concerns be bought back to the commission.

Scrutiny Review

2.20 A revised report and proposal was taken back to the commission taking into consideration and addressing the concerns raised. The commission broadly supported the revised proposal but felt a deeper level of investigation was necessary to understand the benefits of the proposed arrangements and hence a task and finish exercise was set up.

2.21 Further in-depth information was presented to the Housing Scrutiny Commission by Housing Services and CrASBU as requested. The task group then concluded that they were in broad agreement with the proposals, however issued a number of recommendations as set out below:

a) That mechanisms be established to ensure that the new Housing ASB team has access to the data and information held by other agencies required to progress cases, including adequate access to relevant police records and data.
b) That a comprehensive communication strategy be compiled which sets out the changes and benefits for tenants, the respective roles of each agency in dealing with ASB and clearly explains the new process in incremental stages
c) To use fliers/letters to tenants and residents to communicate the changes and the benefits of the these, and to consider additional methods of contact in areas with a higher prevalence of ASB cases.
d) That further communication on the new proposal be provided to the Tenants and Residents Forum and that the forum receives and a regular summary of progress.
e) That, where appropriate, representatives from the Tenants and Leaseholders Forum be invited to participate in inter-agency liaison, particularly through regular beat meetings arranged by the Police.
f) That a robust programme of training be put in place for the new team, including mediation training and training in relation to mental health when supporting victims and those that report ASB.
g) That a training programme regarding the new process be embedded into the work of all corporate customer services staff.

h) That a more robust and regular system of contact between the new team and victims of ASB be established, particularly in respect of those cases that take many months to resolve.
i) That future consideration be given in respect of the size and structure of the newly established team based on its initial period of work, with considering given to flexibly transferring resources to support areas of the city with the highest need.
j) That further work be undertaken to continue to benchmark the service provision against neighbouring and comparable local authorities, given that several other authorities are in the process of establishing a similar model to that proposed.
k) That in addition to the preparation of an Executive response report, further reports be brought to the Housing Scrutiny Commission every six months once the new team has been established. Such reports would cover to what extent the anticipated benefits had been achieved, including benefits to the work of NHOs.

3. Recommendations

3.1 To agree to the setting up of the new Housing ASB Team and creation of the new post of Housing ASB Officer

3.2 To reflect the transfer of the function by deleting vacant posts in the NHO establishment and amend the job role of the NHO in line with this proposed change.

3.3 To implement all the recommendations of the Housing Scrutiny Commission, which include a focus on communicating the changes to tenants, involving tenants, and providing feedback on the implementation of the change.

3.4 To review the effectiveness of the new service and realisation of benefits with further update reports once the new arrangements are in place. To consider any changes to arrangements to address any issues identified.

4. Next Steps

4.1 If the proposals are agreed the next steps would be to carry out work to create and evaluate the new Housing ASB posts by May 22

4.2 Carry out consultation and communication with all staff affected by this proposal. by May 22, initial advice from HR is that this change to the NHO role would not require an organisational review

4.3 Communicate to tenants and stakeholders the keys changes and the benefits of the more dedicated specialist service.

4.4 Mobilise for implementing the change in the NHO role and setting up the new team, recruit and train staff and launch the team in July 22.

5. **Financial, legal and other implications**

5.1 **Financial implications**

This report outlines the proposal to separate out the ASB elements of Neighbourhood Housing Officer duties and create a new team to focus specifically on these activities. The overall number of staff within the budgeted establishment would remain unchanged, and it is not anticipated that there would be a financial impact of the proposals.

Stuart McAvoy – Acting Head of Finance

5.2 **Legal implications**

There are no specific legal implications arising from this report.

Jeremy Rainbow – Principal Lawyer (Litigation) – x371435

5.3 **Climate Change and Carbon Reduction Implications**

There are limited climate emergency implications directly associated with this report. However, as service delivery generally contributes to the council's carbon emissions, impacts can be managed through measures such as encouraging sustainable staff travel behaviours, using buildings efficiently and following sustainable procurement guidance, as applicable to the service.

Aidan Davis, Sustainability Officer, Ext 37 2284

5.4 **Equalities Implications**

When making decisions, the Council must comply with the Public Sector Equality Duty (PSED) (Equality Act 2010) by paying due regard, when carrying out their functions, to the need to eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act, to advance equality of opportunity and foster good relations between people who share a 'protected characteristic' and those who do not.

In doing so, the council must consider the possible impact on those who are likely to be affected by the recommendation and their protected characteristics.

Protected Characteristics under the Equality Act 2010 are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

An Equality Impact Assessment has been carried out and an action plan produced reflecting the outcomes of the consultation and the creation of the new ASB Housing Team and new posts of Housing ASB Officers. The action plan will be implemented over the coming months with progress being monitored by the lead officer. The creation of a new team should lead to positive impacts for tenants from across a range of protected characteristics by improving the services available to them.

Sukhi Biring, Equalities Officer, 454 4175

HOUSING SCRUTINY COMMISSION WORK PROGRAMME 2022/23			
MEETING DATE	**MEETING ITEMS**	**LEAD OFFICER**	**ACTION AGREED**
6th June 2022	Housing Crisis (working group update) Rent arrears report – Year-end report Who gets Social Housing Homelessness Strategy Update Executive Response to the scrutiny review into "Examining the role and effectiveness of the proposal to establish a central housing Anti-Social Behaviour Team".	Cllr Westley / Chris Burgin Charlotte McGraw Caroline Carpendale / Justin Haywood Caroline Carpendale / Justin Haywood Cllr Cutkelvin/Chris Burgin	
1 August 2022	Housing manifesto Delivery update Update on House Building Repairs, Gas & Voids performance Report Disabled Facilities Grant / Housing Adaptation	Chris Burgin Simon Nicholls Kevin Doyle Simon Nicholls	

DRAFT

19 September	Progress report for Goscote House & Sprinklers update Retrofitting & Climate Emergency update Who gets Social Housing Empty Homes update PRS Strategy update 'Housing Crisis in Leicester' review draft final report?	Simon Nicholls Simon Nicholls Caroline Carpendale/Justin Haywood Joanne Russell Justin Haywood / Daxa Pancholi Jerry Connolly	
7 November	Channel Shift update Income Collection Performance update Housing Capital Programme & Housing Delivery update Homelessness Strategy Update District Service Priorities & performance including ASB,	Charlotte McGraw Charlotte McGraw Simon Nicholls Caroline Carpendale/Justin Haywood Gurjit Minhas	
9 January	Tenancy Support HRA Budget	Gurjit Minhas Chris Burgin	

DRAFT

27 February	Environmental Budget & Public Realm Project update Repairs, Gas and Voids performance and update report Who gets Social Housing Overcrowding Strategy update	Gurjit Minhas Kevin Doyle Caroline Carpendale / Justin Haywood Caroline Carpendale / Justin Haywood	
To be allocated	- Refugee Resettlement Programme - Update	Chris Burgin	

DRAFT