

SELECTIVE LICENSING IN LOCAL AUTHORITIES

SUMMARY

1. At the Authority meeting in March 2017 Members received a briefing of an incident attended by the Service on Beverley Road, Hull. Following this, a request was made to provide an overview of which Local Authorities are implementing 'Selective Licensing' under the 2004 Housing Act in their role as Local Housing Authorities (LHAs).
2. Where selective licensing applies, then normally all houses within the private rented sector for that area must be licensed not only those required to be licensed as relevant Houses In Multiple Occupation (HMO).

RECOMMENDATIONS

3. (a) That Members note the work undertaken so far.
- (b) That Members support the development of Selective Licensing Schemes within Local Housing Authorities.

BACKGROUND

4. Whilst there are many extremely professional private landlords in our area, providing high levels of accommodation and safety there can be occasions when high levels of anti-social behaviour, poor housing standards and varying degrees of property management capability in the private rental sector in an area can have significant negative effects in local communities.
5. Selective licensing was introduced as part of the 2004 Housing Act as a means to support professionalism and good standards amongst private landlords. It exists to encourage responsible landlords to maintain the standards of accommodation and management that attract and retain responsible tenants.
6. A LHA may designate either (a.) *the area of their district*, or (b.) *an area of their district*, as subject to selective licensing, and be applied to all private rented property within a designated area under section 56 of the 2004 Housing Act subject to meeting the general conditions below:
 - It has low housing demand, and
 - That introducing licensing will, when combined with other measures taken in the area(s) by the LHA, contribute to the improvement of the social or economic conditions in the area, or
 - It is experiencing a significant and persistent problem of antisocial behaviour, and
 - Private sector landlords in the area are failing to take appropriate action to combat the problem, and
 - Making a designation will, when combined with other measures taken in the area by the LHA, lead to a reduction in, or the elimination of, the problem.

7. Local Authority Coordinators of Regulatory Services (LACORS) Guide, contains guidance and practical advice for landlords and fire safety enforcement officers in both LHAs and in Fire Authorities in England.
8. An additional memorandum of understanding (MoU) exists between the LHAs and Humberside Fire and Rescue Service with the main aim of:
 - Ensuring appropriate standards of fire protection;
 - Developing data sharing arrangements;
 - Assisting landlords in understanding the legal frameworks they operate under;
 - Encouraging opportunities for joint training and awareness;
 - Recognising lead authority roles of both Fire and Rescue & Local Housing Authorities and acknowledging that both will seek to act together in good faith.
9. Under the 2004 Housing Act legislation, LHAs are designated as having the lead enforcing role for the following property types:
 - Single Dwellings including shared housing;
 - All Houses in multiple occupation (HIMO);
 - Self-Contained Flats (purpose built or converted).
10. Humberside Fire Authority has the lead enforcing role for premises with mixed commercial and associated residential accommodation, including sheltered housing (common areas only), hostels, bed & breakfasts and hotels.
11. Selective Licensing arrangements are currently being considered by North and North East Lincolnshire LHA's as a combined approach. We understand that Kingston Upon Hull LHA is currently considering the use of Selective Licensing, but are likely to await the outcomes of the changes to Housing Act legislation due in October and East Riding are not using Selective Licensing, but are using additional licensing, which widens the scope for the relevant properties, for Houses in Multiple Occupation in the Goole area.
12. HFRS Business Safety teams have a good working relationship with Local Authority Housing Officers and are operating in line with the LACORS guide, current protocol and the existing MOU.
13. HFRS is positively encouraging all LHAs to develop and adopt the Selective Licensing scheme arrangements in suitable areas as a way of reducing antisocial behaviour, reducing environmental costs and costs of crime, such as street cleaning and fly tipping. Additional benefits may be improving problem areas, making these safer, more desirable places to live and protecting vulnerable groups, who are more likely to be occupiers of privately rented accommodation.

STRATEGIC PLAN COMPATIBILITY

14. This report supports Strategic Objective 3 "Reducing risk in our communities".

FINANCIAL/RESOURCES/VALUE FOR MONEY IMPLICATIONS

15. None arising directly.

LEGAL IMPLICATIONS

16. None arising directly.

EQUALITY IMPACT ASSESSMENT/HR IMPLICATIONS

17. The introduction of Selective Licensing is likely to have a positive impact across a number of protected characteristics.

CORPORATE RISK MANAGEMENT IMPLICATIONS

18. None arising directly.

HEALTH AND SAFETY IMPLICATIONS

19. The introduction of Selective Licensing is likely to reduce the number, and severity, of incidents the Service attends which will have a positive impact on Health and Safety.

COMMUNICATION ACTIONS ARISING

20. None arising directly.

DETAILS OF CONSULTATION AND/OR COLLABORATION

21. We have an existing MoU with the four LHA's and are positively encouraging the use of Selective Licensing across the Humber area where appropriate.

BACKGROUND PAPERS AVAILABLE FOR ACCESS

22. None.

RECOMMENDATIONS RESTATED

23. (a) That Members note the work undertaken so far.
(b) That Members support the development of Selective Licensing Schemes within Local Housing Authorities.

C BLACKSELL

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