



Leicester
City Council

MEETING OF THE NEIGHBOURHOOD SERVICES AND COMMUNITY INVOLVEMENT SCRUTINY COMMISSION

DATE: WEDNESDAY, 20 MARCH 2019
TIME: 5:30 pm
**PLACE: Meeting Room G.01, Ground Floor, City Hall,
115 Charles Street, Leicester, LE1 1FZ**

Members of the Commission

Councillor Gugnani (Chair)
Councillor Thalukdar (Vice-Chair)

Councillors Aqbany, Govind, Halford, Hunter and Waddington
(1 unallocated non-grouped place)

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

Elaine Baker

For Monitoring Officer

Officer contacts:

Jerry Connolly (Scrutiny Policy Officer)

Elaine Baker (Democratic Support Officer),

Tel: 0116 454 6355, e-mail: elaine.baker@leicester.gov.uk

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

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- ✓ to ensure that the sound on any device is fully muted and intrusive lighting avoided;
- ✓ where filming, to only focus on those people actively participating in the meeting;
- ✓ where filming, to (via the Chair of the meeting) ensure that those present are aware that they may be filmed and respect any requests to not be filmed.

Further information

If you have any queries about any of the above or the business to be discussed, please contact:

Elaine Baker, Democratic Support Officer on 0116 454 6355.

Alternatively, email elaine.baker@leicester.gov.uk, or call in at City Hall.

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PUBLIC SESSION

AGENDA

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If the emergency alarm sounds, you must evacuate the building immediately by the nearest available fire exit and proceed to the 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 Neighbourhood Services and Community Involvement Scrutiny Commission held on 23 January 2019 are attached and Members are asked to confirm them as a correct record.

4. CHAIR'S ANNOUNCEMENTS

5. PETITIONS

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

6. QUESTIONS, REPRESENTATIONS AND STATEMENTS OF CASE

The Monitoring Officer to report on the receipt of any questions, representations and statements of case submitted in accordance with the Council's procedures.

7. ADOPTION OF CIVIL PENALTIES FOR NON-COMPLIANT LANDLORDS

Appendix B

The Director of Neighbourhood and Environmental Services submits a report setting the interim results of consultation on the adoption of civil penalties as an alternative to prosecution for certain housing offences. The Commission is recommended to consider the draft policy and procedure for a civil penalties regime and the comments from the public consultation and provide comments on the policy and procedure to the City Mayor for consideration prior to

adoption in the city.

8. SELECTIVE LICENSING IN HIGH DENSITY AREAS OF LEICESTER [Appendix C](#)

The Director of Neighbourhood and Environmental Services submits a report setting out the ambition to utilise the enabling Housing legislation for a Selective Licensing scheme to come into being to help improve the Private Rented Sector in Leicester. The Commission is recommended to consider the report and survey and to provide comments for the potential development of a scheme.

9. REPORT OF VISIT BY MEMBERS OF THE NEIGHBOURHOOD SERVICES AND COMMUNITY INVOLVEMENT SCRUTINY COMMISSION TO THE LEICESTER CITY COUNCIL CCTV CONTROL CENTRE [Appendix D](#)

The Chair will introduce a report of a recent visit by members of the Commission to the Leicester City Council CCTV control centre.

The Commission is recommended to consider the report and:

- a) endorse the strategy of upgrading and streamlining the CCTV systems run by Leicester City Council on behalf of the communities of Leicester;
- b) note the extensive use to which the police put the systems to deter and detect crime, and use images and information from the system to support criminal prosecutions;
- c) urge that Leicestershire Police make a greater financial contribution to the operation of the CCTV system to better reflect its value and importance to police operations; and
- d) urges the Executive Member to pursue further contributions from Leicestershire Police and to report back on the police response.

10. WORK PROGRAMME [Appendix E](#)

The current work programme for the Commission is attached. The Commission is asked to consider this and make comments and/or amendments as it considers necessary.

11. ANY OTHER URGENT BUSINESS



Leicester
City Council

Appendix A

Minutes of the Meeting of the
NEIGHBOURHOOD SERVICES AND COMMUNITY INVOLVEMENT SCRUTINY
COMMISSION

Held: WEDNESDAY, 23 JANUARY 2019 at 5:30 pm

P R E S E N T :

Councillor Gugnani (Chair)
Councillor Thalukdar (Vice Chair)

Councillor Aqbany	Councillor Hunter
Councillor Govind	Councillor Waddington
Councillor Halford	

In Attendance:

Councillor Clair, Deputy City Mayor with responsibility for Culture, Leisure, Sport and
Regulatory Services

Councillor Clarke, Deputy City Mayor with responsibility for Environment, Public
Health and Health Integration

Councillor Master, Assistant City Mayor - Neighbourhood Services

Councillor Sood, Assistant City Mayor - Communities & Equalities

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48. APOLOGIES FOR ABSENCE

There were no apologies for absence.

49. DECLARATIONS OF INTEREST

No declarations of interest were made.

50. MINUTES OF THE PREVIOUS MEETING

AGREED:

That the minutes of the meeting of the Neighbourhood Services and
Community Involvement Scrutiny Commission held on 5 December
2018 be confirmed as a correct record.

51. PROGRESS ON ACTIONS AGREED AT THE LAST MEETING

The Chair reported that, further to minute 45, “Community Safety Plan: Knife Crime Update”, it had been established that there was a high-level forum at which the Council and academies met to discuss issues. It therefore was suggested that the education service could be asked to invite the Police to attend these meetings.

AGREED:

That the Chair be asked to write to the Strategic Director Social Care and Education on behalf of this Commission to request that the Police be invited to attend the forum referred to above.

52. CHAIR'S ANNOUNCEMENTS

Further to minute 40, “Progress on Actions Taken at the Last Meeting”, 5 December 2018, the Chair advised Members that the new CCTV suite within the data centre was now operational. A visit to the suite therefore would be arranged as previously agreed, (minute 11, “Portfolio Overview, 14 July 2018 referred).

The Chair reminded Members that the Commission had received a presentation on the emergency action taken by the Council and partner agencies in response to the Hinckley Road explosion, (minute 33, “Hinckley Road Explosion – Leicester City Council Response”, referred). At that time legal proceedings were just starting, but three men had now been sentenced to life imprisonment, with long minimum terms, for the murder of the five people who died in the explosion. It was clear from the coverage of this that many of those who survived, particularly relatives of those who died, continued to suffer and needed support. The thoughts of all Members were with these people.

AGREED:

That the Head of Standards and Development (Neighbourhood and Environmental Services) be asked to liaise with the Scrutiny Policy Officer to suggest suitable dates on which Commission members can visit the CCTV suite.

53. PETITIONS

The Monitoring Officer reported that no petitions had been received.

54. QUESTIONS, REPRESENTATIONS AND STATEMENTS OF CASE

The Monitoring Officer reported that no questions, representations or statements of case had been received.

55. COMMUNITY COHESION AND HATE CRIME

A presentation on the approach to hate crime was given by Inspector Jim Smallman from Leicestershire Police, the City Council’s Head of Community

Safety & Protection and the City Council's Community Co-ordinator responsible for work relating to counter-extremism. A copy of the presentation is attached at the end of these minutes for information.

Attention was drawn to the following points during the presentation:

- There was a difference between hate incidents and hate crime;
- The City Council did not work in isolation on this, but linked with partners, in order to identify and use best practice;
- Feedback was sought from victims in order to see how they dealt with the incidents and crimes and their outcomes. Through this it was hoped to improve the experience of users of services on offer and increase satisfaction with those services;
- Hate crime and incidents could be reported in a number of ways, but past approaches had not always been very successful. It therefore was proposed to introduce reporting centres. A key priority was the need to increase awareness of hate incidents and crimes and it was hoped that the introduction of reporting centres would help achieve this; and
- An action plan had been developed in conjunction with partners, based on the resolution passed at the Council meeting held on 14 June 2018, (minute 11.3, "Community Cohesion & Hate Crime", referred). This plan had been shared with the Safer Leicester Partnership, which had approved it in November 2018.

In response to Member queries, Inspector Smallman confirmed that a hate incident was something that anyone perceived as hate. For it to be classed as a hate crime, the action had to include criminal activity.

It was noted that unfortunately some people saw hate incidents and crimes as normal, so did not report them. Increased levels of communication therefore were needed to reinforce the message that hate incidents and crimes were not normal. This could include information on what the outcomes could be when incidents and crimes were reported. Improved reporting also would be useful to help identify patterns of incidents and crimes. Members suggested that Ward Councillors could be approached to help identify local organisations or groups who could assist with this.

It was noted that when a victim reported an incident or crime, "qualifiers" such as religion or race were recorded based on what the individual said or the circumstances of the case. These qualifiers had been developed locally, but a national report was being prepared that would set out whether more, or different, categories were needed.

Some concern was expressed about how hate incidents or crimes would be reported in the workplace. People would not usually be able to leave their work place to report something and if reports had to be made through line

management they could be in the position of having to report things to the person creating the situation(s).

Concerns also were expressed that hate incidents and crimes could increase when the United Kingdom left the European Union, as there had been an increase at the time of the referendum on leaving. Inspector Smallman advised that specific preparations were not being made for when the United Kingdom left the European Union, as dealing with this type of increase was embedded in the work already being done, (for example, through resilience forums). Statistics on the level of any increase at the time of the referendum could be obtained if required.

AGREED:

- 1) That the Head of Community Safety and Protection be asked to circulate the Leicester Leicestershire and Rutland Hate Action Plan to all members of this Commission as soon as possible;
- 2) That all members of this Commission be asked to pass comments on the Leicester Leicestershire and Rutland Hate Action Plan to the Head of Community Safety and Protection in time for inclusion in the report detailed in 3) below;
- 3) That the Director of Neighbourhood and Environmental Services be asked to provide a report for the next meeting of the Commission on the Leicester Leicestershire and Rutland Hate Action Plan, this report to include:
 - a) any comments on the Plan provided by members of the Commission;
 - b) information on which communities make the highest number of reports of hate crimes and incidents and which are not making such reports; and
 - c) consideration of how a wider range of community groups can be encouraged to access resources available through the 'Building a Stronger Britain Together' programme; and
- 4) That Leicestershire Police be asked to:
 - a) circulate statistics on any change in reported levels of hate incidents and crimes at the time of the referendum on whether the United Kingdom should leave the European Union to members of this Commission;
 - b) share information on the resources available for projects to counter hate crime with groups and/or organisations in the city, including those at grass-roots level, that could benefit from such support; and

- c) provide statistics to members of the Commission on how levels of hate incidents and crime in Leicester compare to national levels.

56. THE MANAGEMENT OF FLY-TIPPING IN LEICESTER

The Director of Neighbourhood and Environmental Services submitted a report providing an overview of the management of fly-tipping in Leicester.

The Head of Standards and Development (Neighbourhood and Environmental Services) gave a presentation, a copy of which is attached at the end of these minutes for information.

During the presentation and ensuing discussion the following points were made:

- There had been a 10% reduction in the number of incidences of fly-tipping in the city since November 2016;
- The type of waste being fly-tipped was examined, as well as the amount, in order to help address the issue and identify those responsible;
- All reports of fly-tipping were investigated;
- Intelligence and good practice were shared where relevant. One example of this was through the Leicestershire Enforcement Forum, on which the Council was represented. Following the introduction of an intelligence-led approach to fly tipping the number of incidents had reduced significantly. Suggestions for how this success could be continued and improved were welcome;
- There was a 24 hour target time for clearance of fly-tipping, starting from the time it was reported or discovered;
- Investigations in to high levels of fly tipping in Fosse Ward had shown that large numbers of East European residents had moved in to the area so, following consultation with the Ward Councillors, leaflets were produced in the four main Eastern European languages spoken in the ward, explaining the Council's waste collection services. If this was successful in reducing levels of fly tipping, the initiative would be extended to other wards;
- Evidence suggested that approximately 20% of businesses did not comply with waste removal legislation. The Council therefore was undertaking a rolling programme of visits to businesses to ensure they were compliant. The programme was starting with visits to businesses on main arterial routes and then moving to other areas;
- Fly tippers would be pursued where possible, including prosecutions being made where needed. Courts imposed fines on businesses on the basis of their turnover, so fines could be high for large companies;

- It was recognised that the Council's City Wardens could not visit every ward every day, but there was some concern that they were not sufficiently visible. In reply, Councillor Sood, (Assistant City Mayor with responsibility for Communities and Equalities), noted that the number of fly-tipping reports had reduced and encouraged Members to ring the City Wardens to report problems;
- If a problem in a particular location was identified, a problem profile could be drawn up. This would include action to be taken to resolve the problem. However, resolving problems could take a lot of work and time;
- Education was important, for example reinforcing the need to dispose of waste legally. Methods for this included the distribution of leaflets and posters about the services available; and
- The City Council was one of the few local authorities in the country offering a free bulky waste collection and weekly waste collections.

Members advised that reports had been received from housing association tenants about difficulties they had persuading landlords to clear rubbish for which the landlords had responsibility. It was noted that Houses in Multiple Occupation were licensed, so the possibility of taking enforcement action through that route would be considered. Where possible, officers also worked with housing associations to encourage them to engage with waste management processes.

Members also reported anecdotal evidence that staff making bulky waste collections were refusing to take objects for various reasons, (for example, items being incorrectly packed, items being wet because of weather conditions, or there being insufficient items to collect). Contractor's staff answering telephone calls also had been reported to be rude and/or hostile. The Director of Neighbourhood and Environmental Services asked to be advised of any such incidents so that they could be followed up with the contractor.

AGREED:

- 1) That the progress made and ongoing work in relation to managing fly-tipping in the city be welcomed;
- 2) All Members be invited to pass suggestions for how the reduction in fly-tipping incidents can be continued and improved to the Director of Neighbourhood and Environmental Services; and
- 3) That Members advise the Director of Neighbourhood and Environmental Services of:
 - a) incidences of housing association tenants reporting difficulties persuading landlords to clear rubbish; and
 - b) complaints they receive about the waste collection

contractor's work and staff.

Councillor Waddington left the meeting during discussion on this item

Councillor Halford left the meeting at the conclusion of this item

57. GENERAL FUND REVENUE BUDGET 2019/20 TO 2021/22

The Director of Finance submitted a report setting out the City Mayor's proposed budget for 2019/20 to 2021/22.

AGREED:

That this Commission supports the City Mayor's proposed General Fund revenue budget for 2019/20 to 2021/22.

58. WORK PROGRAMME

The Commission received and considered its work programme.

Members noted that, although the task group considering the Review of the Community Asset Transfer Strategy had not met since October 2018, due to problems encountered with paperwork for the review, the Scrutiny Policy Officer would be arranging further meetings as soon as possible.

AGREED:

- 1) That the Chair be asked to liaise with members of the task group undertaking the Review of the Community Asset Transfer Strategy and the Scrutiny Policy Officer on how this review can be progressed; and
- 2) That the work programme be noted.

59. CLOSE OF MEETING

The meeting closed at 7.02 pm

Leicester City Council approach to Hate Crime

Neighbourhood Services & Community
Involvement Scrutiny – Wednesday 23rd January
2019



Background

The Home Office's 'Action Against Hate' report 2016 details:

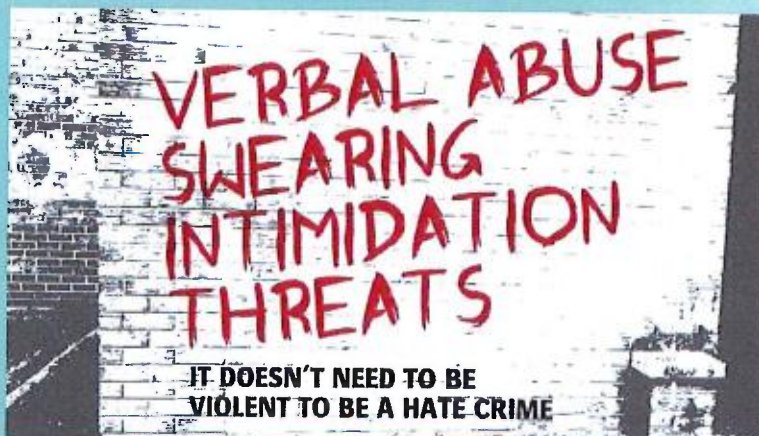
'A crime that is motivated by hostility on the grounds of race, religion, sexual orientation, disability or transgender identity can be classed as a hate crime.'

Within Leicester, Leicestershire and Rutland we record incidents and crimes against these five categories, as well as including a category for 'any other perceived difference' in order to align with Leicestershire Police's recording of hate.

Detailed in the slide below are the differences between hate incidents and crimes.



Definitions



Definitions

Hate Incident - any non-crime incident which is perceived by the victim or any other person, to be motivated by hostility or prejudice.

Some examples of hate incidents:

- A person is bullied or intimidated and perceives this behaviour as being motivated because of their disability.
- A person is experiencing rubbish being thrown into their garden and their driveway being blocked with parked cars and perceives that it is motivated by homophobia.

Hate Crime - any criminal offence which is perceived by the victim or any other person, to be motivated by hostility or prejudice.

Some examples of hate crime:

- An offender shouts racist abuse whilst physically assaulting a person.
- A Synagogue has swastika's painted on the door and windows smashed.



Leicester City Hate Crime statistics

Reported Leicester, Leicestershire, Rutland Hate Crimes from December 2017 to November 2018.

Category of Hate Crime:	Number:
Race	1170
Sexual orientation	166
Religion	119
Disability	75
Transgender	35
Alternative sub culture	7
Total	1606

Reported Hate Crime by Leicestershire Police NPA (Leicester City has 56.5% of overall Hate Crime)

Neighbourhood Police Area:	Numbers of Hate Crimes / %
Central Leicester	260 (16.5%)
East Leicester	307 (19.5%)
Hinckley & Bosworth	171 (10.9%)
Charnwood	182 (11.6%)
North West Leicestershire	87 (5.5%)
Eastern Counties	89 (5.7%)
South Leicester	169 (10.8%)
West Leicester	306 (19.5%)



LLR Strategy for tackling hate 2018/21

An LLR Hate Action Plan linked to the key themes and priorities has been developed for 2018-21. The actions within the plan are overarching and broad to meet the needs of our diverse communities across LLR.

Themes:

The themes of this Strategy mirror the key themes within the Leicester, Leicestershire and Rutland Police and Crime Plan 2017- 21, which include:

- To enhance Leicestershire Police's response to hate crime
- To improve user experience and increase satisfaction
- To support and influence the development of effective partnership working and campaigns



LLR Strategy for tackling hate 2018/21

Priorities:

The 2018-21 priorities for this strategy have been identified as:

- Raising awareness
- Improving our response, identifying and responding to emerging issues
- Re-assuring, strengthening and educating communities



Leicester City Council Motion 2018

"Leicester City Council resolves to:

- Affirm its commitment to total social harmony.
- Protect the rights of all our communities that make up our wonderful city of Leicester.
- Redouble our efforts to ensure fairness for all and work to eliminate hate from our communities.
- Encourage those who encounter hate crime to come forward and report it to the Police and/or the Council.
- Support further opportunities for people to come together and celebrate the diversity of the City.
- Remind all other organisations and institutions of the part they have to play in supporting community cohesion and combating hate crime.
- With partners prepare and consult upon an action plan to combat hate crime and promote community cohesion, which will include challenging Islamophobia and prejudice in all its forms and promoting positive images of groups vulnerable to stigmatisation by mainstream media.

We pledge our solidarity with the people of Leicester and will work with all who are able to support and help us in maintaining Leicester as a safe and secure place for everyone to live in and thrive in".



Leicester City Council - service examples

Equality and Diversity - "Leicester City Council is committed to equality of opportunity, elimination of discrimination and promotion of good relations between all people, regardless of age, disability, race, ethnic or national origin, sex, gender identity, religion or belief, sexual orientation, pregnancy or maternity, marital or civil partnership status".

City Mayor's Crowdfund Initiative - The Community Engagement Fund aims to support projects that address the general aims of the Public Sector Equality Duty. £100,000 is being pledged to support crowdfunded community project bids.

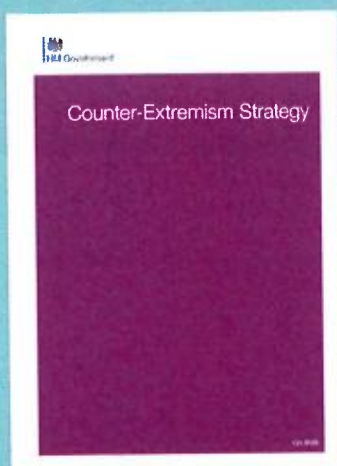
Education - Everyone's Welcome uses the 'No Outsiders' resource and framework to teach the Equality Act (2010) to Leicester primary school children.

Neighbourhood Services – African Caribbean Community Centre, Highfields Library, Beaumont Leys Library, Stocking Farm Community Centre



Leicester
City Council

Counter-Extremism Strategy



- Countering extremist narrative
- Building a partnership with all those opposed to extremism
- Disrupting extremists
- Building cohesive communities



Leicester
City Council

Community Coordinator role – ‘Building a Stronger Britain Together’ programme

- A programme of direct support, both in-kind and financial, to partners is available through an open and competitive bidding process.
- The BSBT programme supports civil society and community organisations who work to create more resilient communities, stand up to extremism in all its forms
- The programme will build mainstream voices, helping them to expand their reach and audience.
- Through competitive bidding rounds partners are able to bid into the Home Office for In-Kind Support (IKS) worth up to £75,000, or grant funding worth up to £50,000.

**BUILDING A STRONGER
BRITAIN TOGETHER**



Campaigns

- The UK Government launched a new Hate Crime awareness campaign in October 2018.
- A series of posters and videos have been produced covering race, religion, disability, sexual orientation and transgender identity.



How can people report a hate crime?

Police

A person can report a hate incident or hate crime to Leicestershire Police by a number of ways

- In an emergency a person should always ring 999
- The non-emergency for the Police is 101
- A person can report on line by visiting www.stamp-it-out.co.uk

Link to the main Force website:

<https://leics.police.uk/>

To Report a hate incident within Leicester City go to:

<http://www.leicester.gov.uk/your-community/emergencies-safety-and-crime/hate-crime/>

To report a hate incident within the Leicestershire County visit:

www.leics.gov.uk/reporhate or call the County Hate Incident Monitoring Project on 0116 3058263 (during office hours)



Management of Fly-tipping in Leicester

Neighbourhood Services and Community Involvement
Scrutiny Commission
23rd January 2019

Management of fly-tipping



Examples of fly-tipping

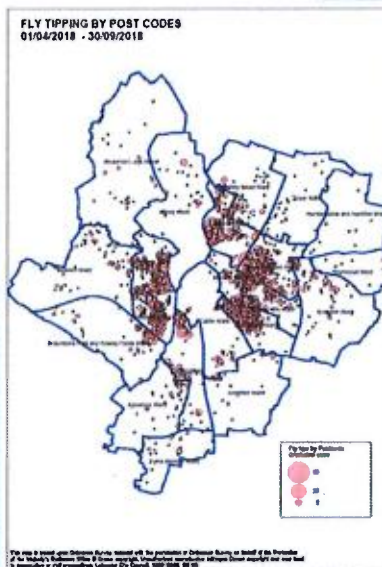
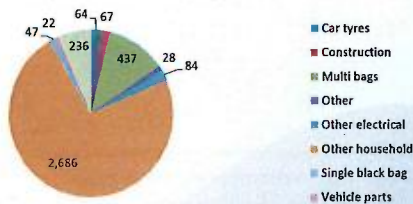


Data Analysis

	Car tyres	C'struction	Multi bags	Other	Other electrical	Other household	Single black bag	Vehicle parts	White goods	Grand Total
Abbey	3	5	2			25			6	41
Aylestone	1	3	6			28	3		8	48
Beaumont Leys	2	3	5	1	2	19	1		1	34
Belgrave	6	5	57	4	11	289	2		19	393
Braunstone Park & Rowley Fields	1		16	2	3	99	2	1	7	131
Castle			11		1	42	1		6	61
Evington		3	5	3	9	74			6	100
Eyres Mansell		1	4		1	18	1		6	31
Fosse	7	4	113	5	2	352	1	1	49	534
Humberstone & Hamilton		2		1	1	7			2	13
Knighlton	3	3				9		1	2	16
North Evington	5	8	47	3	8	375	7	2	27	482
Rushey Mead	7	5	10	2	1	48	1	1	10	85
Saffron	3	4	37	2	2	129	8	2	7	194
Sploney Hills	8	7	19		18	195	5	4	10	266
Stoneygate	9	9	31	3	17	461	10	1	33	574
Thurcroft	1		3			3		1		9
Troon	1	4	4			18		2	4	33
Westlotes	1		31	1	1	270	3	1	19	327
Western	3		14		1	52		2	1	71
Wycliffe	5	4	22	1	6	173	2	3	13	228
Grand Total	64	67	437	28	84	2,686	47	22	236	3,671

Data Analysis

Fly-tips by volume type
01/04/2018 - 31/09/2018



Countywide Campaign

Leicester and Leicestershire
Fly-tipping campaign summary May to June 2018



In just 2 months (May to June 2018) we achieved:



Why do it?

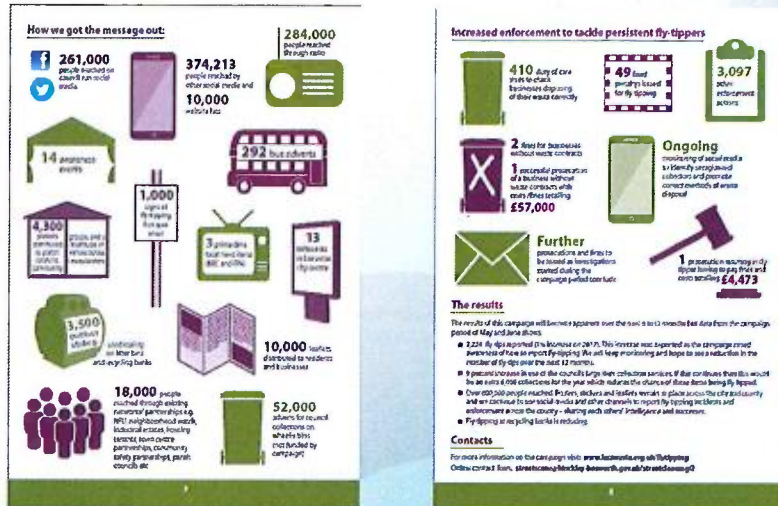
Like many parts of the country fly-tipping in Leicestershire and Leicestershire increased to around 12,000 incidents in 2017. That is nearly 33 fly-tips every day. Councils have different resources and various approaches to tackle fly-tipping. There have been a number of campaigns over the years which have been successful but, putting forces has shown would be fly-tippers that Leicestershire and Leicestershire does not tolerate fly-tippers. By sharing reports and resources we were able to have a greater impact across the city and county.

Our solution:

A joint campaign to raise awareness amongst residents of their responsibilities about disposing of their waste and that we are working and enforcing fly-tipping. Funded by the Leicestershire Waste Partnership and Leicester City Council.



Countywide Campaign



Fosse Ward Intervention

For more information go to:
leicester.gov.uk/recycling
 f orangebags t orangebagleics

What to do with your waste and recycling
 A guide for Leicester city residents

Latviešu valodā iekšpusē - 6
 Lietuvių kalba - 10
 Język Polski - 16
 Limba Romana - 20

You need to follow these instructions to keep pavements clear and avoid being fined.

Fosse Ward Intervention

The posters provide detailed instructions on how to dispose of different types of waste correctly. Key messages include: 'All these items now go in orange bags to be recycled. Please use any food left!', 'If you have items that can't go in your black bin or orange bags this can...', 'Don't put anything in your bin that is not on the list of items that can go in it.', and 'If you have any questions please call 01533 434343 or visit our website www.leicester.gov.uk'. Each poster also features a 'Recycling' logo and a list of items that can and cannot be recycled.

Prosecutions

Businessmen fined £15,000 after 100 barrels of caustic soda dumped in Leicester street

DON'T BE MISLED BY A FAKE REVIEW

Learn more >

Which

Two business owners have been ordered to pay more than £15,000 between them after 100 barrels of caustic soda was dumped in a car-dec. The city council's environmental services were called to Thurmaston Boulevard, off Troon Way, Rushey Mead on February 15 this year. They were greeted by 100 blue, unsealed barrels containing a then unknown white chemical. Read more: Investigation in dumping of 100 barrels of unknown chemical in Leicester street. With the help of a public appeal in the Leicester Mercury, investigators traced the rubbish to business premises in Lorton Road, Humberstone. [read more](#)

DON'T BE MISLED BY A FAKE REVIEW

Learn more >

Which

ITV REPORT 3 Report 2018 at 5:26pm

Foot Locker fined £54,000 for dumping litter



Empty bags and boxes were left dumped on the floor by the multinational chain Credit: BFM

The sportswear firm, Freedom Sportslife Ltd, which runs Foot Locker stores across the UK, has been fined £54,000 after litter was found next to a charity shop and outside its shop in Leicester.

Over a 9 month period, there were various incidents of empty cardboard boxes being strewn across the floor.

Strategic Approach

- Intelligence led
- Targeting transient households with bespoke information
- Landlord related interventions
- Targeted interventions by area and by type
- Timely identification of new households and required service access arrangements

Neighbourhood Services & Community Involvement Scrutiny Commission

ADOPTION OF CIVIL PENALTIES FOR NON-COMPLIANT LANDLORDS

20 March 2019

Lead director: John Leach

Useful information

- Ward(s) affected: All
- Report author: Roman Leszczyszyn
- Author contact details: 3191
- Report version number: FINAL

1. Summary

- 1.1 The Housing and Planning Act 2016 amends the Housing Act 2004 so as to allow Local Housing Authorities a discretion to impose financial penalties, up to a maximum of £30,000, as an alternative to prosecution for certain offences.
- 1.2 This option, which applies where the LHA is satisfied beyond reasonable doubt that a person's conduct amounts to a relevant housing offence in respect of premises in England, became available to LHAs on 6th April 2017, and applies to any relevant housing offence committed on or after that date.
- 1.3 The Council's General Regulatory Policy 2015 sets out how the Council's regulatory teams undertake their regulatory activities and exercise discretion in taking enforcement actions where non-compliance is discovered. The General Regulatory Policy will be amended to make provision for civil penalties.
- 1.4 This report sets out the interim results of the consultation on the adoption of civil penalties.
- 1.5 The target implementation date for this change is 1 July 2019 in order to allow for its formal adoption, the establishment of new working procedures and documentation, staff training and provision of resourcing.

2. Recommendations

The Neighbourhood Services and Community Involvement Scrutiny Commission is requested to:

- 2.1 Consider the draft policy and procedure for a civil penalties regime and the comments from the public consultation.
- 2.2 Provide comments on the policy and procedure to the City Mayor for consideration prior to adoption in the City Of Leicester

3. Civil penalties as an alternative to prosecution

- 3.1 The Housing and Planning Act 2016 amends the Housing Act 2004 to allow financial penalties, up to a maximum of £30,000, to be imposed by Local Housing Authorities (LHAs) as an alternative to prosecution for certain offences.
- 3.2 This enforcement option, applies where the LHA is satisfied beyond reasonable doubt that a person's conduct amounts to a relevant housing offence in respect of premises in England, became available to LHAs on 6th April 2017, and can be invoked in response to any relevant housing offence committed on or after that date.
- 3.3 To be able to use the new powers the Council must have its own relevant policies and procedures in place. The Draft Policy is set out in **Appendix A**.
- 3.4 The draft procedure (serves as guidance for officers) on the stages, method and criteria in determining and issuing a penalty are set out in **Appendix B and Appendix C**. The workings of these will be subject to periodic review and may be amended
- 3.5 The legal provisions are outlined below in section 4 and section 5.
- 3.6 The government has published statutory guidance for Councils on powers. When exercising its functions the Council must have regard to the Statutory Guidance 'Civil penalties under the Housing and Planning Act 2016 – Guidance for Local Housing Authorities' - April 2017.
- 3.7 The Council's General Regulatory Policy 2015 sets out how the Council's regulatory teams undertake their regulatory activities and exercise discretion in taking enforcement actions where non-compliance is discovered. The General Regulatory Policy will be amended to make provision for civil penalties.
- 3.8 There is no statutory requirement to consult regarding the policy and procedures to be adopted. However, a public consultation was undertaken. See section 9.
- 3.9 The target implementation date for this change is 1 July 2019 in order to allow for its formal adoption, the establishment of new working procedures and documentation, staff training and provision of resourcing

4 Relevant housing offences and civil penalties

- 4.1 The relevant housing offences are detailed in section 249A of the Housing Act 2004 as:
- (section 30) failure to comply with an Improvement Notice;
 - (section 72) offences in relation to licensing of houses in multiple occupation;

- (section 95) offences in relation to licensing of houses under Part 3;
- (section 139) offences of contravening an overcrowding notice;
- (section 234) failure to comply with management regulations in respect of houses in multiple occupation.

4.2 Only one financial penalty can be imposed on a person in respect of the same conduct. Where both a landlord and a letting / management agent have committed the same offences, a financial penalty can be imposed on both. The amount for each may differ depending on the individual circumstances of the case. The Council determines the level of the financial penalty which must not be more than £30,000.

5 Determining the level of penalty

5.1 The Council must be satisfied beyond reasonable doubt that a person's conduct amounts to a relevant housing offence. Council officers will consult the Crown Prosecution Service Code for Crown Prosecutors when considering this aspect.

5.2 Officers will prepare individual cases to the same evidential standard as a full file for prosecution. If necessary the authorised officer (Team Manager, Head of Service) will consult with Legal Services to advise on whether the standard to proceed is met.

5.3 The draft policy is set out in **Appendix A**. Each will be considered on a case by case basis in line with that policy.

5.4 The level of financial penalty is to reflect the extent to which the Offender fell below the required standard.

5.5 The financial penalty is to meet, in a fair and proportionate way, the objectives of punishment, deterrence and the removal of gain derived through the commission of the offence; it should not be cheaper to offend than to take the appropriate precautions.

5.6 The cost involved dealing with a non-compliance up to the stage of serving a financial penalty notice will be added to the overall penalty. This will act as a deterrent to non-compliant landlords as it is clear that landlords or agents who do not comply will be liable to pay the cost of any enforcement action

5.7 The policy and guidance on determining the appropriate level of financial penalty in a particular case is set out in **Appendix B**. The Statutory Guidance details a number of factors to which the Council should have reference to help ensure that any financial penalty is set at an appropriate level.

6 Procedure for imposing a financial penalty

6.1 The Council's power to impose a financial penalty is subject to procedural requirements and safeguards.

6.2 The high level procedure is as follows:

- **Stage One – Issue of Notice of Intention**

The Notice of Intention will be issued by the investigating officer.

- **Stage Two – Review of Intention**

After the end of 28 day period for representations, the Council will decide whether to impose a penalty and, if so, the amount of the penalty.

The decision will be made by the Team Manager, if necessary, after consultation with Legal Services.

- **Stage Three – Issue of Final Notice**

If the Council decides to impose a penalty, then the person will be issued with a "final notice" requiring payment of the penalty within 28 days.

The Council may at any time, withdraw a notice of intent or final notice; or reduce the amount specified in either notice. This decision will be made by the Head of Service.

- **Stage Four – Appeal against Final Notice**

A person in receipt of final notice may appeal to First-tier Tribunal against the decision to impose a penalty or the amount of the penalty.

Appeal rights are contained within Schedule 13A of the Housing Act 2004. Appeal may be dismissed by Tribunal if satisfied appeal is frivolous, vexatious, an abuse of process or has no reasonable prospect of success.

- **Stage Five – Recovery/enforcement of financial penalty**

If a person fails to pay the whole or any part of a financial penalty which they are liable to pay the Council may recover the money on order of the County Court.

7. Pro's and Co's of Civil Penalties

7.1 Pro's

- The Civil Penalty legislation and guidance provides strong safeguards for the fair treatment of persons suspected of an offence and an appeal mechanism.
- The ability to impose Civil Penalties will act as a deterrent to non-compliant landlords and agents – it will also enable Officers to take quick and decisive action to act quickly and thereby alleviating hardships being experienced by private sector tenants

- The application of Civil Penalty sanction will be less costly for Council than pursuing a prosecution.
- LCC is more likely to get re-imbursment for its expenditures because in a successful prosecution the fines imposed are paid the court and take precedence over any costs award to the Council.

7.2 Cons

- A prosecution provides a public trial and the outcomes are public.
- The Court can award compensation to a victim.

8. **Other Private Rented Sector Related Regulatory/Enforcement Measures**

The Civil Penalties enforcement option sits alongside other regulatory and enforcement measures that can be taken by Leicester City Council. These are:

8.1 Rent Repayment Orders

Rent Repayment Orders were introduced by the Housing Act 2004 to cover situations where a landlord had failed to obtain a licence for a property where one is required.

The use of these Orders has now been extended by the Housing and Planning Act 2016 to cover a wider range of offences. These are outlined below:

- Failure to comply with an Improvement Notice served under the Housing Act 2004
- Failure to comply with a Prohibition Order served under the Housing Act 2004
- Breach of a Banning Order made under the Housing and Planning Act 2016
- Illegal eviction or harassment of the occupiers of a property under the Protection of Eviction Act 1977
- Using violence to secure entry to a property under the Criminal Law Act 1977

Rent repayment orders can be granted to either the tenant or the local authority. If the tenant paid their rent themselves, then the rent must be repaid to the tenant. If rent was paid through Housing Benefit or through the housing element of Universal Credit, then the rent must be repaid to the local housing authority. If the rent was paid partially by the tenant with the remainder paid through Housing Benefit/Universal Credit, then the rent should be repaid on an equivalent basis

A rent repayment order can 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.

The Council will also offer advice, guidance and support to assist tenants to apply for a rent repayment order if the tenant has paid the rent themselves.

Where a landlord has been convicted of the offence to which the rent repayment order relates the First-tier Tribunal must order that the maximum amount of rent is repaid, capped at a maximum of 12 months.

An Order can also be applied for where an offence has been committed but a landlord has not been convicted of one of the above offences. In this instance the First-tier Tribunal will need to be satisfied beyond reasonable doubt that the landlord has committed the offence. In this instance when considering how much rent should be recovered the following factors should be taken into consideration:

- The Rent Repayment Order should have a real economic impact on the offender and demonstrate the consequences of not complying with their responsibilities
- The level of the penalty should be such that it is likely to deter the offender from repeating the offence
- The imposition of the Order will be in the public domain so robust and proportionate use of them will dissuade others from committing similar offences
- Removal of any financial benefit the offender may have obtained as a result of committing the offence

8.2 Banning Orders

The Housing and Planning Act 2016 gives Councils the option of applying for a Banning Order to prevent a person from managing rented property, where they have been prosecuted for a relevant offence.

In deciding whether to apply for an Order the following will be considered:

- The seriousness of the offence to which the person has been convicted
- Any previous convictions the person has for a banning order offence
- Whether the person has at any time been included in the database of rogue landlords and property agents
- The likely effect of the banning order on the person and anyone else who may be affected by the order

Banning Orders must be for a minimum of 12 months except for certain exemptions.

Any person who is subject to a Banning Order may not hold a HMO licence.

8.3 Database of Rogue Landlords And Letting Agents

This is a national database that contains details of landlords and property agents who have been convicted of a Banning Order offence or have received two or more civil penalties by any Local Authority, in any 12 month period.

Banning order offences are specified in legislation and can be for landlords or property agents who have been convicted of particular serious offences and/or are repeat offenders.

A number of offences set out in the regulations are not directly related to housing, such as fraud, sexual assault, misuse of drugs, theft and stalking.

To result in a banning order such an offence must be committed:

- against or in collusion with her/his tenant or licensee (or member of her/his household) or at (or in relation to) the property let out, and at a time when the offender was a landlord or property agent of that property, and
- by an offender who was sentenced in the Crown Court.

The offence can also be for relevant housing offences including any offence under the Housing Act 2004, committing or causing overcrowding, providing a local authority with false or misleading information, continuing to let to illegal immigrants, or illegally evicting or harassing as residential occupier.

Their details can be entered on the National Database of Rogue Landlords and Property Agents. This national database is an important tool to assist local authorities and prospective tenants identify landlords who have failed to maintain their properties to the required standard.

9. **Public Consultation**

9.1 There is no statutory requirement to consult prior to the adoption of the Civil Penalties Policy and procedure the policies adopted.

9.2 The interim results of the Online Survey which commenced 21 January 2019 and will run to 14 April are set out in Appendix D.

9.3 Most respondents are supportive of the proposals.

9.4 There have been 19 respondents of which 3 were landlords or landlords agents. 16 were in favour of the scheme, 11 thought the civil penalties were about right and 6 thought they were too low.

- 9.5 The comments were about the penalties being set too low to be a deterrent; fines escalating on subsequent infringements; the disproportionate impact of a penalty on the incomes of small and large landlords.
- 9.6 One respondent offered assistance in educating landlords as to their duties.

10. Financial, legal and other implications

10.1 Financial implications

10.1.1 Regulations made under The Housing and Planning Act 2016 specify that all of the income that a local authority receives from the imposition of civil penalties (and the recovery of Housing Benefit through Rent Repayment Orders) can be retained by the local authority to meet the costs and expenses (whether administrative or legal) incurred in, or associated with, carrying out any of its enforcement functions in relation to the private rented sector.

The Rent Repayment Orders and Financial Penalties (amounts Recovered) (England) Regulations 2017

The Housing (Management Orders and Financial Penalties) (Amounts Recovered) (England) Regulations 2018

10.1.2 Any income that a local authority receives from Civil Penalties and Rent Repayment Orders but fails to spend in support of private sector enforcement must be paid into a Central Government Consolidated Fund.

10.1.3 A First-Tier Tribunal would consider any appeal against the imposition of a civil penalty or a request (from tenants or the local authority) for a rent repayment order. On appeal the parties are normally expected to bear their own costs and, in most cases, it is unlikely that the Council will be able to recover any costs in relation to such appeals.

10.2 Legal implications

10.2.1 The Power to impose a civil penalty as an alternative to prosecution for certain offences was introduced by the section 126 and schedule 9 of the Housing and Planning Act 2016. This provision amended The Housing Act 2004 by inserting a new section 249A and Schedule 13A. The power came into force on 6th April 2017.

10.2.2 The maximum penalty is £30,000. The amount of the penalty is to be determined by the council in each case and in determining an appropriate level of penalty the council should have regard to the Secretary of State Guidance – ‘Civil Penalties under the Housing and Planning Act 2016’.

- 10.2.3 The same criminal standard of proof is required for a civil penalty as for prosecution. This means that before taking formal action, a local housing authority should satisfy itself that if the case were to be prosecuted in the magistrates' court, there would be a realistic prospect of conviction. In order to actually achieve a conviction in the magistrates' court, the local housing authority would need to be able to demonstrate beyond reasonable doubt that the offence has been committed. Similarly, where a civil penalty is imposed and an appeal is subsequently made to the First-tier Tribunal, the local housing authority would need to be able to demonstrate beyond reasonable doubt that the offence had been committed.
- 10.2.4 Any person who is issued a civil penalty may appeal to the First-Tier Tribunal against the decision to impose a penalty and/or the amount of the penalty.
- 10.2.5 Officers should ensure that necessary delegations are in place in order to exercise the decision making powers set out in the Policy and Procedure.
- 10.2.6 If a civil penalty remains unpaid , The Chief Financial Officer will need to sign a certificate before enforcement action can be taken in the County Court
- Feizal Hajat, Legal Services.

10.3 Climate Change and Carbon Reduction implications

None

10.4 Equalities Implications

A number of landlords and property agents in Leicester exploit tenants by letting out unsuitable and/or dangerous properties that can impact adversely upon the quality of life for tenants and the wider community.

The adoption of the option of civil penalties expands the enforcement choices for Leicester City Council and thereby provides the Council with more flexibility to take cost-effective and proportionate enforcement action for specified housing offences.

The 2011 Census identifies that there were c.30,000 (23%) households living in Private Rented Sector accommodation.

TENANTS

The assessment is that the adoption of the civil penalties regime will have a positive impact upon all groups of tenants as it will deter landlords from committing serious housing offences.

It facilitates enforcement action against errant landlords. This alongside other regulatory measures will remove rogue landlords from the Leicester's private rented sector.

Leicester City Council will promote the levying of civil penalties through local media to increase the deterrence effect and reinforce the social norm against poor landlord practices.

Where a civil penalty is applied then there is an increased risk that the landlord will increase rent fees for tenants to help pay the penalty. There is an increased risk that a landlord having to pay a civil penalty may want to evict tenants as they leave the private rented sector.

Leicester City Council's Private Housing Team will assess these risks and if appropriate will work with the Council's tenant focussed teams and other partners to provide appropriate support and take further enforcement action where this is necessary.

LANDLORDS

The assessment is that the adoption of the civil penalties regime will have a positive impact upon all groups of landlords as it will help support a level playing field in the private rented sector market in Leicester. Public trust will be maintained and enhanced.

Where a civil penalty is applied there are procedural and appeal provisions to safeguard a landlord from an inappropriate or disproportionate penalty.

Leicester City Council will continue to contribute to landlord awareness and knowledge of their responsibilities in the provision of rented accommodation in the City and will specifically provide information on these enforcement changes when these come into force.

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

There are no other implications.

11. Background information and other papers:

None

12. Summary of appendices:

APPENDIX A: Draft Policy Statement on Civil Penalties

APPENDIX B: Draft Procedure for imposing a financial penalty

APPENDIX C: Draft Private Sector Housing Procedure for determining the civil penalty for offences under the Housing Act 2004

APPENDIX D: Consultation Results

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Leicester City Council Draft Policy on Civil Penalties under the Housing Act 2004

Introduction

The Housing and Planning Act 2016 ('the 2016 Act') amends the Housing Act 2004 ('the 2004 Act') to allow Leicester City Council to impose a financial penalty, up to a maximum of £30,000, as an alternative to prosecution for certain relevant housing offences.

This legislative provision has been enacted to help local authorities deal with landlords that are not properly managing their properties and/or providing safe, good quality rented accommodation for tenants.

The City Mayor considers the adoption of this enforcement option necessary for the better protection of tenants of private rented properties in Leicester.

Decisions on the appropriate civil penalty will be made on a case by case basis.

Where there has been a breach of the Housing Act 2004 with very serious consequences for tenants or other parties then Leicester City Council will institute criminal proceedings unless this is not considered to be in the public interest.

The City Mayor endorses the imposition of civil penalties by authorised officers as the preferred alternative for other breaches in line with the policy and procedure set out below and subject to any changes that may be required from time to time to comply with legislative changes, statutory guidance and developments in best practice.

The monies received from civil penalties will be used to meet the costs and expenses associated with the Council's enforcement function in relation to the private rented sector.

Scope

This policy applies to the following housing offences under the 2004 Act:

- section 30 (failure to comply with improvement notice),
- section 72 (licensing of Houses in multiple occupation (HMOs)),
- section 95 (licensing of houses under Part 3),
- section 139(7) (failure to comply with overcrowding notice), or
- section 234 (management regulations in respect of HMOs).

As set out in Schedule 9 of the Housing and Planning 2016 Act has introduced amendments to the 2004 Act.

Government Guidance

The Government's Department for Communities and Local Government (DCLG) have published the following document: "Civil Penalties under the Housing and Planning Act 2016: Guidance for Local Authorities". This is statutory guidance to which local housing authorities must have regard.

Commencement

This Policy effective from [DD MM 2019].

Draft Procedure for imposing a financial penalty

The general procedure is as follows:

Stage One – Issue of Notice of Intention

Person is given a notice of the Council's proposal (notice of intent) to impose a financial penalty. This sets out:

- The amount of proposed penalty
- Reasons for proposing to impose the penalty; and
- Information about the right to make representations

Notice of intent must be given no later than 6 months after the Council has sufficient evidence of the conduct to which the penalty relates. This is extended if the conduct is continuing at the end of that period.

The Notice of Intention will be issued by the investigating officer.

Stage Two – Review of Intention

The person given notice of intent may make written representations to the Council, within 28 days.

After the end of period for representations, the Council will decide whether to impose a penalty and, if so, the amount of the penalty.

The decision will be made by the Team Manager, if necessary, after consultation with Legal Services

Stage Three – Issue of Final Notice

If the Council decides to impose a penalty, then the person will be issued with a "final notice" requiring payment of the penalty within 28 days.

The Final Notice will set out:

- Amount of the penalty;
- Reasons for imposing the penalty;
- Information about how to pay;
- Period for payment (28 days)
- Information about rights of appeal to First-tier Tribunal;
- Consequences of failure to comply with the notice

The Final Notice will be issued by the Team Manager.

The Council may at any time, withdraw a notice of intent or final notice; or reduce the amount specified in either notice. This decision will be made by the Head of Service.

Stage Four – Appeal against Final Notice

A person in receipt of final notice may appeal to First-tier Tribunal against the decision to impose a penalty or the amount of the penalty.

A Final Notice is suspended until the appeal is determined or withdrawn.

On appeal the Tribunal will re-hear the Council's decision to impose a penalty. The Council must be in a position to demonstrate beyond reasonable doubt that the relevant housing offence has been committed.

The Tribunal may have regard to matters of which the Council was unaware at time of making decision to impose penalty.

The Tribunal may confirm, vary size of the penalty or cancel the penalty. If increasing the penalty it can only be increased up to the maximum of £30,000.

Appeal rights are contained within Schedule 13A of the Housing Act 2004. Appeal may be dismissed by Tribunal if satisfied appeal is frivolous, vexatious, an abuse of process or has no reasonable prospect of success.

Stage Five – Recovery/enforcement of financial penalty

If a person fails to pay the whole or any part of a financial penalty which they are liable to pay the Council may recover the money on order of the County Court.

Income received can be retained by the Council provided it is used to further the Council's statutory functions in relation to their enforcement activities concerning the private rented sector.

Draft Private Sector Housing Procedure for determining the civil penalty for offences under the Housing Act 2004

Overview

The procedure for determining the level of civil penalty has the following steps:

- Step 1: Determine the level of harm caused by the offence**
- Step 2: Determine the culpability of the Offender**
- Step 3: Determine the **default** penalty**
- Step 4: Adjust the default penalty to account for unjust economic benefits**
- Step 5: Adjust the default penalty for aggravating and mitigating factors in conduct**
- Step 6: Adjust the default penalty for costs incurred by Leicester City Council**
- Step 7: Adjust for the Offender's means**
- Step 8: Determine the **proposed** penalty charge**
- Step 9: Determine the appropriate regulatory sanction and serve the Notice of Intent to levy a penalty charge**
- Step 10: Determine the **actual** penalty charge**
- Step 11: Serve the Final Notice**
- Step 12: Withdrawal or subsequent amendments**

Step 1: Determine the level of harm caused by the offence

Determine the level of harm that may or has arisen from the non-compliance. If necessary the Officer will refer to Guidance on the classes of harm in the Housing Health and Safety Rating System - HHSRS – ODPM 2006.

Level of harm	Details of harm
Very high	Operating a HMO without a licence.
	Choose this level where a Class I harm is potentially the worst outcome because of the offence. This class covers the most extreme harm outcomes including: death from any cause; lung cancer; mesothelioma and other malignant lung tumours; permanent paralysis below the neck; regular severe pneumonia; permanent loss of consciousness; 80% burn injuries.
High	Choose this level where a Class II harm is potentially the worst outcome because of the offence. This class covers severe harm outcomes, including: cardio-respiratory disease; asthma; non-malignant respiratory diseases; lead poisoning; anaphylactic shock; cryptosporidiosis; legionnaires disease; myocardial infarction; mild stroke; chronic confusion; regular severe fever; loss of a hand or foot; serious fractures; serious burns; loss of consciousness for days.
Medium	Choose this level where a Class III harm is potentially the worst outcome because of the offence This Class covers serious harm outcomes, including: eye disorders; rhinitis; hypertension; sleep disturbance; neuro-psychological impairment; sick building syndrome; regular and persistent dermatitis, including contact dermatitis; allergy; gastro-enteritis; diarrhoea; vomiting; chronic severe stress; mild heart attack; malignant but treatable skin cancer; loss of a finger; fractured skull and severe concussion; serious puncture wounds to head or body; severe burns to hands; serious strain or sprain injuries; regular and severe migraine.
Low	Choose this level where a Class IV harm is potentially the worst outcome because of the offence. This Class includes moderate harm outcomes which are still significant enough to warrant medical attention. Examples are: pleural plaques; occasional severe discomfort; benign tumours; occasional mild pneumonia; broken finger; slight concussion; moderate cuts to face or body; severe bruising to body; regular serious coughs or colds.

Note: Operating a HMO without a licence

HMOs by their nature pose enhanced risks to the health and safety of the occupants and require high standards in the condition and management of the properties.

A person commits an offence if he is a person having control of or managing an HMO which is required to be licensed but is not so licensed.

Operating a HMO without a licence is considered to be a very serious offence as it undermines the Council's ability to carry out its statutory duties under the Housing Act 2004 and other legislation.

This is considered to be a very serious offence in every case even where the current occupants are not suffering harm or exposed to potential harm to occupants.

Step 2: Determine the culpability of the Offender

Next the culpability of the Offender is determined using the table below: With regard to culpability there is inevitable overlap between the factors described in adjacent categories. Individual factors may require a degree of weighting before making an overall assessment and determining the appropriate offence category.

Deliberate:	The Offender intentionally or flagrantly breached the law - the offence was a premeditated or planned act of defiance
Reckless:	The Offender foresaw the risk of offending but nevertheless went ahead and offended
Negligent:	Offence committed through act or omission which a person exercising reasonable care would not commit.
Low or no Culpability:	Offender committed offence with little or no fault on their part.

Step 3: Determine the default penalty

The default penalty is selected from the table below using the 'level of harm' and 'culpability' factors.

Culpability	Deliberate	Reckless	Negligent	Low/No culpability
Harm				
Very high level of harm	£27,500	£22,500	£17,500	£12,500
High level of harm	£25,000	£20,000	£15,000	£10,000
Medium level of harm	£20,000	£15,000	£10,000	£5,000
Low level of harm	£15,000	£10,000	£5,000	£2,500 - minimum penalty

Note: Multiple breaches or incidents

If there are multiple breaches of the regulations, then a separate assessment will be undertaken for each offence.

Where an incident gives rise to multiple offences or multiple incidents give rise to the same offence then default penalty will be based on the most serious incident or offence.

Step 4: Adjust the default penalty to account for unjust economic benefits

If an economic benefit has been derived by the Offender from the offence, including through avoided costs or operating savings, and these significantly exceed the default penalty identified then an adjustment will be made upwards.

The Officer will produce an estimate of the derived economic benefits in commissioning the offence.

Step 5: Adjust the default penalty for aggravating and mitigating factors in conduct

The table below contains a non-exhaustive list of factors that may result in an upward or downward adjustment of the penalty.

The penalty would typically be increased by £500 for each aggravating factor up to a maximum of £2,500 and the penalty would normally be decreased by £500 for each mitigating factor up to a maximum of £2,500.

Aggravating factors potentially increasing penalty	Mitigating factors potentially reducing penalty
Previous convictions, having regard to a) the nature of the offence to which the conviction relates and its relevance to the current offence; and b) the time that has elapsed since the conviction.	Self-reporting, co-operation and acceptance of responsibility
History of penalty charge notices having regard to nature of offence and its relevance to current offence.	Evidence of prompt steps taken to comply with the law and/or restitution to victims.
History of one or more instances where works undertaken in default at properties owned by the Offender or where emergency measures have had to be taken.	Evidence of good customer/tenant service and support
History of warnings of non-compliance by LCC or other authorities.	Mental disorder or learning disability, where linked to the commission of the offence.
History of ignoring requests from tenants to remediate hazards.	Serious medical conditions requiring urgent, intensive or long-term treatment.
History of obstruction and non-co-operation of officers from LCC	Age and/or lack of maturity where it affects the responsibility of the Offender.
	Sole or primary carer for dependent relatives and who may be adversely affected.

Step 6: Adjust the default penalty for costs incurred by Leicester City Council

The costs of investigating a non-compliance and issuing the requisite penalty charge notices are to be added to the proposed penalty charge by the Officer.

The average cost for investigating and issuing the penalty charge is estimated at £1,100.

This can be reduced or increased depending on the complexity of the case. Where this is to be charged then the Officer will substantiate this with a detailed statement of the costs incurred based on the current Fees and Charges Schedule.

Step 7: Adjust for the Offender's means

The Offender is assumed to be able to pay a penalty up to the maximum and continue running their business to the required standard and in compliance with regulations.

If LCC has information to the contrary then a reduction in the proposed penalty may be made by the Officer.

Note: Business viability

Whilst the Officer will consider the effects of the penalty on the viability of the business, the risk of putting the Offender out of business will be an acceptable outcome for Leicester City Council in some circumstances.

Step 8: Determine the proposed penalty charge

The Officer will consider the adjusted penalty charge and will determine the proposed penalty charge at that level if they are satisfied that it meets the aims of Leicester City Council's General Regulatory Policy/Civil Penalty Policy, that is, does the punishment:

- Deter future non-compliance and/or
- Remove any gain derived through the commission of the offence;

And

- is it otherwise fair and proportionate

The Officer can make further adjustments if appropriate and will document the reasons for this.

Note: The Totality Principle

Penalty charges are capped at £30K

If there are multiple breaches of the same or different regulations then the financial penalties for each offence should be added up.

If the aggregate total is not considered fair and proportionate, then each penalty should be proportionately reduced so as to reach a fair and proportionate total proposed penalty charge.

The elements composing the total proposed penalty charge will then be assigned to each offence.

Step 9: Determine the appropriate regulatory sanction and serve the Notice of Intent to levy a penalty charge

The Team Manager, Private Sector Housing, will determine whether the matter is to be disposed of by civil penalty or prosecution.

The Officer shall issue the Offender with a 'notice of intent' to impose a financial penalty.

A person who is given a notice of intent may make written representations about the intention to impose a financial penalty; any representations must be made within 28 days from when the notice was given.

Step 10: Determine the penalty charge

After the end of the period for representations the Team Manager, Private Sector Housing, shall review the Officer's case file, consider any representations, consult with Legal Services if appropriate, and will decide whether to impose a penalty and, if so, the amount of the penalty.

Step 11: Serve the Final Notice

If the decision is to impose a financial penalty, a 'final notice' requiring that the penalty is paid within 28 days shall be issued by the Team Manager, Private Sector Housing, to the Offender.

A person who receives a final notice may appeal to the First-tier Tribunal against: the decision to impose a penalty; or the amount of the penalty.

Step 12: Withdrawal or subsequent amendments

If circumstances arise after the issue of the Final Notice that indicate that the penalty should be amended or withdrawn then this decision will be taken by the Head of Service after appropriate consultation.

Consultation Results

Do you agree with the scope of the policy?

Respondent	No	Yes	Grand Total
A housing advice / support agency		1	1
A landlord	1	1	2
A landlord's agent	1		1
A member of the public	1	10	11
A tenant		2	2
Other		2	2
Grand Total	3	16	19

Comments:

"I agree with everything except the level of fines.

For the larger agents, those fines are cheap. For agencies like ours, one single fine will put us out of business.

I feel it should be based on revenue earned rather than set values up to the value of £30000 in severe cases; anything that warrants a higher fine should be pursued through court. "

"Fining a landlord will not prevent them continuing failing to comply with any offence; civic penalties would be appropriate if they went alongside a revoking of their licence to act as a landlord. Further any civic penalty received under these failures should automatically be reinvested into social housing"

"Private Landlords will stop providing a service, and the council/housing associations will be left to pick up the slack, the homeless problem in Leicester will increase.

There is already provision in law to punish rogue landlords, there is no more legislation necessary."

"With the current shortage of property compared to population, a larger number of people are being forced into substandard accommodation and having to pay high prices for it. This is allowing the unscrupulous to take advantage of the poorly informed and less well educated, not to mention the unknown number of people living here who are unregistered by choice or because they are illegally imported."

What do you think about the default level of the civil penalties?

Respondent	About right	Too high	Too low	Grand Total
A housing advice / support agency	1			1
A landlord	1	1		2
A landlord's agent		1		1
A member of the public	6		5	11
A tenant	1		1	2
Other	2			2
Grand Total	11	2	6	19

Comments:

"For some professional property investors and large agents, they're far too low. For small agents and landlords with one or two properties, they're far too high. A percentage of revenue will be more accurate in demonstrating the severity of offence."

"As above fines should be escalating for every second and subsequent failure to comply. The whole purpose of fines should be to deter landlords from breaking their licence conditions, Too small the fine is NO deterrent against the cost of compliance"

"Most private rented properties need to be improved to a zero energy environmental standard in this environmental crisis"

"If I have one house as a HMO the fine could be more than one month's rent, if I have ten HMO's the fine would only be less than 10% of my monthly income."

"Highest penalty is average wage. In some instances a HMO could be earning £25,000 per year"

"If a person can afford to own a property that they are making money out of they should be able to afford to make it as comfortable to live in as the property they live in themselves."

Do you think we should amend, withdraw or add to the Procedure?

Respondent	No	Yes	Not answered	Grand Total
A housing advice / support agency			1	1
A landlord	1	1		2
A landlord's agent		1		1
A member of the public	7	3	1	11
A tenant	1	1		2
Other	2			2
Grand Total	11	6	2	19

Comments:

“Perhaps have a step to ensure that the offender has made the necessary changes. “

“To determine the level of default fine, we need to understand the impact this could have on the company or individual who have breached regulations. If they're a small agent who employ two or three staff, it could result in job losses. For landlords who have one property, it could mean not being able to afford the mortgage and the property being repossessed and the tenants evicted so it can be sold quickly.

"Remove step 2 culpability should exist or not
 step 3 should only be determined by level of harm
 step 5 should be removed a fines level is just that
 steps 6 & 7 are unnecessary when fines are set at appropriate level
 step 8 would be void with one fine level
 steps 9 & 10 would also be void
 step 12 should not be needed if work is carried out appropriately"

“Withdraw it to landlords with less than 10 properties”

“Amend - increase penalties”

“I would want the power to claim the building that the Land Lord is obviously unable to manage so that the Local Council can manage it properly.”

“If a repeat offender carries on they should be put out of business and their properties taken into public ownership to house homeless people in a proper stable and supported environment”

Do you have any additional comments of the proposed Civil Penalties Policy?

“It's a great idea that would not only alleviate the court system but also provide a faster alternative for those suffering in inadequate housing.”

“Landlords (especially those with many properties) are making life difficult for both people attempting to rent out their own properties and for the people who actually rent the properties to live in. There should be legislation that reduces the capacity for abuse.”

“I think is an excellent proposal”

“To reiterate my point above. The whole purpose of fines should be to deter landlords from breaking their licence conditions, Too small the fine is NO deterrent against the cost of compliance.”

“It is grossly unfair on smaller landlords”

“Perhaps it might be an idea to engage with your local residential landlord association EMPO on these types of consultations. We have many professional members managing property in Leicester who can add value”

“If this goes ahead, I'd like to have an active involvement in how the policy is amended and enforced.

We have offered to assist Leicester City Council with uneducated landlords who are at risk of or in breach of legislation by taking their properties under management and assisting them in becoming compliant with the offer of full support for any who are unwilling to engage with us or honour their obligations; this offer is still on the table. My belief is education is a better first option than enforcement but I also recognise the need to fix the private rented sector.

Harry Albert Lettings & Estates ”

Appendix C

Neighbourhood Services & Community Involvement Scrutiny Commission

SELECTIVE LICENSING IN HIGH DENSITY AREAS OF LEICESTER

20 March 2019

Lead director: John Leach

Useful information

- Ward(s) affected: Castle, Fosse, Westcotes, Stoneygate, Saffron, Braunstone Park and Rowley Fields
 - Report author: Roman Leszczyszyn, Head of Regulatory Services
 - Author contact details: 0116 454 3191
 - Report version number: FINAL
-

1. Summary

- 1.1 The Housing Act 2004 enables Local Authorities to introduce a Selective Licensing Scheme without the need for Secretary of State approval provided it is 20% or less of the size of the municipal area or 20% or less of the size of the Private Rented Sector. Utilising the 20% and less limits for tenure/geography provides time advantages in implementation and a pathfinder for further expansion should this be desired.
- 1.2 This report sets out the ambition for an improved Private Rented Sector in Leicester, particularly in challenging areas. The approach suggested utilises the enabling Housing legislation for a scheme to come into being and offers reduced timescales as compared to a City wide scheme which would require approval by the Secretary of State.
- 1.3 This report outlines plans to develop a business case for the areas of the City with high concentrations of private rented accommodation and its initiation with a survey of residents, businesses and stakeholders in the wards of Castle, Fosse, Westcotes, Saffron, Stoneygate, Braunstone Parks and Rowley Fields.
- 1.4 The online survey will run from 11 March 2019 to 5 May 2019. A copy of the survey is attached as an Appendix.

2. Recommendations

The Neighbourhood Services and Community Involvement Scrutiny Commission is requested to:

- 2.1 Consider the report and survey and provide comments for the potential development of a scheme.

3. The Ambition to Introduce a Selective Licensing Scheme in Leicester

- 3.1 The City Council have an ambition to ensure the Private Rented Sector in Leicester is fit for purpose and within that standards are improved in those areas where there are concerns regarding Anti-Social Behaviour (ASB), tenancy management and housing conditions.

- 3.2 A selective licensing designation is valid for up to 5 years and its purpose is to enable the Council to impose additional licensing conditions and implement an intervention programme that targets manifest or emerging problems associated with concentrations of privately rented accommodation.
- 3.3 The Housing Act 2004 enables Local Authorities to introduce a Selective Licensing Scheme without the need for Secretary of State approval provided it is 20% or less of the size of the municipal area or 20% or less of the size of the Private Rented Sector. Utilising the 20% and less limits for tenure/geography provides time advantages in implementation and a pathfinder for further expansion should this desired.
- 3.4 A selective licensing scheme under Housing Act 2004 introduces the following:
- Landlords are required to report to Leicester City Council (LCC) that they are renting property in the area/s and show that they and the property managers are 'fit' to rent properties.
 - The licence issued will have conditions and non-compliance may result in civil penalties (in consultation) being imposed or prosecution. Please see Appendix two for examples of conditions that could be introduced.
 - The licence fee will help pay for information, advice, inspections and other interventions in the sector.
- 3.5 It is important to note that whilst offering opportunities for improvement and levels of control in that regard, designating an area or areas for selective licensing under Housing Act 2004 **does not** enable Leicester City Council (LCC) to exercise control¹ on the numbers or concentrations of privately rented accommodation.

4.0 Provisional location of areas designated for selective licensing

- 4.1 The 2011 Census Survey provides the following data on numbers of households living in privately rented accommodation:

	All categories	Owned	Social Rented	Private Rented	Other
Nottingham	126,131	56,867	37,486	29,098	2,253
Leicester	123,125	61,170	31,270	27,999	2,133
Coventry	128,592	77,880	21,914	26,503	2098
Derby	102,271	62,765	20,250	17,193	1,392

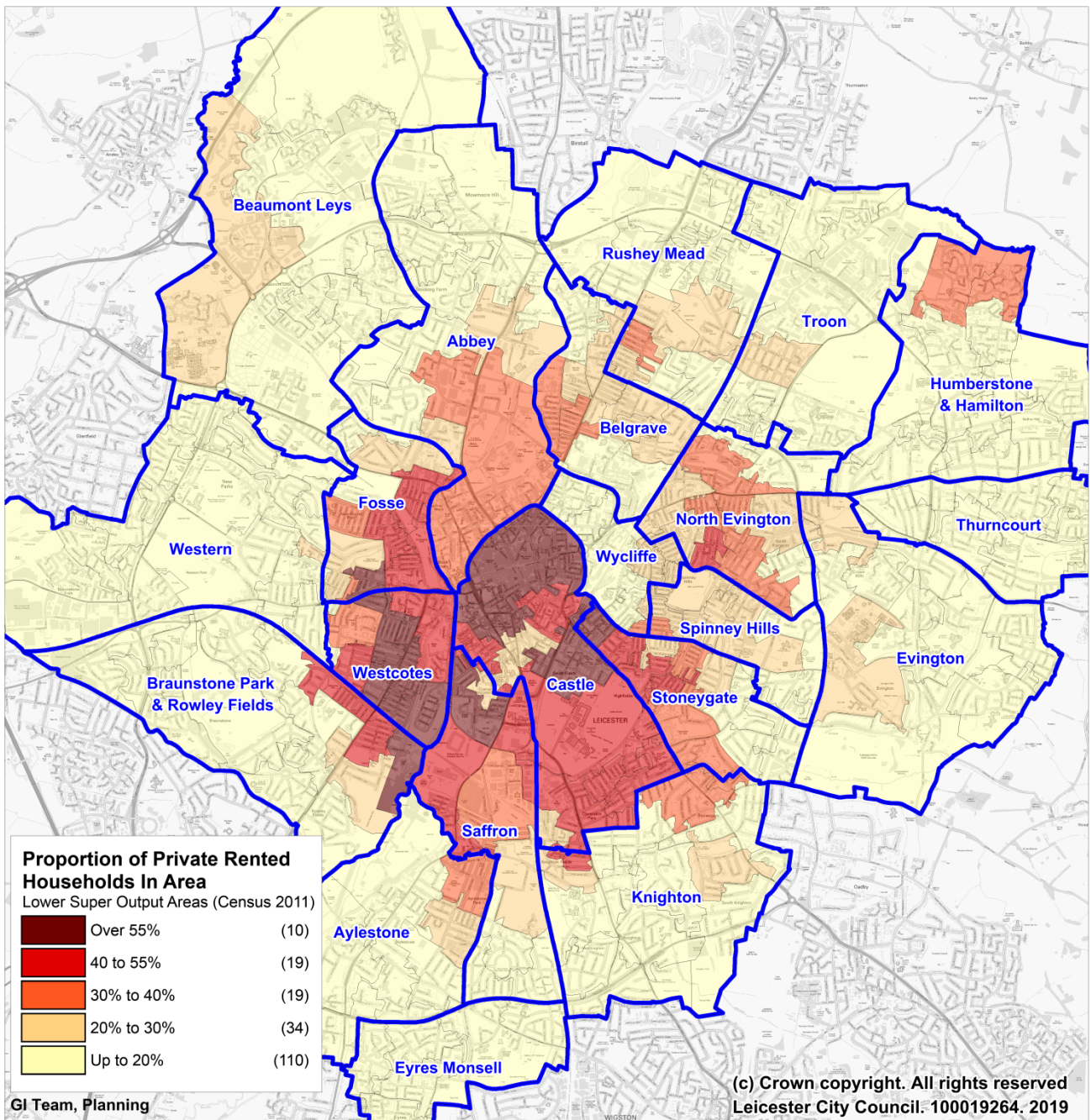
- 4.2 This proposal is developed around an approach which seeks out those locations that present the greatest challenge associated with the Private Rented Sector in the City. This is to identify the most relevant locations for potentially exploring a Selective

¹ LCC as a planning authority can declare Article 4 areas. An Article 4 Direction can be applied to remove a generally conferred 'permitted development' right such as the right to change the use a house to a small scale House in Multiple Occupation without the need to apply for planning permission. In Leicester we have successfully adopted such Directions in relevant parts of the City to ensure 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. The recent Local Plan consultation sought views on the extent of areas subject of existing Article 4 Directions, and also whether any new areas should be considered for designation.

Licensing Scheme but also to be able to shape such a scheme within the 20% rule cited earlier.

- 4.3 Based on the 2011 Census data the 20% tenure limit for Leicester is c.5,600 households (assuming each household resides in separate residential dwelling).
- 4.4 The geographical area of Leicester City is 73.3 sq.km. The area to be designated for Selective Licencing should not exceed **14.6 sq.km** (for comparison the combined area of the wards of Castle, Fosse, Westcotes, Saffron and Braunstone Park and Rowley Fields, is 16.4 sq.km).

Private Rented - (2011 Census Lower Super Output Areas) - Proportion of Total Households



4.6 The following wards are provisionally proposed for development of the business case and engagement with stakeholders:

- Braunstone Park & Rowley Fields
- Castle
- Fosse
- Saffron
- Stoneygate
- Westcotes

4.7 These six wards have the highest concentrations of privately rented accommodation and rank highly in the wards experiencing problems with housing conditions, noise and waste accumulations.

4.8 Based on the 2011 Census in these six wards the total number of households in private rented accommodation is **14,664** (which significantly exceeds the 20% limit); there are neighbourhoods of concentration exceeding 55% and with Article 4 restrictions in place to limit Houses of Multiple Occupation (HMO).

4.9 The Private Sector Team has considered the following datasets in this initial Scoping Stage:

- Census 2011 data on Housing Tenures (Appendix Four)
- Regulatory Services data on Housing Conditions and Overcrowding (Appendix Five)
- Regulatory Services data on Noise complaints Overcrowding (Appendix Six)
- Community Safety Service data on complex ASB (Appendix Six B)
- Regulatory Services data on Fly-tipping and Waste Accumulations (Appendix Seven)
- Housing data on Empty Properties (Appendix Eight)
- Department of Communities and Local Government, Index of Multiple Deprivation data, September 2015, Appendices Nine to Thirteen)

4.10 In the next stage, Compiling the Business Case, the Team would undertake more gathering and analysis of data to better define the problems and the boundaries of the proposed designated area so that it is below the 20% limits for tenure and geographical area.

5.0 Introducing Selective Licensing

5.1 To ensure that designation of an area for selective licencing designation is appropriate and to successfully rebut potential legal challenges, LCC must:

- identify the objective or objectives that the designation will help to achieve;
- have considered and discounted any other courses of action² available to it that would achieve the same objective or objectives;

² For example, if the area is suffering from poor property conditions is a programme of renewal a viable alternative to making the designation; if the area is suffering from ASB could an education programme or voluntary accreditation

- have concluded that one or more of the statutory grounds for designation are satisfied (see below);
- have taken reasonable steps to consult with persons affected and considered representations;
- be sure that the exercise of the power is consistent with the authority's overall housing strategy;
- be sure that it has plans in place for a co-ordinated approach to dealing with homelessness, empty properties and anti-social behaviour.

The Statutory Grounds for designating an area for Selective Licensing are

- The area is, or likely to become, an area of low housing demand;
- The area has a significant and persistent problem with ASB where the inaction of private landlords is a contributory factor;

OR

- The area has a high number of private rented properties in relation to total number of properties

AND

- It is believed the area is suffering from significant housing condition problems
- It has experienced a recent influx in migration, living in privately rented accommodation, and there is a need to tackle poor management and overcrowding
- It suffers from a high level of deprivation which particularly affects the occupiers of privately rented accommodation
- It suffers from a high level of crime affecting residents and businesses.

5.2 In addition to satisfying the above it is vital the Private Sector Housing Team is fit for purpose and to support this a Service Assessment Team analysis exercise was proactively requested last year. This was also linked to the need to meet new and emerging pieces of work such as Selective Licensing and also recognising the Team has a relatively new Service Manager. Early findings indicate important areas for development that will be targeted to support the service going forward recognising also the Council's understandable ambitions.

5.3 For further details explaining the statutory grounds please see Appendix One.

5.4 The Process for introduction of Selective Licencing:

5.4.1 If LCC makes a designation that covers 20% or less of its geographical area or privately rented properties, the scheme will not need to be submitted to the Secretary of State, provided the authority has consulted for at least 10 weeks on the proposed final designation and the nature of the selective licensing scheme.

scheme achieve the same objective; if the problems of anti-social behaviour are only associated with a small number of properties would a Special Interim Management Order be more effective.

- 5.4.2 It is proposed, following the precedent of the City's Public Space Protection Orders (PSPOs) consultation, to first consult on the scope of the scheme to better inform the development of the business case including the area/streets to be covered. This proved to be a successful methodology for the introduction of PSPOs for the City.
- 5.4.3 Under LCC's constitution matters of Housing Strategy are a matter for full Council. The legal advice is that the decision to designate an area for selective licencing falls within this definition and is to be made by full Council.
- 5.4.4 A designation comes into force 3 months after the date on which the designation is made.

5.5 The Delivery Plan for Selective Licensing in Leicester

- 5.5.1 The delivery plan is designed to ensure that the Council's designation decision is backed up with a robust business case and made in accordance with due process; and that its subsequent operation is appropriately resourced.
- 5.5.2 There are significant implications in designating an area/s for selective licensing, both for the local authority, partners (in terms of contributions to the intervention programme) and for private landlords, tenants and the wider local community.
- 5.5.3 Noting experiences elsewhere legal challenges are to be expected.

The following staged approach is proposed with indicative timelines:

- Scoping (including promotion of the work and initial survey) Mar – Apr 2019
- Compilation of the Business Case May- Oct 2019
- Design the Scheme May- Oct 2019
- Consultation on proposed areas and Scheme Nov – Jan 2020
- Refinement of proposed areas/scheme and responses Feb – April 2020
- Decision May 2020
- Implementation & Go Live Aug/Sept 2020

- 5.5.4 The Delivery Plan identifying key activities/tangibles at each stage are shown in Appendix three.

5.6 Launching the Process

- 5.6.1 It is proposed that the intention to develop a scheme is promoted utilising the Council's Communications and Press Team as appropriate and that this is associated with the promotion of a targeted survey in the Wards identified within this report.
- 5.6.2 Please see Appendix Fourteen for the survey.

5.7 Project Management

- 5.7.1 It is proposed that the Project is managed using best practice governance arrangements including reporting to the Executive Lead for Housing.

6. Financial, legal and other implications

6.1 Financial implications

There are 3 clear stages with regards to the proposals in the report:

1. Initial Scoping
2. Developing the scheme
3. Live service

The financial implications for each phase are:

1. Scoping Stage

Costs are expected to be minimal and will be contained within existing revenue budgets.

2. Compilation of the Business Case; Design the Scheme; Consultation and Refinement

The one-off costs to design, consult and implement a scheme are estimated to be £250k. There are no available resources to fund these costs and therefore should the scheme progress to this stage then funding will have to be identified.

This consists of:

- This consists of £75k for the commission of a Housing Stock Survey;
- £150k for project management costs;
- £25k one-off.

3. Implementation and 'Go Live'

Additional officers will be recruited to administer, monitor and deliver the scheme.

A key design criteria in designing the Selective Licensing Scheme is that it is cost neutral with licensing fee income meeting the costs of administration, compliance monitoring and interventions. Any unspent sums remaining at the end of the 5 year period will need to be carried forward into a future licensing scheme or returned.

As per Hemming vs Westminster, enforcement costs will be sought from the non-compliant landlords and may take the form of civil penalties or costs recovered in the course of legal action. The costs will depend on the scale of compliance with the scheme. A contingency provision may be required if recovery is less than actual cost although the scheme should be entirely self-financing.

Alison Greenhill, Director of Finance, ext.

6.2 Legal implications

The powers enabling a local housing authority to make a selective licensing designation in its area are contained in Part 3 of the Housing Act 2004.

Subordinate legislation includes, in particular, the Selective Licensing of Houses (Additional Conditions) (England) Order 2015.

There is also non-statutory guidance issued in March 2015 by the Department for Communities and Local Government entitled “Selective Licensing in the Private Rented Sector: A Guide for Local Authorities”.

Section 80 of the Housing Act 2004 provides that a local housing authority, in deciding whether to designate its district or any area within its district, must consider the first or second set of general conditions set out in sub-sections (3) or (6) or any additional conditions specified in any order made under sub-section(7). These are detailed in Appendix One of the report.

The requirements for consultation are summarised in the report. The Guidance issued by the DCLG in 2015 provides further detail on the nature and extent of such consultation.

The decision to designate an area for Selective Licensing will require the approval of Full Council, having regard to Article 4.03(a)(ii) of the Constitution –

(ii) reserved to Full Council as a matter of local choice:

- Health Inequalities Improvement Plan
- Corporate Equalities Strategy
- Food Law Enforcement Service Plan
- Environmental Strategy (e.g. EMAS, Local Agenda 21).
- Housing Strategy (including Council housing rents, establishment of renewal areas, housing investment plan, Housing Improvement Programme).
- Local Cultural Strategy
- Leicester Regeneration Strategy
- Waste Management Strategy

Selective Licensing is not specifically mentioned, but it is likely to fall within Housing Strategy.

Jeremy Rainbow, Principal Lawyer (Litigation) – Ext. 371435

6.3 Climate Change and Carbon Reduction implications

None

6.4 Equalities Implications

Selective Licensing could, along with a wider set of measures, address issues associated with the Private Rented Sector such as antisocial behaviour, poor property conditions, high levels of deprivation and crime.

Selective Licensing may have a disproportionate effect on different types of communities. The officer view is that overall the benefits of selective licensing outweigh the potential disadvantages; it is believed will have a positive impact on disadvantaged groups who are over-represented in many of the communities where it will be implemented.

A detailed EIA will be prepared as part of the Business Case. This will identify any actions necessary to mitigate the potential impacts of the scheme.

6.5 Social Value Implications

The use of selective licensing is consistent with the Council's overall strategic approach to housing and its approach to a number of key priorities for the City.

Selective licensing, aimed at tackling the problems experienced in high density PRS areas, may help achieve a number of positive outcomes in terms of health and wellbeing, and community safety, which are all major priorities for the City.

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

None

7. Background information and other papers:

None

Author:

Roman Leszczyszyn, Head of Regulatory Services

Tel: 0116 454 3191

APPENDICES

Appendix One: Statutory Grounds for Selective Licensing

The council can make a selective licensing designation if the area:

- It is, or is likely to become, an area of low housing demand **and** the designation combined with other measures will contribute to the improvement of the social or economic conditions in the area. [HA2004, s.80(3)].
- It has a significant and persistent problem with anti-social behaviour where the inaction of private landlords is a contributory factor **and** the designation combined with other measures will lead to reduction or elimination of the problem. [HA2004, s.80(6)].

OR

- the area in question has a high number of private rented properties occupied under assured tenancies or licences in relation to the total number of properties in the area;

AND that it meets one (or more) of the following conditions;

- Following a review of housing conditions, it is believed that the area is suffering from significant housing condition problems, the council intends to inspect the dwellings to take enforcement action **and** the designation combined with other measures will contribute to preservation or improvement of the social or economic conditions of the area [SLH(AC) Order 2015, s .4];
- It has experienced a recent influx in migration, and where the migrants are primarily occupying privately rented accommodation **and** the designation combined with other measures will contribute to preservation or improvement of the social or economic conditions of the area and ensure properties are properly managed and overcrowding prevented [SLH(AC) Order 2015, s .5].
- It suffers from a high level of deprivation which particularly affects a significant number of occupiers of privately rented accommodation **and** the designation combined with other measures will contribute to a reduction in the level of deprivation [SLH(AC) Order 2015, s .6].
- It suffers from a high level of crime that affects residents and businesses in the area **and** the designation combined with other measures will contribute to a reduction in the levels of crime for the benefit of those living in the area [SLH(AC) Order 2015, s.7].

Appendix Two: Potential Discretionary Conditions in Designated Area

Some licence conditions reflect legal requirements. These would be termed 'mandatory'.

In an area designated for selective licensing the law allows a Council to apply additional conditions (termed 'discretionary') to control occupancy, reduce anti-social behaviour, safeguard the health and safety of occupants and ensure a reasonable level of management.

The following is an illustrative list of potential discretionary conditions that could be introduced in Leicester as part of the intervention programme. They were identified from a study of conditions imposed by councils operating selective licensing schemes.

Tenancy Management

"The Licence Holder shall continue to be an accredited or registered Landlord of a recognised Accreditation Scheme or equivalent professionally recognised scheme for the duration of the licence".

"The Licence Holder shall ensure that only he or an agent listed on the licence creates new tenancies or licences to occupy this property whilst this licence is in force. Copies of any new written terms of tenancies or licences must be provided to the Council within 28 days upon demand."

"The Licence Holder shall obtain references from persons who wish to occupy the property, or a part of the property, before entering into any tenancy or licence or other agreement with them to occupy the property. No new occupiers shall be allowed to occupy the property if they are unable to provide suitable references.

(References should be as a minimum, checks to ensure the tenants identity, whether they have the right to rent a property, their ability to pay rent and their past tenant history.)

The Licence Holder must retain all references obtained for occupiers for the duration of this licence and provide copies to the Council within 28 days on demand."

"The Licence Holder shall carry out adequate checks and obtain satisfactory proof that occupiers belong to a single household. Evidence of this must be retained for the duration of licence. This evidence must be provided to the Council within 28 days on demand."

"The Licence Holder must provide to the Council, in writing, details of the tenancy management arrangements that have been, or are to be, made to prevent or reduce anti-social behaviour by persons occupying or visiting the property.

Evidence of these must be provided to the Council within 28 days on demand and amongst other things shall include the following:

- a) Notification of an emergency 24hr contact number (including out of hours response arrangements)
- b) Notification of arrangements for the disposal of rubbish and bulky waste
- c) Written records of property inspections for management and repair issues”

Permitted Occupation

“A condition will contain details on maximum numbers allowed in a dwelling and maximum numbers of persons per room.”

“The Licence Holder must not allow a new resident to occupy the property or any part of the property if that occupation:

- a) Exceeds the maximum permitted number of persons for the property as detailed in the schedule of permitted occupation below.
- b) Exceeds the maximum permitted number of households for the property as detailed in the schedule of permitted occupation below.
- c) Exceeds the maximum number of persons per room as detailed in the schedule of permitted occupation below.
- d) Exceeds the maximum permitted number of persons for any letting as detailed in the schedule of permitted occupation below.

A new resident means a person who was not an occupier of the property and/or the specific room at the date of the issue of the licence. “

Property Management and Safety

“The Licence Holder shall ensure that inspections of the property are carried out at least every six (6) months to identify any problems relating to the condition and management of the property. The Council may increase the frequency of such inspections if it has good reason to be concerned about the condition or management of the property. The records of such inspections shall be kept for the duration of this licence.

As a minimum requirement the records must contain a log of who carried out the inspection, date and time of inspection and issues found and action(s) taken. Copies of these must be provided to the Council within 28 days on demand.”

“The Licence Holder must give new occupiers of the property within 7 days of the start of their occupation, the following information on Waste and Recycling, in writing:

- The collection days for the refuse and recycling bins for the property

- Details on what they can and can't recycle
- How they can dispose of bulky waste
- Any other general waste guidance from the Council

A copy of the information provided to the occupiers must be kept for 5 years and provided to the Council within 28 days on demand.”

“The Licence Holder must provide the tenants with adequate facilities for the disposal of refuse and recycling. The Licence Holder must ensure that there are suitable and appropriate receptacles for the storage of household refuse and recycling between collections, so that bags or loose refuse and recycling are not stored outside the property.”

Financial Management

“No person other than the Licence Holder or the agent named on the licence can collect or receive rent or licence fees from the occupiers at the property. The monies can be passed onto any third parties if required.”

“When rent or licence fees are collected or received from the occupiers, a written rent receipt must be given to the occupiers, within 7 days of receiving the rent. (This can be an email or written invoice confirming to the tenant, the date and amount paid.) Copies of the rent receipts and records must be provided to the Council within 28 days on demand.”

Notification of Changes

“The Licence Holder shall inform the Council’s Property Licensing Team directly, in writing or by email, of the following within 28 days of the change occurring:

- a) Any change in the ownership or management of the property.
- b) Any change in address, email or telephone number for the licence holder and/or agent.”

“The Licence Holder must advise the Council’s Property Licensing Team directly, in writing or by email, if they create or remove any rooms, bathrooms, W.Cs or kitchens in the property, at least 28 days before starting works.”

Appendix Three: Delivery Plan for Selective Licensing

	Tangibles Inputs/Outputs	Duration	Timeline
Scoping	<p>Initial identification of areas of high concentration³ and meeting the 20% criteria</p> <p>Results and analysis from public survey through online consultation in high concentration areas</p> <p>Principal Objectives⁴ of making a designation</p> <p>First Draft Performance Indicators</p> <p>Assessment of 'fit' with Housing Strategy [ensure proposed approach does not contradict existing policies and strategies]</p> <p>Assessment of 'fit' with ASB Policy [ensure proposed approach does not contradict existing policies and strategies]</p> <p>Specification for Housing Conditions Survey</p>	8 weeks	MARCH APRIL 2019
Compilation of the Business Case ⁵	<p>Recruitment of Project Team</p> <p>Procurement of external Housing Conditions Report</p> <p>External Report of Housing Conditions</p> <p>Report of levels of ASB in the areas attributable to landlord not tackling adequately; comparison with rest of City.</p> <p>Report on levels of crime in area affecting tenants, other households and businesses; comparisons with rest of City.</p>	24 weeks	MAY - OCT 2019

³ Councils have been advised to refer to the most recent iteration of the English Housing Survey for determining what is considered as a 'high level of private renting'. The current version is the 2015/16 Survey (published 2 March 2017).

⁴ Derived from Statutory Grounds - Low housing demand, ASB, Crime, Housing Conditions Tenancy Management, Deprivation.

⁵ In this stage the analysis is carried out at the level of Lower Super Output Areas (LSOAs) and includes the following:

- levels of dwelling related ASB (e.g. Noise, Fly-tipping, Pest, Neighbour Disputes)
- housing conditions (e.g. external/internal condition, overcrowding, tenant issues)
- population change
- levels of crime affecting tenants, other households and businesses
- levels of deprivation
- property values

	<p>Report on Housing Conditions from LCC evidence (N&ES, Housing)</p> <p>Report on Objectives sought and Proposed Performance Indicator Targets</p> <p>OUTPUT: BUSINESS CASE to CM consisting of:</p> <ul style="list-style-type: none"> • Objectives sought and proposed performance indicators; • The areas/streets it is proposed to designate for Selective Licensing; • The prospective Licensing Conditions • The proposed Intervention Program (including compliance checks and other measures) • The background analysis • The review arrangements <p>OUTPUT: CM/Executive review of Business Case and CM Decision Notice to proceed to public consultation.</p>		
IN PARALLEL			
Design the Scheme	<p>Draft licensing conditions (in line with objectives sought)</p> <p>Draft 5 year intervention programme (e.g. landlord/tenant information/advice provision, inspection and enforcement, investigation, assurance schemes) and resourcing plan.</p> <p>Commitments from partner agencies e.g. Police, LFRS to support and participate in the Intervention Programme</p> <p>Proposed licence fee</p> <p>Draft arrangements for performance monitoring and review</p> <p>OUTPUT: A revised Housing Strategy if this is necessary to accommodate objectives of designation</p> <p>OUTPUT: A revised Community Safety/ASB strategy if this is necessary to accommodate objectives if designation</p> <p>OUTPUT: A documentation of the policy/arrangements for coordinated responses to homelessness, empty properties if this is necessary</p>	24 weeks	MAY - OCT 2019

Consultation on proposed areas and Scheme	<p>Online Consultation Questionnaire</p> <p>Results/feedback from programme of Public & Stakeholder meetings delivered by Executive Lead and Officers</p> <p>Analysis and Report to CM/Executive on the Results of Consultation</p>	12 weeks	NOV, DEC, JAN 2020
Refinement of proposed areas/scheme and Response	<p>OUTPUT: Responses issued to persons/organisations making substantive representations.</p> <p>Final Officer Report with proposals for designated area/s; selective licensing scheme and revised Business Case.</p> <p>OUTPUT: CM Decision Note to bring proposals to Full Council.</p> <p>Final Officer Report with proposals for 'go live' date submitted to CM.</p>	12 weeks	FEB, MARCH APRIL 2020
Decision	OUTPUT: Decision by Full Council and 'go live' date	4 weeks	MAY 2020
MINIMUM STATUTORY 3 MONTH PERIOD			
Implementation	<p>Creation/revision of online/paper documentation and procedures</p> <p>Revision of IT and payment systems</p> <p>Recruitment and training of staff (managers, frontline and support)</p>	20 weeks	MAY, - SEPT 2020
And	<p>Provision of work stations and equipment</p> <p>Publicity campaign (e.g. media releases, flyers, talks, web info)</p>		
'Go Live'	<p>'Go Live' Officer report to CM</p> <p>OUTPUT: Final Media release announcing Selective Licensing Scheme is 'live'.</p>	Statutory minimum 3 month period	AUG/ SEPT 2020

Appendix Four: Privately rented property concentration by LSOA – Top 15

Broad area	Ward name	MSOA name	LSOA	All_households	Private_rented	ProportionPR	Cumulative Total
Central	Castle	#N/A	E01032872	778	590	76%	590
Central	Castle	#N/A	E01032868	483	358	74%	948
Central	Castle	#N/A	E01032867	813	558	69%	1506
West	Westcotes	West End	E01013779	893	594	67%	2100
West	Westcotes	West End	E01013776	754	476	63%	2576
West	Westcotes	West End	E01013774	704	436	62%	3012
West	Braunstone Park and Rowley Fields	Rowley Fields	E01013775	968	577	60%	3589
Central	Saffron	City Centre and St Andrew	E01013648	746	440	59%	4029
Central	Castle	City Centre and St Andrew	E01013646	1099	644	59%	4673
West	Fosse	West End	E01013781	768	428	56%	5101
Central	Castle	#N/A	E01032873	887	485	55%	5586
Central	Castle	Clarendon Park	E01013650	742	400	54%	5986
Central	Castle	Clarendon Park	E01013642	837	451	54%	6437
Central	Stoneygate	Stoneygate	E01013763	828	439	53%	6876
Central	Castle	#N/A	E01032875	423	215	51%	7091

Appendix Five: Complaints to LCC re: housing conditions and overcrowding

Ward	Number of Private Rented Properties	Number of Private Rented Properties Complained About (2016-2018)	Percentage of Private Rented Properties Complained About (2016-2018)
Wycliffe	560	70	13%
Eyres Monsell	349	37	11%
Fosse	2432	238	10%
Beaumont Leys	822	75	9%
Westcotes	2394	208	9%
Stoneygate	2192	186	8%
Western	656	55	8%
Abbey	1150	84	7%
Saffron	1092	79	7%
Evington	763	51	7%
North Evington	1696	112	7%
Rushey Mead	1018	67	7%
Spinney Hills	912	59	6%
Troon	767	49	6%
Thurncourt	317	20	6%
Aylestone	866	51	6%
Castle	4886	256	5%
Belgrave	1259	65	5%
Humberstone and Hamilton	1016	47	5%
Knighton	1184	45	4%
Braunstone Park and Rowley Fields	1668	45	3%

Appendix Six: Noise Complaints by Ward 2016-2018

Ward	Total Number of Households	Number of Households Complained About (2016-18)	Percentage of Households Complained About (2016-18)
Westcotes	4488	412	9.2%
Saffron	3793	206	5.4%
Castle	8950	439	4.9%
Belgrave	5443	236	4.3%
Fosse	6236	242	3.9%
Western	7489	281	3.8%
Eyres Monsell	4711	145	3.1%
Stoneygate	6572	202	3.1%
Abbey	7493	206	2.7%
Braunstone Park and Rowley Fields	8592	211	2.5%
Humberstone and Hamilton	5909	145	2.5%
Troon	4691	108	2.3%
North Evington	6041	139	2.3%
Wycliffe	4203	96	2.3%
Aylestone	4839	105	2.2%
Evington	6174	116	1.9%
Knighton	6734	117	1.7%
Thurncourt	4189	70	1.7%
Beaumont Leys	7117	107	1.5%
Spinney Hills	3763	52	1.4%
Rushey Mead	5698	70	1.2%

Complaint types used: Noise (DIY), Playing of Music (domestic), Neighbour (bangs, bumps, voices etc), Noise on the Street, Noise from Vehicle.

Relates to all households rather than private rented properties, as it is not possible to determine whether a noise complaint was about a private rented property or not.

Appendix Six B: ASB cases referred to CrASBU 2018⁶

Ward	Total Number of Households	Number of Case in 2018	Percentage of cases by Household
Westcotes	4488	161	4%
Saffron	3793	129	3%
Eyres Monsell	4711	145	3%
Western	7489	185	2%
Fosse	6236	149	2%
Spinney Hills	3763	84	2%
Aylestone	4839	108	2%
Beaumont Leys	7117	155	2%
Castle	8950	193	2%
Braunstone Park and Rowley Fields	8592	164	2%
Belgrave	5443	88	2%
Stoneygate	6572	102	2%
Abbey	7493	113	2%
North Evington	6041	91	2%
Humberstone and Hamilton	5909	88	1%
Wycliffe	4203	55	1%
Thurncourt	4189	48	1%
Evington	6174	67	1%
Troon	4691	46	1%
Rushey Mead	5698	44	1%
Knighton	6734	46	1%

⁶ 2598 cases are recorded for 2018. This table excludes those where the Ward is not shown. Locations will be ascertained in further work on the Business Case.

Appendix Seven: Accumulation of Rubbish/Detrimental to the Amenity Complaints by Ward 2016-2018

Ward	Total Number of Households	Number of Households Complained About (2016-18)	Percentage of Households Complained About (2016-18)
Westcotes	4488	223	5.0%
Belgrave	5443	140	2.6%
Fosse	6236	144	2.3%
North Evington	6041	136	2.3%
Stoneygate	6572	140	2.1%
Saffron	3793	74	2.0%
Troon	4691	81	1.7%
Humberstone and Hamilton	5909	102	1.7%
Castle	8950	143	1.6%
Spinney Hills	3763	53	1.4%
Aylestone	4839	60	1.2%
Rushey Mead	5698	69	1.2%
Beaumont Leys	7117	85	1.2%
Western	7489	87	1.2%
Abbey	7493	85	1.1%
Wycliffe	4203	44	1.0%
Eyres Monsell	4711	46	1.0%
Thurncourt	4189	34	0.8%
Braunstone Park and Rowley Fields	8592	63	0.7%
Evington	6174	37	0.6%
Knighton	6734	34	0.5%

Complaint types used: Detrimental to the Amenity, Accum. rubbish - domestic property, Accum. rubbish - entries/alleyways, Accum. rubbish - non domestic land.

Relates to all households rather than private rented properties, as it is not possible to determine whether these complaints are about a private rented property or not.

Appendix Eight: Empty Properties by Ward as at 31/01/2019

Analysis of Empty Properties - By Ward & Empty Duration (Excluding Non Privately Owned Properties) As At 31/01/19														
Ward Description	Empty Duration													
	(a) Empty Under 6 months	(b) Empty 6-12 months	(c) Empty 12-18 months	(d) Empty 18-24 months	(e) Empty Over 2 years	(f) Empty Over 3 years	(g) Empty Over 4 years	(h) Empty Over 5 years	(i) Empty Over 6 years	(j) Empty Over 7 years	(k) Empty Over 8 years	(l) Empty Over 9 years	(m) Empty Over 10 years	Grand Total
Castle	154	204	24	26	27	12	5	9	2	1	1	1	11	477
Westcotes	113	117	16	15	17	11	8	2	4	1	4	4	10	318
Stoneygate	97	114	31	14	13	10	9	6	4	4	5	2	9	312
Knighthon	84	56	29	23	15	6	7	3	2	2	2	1	8	235
Saffron	60	138	6	5	7	1	2	3	3	1	1	1	2	226
Fosse	89	50	26	16	10	5	4	4	3	2	1	1	1	211
Abbey	79	37	20	14	7	6	3	1	1	1	2	1	2	174
Evington	62	38	21	9	13	8	4	7	1	1	1	1	9	174
Humberstone & Hamilton	71	41	13	9	9	4	3	2	2	1	1	1	5	161
Belgrave	63	30	9	7	5	7	4	4	4	1	1	3	17	155
North Evington	63	24	14	7	7	9	3	4	3	5	1	1	13	154
Rushey Mead	63	28	12	8	11	6	3	2	2	1	2	4	6	148
Beaumont Leys	61	22	10	6	3	10	11	2	11	6	1	1	1	144
Aylestone	58	38	7	9	6	3	3	3	1	1	2	2	4	132
Western	57	32	5	10	8	4	3	1	1	1	2	2	7	130
Braunstone Park & Rowley Fields	63	29	12	3	6	3	2	1	2	1	1	1	6	129
Troon	58	22	15	6	8	2	2	2	2	3	1	1	5	125
Spinney Hills	43	17	8	5	9	7	6	1	3	2	1	1	3	105
Thurncourt	42	17	16	6	6	3	1	1	1	1	1	1	7	99
Eyres Monsell	33	11	6	6	3	4	1	1	1	1	1	1	2	68
Wycliffe	24	12	6	3	6	1	1	1	3	1	1	1	4	62
Grand Total	1437	1077	306	207	196	122	85	55	51	26	28	17	132	3739

This includes all Properties Identified with 0 Adults on Council Tax. (Classed as Empty by EHT).

This includes properties classed as 2nd homes (Furnished, but no ones main residence).

Appendix Nine: Barriers to Housing and Services by LSOA

Broad area	Ward name	MSOA name	LSOA	Barriers to Housing and Services by LSOA	All_households	Private_rented	% PR	Cumulative Total
Central	Castle	#N/A	E01032867	4411	813	558	69%	558
East	Humberstone and Hamilton	#N/A	E01032862	4894	693	253	37%	811
Central	Castle	#N/A	E01032875	5365	423	215	51%	1026
Central	Wycliffe	St Matthews and St Peters	E01013754	5704	705	55	8%	1081
Central	Castle	#N/A	E01032868	5933	483	358	74%	1439
North West	Abbey	Mowmacre and Stocking Farm	E01013603	6267	798	59	7%	1498
West	Braunstone Park and Rowley Fields	Braunstone West	E01013640	6769	636	29	5%	1527
North West	Beaumont Leys	Beaumont Leys	E01013617	7140	936	221	24%	1748
Central	Wycliffe	St Matthews and St Peters	E01013755	7660	720	29	4%	1777
Central	Wycliffe	St Matthews and St Peters	E01013748	7881	682	82	12%	1859
West	Western	New Parks West	E01013731	8213	648	66	10%	1925
West	Braunstone Park and Rowley Fields	Braunstone West	E01013638	8669	664	27	4%	1952
Central	Castle	City Centre and St Andrew	E01013647	8881	947	250	26%	2202
North West	Beaumont Leys	Beaumont Leys	E01013620	8905	694	47	7%	2249
West	Braunstone Park and Rowley Fields	Braunstone West	E01013632	9004	740	20	3%	2269
Central	Wycliffe	St Matthews and St Peters	E01013746	9667	724	65	9%	2334
Central	Castle	#N/A	E01032873	9732	887	485	55%	2819
North	Troon	Rushey Mead	E01013733	9915	619	105	17%	2924
Central	Castle	#N/A	E01032872	9981	778	590	76%	3514

South	Saffron	Saffron	E0101369 2	1032 7	483	13	3%	3527
East	Evington	Crown Hills	E0101366 7	1049 8	678	50	7%	3577
East	Humberstone and Hamilton	#N/A	E0103286 3	1097 8	612	195	32%	3772
Central	Stoneygate	Spinney Hill	E0101376 0	1132 0	698	335	48%	4107
North West	Beaumont Leys	Castle Hill	E0101361 9	1144 8	639	47	7%	4154
Central	Stoneygate	Spinney Hill	E0101376 1	1147 2	619	175	28%	4329
Central	Castle	City Centre and St Andrew	E0101364 6	1153 2	1099	644	59%	4973
West	Western	New Parks East	E0101372 6	1154 3	885	49	6%	5022
East	Evington	Crown Hills	E0101366 1	1154 6	633	71	11%	5093
South	Aylestone	Aylestone	E0101361 1	1192 5	604	54	9%	5147
East	Troon	Hamilton	E0101369 7	1216 4	921	147	16%	5294
East	Humberstone and Hamilton	Hamilton	E0101369 6	1240 0	818	128	16%	5422
North West	Abbey	Abbey	E0101360 7	1248 1	1136	379	33%	5801

Appendix Ten: Crime rank by LSOA

Broad area	Ward name	MSOA name	LSOA	Crime Rank (where)	All_households	Private_rented	% PR	Cumulative Total
West	Braunstone Park and Rowley Fields	Braunstone West	E01013640	96	636	29	5%	29
West	Fosse	New Parks East	E01013725	104	528	43	8%	72
Central	Castle	#N/A	E01032867	112	813	558	69%	630
North West	Fosse	Newfoundpool	E01013684	117	894	431	48%	1061
West	Braunstone Park and Rowley Fields	Braunstone West	E01013631	242	544	30	6%	1091
West	Braunstone Park and Rowley Fields	Braunstone West	E01013638	291	664	27	4%	1118
North West	Abbey	Mowmacre and Stocking Farm	E01013601	352	644	50	8%	1168
North West	Abbey	Mowmacre and Stocking Farm	E01013603	371	798	59	7%	1227
West	Fosse	Western Park	E01013786	378	700	171	24%	1398
North West	Abbey	Abbey	E01013607	407	1136	379	33%	1777
West	Braunstone Park and Rowley Fields	Braunstone East	E01013633	416	681	52	8%	1829
West	Western	Western Park	E01013785	505	542	40	7%	1869
West	Braunstone Park and Rowley Fields	Braunstone West	E01013632	541	740	20	3%	1889
Central	Castle	#N/A	E01032868	597	483	358	74%	2247
West	Western	New Parks East	E01013728	605	542	43	8%	2290
West	Beaumont Leys	New Parks East	E01013721	607	658	68	10%	2358
West	Westcotes	West End	E01013774	640	704	436	62%	2794
West	Braunstone Park and Rowley Fields	Rowley Fields	E01013777	670	731	342	47%	3136
Central	Castle	#N/A	E01032872	783	778	590	76%	3726
West	Braunstone Park and Rowley Fields	Rowley Fields	E01013775	815	968	577	60%	4303
West	Westcotes	West End	E01013776	822	754	476	63%	4779

South	Knighton	West Knighton	E01013690	852	656	134	20%	4913
North West	Abbey	Mowmacre and Stocking Farm	E01013602	909	797	120	15%	5033
North West	Abbey	Mowmacre and Stocking Farm	E01013604	943	648	64	10%	5097
North West	Fosse	Newfoundpool	E01013683	1141	980	468	48%	5565
West	Westcotes	West End	E01013782	1466	673	230	34%	5795

Appendix Eleven: **Living Environment by LSOA**

Broad area	Ward name	MSOA name	LSOA	Living Environment	All households	Private_rented	% PR	Cumulative Total
Central	Castle	#N/A	E0103286 7	5	813	55 8	69%	558
Central	Castle	City Centre and St Andrew	E0101364 6	26	1099	64 4	59%	1202
Central	Castle	#N/A	E0103286 8	66	483	35 8	74%	1560
West	Westcotes	West End	E0101377 9	95	893	59 4	67%	2154
Central	Stoneygate	Spinney Hill	E0101376 0	123	698	33 5	48%	2489
West	Westcotes	West End	E0101377 6	218	754	47 6	63%	2965
Central	Castle	#N/A	E0103287 2	276	778	59 0	76%	3555
North West	Fosse	Newfoundpool	E0101368 1	335	772	38 8	50%	3943
South	Saffron	Aylestone Park	E0101368 7	342	737	35 0	47%	4293
Central	Castle	#N/A	E0103287 5	535	423	21 5	51%	4508
West	Fosse	West End	E0101378 1	777	768	42 8	56%	4936
West	Westcotes	West End	E0101377 4	879	704	43 6	62%	5372
West	Westcotes	West End	E0101378 4	918	525	23 4	45%	5606
Central	Castle	#N/A	E0103287 3	1017	887	48 5	55%	6091

Appendix Twelve: Index of Multiple Deprivation by LSOA

Broad area	Ward name	MSOA name	LSOA	Index of Multiple Deprivation Rank (where 1 is most deprived)	All_households	Private_rented	ProportionPR	Cumulative Total
West	Braunstone Park and Rowley Fields	Braunstone West	E01013632	161	740	20	3%	20
South	Saffron	Saffron	E01013691	171	606	23	4%	43
West	Western	New Parks East	E01013726	172	885	49	6%	92
West	Braunstone Park and Rowley Fields	Braunstone West	E01013638	196	664	27	4%	119
West	Fosse	New Parks East	E01013725	286	528	43	8%	162
North West	Abbey	Mowmacre and Stocking Farm	E01013603	365	798	59	7%	221
South	Saffron	Saffron	E01013693	405	522	18	3%	239
South	Saffron	Saffron	E01013692	425	483	13	3%	252
West	Braunstone Park and Rowley Fields	Braunstone West	E01013640	450	636	29	5%	281
West	Western	New Parks West	E01013730	733	758	48	6%	329
North West	Beaumont Leys	Beaumont Leys	E01013620	763	694	47	7%	376
South	Eyres Monsell	Saffron	E01013679	1057	520	39	8%	415
North West	Beaumont Leys	Beaumont Leys	E01013621	1092	743	55	7%	470
Central	Wycliffe	St Matthews and St Peters	E01013754	1150	705	55	8%	525
South	Eyres Monsell	Eyres Monsell	E01013674	1354	774	37	5%	562

Appendix Thirteen: Health Deprivation and Disability by LSOA – Top 15

Broad area	Ward name	MSOA name	LSOA	Health Deprivation and Disability Rank	All_households	Private_rented	% PR	Cumulative Total
South	Saffron	Saffron	E01013691	320	606	23	4%	23
West	Western	New Parks East	E01013726	355	885	49	6%	72
West	Braunstone Park and Rowley Fields	Braunstone West	E01013632	672	740	20	3%	92
West	Western	New Parks West	E01013730	777	758	48	6%	140
North West	Abbey	Mowmacre and Stocking Farm	E01013603	784	798	59	7%	199
Central	Castle	City Centre and St Andrew	E01013646	810	1099	644	59%	843
Central	Castle	City Centre and St Andrew	E01013647	861	947	250	26%	1093
West	Western	New Parks West	E01013727	870	649	56	9%	1149
South	Saffron	Saffron	E01013693	1005	522	18	3%	1167
West	Braunstone Park and Rowley Fields	Braunstone West	E01013638	1060	664	27	4%	1194
North	Belgrave	Belgrave	E01013628	1092	645	118	18%	1312
South	Saffron	Saffron	E01013692	1289	483	13	3%	1325
West	Braunstone Park and Rowley Fields	Braunstone East	E01013639	1491	538	63	12%	1388
North West	Beaumont Leys	Beaumont Leys	E01013622	1561	729	53	7%	1441
West	Fosse	West End	E01013781	1661	768	428	56%	1869
East	Evington	Crown Hills	E01013661	1711	633	71	11%	1940
West	Fosse	New Parks East	E01013725	1774	528	43	8%	1983

Selective licensing of privately rented homes

Overview

Leicester City Council is considering the introduction of Selective Licensing to areas of the city where there are high levels of private rented accommodation. These include parts of:

- + Braunstone Park and Rowley Fields
- + Castle
- + Fosse
- + Saffron
- + Stoneygate
- + Westcotes

The scheme could also be introduced to other parts of the city if it was considered appropriate.

Under Selective Licensing anyone who rents out a property in a designated area would be required to be licensed by Leicester City Council. The council will check that the landlord is a 'fit and proper person' and, through compliance with licensing conditions, is providing safe and well managed accommodation. A landlord in breach of their licence may be issued a civil penalty or be prosecuted.

Selective Licensing schemes and other measures that might be necessary to improve the social or economic conditions of the area are funded by licensing fees. The schemes run for a period of up to five years.

Selective Licensing schemes have been established in many places around the country, with local authorities reporting the following benefits for their communities:

- + Better housing
- + Increased housing demand
- + Reduced crime and anti-social behaviour
- + Image of the neighbourhood is improved and more desirable to live in
- + Improved security and more settled communities
- + Reduced number of empty properties
- + Reduced environmental problems, such as graffiti, litter and fly-tipping
- + Protection of vulnerable people who currently live in poor condition properties.

Leicester City Council is working towards a Selective Licensing scheme for less than 20% of the city's private rented sector and less than 20% of the city's geographical area. This means that the designation can be made by Leicester City Council and does not require confirmation by the Secretary of State.

Why we are consulting

This is an initial consultation to seek the views of local residents and stakeholders about the introduction of a scheme of Selective Licensing of privately rented homes. Your responses will help development of the case for Selective Licensing.

About you

Please note that the information you provide via this survey will be kept in accordance with terms of current Data Protection legislation. It will be used to help us make a decision about the proposed implementation of a selective licensing scheme.

Once a decision has been made, we will use your contact details to send you information about this consultation if you click the relevant authorisation option below. Your details will not be passed on to any other individual, organisation or group. You do not have to provide contact details if you do not want to.

Leicester City Council is the data controller for the information on this form for the purposes of current Data Protection legislation.

1 Your name

2 Email address

If you enter your email address then you will automatically receive an acknowledgement email when you submit your response.

Email

3 In what capacity are you filling in this consultation?

Please select only one item

- Private landlord who owns and rents out a property in Leicester
- Letting agent / managing agent operating in Leicester
- Private tenant who rents a property in Leicester Home owner in Leicester
- Social housing tenant in Leicester
- Business owner / service operator within Leicester
- Representative of a community or voluntary organisation within Leicester Other

If Other, please specify

4 If you are a private tenant, what type of tenancy do you have?

Please select only one item

- N/A Assured Tenancy Assured Shorthold Tenancy Licence
- Don't have a tenancy agreement / licence Don't know Other

If Other, please specify

5 What is your postcode? (your home if you are a private tenant, your property if you are a private landlord)

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.

6 If you are a private landlord, letting agent or managing agent, how many properties do you currently own or manage in Leicester?

Please select only one item

- N/A 1 2-10 11-50 51-100 More than 100

7 Please tick if you would like us to contact you with details of the consultation once a decision has been made

- (leave unticked if you do not want us to contact you)

8 Thinking about your experiences of living, working or running a business in the area(s) being considered for selective licensing, what are your views on the following statements?

	Agree	Disagree	No opinion	Don't know / not applicable
Property conditions are a problem in these areas <i>Please select only one item</i>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
There are lots of rented properties in the areas <i>Please select only one item</i>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Poor property conditions have an impact on the health of the person who lives there <i>Please select only one item</i>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The council should take steps to improve property conditions in these areas <i>Please select only one item</i>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The value of properties in these areas is low compared with other areas <i>Please select only one item</i>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Rent levels in these areas are low compared with other areas <i>Please select only one item</i>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The demand for housing in these areas is low <i>Please select only one item</i>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Long-term empty				

9 Do these areas have a problem with any of the following? (please tick all that apply)

Please select all that apply

- Absent landlords Badly-managed properties Burglary Car crime
- Community cohesion issues Dog fouling Graffiti
- Fly-tipping or dumped rubbish Litter Loud music
- Poor quality properties Properties being overcrowded Rats or other pests
- Vandalism Other

If Other, please specify

10 Overall, do you think Leicester City Council should introduce a license scheme for all privately rented properties in the areas listed at the top of this page?

Please select only one item

- Strongly agree Agree Neither agree nor disagree Disagree
- Strongly disagree No opinion / don't know

11 Are there any other areas of the city that should be considered for Selective Licensing?

12 Do you have any final comments on extending licensing to all private rented accommodation?

Leicester City Council Scrutiny Report

Report of visit by members of the Neighbourhood Services and Community Involvement Scrutiny Commission to the Leicester City Council CCTV control centre.

A Report for the Neighbourhood Services and Community Involvement Scrutiny Commission

20 March 2019

Neighbourhood Services and Community Involvement Scrutiny Commission

Commission Members on site visit:

Councillor Inderjit Gugnani (Chair)
Councillor Aminur Thalukdar (Vice-chair)
Councillor Ratilal Govind
Councillor Elaine Halford
Councillor Sue Hunter
Councillor Sue Waddington

Apologies: Councillor Hanif Aqbany

1 Recommendations

The Assistant Mayor for Neighbourhood Services and the Executive are asked to consider the following recommendations and comments.

The Neighbourhood Services and Community Involvement Scrutiny Commission:

- 1.1 Endorses the strategy of upgrading and streamlining the CCTV systems run by Leicester City Council on behalf of the communities of Leicester
- 1.2 Notes the extensive use to which the police put the systems to deter and detect crime, and use images and information from the system to support criminal prosecutions;
- 1.3 Urges that Leicestershire Police make a greater financial contribution to the operation of the CCTV system to better reflect its value and importance to police operations; and
- 1.4 Urges the Executive Member to pursue further contributions from Leicestershire Police and to report back on the police response

2 Report

- 2.1 Members of the Neighbourhood Services and Community Involvement Scrutiny Commission were invited to visit the newly-established Closed Circuit TV (CCTV) centre.
- 2.2 The visit took place on 11 February 2019 and the following members took part: Cllrs Gugnani, Thalukdar, Waddington, Hunter, Halford and Govind. Also present were Bob Mullins, head of standards and development, and Dave Warren, CCTV Service and Change Manager.

- 2.3 Members who attended the wished to put on record their thanks to officers and staff who provide help and information during and after the visit.
- 2.4 Members were shown the newly established CCTV centre for operations in Leicester. The bank of more than 70 screens concentrated on three main areas:
- the city centre street scene
 - Entry to mainly high-rise blocks on the St Peter's estate
 - Street scene on the council's outer social housing estates
- 2.5 The CCTV centre represents an investment of more than £250k and effectively brings together two council-based systems which have not been compatible. This includes the ageing housing estates system whose existing infrastructure is being replaced with more modern digital cameras. This upgrade of cameras and infrastructure is a further investment of £800k.
- 2.6 That upgrade has been going on across the city, with replacement cameras being installed in places to fit in with other infrastructure work. In all there are around 1,000 CCTV cameras in the systems across the city. They record information which is accessible even if it is not shown on the monitors in the control room.
- 2.7 The upgrade across the city should be completed this financial year – to date 70% of the cameras have already been replaced. The £3k replacement cost for each camera should be placed in context; a replacement lens on the old pan, tilt and zoom cameras would cost as much to replace. Maintenance costs for the old cameras was not sustainable when new 'plug and play' equipment could be brought relatively cheaply.
- 2.8 There are 13 staff at the centre, which operates on a 24-hour a day, seven day a week basis. Three officers were monitoring the bank of screens and responding to queries.
- 2.9 There is a direct feed from the centre to the police county HQ at Enderby. Maintenance of the feed is paid for by Leicestershire Police. However the police make no contribution to the costs of running the council's scheme, although they call on its services frequently to gather information and evidence about an incident or to send resources to incidents which have the potential for causing disorder or criminal activity. Talks are continuing to see if this position can be changed.
- 2.10 The system runs separately from other CCTV networks with the city, although the CCTV Manager maintains links with the system managers. Other networks with the city include the two university systems. The Leicester University scheme monitors Victoria Park. The Area Traffic Control system is able to be utilised by the CCTV operators, who can take control of these cameras if the situation demands.
- 2.11 Hospitals such as Leicester Royal Infirmary have individual systems, as well as for example commercial operations such as the Highcross centre. It is also

of note that a system has been established within the city centre based on new free-standing phone booths and charging points. These are gathering data about the behaviour and movements of pedestrians within the city centre.

2.12 Routine operations at the centre include allowing vehicle access to otherwise restricted areas. The system monitors entry systems to the council's high-rise blocks, allowing access for visitors with legitimate reasons to be in the building; it also provides back-up for residents who have forgotten their entry passes.

2.13 Other council systems connected to the centre, if only via phone, include communications for teams such as city wardens and parking enforcement (who are also having a roll-out of body cams). The system has been used to identify fly-tipping incidents and offenders.

2.14 As well as fixed cameras the centre has around 30 mobile cameras which can be deployed when there is an expectation or fear of antisocial behaviour or to deter such behaviour.

3 Financial, Legal and Other Implications

Financial Implications

N/A

Legal Implications

N/A

Equality Implications

No observations

4 Officer to Contact

Jerry Connolly
Scrutiny Policy Officer
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Jerry.connolly@leicester.gov.uk

Executive Response to Scrutiny

The executive will respond to the next scrutiny meeting after a review report has been presented with the table below updated as part of that response.

Introduction

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Scrutiny Recommendation	Executive Decision	Progress/Action	Timescales

Neighbourhood Service and Community Involvement Scrutiny Commission

Work Programme 2018-19

Meeting date	Meeting items	Actions Arising	Progress
4 th July 2018	<ol style="list-style-type: none"> 1. Portfolio Overview 2. Waste management – presentation to include Biffa – showing process in place for dealing with waste disposal in the city. 3. Food safety service plan 4. Spending reviews 5. Work programme 		
6 th September 2018	<ol style="list-style-type: none"> 1. Community safety plan update 2. Community Asset Transfer scoping document 3. Work programme 		
17 th October 2018	<ol style="list-style-type: none"> 1. Review of Hinckley Road: resilience response 2. Gambling policy – consultation feedback 3. Work programme 		
5 th December 2018	<ol style="list-style-type: none"> 1. Community safety plan – knife crime priority reporting 2. “Bring banks” in student areas. 3. Work programme 		
23 rd January 2019	<ol style="list-style-type: none"> 1. Council budget 2. Fly-tipping 3. Consideration of council resolution of June 2018 4. Hate crime update 5. Work programme 		

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Appendix E

Neighbourhood Service and Community Involvement Scrutiny Commission

Work Programme 2018-19

20th March 2019	1. CCTV visit report and presentation 2. Civil action against private landlords 3. Work programme		
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Neighbourhood Service and Community Involvement Scrutiny Commission

Work Programme 2018-19

FORWARD PLAN / SUGGESTED ITEMS		
Topic	Detail	Proposed Date
City Warden Service		
Social welfare advice update	Deferred from March 2019	
Digital inclusion – wider implications of inclusion and action plan	Deferred from March 2019 agenda	
Residents parking	Enforcement	
Safer Leicester Partnership	Sector reports and updates	
Neighbourhood Policing and Community Safety	Government's modern crime prevention strategy	
Cold calling and doorstep loans	Proposal from July 2017 meeting	
Community Safety	Public Spaces Protection Order (New Psychoactive Substances & Street Drinking): broad review	
Regulatory Services		
Trading Standards	Legal highs	
Taxi Drivers	Child Safety/ screening process/ air quality	
Taxi Penalty System	12 month review – recommendation from NSCI August 2015	
Voluntary and Community Sector	Voluntary Action Leicestershire annual report	
Emergency food: City's Food Banks	Overview and forthcoming developments Update report on volunteering numbers on food banks	
Welfare reform/ Universal Credit	Briefing on impact and roll-out.	
The Furniture Bank Pilot Scheme: Evaluation & Future Options	Evaluation of pilot scheme and future options	
Discretionary policy review	12 month evaluation (see March 2018 meeting)	First meeting 2019-20 programme

Neighbourhood Service and Community Involvement Scrutiny Commission

Work Programme 2018-19

KEY DECISIONS		
	None currently	
NON-KEY DECISIONS		
Temporary Relaxation of Taxi Age Policy	Announced May 2018	Autumn 2018

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