



INTRODUCTION OF SELECTIVE LICENSING IN LEICESTER

Full Council 29 September 2022

Decision to be taken by: Full Council

Decision to be taken on: 29 September 2022

Executive Lead: Councillor Elly Cutkelvin

Useful information

- Wards affected: Stoneygate, Westcotes, Fosse, Braunstone Park & Rowley Fields
- Report author: Tony Cawthorne
- Authors contact details: tony.cawthorne@leicester.gov.uk

0116 4547133

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

1. Purpose of report

1.1 The purpose of this report is;

- a. To approve the introduction of a selective licensing scheme in relation to specific streets and premises which were, in error, omitted from the selective licensing scheme approved by Council on 7 July 2022.

2. Executive Summary

2.1 Leicester Council approved the bringing in of Selective Licensing within parts of the Wards of - Stoneygate (East Cluster); Westcotes, Fosse, Braunstone Park & Rowley Fields (West Cluster); Saffron (South Cluster) 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.

The evidence provided to Full Council and the minutes can be found at [\(Public Pack\)Agenda Document for Council, 07/07/2022 17:00 \(leicester.gov.uk\)](#)

2.2 Officers have identified discrepancies in the lists attached to the report of 7 July 2022 which omitted a number of streets and individual properties that should have been included within the list of street names.

2.3 The maps contained within the order of the 7 July 2022 are correct.

3. Recommendations

3.1 It is recommended that Council approve the introduction of a selective licensing scheme to be known as “Leicester City Council designation for Areas for Selective Licensing within parts of the Wards of - Stoneygate (East Cluster); Westcotes, Fosse, Braunstone Park & Rowley Fields (West Cluster); (No.2)” which will comprise the streets and individual properties erroneously omitted from the scheme approved on 7 July 2022.

3.2 The implementation of the scheme will be the 29 December 2022 and the end date will be the 9/10/2027

4. Context/ Background

- 4.1 Leicester Council approved the bringing in of Selective Licensing within parts of the Wards of - Stoneygate (East Cluster); Westcotes, Fosse, Braunstone Park & Rowley Fields (West Cluster); Saffron (South Cluster) on the 7 July 2022
- 4.2 The report provides information following a review of the order which identified several properties and streets were not included within the order approved on 7 July 2022. To enable, as intended, the omitted streets and properties to be subject to selective licensing obligations, it is necessary for the council to approve an additional selective licensing scheme. The principle behind the introduction of the proposed scheme relies on the same evidence as the scheme approved on 7 July 2022, when the council considered the statutory conditions for Additional Licensing and Selective Licensing Schemes to be met and the evidence that the options proposed would improve the standards of property management and address problems affecting residents living in Private Rented Sector properties (except where exemptions apply)

5. Streets and Properties to be included

- 5.1 The table below identifies the streets and properties to be included.

STREET	Particulars
Briton Street	Number 1
Conifer Close	Whole Street
Devana Road	Number 12
Fosse Road South	Number 1
Norfolk Street	Number 90 - 92 evens
Paget Road	Whole street
Tudor Road	Whole street
Westcotes Drive	1 - 49 and 59 - 105 odds,
Western Road	270 - 378 even
Woodgate	80 – 88 even

- 5.2 The above list includes 830 properties omitted from the street list comprised within the selective licensing scheme approved on 7 July 2022.
- 5.3 The maps of the designation for selective licensing can be found in the [\(Public Pack\)Agenda Document for Council, 07/07/2022 17:00 \(leicester.gov.uk\)](#)

6.0 Designation

- 6.1 The designation, if approved at Full Council, will become operative at a time determined by Council, which cannot be earlier than three months after the decision i.e. 29 December 2022.

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

7. Timetable for Implementation (if approved)

7.1 The Council approval will be for an order Designating an Area for Selective Licensing under Section 80, Housing Act 2004

7.2 Should the council approve the order on the 29 09 2022 it will be subject to a 3-month standstill to facilitate challenge before it becomes operable.

7.3 Following the 3-month standstill the order may come into effect from 29 12 2022

7.4 From the proposed commencement date of 29 12 2022, persons will be able to apply for a licence to operate a privately rented residential property within the designated area.

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

8.0. Financial, legal and other implications

8.1 Financial implications

The Council is not permitted to generate a surplus by charging more than the costs incurred in operating a Discretionary Licensing scheme. The proposed fees and charges for this secondary scheme are the same as for the scheme approved by Council on 7th July 2022 and would generate sufficient income over the 5-year period of the scheme to cover all costs to the Council; this includes all anticipated one-off and on-going staffing and running costs.

Stuart McAvoy – Acting Head of Finance

8.2 Legal implications

8.2.1 As detailed in the report, a number of streets and individual properties were, in error, omitted from the list of streets approved on 7 July 2022, for inclusion within the “Leicester City Council designation for Areas for Selective Licensing within parts of the Wards of - Stoneygate (East Cluster); Westcotes, Fosse, Braunstone Park & Rowley Fields (West Cluster); Saffron (South Cluster)” selective licensing scheme.

8.2.2 The relevant legislation does not permit the amendment or revision of an existing selective licensing scheme. In order to ensure, as intended, that the streets and properties detailed in section 5 of the report are subject to selective licensing obligations, the council is obliged to make a new selective licensing scheme.

8.2.3 If the council decides to implement the proposed scheme, the decision must then be published in accordance with the appropriate regulations.

Jeremy Rainbow – Principal Lawyer (Litigation) – 371435.

8.3 Climate Change and Carbon Reduction implications

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

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

Aidan Davis, Sustainability Officer, Ext 37 2284

8.4 Equalities Implications

Under the Equality Act 2010, public authorities (including the local authority and schools), have a Public Sector Equality Duty (PSED) which means that, in carrying out their functions, they have a statutory duty to pay due regard to the need to eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act, to advance equality of opportunity between people who share a protected characteristic and those who don't and to foster good relations between people who share a protected characteristic and those who don't.

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

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

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

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

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

Kalvaran Sandhu, Equalities Manager, Ext 37 6344

9. Background information and other papers

[\(Public Pack\)Agenda Document for Council, 07/07/2022 17:00 \(leicester.gov.uk\)](#) Which includes the Council report and decision and the documents below:

Private Rented Strategy

Private Rented Strategy Appendix 1

Homelessness and rough sleeping strategy 2018-2023

Leicester joint health and wellbeing strategy 2019-2024

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

Empty Homes Policy 1995

Empty Homes Policy revised 2009

BRE Housing stock modelling report

Article 4 Direction extension consultation

Local Plan

Safer Leicester Partnership Community Safety Plan

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

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

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

Appendix A - Business case

Appendix B - Maps covering selective designations and Street names

Appendix C – Full Analytical Consultation Report

Appendix D - East Midlands Property Owners (EMPO)

Appendix E - National Residential Landlords Association (NRLA)

Appendix F - John Ashworth MP

Appendix G - Climate Action Leicester and Leicestershire

Appendix H - Action Homeless Leicester

Appendix I - Safe Agent

Appendix J - Discretionary Licensing Enforcement Strategy

Appendix K – Equality Impact Assessment

10. Status of report

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

No