

**Proposed Selective Licensing for
London Road/ Abbeydale Road / Chesterfield Road**

Frequently Asked Questions and Answers

Q	What is Selective Licensing?
A	<p>Selective Licensing is a discretionary power that Councils can use if they think it is necessary. Selective Licensing requires all landlords operating within a designated area to license any privately rented property within that area.</p> <p>The period of designation lasts for 5 years and includes conditions aimed at ensuring licensed properties are safe, meet basic standards and they are managed in a satisfactory way.</p>
Q	Why are we considering Selective Licensing in this area?
A	<p>The Council is proposing Selective Licensing along London Rd, Abbeydale Rd and Chesterfield Rd because we have concerns about the condition of some of the private rented properties in the area, particularly those above shops. Evidence shows the area has a very high proportion of private rented properties, and many suffer from poor property conditions, including multiple high-risk hazards and a range of other issues relating to poor standards of management.</p> <p>While the Council acknowledges that some landlords who own property in the area provide good, safe accommodation, maintained to satisfactory standards and managed well, there are some that do not. Current enforcement action by the Council is undertaken on a reactive basis, and often involves lengthy enforcement procedures, with the Council reliant on tenants making a complaint to them in the first instance. Introducing Selective Licensing in the area would mean that we would have the information, resources and powers which we need to ensure that all the private rented properties in the area are safe, in good condition and well managed.</p> <p>The Council also has concerns about the vulnerability of tenants living in the area, who may fear reprisals from their landlord, and so may not be reporting problems that they are experiencing with their homes.</p>
Q	What will be the benefits of Selective Licensing?
A	<p>The introduction of Selective Licensing can bring widespread benefits to the local community. In particular it will ensure that all private rented property within the designated area is safe and in good condition. Other benefits could include:</p> <ul style="list-style-type: none"> • Higher standards of management • Improved housing conditions • Improved rental and property values • Improved image and perception of the area

<p>Q</p> <p>A</p>	<p>If approved, when will the Selective Licensing scheme begin?</p> <p>Once the consultation period ends the Council will use this along with evidence already gathered to decide if formal proposal should be made. If a proposal is put forward it would be submitted to the Council Cabinet in late spring / early summer. If a scheme is approved, it is likely the scheme would start in late 2018, but there would be a lot of preparation and community working before then.</p>
<p>Q</p> <p>A</p>	<p>How will Selective Licensing impact on me?</p> <p>The effect of Selective Licensing would differ depending on whether you are a landlord, a tenant, an owner-occupier, or have another connection to property in the proposed Selective Licensing area.</p> <ul style="list-style-type: none"> • Landlords <p>Will be required to apply to the Council for a licence, and pay a licence fee. To hold a licence you would have to:</p> <ul style="list-style-type: none"> ➤ Be a ‘fit and proper’ person, or show that the property will be managed by a ‘fit and proper’ person. ➤ Carry out any works deemed necessary to ensure properties are safe ➤ Ensure that your tenants have a tenancy agreement ➤ Comply with the conditions of the licence <ul style="list-style-type: none"> • Tenants <ul style="list-style-type: none"> ➤ Would be required to provide references to landlords before a property is let to them ➤ The licence may include conditions requiring tenants to behave in a “tenant-like manner” and to not be involved in any Anti- Social Behaviour relating to the property <p>Hopefully local owner occupiers and businesses would notice that the condition of private rented properties in the area is improved, and they are being responsibly managed. Overall, the introduction of Selective Licensing should bring widespread benefits to everyone in the local community, ensuring that all private rented property within the proposed area is safe and in good condition. Other benefits could include improved rental and property values and an improved image and perception of the area.</p>
<p>Q</p> <p>A</p>	<p>What will be the cost of Selective Licensing?</p> <p>We don’t know exactly how much the license fee would be yet. But we want to make sure that responsible landlords who apply for a license straight away pay a lower fee than those who don’t.</p> <p>At this stage, we think a 5 year license would cost around £750 for the landlords that apply straight away within a defined period before the scheme starts. The standard fee will be around £1,000 after the scheme start date. Should an application be submitted that is not valid (e.g. requested information not submitted) then the fee could rise to</p>

	<p>£1,250. For landlords that don't make an application and the Council have to take action then the cost could be £1,500. We think this is a fair way to do it.</p> <p>We will have a better idea of the costs when we have finished this consultation. Please let us know what you think. Remember, landlords have to apply for a license for each property they rent out.</p>
Q	What will the fee be used for?
A	The fees charged will only be used to operate the scheme. The City Council is NOT allowed to make a profit or use the licence fee for anything else.
Q	Do you expect that some tenants will move out from the Selective Licensing area to neighbouring parts of the city?
A	<p>If we find that any private rented properties in the area are severely overcrowded then we would take action to ensure some of tenants move into other, more appropriate accommodation. In some rare cases we find that a property is so dangerous that we cannot let anyone stay there, and the owner is served with a Prohibition Order, meaning the tenants must leave the property immediately for their own safety.</p> <p>In these types of cases, some tenants may move to properties in surrounding areas, but we do not anticipate this will be a common occurrence, and it is not the intention of the scheme.</p>
Q	What will happen if Landlords with property in the proposed Selective Licensing area don't apply for a licence?
A	If Landlords don't come forward and apply for a licence, they can be prosecuted for failing to license. If they breach any of the terms and conditions of the licence, like not having safe property standards, the Council can pursue a prosecution on that too.
Q	What does 'Fit and Proper' mean, and why will fit and proper checks be carried out on landlords and agents when they apply for a licence?
A	<p>We will check that landlords and agents in the area are 'Fit and Proper' and that the management arrangements are satisfactory. This means that they have no criminal convictions which may affect their management of the property. Convictions that may affect their ability to manage the property could include previous prosecutions for poor housing standards, fraud or other serious crimes. These checks will also ensure that satisfactory arrangements are in place to deal with repair and maintenance issues, and that they have adequate procedures for dealing with problematic tenants.</p> <p>By using the 'Fit and Proper' test we can ensure that properties are managed responsibly. If a landlord or agent is refused 'Fit and Proper' status then the Council will ask that an alternative person or company be put forward to manage the property. They would also be subject to the 'Fit and Proper' checks.</p> <p>We already manage this Fit and Proper test for hundreds of other landlords across the city.</p>

<p>Q</p>	<p>What kind of properties in the proposed Selective Licensing area will be included in the scheme, and which will be exempt?</p> <p>All privately rented properties within the proposed area would be subject to Selective Licensing, except for the following kinds of property or tenancy will be exempt:</p> <ul style="list-style-type: none"> • Licensed HMOs • A temporary exemption notice is in force (s. 62 or s.86 Housing Act 2004) • A management order is in force (s.102 or s.113 Housing Act 2004) • The tenancies and licences are subject to a prohibition order whose operation has not been suspended (s.20/s.21 Housing Act 2004) • The tenancy is a business tenancy • Certain premises licensed for alcohol consumption (only on-licences not off licences) • Certain agricultural tenancies • Tenancies and licences granted by Registered Social Landlords and Housing Providers <p>A</p> <ul style="list-style-type: none"> • Buildings controlled or managed by the Local Housing Authority • Buildings controlled or managed by the Police • Buildings controlled or managed by the Fire Service • Buildings controlled or managed by the Health Service Body • Tenancies and licences regulated by other enactments (A full list of these can be found within “The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) England Regulations 2006 lists” • Certain University/College accommodation occupied by students • Where the owner or his relatives occupy a property on a long leasehold • Where the landlord lets to certain relatives • Holiday Homes • Where the landlord/licensor or his relative lives at the property and shares facilities
<p>Q</p>	<p>Why are you consulting and who are you consulting with?</p> <p>Before councils can introduce Selective Licensing it is important that we consult with those likely to be affected by the scheme. This includes tenants, residents, landlords, managing agents, local businesses, Police, Fire Service, local community groups and other local stakeholders.</p> <p>A</p> <p>We must consider all views given before deciding whether to implement a scheme. It is also important to the Council to obtain views from all people potentially affected by this proposal, as well as being a legal requirement. Consulting with those who it is believed will be affected by this will give the authority the best chance of implementing a successful scheme, should a scheme be implemented.</p> <p>We are consulting with all the groups referred to above in the proposed area and in the surrounding area. You can get further information on who we are consulting with and our proposed designation area on our Citizen Space page.</p>

<p>Q</p> <p>A</p>	<p>What happens with the feedback given from the consultation?</p> <p>When the consultation is over we'll gather up all the views from the local community and respond to them. A report will be produced once the consultation has finished and this report will be made public.</p> <p>Should the Council want to go ahead with implementing Selective Licensing a decision would have to be taken by the Council's Cabinet, should it be approved then it is likely that the scheme would start in late 2018.</p>
<p>Q</p> <p>A</p>	<p>If introduced, how will we review and measure the success of the Selective Licensing scheme?</p> <p>Private Housing Standards will collect data on cases in the area which we will use to measure the effectiveness of the licensing and the associated property inspections, and to judge whether we need to amend where we are focussing our efforts. We will present a summary of the data in review reports which will be published periodically during the period of the Selective Licensing scheme.</p>