

Leicester
City Council

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

November 2021

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Foreword

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

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

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

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

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

Cllr Elly Cutkelvin
Assistant City Mayor (Housing)

1. Executive Summary (Including Options)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. Introduction

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Use and Effectiveness of Selective Licensing” ([Title \(publishing.service.gov.uk\)](#)), a joint research review conducted by the Chartered Institute of Housing and the Chartered Institute of Environmental Health, “A Licence to Rent” ([a-licence-to-rent.pdf \(cieh.org\)](#)) and guidance for local authorities on establishing Discretionary Licensing Schemes:

<https://www.gov.uk/government/publications/selective-licensing-in-the-private-rented-sector-a-guide-for-local-authorities> & <https://www.gov.uk/government/publications/houses-in-multiple-occupation-and-residential-property-licensing-reform-guidance-for-local-housing-authorities>

3. Licensing in the Private Rented Sector

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

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

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

3.1 What is a HMO?

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

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

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

- As their only or main residence;
 - As a refuge by persons escaping domestic violence;
- or
- During term time by students.

In all cases: -

- Occupation of the living accommodation must be the only use of that accommodation;
and
- Rents are payable or other considerations are provided.

Under the Housing Act 2004, a household comprises: -

- A single person (though a property will not qualify as an HMO if it is occupied by 2 single people who are separate households);
- Co-habiting couples (whether or not of the opposite sex);
or
- A family (including foster children and children being cared for) and current domestic employees.

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

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

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

3.2 Mandatory Licensing

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

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

- It is occupied by five or more persons living in two or more separate households;
and
- It meets either: -
 - The standard test under section 254(2) of the Act;
 - or
 - The self-contained flat test under section 254(3) of the Act (but is not a purpose-built flat situated in a block comprising three or more self-contained flats);
 - or
 - the converted building test under section 254(4) of the Act.

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

3.3 Selective and Additional Licensing

In April 2015 the Secretary of State for Communities and Local Government gave Local Authorities general approval to introduce Selective and Additional Licensing designations in England without requiring the specific confirmation of the Secretary of State, if certain conditions are met: Licensing of Houses in Multiple Occupation and Selective Licensing of Other Residential Accommodation (England) General Approval 2015: [General_consent_final_2_.pdf \(publishing.service.gov.uk\)](#).

3.3.1 Selective Licensing

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

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

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

and

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

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

(a) that the area is experiencing a significant and persistent problem caused by Anti-Social Behaviour;

(b) that some or all of the private sector landlords who have let premises in the area (whether under lease or licences) are failing to take action to combat the problem that it would be appropriate for them to take;

and

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

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

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

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

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

and

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

The Authority must not make a designation unless: –

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

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

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

<http://consultations.leicester.gov.uk/comms/landlord-licensing>.

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

A house is defined as: -

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

Please note local authorities are required to obtain confirmation from the Secretary of State for any selective licensing scheme which would cover more than 20% of their geographical area or would affect more than 20% of privately rented homes in the local authority area ([General consent final 2 .pdf \(publishing.service.gov.uk\)](#)).

3.3.2 Additional Licensing

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

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

- Consider that a significant proportion of the HMOs of that description in the area are being managed sufficiently ineffectively as to give rise, or likely to give rise, to one or more particular problems either for those occupying the HMOs or for members of the public;
 - Take reasonable steps to consult with persons who are likely to be affected and consider any representations made in accordance with the consultation and not withdrawn (Details regarding Leicester City Council's consultation on this business case including methods used to reach landlords, tenants, residents, voluntary and community sector organisations and other organisations, businesses etc can be found at: <http://consultations.leicester.gov.uk/comms/landlord-licensing>);
- and
- Have regard to any information regarding the extent to which any codes of practice approved under section 233 have been complied with by persons managing HMOs in the area (these codes relate to University managed accommodation).

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

- Exercising the designation is consistent with the authority's overall housing strategy;
 - Seek to adopt a coordinated approach in connection with dealing with homelessness, empty properties and Anti-Social Behaviour affecting the PRS as regards combining licensing with other action taken by them or others;
- and
- Consider whether there are any other courses of action available to them (of whatever nature) that might provide an effective method of dealing with the problem or problems in question;
- and
- That making the designation will significantly assist them to deal with the problem or problems (whether or not they take any other course of action as well).

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

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

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

and

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

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

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

4. Supporting Information

4.1 The National Picture

- i. The Office for National Statistics state that there will be a population increase of 11 million over the next 2 decades. People are growing older and living longer. It is estimated that over the coming years the population of over 65s will increase by 7 million.
- ii. Over a million people aged 20-34 are living with parents and for many home ownership is no longer a tenure of choice or aspiration and the Private Rented Sector is often the only choice for newly forming households which is producing “generation rent”.
- iii. The English Housing survey 2016/2017 reports that under 35s have always been overrepresented in the Private Rented Sector, over the last decade or so the increase in the proportion of such households in the Private Rented Sector has been particularly pronounced.
- iv. In 2006-07, 27% of those aged 25-34 lived in the Private Rented Sector. By 2016-17 this had increased to 46%. Over the same period, the proportion of 25-34 year olds in owner occupation decreased from 57% to 37%. In other words, households aged 25-34 are more likely to be renting privately than buying their own home, a continuation of a trend first identified in 2012-13. As with those aged 35-44, the proportion of 25-34 year olds in the social rented sector did not change.
- v. In 2016/2017, 5% of households in the Private Rented Sector were living in over-crowded accommodation.
- vi. The rental market has also changed considerably. After stalling in 2013, rents charged by private landlords increased by 8.2% in 2014 across England with the average weekly rent climbing from £163 to £176.40. Currently rents average £675.

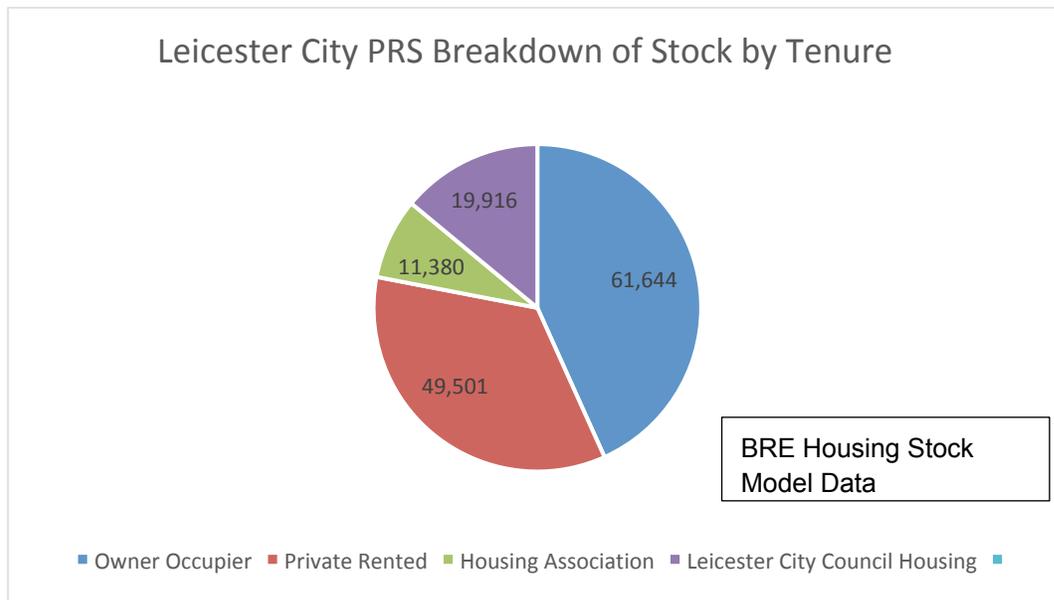
4.2 The Local context

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

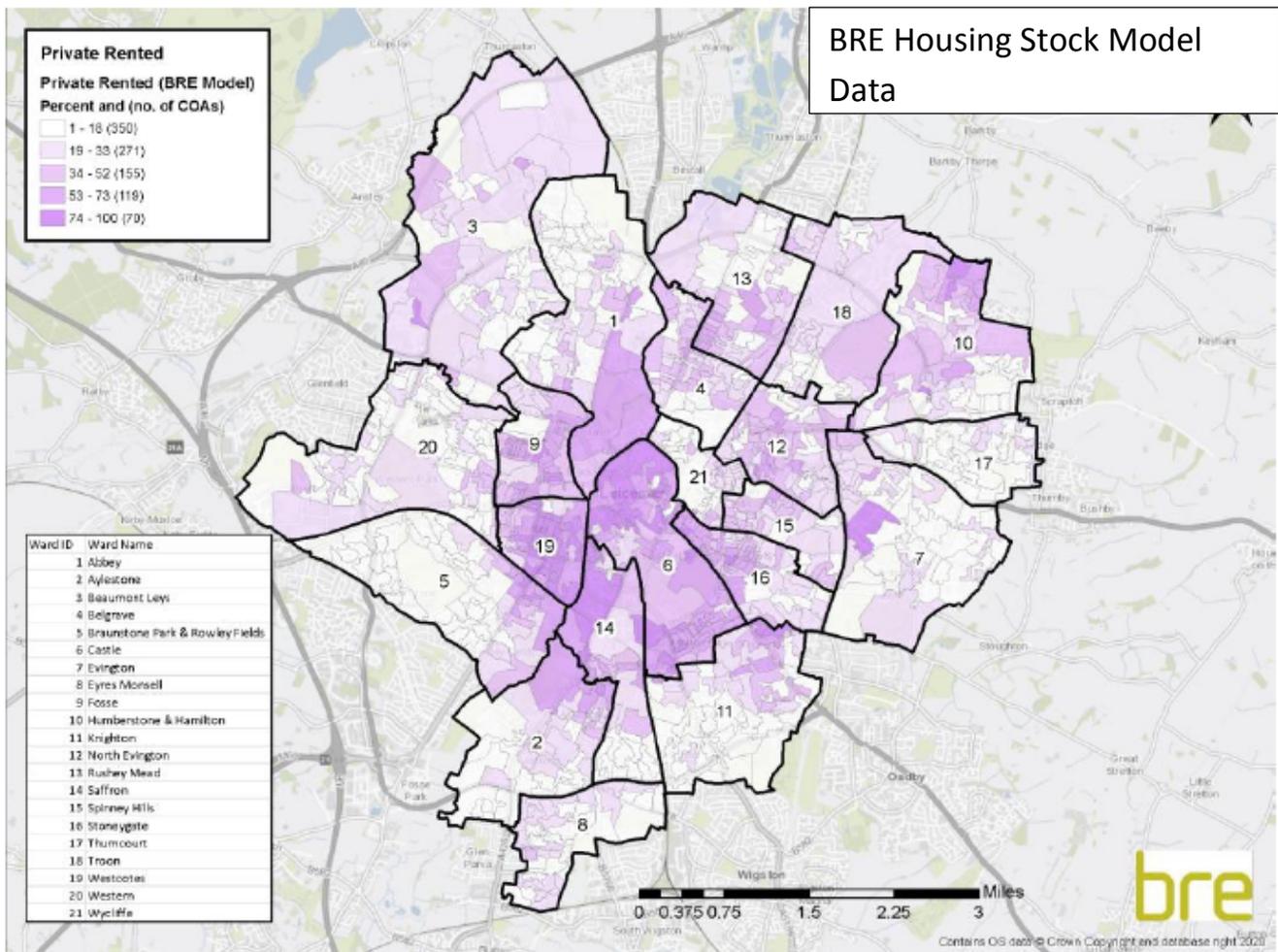
East Midlands City Populations				
Area	Status	Census 2001	Census 2011	Estimate 2019
Derby City	Unitary	221,708	248,752	257,302
Leicester City	Unitary	279,921	329,839	354,224

Nottingham City	Unitary	266,988	305,680	332,900
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- ii. Leicester provides housing, employment, shopping, public administration, leisure and has three hospitals and two universities. The universities had a combined student population of 43,100 students in the 2017/2018 academic year.
- iii. Data has been made available through a BRE Housing Stock Model & Integrated Data Report commissioned by Leicester City Council in 2019 that looked at the Housing Condition of the Private Rented Sector in the City. This report (which utilises BRE Housing Stock Model Data) can be found at <http://consultations.leicester.gov.uk/comms/landlord-licensing>. It has been useful in better understanding the PRS in the City in order to inform an intelligence led approach to seeking out improvements where they are required.
- iv. The size of the Private Rented Sector in Leicester (utilising information from the above referenced report) as a breakdown of stock by tenure is show below: -

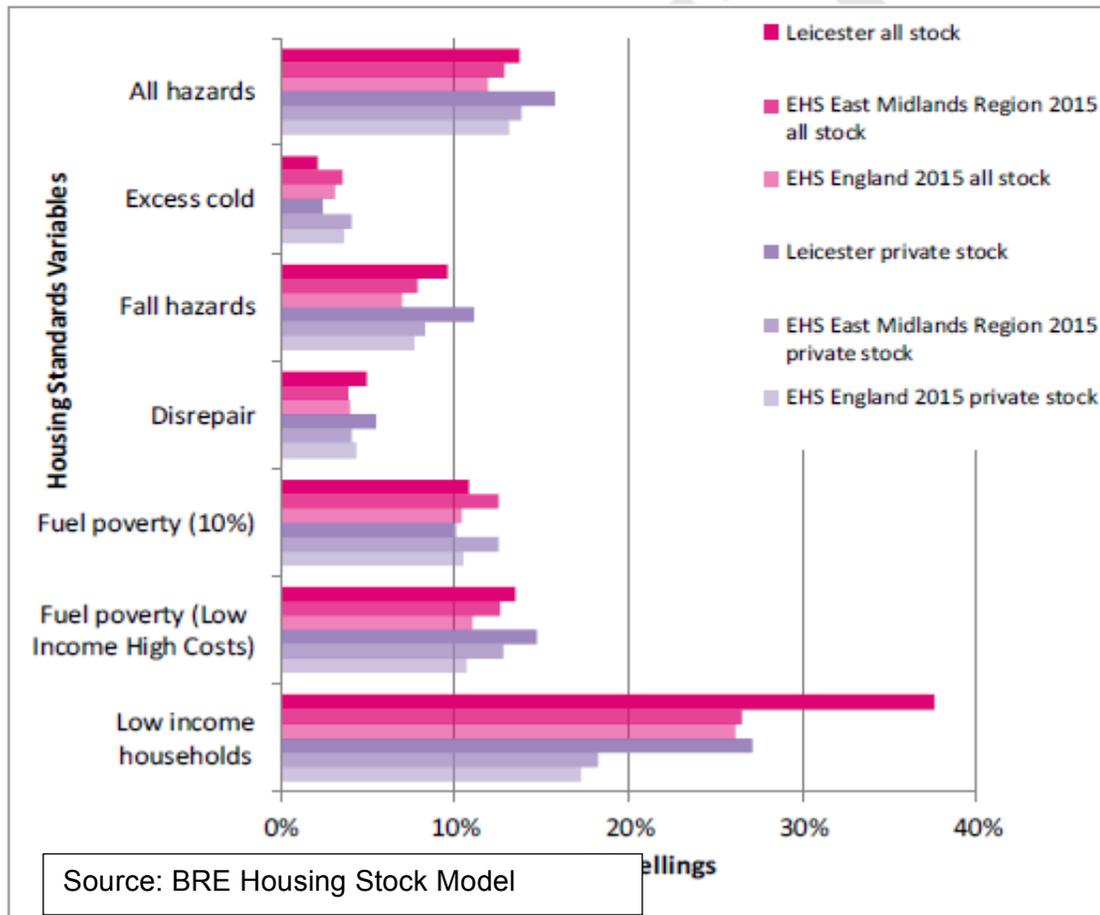


- v. Overall, the percentage of dwellings in the Private Rented Sector across Leicester (using BRE Housing Stock Model Data) is 35% compared to the national average of 19%. A large portion of wards (19 out of 21) in Leicester have a percentage of Private Rented Sector dwellings greater than the national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



- vi. There are an estimated (using BRE Housing Stock Model Data) 9,649 Houses in Multiple Occupation in Leicester with 48% of them in the Westcotes, Castle, Stoneygate and Fosse Wards.
- vii. The table on the next page taken from BRE's Housing Stock Model and Integrated Data Report commissioned by Leicester City Council in 2019 (produced by the BRE and using BRE Housing Stock Model Data) available at: <http://consultations.leicester.gov.uk/comms/landlord-licensing> shows the results for seven of the Housing standard Variables in Leicester compared to regional data and England (English Housing Survey (EHS) 2015) split into all stock and private sector stock.
- viii. The data shows that the performance of the housing stock in Leicester compared to the EHS average is generally worse with the exception of excess cold which is slightly higher in Leicester.

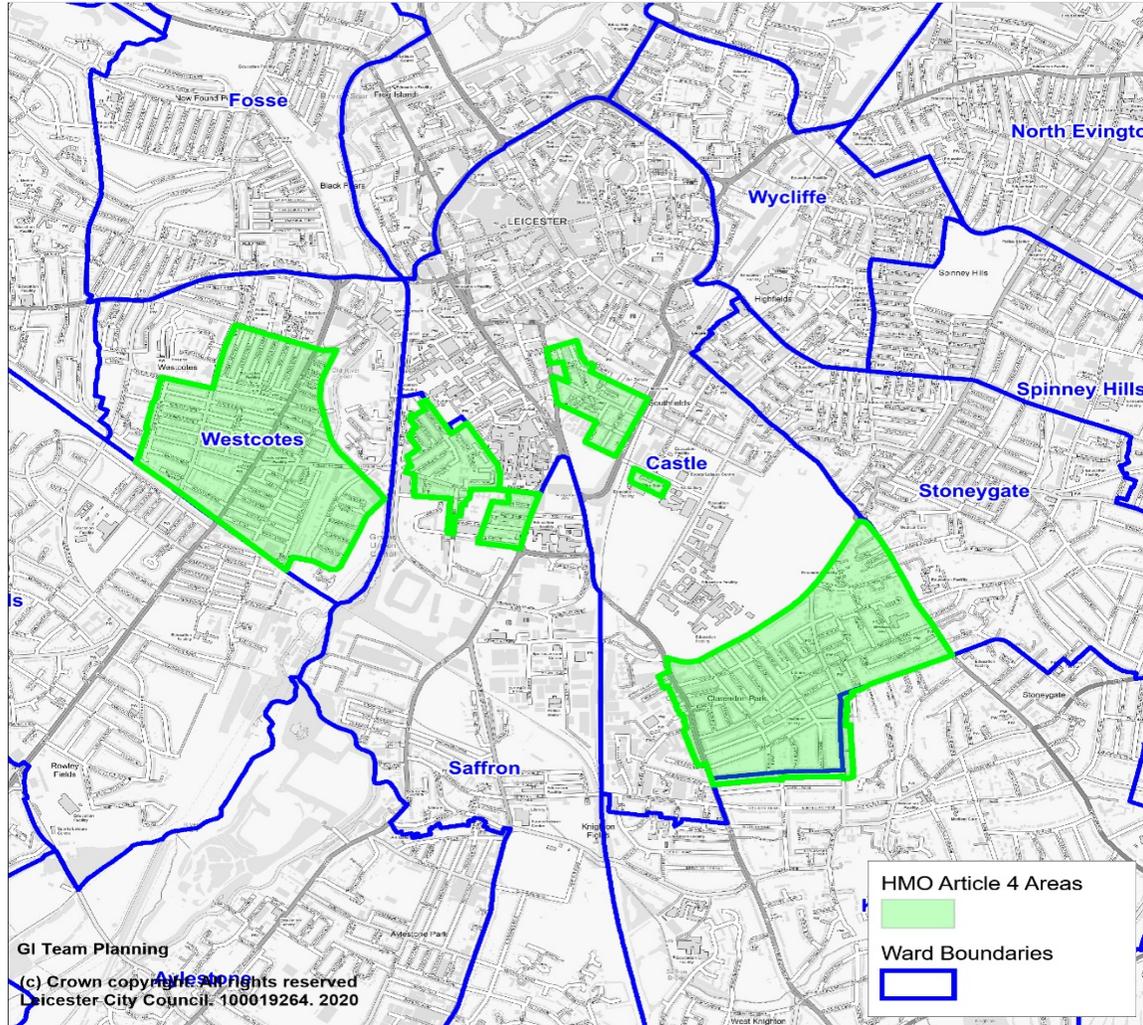
- ix. Levels of all hazards and fall hazards are notably higher in Leicester, and the proportion of low-income households is high compared to the England average.
- x. Compared to the regional average the picture is similar with Leicester generally performing worse with the exception of excess cold and fuel poverty.



- xi. Leicester City Council also currently has Article 4 Direction Areas as set down in the Town and Country Planning Act. This restricts permitted development rights within a geographical area and includes restrictions on the right to use a house as a small-scale House in Multiple Occupation without the need for planning permission.
- xii. This restriction ensures that planning applications for such changes of use are required to be submitted and enable an over concentration of these uses to be reviewed. These applications are then considered and determined against relevant planning policy. A potential extension of the Article 4 Direction for Leicester is out for consultation between 18th November 2021 to 13th January 2022, further details can be found at [Article 4 Direction extension - Leicester City Council - Citizen Space](#).

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

Article 4 Areas - HMOs (2020)



4.3 Local Strategic Context

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

a) Private Rented Sector Strategy

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

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

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

b) Empty Homes Policy

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

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

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

c) Homelessness and Rough Sleeping Strategy 2018-2023

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

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

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

d) Local Plan

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

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

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

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

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

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

f) Safer Leicester Partnership (SLP)

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

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

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

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

g) The World Health Organisation

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

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

h) Other Strategic Documents

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

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

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

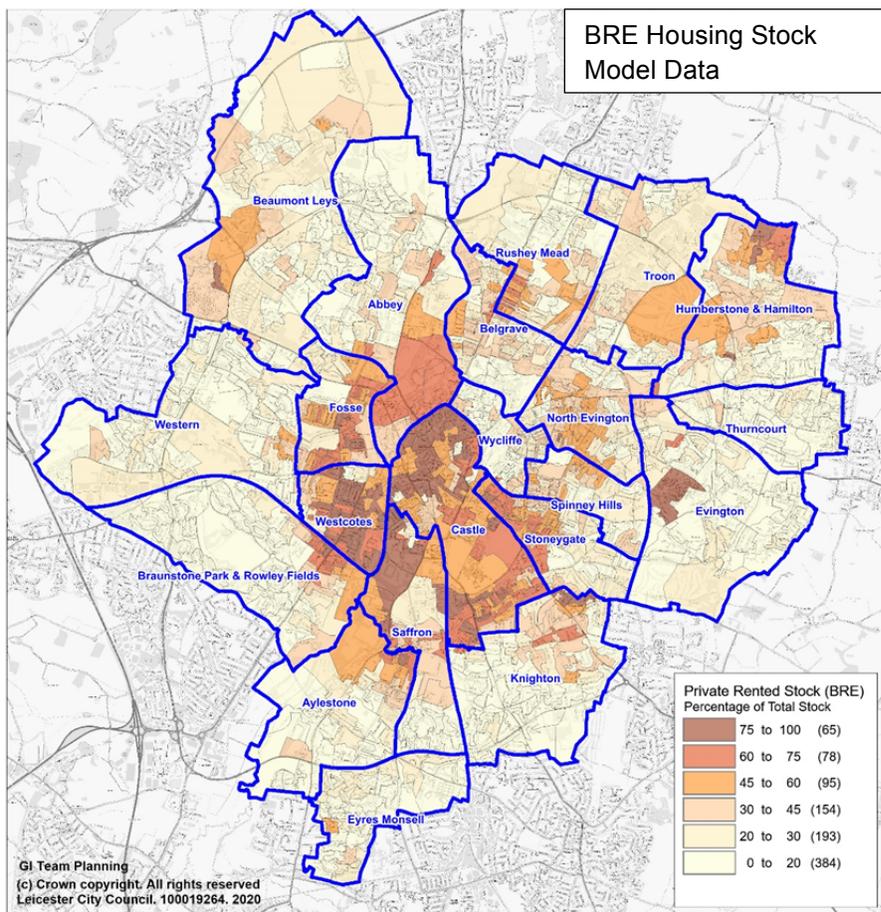
5. Evidence Base

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

5.1 The Density of Private Rented Property in Leicester

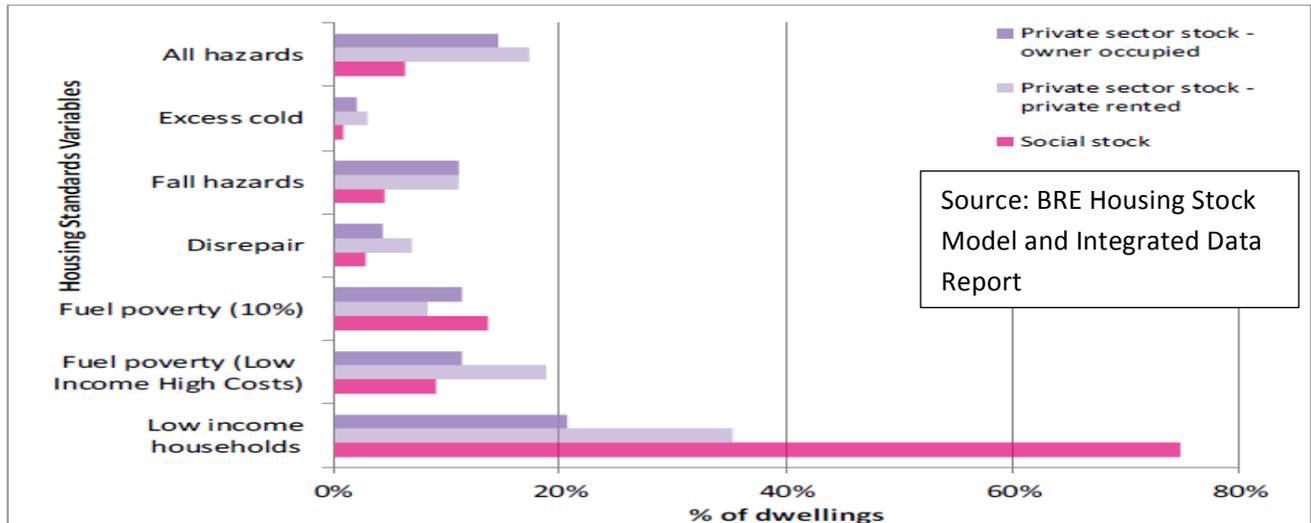
According to BRE Stock Model Data there are 142,261 dwellings in Leicester, 43% are owner occupied, 35% private rented and 22% social rented. The below map shows large parts of the City where the percentage of Private Rented Property is above the national average (19%). There are particularly high concentrations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

Private Rented - Percentage of All Stock by Census Output Area



5.2 Performance of Private Rented Sector in comparison with others

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



Source: BRE Housing Stock Model and Integrated Data Report

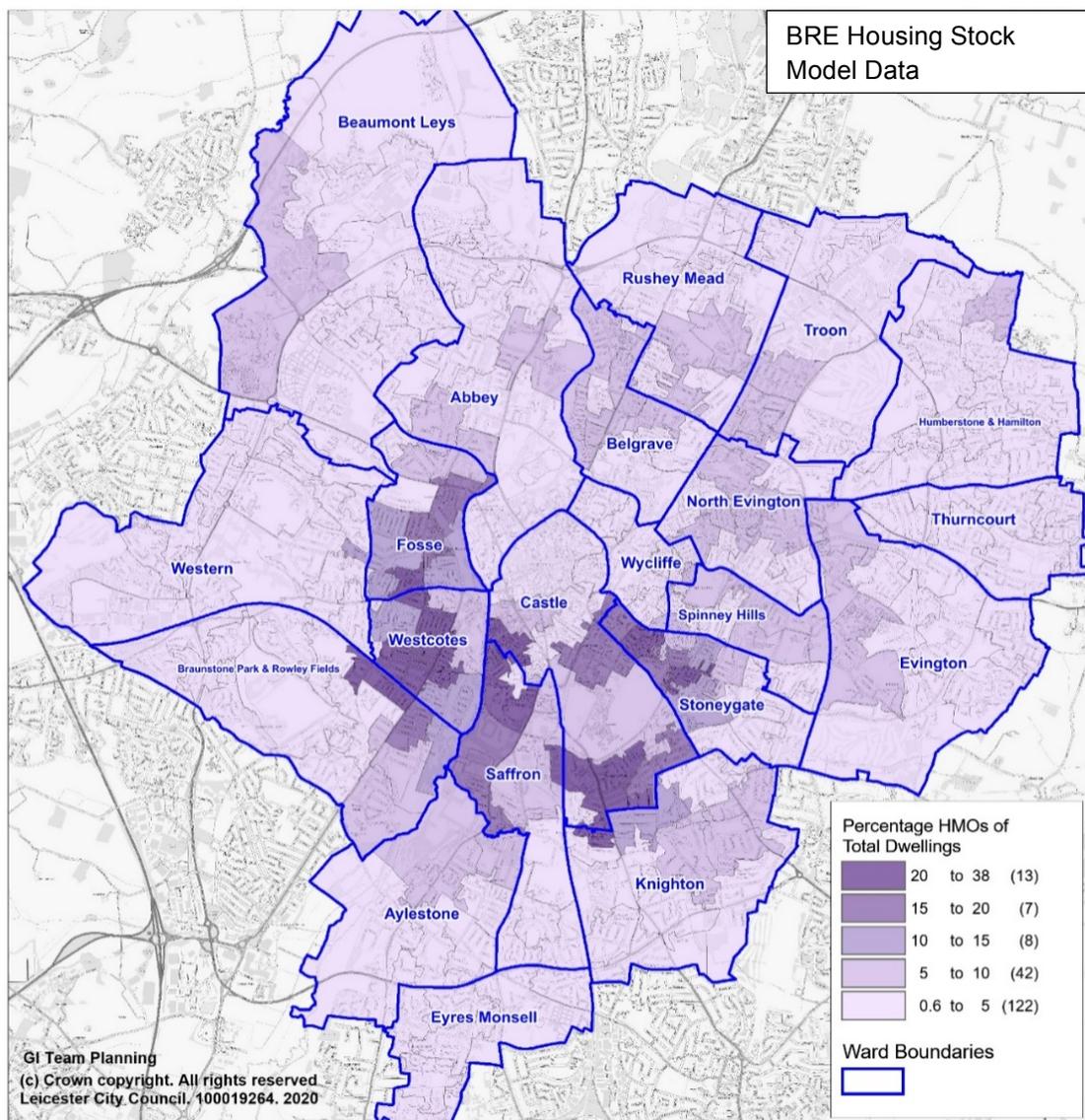
NB. A SAP Rating is a way of comparing energy performance of different homes – it results in a figure between 1 and 100+ (100 representing zero energy cost and anything over means you are exporting energy). The higher the SAP rating, the lower the fuel costs and the lower the associated emissions of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

5.3 HMO density

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

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

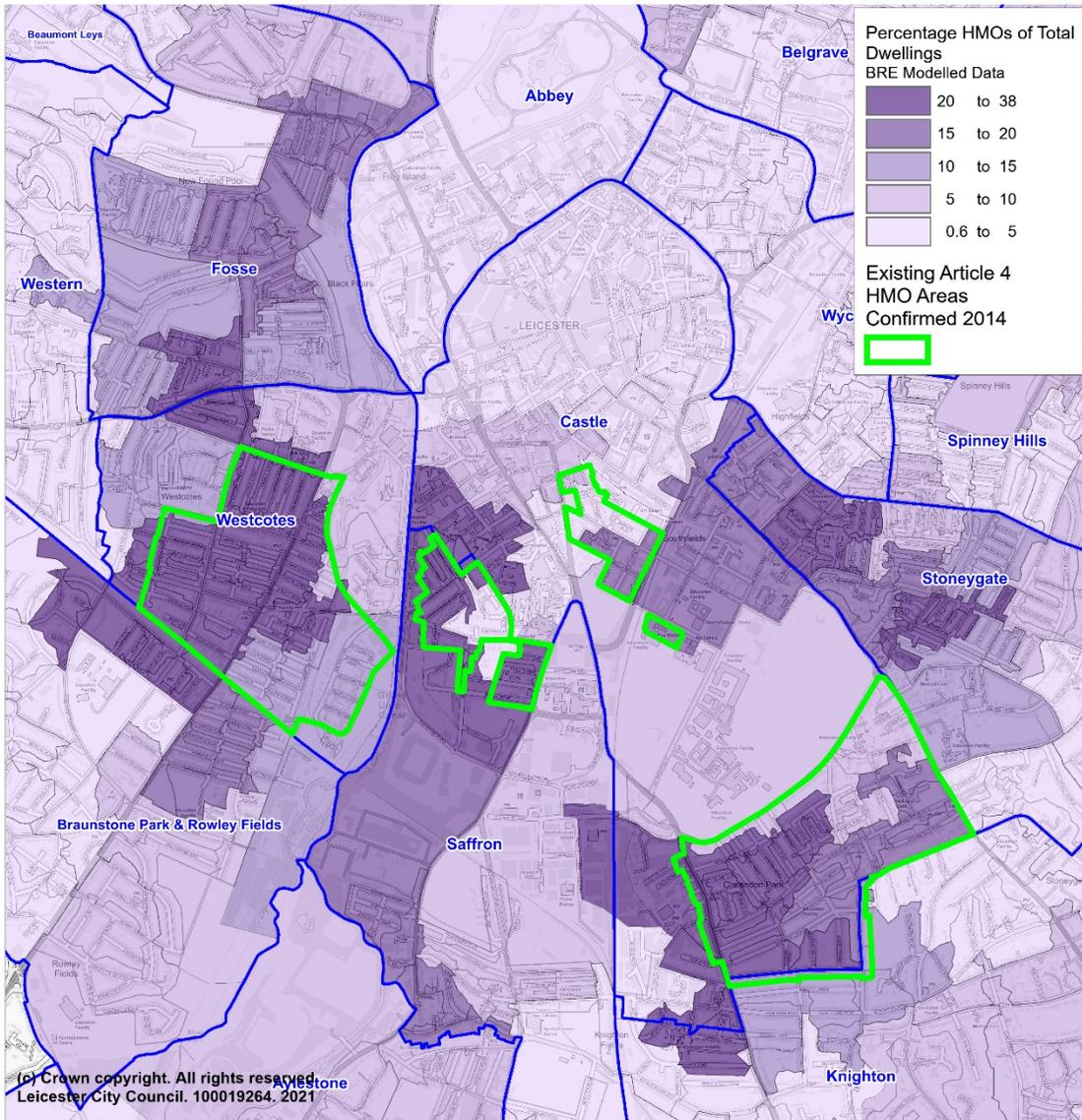
Percentage of HMOs of Total Stock By LSOA



5.4 HMO location based on Planning Article 4 Restrictions

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

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



5.5 Data Analysis

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

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

a) Selective Licensing

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

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

b) Additional Licensing

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

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

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

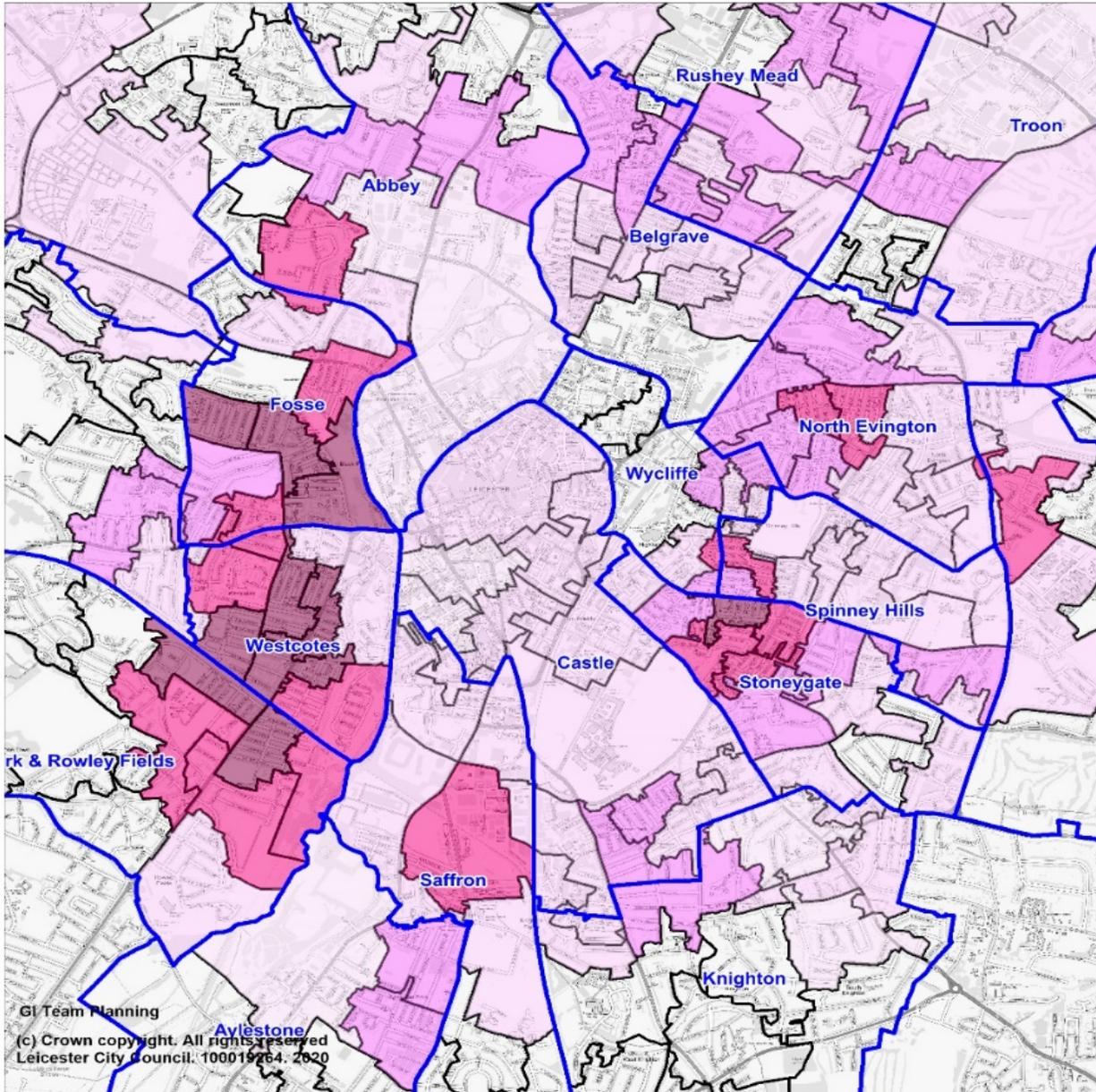
Tenure	All Housing Complaints		Noise		Housing Condition		Public Health		Fly Tipping	
	%	Number	%	Number	%	Number	%	Number	%	Number
All Stock	7.3%	10641	2.9%	4095	1.4%	2046	1.5%	2197	2.2%	3065
All Priv Rented	10.8%	5356	3.8%	1870	3.1%	1524	1.7%	837	3.6%	1771
HMOs – (BRE modelled data)	17.0%	1640	6.6%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

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

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

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

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



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

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

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

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

Leicester Wards



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

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

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

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

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

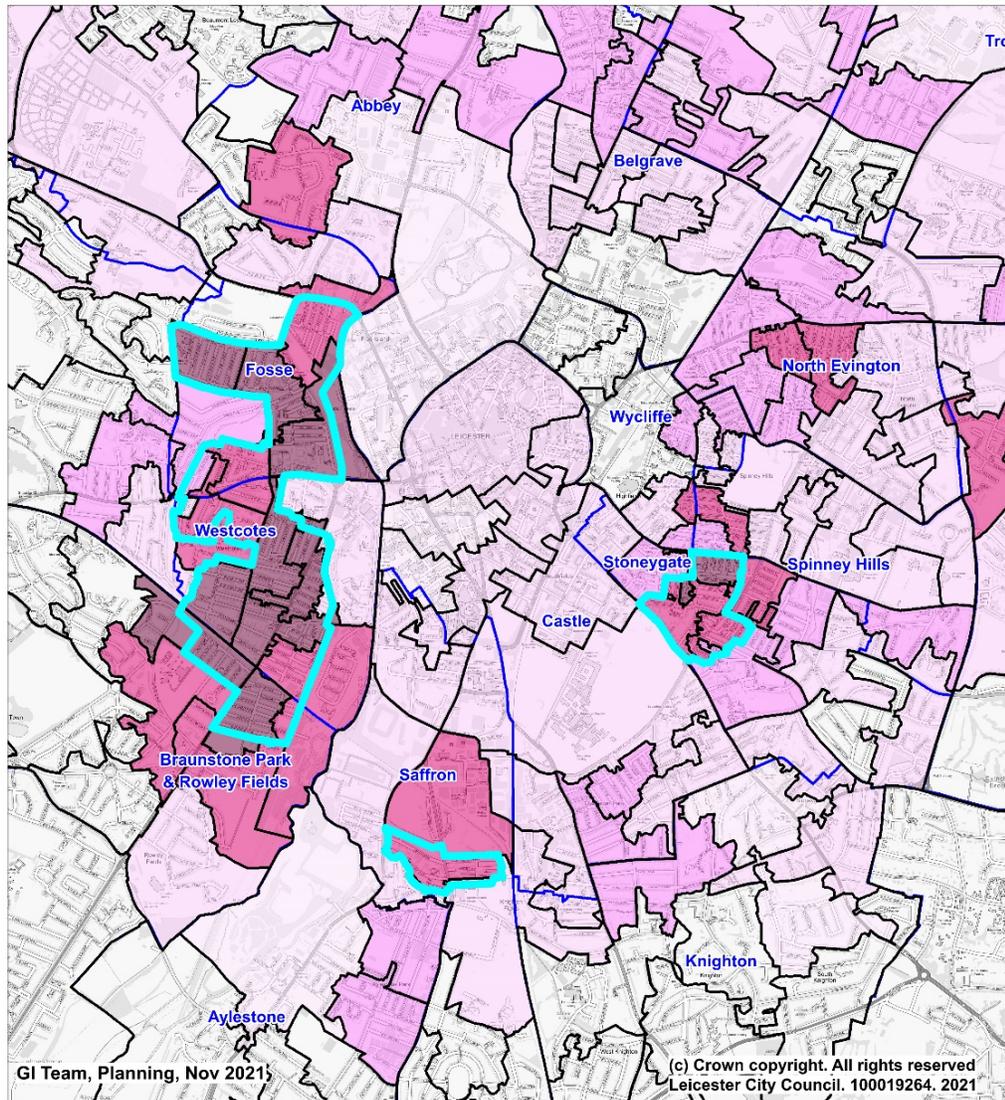
Ward Name	Total Dwellings*	Total Private Rented*	% PR of all Stock	Private Rented with complaints	% of PR with complaints	Total HMOs*	HMOs with complaints	% of HMOs with complaints
Abbey	9501	2616	27.5%	197	7.5%	423	59	13.9%
Aylestone	5326	1526	28.7%	129	8.5%	187	12	6.4%
Beaumont Leys	7318	1694	23.1%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

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

5.8 Further Analysis

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

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



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

20 to 27.9	Selective Licensing Proposed Area
15 to 20	Leicester Wards
10 to 15	
5 to 10	
2.9 to 5	

PR Stock (BRE Modelled Data 2020)

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

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

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

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

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

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

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

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

5.10 Case Studies

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

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

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

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

Case Study 1

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





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

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

Case Study 2

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





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

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

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

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

6. Proposed Scheme/s

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

<http://consultations.leicester.gov.uk/comms/landlord-licensing>.

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

6.1 Selective Licensing

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

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

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

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

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

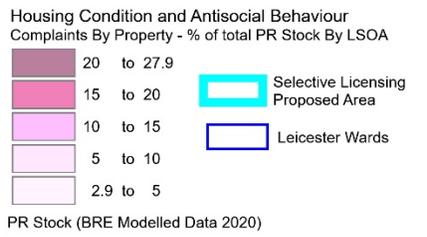
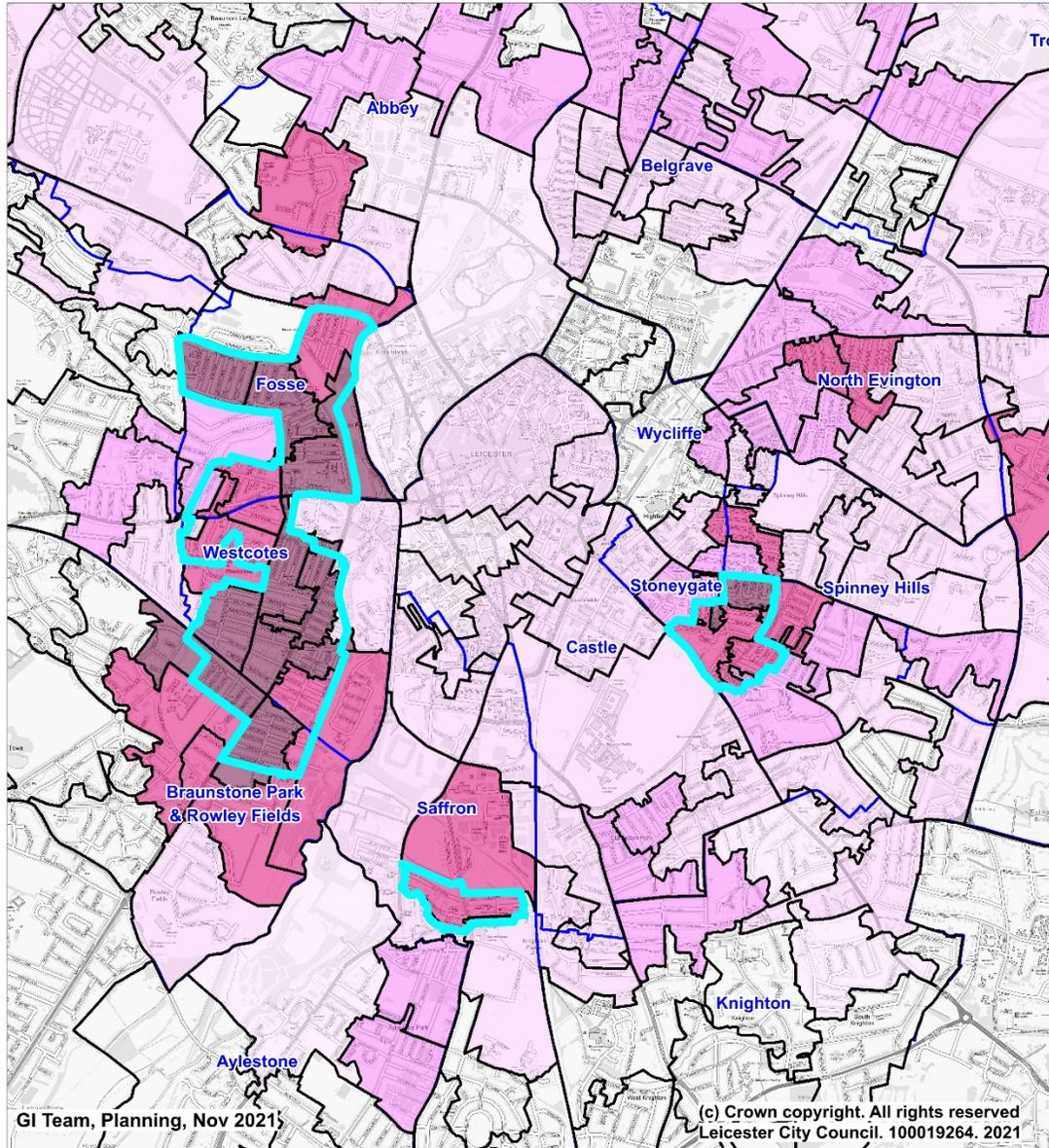
Property Numbers (BRE Housing Stock Model Data): -

All Estimated Properties in the Area – 13,802

Estimated Private Rented Properties – 8,784

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

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



6.2 Additional Licensing

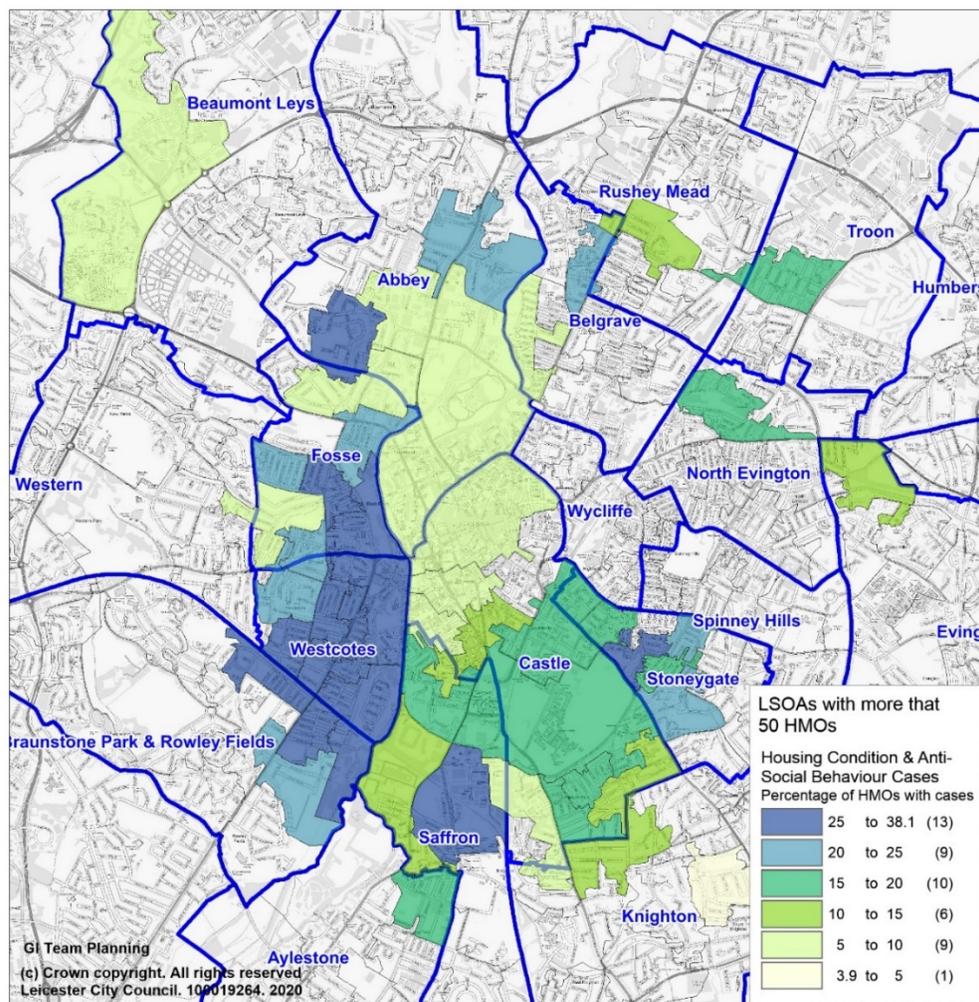
Option B: Additional Licensing that covers the entire City (citywide)

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

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

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

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



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

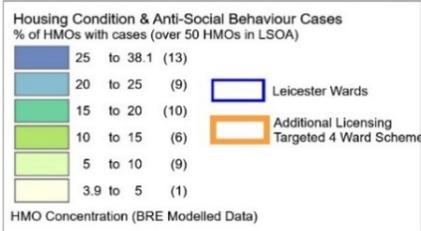
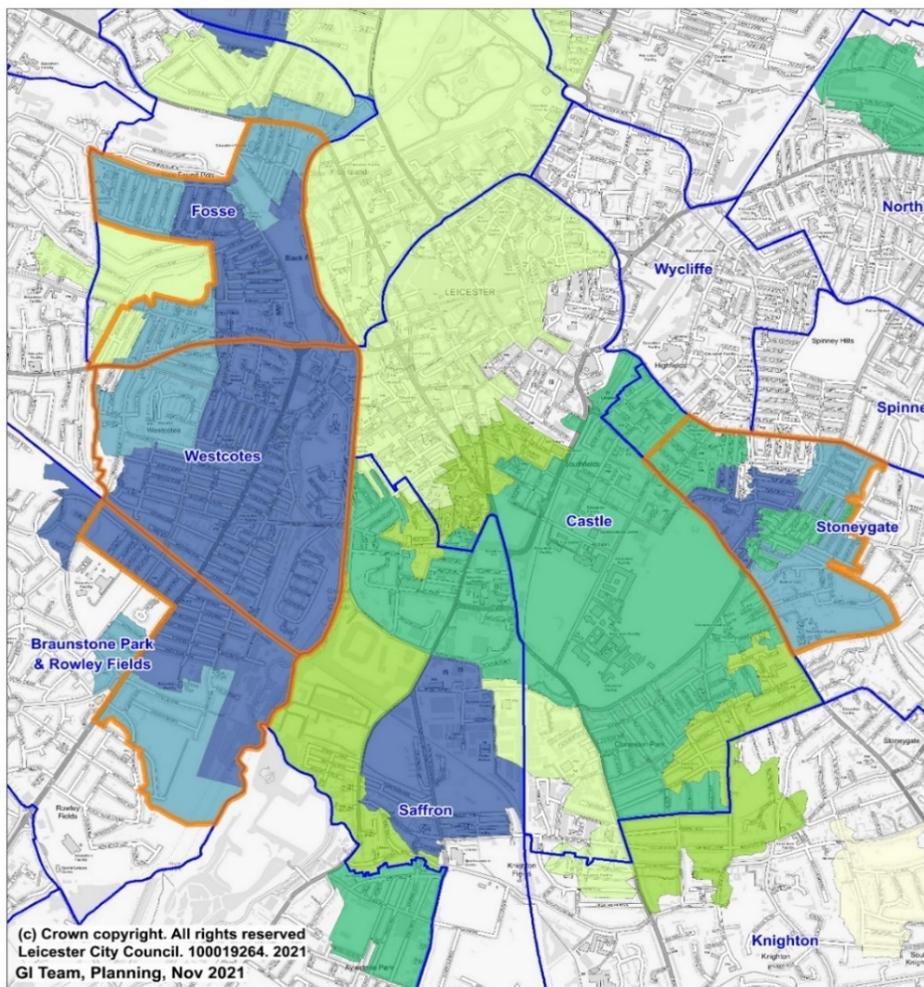
The map above shows concentrations of cases against HMOs housing condition and ASB (noise and fly-tipping) as proportion of the total number of HMOs (BRE modelled data) in the Area.

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

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

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

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



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

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

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

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

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

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

All Estimated Properties in the Area – 18,750

Estimated HMOs – 3,499

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

7. Other Options

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

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

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

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

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

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

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

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

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

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

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

7.1 Landlord Forum

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

7.2 Rent Bond Guarantee

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

7.3 Leicester City Council Private Letting Schemes

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

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

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

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

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

Rent guarantee scheme for family sized accommodation (only)

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

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

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

7.4 Use of existing Housing Act Powers

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

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

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

7.5 Education & Enforcement Operations

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

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

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

8. Benefits of the Scheme/s

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

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

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

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

8.1 Benefit – Targeted approach on problem areas

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

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

8.2 Benefit – Potential increase in property value

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

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

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

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

8.3 Benefit - Links with landlords

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

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

8.4 Benefit – A recognised group of landlords

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

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

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

8.5 Benefits – Pro-active approach

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

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

8.6 The Costs of licensing

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

One of the biggest criticisms of licensing schemes is that the cost associated with the licensing fee will be passed onto tenants by an increase in rent. In 2018/19 Coventry City Council reported on research ([Appendix 1 Additional Licensing Feasibility Report Final \(3\).pdf](#)) into this area that they had conducted when considering whether to introduce a Discretionary Licensing Scheme. Through their work they made a comparison of rents from 2014-2018 between areas in England that had Discretionary Licensing Schemes and those that did not, in order to establish if there was any evidence to show that discretionary licensing increases rent.

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

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

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

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

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

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

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

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

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

9. Proposed Licence Conditions

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

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

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

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

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

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

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

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

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

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

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

Energy Performance

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

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

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

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

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

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

10. Processing the Licence Application

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

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

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

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

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

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

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

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

10.1 Fit and Proper Person Test

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

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

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

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

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

10.2 Satisfactory Management Arrangements

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

- persons proposed to be involved in the management of the premises has a sufficient level of competence to be involved
- persons proposed to be involved with the management of the premises are actually involved in the management
- persons are 'fit and proper' (which is discussed above) and the proposed management structures and funding arrangements are suitable.

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

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

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

- the applicant's experience and track record of managing the property and, in particular where he or she is the existing manager, the premises to which the application relates.
- Landlords who are members of an Accreditation Scheme are more likely to be regarded as having the necessary competence to be involved in the management of the premises than those who are not because, such organisations can be called upon for advice and assistance where necessary.
- The management structures must be such that the manager is able to comply with any licence conditions and deal with the day to day operational management issues that arise as well as being able to deal with longer term management issues.

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

- Systems In place that are sufficient to enable the manager to comply with any condition of a licence or if such systems can be put in place through a condition of a licence to ensure compliance
- Effective management of: -
 - emergency repairs and other issues
 - routine repairs and maintenance to the premises and its curtilage
 - cyclical maintenance
 - management and the provision of services (if any) to the building and its curtilage
 - management of tenancies or occupants
 - management of the behaviour of tenants, occupants, and their visitors to the premises
 - neighbourhood issues (including disputes)
- History of engagement with the Local Authority, Police, and other agencies, where appropriate.

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

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

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

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

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

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

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

10.4 What information will be needed at the application stage

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

The documents required to be provided are: -

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

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

10.5 Issuing a Licence

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

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

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

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

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

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

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

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

10.6 Application for a revocation or variation of a Licence

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

10.7 Fire Risk Assessments for Licensed Property

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

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

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

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

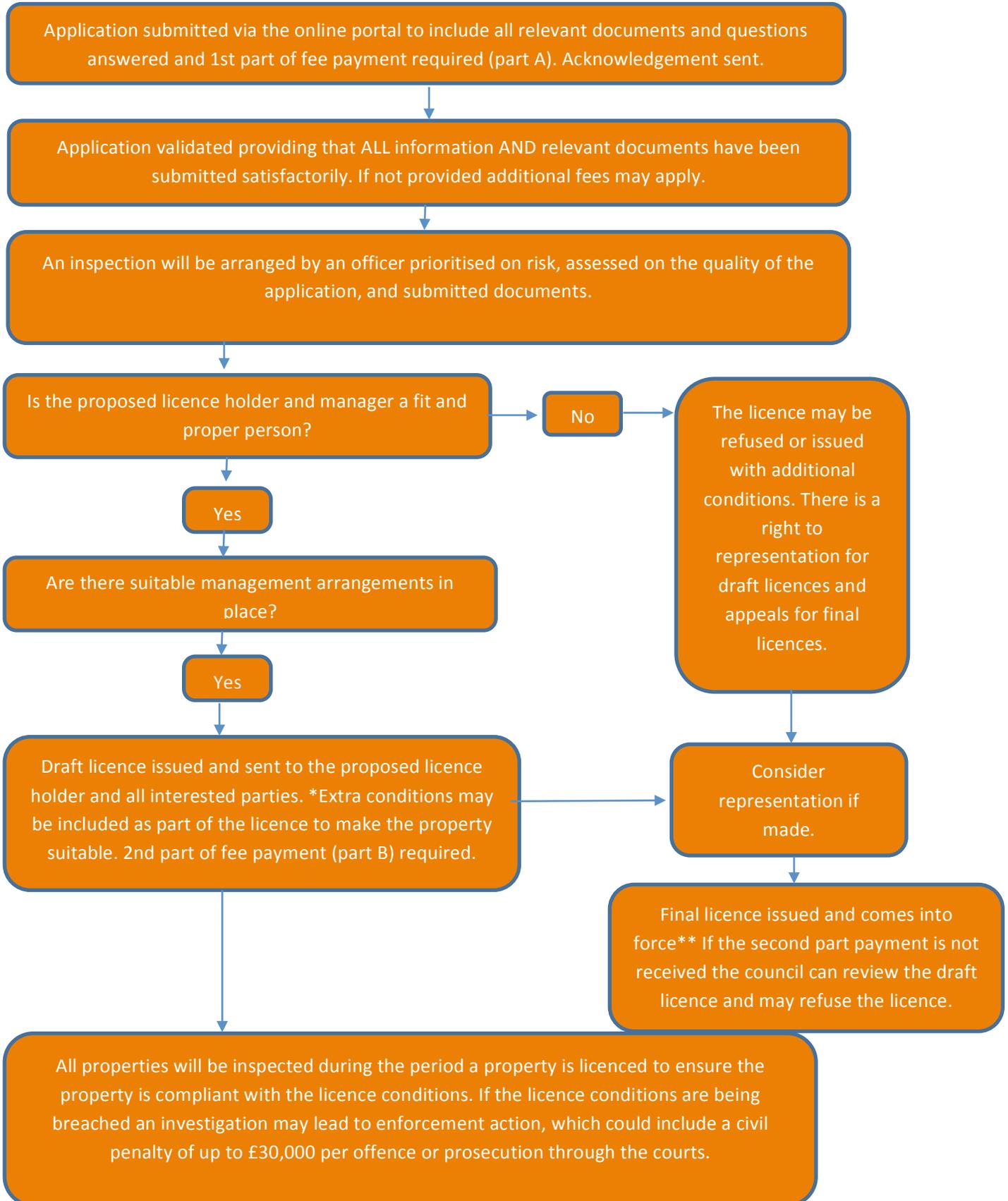
10.8 Public Registers

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

10.9 Appeals

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

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



^ Period of 14 days for any representations to the Council about the draft licence.

^^ Period of 28 days appeal to the First-tier tribunal – property chamber (Residential Property) if not

12. Proposed Fees

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

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

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

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

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

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

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

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

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

Penalty Fees

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

Proposed Fees for Consultation

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

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

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

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

Discounts and Penalties

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

13. Conclusion

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

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

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

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

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

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

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

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

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

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

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

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

The proposals on the options set out in this business case is out to consultation between **Tuesday 30th November 2021 to Tuesday 22nd February 2022. The consultation/on-line consultation questionnaire can be accessed at:**

<http://consultations.leicester.gov.uk/comms/landlord-licensing>. Following consultation, a full report on the findings and outcomes of the consultation will be presented to a meeting of all Council Members by Summer 2022, who will make a decision on whether to implement a scheme or schemes. Should the Council decide to go forward with any of these schemes or an alternative supported through the consultation and available evidence, it/they will become operative following a Notice being publicly available and a period of three months' notice lapsing.

Queries regarding the consultation and proposals can be sent to:

consultations@leicester.gov.uk.

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

BRE Report Extract (BRE Housing Stock Model Data)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Appendix 2 – Proposed Licence Conditions

A) Proposed Licence Condition for Houses Covered by SELECTIVE LICENSING

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

They relate to: -

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

1. Gas Safety

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

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

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

2. Furniture and Furnishings

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

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

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

3. Safety of Electrical Appliances

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

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

4. Smoke Alarms/Fire Detection Systems

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

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

5. Carbon Monoxide Alarms

The licence holder shall ensure that a carbon monoxide alarm is installed in any room in the house which is used wholly or partly as living accommodation and contains a solid fuel burning combustion appliance. Any such alarm must be kept in proper working order. For the purposes of this paragraph, a bathroom, lavatory, hall, or landing are all treated as being a room used as living accommodation.

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

6. Tenancy Agreement

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

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

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

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

7. Safety of Electrical Installations

The licence holder shall ensure that the electrical installation in the house is kept safe and in proper working order at all times. The licence holder shall ensure that a satisfactory Electrical Installation Condition Report (EICR) or Electrical Installation Certificate (EIC) is produced at intervals of no more than 5 years or more frequently if indicated on the previous report and supply the most recent EICR or EIC to the Council within 7 days of the Council's demand.

This must be carried out by a suitably qualified electrical contractor who should be a member of an approved scheme such as NICEIC, ECA, NAPIT and registered to undertake electrical works in accordance with part P of the Building Regulations. Electrical contractors that are on a relevant competent person scheme can be found at www.competentperson.co.uk

8. Electrical Installation Remedial Works

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

9. Emergency Escape Lighting

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

10. Automatic Fire Detection & Warning System Standard

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

11. Fire Safety Certification

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

12. Fire Fighting Equipment

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

13. Condition of Furniture

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

14. Tenancy Management

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

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

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

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

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

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

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

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

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

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

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

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

15. Property Inspections

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

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

16. Repairs and Maintenance

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

The licence holder must ensure that: -

- a) The property is kept in a good state of repair and free from significant hazards that could affect the health and safety of tenants, occupiers, and visitors to the property (as required by part 1 of the Housing Act 2004)
- b) The exterior of the property is maintained in a reasonable decorative order, and in a good state of repair.
- c) The exterior of the property and boundary walls, fences and gates etc. are kept free from graffiti.
- d) Gardens, yards, and other external areas within the boundary of the property are kept in a clean and tidy condition and free from rodent infestations at all times.

17. Fit and Proper Persons

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

18. Security

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

- a) So far as reasonably possible, any emergency works necessary to protect the security of the property are undertaken within 24hrs of notification e.g. damage to windows/entrance points to the property.
- b) The security provisions for the access to the property (locks, latches, deadbolts, and entry systems etc.) are maintained in good working order at all times;
- c) Where window locks are fitted, that keys are provided to the occupant(s) of the property;

- d) Where a burglar alarm is fitted to the house, that the occupant(s) is (are) made aware of the code, how the alarm is operated and the circumstances under which the code for the alarm can be changed;
- e) Where previous occupiers have not surrendered keys, arranging for a lock change to be undertaken, prior to new occupiers moving in;
- f) Where alley gates are installed to the side or rear of the licensed property, taking responsibility for holding a key and making satisfactory arrangements for the occupiers' access;
- g) The main escape route (usually the front door) must be fitted with a thumb turn mortice lock, or equivalent, to five-lever security level. The lock must comply with fire safety requirements in that it shall be openable from the inside without the use of a key.

19. Bin Provision for Waste Collection and Disposal

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

- The licence holder shall ensure that the occupiers make arrangements for the collection of waste in accordance with these provisions and, when the property is unoccupied, adhere to these provisions themselves.
- The licence holder is also responsible for ensuring that any kind of refuse which the Council will not ordinarily collect (e.g. hazardous waste etc.) are disposed of responsibly and appropriately.

20. Information Provision for Waste Collection and Disposal

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

- which day refuse collections will take place; (<http://biffaleicester.co.uk/services/waste-collection-days/>)
- what type of bins/bags to use for household and recycling waste;
- what items can be placed in the recycling waste
- details of the Council's bulky waste collection service; (<https://www.leicester.gov.uk/your-environment/recycling-and-waste/bulky-item-collections/>)

- the occupiers responsibility to put bins out no earlier than 7pm on the day before collection (and be presented by at least 7am on collection day) and to return refuse containers within the boundary of the property on the same day that they are emptied or at the latest by 7am the day after the collection;
- that occupiers should make arrangements for any extra rubbish that cannot fit in the bins to be collected and/or disposed of as soon as is reasonably possible and ensure that such rubbish, where possible, is stored at the rear of and within the boundary of the property until collection/disposal.

21. Tackling Anti-Social Behaviour

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

- a) Any letters, relating to Anti-Social Behaviour, sent, or received by the licence holder, or agent of the licence holder, must be kept by the licence holder. True copies of the original document should be provided to the Council within 7 days on demand.
- b) Ensure that written notes are kept of any meetings or telephone conversations or investigations regarding Anti-Social Behaviour.
- c) If a complaint is received, or Anti-Social Behaviour is discovered, within 7 days the tenant must be informed of the allegations of anti-social behaviour in writing and of the consequence of its continuation.
- d) From the date of receipt of the complaint of Anti-Social Behaviour, monitor any allegations of anti-social behaviour and take all necessary steps to establish if it is continuing.
- e) Where the Anti-Social Behaviour is continuing after 14 days from receipt of the complaint, the licence holder, or his agent must, within 7 days visit the premises and give to the tenant, or leave at the property marked for their attention, a warning letter advising them of the possibility of eviction.
- f) Where the licence holder or his agent has reason to believe that the Anti-Social Behaviour involves criminal activity the licence holder must ensure that the appropriate authorities (e.g. Police, Council etc.) are informed.

- g) If after 14 days of giving a warning letter the tenant has failed adequately to address the Anti-Social Behaviour so that it is continuing, the licence holder must take appropriate formal steps under the tenancy agreement, whether to enforce its terms or to terminate it, including, where necessary, by taking legal proceedings against the occupier(s).
- h) Where the obligation under (g) has arisen, the licence holder must, within 7 days, provide to the Council in writing a plan setting out the steps he proposes to take, and the timescale for taking those steps, in order to resolve the problem.
- i) If the licence holder is invited to do so, they must attend a case conference or Multi-Agency Meeting arranged by the Council or Police (whether following the provision of a plan referred to at (h) above, or generally.)

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

22. Change of Details or Circumstances

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

- a) Change of their address
- b) Change of manager, management arrangements or ownership
- c) Any changes to their, the manager's or any associate's circumstances which could affect their fit and proper person status i.e. any cautions or convictions for any offence involving fraud, dishonesty, violence, drugs, sexual offences (under Sexual Offences Act, schedule 3) discrimination or breach of housing or landlord/tenant law.
- d) Any proposed changes to the layout of the house that would affect the licence or licence conditions.

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

23. Licence Holder Training

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

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

- a) By completion of the accreditation training of the National Landlords Association (NLA) or Residential Landlords Association (RLA) or other equivalent recognised landlord accreditation body and submitting the pass certificates to the Council for confirmation.
- b) By completion of other suitable training on the law and legal requirements relating to managing privately rented properties subject to approval by the Council in advance and subject to submitting a pass certificate or similar document to the Council for confirmation.

24. Minimum Energy Efficiency

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

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

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

25. Remedial Works Required

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

Appendix 2 - Proposed Licence Conditions Continued.

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

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

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

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

1. Gas Safety

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

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

2. Furniture and Furnishings

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

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

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

3. Electrical Appliances

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

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

4. Smoke Alarms/Fire Detection Systems

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

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

5. Carbon Monoxide Alarms

The licence holder shall ensure that a carbon monoxide alarm is installed in any room in the house which is used wholly or partly as living accommodation and contains a solid fuel burning combustion appliance. Any such alarm must be kept in proper working order. For the purposes of this paragraph, a bathroom, lavatory, hall, or landing are all treated as being a room used as living accommodation.

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

6. Tenancy Agreement

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

7. Bedroom Sizes

A room smaller than the specified relevant sizes below must not be used as sleeping accommodation, and communal space in other parts of the HMO cannot be used to compensate for rooms smaller than the prescribed minimum.

Number of People	Age in Years	Minimum Bedroom Floor Area
One person	over 10	6.51m ²
Two persons	over 10	10.22m ²

Any area of the room in which the ceiling height is less than 1.5m cannot be counted towards the minimum room size.

8. Waste Management

The licence holder must ensure that suitable and adequate provision is made for the storage and disposal of domestic refuse from the house and that the Council's arrangements for storage and waste disposal are adhered to.

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

9. Safety of Electrical Installations

The Licence Holder must ensure that the fixed electrical installation of the premises is inspected and tested at intervals not exceeding five years.

The licence holder shall ensure that a satisfactory Electrical Installation Condition Report (EICR) or Electrical Installation Certificate (EIC) is produced at intervals of no more than 5 years or more frequently if indicated on the previous report and supply the most recent EICR or EIC to the Council within 7 days of the Council's demand.

This must be carried out by a suitably qualified electrical contractor who should be a member of an approved scheme such as NICEIC, ECA, NAPIT and registered to undertake electrical works in accordance with part P of the Building Regulations. Electrical contractors that are on a relevant competent person scheme can be found at www.competentperson.co.uk

10. Electrical Installation Remedial Works

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

11. Emergency Escape Lighting

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

12. Automatic Fire Detection & Warning System Standard

The Licence Holder must ensure that an automatic fire detection and warning system that is designed and installed to the current applicable British Standard for Houses in Multiple Occupation and is maintained in proper working order.

13. Fire Safety Certification

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

14. Fire Fighting Equipment

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

15. Condition of Furniture

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

16. Tenancy Management

a) Contact Details

A copy of the following documents should be displayed in a prominent position within the property at all times: -

- This licence, or a copy of it
- Name and address of Licence Holder OR their Manager
- Contact Telephone Number of Licence Holder OR their Manager

The contact and telephone number details should be applicable for contact between 9am –

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

b) Complaints

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

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

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

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

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

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

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

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

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

17. Property Inspections

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

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

18. Repairs and Maintenance

The licence holder must ensure all reasonable and practical steps are taken to respond to repair and maintenance issues at their property and that any works to deal with repairs are undertaken within a reasonable period of time after they are notified, and within the timescales notified to occupiers under condition 16.

The licence holder must ensure that: -

- a) The property is kept in a good state of repair and free from significant hazards that could affect the health and safety of tenants, occupiers, and visitors to the property (as required by part 1 of the Housing Act 2004)
- b) The exterior of the property is maintained in a reasonable decorative order, and in a good state of repair.
- c) The exterior of the property and boundary walls, fences and gates etc. are kept free from graffiti.
- d) Gardens, yards, and other external areas within the boundary of the property are kept in a clean and tidy condition and free from rodent infestations at all times.

19. Fit and Proper Persons

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

20. Security

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

- a) So far as reasonably possible, any emergency works necessary to protect the security of the property are undertaken within 24hrs of notification e.g. damage to windows/entrance points to the property.
- b) The security provisions for the access to the property (locks, latches, deadbolts, and entry systems etc.) are maintained in good working order at all times;
- c) Where window locks are fitted, that keys are provided to the occupant(s) of the property;
- d) Where a burglar alarm is fitted to the house, that the occupant(s) is (are) made aware of the code, how the alarm is operated and the circumstances under which the code for the alarm can be changed;
- e) Where previous occupiers have not surrendered keys, arranging for a lock change to be undertaken, prior to new occupiers moving in;
- f) Where alley gates are installed to the side or rear of the licensed property, taking responsibility for holding a key and making satisfactory arrangements for the occupiers' access;
- g) The main escape route (usually the front door) must be fitted with a thumb turn mortice lock, or equivalent, to five-lever security level. The lock must comply with fire safety requirements in that it shall be openable from the inside without the use of a key.

21. Bin Provision for Waste Collection and Disposal

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

- The licence holder shall ensure that the occupiers make arrangements for the collection of waste in accordance with these provisions and, when the property is unoccupied, adhere to these provisions themselves.
- The licence holder is also responsible for ensuring that any kind of refuse which the Council will not ordinarily collect (e.g. hazardous waste etc.) are disposed of responsibly and appropriately.

22. Information Provision for Waste Collection and Disposal

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

- which day refuse collections will take place; (<http://biffaleicester.co.uk/services/waste-collection-days/>)
- what type of bins/bags to use for household and recycling waste;
- what items can be placed in the recycling waste
- details of the Council's bulky waste collection service; (<https://www.leicester.gov.uk/your-environment/recycling-and-waste/bulky-item-collections/>)
- the occupiers responsibility to put bins out no earlier than 7pm on the day before collection (and be presented by at least 7am on collection day) and to return refuse containers within the boundary of the property on the same day that they are emptied or at the latest by 7am the day after the collection;
- that occupiers should make arrangements for any extra rubbish that cannot fit in the bins to be collected and/or disposed of as soon as is reasonably possible and ensure that such rubbish, where possible, is stored at the rear of and within the boundary of the property until collection/disposal.

23. Tackling Anti-Social Behaviour

The licence holder shall ensure that all reasonable and practical steps are taken to prevent and respond to Anti-Social Behaviour.

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

- a) Any letters, relating to Anti-Social Behaviour, sent, or received by the licence holder, or agent of the licence holder, must be kept by the licence holder. True copies of the original document should be provided to the Council within 7 days on demand
- b) Ensure that written notes are kept of any meetings or telephone conversations or investigations regarding Anti-Social Behaviour.
- c) If a complaint is received, or Anti-Social Behaviour is discovered, within 7 days the tenant must be informed of the allegations of Anti-Social Behaviour in writing and of the consequence of its continuation.
- d) Take all necessary steps to establish if it is continuing.
- e) Where the Anti-Social Behaviour is continuing after 14 days from receipt of the complaint, the licence holder, or their manager must, within 7 days visit the premises and give to the tenant, or leave at the property marked for their attention, a warning letter advising them of the possibility of eviction.
- f) Where the licence holder or his manager has reason to believe that the Anti-Social Behaviour involves criminal activity the licence holder must ensure that the appropriate authorities (e.g. Police, Council etc.) are informed.
- g) If after 14 days of giving a warning letter the tenant has failed adequately to address the Anti-Social Behaviour so that it is continuing, the licence holder must take appropriate formal steps under the tenancy agreement, whether to enforce its terms or to terminate it, including, where necessary, by taking legal proceedings against the occupier(s).
- h) Where the obligation under (f) has arisen, the licence holder must, within 7 days, provide to the Council in writing a plan setting out the steps they proposes to take, and the timescale for taking those steps, in order to resolve the problem
- i) If the licence holder is invited to do so, they must attend a case conference or Multi-Agency Meeting arranged by the Council or Police (whether following the provision of a plan referred to at (g) above, or generally).

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

24. Notification of Change of Circumstances

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

- a) Change of their address
- b) Change of manager, management arrangements or ownership
- c) Any changes to their, the manager's or any associate's circumstances which could affect their fit and proper person status i.e. any cautions or convictions for any offence involving fraud, dishonesty, violence, drugs, sexual offences (under Sexual Offences Act, schedule 3) discrimination or breach of housing or landlord/tenant law
- d) Any proposed changes to the layout of the house that would affect the licence or licence conditions.

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

25. Preventing and Tackling Overcrowding

The number of persons residing in the premises at any one time shall not exceed the maximum number of occupants stated on the licence. The licence holder must not allow the property to be overcrowded and communal rooms (e.g. living rooms) must not be used as bedrooms. If the licence holder becomes aware of overcrowding at the property, they must take all reasonable steps to deal with the issue and advise the authority of the actions taken.

26. Care of Common (Shared) Areas

The licence holder must make arrangements to ensure that: -

- The common parts in the premises are kept free from obstruction, in a clean condition and in good order and repair.
- Common areas, including shared living rooms, kitchens, and hallways are not used for sleeping by tenants or their guests.
- Smoking is not permitted in any common area.

27. Provision of Amenities for Cooking, Food Storage and Space Heating

The Licence Holder must ensure that the premises are provided with sufficient and adequate standard amenities for use by the current or intended number of occupiers for Cooking, Food Storage and Space Heating in line with our 'HMO Amenities Standards' which can be found on the following link <https://www.leicester.gov.uk/your-community/housing/renting-private-housing/houses-in-multiple-occupation/>

28. Occupancy Levels

[This will list specific rooms within the property and the occupancy allowed for each room].

29. Training

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

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

- a) By completion of the accreditation training of the National Landlords Association (NLA) or Residential Landlords Association (RLA) or other equivalent recognised landlord accreditation body and submitting the pass certificates to the Council for confirmation.
- b) By completion of other suitable training on the law and legal requirements relating to managing privately rented properties subject to approval by the Council in advance and subject to submitting a pass certificate or similar document to the Council for confirmation.

30. Minimum Energy Efficiency

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

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

- Meeting the minimum EPC level i.e. D by 2025 or
- Have a valid exemption and be registered prior to 2025 on the national exemption register. Where the landlord / managing agent of the HMO fails to secure either a) or b) above this condition will be considered breached and action taken under HMO licensing and or Minimum Energy Efficiency Standards.

31. Remedial Works Required

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

Appendix 3 - List of Streets within the Proposed Selective Licensing Area (Option A)

Street	Part Street
Abingdon Road	
Abingdon Walk	
Alma Street	
Arundel Street	
Ashleigh Road	
Balfour Street	
Barclay Street	
Bartholomew Street	
Bassett Street	
Battenberg Road	
Beaconsfield Road	
Beatrice Road	
Beckingham Road	
Biddulph Avenue	Yes
Biddulph Street	
Bisley Street	
Blue Fox Close	
Bolton Road	
Bonchurch Street	
Borlace Street	
Bosworth Street	
Bramley Road	
Briton Street	Yes
Brooksby Street	
Browning Street	
Bruce Street	
Cambridge Street	
Canterbury Terrace	
Carlisle Street	
Catesby Street	
Cavendish Mews	
Cavendish Road	
Cedar Road	
Celt Street	
Central Road	
Chandos Street	
Chartley Road	
Chaucer Street	
Cherryleas Drive	
Church Avenue	
Clifford Street	
Clifton Road	

Street	Part Street
Compton Road	
Conifer Close	
Connaught Street	
Cranmer Street	
Cromer Street	Yes
Daneshill Road	
Dannett Street	
Dannett Walk	
Danvers Road	
Dashwood Road	
Denton Street	Yes
Devana Road	Yes
Draper Street	
Dulverton Road	
Dunster Street	
Dunton Street	
Eastleigh Road	
Empire Road	
Equity Road	
Evington Footway	
Evington Place	
Evington Road	Yes
Flora Street	
Fosse Road Central	
Fosse Road North	Yes
Fosse Road South	Yes
Franche Road	
Gaul Street	
Glenfield Road	Yes
Glenfield Road East	
Guilford Street	
Haddenham Road	Yes
Hamilton Street	
Hardwick Court	
Harrow Road	
Hawthorne Street	
Henton Road	
Herschell Street	
Hinckley Road	Yes
Hoby Street	
Hopefield Road	
Hughenden Drive	
Imperial Avenue	Yes
Ingle Street	

Street	Part Street
Ivanhoe Street	
Ivy Road	
Kate Street	
Kimberley Road	Yes
King Richards Road	
Kirby Road	
Knighton Fields Road West	Yes
Lambert Road	
Latimer Street	
Laurel Road	
Lavender Road	
Linkway Gardens	
Livingstone Street	
London Road	Yes
Lonsdale Street	
Lothair Road	
Luther Street	
Lyme Road	Yes
Mantle Road	
Marlow Road	
Marshall Street	
Mayfield Road	
Merton Avenue	
Minehead Street	
Mostyn Street	Yes
Mountcastle Road	
Mundella Street	
Muriel Road	
Myrtle Road	
Narborough Road	Yes
New Park Road	
Newport Street	
Noble Street	
Noel Street	
Nook Street	
Norfolk Street	Yes
Norman Street	
Nugent Street	
Nutfield Road	
Oban Street	
Oliver Street	
Onslow Street	
Oxford Avenue	
Paget Road	

Street	Part Street
Paton Street	
Pool Road	
Porlock Street	
Raymond Road	
Repton Street	
Ridley Street	
Ripon Street	
Rivers Street	
Roman Street	
Roslyn Street	
Rowan Street	
Ruby Street	
Ruding Road	
Ruding Terrace	
Rugby Street	
Saffron Hill Road	
Saffron Lane	Yes
Saxon Street	
Shaftesbury Road	
Shakespeare Street	
Sheffield Street	
Sheridan Street	
Skipworth Street	
St Albans Road	Yes
St Dunstan Road	
St James Road	
St James Terrace	
St Pauls Road	
St Peters Road	Yes
St Stephens Road	Yes
Stephenson Drive	Yes
Storey Street	
Stretton Road	
Stuart Street	
Sutherland Street	
Sweetbriar Road	
Sykefield Avenue	
Sylvan Street	
Taunton Road	
Tennyson Street	
Tetuan Road	Yes
Tewkesbury Street	
Thackeray Street	
Tudor Close	

Street	Part Street
Tudor Road	
Tyndale Street	
Tyrrell Street	
Upperton Rise	
Upperton Road	Yes
Vaughan Street	
Vernon Street	
Victoria Terrace	
Walton Street	
Warren Street	
Warwick Street	
Wentworth Road	
Westcotes Drive	Yes
Western Road	Yes
Westleigh Avenue	
Westleigh Road	
Wilberforce Road	
Wilmington Road	
Winchester Avenue	
Wolverton Road	
Woodgate	Yes

Appendix 4 – List of Streets within the Citywide Additional Licensing Scheme (Option B)

Please visit [List of streets \(leicester.gov.uk\)](http://leicester.gov.uk) for a full list of streets within the municipal boundary of Leicester.

This scheme covers all Wards in the City. A ward is a geographical boundary used to divide the city up into different areas. There are 21 wards.

1. Abbey
2. Aylestone
3. Beaumont Leys
4. Belgrave
5. Braunstone Park and Rowley Fields
6. Castle
7. Evington
8. Eyres Monsell
9. Fosse
10. Humberston and Hamilton
11. Knighton
12. North Evington
13. Rushey Mead
14. Saffron
15. Spinney Hills
16. Stoneygate
17. Thurncourt
18. Troon
19. Westcotes
20. Western
21. Wycliffe

Appendix 5 – List of Streets within the Option of a Reduced Additional Licensing Scheme (Option C)

Street	Part of Street
Abingdon Road	
Abingdon Walk	
Alma Street	
Andrewes Close	
Andrewes Street	
Andrewes Walk	
Arundel Street	
Ashfield Road	
Ashleigh Road	
Ashover Road	
Avon Street	
Balfour Street	
Barclay Street	
Barradale Court	
Bartholomew Street	
Baslow Road	
Bassett Street	
Battenberg Road	
Beaconsfield Road	
Beatrice Road	
Beckingham Road	
Bede Street	
Biddulph Avenue	
Biddulph Street	
Bisley Street	
Blue Fox Close	
Bolton Road	
Bonchurch Street	
Borlace Street	
Bosworth Street	
Bramley Road	
Braunstone Avenue	Yes
Braunstone Gate	
Briton Street	
Browning Street	
Bruce Street	
Cambridge Street	
Canterbury Terrace	
Carlisle Street	
Catesby Street	
Cedar Road	

Street	Part of Street
Celt Street	
Central Road	
Chandos Street	
Chartley Road	
Chaucer Street	
Chepstow Road	
Cherryleas Drive	
Chesterfield Road	Yes
Church Avenue	
Churchill Street	
Clifford Street	
Collingham Road	
Compton Road	
Conifer Close	
Connaught Street	
Conway Road	Yes
Cooden Avenue	
Coriander Road	
Cranmer Street	
Cromer Street	
Dane Street	
Daneshill Road	
Dannett Street	
Dannett Walk	
Danvers Road	
Darnall Road	
Dashwood Road	
Denton Street	Yes
Devana Road	
Dixon Drive	
Dore Road	
Draper Street	
Dulverton Road	
Dumbleton Avenue	Yes
Duns Lane	
Dunster Street	
Dunton Street	
East Park Road	Yes
Eastleigh Road	
Elmfield Avenue	
Empire Road	
Equity Road	
Evelyn Drive	
Evesham Road	
Evington Footway	

Street	Part of Street
Evington Place	
Evington Road	Yes
Fitzroy Street	
Flora Street	
Fosse Road Central	
Fosse Road North	Yes
Fosse Road South	Yes
Foxon Street	
Franche Road	
Gaul Street	
Glenfield Road	Yes
Glenfield Road East	
Glossop Street	
Gordon Avenue	
Gotham Street	
Guilford Street	
Haddenham Road	
Halsbury Street	
Hamilton Street	
Hardwick Court	
Harrow Road	Yes
Hattersley Way	
Hawthorne Street	
Helmdon Road	
Henton Road	
Herschell Street	
Heyworth Road	
Highfield Street	
Hinckley Road	Yes
Hoby Street	
Holmfield Road	Yes
Hopefield Road	
Imperial Avenue	Yes
Ingle Street	
Ivanhoe Street	
Ivy Road	
Kate Street	
Kimberley Road	Yes
King Richards Road	
Kingston Road	
Kirby Road	
Lambert Road	
Latimer Street	
Laurel Road	
Lavender Road	

Street	Part of Street
Linkway Gardens	
Linton Street	
Livingstone Street	
London Road	Yes
Lonsdale Street	
Luther Street	
Lyme Road	
Mandora Lane	
Mantle Road	
Marlow Road	
Marshall Street	
Marylebone Place	
Mavis Avenue	
Mayfield Road	
Medway Street	
Melcroft Avenue	
Mere Road	Yes
Meredith Road	Yes
Merton Avenue	
Mill Hill Lane	
Minehead Street	
Mint Road	
Mostyn Street	
Mountcastle Road	
Mundella Street	
Muriel Road	
Musgrove Close	
Myrtle Road	
Narborough Road	Yes
Newport Street	
Noble Street	
Noel Street	
Nook Street	
Norfolk Street	
Norfolk Walk	
Norman Street	
Normanton Road	
Nugent Street	
Nutfield Road	
Oakfield Road	
Oban Street	
Onslow Street	
Osmaston Road	Yes
Oxford Avenue	
Paget Road	

Street	Part of Street
Paton Street	
Pool Road	
Porlock Street	
Quainton Road	
Raymond Road	
Repton Street	
Ridley Street	
Ripon Street	
Rivers Street	
Roman Street	
Roslyn Street	
Roundhay Road	
Rowan Street	
Rowsley Street	
Ruby Street	
Ruding Road	
Ruding Terrace	
Rugby Street	
Sage Road	
Sawley Street	
Saxby Street	Yes
Saxon Street	
Scholars Walk	
Severn Street	
Shaftesbury Road	
Sheffield Street	
Skipworth Street	
Somerville Road	Yes
St Albans Road	
St Dunstan Road	
St James Road	
St James Terrace	
St Pauls Road	
St Peters Road	Yes
St Stephens Road	
Stanley Road	
Stephenson Drive	Yes
Storey Street	
Stretton Road	
Stuart Street	
Sutherland Street	
Sweetbriar Road	
Sykefield Avenue	
Sylvan Street	
Tarragon Road	

Street	Part of Street
Taunton Road	
Tennyson Street	
Tetuan Road	Yes
Tewkesbury Street	
Thorpe Street	
Thyme Close	
Tichborne Street	
Tudor Close	
Tudor Road	
Tyndale Street	
Tyrrell Street	
Upper Tichborne Street	
Upperton Rise	
Upperton Road	
Vaughan Street	
Vernon Street	
Victoria Avenue	
Victoria Terrace	
Walton Street	
Warren Street	
Warwick Street	
Watkin Road	
Welland Street	
Wentworth Road	
Westbridge Close	
Westcotes Drive	
Western Boulevard	
Western Road	
Westleigh Avenue	
Westleigh Road	
Wilberforce Road	
Wilmington Road	
Winchester Avenue	
Wolverton Road	
Woodbine Avenue	
Woodford Road	
Woodgate	Yes
Woodville Road	Yes