

# Public Document Pack

To all Members of the

## CABINET

## AGENDA

Notice is given that a Meeting of the Cabinet is to be held as follows:

**VENUE** Room 7a and b, Civic Office, Waterdale, Doncaster, DN1 3BU  
**DATE:** Tuesday, 7th November, 2017  
**TIME:** 10.00 am

### ITEMS

1. Apologies for Absence.
2. To consider the extent, if any, to which the public and press are to be excluded from the meeting.
3. Public Questions and Statements.

**(A period not exceeding 20 minutes for questions and statements from members of the public and Elected Members to the Mayor of Doncaster, Ros Jones. Questions/Statements should relate specifically to an item of business on the agenda and be limited to a maximum of 100 words. As stated within Executive Procedure Rule 3.3 each person will be allowed to submit one question/statement per meeting. A question may only be asked if notice has been given by delivering it in writing or by e-mail to the Governance Team no later than 5.00 p.m. on Thursday, 2nd November, 2017. Each question or statement must give the name and address of the person submitting it. Questions/Statements should be sent to the Governance Team, Floor 2, Civic Office, Waterdale, Doncaster, DN1 3BU, or by email to [Democratic.Services@doncaster.gov.uk](mailto:Democratic.Services@doncaster.gov.uk)).**

4. Declarations of Interest, if any.

Jo Miller  
Chief Executive

Issued on: Monday, 30 October 2017

Governance Officer for this meeting: Amber Torrington  
01302 737462

5. Decision Record Forms from the meeting held on 17th October, 2017 for noting (previously circulated).

**A. Reports where the public and press may not be excluded**

**Non-Key Decision**

6. Edlington Selective Licensing Scheme. 1 - 116

**For information**

7. PARTNERSHIP GOVERNANCE REPORT - Trent Regional Flood and Coastal Committee. 117 - 122

**B. Reports where the public and press may be excluded in accordance with grounds specified in the Local Government Act, 1972, as amended.**

**Key Decision**

8. Additional Funding - Services for People with Learning Disabilities. 123 - 128  
*(The report is not for publication, because it contains details of third party commercial interests, which are exempt as defined within paragraph 3 of Part 1 of Schedule 12 (a) of the Local Government Act 1972 (as amended), (information relating to the financial or business affairs of any particular person, including the Authority holding that information).*

**Notice of any representations received**

This is the formal 5 clear day notice under the Local Authorities (Executive Arrangements) (Meetings and Access to information) (England) Regulations 2012, to confirm that it is the intention that this Cabinet meeting will be partly held in private to consider agenda item No. 8, for the reasons set out in the Agenda.

At the time of publication, no representations from the public have been received regarding this meeting being held in private (Agenda Item No. 8).

**Cabinet Members**

**Chair**

Ros Jones, Mayor of Doncaster

**Vice-Chair**

Councillor Glyn Jones, Deputy Mayor  
Councillor Nigel Ball  
Councillor Joe Blackham  
Councillor Rachael Blake  
Councillor Nuala Fennelly  
Councillor Chris McGuinness  
Councillor Bill Mordue  
Councillor Jane Nightingale

**Portfolio Holder for:**

Housing and Equalities  
Public Health, Leisure and Culture  
Highways, Street Scene and Trading Services  
Adult Social Care  
Children, Young People and Schools  
Communities, Voluntary Sector and the Environment  
Business, Skills and Economic Development  
Customer and Corporate Services



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**To the Chair and Members of Cabinet**

**Edlington Selective Licensing Scheme**

<b>Relevant Cabinet Member(s)</b>	<b>Wards Affected</b>	<b>Key Decision</b>
Councillor Chris McGuinness	Edlington & Warmsworth ward	No

**EXECUTIVE SUMMARY**

- 1 Doncaster Council conducted a 12 week consultation between 18 April 2017 and 11 July 2017 on proposals to introduce a Selective Licensing scheme for private sector landlords, in Edlington, to reduce anti-social behaviour (ASB) emanating from properties within the private rented sector (PRS) and to improve tenancy management in that sector.
- 2 The introduction of a Selective Licensing Scheme will enable the Council to ensure all landlords in the area engage with the Authority to deliver a high level of tenancy management and take appropriate action to combat any ASB by their tenants when it is within their power to do so.
- 3 There is evidence that certain types of ASB in parts of Edlington are significant and persistent, the majority arising from tenants living in the private rented sector. The intention of this proposal is to directly address the problem of ASB within the PRS where landlords are failing to take appropriate action to combat the problem. In more general terms the intention is to improve and standardise tenancy management within the PRS.
- 4 Within the consultation, residents and landlords were asked “Do you think there is a high turnover of private tenants in your area?” 63% responded yes to this question. Respondents were also asked “Have you had any problems with privately rented properties or tenants in your area?” 67.5% of respondents answered yes to this question.

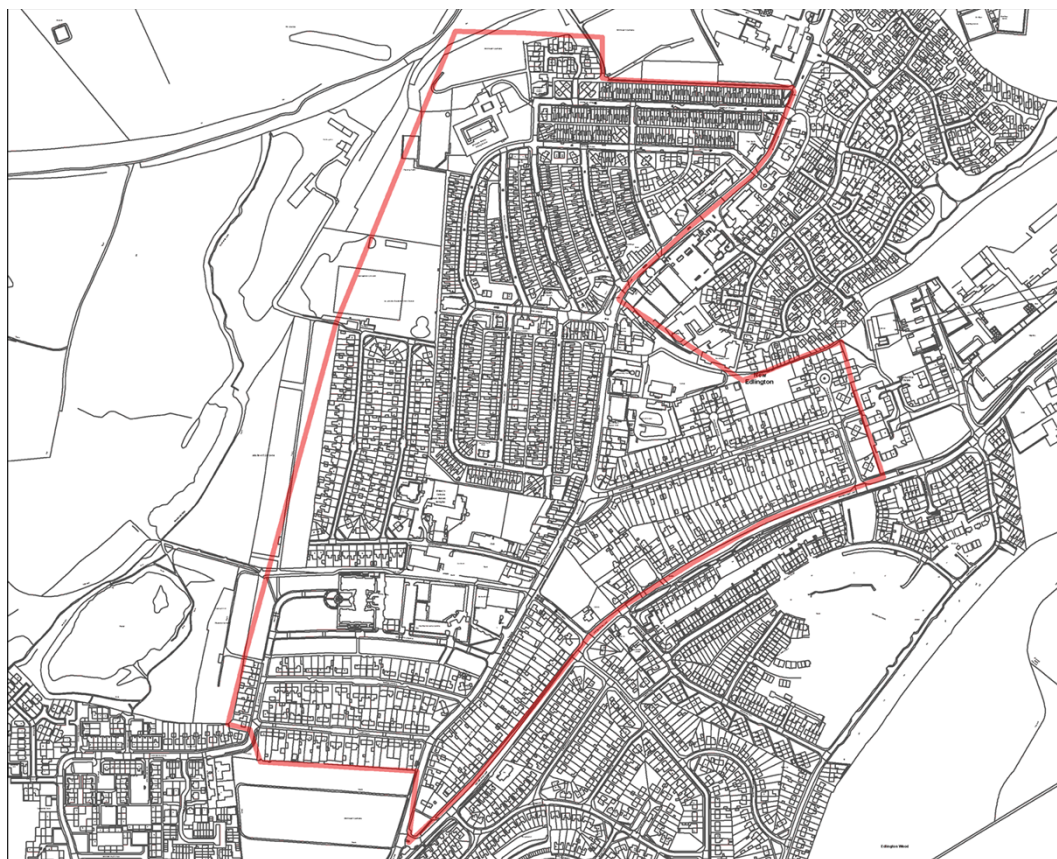
- 5 The consultation also asked 'Which area do you feel would provide the best outcome for the area?' 58% of respondents felt Option 2 (Royal Estate and surrounding streets in Edlington) would provide the best outcome for a Selective Licensing scheme.
- 6 The legislation exists as a way of supporting and encouraging landlords to meet their responsibilities to communities in which they are providing much needed housing. This has to be done in a way that is acceptable to those communities. The legislation also provides local authorities with powers to enforce, through the courts if necessary, against those landlords that do not meet those responsibilities in taking appropriate action. Selective Licensing will add to the existing powers held by the Local Authority to take action against ASB and ensure private landlords work with the Local Authority to deliver better outcomes for the community.

## **EXEMPT REPORT**

- 7 This is not an exempt report.

## **RECOMMENDATIONS**

- 8 To approve implementation of the selective licensing scheme as consulted on and designate the area shown edged red on the plan below as a selective licensing area. The scheme would be operated as a co-regulation scheme together with an approved partner.



## **WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER?**

- 9 Doncaster Council will seek to impose regulation through legislation in certain areas where the legal criteria to do so is applicable. The levels of ASB in Edlington indicate such action is necessary and therefore selective licensing should be introduced to tackle the ASB that is affecting the local community.
- 10 Consideration for a PRS Accreditation Scheme for private sector landlords was felt to be insufficient due to the voluntary nature of the scheme with no sanctions for non-compliance or non-engagement. Selective licensing, designed in law to address low demand and/or ASB emanating from the PRS, is a possible solution to this problem. While it would include some landlords that are genuinely trying to make a positive impact, the scheme could serve to the greater good of the area under consideration for all landlords to be included. Indeed the law does not allow for any such exemption for 'good' landlords in the designated area.

## **BACKGROUND**

- 11 Housing is the foundation upon which we build our lives. The quality of housing, how much it costs and where people live is a major influence on people's quality of life, well-being, health and their opportunity to work. Good quality housing is important for economic growth, educational attainment, public health, and community cohesion.
- 12 Doncaster Council would only consider introduction of selective licensing as an appropriate tool when other action and legislative tools have been tried extensively, but failed to deliver a sufficient and sustained improvement of an area.
- 13 There has been evidence of high levels of Anti-Social Behaviour in this area for past 5 years. As a result of this, the option of a selective licensing scheme for Edlington was first considered in 2014. However, it was felt at that time that further partnership initiatives should be attempted. In the past two years the area has benefited from a multi-agency approach to tackling neighbourhood issues with regular partnership meetings and action plans. As part of this work, all enforcement powers currently available to the Council have been considered and appropriate formal action taken whenever evidence or witnesses have supported cases to be escalated.
- 14 Although statistics for environmental ASB indicate an improvement has been achieved, there appears to be further work required to reduce ASB linked with the PRS in Edlington. A large amount of work has been done in these communities but there is a need for private sector landlords to have a role in dealing with the problem of ASB linked with their properties.

- 15 Selective licensing provides the authority with additional tools to help combat anti-social behaviour and can legally require landlords to take responsibility for tenancy management by taking “action to combat the problem that it would be appropriate for them to take” (Housing Act 2004).
- 16 Although this proposal for a Selective Licensing scheme in parts of Edlington is primarily to deal with ASB in the PRS there is also evidence of low demand (the other reason along with ASB that such a proposal can be consulted upon). There is a direct correlation between demand, price and volume of transactions. The higher the demand the higher the price and usually the volume of sales is reflected with this. Conversely in areas of low demand you would expect to see a limited number of sales at prices below the average for a particular area. Research into sales data can be found in Appendix 1.
- 17 Looking at the complaints received by the Enforcement Team in 2016 regarding environmental ASB and housing problems in Edlington, it is clear that the ASB problem is concentrated on the Royal Estate with dispersal on the surrounding streets which have a high concentration of private rented properties.

Type of ASB	No of incidents in Edlington	No of incidents on Royal Estate	% of all incidents in area	No of incidents on Royal Estate and surrounding streets	% of all incidents in area
Fly tipping	37	7	19%	11	30%
Nuisance (including Noise)	185	134	72%	156	84%
Unkempt Properties	17	14	82%	16	94%
Housing disrepair	14	10	71%	11	79%
Abandoned Vehicles	25	12	48%	18	72%

*The table shows the number of complaints received by the Enforcement Team in 2016 regarding Edlington as a whole, the Royal Estate (Option 1 – area shown by red line boundary on Map 6 – Appendix 1) and the Royal Estate with surrounding streets (Option 2 – area shown by orange line boundary on Map 6 – Appendix 1).*

- 18 As can be seen in the table, 72% of the nuisance incidents reported in Edlington related to the Royal Estate. If you include the surrounding streets (Option 2) this figure increases to 84%. A similar figure can be seen for reports of unkempt properties with 82% of all reports relating to the Royal Estate increasing to 94% if the surrounding streets are also included. The only complaint type not following this pattern is fly tipping where the majority of incidents reported in Edlington relate to the rural country lanes surrounding the village, rather than the estate roads.

## The Area

- 19 The number of properties in this area owned by smaller private landlords is substantially higher than the local average. Bordering on to the Royal Estate to the south and also to the east across Edlington Lane, there is housing of similar age to the properties on the Royal Estate, which also have a higher than average proportion of private rented properties. This includes Markham Road, Markham Square, Cross Street, North Street, Baines Avenue, Carr Road, Bungalow Road, Hazel Road and Auburn Road.
- 20 Further south into Edlington, past the local school and also across Broomhouse Lane, the character of the area substantially changes with a large estate of properties managed by St Leger Homes and other local Housing Associations. This area also includes a large proportion of owner occupied properties. The proportion of private rented properties in this area is substantially lower than in other parts of Edlington.

## **Consultation Process**

- 21 Letters were sent to people believed to be affected by these proposals with a link to the consultation document (Appendix 1), the online consultation survey questionnaire (Appendix 2) and invites to relevant consultation meetings. This included all residential properties in Edlington and letters to any landlord registered on local council tax records. All Edlington ward members, the police, fire service and the Communities team within DMBC were also consulted. Paper questionnaires were sent out on request and were also available at the 5 consultation meetings. A total of 41 online surveys were completed, 7 hand written questionnaires and 4 written responses. Broken down these responses were from 23 owner occupiers; 6 private tenants; 1 Registered Social Landlord tenant; 18 landlords or managing agents and 4 others (The National Landlords Association, Residential Landlords Association, a private landlord and a local Member of Parliament). 28 of the landlord/owner/agent letters were returned undelivered.
- 22 A number of options were proposed within the consultation (Appendix 1). In particular, two different areas were suggested as options for designation. Option 1 included the Royal Estate and Option 2 included the Royal Estate plus surrounding streets (see map in Appendix 1). People were specifically asked 'Which area do you feel would provide the best outcome for the area?' Of the 52 responses: 6 answered 'Option 1 (Royal Estate only)'; 28 answered 'Option 2 (Royal Estate and surrounding streets)'; 5 didn't know and 8 responded 'other'. Reasons accompanying 'other' votes included: cover the whole of Edlington; cover all private landlords; and no area - use existing and new legislation to address ASB.
- 23 South Yorkshire Police responded on request with full support to the scheme on the Royal Estate as they believe this is where the majority of the issues occur. However, the majority of respondents would like to see Option 2

implemented.

- 24 In response to the question 'Do you agree with the Council's proposals to introduce Selective Licensing in Edlington, as detailed in the consultation document?' 36 of the 52 responses answered 'yes' to this question, 14 answered 'no' and 2 didn't know. There was support for the proposals from the local MP Caroline Flint. The main point raised during the landlord consultation meetings was that the council and police have available powers to deal with ASB and agencies have not been using them fully. The landlords requested these powers be utilised before a decision whether a selective licensing scheme needs to be implemented.
- 25 Responses were received from both the Residential Landlords Association (RLA) and the National Landlords Association (NLA), opposing the scheme. Both organisations raised that they felt the Local Authority already had powers to take action against ASB and needed to consider using such powers and partnership working in the first instance. As explained in paragraphs 12 and 13, substantial resources and initiatives have been tried in Edlington, with limited success, before consideration of Selective Licensing. Both RLA and NLA also raised the view that landlords had limited powers to take action in respect to the ASB problems described in the consultation report. It was clear in the consultation report that the Council do not expect landlords to suddenly become responsible for their tenants' behaviour but instead that landlords will become more responsible for their own behaviour in how they manage their tenants. The NLA also raised concerns that the consultation report had not acknowledge the impact on the area from the stigma of becoming a Selective Licensing Area, nor considered any impact on homelessness and felt that this may indicate a substandard consultation. These issues were thoroughly considered prior to consultation and as a result a decision was taken to consult with all residents in Edlington, both inside and outside the proposed scheme area. Consultation also took place with Social Housing providers and St Leger Homes, which includes the statutory homeless provision, to ensure any impact on homelessness was fully considered. Such consultation confirmed that there is a very low demand for Social Housing properties in the proposed scheme area. Whilst it is not anticipated that there will be an increase in homelessness due to the scheme, social housing providers have confirmed they are able to house more people in the area should the need arise.
- 26 In response to the question on the survey 'Would you like to see any amendments to the conditions proposed in the consultation document?' 21 people responded 'yes' and 25 responded 'no'. Of the people who responded 'yes', most gave a reason however few of the reasons related to the conditions and were made with reference to the fees, coverage of the scheme and matters that are addressed by the police.
- 27 A summary of the consultation responses can be seen in Appendix 3.



- 28 Some of the additional comments made regarding the scheme are detailed below:

*"I am all in favour of anything that can clean up our village. I feel the reason for things being as bad as they are here is down to the way things have to be reported. Many are unwilling to put in a complaint because of payback. Anonymous complaints can't be followed up, i think this needs to change. Benefit fraud can be reported anonymously so why not anti-social behaviour?"*

*"This proposal is urgently needed for this community, and although it will not be the final solution this is the first and most important step to bringing peace and resolve to the residents on the affected streets"*

*"This is long overdue, every decent person from Edlington considers that the area in and around the royal estate is a no go area from the evening time."*

*"Must emphasise the need for all parties involved in the process to cooperate and ensure the rules are implemented."*

- 29 The responses from residents indicate there is a real fear regarding the activity and ASB surrounding parts of Edlington. In this connection, it is noticeable that 39% of respondents positively indicated they did not wish their comments to be used in future publicity. Although there has been a targeting of resources and enforcement action on the locality, there is a clear public perception from the respondents that private sector landlords need to be more proactive in responding to ASB linked to their properties.

### Co-Regulation

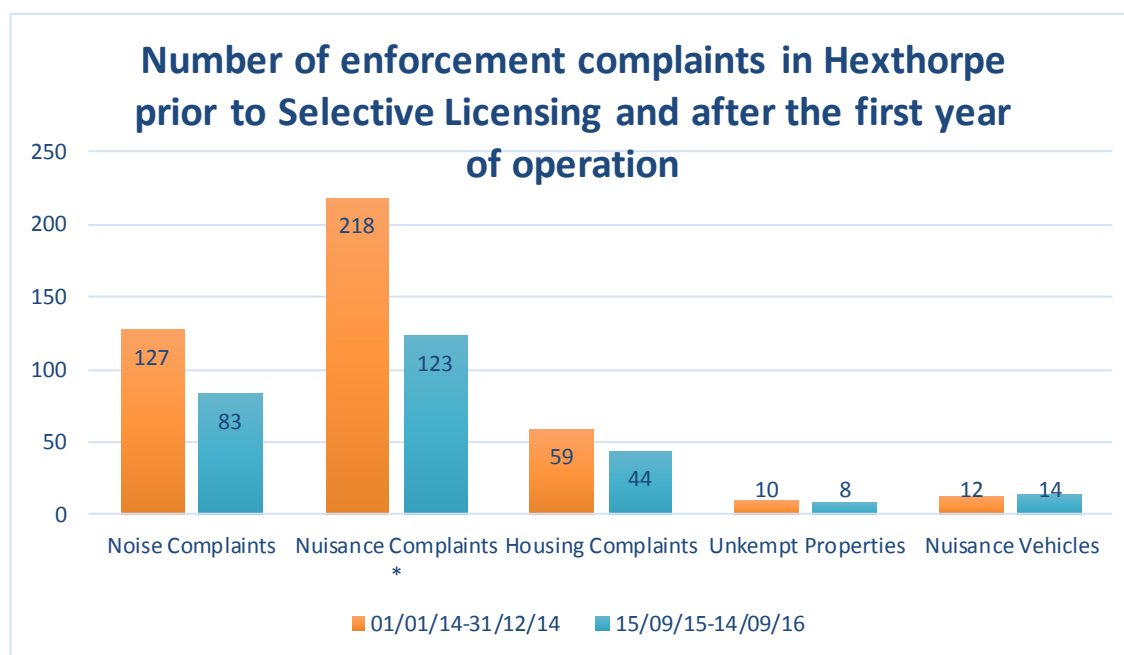
- 30 In 2014 it was considered by Doncaster Council if it would be beneficial to introduce an Accreditation Scheme for private sector landlords to raise standards of tenancy management and reduce ASB. Upon looking at the merits of such a scheme it was considered to be insufficient as the landlords most in need of support and development in this area may not engage and the problem would persist. The main problem with accreditation to deal with ASB in the private rented sector is that it is only voluntary.
- 31 The conclusion was that selective licensing would be a better solution as long as certain circumstances were evident. Although it would include some landlords that were dealing with anti-social behaviour from their tenants, a scheme that requires compliance and engagement from all landlords with properties within the area was required.
- 32 When the Council consulted on their first selective licensing scheme covering the area of Hexthorpe, several landlords approached the Council raising concerns regarding cost, lack of incentives for good landlords and lack of

flexibility provided by a traditional selective licensing scheme. The Council took on board the concerns and launched a hybrid scheme, based on the principles of co-regulation.

- 33 An offer to set up an independent landlord accreditation scheme to go hand in hand with selective licensing was published by the Council together with strict criteria for the scheme, including key performance indicators. Only one potential local accreditation scheme operator came forward and was approved in 2015. Under the co-regulation approach, landlords in the selective licensing area can either apply directly to the Council for a licence or apply to become members of an approved accreditation scheme. Meeting the set criteria of the approved accreditation scheme would ensure members exceed the minimum standard required of the selective licensing scheme. Landlords have to remain a compliant member of the scheme for the full licensing period. If at any time a landlord leaves the scheme, the licence would lapse, requiring the landlord to apply for a new licence directly to the Council. Any accreditation partner would be required to have their own system for monitoring compliance of their members which has been approved by the Council as well as the ability to terminate membership in cases of serious non-compliance. As termination of membership would result in the selective licence no longer being valid, it gives the scheme the tools and autonomy it needs to achieve its high expectations on landlords.
- 34 By introducing a scheme similar to that in Hexthorpe, based on co-regulation principles using locally approved accredited partners, the Council want to ensure the Council's, the community's and local landlords' interests are considered. Additional benefits delivered through co-regulation are expected to be:
- Make selective licensing more landlord friendly by making it fit with the reality of today's buy to let market and allow monthly membership payments rather than a large upfront fee.
  - Create a scheme which addresses irresponsible tenants as well as landlords, by sharing adverse tenancy outcomes in a regulated manner to reduce the ability of tenants who have been proven to cause ASB from moving between properties.
  - Give landlords in the area a voice and allow them to be a recognised stakeholder with whom the Council communicates regarding matters that concern the area or landlords in general.
  - Give smaller and more inexperienced landlords a local support organisation who they can trust and who can provide them with the information, guidance and support they need to run a profitable business in a responsible manner.



- Engage and educate landlords to be competent to manage their properties well, including regular effective self-assessment of compliance.
  - Reduce the amount of visits the local authority makes to private rented properties in the area by giving landlords the option to resolve complaints regarding their properties themselves with support, assistance and closely audited by the landlord scheme.
- 35 If the implementation of selective licensing is approved with the inclusion of the co-regulation scheme, the way it operates is proposed to be the same as the existing Hexthorpe scheme.
- 36 Year One Review of Hexthorpe Selective Licensing Scheme



*Comparison of the number of complaints made to the Enforcement Team regarding Hexthorpe in the year prior to the selective licensing decision compared to the first year of implementation.*

*\*Please note nuisance complaints include waste in gardens, accumulations and bonfires.*

- 37 The Hexthorpe Selective Licensing Scheme was introduced in 2015. At the end of the first year, the Hexthorpe scheme can demonstrate a positive impact on enforcement complaints. Noise complaints have reduced by 35%, nuisance complaints by 44%, housing complaints by 25% as well as a 20% reduction in reports of unkempt properties.
- 38 In the same time period in Edlington, (and with additional proactive resources provided by the council and police) noise complaints have reduced by 15%, nuisance complaints by 22% and the biggest reduction has been in unkempt properties which has almost halved. The amount of housing disrepair reports have remained the same.

## Advantages of a Selective Licensing Scheme

- 39 A selective licensing scheme is not about landlords becoming responsible for the behaviour of their tenants. However, selective licensing would require all private landlords or their managing agents, if applicable, to provide certain information that would assist the authority when tackling ASB. Information such as:
- the person responsible for the management of the property
  - details of tenants (on request)
  - the conditions under which the property is let
  - in extreme cases the landlord may be required to take steps to evict the tenant in order to put an end to their ASB in the community.
- 40 This will help in making a more stable private rented sector in Edlington that would allow enforcement agencies to effectively utilise the legal powers already in existence to deal with perpetrators of ASB. The barriers to effective enforcement, examples of poor tenancy management and existing legal powers are presented in Appendix 6 to further understand why this proposal was developed.
- 41 As evidenced through the Hexthorpe Scheme, selective licensing offers the best chance of addressing this problem but recognise that all agencies must redouble their efforts in line with this to provide adequate support.
- 42 Since April 2010 there has been no need to obtain Secretary of State (SoS) approval for such schemes due to a “wider Government commitment to ensure decisions on local matters are made as close to the people affected by them as possible.” However the same guidelines apply as when SoS approval was needed and have been followed.

## **OPTIONS CONSIDERED**

- 43 Statistics have shown there is a problem with ASB attributed to occupants of privately rented properties within the Royal Estate. This has been acknowledged by landlords and residents as well as elected members. There is evidence of similar ASB in the surrounding streets which may also benefit from the implementation of a selective licensing scheme.
- 44 Taking comments from the consultation into consideration, there are three main options to be considered:

### Option 1 – Do nothing

- 45 Do not implement the selective licensing scheme. Continue to utilise the available legislation to deal with ASB on a reactive basis.

- 46 This is not recommended as the consultation has shown there is support for action to tackle the ASB that is recognised to be affecting the area. The majority of the support for the scheme is from the residents and the local MP. A number of landlords have also expressed support to implement the proposed scheme. A high proportion of landlords who provided a response did not support this scheme and believe the council and police need to utilise existing powers to address the ASB issues.

Option 2 - Implement a selective licensing scheme as proposed in Edlington

- 47 As stated, consultation results gave support to extend the selective licensing scheme to the wider area proposed in Edlington (Option 2 of the consultation). There was also significant support to include the whole of Edlington as respondents felt bad tenants and landlords would just move to the surrounding areas. Maps of the streets included in the areas for designation, along with maps showing where the ASB complaints have been received, can be found in Appendix 1.
- 48 a) Royal Estate only  
The majority of ASB evidenced occurs within the Royal Estate. By targeting these streets to implement the selective licensing scheme, resources would be concentrated on the worst affected streets to effect and promote a change.
- 49 b) Royal Estate and surrounding streets (recommended area)  
Over half of respondents (58%) were in support of implementing the proposed scheme in the area of Option 2. While the evidence base for the scheme shows the higher percentage of the ASB occurs within the Option 1 zone, by including the surrounding streets into the scheme, a higher percentage of addresses evidenced to be the source of ASB would be included.
- 50 It is recognised that there may be instances where as a consequence of the introduction of the scheme, displaced tenants would need to move elsewhere and if they have established links to Edlington they may remain in the surrounding neighbourhood. The support and assistance available to landlords and tenants outside the proposed area would remain available and the procedures in place to address complaints are based on the same principles as in the scheme. If it becomes apparent that level of complaints are rising in another area of the borough, due consideration would need to be given to additional licensing schemes.
- 51 The implementation of a selective licensing scheme would offer additional powers to the authority to directly address a number of the ASB issues currently affecting the area. These include waste accumulations, noise nuisance complaints, nuisance complaints not relating to noise, unkempt property complaints and housing complaints. Secondary benefits of implementing the scheme include the increased presence of enforcement

officers and partnership agencies in the affected and surrounding streets. Enforcement officers from the authority would have the right of access to licensed properties to carry out routine and reactive inspections. It is believed this would be a positive deterrent to the perpetrators of ASB in the area, resulting from an increased presence of partners and the ability to request access to licensed properties with limited or no warning. This right of entry would also offer opportunity for joint working and access to known 'problem properties' where multiple ASB complaints are received. If access is not forthcoming, a warrant of entry can be applied for under the scheme.

#### Review of environmental enforcement complaints

- 52 In consideration of which area to implement the selective licensing scheme, a review of the 2016 complaint figures for the whole of Edlington was carried out. If the property to which a complaint relates to is subject to selective licensing, additional powers would be available to further assist the authority in resolving the complaint and have a direct beneficial impact.
- 53 Of the 56 complaints received in relation to noise nuisance 24 (43%) were in relation to occupied properties within the Royal Estate (Option 1) and 36 (64%) were in relation to occupied properties within the Royal Estate and surrounding streets (Option 2).
- 54 Of the 129 complaints received in relation to non-noise nuisance 113 (88%) were property specific, 99 (78%) were within the Royal Estate and 108 (84%) within the Royal Estate and surrounding streets.
- 55 Of the 14 housing complaints received 10 (71%) were within the Royal Estate and 14 (100%) within the Royal Estate and surrounding streets.
- 56 Combining these three complaint types shows that of the 199 complaints received in the whole of Edlington, 133 (67%) of the complaints are in relation to properties within the Royal Estate and 160 (80%) within the Royal Estate and surrounding streets.
- 57 Although other ASB complaints (waste issues, fly tipping and nuisance vehicles) may benefit indirectly from a selective licensing scheme due to regular visits from DMBC officers, complaints regarding empty properties and ASB that is non-property specific will not directly benefit from the available additional measures. There would be a need to continue the use of other available powers to deal with these types of complaints. It is hoped that an increase in action to improve the area, by utilising the additional powers of a selective licensing scheme, will encourage the owners of empty properties to get these properties back into use and will indirectly be a benefit of such a scheme.
- 58 South Yorkshire Police Doncaster Command Team wholly support the introduction of a selective licensing scheme and have expressed their belief

that the scheme would be an important tool to assist the police in tackling ASB issues, due to the increased ability to work closely with landlords and use enforcement actions where necessary. The Head of Service for St Leger Homes and the Head of Service – Communities also support the scheme, commenting that it would be beneficial in sustaining improvements in the area and help work towards reducing the barriers for more effective enforcement.

59 Option 3 - Suspend the implementation of the proposed selective licensing scheme for 6 – 12 months

If the decision is made to suspend the implementation of the scheme, there would continue to be targeted enforcement of ASB in the area. This would be in partnership with the police and agencies would utilise all available legal powers to try and effect improvements. After this 6-12 month period, if there is still evidence that ASB is a significant concern, the selective licensing scheme would be implemented.

- 60 There is clear evidence of the enforcement actions taken in relation to nuisance type ASB issues emanating from a property. However, it is more difficult to gather ASB evidence relating to individuals away from properties. This has made it difficult to utilise other available powers to address the ASB not attributed to an address. There is often a reliance on the residents making referrals or complaints and then following these up with witness statements and evidence gathering, as the person is affected by someone else's actions.
- 61 It is acknowledged that this is not always forthcoming for fear of reprisals. The lack of available evidence may have inhibited the full use of other available powers. If the decision was to suspend the proposed scheme and target the area in partnership with the police, it is difficult to judge whether further evidence would be gathered to address ASB issues. This would delay the implementation of a selective licensing scheme with no guaranteed improvement in evidence gathered regarding ASB issues.
- 62 The landlords' objections to the scheme were around the use of existing powers and the fact they deemed themselves as compliant landlords. By introducing selective licensing with the option of making applications via a co-regulation scheme, this would allow compliant landlords a level of self-regulation, whilst still having the power to deal with any landlord not engaging with the scheme.
- 63 It is envisaged that a self-regulation implementation of a co-regulation scheme would allow officers to focus their effort on landlords not engaging and to use their time inspecting properties and taking enforcement action where issues are identified from an early stage.

## REASONS FOR RECOMMENDED OPTION

- 64 Edlington has a clear problem with anti-social behaviour and this has been statistically linked to the private rented sector. Consultation responses show that residents and partner agencies approve of the proposals to implement a selective licensing scheme and there is evidence and support for extending the scheme beyond the Royal Estate.
- 65 Selective licensing represents a focused way to sanction landlords for non-engagement and poor tenancy management. The current barriers to effective enforcement and the current legislation available to deal with these issues have been discussed throughout this process and it's clear there is a need to utilise all available powers to tackle ASB issues in Edlington.

## IMPACT ON THE COUNCIL'S KEY OUTCOMES

- 66 This proposal contributes significantly to the Council's key priorities:

	Outcomes	Implications
	<p>All people in Doncaster benefit from a thriving and resilient economy.</p> <ul style="list-style-type: none"> <li><i>Mayoral Priority: Creating Jobs and Housing</i></li> <li><i>Mayoral Priority: Be a strong voice for our veterans</i></li> <li><i>Mayoral Priority: Protecting Doncaster's vital services</i></li> </ul>	<p>With appropriate licence conditions and sanctions the intention is to reduce ASB which will improve the area, creating the environment to meet this priority outcome. Such schemes aimed at improving tenancy management should be attractive to prospective employers locating in new areas.</p>
	<p>People live safe, healthy, active and independent lives.</p> <ul style="list-style-type: none"> <li><i>Mayoral Priority: Safeguarding our Communities</i></li> <li><i>Mayoral Priority: Bringing down the cost of living</i></li> </ul>	<p>The reduction of ASB and improved tenancy management will meet this priority by creating safer and healthier conditions in the PRS and by safeguarding community cohesion.</p>
	<p>People in Doncaster benefit from a high quality built and natural environment.</p> <ul style="list-style-type: none"> <li><i>Mayoral Priority: Creating Jobs and Housing</i></li> <li><i>Mayoral Priority: Safeguarding our Communities</i></li> <li><i>Mayoral Priority: Bringing down the cost of living</i></li> </ul>	<p>Included in the ASB affecting Edlington, is the problem of fly-tipping. Investigation of this issue will benefit indirectly from a selective licensing scheme due to increased presence in the area of officers from DMBC and partner agencies. Therefore, this proposal will indirectly contribute to this priority outcome.</p>
	<p>All families thrive.</p> <ul style="list-style-type: none"> <li><i>Mayoral Priority: Protecting</i></li> </ul>	<p>The reduction of ASB and improved tenancy management will meet this priority by creating safer and</p>

	<i>Doncaster's vital services</i>	healthier conditions in the PRS and promoting community cohesion.
	Council services are modern and value for money.	This proposal will be delivered by the Council's Licensing and Enforcement teams and be funded from the licence fee.
	Working with our partners we will provide strong leadership and governance.	This is the second such scheme within DMBC and to be truly successful it will need sustained strong leadership and guidance. The approach is a modern, value for money example of partnership working between all stakeholders in Edlington.

## RISKS AND ASSUMPTIONS

- 67 After consulting with relevant colleagues; other local authorities who have implemented selective licensing schemes; residents; tenants; Registered Social Landlords; private landlords and agents; a risk table has been produced at Appendix 7.
- 68 The key risk centres around the resource needed to run an effective scheme. The law allowing selective licensing does not permit such schemes to make a profit, nor should they make a loss or use the income for any other reason than to run the scheme. The licence fee should cover the processing and issuing of the licence and a reasonable level of compliance monitoring thereafter. The risk is estimating what is reasonable in terms of resource to run the scheme.
- 69 After consideration of staff time, numbers and grade to administer this proposal, the one-off, 5 year, licence fee will be £515 for single and multiple occupancy premises made directly to the local authority (those that do not require a mandatory HMO licence). This is comparable with the selective licensing fee set for Hexthorpe in 2015, taking into account a 1% annual cost increase to compensate for increases in staff salary costs. This will ensure the scheme is close to self-funded, but will not make a profit for the local authority. Any application made by a landlord fully compliant with an approved partner accreditation scheme will be charged £80. This fee will be collected by the approved accreditation scheme on application and forwarded by the scheme to the local authority. Please note that individual monthly fee structure and additional fees for inspections will apply and be payable directly to the approved partner scheme. It is felt this is set fairly to reflect the time needed to run a meaningful scheme and compares well with other schemes across the country. The licence fee breakdown and comparisons can be found in Appendix 5.

- 70 Discount - £15.00 will be deducted from any second and subsequent applications from the same applicant.
- 71 Penalties – Applications that require a reminder, ie after 3 months, will have an additional £50.00 added to the fee to cover searches to determine ownership and contact. If implementation of selective licensing is approved, landlords with tenanted properties in the area would be given 6 months to apply for a licence or face prosecution. Prosecutions would start after 6 months.
- 72 The key assumption is that this will succeed in reducing ASB in Edlington if all partners and stakeholders work together. This will be measured at least annually throughout the licence period and at the end by comparing data with that used in the consultation document (Appendix 1). In this way a like-for-like comparison can be made before, during and after to evaluate success.

## **LEGAL IMPLICATIONS**

- 73 The Housing Act 2004 provides that for a local authority to designate an area for Selective Licensing it must be satisfied that at least one of the two sets of general conditions are met. The set of conditions the Council relies upon in respect of these proposals is that the area is experiencing a significant and persistent problem caused by anti-social behaviour; and some or all of the private sector landlords who have let premises in the area are failing to take action to combat the problem that it would be appropriate for them to take; and that making a designation will, when combined with other measures, lead to a reduction in, or the elimination of, the problem. Anti-social behaviour is defined in section 57(5) of the Act as —conduct on the part of occupiers of, or visitors to, residential premises - (a) which causes or is likely to cause a nuisance or annoyance to persons residing, visiting or otherwise engaged in lawful activities in the vicinity of such premises, or (b) which involves or is likely to involve the use of such premises for illegal purposes.
- 74 The Act further provides that the proposed Selective Licensing scheme needs to be consistent with the Council's housing strategy and requires a local authority to consider other courses of action available to them that might provide effective methods of achieving the scheme's objectives. The Council considers that in respect of the designated area, as demonstrated in this report, these additional statutory requirements are met.
- 75 The Act provides that private sector let properties falling within the designated area for a Selective Licensing scheme are required to be licensed. The Local Authority is required to consider applications, deciding whether to approve and issue a license or to refuse to issue a license. The authority must impose some statutory licence conditions. In addition, the authority may impose other conditions relating to the management, use and occupation of the property.



The authority must apply a 'fit and proper person' test to applicants for licences and may include in any licence such conditions as it considers appropriate for regulating the management, use or occupation of the house concerned. In the instance of a dispute, the applicants will have a right of appeal to the Residential Property Tribunal. Also the authority may charge a license fee reflecting the administration costs of the scheme. When fixing licence fees the authority may take into account all costs incurred by it in carrying out its functions under the additional and selective licensing provisions of the Housing Act 2004.

- 76 The maximum period that an area may be designated as subject to selective licensing is five years. The Council intends that the selective licensing scheme detailed in this report shall run for five years. However the Council shall keep the Scheme under review and if it considers it appropriate to revoke the Scheme; it may do so at any time.
- 77 The Act provides that before making a selective licensing designation a local authority must take reasonable steps to consult persons who are likely to be affected by the designation and consider any representations made in accordance with the consultation. The outcome and response to the consultation is detailed within this report and a summary of the consultation responses is provided at appendix 3. It is not considered that the consultation can be successfully challenged.
- 78 The Act requires that a selective licensing scheme cannot come into force unless it is confirmed by government or a general approval has been issued. In 2010, the government issued a general approval giving all local housing authorities in England approval to designate an area as being subject to selective licensing, subject to a condition that the local authority undertakes a consultation process of no less than 10 weeks. The Council has complied with that condition and so is not required to seek specific confirmation of the designation.
- 79 As soon as a designation is confirmed or made, the authority must publish a notice containing prescribed information stating that the designation has been made. The authority must also make copies of the designation and information available to the public for as long as the designation is in force.
- 80 A designation may be challenged by way of judicial review within 3 months of the date the designation is made, the general legal principles of reasonableness, procedural propriety and proportionality will be applied. A challenge may result in substantial legal costs and also a delay in implementing the scheme.
- 81 The decision maker must be aware of their obligations under the public sector equality duty (PSED) in s149 of the Equality Act 2010. It requires public authorities when exercising their functions to have due regard to the need to

eliminate discrimination, harassment and victimization; advance equality of opportunity; and foster good relations between people who share relevant protected characteristics and those who do not.

The relevant protected characteristics under the Equality Act are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The duty also covers marriage and civil partnerships, but only in respect of eliminating unlawful discrimination.

- 82 The decision maker must ensure that they have seen the due regard statement which is included at Appendix 4. The duty must be exercised in substance, with rigour, and with an open mind and is not a question of ticking boxes. It is for the decision-maker to decide how much weight should be given to the various factors informing the decision, including how much weight should be given to the PSED itself.
- 83 In this instance the due regard statement indicates that 'the selective licensing scheme is aimed at all private sector landlords irrespective of their personal, including any protected, characteristics'. The consultation did offer translation services so there was no potential barrier to responses by means of language and no additional issues were raised within the consultation in relation to the PSED and the proposed licensing scheme.

## **FINANCIAL IMPLICATIONS**

- 84 The intention is to manage the implementation process from existing staffing budgets from the Enforcement Team, either from existing post holders or appointment to a vacant post.
- 85 Should the decision to introduce selective licenses go ahead, the additional license fee income should cover any additional staffing costs.

## **HUMAN RESOURCES IMPLICATIONS**

- 86 There are no HR implications to this report as current staff will be used to carry out this work. If further recruitment is required it will need to be done in line with the Council's Recruitment and Selection Policy and Procedure, including consideration of any redeployees.

## **EQUALITY IMPLICATIONS**

- 87 Public Sector Equality Duty (PSED) Due Regard Statement (Appendix 4).
- 88 The PSED was created by the Equality Act 2010 and replaces the race, disability and gender equality duties. The duty came into force in April 2011 and places a duty on public bodies and others carrying out public functions. The aim of the PSED is to embed equality considerations into the day to day work of public authorities, so that they tackle discrimination and inequality and contribute to making society fairer.

- 89 The Equality duty covers the following protected characteristics:
- Age
  - Disability
  - Gender reassignment
  - Pregnancy and maternity
  - Race
  - Religion or belief
  - Sex
  - Sexual orientation
- 90 It also applies to marriage and civil partnership, but only in respect of the requirement to have due regard to the need to eliminate discrimination. The PSED consists of a general duty, with three main aims (set out in section 149 of the Equality Act 2010). The specific duties are designed to help public bodies meet the general duty.
- 91 'Due regard' is a legal term that requires proportionality and relevance. The weight given to the general duty will depend on how that area of work affects discrimination, equality of opportunity and good relations. For example, decisions on social care or community safety are likely to be more relevant and have greater impact on equality than those on waste disposal or indeed this proposed selective licensing scheme.
- 92 This proposal is aimed at private sector landlords irrespective of their personal, including any protected, characteristics. Similarly, the improved standards of property and tenancy management with the intention of reducing ASB, through compliance with licence conditions, apply to all properties and tenants in the designated area of Edlington irrespective of their personal, including any protected, characteristics. Furthermore, one licence condition specifically (condition 12ix) highlights the requirement to not discriminate against any person, including tenants and residents, with protected characteristics under the Act.
- 93 One potential gap identified in the delivery of these was linked to language barriers during consultation and implementation for those residents and landlords who do not speak English as a first language. This was considered and guidance in different languages of how to access the information in the consultation document in another language was provided in the consultation letter.
- 94 The translations provided were based on information gained of minority languages existing in the local primary schools. During consultation events, officers also had access to telephone translation to ensure any questions could be made and answered in any language. No person requested a translation service.

- 95 If the scheme is introduced, a condition in the licence (12vii) states that the licence holder must ensure that all information and documents, such as tenancy agreements, are provided to tenants in a language/form they can understand.
- 96 Being a legal requirement on the Council this would have to be included in any co-regulation scheme.

## **TECHNOLOGY IMPLICATIONS**

None.

## **CONSULTATION**

- 97 The legislation that permits selective licensing is quite specific in what we must do to consult properly in stating that:  
“Before making a designation the local housing authority must—  
(a) take reasonable steps to consult persons who are likely to be affected by the designation; and  
(b) consider any representations made in accordance with the consultation and not withdrawn”.
- 98 All residential addresses within the proposed areas and surrounding streets of Edlington were sent a letter briefly introducing the proposals, directions to the specifically designed website and included a link to the online survey. Consistent with consultations conducted by other local authorities, the questions sought to elicit views on the issues generally and selective licensing particularly but to also confirm information we hold and possibly tease out any other issues, such as overcrowding.
- 99 Edlington landlords living outside of the Edlington area were also contacted where we held their contact details. Local estate/managing agents also received the consultation letter and links to the survey as did landlord associations, Registered Social Landlords, Tenants and Residents Associations, Elected Members, the Police, Fire Service and colleagues across the Council affected by this proposal such as the Communities Team, Enforcement Team and Licensing Team. The Council’s website advertised the proposal, had links to the full consultation document and an opportunity to respond to the survey on-line and also featured an ongoing question and answer section. Furthermore, two open consultation meetings were arranged for landlords and managing agents plus three for tenants, residents and businesses (all other affected people) in the community to better inform responses.
- 100 Reverting to our legal obligations to consult therefore, we feel we have  
(a) taken reasonable steps to consult persons who are likely to be affected by the designation;  
and before making a designation this report does

(b) consider any representations made in accordance with the consultation and not withdrawn.

## **BACKGROUND PAPERS**

None

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# **Appendix 1**

## **Consultation document**

**Selective Licensing**

**Consultation Document**

**and**

**Scheme Proposal**

**For Private Sector Landlords**

**in**

**Edlington**

April 2017





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We may be able to provide this consultation in Slovak, Polish or Czech. Please email [SelectiveLicensing@doncaster.gov.uk](mailto:SelectiveLicensing@doncaster.gov.uk) with your name, address, language required and phone number to request this by Tuesday 11<sup>th</sup> July 2017. A decision will be taken, in line with DMBC policies, if this is possible and if so the most cost effective way to provide this to you. Please try to seek assistance from other members of the community in the first instance as it may not be possible to provide a translation service.

Je možné, že budeme môcť ponúknuť túto konzultáciu v slovenskom jazyku. V prípade, že chcete o túto službu požiadať, urobte tak prosím, zaslaním e-mailu na adresu [SelectiveLicensing@doncaster.gov.uk](mailto:SelectiveLicensing@doncaster.gov.uk) so svojím menom, adresou, požadovaným jazykom a telefónnym číslom najneskôr do nedele 11.07.17. Rozhodnutie bude prijaté v súlade s postupmi DMBC o tom, či to bude možné, ak áno, aký je najúspornejší spôsob zabezpečenia tohto pre vás. Prosím, v prvom rade skúste požiadať o pomoc iných členov komunity, pretože je možné, že nebudeme môcť poskytnúť službu prekladateľa.

Niniejsza konsultacja może zostać udostępniona w języku polskim. Aby otrzymać dokument, należy wysłać wiadomość e-mail na adres: [SelectiveLicensing@doncaster.gov.uk](mailto:SelectiveLicensing@doncaster.gov.uk) i podać swoje imię, nazwisko, adres, wymagany język i nr tel. w terminie do 11 Lipca 2017 r. Zgodnie z politykami DMBC zostanie podjęta decyzja, czy istnieje możliwość zapewnienia tłumaczenia z uwzględnieniem jego kosztów. Ponieważ tłumaczenie nie zawsze może być zapewnione, w pierwszej instancji zaleca się zasięgnąć wsparcia od innych członków społeczności.

Možná budeme schopni poskytnout tuto konzultaci v *českém jazyce*. Prosím, napište email na [SelectiveLicensing@doncaster.gov.uk](mailto:SelectiveLicensing@doncaster.gov.uk) s Vaším jménem, adresou, požadovaným jazykem a telefonním číslem a zažádejte do neděle 11.07.2017. Pokud je to možné a pokud je to nákladově nejvýhodnější efektivní způsob jak Vám toto poskytovat, rozhodnutí bude přijato v souladu se zásadami DMBC. Jelikož nemusí být možné poskytnout překladatelské služby prosím, zkuste nejprve požádat o pomoc od ostatních členů společnosti.

## 1. Background

Housing is important. It is the foundation upon which we build our lives. The quality of housing, how much it costs and where people live is a major influence on people's quality of life, well-being, health and their opportunity to work, study and access sport, leisure and cultural activities. Good quality housing is essential for economic growth and engagement, educational attainment, public health, and community cohesion.

Housing can play a major role in leading the economy back towards growth as well as supporting an efficient labour market which is key to economic success. But housing, especially new development and competition for space, can create controversy. However, through democratically elected members, good governance and local leadership our housing priorities can be planned alongside the other social, economic and environmental issues for Doncaster.

There are huge challenges ahead including tackling poor quality homes and a need for more enforcement within the private rented sector (PRS), a lack of affordable housing, an increasing ageing population, and high levels of empty homes which are all priorities for action.

Doncaster is the largest geographic metropolitan borough in the country and contributes to housing and labour markets in not only Sheffield and Leeds City Regions but also the Hull and Humber Ports region and is within easy travelling time to London.

The post war era saw clearance of sub-standard housing and massive housing growth. Towards the end of 20th century, changes to the industrial base led to great decline in the area. Older housing within the borough became increasingly more obsolete or in need of major improvement or redevelopment.

Against this background of low demand in certain areas some neighbourhoods in Doncaster are also suffering from higher than average levels of anti-social behaviour (ASB).

In 2014 it was considered by Doncaster Council if it would be beneficial to introduce an Accreditation Scheme for Private Sector Landlords to raise standards of tenancy management and reduce ASB. Upon looking at the merits of such a scheme it was considered to be insufficient as the landlords most in need of support and development in this area may not engage and the problem would persist. The main problem with accreditation to deal with ASB in the private rented sector is that it is only voluntary and therefore has no sanction for non-compliance or non-engagement.

The conclusion was that Selective Licensing, designed in law to address low demand and/or ASB emanating from the private rented sector, would be a better solution to this problem as long as certain circumstances are evident and whereas it would include some landlords that were genuinely trying to make a positive impact to

this problem the view is that it would serve to the greater good of the whole area for all landlords to be included, indeed the law would not allow for any such exemption for 'good' landlords. In 2014 the Council consulted on their first Selective Licensing Scheme covering the area of Hexthorpe. During the consultation several landlords approached the Council raising concerns regarding cost, lack of incentives for good landlords and lack of flexibility provided by a traditional Selective Licensing Scheme. The Council took on board the concerns and launched the idea of a hybrid scheme, based on the principles of co-regulation.

An offer to set up an independent landlord accreditation scheme to go hand in hand with Selective Licensing was published by the Council together with strict criteria for such scheme including key performance indicators. Only one potential local accreditation scheme operator came forward and was approved in 2015. Under the co-regulation approach, landlords in the selective licensing area can either apply directly to the Council for a licence or apply to become members of an approved accreditation scheme. Meeting the set criteria of the approved accreditation scheme would ensure members exceed the minimum standard required of the Selective Licensing scheme. Landlords have to remain a compliant member of the scheme for the full Selective Licensing period. If at any time a landlord leaves the scheme, the licence would lapse requiring the landlord to apply for a new licence directly to the Council. Any accreditation partner would be required to have their own system for monitoring compliance of their members which has been approved by the Council as well as the ability to terminate membership in cases of serious non-compliance. As termination of membership would result in the selective licence no longer being valid, it gives the scheme the tools and autonomy it needs to achieve its high expectations on landlords, something that is normally a weakness of accreditation schemes.

On 1<sup>st</sup> October 2015 following consultation a Selective Licensing scheme came into force in the area of Hexthorpe based on the co-regulation approach with the aim to improve tenancy management and reduce anti-social behaviour (ASB) from private rented properties.

A review of the scheme 12 months after implementation clearly shows the scheme has been an effective tool to manage issues with Anti-Social Behaviour in the areas. It is important however to recognise that this tool on its own is not able to resolve all problems and underlying issues in an area, such as deprivation and transient population. However, the Hexthorpe scheme has demonstrated it has provided an effective framework to manage an area in these circumstances.

This document will serve a number of purposes; firstly, it will be a comprehensive document that the consultation will be based upon. It will inform and reveal the research that has taken place to gather the required evidence that will shape and justify the proposal as being an appropriate response to the problem of ASB within the PRS in parts of Edlington. It will highlight the benefits of Selective Licensing so the proposal can be seen to have a balanced perspective. The document will then

put this proposal into its legislative context before going on to present the licence conditions proposed to address the problems confirmed by the evidence. The proposed timeline, management arrangements and exit strategy will also be covered as will the fees. Finally, this document will explain the consultation process, what happens next and what we want you to do to inform our thinking. Appendices will give further details of such aspects as the Housing Act 2004, scheme exemptions and the proposed licence conditions.

## **2. Public Sector Equality Duty (PSED) Due Regard Statement**

The PSED was created by the Equality Act 2010 and replaces the race, disability and gender equality duties. The duty came into force in April 2011 and places a duty on public bodies and others carrying out public functions. The aim of the PSED is to embed equality considerations into the day to day work of public authorities, so that they tackle discrimination and inequality and contribute to making society fairer.

The Equality duty covers the following protected characteristics:

- Age
- Disability
- Gender reassignment
- Pregnancy and maternity
- Race,
- Religion or belief and
- Sex
- Sexual orientation

It also applies to marriage and civil partnership, but only in respect of the requirement to have due regard to the need to eliminate discrimination. The PSED consists of a general duty, with three main aims (set out in section 149 of the Equality Act 2010 and outlined below); and specific duties. The specific duties are designed to help public bodies meet the general duty.

A **Due Regard Statement** (DRS) is the tool for capturing the evidence to demonstrate that due regard has been shown when the council plans and delivers its functions. A Due Regard Statement must be completed for all programmes, projects and changes to service delivery.

- A DRS should be initiated at the beginning of the programme, project or change to inform project planning
- The DRS runs adjacent to the programme, project or change and is reviewed and completed at the relevant points
- Any reports produced need to reference “Due Regard” in the main body of the report and the DRS should be attached as an appendix

- The DRS cannot be fully completed until the programme, project or change is delivered.

At Doncaster Council, promoting equality of opportunity, eliminating discrimination and building cohesive and inclusive communities is about making life better for our residents, service users, customers and employees.

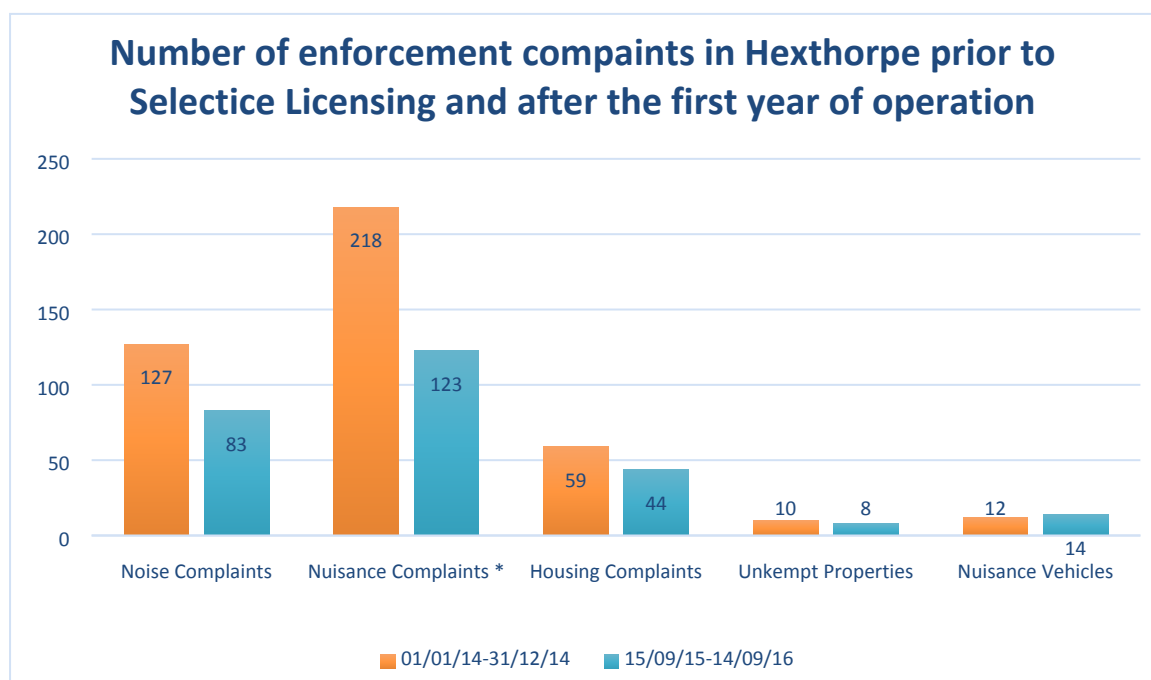
These proposals are aimed at private sector landlords irrespective of their personal, including any protected, characteristics. Similarly, the improved standards of property and tenancy management with the intention of reducing ASB, through compliance with licence conditions, apply to all properties and tenants in the designated areas irrespective of their personal, including any protected characteristics. Furthermore, one licence condition specifically (see condition 12 ix in Appendix 3) highlights the requirement to not discriminate against any person, including tenants and residents, with protected characteristics under the Act.

One potential gap identified in the delivery of these proposals is linked to language barriers during consultation and implementation for those residents and landlords who do not speak English as a first language. This has been considered and guidance in different languages of how to access the information in this document in another language is available in the front of this document. The translations provided are based on information gained of minority languages existing in the local primary schools. During consultation events officers will also have access to telephone translation to ensure any questions can be made and answered in any language.

### 3. ASB in Edlington over time compared to Hexthorpe

In 2014 when the Authority consulted on Selective Licensing in Hexthorpe it was highlighted that the problems in Hexthorpe were not unique to Doncaster and there were several other areas, including the Royal Estate in Edlington also suffering from higher than average ASB levels. Following consideration it was decided to initially implement a Selective Licensing scheme in only one area initially, to determine that it was able to deliver the expected improvements the area. Hexthorpe was chosen as there was evidence of excessive ASB in comparison to other areas in the Borough. However Edlington was at the same time allocated additional proactive enforcement resources and partnership plans with other agencies in an attempt to tackle ASB, but did not benefit from the additional enforcement powers provided by Selective Licensing.

For comparison, the chart below demonstrates the amount of complaints received by the council's Enforcement Team regarding Hexthorpe for 12 months prior to the decision to implement a selective licensing scheme compared to the first year of operation.

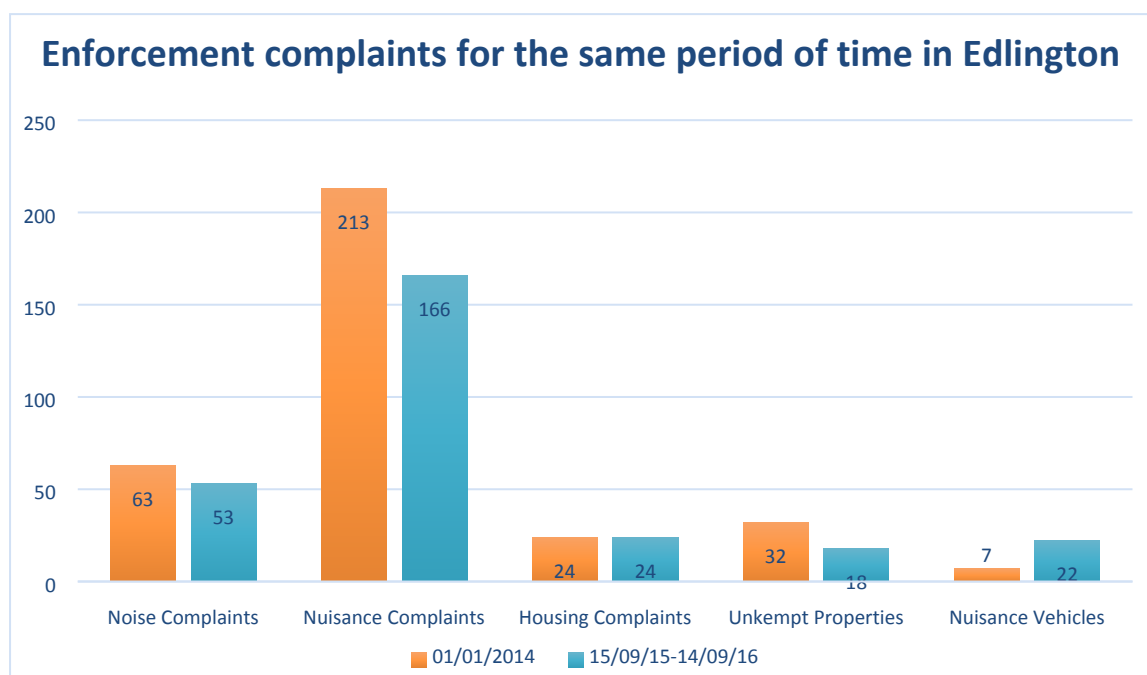


*Table 1: Comparison of the number of complaints made to the Enforcement Team regarding Hexthorpe in the year prior to the SL decision compared to the first year of implementation. Please note nuisance complaints include waste in gardens, accumulations and bonfires.*

Already in the first year the Hexthorpe scheme can demonstrate a positive impact on enforcement complaints noise complaints have reduced by 35%, nuisance complaints by 44%, housing complaints by 25% as well as a 20% reduction in reports of unkempt properties.



In comparison, the extra proactive resources allocated to Edlington in the same period have also lead to some improvements. However these improvements are only half of what has been delivered in Hexthorpe with the extra tool of Selective Licensing. In the same time period the reduction in Edlington noise complaints have reduced by 15%, nuisance complaints by 22% and the biggest reduction seen in unkempt properties which has almost halved. The amount of housing disrepair reports have remained the same.



*Table 2: Comparison of the number of complaints made to the Enforcement Team regarding Edlington using the same methodology and the same time period as presented for Hexthorpe in Table 1.*

Doncaster Council would only consider introduction of Selective Licensing as an appropriate tool when other action and legislative tools have been tried extensively, but failed to deliver a sufficient and sustained improvement of an area. Edlington was considered for Selective Licensing in 2014. However, it was felt at that time that further partnership initiatives should be tried as a first option and the area has in the past 2 years benefited from a multi-agency approach to tackling such neighbourhood issues with regular partnership meetings and action plans, without delivering a real and lasting improvement in the area.

This is not to say these initiatives have failed as that would be misrepresenting the enormous amount of work done in these communities. It is more a recognition that something is missing – the role played by private sector landlords and specifically those that do not take appropriate action to combat the problem of ASB. Indeed, one of the general conditions that should apply before introducing Selective Licensing is:

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

It is an often reported problem that landlords in this area do not engage with the Local Authority or its partners (even their tenants at times) and it is a widespread belief, that can be evidenced, among the Council's Enforcement Team, Neighbourhood Teams operating in this area, the ASB Team, Police, Ward Councillors that the above condition definitely applies.

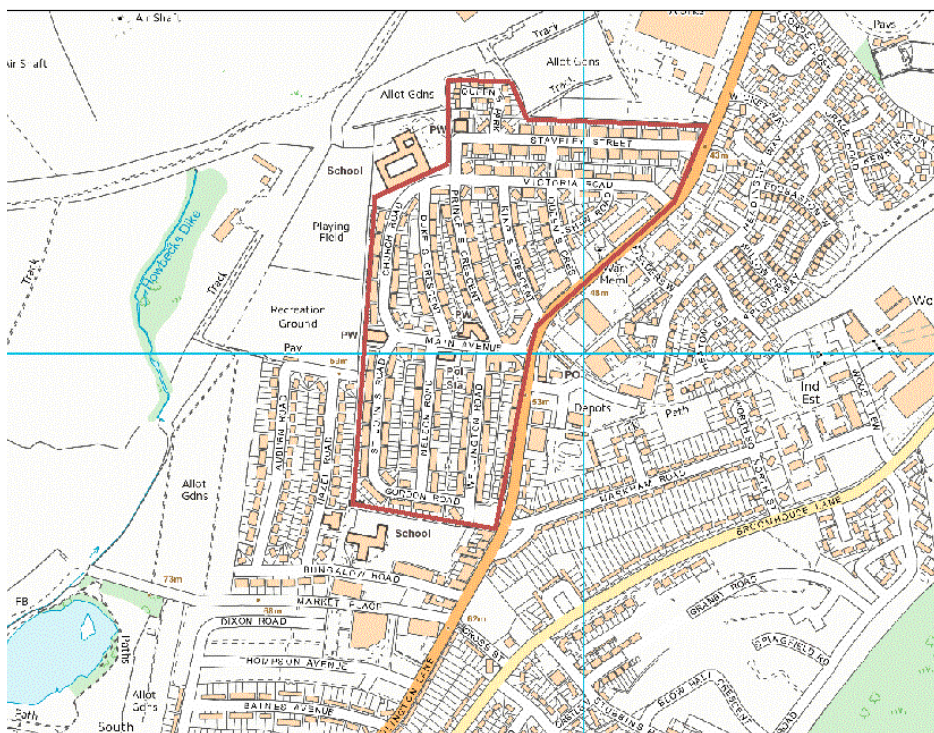
As evidenced through the Hexthorpe Scheme, Selective Licensing offers the best chance of addressing this problem but recognises that all agencies must redouble their efforts in line with this to provide adequate support.

#### 4. The current ASB picture for Edlington

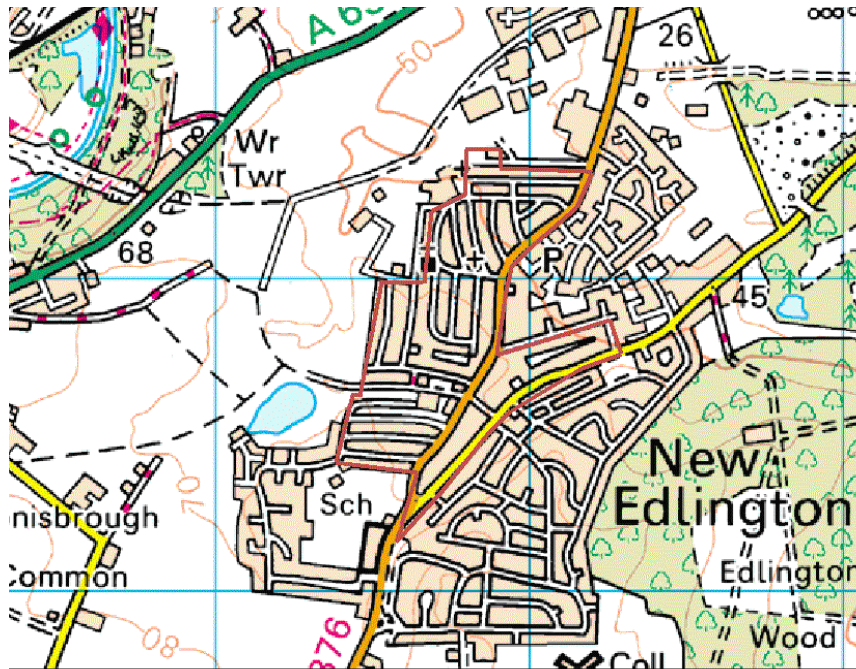
Edlington is a large village consisting of several separate parts with different characteristics. To the North East of the village, bordering Warmsworth, is an estate originally constructed by the National Coal Board, locally known as the Royal Estate (map 1 below). The number of properties in this area owned by smaller private landlords is substantially higher than the local average. Bordering on to the Royal Estate to the south and also to the east across Edlington Lane, there are a few further streets with housing of similar age to the properties on the Royal Estate, which also have a higher than average proportion of Private Rented Properties (map 2 below showing this area together with the Royal Estate).

Once you go further south in the village, past the local school and also across Broomhouse Lane, the character of the area substantially changes with a large estate of properties managed by St Leger Homes and other local Housing Associations. This area also includes a large proportion of owner occupied properties. The proportion of private rented properties in this area is substantially lower than in other parts of Edlington.

Based on information from both South Yorkshire Police and the Council's Enforcement Team, it is clear that the problem with ASB in Edlington is not affecting the full village to the same extent, with the problem focused around the Royal Estate.



Map 1: The map shows the old coal board estate, locally known as the Royal Estate.



*Map 2: The map shows the Royal Estate together with streets to the south and east of similar age and characteristics.*

Looking further at the complaints received by the Enforcement Team in 2016 regarding Environmental ASB and Housing problems in Edlington, it is clear that the ASB problem is concentrated on the Royal Estate with some dispersal on the further streets with a high concentration of Private Rented Properties as shown on Map 2.

Type of ASB	No of incidents in Edlington	No of incidents on Royal Estate (Map 1)	% of all incidents in area	No of incidents on Royal Estate and surrounding streets (map 2)	% of all incidents in area
Fly tipping	37	7	19%	11	30%
Nuisance (including Noise)	185	134	72%	156	84%
Unkempt Properties	17	14	82%	16	94%
Housing disrepair	14	10	71%	11	79%
Abandoned Vehicles	25	12	48%	18	72%

*Table 3: The number of complaints received by the Enforcement Team in 2016 regarding Edlington as a whole, the Royal Estate (Map1) and the Royal Estate with surrounding streets (Map 2).*

As can be seen in Table 3, 72% of the nuisance incidents reported in Edlington related to the Royal Estate. If you include the further adjoining streets as per map area 2 this figure increases to 84%. A similar figure can be seen for reports of unkempt properties with 82% of all reports relating to the Royal Estate increasing to

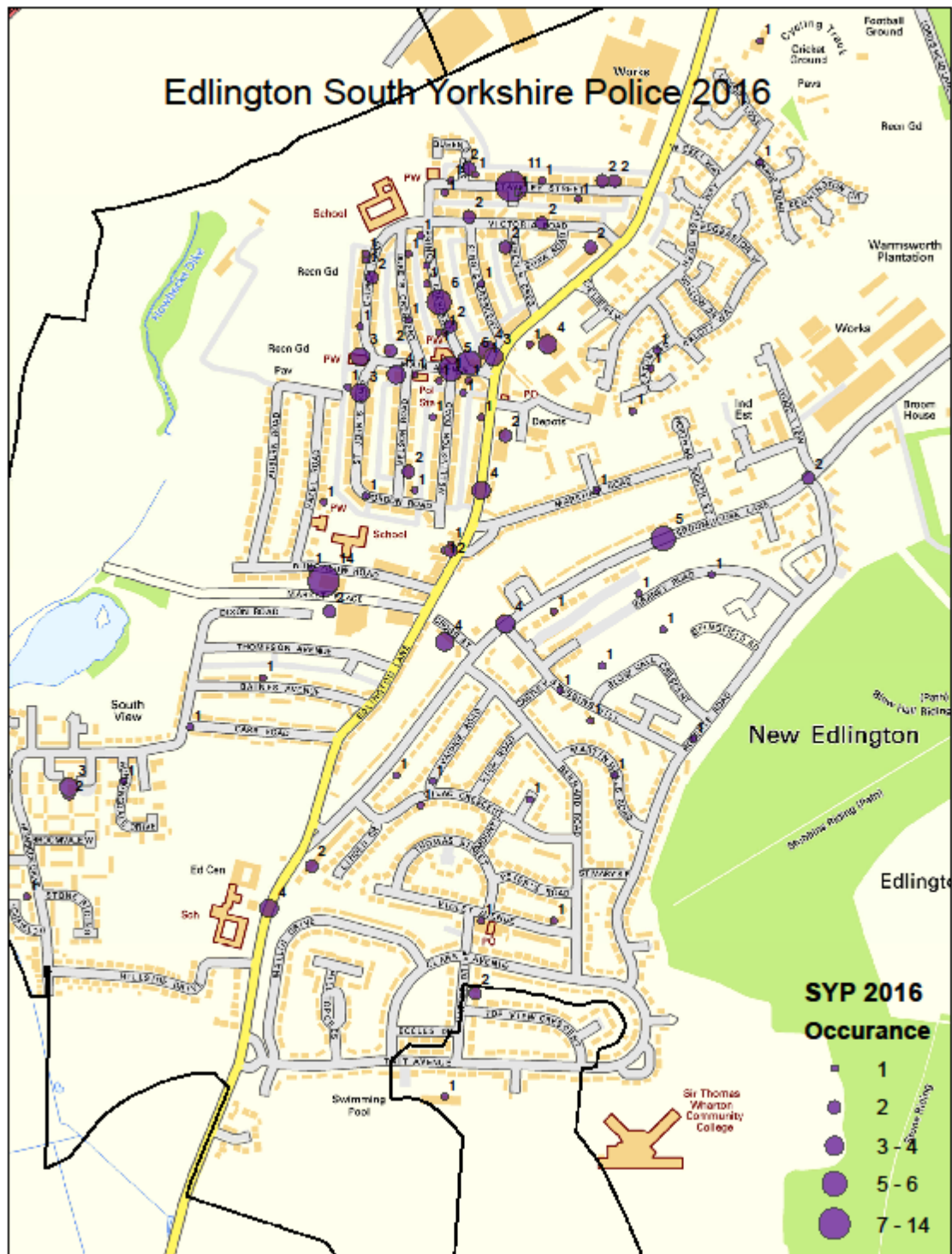


94% if the adjoining streets are also included. The only complaint type not following this pattern is fly tipping where the majority of incidents reported in Edlington relates to the rural country lanes surrounding the village, rather than the estate roads. The concentration of ASB reports to the Royal Estate can clearly be seen on Map 3 below, showing all ASB incidents reported to the Enforcement Team regarding Edlington in 2016.



Map 3: The map shows the location of all ASB complaints received by the Enforcement Team in 2016.

If you compare this with incidents of ASB reported to South Yorkshire Police in the same time period you can see a similar concentrated pattern on and around the Royal Estate (Map 4).



Map 4: The map shows the location of all ASB complaints received by South Yorkshire Police in 2016 regarding Edlington and demonstrating the focus of incidents on and around the Royal Estate.

It should be noted that the police data shown in Map 4 above only relates to ASB incident. Edlington is also a hot spot for other criminal behaviour. As a result in 2017

Edlington is one of the first areas in Doncaster that has been allocated additional neighbourhood policing resources.

To further investigate the likely link between the high level of ASB incidents and high level of private rented units, further evaluation was done of the top three streets for ASB in Edlington, Staveley Street, Princes Crescent and Kings Crescent, all located on the Royal Estate. As can be seen in Table 4, it was a common feature of these three streets that the proportion of private rented properties exceeded 50%. This should be put in context that the proportion of private rented properties boroughwide in Doncaster, as estimated by Office of National Statistics, is 13%. The proportion of private rented properties in this area is also much greater than in Hexthorpe, where an estimated 28% of the properties are privately rented.

Royal Estate Edlington					
Street Name	Total units	Total PRS	% PRS of total units	Total ASB	% ASB of PRS
Staveley Street	126	65	52%	59	73%
Princes Crescent	75	51	68%	27	81%
Kings Crescent	51	28	55%	16	100%

Table 4: The number of units on each street currently let by private landlords and the number of ASB incidents reported to the Enforcement Team linked to these properties.

As demonstrated in Table 5, based on complaints received by the Enforcement Team in 2016, private rented properties were the source of the majority of complaints. On Staveley Street, 52% of all units were found to be privately rented and these properties contributed to 73% of the complaints received. On Princes Crescent 68% of properties were privately rented, contributing to 81% of the complaints received. On Kings Crescent every complaint received by the Enforcement Team in 2016 related to one of the 55% privately rented units.

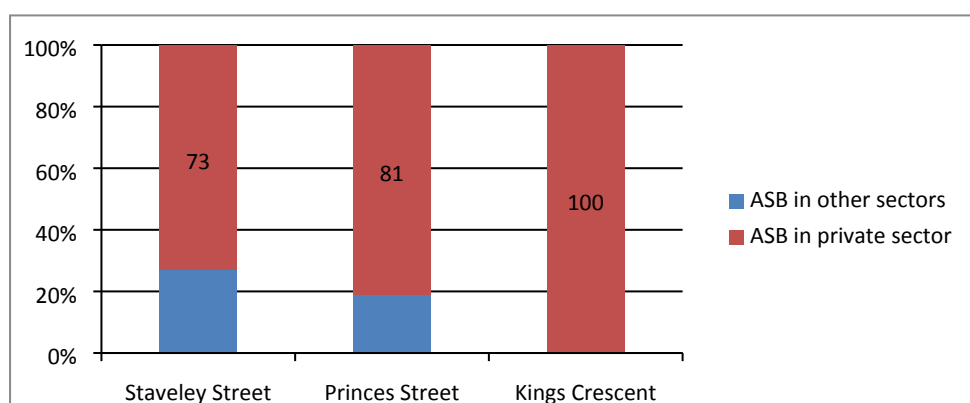


Table 5: The percentage of complaints received by the Enforcement Team in 2016, relating to private rented properties for the three worst affected streets in Edlington.

Map 5 below shows the evidence of ASB from both the Enforcement Team and South Yorkshire police together. This gives a very clear picture of the problem experienced from ASB by residents in part of Edlington.





Map 5: The map shows the location of all ASB complaints received by all agencies regarding Edlington and demonstrating the focus of incidents on and around the Royal Estate.

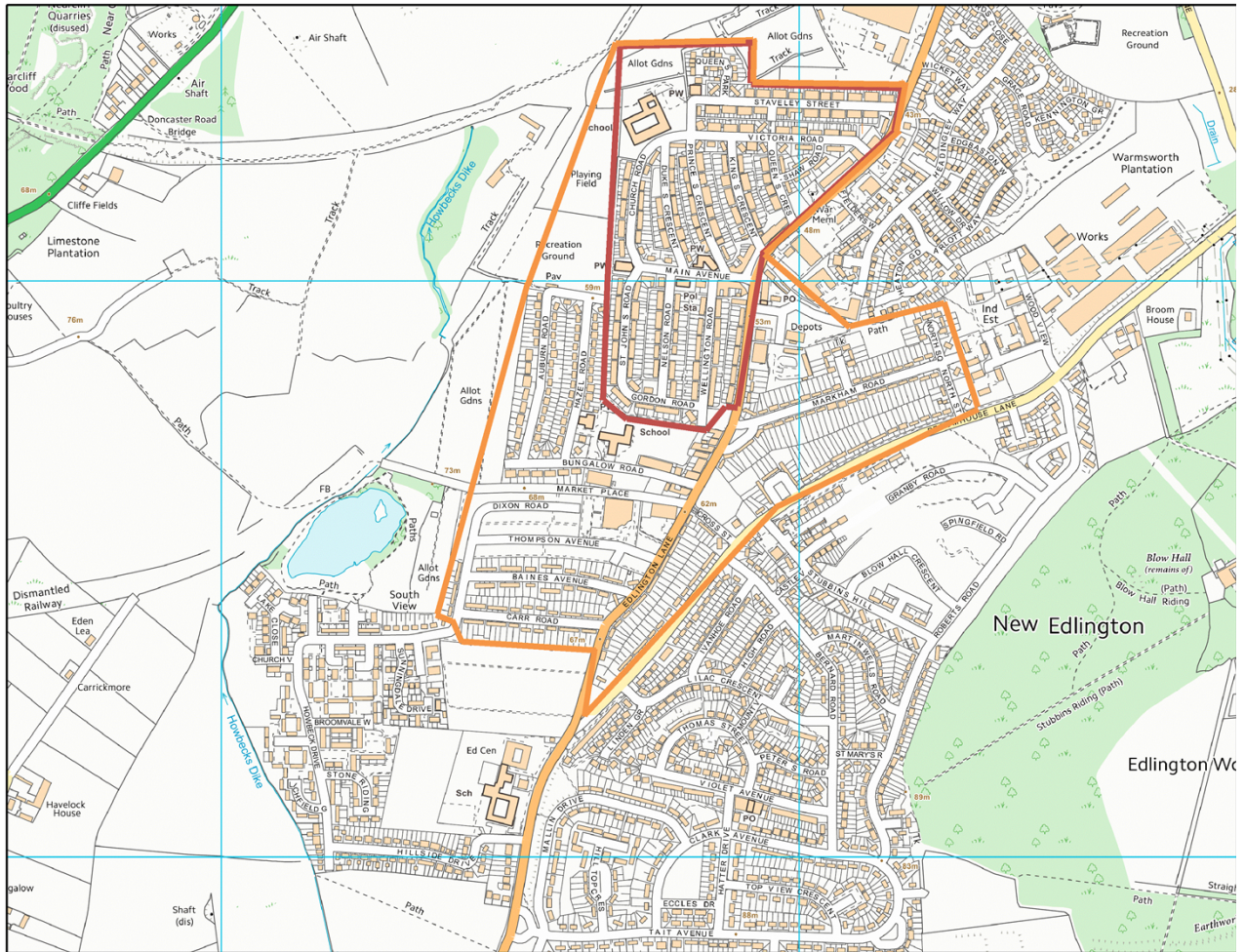
Based on the clusters of reports to the Enforcement Team and South Yorkshire Police it is proposed that Selective Licensing in Edlington is introduced according to one of the following options:

- **Option 1 (defined by the red line on Map 6):** Introduction of Selective Licensing only on the Royal Estate. This area is amongst the worst affected areas in the Borough by ASB. The problem in this area is clearly linked to a



concentration of properties in the private rented sector (PRS) and other initiatives trialled to tackle the problem have not been able to effectively resolve the issues.

- **Option 2 (defined by the orange line on Map 6):** Introduction of Selective Licensing on the Royal Estate with an additional zone around this area, included to capture potential up and coming hot spots and also include some margins to deter a sprawling effect from the worst areas that may occur if the licensing scheme is only introduced on the Royal Estate.



*Map 6: The map shows the two options of areas to be designated a Selective Licensing Area. The smaller area (Option 1) is shown by the red line and the larger area (Option 2) is marked by an orange line.*

## 5. Low Demand

Even though this proposal to consult upon a Selective Licensing scheme in parts of Edlington is primarily to deal with anti-social behaviour in the Private Rented Sector there is also evidence of low demand (the other reason along with ASB that such a proposal can be consulted upon). This is evidenced by the Council's valuation officer (a member of the Royal Institute of Chartered Surveyors, RICS) opinion which is . . .  
. . . .

"There is a direct correlation between demand, price and volume of transactions. The higher the demand the higher the price and usually the volume of sales is reflected with this.

Conversely in areas of low demand you would expect to see a limited number of sales at prices below the average for a particular area.

An analysis of sales data across a sample of the two worst streets for ASB in the Edlington reveal a twofold indication of low demand - (i) low transaction levels, and (ii) at average price levels which are much lower than the average sales prices for the comparable areas.

- Princess Crescent, Edlington – 7 sales in the last 5 years at an average sold price of £42,964 compared to the average of £82,626 for DN12
- Stavley Street, Edlington – 24 sales in the last 5 years at an average sold price of £40,000 compared to the average of £82,626 for DN12

It is considered that the analysis undertaken addresses the first two points of the statutory criteria.

## 6. Legislative context

Under the Housing Act 2004, Part 3, Local Authorities can introduce a Selective Licensing Scheme for 5 years as long as certain conditions apply and can be evidenced. The full part of the Act is shown at Appendix 1 but the set of general conditions that must apply 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 leases 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.

It is the belief of Doncaster Council and South Yorkshire Police that all the above apply in parts of Edlington.

All private rented sector landlords in the designated areas will have to apply for a licence for each property they rent out but certain exemptions apply (see Appendix 2 for the exemptions that apply). The most likely to apply will be an exemption if the property is already licensed as a House in Multiple Occupation (HMO). If exemptions apply private sector landlords will need to contact the Council's licensing team to confirm exemption. Where no exemptions apply landlords will need to apply for a licence within 6 months or face prosecution with a fine of up to £20,000 or a Civil Penalty. Each privately rented property must have a licence with a named landlord or managing agent responsible for meeting and maintaining certain conditions (see appendix 3 for the conditions that apply) some of which are mandatory under the Act. Landlords may also be required to re-pay all the rent monies received whilst the property is un-licensed.

The Council's Enforcement Team will ensure compliance against the conditions through a programme of inspections and will take a zero tolerance approach to non-compliance and unlicensed premises. Prosecution for breaching a condition is punishable with an unlimited fine or a Civil Penalty. They will also be assessing the physical condition of a property and will follow up any issues arising outside of the Selective Licensing scheme in the same way as they do now. In this way there will be a clear distinction between compliance work on the licensing scheme conditions and other Enforcement activity.

There is currently only one approved accreditation partner in Doncaster. Any other landlord group or organisation that wish to be considered to operate an approved scheme are invited to contact the Enforcement Team by email [Nuisance.Team@doncaster.gov.uk](mailto:Nuisance.Team@doncaster.gov.uk) for further details of the strict criteria required to gain approval.

If the scheme becomes operative (see later section on Timeline and Management) following the consultation then licence applications will need to be submitted within 6 months. If licences are refused the applicant will have 28 days to successfully re-apply or they will be prosecuted for not holding a licence should they continue to rent out the property.

## 7. Benefits of Selective Licensing – the solution

The intention of this proposal is to directly address the problem of ASB within the PRS where landlords are failing to take appropriate action to combat the problem. In more general terms the intention is to improve and standardise tenancy management within the PRS. The legislation exists (which was explained in the previous section) as a way of supporting and encouraging landlords to meet their responsibilities to communities in which they are providing much needed housing. This though has to be done in a way that is acceptable to those communities. The legislation also provides Local Authorities with powers to enforce, through the courts if necessary, against those landlords that do not meet those responsibilities in taking appropriate action. These responsibilities are explained in the proposed Licence Conditions at Appendix 3.

The expected benefits of this are clear, to landlords, tenants, neighbouring residents and the wider community, the Council and other agencies. These can be summarised as follows:

<b>Benefits to Landlords</b> <ul style="list-style-type: none"> <li>• Reduction in ASB</li> <li>• Level playing field/no undercutting</li> <li>• Receive advice and support</li> <li>• Shorter voids/reduced turnover</li> <li>• Improved reputation</li> <li>• Eventual increased rental income</li> </ul>	<b>Benefits to tenants</b> <ul style="list-style-type: none"> <li>• Reduction in ASB</li> <li>• Better tenancy management</li> <li>• Empowerment</li> <li>• Better support</li> <li>• More cohesive community</li> <li>• More sustainable community</li> </ul>
<b>Benefits to residents/wider community</b> <ul style="list-style-type: none"> <li>• Reduction in ASB</li> <li>• More cohesive community</li> <li>• More sustainable community</li> <li>• Values increase</li> </ul>	<b>Benefits to DMBC/other agencies</b> <ul style="list-style-type: none"> <li>• Reduction in ASB</li> <li>• More co-ordinated support activity</li> <li>• Ensures landlord's engagement</li> <li>• Less reactive resource costs</li> <li>• Meets commitments to customers</li> </ul>

It is not expected that landlords will suddenly become responsible for their tenants behaviour but that they will become more responsible for their own behaviour in how they manage their tenants. The expectation thereafter is that due to better tenancy management the behaviour of tenants will improve. Where it does not despite the best efforts of the landlords working with the appropriate agencies and being able to prove such, tenants will be held responsible and the appropriate sanctions taken.

By introducing another scheme based on co-regulation principles using locally approved accredited partners, the Council want to ensure both the Council's, the

community's and local landlords' interests are considered. Additional benefits delivered through co-regulations are expected to be:

- Make Selective Licensing more landlord friendly by making it fit with the reality of today's buy to let market and allow monthly membership payments rather than a large upfront fee.
- Build a scheme which addresses irresponsible tenants as well as landlords, by sharing adverse tenancy outcomes in a regulated manner to reduce the ability of tenants with proven ASB moving between properties.
- Give landlords in the area a voice and allow them to be a recognised stakeholder with whom the Council communicates regarding matters that concern the area or landlords in general.
- Give smaller and more inexperienced landlords a local support organisation who they can trust and who can provide them with the information, guidance and support they need to run a profitable business in a responsible manner.
- Engage and educate landlords to be competent to manage their properties well, including regular effective self-assessment of compliance.
- Reduce the amount of visits the Local Authority makes to private rented properties in the area by giving landlords the option to in the first instance resolve complaints regarding their properties themselves with support, assistance and closely audited by the landlord scheme.

## 8. Timeline and Management

Consultation will begin on Tuesday 18<sup>th</sup> April 2017 and run until Tuesday 11<sup>th</sup> July 2017, a period of 12 weeks. Throughout the consultation period officers from the Council will be available to clarify any issues arising from this consultation document. Queries should be submitted by email to [SelectiveLicensing@doncaster.gov.uk](mailto:SelectiveLicensing@doncaster.gov.uk) and a record of queries raised and the response given will be posted on the Council's website for all to see and updated at regular intervals based on the number of new queries received. The intention of this is to get better informed responses by the consultation closing date. The consultation will run for a 12 week period at which time all responses will be considered and a decision will be taken whether to implement the scheme as proposed and consulted upon, implement an amended scheme following the consultation responses or abandon the idea completely. The timeline for the proposal is:

<b>18/04/17</b>	<b>Consultation begins</b>
	<b>Regular updates on website of queries raised and responses given</b>
<b>11/07/17</b>	<b>Consultation closes</b>
	<b>All responses reviewed and recommendation made</b>
<b>September 2017</b>	<b>Cabinet considers recommendation and makes decision</b>
<b>Sept 17 to Dec 17</b>	<b>Publicity campaign if approved</b>
<b>Dec 2017</b>	<b>Scheme start date if approved</b>
<b>March 2018</b>	<b>Deadline for all licenses to be applied for if Selective Licensing is approved</b>
<b>December 2022</b>	<b>Scheme closes and is reviewed for effectiveness, possibility to consult on extension if required to maintain improvement.</b>

If a scheme is approved for implementation there will be yearly reviews of the scheme's effectiveness in addressing the problem and a final review with a suggested exit strategy of what should follow.

Any licensing scheme will be operated by the Council's licensing team in much the same way as other licences are granted. Checking for compliance with licence conditions and prosecuting for non-compliance will be the responsibility of the Enforcement Team, again in much the same way as it is at the moment.



## 9. Fees, discounts and penalties

The legislation is quite clear that any fees charged for Selective Licensing schemes can only cover the costs of running the scheme. They cannot be used for example to fund prosecution of landlords failing to obtain a licence (although in this scenario the Council would apply to the courts for costs of prosecution) and they cannot be used to prosecute for anything outside of the licence conditions. The fees therefore will only be used to fund the team who will process and issue the licences, for checking the licence conditions are being complied with and for ensuring licence holder's compliance with the licence conditions.

After consideration of staff time, numbers and grade to administer this proposal the one-off, 5 year, licence fee will be £515 for single and multiple occupancy premises made directly to the Local Authority (those that do not require a mandatory HMO licence). This is comparable with the Selective Licensing fee set for Hexthorpe in 2015, taking into account a 1% annual cost increase to compensate for increases in staff salary costs. This will ensure the scheme is close to self-funded, but will not make a profit for the Local Authority.

Any application made by a landlord fully compliant with an Approved Partner Accreditation Scheme will be charged £80. This fee will be collected by the Approved Accreditation Scheme on application and forwarded by the scheme to the Local Authority. Please note that individual monthly fee structure and additional fees to inspections will apply payable directly to the approved partner scheme.

**Discount - £15.00** will be deducted from any 2<sup>nd</sup> and subsequent applications from the same applicant.

**Penalties** – Applications that are prompted, i.e., after 3 months, will have an additional **£50.00** added to the fee to cover searches to determine ownership and contact. Prosecutions will start after 6 months.

We feel this is set fairly to reflect the time needed to run a meaningful scheme and compares well with other schemes across the country.

## 10. Conclusion

There is clear evidence that certain types of ASB in parts of Edlington are significant and persistent, the majority of which comes from the private rented sector.

Following previous initiatives to address this issue and comparing the limited success of these initiatives to the greater success achieved in the Hexthorpe Selective Licensing Area, there is an increasing belief between the people dealing with the aftermath of this (the Council's Enforcement, Communities Teams and Community Safety Team along with Ward Councillors and other agencies such as the Police) that the lack of engagement by private sector landlords is a large

contributing factor. This proposal is an attempt to address those concerns whilst acknowledging that not all landlords are failing in their responsibilities in this regard.

Essentially this proposal is about improving tenancy management in the private rented sector for the greater good of the wider community and if implemented will improve these areas for everybody, landlords included.

## **11. What to do next**

Every property, landlord (where known), solicitor and managing agent in or in near proximity to the proposed areas in Edlington have been sent a letter announcing the start of the consultation, why we are consulting on this, where to find this full consultation document on the Council's website and how to complete an online survey. We will also be consulting with landlords associations, the Church of England, the Citizens Advice Bureau, Registered Social Landlords, Tenants and Residents Associations, Community Groups, Elected Members, the Police, Fire Service and colleagues across the Council affected by this proposal such as Communities Team, Enforcement team and Community Safety Team. Responses should be received by midnight on 11<sup>th</sup> July 2017.

If you require any points of clarification to inform your response please email these to [SelectiveLicensing@doncaster.gov.uk](mailto:SelectiveLicensing@doncaster.gov.uk). These will be checked on a regular basis and the website will be updated throughout the consultation period to share queries and answers.

There will be 3 information days for residents in the Edlington Area. There will also be two separate information days for landlords. At these events you can come and ask questions to inform your responses to the online questionnaire. Dates for these events will be available in consultation letters sent to all residents living in or near the proposed designated area. Further information is also available on [www.doncaster.gov.uk/selectivelicensing](http://www.doncaster.gov.uk/selectivelicensing).

At the end of the consultation period every response will be considered and a recommendation will be made to Doncaster Council's Cabinet to either approve a fit-for-purpose scheme based on this proposal incorporating appropriate responses or abandon the idea. If a scheme is approved for implementation it is anticipated it will start in December 2017.

## **Appendix 1- Housing Act 2004 Part 3 – Selective Licensing**

Section 80 of the Housing Act 2004 deals with “Designation of selective licensing areas” and states that . . . . .

- (1) A local housing authority may designate either—
  - (a) the area of their district, or
  - (b) an area in their district,as subject to selective licensing, if the requirements of subsections (2) and (9) are met.
- (2) The authority must consider that—



- (a) the first or second set of general conditions mentioned in subsection (3) or (6), or
  - (b) any conditions specified in an order under subsection (7) as an additional set of conditions,
- are satisfied in relation to the area.
- (3) The first set of general conditions are—
    - (a) that the area is, or is likely to become, an area 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.
  - (4) In deciding whether an area is, or is likely to become, an area of low housing demand a local housing authority must take into account (among other matters)—
    - (a) the value of residential premises in the area, in comparison to the value of similar premises in other areas which the authority consider to be comparable (whether in terms of types of housing, local amenities, availability of transport or otherwise);
    - (b) the turnover of occupiers of residential premises;
    - (c) the number of residential premises which are available to buy or rent and the length of time for which they remain unoccupied.
  - (5) The appropriate national authority may by order amend subsection (4) by adding new matters to those for the time being mentioned in that subsection.
  - (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 leases 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.

“Private sector landlord” does not include a registered social landlord within the meaning of Part 1 of the Housing Act 1996 (c. 52).
  - (7) The appropriate national authority may by order provide for any conditions specified in the order to apply as an additional set of conditions for the purposes of subsection (2).
  - (8) The conditions that may be specified include, in particular, conditions intended to permit a local housing authority to make a designation for the purpose of dealing with one or more specified problems affecting persons occupying Part 3 houses in the area. “Specified” means specified in an order under subsection (7).
  - (9) Before making a designation the local housing authority must—
    - (a) take reasonable steps to consult persons who are likely to be affected by the designation; and
    - (b) consider any representations made in accordance with the consultation and not withdrawn.
  - (10) Section 81 applies for the purposes of this section.

## Appendix 2- Scheme exemptions

The Selective Licensing of Houses (Specified Exemptions) (England) Order 2006  
No. 370, Article 2

Exempt tenancies or licenses for the purposes of Part 3 of the Housing Act 2004

2. (1) A tenancy or licence of a house or a dwelling contained in a house is an exempt tenancy or licence for the purposes of Part 3 of the Housing Act 2004 (“the Act”) if it falls within any of the following descriptions –

(a) a tenancy or licence of a house or dwelling that is subject to a prohibition order made under section 20 of the Act whose operation has not been suspended in accordance with section 23 of the Act;

(b) a tenancy described in any of the following provisions of Part 1 of Schedule 1 to the Housing Act 1988(1), which cannot be an assured tenancy by virtue of section 1(2) of that Act –

(i) paragraph 4 (business tenancies);

(ii) paragraph 5 (licensed premises) (2);

(iii) paragraph 6 (tenancies of agricultural land); or

(iv) paragraph 7 (tenancies of agricultural holdings etc) (3);

(c) a tenancy or licence of a house or a dwelling that is managed or controlled by –

(i) a local housing authority;

(ii) a police authority established under section 3 of the Police Act 1996(4);

(iii) the Metropolitan Police Authority established under section 5B of the Police Act 1996;

(iv) a fire and rescue authority under the Fire and Rescue Services Act 2004(5); or

(v) a health service body within the meaning of section 4 of the National Health Service and Community Care Act 1990(6);

(d) a tenancy or licence of a house which is not a house in multiple occupation for any purposes of the Act (except Part 1) by virtue of—

(i) paragraph 3 of Schedule 14 to the Act (buildings regulated otherwise than under the Act); or

(ii) paragraph 4(1) of that Schedule (buildings occupied by students)(7);

(e) a tenancy of a house or a dwelling where—

(i) the full term of the tenancy is more than 21 years;

(ii) the lease does not contain a provision enabling the landlord to determine the tenancy, other than by forfeiture, earlier than at end of the term; and

(iii) the house or dwelling is occupied by a person to whom the tenancy was granted or his successor in title or any members of such person’s family;

(f) a tenancy or licence of a house or a dwelling granted by a person to a person who is a member of his family where—

(i) the person to whom the tenancy or licence is granted occupies the house or dwelling as his only or main residence;

(ii) the person granting the tenancy or licence is the freeholder or the holder of a lease of the house or dwelling the full term of which is more than 21 years; and

(iii) the lease referred to in sub-paragraph (ii) does not contain a provision enabling the landlord to determine the tenancy, other than by forfeiture, earlier than at end of the term;

- (g) a tenancy or licence that is granted to a person in relation to his occupancy of a house or a dwelling as a holiday home; or
- (h) a tenancy or licence under the terms of which the occupier shares any accommodation with the landlord or licensor or a member of the landlord's or licensor's family.

(2) For the purposes of this article—

- (a) a person is a member of the same family as another person if –
- (i) those persons live as a couple;
  - (ii) one of them is the relative of the other; or
  - (iii) one of them is, or is a relative of, one member of a couple and the other is a relative of the other member of the couple;
- (b) “couple” means two persons who are married to each other or live together as husband and wife (or in an equivalent relationship in the case of persons of the same sex);
- (c) “relative” means parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew, niece or cousin;
- (d) a relationship of the half-blood is to be treated as a relationship of the whole blood;
- (e) a stepchild of a person is to be treated as his child;
- (f) an occupier shares accommodation with another person if he has the use of an amenity in common with that person (whether or not also in common with others); and
- (g) “amenity” includes a toilet, personal washing facilities, a kitchen or a living room but excludes any area used for storage, a staircase, corridor or other means of access.

### Appendix 3- Proposed Selective Licensing Conditions

In these conditions ‘house’ refers to the building or part of a building, which is licensed in accordance with Part 3 of the Housing Act 2004. “Authority” is meant to refer to the local housing authority, namely Doncaster Metropolitan Borough Council.

<b>Mandatory Licence Conditions (Housing Act 2004, s.90(4) and Sch.4)</b>	
<i>Throughout these conditions, reference to ‘the authority’ means the Enforcement Team at Doncaster Metropolitan Borough Council</i>	
<b>1</b>	<p><b>Gas</b></p> <p>If gas is supplied to the house, the Licence Holder must produce annually, to the authority, a gas safety certificate obtained in respect of the house within the last 12 months.</p> <p><b>Reason: Mandatory condition required in the Housing Act 2004, Schedule 4</b></p>
<b>2</b>	<p><b>Electrical Appliances</b></p> <p>The Licence Holder must keep electrical appliances and furniture made available by him in the house in a safe condition and must supply the authority, on demand, with a declaration by him as to the safety of such appliances and furniture.</p> <p><b>Reason: Mandatory condition required in the Housing Act 2004, Schedule 4</b></p>
<b>3</b>	<p><b>Smoke Alarms</b></p> <p>The Licence Holder must ensure that smoke alarms are installed in</p>

	<p>the house, must keep them in proper working order and must supply the authority, on demand, a declaration by him as to the condition and positioning of such alarms.</p> <p><b>Reason: Mandatory condition required in the Housing Act 2004, Schedule 4</b></p>
4	<p><b>Terms of Occupation</b> The Licence Holder must supply the occupiers of the house with a written statement of the terms on which they occupy the house.</p> <p><b>Reason: Mandatory condition required in the Housing Act 2004, Schedule 4</b></p>
5	<p><b>Tenant References</b> The Licence Holder must obtain references from all persons who wish to occupy the house.</p> <p><b>Reason: Mandatory condition required in the Housing Act 2004, Schedule 4</b></p>

### **Additional Conditions of Licence imposed by Doncaster Council**

**The Licence Holder must ensure that the premises fully comply with the conditions set out below unless notified otherwise.**

*Throughout these conditions, reference to 'the authority' means the Enforcement Team at Doncaster Metropolitan Borough Council*

6	<p><b>Management of Anti-social behaviour</b></p> <p><b>The Licence Holder must take all reasonable and all practicable steps for preventing and dealing effectively with anti-social behaviour by persons occupying or visiting the house and the use of premises for illegal purposes.</b></p> <p>For the purposes of these conditions, anti-social behaviour is taken to comprise behaviour by the occupants of the property and/or their visitors, which causes or is likely to cause harassment, alarm, distress, nuisance or annoyance to other occupants of the property, to anyone who visits the property, including communal areas, or to persons residing in, visiting or working in the locality of the property.</p> <p><b>The Licence holder must:</b></p> <ul style="list-style-type: none"> <li>i) Obtain valid pre-let references in relation to persons who wish to occupy the property, in order to make an informed decision regarding their occupancy of the property. References are to include details of previous housing history and tenancy conduct, including behaviour of the proposed occupier. Credit references in isolation are not adequate. Evidence of these references and checks must be made available to the authority upon request.</li> <li>ii) Provide upon request to the authority information regarding</li> </ul>
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the full names and dates of birth of each occupant.

iii) Respond to reference requests within a reasonable timescale and provide an honest and accurate reference relating to existing or past tenants.

iv) Ensure that all named tenants are issued with a copy of the 'Anti-Social Behaviour- Terms and Responsibilities' leaflet upon commencement of their tenancy and that the named tenant and licence holder understand their responsibilities outlined within the leaflet. The Licence holder should retain a copy of the information provided, signed by the tenant acknowledging receipt and produce this on request to the authority.

**Note:** A written leaflet with the necessary information to comply with the above condition can be provided free of charge on request from the authority and is available in several different languages.

v) Ensure that any future written statement of the terms and conditions on which the property is occupied contains a clause holding the named tenant/s responsible for any anti-social behaviour by themselves and/or their visitors. The Licence Holder must ensure that all named tenants are aware of the existence of this clause by advising them upon taking up residence.

vi) Undertake a process of investigation of any ASB complaints which have been made either directly to them, or via the Local Authority, regarding their occupiers. This is to include:

- a) Inform the tenant within 7 days of a complaint being received, in writing, of the allegations of ASB made against them and the consequences of its continuation,
- b) Monitor the allegations following receipt of a complaint of ASB and take all reasonable steps to establish if the ASB is continuing,
- c) Keep written notes of all meetings, telephone conversations and investigation activities regarding ASB and provide the authority with a copy within 7 days on demand,
- d) If after 14 days of the tenant receiving the letter required in a) the anti-social behaviour continues, the licence holder, or managing agent, must take appropriate formal steps to enforce the terms of the tenancy agreement or to terminate it, including legal proceedings against the tenant if necessary, and
- e) Where an obligation under d) has occurred, the licence holder will provide to the authority a written plan setting out the proposed steps and estimated timescales for taking those steps in order to resolve the anti-social behaviour.

vii) Engage with the authority, the police or any other agency involved with investigation of anti-social behaviour relating to

	<p>the property or tenants of the property. This may involve providing supporting information or evidence where an appropriate authority seeks a legal remedy to the antisocial behaviour.</p> <p>viii) Ensure that the named tenant/s of the house is aware of the services available to them and how they can report nuisance and anti-social behaviour to the authority.</p> <p><b>Reason: to reduce the risk to occupants, person visiting the premises and persons in the immediate locality of exposure to Antisocial behaviour.</b></p>
7	<p><b>Terms of Occupation</b></p> <p>The Licence Holder must provide a copy of the terms of occupation to the authority upon request.</p>
8	<p><b>Tenant References</b></p> <ul style="list-style-type: none"> <li>i) The Licence Holder must provide a copy of the pre-let references to the authority upon request.</li> <li>ii) The licence holder must produce sufficient evidence of the pre-let Right to Rent Check carried out for all new tenancies during the licence period.</li> </ul>
9	<p><b>Electrical System/Appliances</b></p> <p><b>The Licence Holder must ensure that:-</b></p> <ul style="list-style-type: none"> <li>i) An Electrical Installation Condition Report (EICR) of the property has been completed, by a suitably qualified electrical contractor, within the last 5 years. A copy of this report must be supplied to the authority either at the application stage or within the first six months of the licence period.</li> <li>ii) Any works specified on the EICR making the installation unsatisfactory, are completed no later than 28 days, following the date of the report, and the authority are notified on completion of these works.</li> <li>iii) If the EICR becomes more than 5 years old during the Licence period, a new EICR is completed, by a suitably qualified electrical contractor, and a copy supplied to the authority within 1 month of the report becoming 5 years old.</li> <li>iv) If the property is provided on a furnished basis, which includes electrical appliances, annual checks are completed and documented on all electrical equipment. All necessary steps are taken to ensure the electrical equipment supplied is maintained to prevent a danger.</li> </ul> <p><b>Reason: to safeguard the health, safety and wellbeing of occupants and persons visiting the premises.</b></p>
10	<p><b>Furniture and furnishings</b></p>

	<p><b>The Licence Holder must ensure that:-</b></p> <ul style="list-style-type: none"> <li>i) 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.</li> <li>ii) Furniture and furnishings supplied by them are compliant with the Furniture and Furnishings (Fire) (Safety) Regulations 1988 (as amended 1989, 1993 and 2010) and must provide a declaration as to their safety at the time of application and thereafter on demand.</li> </ul> <p><b>Reason: to safeguard the health, safety and wellbeing of occupants and persons visiting the premises.</b></p>
11	<p><b>Fire Safety</b></p> <p><b>The Licence Holder must ensure that:-</b></p> <ul style="list-style-type: none"> <li>i) Either hard wired or ten-year battery operated smoke alarms are installed in suitable locations and kept in proper working order.</li> </ul> <p><i>If the property is a House in Multiple Occupation it is strongly recommended that the fire detection system installed follows the guidance detailed in the Doncaster Housing Standards for Houses in Multiple Occupation – HMOs.</i></p> <ul style="list-style-type: none"> <li>ii) The Licence holder must test all detectors in the property at least once a year to ensure that they respond to smoke. Tests should not involve the use of open flame or any form of smoke or non-specific aerosol that could contaminate the detection chamber or the electronics of the detector. Suitable specific test aerosols are available. The test of a Grade A system must be carried out by a specialist alarm engineer and an annual inspection and test certificate issued. Tests of all other systems must be documented annually in a log book.</li> <li>iii) Such certificates or log books must be available for review by the authority on demand.</li> <li>i) Doncaster Council is informed as to any changes to the positioning or type of smoke alarm fitted in the property.</li> </ul> <p><b>Reason: to safeguard the health, safety and wellbeing of occupants and persons visiting the premises.</b></p>
12	<p><b>Terms of occupation</b></p> <p><b>The Licence Holder must:-</b></p> <ul style="list-style-type: none"> <li>i) Provide all future tenants, whose tenancy starts on or after the operative date of the licence, with: <ul style="list-style-type: none"> <li>a) a written tenancy agreement, confirming the terms on which they occupy the property,</li> <li>b) a copy of a valid Gas Safety Certificate,</li> </ul> </li> </ul>

- c) a copy of a valid Energy Performance Certificate,
  - d) a copy of the current DCLG How to Rent leaflet, and
  - e) the prescribed scheme information in relation to the deposit protection (if applicable).
- ii) Provide all tenants, whose tenancy started on or after the 1<sup>st</sup> October 2016, with:
  - a) a written tenancy agreement, confirming the terms on which they occupy the property,
  - b) a copy of a valid Gas Safety Certificate,
  - c) a copy of a valid Energy Performance Certificate,
  - d) a copy of the current DCLG How to Rent leaflet, and
  - e) the prescribed scheme information in relation to the deposit protection (if applicable).
- iii) Where the property is a House in Multiple Occupation, display at all times it is in force, a copy of the licence certificate and licence conditions in a prominent position inside the house where all occupiers will be able to view the said documents. Where the property is occupied by a single household, the tenants must be provided with a copy of the licence certificate and licence conditions which is in force.
- iv) Provide the occupiers of the house and the occupiers of any adjoining properties, with details of the following:
  - a. Name of the licence holder or managing agent;
  - b. A contact address and daytime telephone number of the licence holder or managing agent;
  - c. An emergency contact telephone number of the licence holder or managing agent.
  - d. Details of standard reporting procedures and the anticipated timescales for undertaking repairs.

This information must be supplied within 28 days and if the property is a HMO it should be clearly displayed in a prominent position within the house. An emergency contact telephone number for the licence holder and/or management agency shall also be available and notified to the authority. Any changes in contact and/or telephone number details should be provided to the tenants and the authority within 7 days of the changes being made.
- v) Set reasonable market rates for all utility supplies if providing utilities to the property.
- vi) Undertake a detailed inventory in agreement with the named tenant/s upon commencement of their occupation of the house. The inventory must be initialled on all pages by both parties and signed and dated by them on the last page. A copy should be provided to the tenant and the Licence holder should retain a copy for his own records. The above procedure must be repeated at the end of the tenancy.



	<p><b>Note:</b> Draft Inventory forms are available from Doncaster Council.</p> <p>vii) Ensure that all information and documents that are provided by the landlord to their tenants are in a language/form that they can understand.</p> <p>viii) Act lawfully and reasonably in requiring any advanced payments from occupiers and in handling rents. The Licence Holder will provide any named tenant/prospective named tenant with the following information:</p> <ul style="list-style-type: none"> <li>a. The amount of rent payable;</li> <li>b. The details of any deposit required;</li> <li>c. Details of what the deposit covers and arrangements for return;</li> <li>d. The frequency of payments;</li> <li>e. The details of any utilities or other charges included in the rent;</li> <li>f. The responsibility for payment of Council Tax;</li> <li>g. The responsibility for payment of utilities and arranging provision of such.</li> <li>h. The obligation of the tenant in ending the tenancy including condition of the property and payment of any utility bills at the end of the tenancy.</li> </ul> <p>ix) Not discriminate against prospective occupiers of the house on the grounds of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex or sexual orientation.</p> <p>x) Ensure that their property is inspected at least once every six months and the findings of such visits are documented. In the event a payment of rent is missed, a visit must be made to the property no later than one month from the date the payment was due, to ensure that the property is secure and has not been abandoned. Records of visits should be documented and available for inspection by the authority if requested.</p> <p><b>Reason: to safeguard the wellbeing of occupants and to ensure that the condition of the Licenced property is maintained.</b></p>
13	<p><b>Property Repairs</b></p> <p><b>The Licence Holder must ensure that:-</b></p> <ul style="list-style-type: none"> <li>i) The named tenant/s of the house receives written confirmation detailing arrangements in place to deal with repair issues and emergencies, should they arise.</li> <li>ii) The water supply and drainage system serving the house is maintained in good, clean and working order.</li> </ul>

	<p>iii) The water supply or drainage system that is used by the occupiers of the house is not unreasonably interrupted.</p> <p>iv) The gas or electricity supply that is used by occupiers of the house is not unreasonably interrupted.</p> <p>v) Reasonable steps are taken to protect occupants from injury especially in relation to:</p> <ol style="list-style-type: none"> <li>Any roof or balcony that is unsafe - ensuring that it is either made safe or access to it restricted.</li> <li>Any windowsill that is less than 1000mm above floor level - ensuring that bars or other such safeguards are fitted as necessary to protect occupants from falling out.</li> </ol> <p>vi) All common parts and fixtures are maintained and in a safe condition including handrails, windows, stair coverings, fixtures, fittings and appliances.</p> <p>vii) All repairs to the house or any installations, facilities or equipment, that are the responsibility or duty of the landlord, within it is to be carried out by competent and reputable persons and that they are completed to a reasonable standard within a reasonable time.</p> <p>viii) Where major works are required during the period of the tenancy, that are not as a result of the tenant/s misuse or failure to live in a tenant like manner, suitable alternative accommodation is provided for the period during which works are undertaken.</p> <p>ix) If accommodation is provided on a furnished basis, a named tenant of the house is provided with copies of user manuals for any installations or equipment provided as part of the agreement for the occupation of the house.</p> <p><b>Reason: to safeguard the health, safety and wellbeing of occupants.</b></p>
14	<p><b>Energy Efficiency</b></p> <p>The Licence Holder is required upon request by the authority, to produce an Energy Performance Certificate completed by a suitably qualified person.</p> <p><b>Reason: To safeguard the health and wellbeing of the occupants with regards to the reduction of fuel poverty and national energy efficiency measures.</b></p>
15	<p><b>Number of Occupiers</b></p>

	<p><b>The Licence Holder must ensure that:-</b></p> <ul style="list-style-type: none"> <li>i) The type of occupancy of each unit of accommodation is not changed without the prior written approval of the authority, e.g. from single family dwelling to House in Multiple Occupation.</li> <li>ii) Rooms other than bedrooms are not used for sleeping purposes.</li> <li>iii) The house is not overcrowded. 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.</li> </ul> <p><b>Reason: to comply with space standards and to safeguard the wellbeing of occupants, persons visiting the premises and persons in the immediate locality.</b></p>
16	<p><b>Security</b></p> <p><b>The Licence Holder must ensure that:-</b></p> <ul style="list-style-type: none"> <li>i) Where window locks are fitted, keys are provided to the named tenant/s.</li> <li>ii) Where an intruder alarm is fitted to the house, the named tenant/s are informed in writing as to how it is operated, what the code is to activate and deactivate the system, how the code may be changed and in what circumstances they are allowed to do so.</li> <li>iii) All final exit doors are fitting with a mortice deadlock with at least 5 levers or with a lock conforming to BS3621 or to a higher specification, throughout the period of the license.</li> <li>iv) Where a tenant has vacated the property and not surrendered all the keys allocated to them, the locks to all affected doors are changed prior to a new tenant occupying the property, to meet with the requirements of iii) above.</li> </ul> <p><b>Reason: to safeguard the health, safety and wellbeing of occupants in the event of fire and entry by intruders.</b></p>
17	<p><b>Alley gates</b></p>

	<p><b>Where there are alley-gates installed to the rear of the Licenced property, the Licence Holder must:</b></p> <ul style="list-style-type: none"> <li>i) Take responsibility for holding a key for any alley-gates which are in place or which are installed.</li> <li>ii) At the time of letting, issue the named tenant/s with at least one alley gate key for the household and instructions on how to obtain any further keys.</li> <li>iii) Ensure that all new named tenants are advised of the need to keep the alley gates locked.</li> <li>iv) Complete and return any correspondence from Doncaster Council regarding the closure of rear alleyways using gating in the vicinity of the house. Such correspondence must be returned as requested in the correspondence supplied.</li> </ul> <p><b>Reason: to safeguard the wellbeing of occupants, person visiting the premises and persons in the immediate locality and reduce the risk of exposure to Antisocial behaviour.</b></p>
18	<p><b>External Areas</b></p> <p><b>The Licence Holder must ensure that:-</b></p> <ul style="list-style-type: none"> <li>i) The exterior of the house is maintained in reasonable decorative order and in reasonable repair.</li> <li>ii) All outbuildings, yards and forecourts are maintained in good repair.</li> <li>iii) Gardens are kept in a clean, tidy and safe condition and free from infestations during any period the property is unoccupied.</li> <li>iv) Take necessary steps to ensure the named tenant/s maintains the garden and any other land within the curtilage of the property, free of refuse, litter and excess vegetation when the property is occupied.</li> <li>v) Access is available at all times for adequate, external, refuse storage.</li> <li>vi) The rear boundary of the property is designed, constructed and maintained in a manner to ensure security of the property as well as providing a strong deterrent for fly tipping within the whole curtilage of the property. Provide tenants with a suitable locking mechanism to the gate. If the garden of the property adjoins an alleyway, there is a suitably constructed boundary. <i>It is considered that erecting a boundary wall of minimum height 1.8m, adequately secured against theft and/or unauthorised removal, would be sufficient to meet the</i></li> </ul>

	<p><i>requirements of this condition. Any alternative measures must be agreed with the authority in writing to ensure compliance.</i></p> <p><b>Reason: to safeguard the health, safety and wellbeing of occupants, person visiting the premises and persons in the immediate locality, reduce the risk of exposure to Antisocial behaviour and to ensure that the domestic hygiene and condition of the Licensed property is maintained.</b></p>
19	<p><b>Refuse and Waste</b></p> <p><b>The Licence Holder must ensure that:-</b></p> <ul style="list-style-type: none"> <li>i) Suitable and adequate provision for refuse storage and collection is made at the property and that Doncaster Council's arrangements for refuse collection, including recycling, are adhered to. This shall include the provision of closable bins and recycling boxes of suitable capacity and type as specified by the Council's refuse collection scheme.</li> <li>ii) At the beginning of each new tenancy, named tenant/s must be informed in writing of proper refuse management, in a language they understand. This must include information covering the usual days of refuse and recycling collections by the authority, how to present their waste for collection, their duty to return refuse containers within the curtilage of the property on the same day that they are emptied and the contact details for refuse/bulky item collections undertaken by Doncaster Council. The Licence holder should retain a copy of the information provided, signed by the tenant acknowledging receipt and produce this on request to the authority.  <b>Note:</b> A written notice detailing the necessary information to comply with the above condition can be provided free of charge on request from the authority and is available in several different languages.</li> <li>iii) Arrangements are made immediately for the proper collection and disposal of any rubbish additional to that within the bins and such rubbish shall be stored within the curtilage of the property at the rear if feasible.</li> </ul> <p><b>Reason: to safeguard the health, safety and wellbeing of occupants, person visiting the premises and persons in the immediate locality and to ensure that the domestic hygiene and condition of the Licensed property is maintained.</b></p>
20	<p><b>Competency of Licence Holder</b></p> <p>The Licence Holder must ensure that any persons involved with the management of the house are to the best of their knowledge "fit and proper persons" for the purposes of the Housing Act 2004.</p> <p>The Licence Holder and/or his manager shall undertake property and/or tenancy management training courses where required to do</p>

	<p>so by the authority, or otherwise demonstrate competency in relation to all aspects of tenancy and property management.</p> <p><b>Reason: to safeguard the health, safety and wellbeing of occupants, raise housing standards and to ensure that the condition of the Licensed property is maintained.</b></p>
21	<p><b>Absence</b></p> <p>The licence holder is required to have in place suitable emergency and other management arrangements in the event of their absence. The name and contact details of the licence holder and/or manager must be supplied to each named tenant and must also be on display in a prominent place if the property is occupied as a House in Multiple Occupation.</p> <p><b>Reason: to safeguard the health, safety and wellbeing of occupiers in the event of temporary absence of persons in control.</b></p>
22	<p><b>Compliance and cooperation with the Authority</b></p> <p><b>The Licence Holder must:</b></p> <ul style="list-style-type: none"> <li>i) Allow officers of the authority, upon production by such officer's identification, access to the house for the purpose of carrying out inspections of the house at all reasonable times.</li> <li>ii) Cooperate with Council staff in circumstances where complaints of alleged breaches of licensing conditions have been made in respect of the licensed property.</li> <li>iii) Ensure that all monies in respect of the licence fee are paid by the due date.</li> </ul> <p><b>Reason: to ensure that the property complies with the Housing Act 2004 and licensing conditions.</b></p>
23	<p><b>Disclosure and Notification/consultation of changes</b></p> <p><b>The Licence Holder and his managing agent must disclose to the authority, within ten working days, of any changes in their circumstances, from those detailed in the application, as follows:</b></p> <ul style="list-style-type: none"> <li>i) Details of any unspent convictions not previously disclosed to the authority that may be relevant to the Licence Holder and/or the property manager and their fit and proper person status and, in particular, any such conviction in respect of any offence involving fraud or dishonesty, violence or drugs or any</li> </ul>

offence listed in Schedule 3 to the Sexual Offences Act 2003;

- ii) Details of any finding by a court or tribunal against the Licence Holder and /or the manager that he/she has practiced unlawful discrimination on grounds of Age, Disability, Gender reassignment, Pregnancy and maternity, Race, Religion or belief and Sex or Sexual orientation and any other protected characteristic in subsequent Acts to the Equality Act 2010, in, or in connection with, the carrying on of any business;
- iii) Details of any contravention on the part of the Licence Holder or manager of any provision of any enactment relating to housing, public health, environmental health or landlord and tenant law which led to civil or criminal proceedings resulting in a judgment or finding being made against him/her;
- iv) Information about any property the Licence Holder or manager owns or manages or has owned or managed which has been the subject of:
  - a. A control order under section 379 of the Housing Act 1985 in the five years preceding the date of the application; or
  - b. Any appropriate enforcement action described in section 5(2) of the Act;
- v) Information about any property the Licence Holder or manager owns or manages or has owned or managed for which a local housing authority has refused to grant a licence under Part 2 or 3 of the Act, or has revoked a licence in consequence of the Licence Holder breaching the conditions of his/her licence;
- vi) Information about any property the Licence Holder or manager owns or manages or has owned or managed that has been the subject of an interim or final management order under the Housing Act 2004;
- vii) Successful claims against the licence holder for default of tenancy deposits;
- viii) The property becoming empty;
- ix) Advertising of the property for sale or taking any steps to sell;
- x) Notification of repossession/foreclosure;
- xi) Change in managing agent or the instruction of a managing agent;
- xii) Change of address of Licence Holder or Landlord;

	<p>xiii)The undertaking of any substantial works to the property including conversions and modernisations or emergency problems relating to fire, flood or disaster and the tenants are made temporarily homeless.</p> <p><b>Reason: to safeguard the health, safety and wellbeing of occupiers in the event of changes during the period of the licence.</b></p>
24	<p><b>Removal from the Home Safe Scheme</b></p> <p>Any licence, that has been granted based on membership with the Home Safe Scheme, will be revoked should the Licence Holder lose or fail to maintain their membership within the scheme.</p> <p><b>Reason: To ensure all licence holders are compliant members of the Home Safe Scheme or hold a licence direct with the licensing authority.</b></p>



## **Appendix 2**

### **Consultation Questionnaire**

Doncaster Council is currently consulting on the potential introduction of a further Selective Licensing Scheme for privately rented properties covering parts of Edlington.

The consultation period runs from 18/04/2017 to 11/07/2017.

The purpose of this scheme is to help tackle the evidenced Anti-social behaviour in this area.

If you feel that you may be affected by the proposal we would like to hear your views. You can do this by completing this survey.

*(All responses will be treat as confidential)*

## PART 1: PERSONAL DETAILS

1. In the area designated for Selective Licensing, are you:

- ☐ Owner Occupier (you **will not** need a licence, please go to Q2)
- ☐ Private Tenant (you **will not** need a licence, please go to Q2)
- ☐ SLHD/Housing Association Tenant (you **will not** need a licence, please go to Q2)
- ☐ Landlord (you **will** need a licence, please go to Q6)
- ☐ Managing Agent (you **will** need a licence, please go to Q6)
- ☐ Other (please specify)  
(you **may** need a licence, please go to Q6)

2. Owner Occupier/Tenant

Name

House flat/number

Postal Code

Email Address

3. How many adults live at the property?

4. How many children live at the property?

5. How many bedrooms are in the property?

☐ 1

☐ 2

☐ 3

☐ 4 or more

Go to part 2: consultation questions

**6. Landlord/Managing Agent/Other**

Full name

Business/Correspondence name

Address

Address 2

City/Town

Postcode

Country

Email Address

Phone Number

7. How many properties do you own/manage in Edlington?

☐ 1-4

☐ 5-9

☐ 10-14

☐ 15-19

☐ 20 or more

8. Please list all of your property addresses in Edlington:

## PART 2: CONSULTATION QUESTIONS

9. Do you think that there is a high turnover of private tenants in your area?

- ☐ Yes
- ☐ No
- ☐ Don't know

10. Are you aware of owner occupiers moving out of the area as a result of the problems outlined in the consultation document?

- ☐ Yes
- ☐ No
- ☐ Don't know

11. Have you had any problems with privately rented properties or tenants in your area?

- ☐ Yes
- ☐ No
- ☐ Don't know

12. Thinking about your local area, how much of a problem are the following:

	A major problem	A problem	A minor problem	Not a problem
Verbal abuse	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Nuisance neighbours (including noise, intimidation and harassment)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Rubbish dumping	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Use of/dealing drugs	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
People not treating others with respect and consideration	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Neglected/run down or empty properties	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Groups of people congregating/intimidating behaviour	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

13. Please list and rank any other problems you may have

A major problem	<input type="text"/>
A problem	<input type="text"/>
A minor problem	<input type="text"/>

14. How many landlords in your area would you say are 'good responsible landlords'?

- ☐ All landlords
- ☐ Most landlords
- ☐ A few landlords
- ☐ None

15. Which area option do you feel would provide the best outcome for the area?

- ☐ Option 1 (Royal Estate only)
- ☐ Option 2 (Royal Estate and surrounding streets)
- ☐ Don't know
- ☐ Other, please specify

16. Do you agree with the Council's proposal to introduce Selective Licensing in Edlington, as detailed in the consultation document?

- ☐ Yes
- ☐ No
- ☐ Don't know

17. Would you like to see any amendments to the conditions proposed in the consultation document?

- ☐ Yes
- ☐ No
- ☐ If yes, please give details:

18. If you have any further comments regarding the scheme please give details below:

19. Your comments may be used for future publicity.

- ☐ If you would prefer your comments not to be used in this way, please tick this box

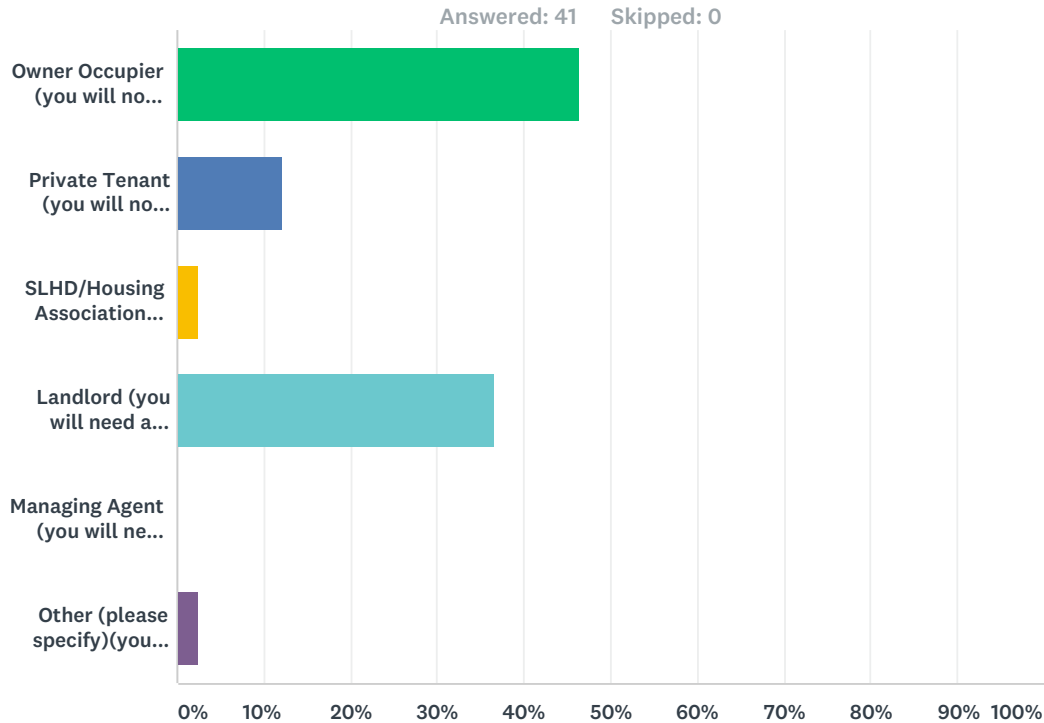
20. For further correspondence and in terms of providing feedback how would you prefer to be contacted?

- ☐ Post
- ☐ Email
- ☐ No further correspondence

**Thank you for taking the time to complete this questionnaire.**

*The information you are providing is being collected and will be used to record comments from people in the proposed Selective Licensing area. However, your information may also be shared with other relevant departments within Doncaster Council and/or third party organisations. No personal information will be shared this way. If you have any queries please email [selectivelicensing@doncaster.gov.uk](mailto:selectivelicensing@doncaster.gov.uk).*

## Q1 In the area designated for Selective Licensing, are you:



Answer Choices	Responses	
Owner Occupier (you will not need a licence, please go to Q2)	46.34%	19
Private Tenant (you will not need a licence, please go to Q2)	12.20%	5
SLHD/Housing Association Tenant (you will not need a licence, please go to Q2)	2.44%	1
Landlord (you will need a licence, please go to Q6)	36.59%	15
Managing Agent (you will need a licence, please go to Q6)	0.00%	0
Other (please specify)(you may need a licence, please go to Q6)	2.44%	1
<b>TOTAL</b>		<b>41</b>

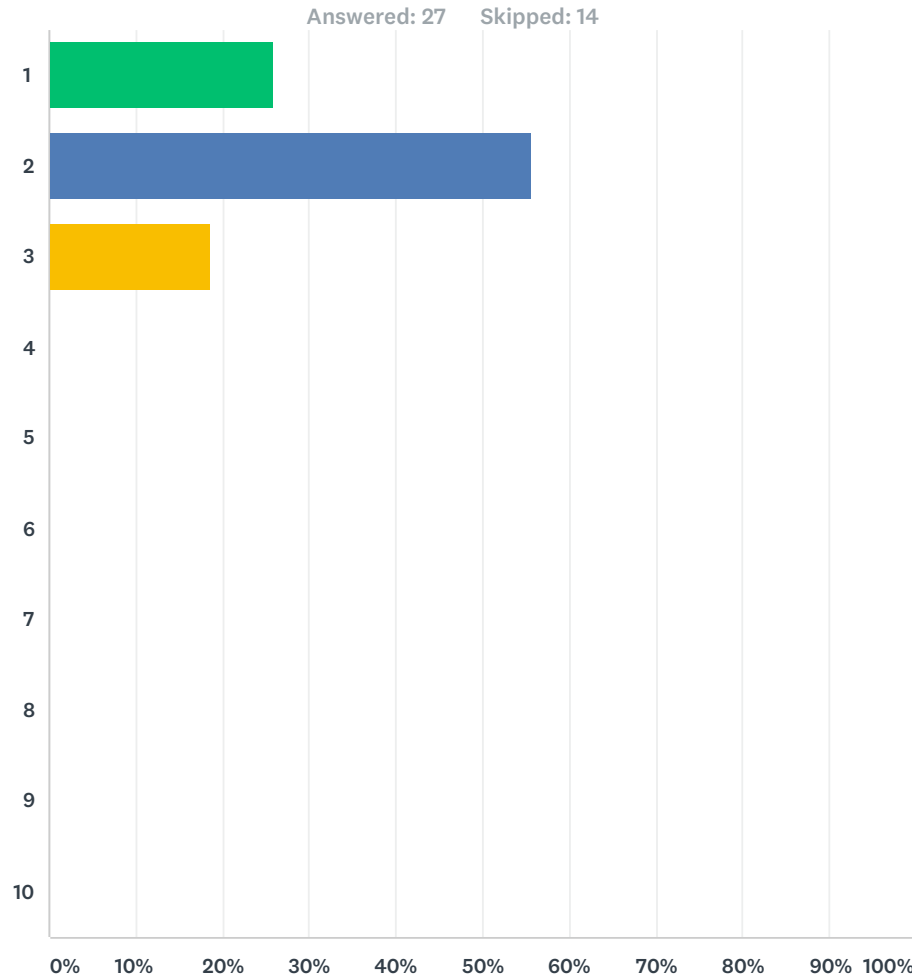
## Q2 Owner Occupier/Tenant

Answered: 24 Skipped: 17

Answer Choices	Responses	
Name	95.83%	23
Company	0.00%	0
House flat/number	95.83%	23
Address 2	0.00%	0
City/Town	0.00%	0
State/Province	0.00%	0
Postal Code	100.00%	24
Country	0.00%	0
Email Address	87.50%	21
Phone Number	0.00%	0

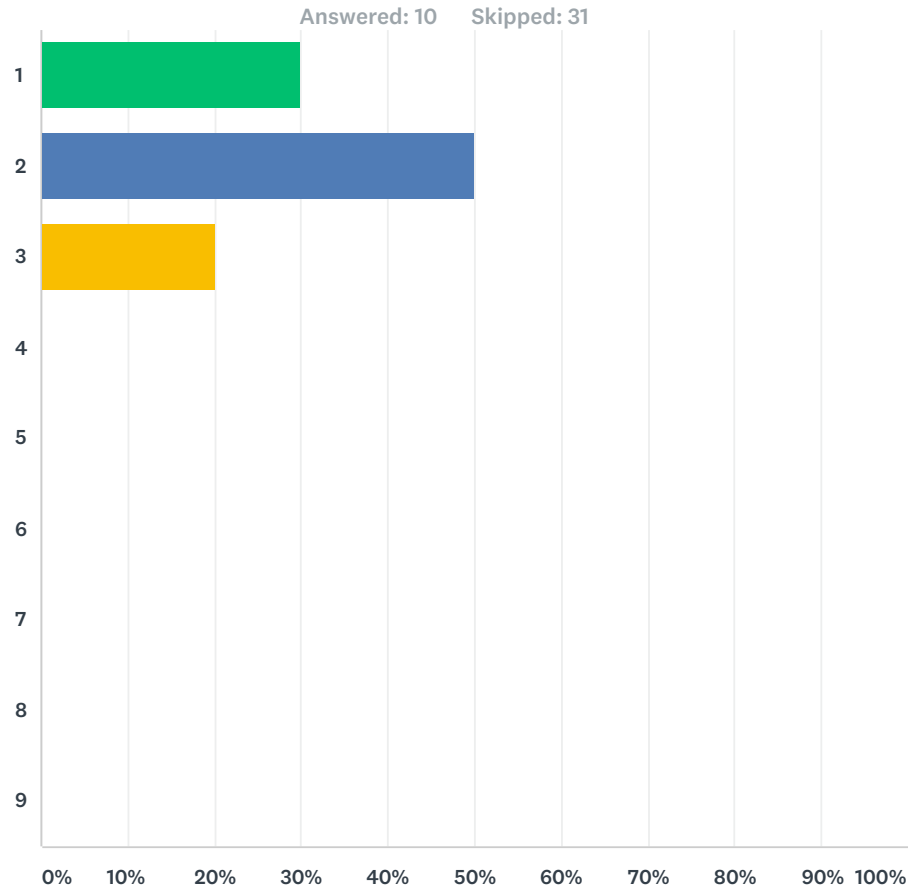


### Q3 How many adults live at the property?



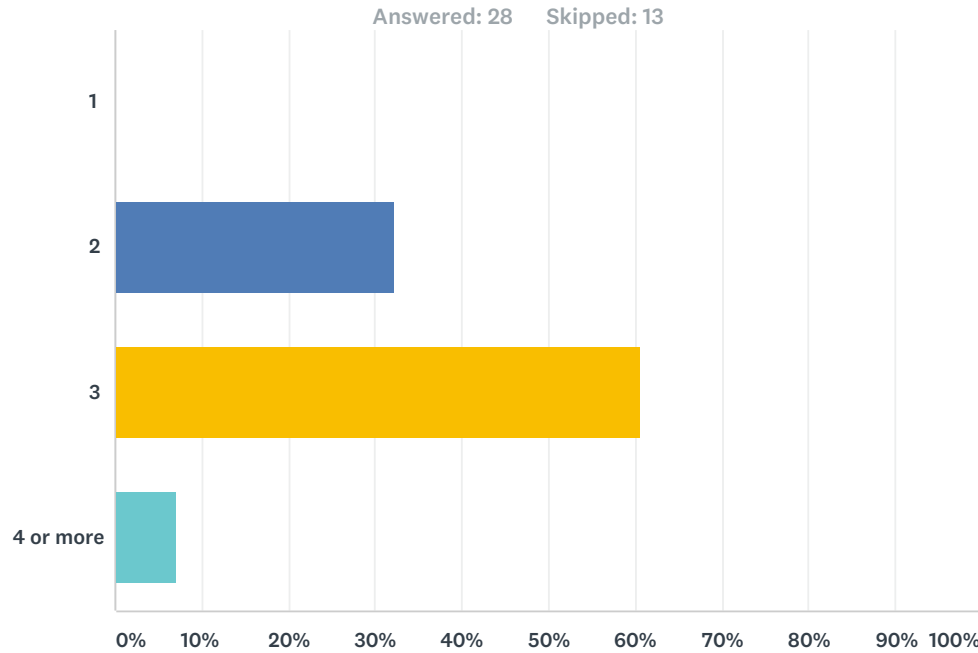
Answer Choices	Responses	
1	25.93%	7
2	55.56%	15
3	18.52%	5
4	0.00%	0
5	0.00%	0
6	0.00%	0
7	0.00%	0
8	0.00%	0
9	0.00%	0
10	0.00%	0
<b>TOTAL</b>		<b>27</b>

## Q4 How many children live at the property?



Answer Choices	Responses	
1	30.00%	3
2	50.00%	5
3	20.00%	2
4	0.00%	0
5	0.00%	0
6	0.00%	0
7	0.00%	0
8	0.00%	0
9	0.00%	0
<b>TOTAL</b>		<b>10</b>

## Q5 How many bedrooms are in the property?



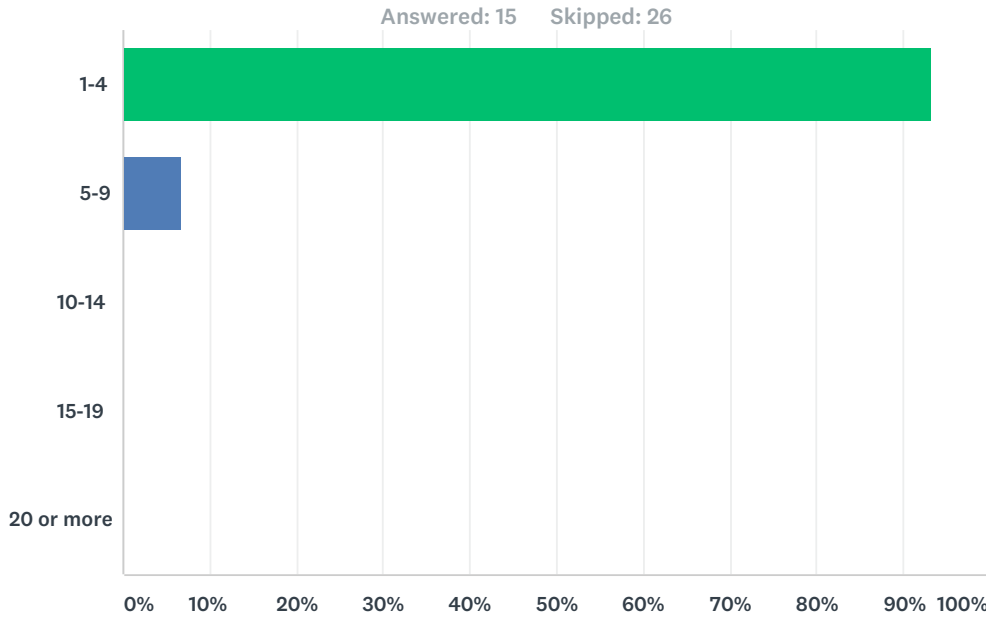
Answer Choices	Responses
1	0.00% 0
2	32.14% 9
3	60.71% 17
4 or more	7.14% 2
<b>TOTAL</b>	<b>28</b>

## Q6 Landlord/Managing Agent/Other

Answered: 15   Skipped: 26

Answer Choices	Responses	
Full name	93.33%	14
Business/Correspondence name	26.67%	4
Address	93.33%	14
Address 2	60.00%	9
City/Town	93.33%	14
State/Province	0.00%	0
Postcode	86.67%	13
Country	53.33%	8
Email Address	86.67%	13
Phone Number	80.00%	12

## Q7 How many properties do you own/manage in Edlington?

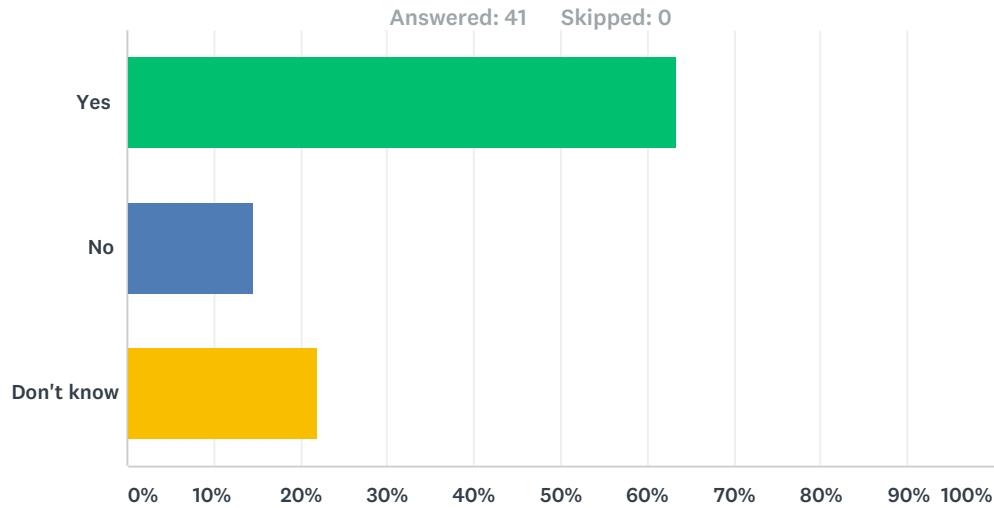


Answer Choices	Responses	
1-4	93.33%	14
5-9	6.67%	1
10-14	0.00%	0
15-19	0.00%	0
20 or more	0.00%	0
<b>TOTAL</b>		<b>15</b>

## **Q8 Please list all of your property addresses in Edlington:**

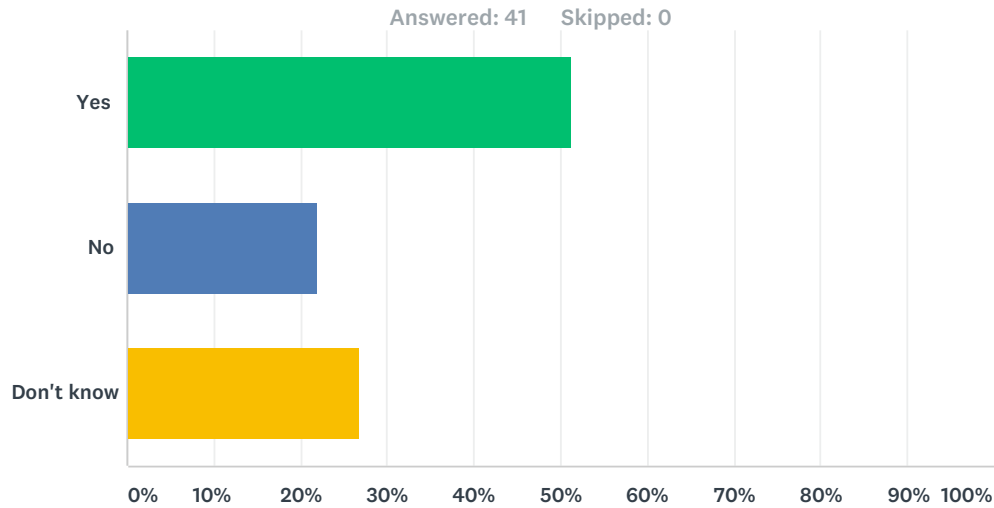
Answered: 15   Skipped: 26

## Q9 Do you think that there is a high turnover of private tenants in your area?



Answer Choices	Responses	
Yes	63.41%	26
No	14.63%	6
Don't know	21.95%	9
TOTAL		41

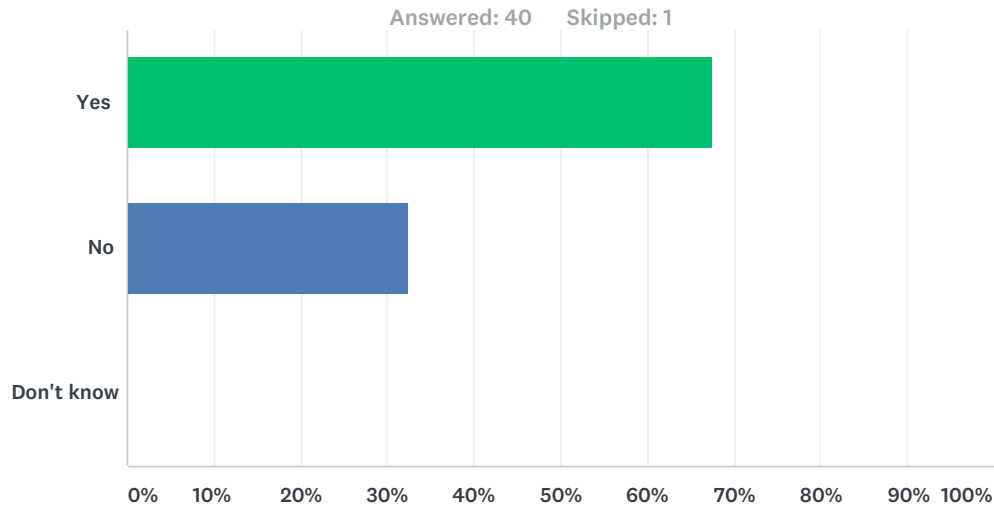
## Q10 Are you aware of owner occupiers moving out of the area as a result of the problems outlined in the consultation document?



Answer Choices	Responses	
Yes	51.22%	21
No	21.95%	9
Don't know	26.83%	11
TOTAL		41

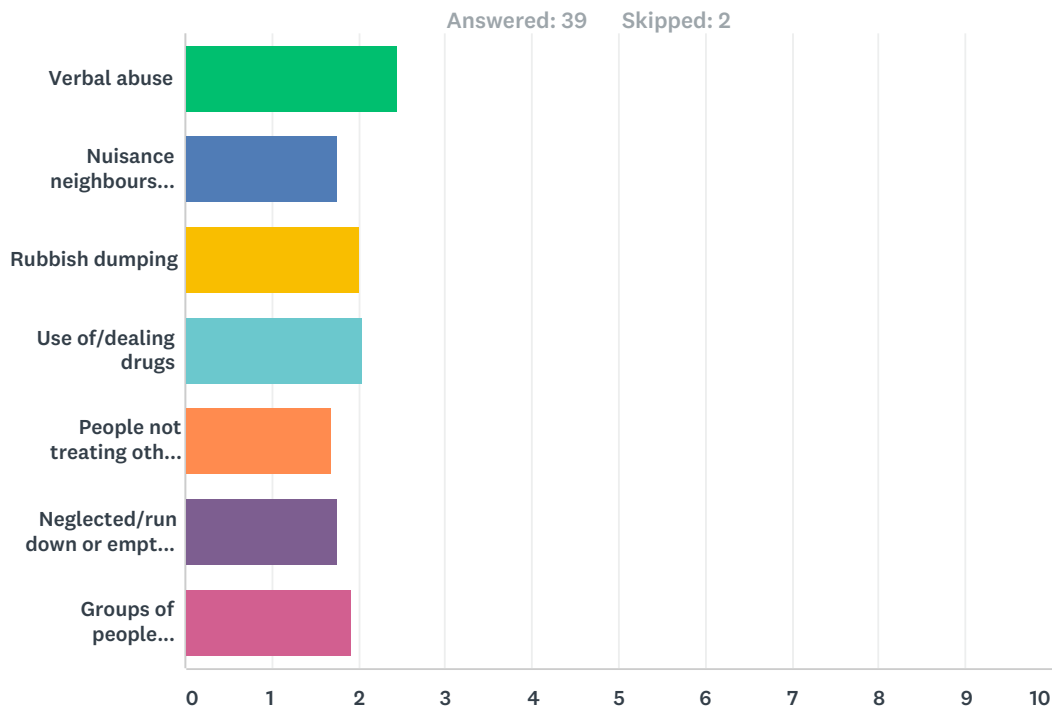


## Q11 Have you had any problems with privately rented properties or tenants in your area?



Answer Choices	Responses	
Yes	67.50%	27
No	32.50%	13
Don't know	0.00%	0
<b>TOTAL</b>		<b>40</b>

## Q12 Thinking about your local area, how much of a problem are the following:



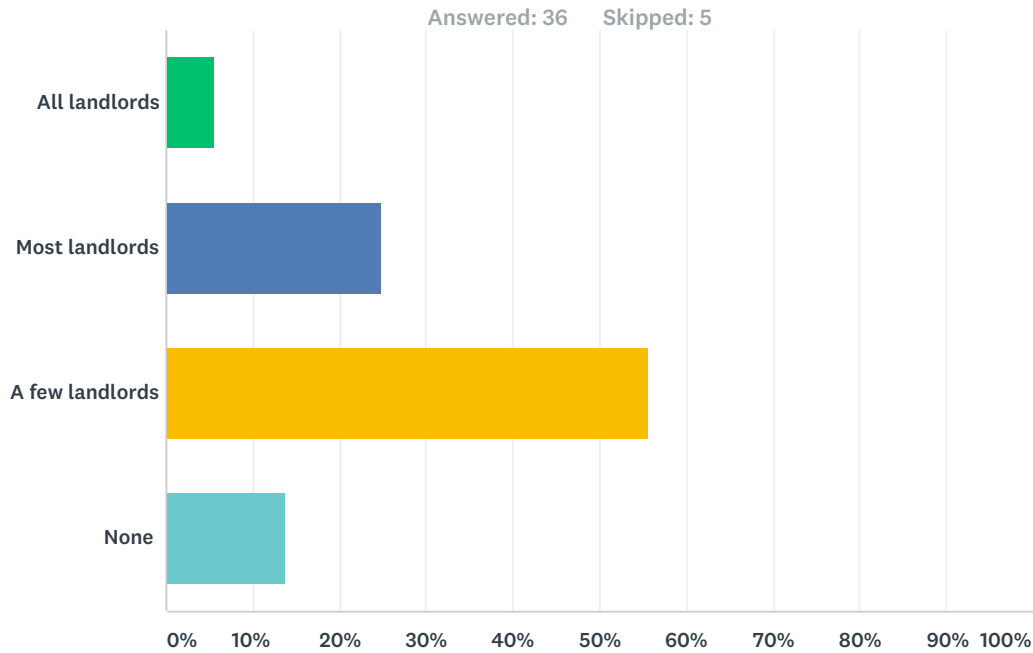
	A major problem	A problem	A minor problem	Not a problem	Total	Weighted Average
Verbal abuse	22.73% 5	22.73% 5	40.91% 9	13.64% 3	22	2.45
Nuisance neighbours (including noise, intimidation and harassment)	45.00% 9	35.00% 7	20.00% 4	0.00% 0	20	1.75
Rubbish dumping	42.11% 8	36.84% 7	0.00% 0	21.05% 4	19	2.00
Use of/dealing drugs	44.44% 8	22.22% 4	16.67% 3	16.67% 3	18	2.06
People not treating others with respect and consideration	53.85% 7	30.77% 4	7.69% 1	7.69% 1	13	1.69
Neglected/run down or empty properties	62.50% 10	18.75% 3	0.00% 0	18.75% 3	16	1.75
Groups of people congregating/intimidating behaviour	60.00% 9	13.33% 2	0.00% 0	26.67% 4	15	1.93

**Q13 Please list and rank any other problems you may have**

Answered: 26 Skipped: 15

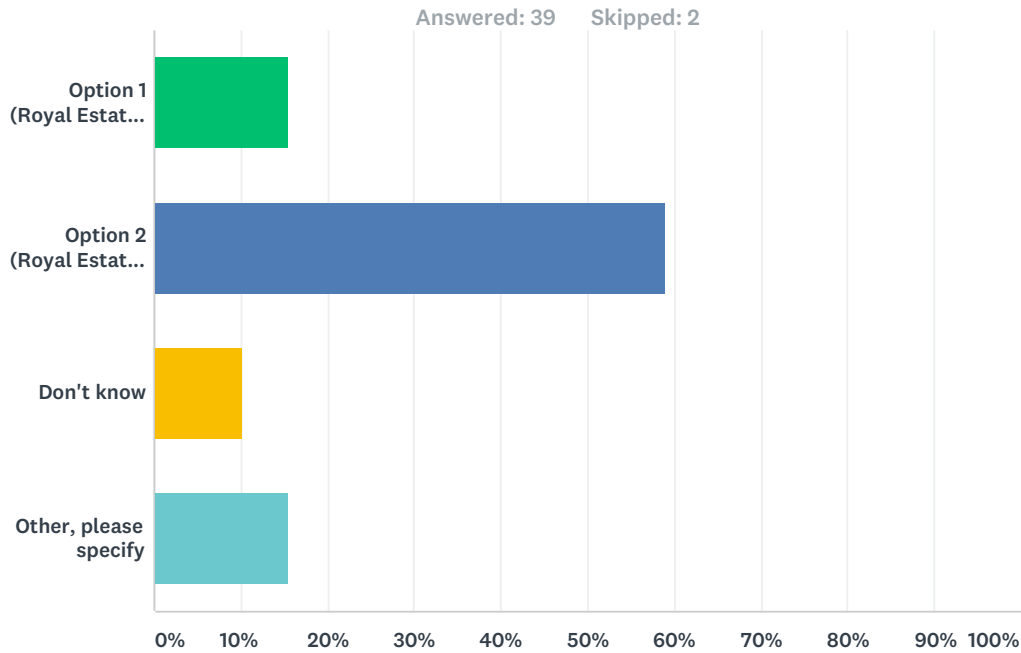
Answer Choices	Responses	
A major problem	96.15%	25
A major problem	15.38%	4
A problem	57.69%	15
A problem	15.38%	4
A minor problem	38.46%	10
A minor problem	7.69%	2

## Q14 How many landlords in your area would you say are 'good responsible landlords'?



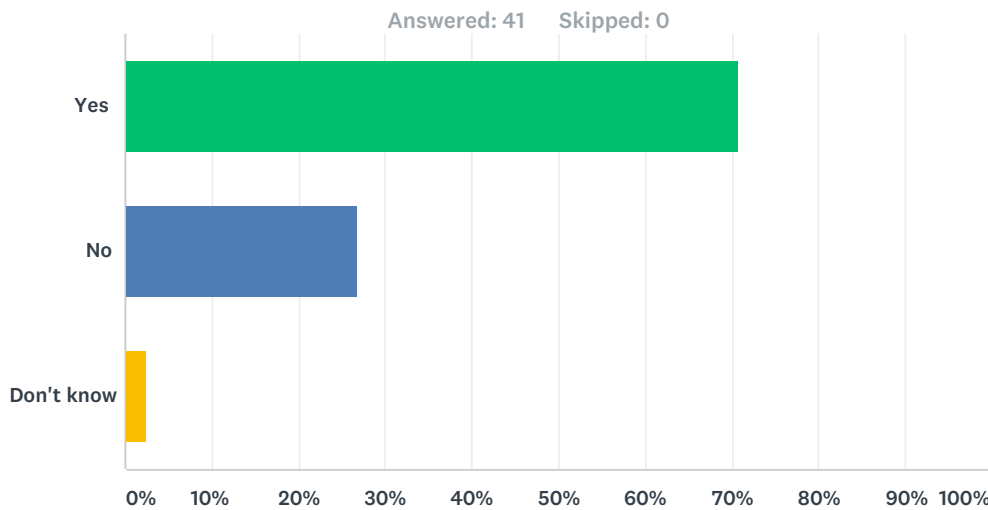
Answer Choices	Responses	
All landlords	5.56%	2
Most landlords	25.00%	9
A few landlords	55.56%	20
None	13.89%	5
<b>TOTAL</b>		<b>36</b>

## Q15 Which area option do you feel would provide the best outcome for the area?



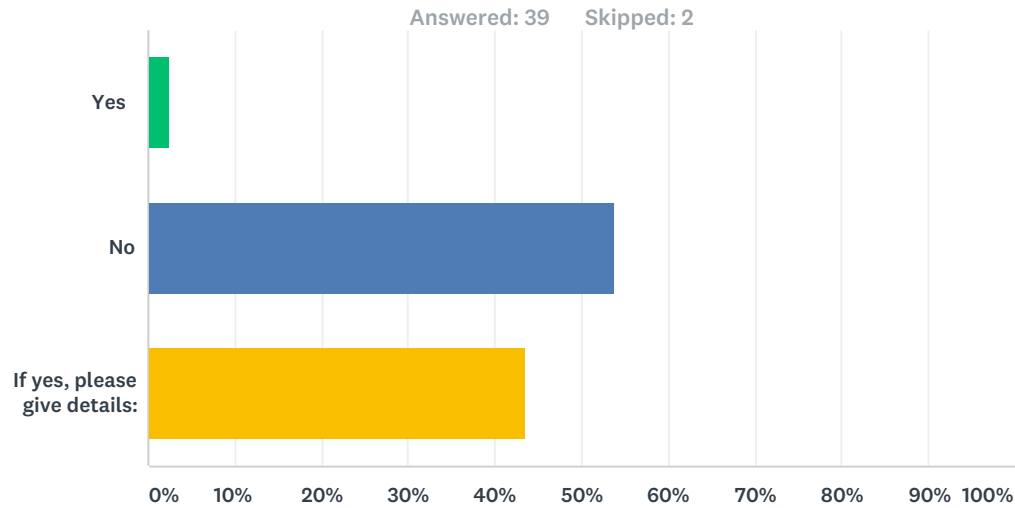
Answer Choices	Responses	
Option 1 (Royal Estate only)	15.38%	6
Option 2 (Royal Estate and surrounding streets)	58.97%	23
Don't know	10.26%	4
Other, please specify	15.38%	6
<b>TOTAL</b>		<b>39</b>

## Q16 Do you agree with the Council's proposal to introduce Selective Licensing in Edlington, as detailed in the consultation document?



Answer Choices	Responses	
Yes	70.73%	29
No	26.83%	11
Don't know	2.44%	1
TOTAL		41

## Q17 Would you like to see any amendments to the conditions proposed in the consultation document?



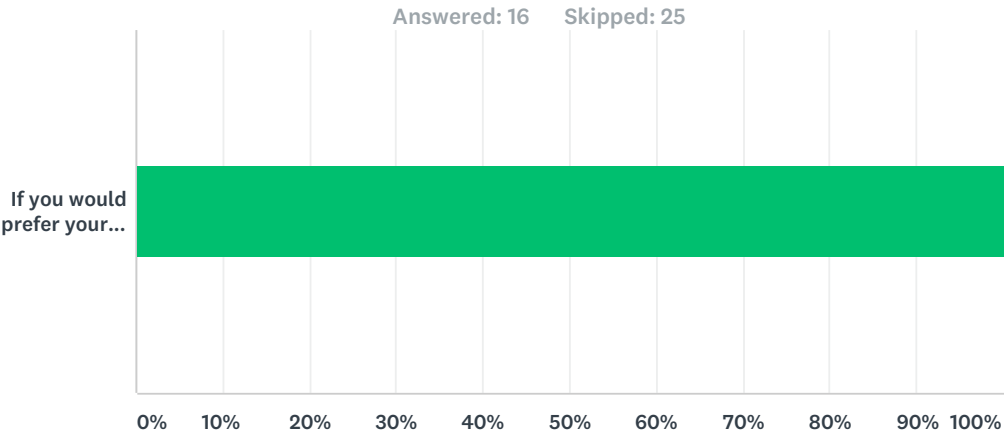
Answer Choices	Responses	
Yes	2.56%	1
No	53.85%	21
If yes, please give details:	43.59%	17
TOTAL		39

**Q18 If you have any further comments regarding the scheme  
please give details below:**

Answered: 21   Skipped: 20

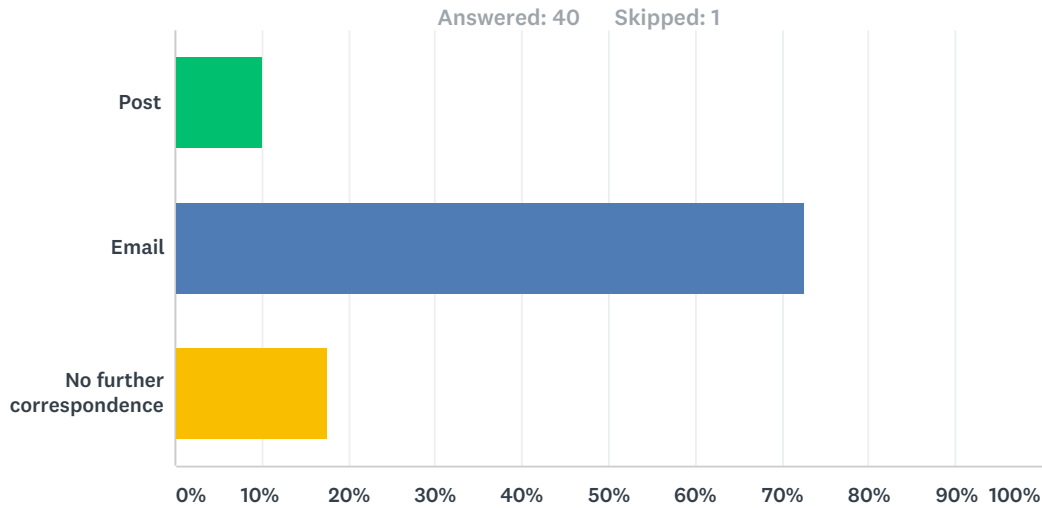


Q19 Your comments may be used for future publicity.



Answer Choices	Responses	
If you would prefer your comments not to be used in this way, please tick this box	100.00%	16
TOTAL		16

## Q20 For further correspondence and in terms of providing feedback how would you prefer to be contacted?



Answer Choices	Responses	
Post	10.00%	4
Email	72.50%	29
No further correspondence	17.50%	7
TOTAL		40

# **Appendix 4**

## **EQUALITY, DIVERSITY AND INCLUSION**

### **DONCASTER METROPLITAN BOROUGH COUNCIL**

#### **Due Regard Statement Template**

How to show due regard to the equality duty in how we develop our work and in our decision making.

## **Due Regard Statement**

A **Due Regard Statement** (DRS) is the tool for capturing the evidence to demonstrate that due regard has been shown when the council plans and delivers its functions. A Due Regard Statement must be completed for all programmes, projects and changes to service delivery.

- A DRS should be initiated at the beginning of the programme, project or change to inform project planning
- The DRS runs adjacent to the programme, project or change and is reviewed and completed at the relevant points
- Any reports produced need to reference “Due Regard” in the main body of the report and the DRS should be attached as an appendix
- The DRS cannot be fully completed until the programme, project or change is delivered.

1	<b>Name of the 'policy' and briefly describe the activity being considered including aims and expected outcomes. This will help to determine how relevant the 'policy' is to equality.</b>	<p>Edlington Selective Licensing Report.</p> <p>The proposal is to introduce a selective licensing scheme for private sector landlords, in Edlington, to reduce anti-social behaviour (ASB) emanating from the private rented sector (PRS) and to improve tenancy management in that sector.</p> <p>Selective licensing provides the authority with additional tools to help combat anti-social behaviour and, can legally require landlords to take responsibility for tenancy management.</p> <p>The aim is to reduce ASB and improve the quality of life for residents living in Edlington.</p>
2	<b>Service area responsible for completing this statement.</b>	<p>Regeneration &amp; Environment - Regulation &amp; Enforcement.</p>
3	<b>Summary of the information considered across the protected groups.</b>  <b>Service users/residents</b>  <b>Doncaster Workforce</b>	<p>The relevant protected characteristics under the Equality Act are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.</p> <p>At Doncaster Council, promoting equality of opportunity, eliminating discrimination and building cohesive and inclusive communities is about making life better for our residents, service users, customers and employees.</p> <p>The selective licensing scheme is aimed at private sector landlords irrespective of their personal, including any protected, characteristics.</p> <p>The standards and licence conditions will apply to all properties and tenants in the designated area of Edlington irrespective of their personal, including any protected, characteristics.</p>

	<p>Similarly, the improved standards of property and tenancy management, through compliance with licence conditions, apply to all properties and tenants in the designated areas, irrespective of their personal characteristics.</p> <p>It is the intention that the improved standards of property and tenancy management and the aim to reduce ASB, will improve the quality of life for all tenants and residents living in Edlington.</p> <p>Furthermore, one licence condition specifically (see condition 12 ix in Appendix 3) highlights the requirement to not discriminate against any person, including tenants and residents, with protected characteristics under the Act</p> <p>One potential gap identified in the delivery of these proposals is linked to language barriers during consultation and implementation for those residents and landlords who do not speak English as a first language. This has been considered and guidance in different languages of how to access the information in the consultation document in another language was provided in the consultation letter that was delivered to every household in Edlington.</p> <p>The translations provided were based on information gained of minority languages existing in the local primary schools. During consultation events officers also had access to telephone translation to ensure any questions could be made and answered in any language.</p> <p>The consultation letter that was delivered to all properties provided the online details of the consultation documents. However, a hard copy could be provided on request, thus allowing residents who were unable to attend the consultation meetings to provide feedback on the proposals. The consultation meetings were held in the Edlington Community Organisation building to allow local residents to easily attend. Landlords events were held in the Edlington and Doncaster council offices.</p>
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<p><b>4 Summary of the consultation/engagement activities</b></p>	<p>Consultation has taken place with residents and landlords at several events during the consultation period (18<sup>th</sup> April – 11<sup>th</sup> July 2017).</p> <p>24<sup>th</sup> April 2017 – Residents Information Day, Yorkshire Main Community Centre, Edlington  19<sup>th</sup> May 2017 – Residents Information Day, Yorkshire Main Community Centre, Edlington  23<sup>rd</sup> May 2017 – Landlord Consultation Event, Civic offices  25<sup>th</sup> May 2017 – Landlords Meeting, Martinwells Centre, Edlington  8<sup>th</sup> June 2017 – Landlord Consultation Event, Civic offices  13<sup>th</sup> June 2017 – Landlord meeting Adwick Town Hall</p> <p>Regular meetings have taken place with Edlington Town Council and the local Ward Members where the proposals to implement a selective licensing scheme have been discussed including the consultation proposals.</p> <p>25<sup>th</sup> April 2017 – Edlington Multi-agency Meeting  9<sup>th</sup> May 2017 – Royal Estate Multi-agency Meeting, Martinwells Centre, Edlington  24<sup>th</sup> May 2017 - Parish Council Meeting, Grainger Centre, Edlington  24<sup>th</sup> June 2017 – Royal Estate Multi-agency Meeting  6<sup>th</sup> July 2017 – Parish Council/Mutli-agency Meeting</p> <p>In addition there has been meetings with stakeholders as part of the Multi-Agency Group that has been meeting on a monthly basis since November 2016.</p> <p>The following agencies were consulted:</p> <ul style="list-style-type: none"> <li>• Local elected members</li> <li>• South Yorkshire Police</li> <li>• South Yorkshire Fire &amp; Rescue Service</li> <li>• St Leger Homes of Doncaster</li> <li>• Parish and Town councils</li> <li>• The Residential Landlords Association</li> <li>• National Landlords Association</li> </ul>
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5	<p><b>Real Consideration:</b></p> <p><b>Summary of what the evidence shows and how has it been used</b></p>	<p>The framework to accommodate the process of implementing a selective licensing scheme in Edlington will operate within existing, multi-agency mechanisms.</p> <p>The mutli agency meetings attended by the Enforcement Team include the local Case Identification Meeting (CIM); Neighbourhood Action Group (NAG); Joint Action Group (JAG) which already take into account the individual requirements of vulnerable members of the community.</p> <p>These meetings allow the opportunity to discuss individual cases as well as target those residents who are causing ASB for vulnerable residents.</p> <p>The introduction of a selective licensing scheme should allow greater use of enforcement powers to deal with ASB and require landlords to assist in dealing with ASB emanating from tenants living in their properties.</p> <p>The consultation responses from the partner agencies (see Appendix 3 of the report) all indicate their support for the proposals as another tool to combat the ASB issues affecting the residential amenity of all parts of the local community.</p>
6	<p><b>Decision Making</b></p>	<p>The portfolio holder and Mayor has been made aware of the selective licensing scheme and the proposals throughout the consultation process through regular meetings and email updates accordingly.</p> <p>There was a public meeting on 30<sup>th</sup> March 2017 when the Mayor attended. Selective Licensing was on the agenda of discussion.</p>
7	<p><b>Monitoring and Review</b></p>	<p>The selective licensing scheme runs for a maximum of 5 years and there will be a review of the scheme after the first year. The sheme will also be reviewed on an annual basis thereafter to assess whether the objectives of the scheme are being met.</p> <p>The mutli-agency meetings detailed in Section 5 will provide a robust challenge for the scheme as partners assess what effect the implementation of the scheme has done to address ASB in the private rented sector.</p>



8	<b>Sign off and approval for publication</b>	To be completed following the implementation of the Selective Licensing scheme for Edlington.
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## Appendix 5 – Licence Fee breakdown and comparisons

Action (per licence)	Time (mins)	Officer Grade	Cost £s
Receive and check application/property documents and issue receipt	30	5/6	15.81
Open worksheet, update, scan and attach documents	30	5/6	15.81
Letter to applicant & relevant persons(RPs)	15	5/6	7.91
Handover to Housing Officer	5	5/6	3.96
Check application, premises appropriate?	30	7	8.56
Land registry, council tax , planning enquiries	90	7	25.69
Fit & proper person checks & collate information.	60	7	17.13
Consider comments from applicant & RPs	60	7	17.13
Liaise Licensing Officer/Housing Officer /Business Safety and Licensing Manager	30	7/9/10	8.56 + 27.43
Approve & grant licence	30	11	16.77
Prepare licence and serve copy on applicant and RPs	60	5/6	31.61
Update and close worksheet	15	5/6	7.91
<b>Sub Totals for processing and Issuing licence</b>	<b>455 (7.5hrs)</b>		<b>204.28</b>
Annual certificate checks	4 x 60	5/6	126.44
Compliance monitoring	360	7	102.76
Resolve complaints	120	7	34.26
Grade 9 manager input	150	9	49.46
<b>Sub Totals for compliance monitoring</b>	<b>870 (14.5 hrs)</b>		<b>312.92</b>
<b>Totals for operating 5 year licence scheme</b>	<b>1325 (22.1 hrs)</b>		<b>517.20</b>

Omit if more than one application

Omit if more than one application

**Penalties** – Applications that are prompted, i.e., after 3months, will have an additional **£50.00** added to the fee to cover searches to determine ownership and contact. Prosecutions to start after 6 mths.

**Discount** - **£15.00** will be deducted from any 2<sup>nd</sup> and subsequent applications from the same applicant.

## Appendix 5 – Licence Fee breakdown and comparisons

### Comparisons

Comparisons against other local authority's selective licensing fees are:

Burnley	£1002	Gateshead	£550	Newcastle	£500
Blackpool	£690	Leeds	£525	Durham	£450
Bolton	£688	Wolverhampton	£525	Manchester	£425
Salford	£625	Stoke	£500	Thanet	£425
Hartlepool	£600	Middlesbrough	£500	Neath Port Talbot	£350
Sunderland	£600	Blackburn	£500	Newham	£300

Please note: These are flat fees before any discounts or penalties are applied.

## **Appendix 6 – Barriers for effective enforcement – Edlington and Existing Legal Powers**

1. **Hard to establish ownership-** many properties are registered on land registry at the actual property address rather than the owners' home address. The Council Tax details again often do not list the owners' current address. We have many examples of owners using one of their other rental properties as the Council Tax billing address or only providing an agents address. We also have situations where landlords are using multiple correspondence addresses and changing head office address frequently so that each document we send has to be served on several addresses to ensure it is legally valid. This makes communication with some owners extremely difficult, causing delays and excess work if legal notices have to be served.
2. **Agents/letting agents used as goalkeepers-** many properties are let through agents. The legislation we enforce sometimes requires us to deal with either owner or occupier of the house. We often find agents reluctant to provide information of property owners and they may withhold it completely. Although some letting agents deal promptly with matters brought to their attention, more often there are substantial delays. In a selective licensing area every property would have a licence holder and contact details would be held by Doncaster Council. This would allow us to contact the licence holder without delays when concerns are raised, making it possible to resolve more issues informally in a timely manner without the need for enforcement action. If property owners choose to use an agent as the licence holder we would also legally be able to deal with this person, rather than having to make double contact with owner and agent all the time.
3. **Ownership changing rapidly-** we have properties in Edlington where ownership changes frequently with regular transfers, sometimes between family members. This makes enforcement difficult as we may serve a notice, identify a breach of notice, incur costs by doing work in default and then find that ownership was transferred during the notice period making the notice invalid and leaving the authority to cover the cost of works. By having licence holder details, communication should be improved.
4. **Tenants changing rapidly/house swaps-** in Edlington, the practice of house swapping prevents us from effectively being able to use the legal powers we have to deal with ASB. Documents served on individuals becomes invalid if not served at their current home address. It is possible that the frequent house swaps and rapid tenancy turnaround is the cause of a large proportion of the fly tipping in this area, significantly household items and furniture.

- 5. Overcrowding:** we have carried out overcrowding visits in Edlington and identified that several properties are over occupied. When approaching the landlords, it appears that they rarely enquire with the prospective tenant how many people would live in the property. Tenancy contracts, when present, are often issued to only one occupier and rarely list the other adults or how many children that is intending to live in the property. Selective licensing would require details of all occupants living at an address to be provided.
- 6. Lack of maintenance of effective boundary walls/fences:** Edlington is an area of Doncaster that suffers from fly tipping and a substantial amount of resources is spent by the authority on investigation, enforcement and removal of waste. Most of the fly tipping is found in the back alleys; however the problem has spread to include private land in gardens and rear hard standing areas where fencing and walls are absent or in disrepair. The Council cannot move items from private land and legislation dictates that we give landowners/occupiers 28 days' notice prior to carrying out work in default. Leaving domestic refuse for so long in this area causes a serious health hazard. We have written informal letters to land owners requesting their co-operation by maintaining and protecting their boundary fencing, and this is having some positive results.

## **EVALUATION OF EXISTING LEGISLATIVE TOOLS TO DEAL WITH ANTI-SOCIAL BEHAVIOUR AND HOUSING CONDITION**

There are numerous pieces of legislation available to a local authority and the police in respect to anti-social behaviour and housing condition and a complete list can be seen at the end of this appendix. Many of these powers are designed to take action against the occupier of a property or the perpetrator of ASB, but there are also some situations when enforcement can be taken against property owners. Although most of these powers has been used or attempted to be used in the proposed area, the council and police have in the past found many of these powers either too bureaucratic, too time-consuming to process (with minimum periods for gathering evidence) or the burden of proof is too excessive for the legislation to be effective in the proposed area. Unless enforcement agencies can establish, beyond reasonable doubt, the owner, occupier or perpetrator of an offence, enforcement is not possible under any of the powers available. There is evidence that widespread poor practices in the private rented sector in the proposed area are causing barriers for effective enforcement. This includes:

<b>Barrier</b>	<b>Limitation</b>	<b>Consequence</b>
<b>Establishing ownership of properties</b>	Common practice amongst some owners to register their properties on land registry and council tax without disclosing home address, company address or contact details. Instead they use another rental address as the property address. Many owners also use multiple contact addresses between Council Tax and Companies House and then change these frequently. There are also examples of ownership frequently being transferred between family members.	Enforcement action requires documents to be served correctly on the legal owner at their correct address. Problems establishing owners details causes delays, excess work and sometimes makes enforcement action invalid and prevents court action.
<b>Agents/letting agents used as goalkeepers</b>	Many properties are managed by agents. Whilst some agents are very good, there are examples in this area of agents not taking prompt action, not passing information on to the owner and refusing to provide contact details for property owners to enforcement authorities.	The legislation requires enforcement agencies to deal with either the owner or occupier of the house, not the agent. Information being withheld by some agents causes delays in enforcement as documents maybe served incorrectly. There is often also frustration amongst landlords that agents are not allowed to deal with matters fully.
<b>Tenants changing</b>	The practice of house swapping between tenants is	Frequent changes in occupancy (in some cases as often as weekly)

rapidly/house swaps	prevalent in the proposed selective licensing area and it is alleged that some landlords encourage this practice.	prevents enforcement agencies from effectively being able to use the legal powers available to deal with ASB, as it makes it harder to identify individuals and legal documents served on individuals become invalid if not served at their current home address.
Insufficient tenancy checks and contracts	Some landlords in the area take no references prior to agreeing a tenancy, resulting in tenants with past ASB convictions being able to find a new tenancy in the area even after eviction. Written tenancy contracts are often not present and when they exist are often issued to only the main occupier and rarely list other adults or how many children are intended to live in the property.	This prevents enforcement agencies from effectively being able to use the legal powers available to deal with ASB, as it makes it harder to identify individuals and occupiers.  Overcrowding inspections in Edlington and Hexthorpe have identified that many properties are seriously over occupied and when discussing this with affected landlords it is clear that in some of these cases the owners had not asked the prospective tenant how many people would live in the property or set any conditions in the tenancy on maximum occupancy.
Lack of pre tenancy checks of property conditions	Properties have been let/ transferred between tenants when the garden is already full of waste from previous tenants or the property is in a poor condition of repair.	Edlington suffers greatly from a widespread problem with waste being left to accumulate in gardens. Legislation dictates we address such issues with the current occupier of the property. If waste was left by the previous occupier or by the owner, enforcement or legal action to enable the removal of the waste is hampered.
Landlords delaying action as long as possible and/or taking minimal action to avoid enforcement	In cases of ASB by tenants, there are currently no obligations on landlords to do anything other than 'work' with the enforcing agencies.	Courts may accept minimal effort from landlords, at the very last moment, as 'working' with enforcement agencies. The worst landlords know this and take the path of least effort, such as simply moving troublesome tenants at the end of a tortuous process just before court, for example when trying to issue Interim or Final Management Orders, preventing court action without fully resolving the problem.

Selective licensing is a specific piece of legislation that places obligations on the landlords to act. Indeed, one of the general conditions that must apply before introducing selective licensing is:

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



We do not expect landlords to suddenly become responsible for the behaviour of their tenants but be more responsible as landlords by taking more “action to combat the problem that it would be appropriate for them to take”. Selective licensing would also require all landlords to declare ownership/ license holder details; tenants details on request; carry out pre-tenancy checks and utilise written tenancy agreements. This should make a more stable privately rented sector in the area that would allow enforcement agencies to effectively utilise the legal powers already in existence to deal with perpetrators of anti-social behaviour.

## **EXISTING LEGISLATIVE TOOLS TO DEAL WITH ANTI-SOCIAL BEHAVIOUR AND HOUSING CONDITION – DMBC POWERS**

- Anti-social Behaviour, Crime and Policing Act 2014, Part 1 – Civil Injunctions – against a person who has engaged or threatens to engage in ASB.
- Anti-social Behaviour, Crime and Policing Act 2014, Part 2 – Criminal Behaviour Order – following the conviction of a person who has engaged in behaviour that caused or was likely to cause harassment, alarm, or distress to any person.
- Anti-social Behaviour, Crime and Policing Act 2014, Part 4 – Community Protection Notices – to address conduct having a detrimental effect, of a persistent or continuing nature, on the quality of life to those in the locality.
- Anti-social Behaviour, Crime and Policing Act 2014, Part 4 – Public Space Protection Orders – to address activities carried on in a public place that have a detrimental effect on the quality of life of those in the locality.
- Environmental Protection Act 1990, s46 – Notice requiring the occupier of a property to place waster for collection.
- Environmental Protection Act 1990, s80 - Abatement Notices – premises in such a state as to be a prejudicial to health or a nuisance, any accumulation or deposit prejudicial to health or a nuisance, noise emitted from a premises so as to be prejudicial to health or a nuisance, noise that is prejudicial to health or a nuisance and is emitted from or caused by a vehicle, machinery or equipment in the street.
- Environmental Protection Act 1990, s87 – offence for littering.
- Housing Act 2004 – Housing Health & Safety Rating System (HHSRS) – powers to take enforcement action to address disrepair.
- Housing Act 2004, Part 4 – Interim, Final & Special Management Orders – to address properties that require a license and do not have one or for the purpose of protecting the health, safety or welfare of persons occupying the house, or persons occupying or having an estate or interest in any premises in the vicinity.

- Housing Act 2004, Part 4 – Interim & Final Empty Dwelling Management Orders – to take steps for the purpose of securing that a dwelling becomes and continues to be occupied.
- Noise Act 1996 – Power to seize noise making equipment.
- Refuse Disposal Amenity Act 1978 Section 2 and 3 – power to deal with abandoned vehicles.
- Prevention of Damage by Pests Act 1949 – power to require action to keep land free from rats and mice.
- Town & Country Planning Act 1990, s215 - Notice requiring proper maintenance of land.



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## Appendix 7 – Selective Licensing Scheme Risk Analysis

This risk assessment has been carried out in accordance with the DMBC 5 x 5 Risk Matrix as used on the Covalent Performance Management System where

Impact is risk assessed as being either:

### 1 Slight

- Loss of a service or delay to project for up to one day
- Objectives of the individual are not met
- No injuries
- Financial loss between £0 – 999
- No media attention
- No breaches in Council working practices
- No complaints/litigation
- Will not affect Audit or Inspection recommendation
- Relationship between council and Partners unaffected

### 2 Moderate

- Loss of a service or delay to a project for one to four weeks
- Objectives of the Section are not met
- Injury to an employee or member of the public requiring onsite first aid
- Financial loss over £1,000
- Adverse local media attention – Local newspaper report
- Breaches of local procedures/standards
- Unlikely to cause complaint/litigation
- Audit or Inspection notes issues
- Issues between Council and partners can be resolved

### 3 Significant

- Loss of a service or delay to a project for one to six months
- Objectives of the Service are not met
- Injury to an employee or member of the public requiring medical treatment
- Financial loss over £10,000
- Adverse regional media attention – Televised or newspaper report
- High potential for a complaint litigation possible
- Breaches of regulations/standards

- Audit or inspection highlights areas for improvement
- Major issues between Council and partners affect delivery

#### 4 Major

- Loss of a service or delay to a project for six months or more
- Objectives of the Department/Directorate are not met
- Non-statutory duties are not achieved
- Permanent injury to an employee or member of the public
- Financial loss over £100,000
- Adverse national media attention – National newspaper report
- Litigation to be expected
- Breaches of law punishable by fine only
- Audit or Inspection raises serious issues over effectiveness of service
- Breakdown of confidence between the Council and partners

#### 5 Critical

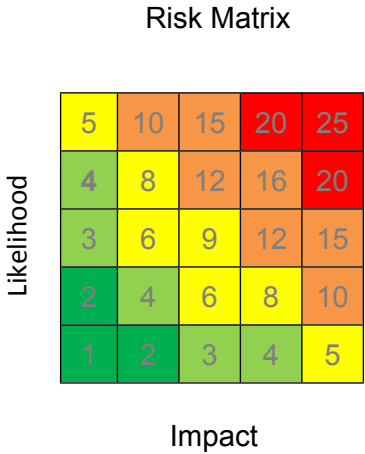
- An incident so severe that it makes a service or project unavailable permanently
- Strategic objectives set are not met
- Statutory duties are not achieved
- Death of an Employee or Member of the Public
- Financial loss over £1,000,000
- Adverse national media attention – National televised news report
- Litigation almost certain and difficult to defend
- Breaches of Law punishable by imprisonment
- Audit or Inspection highlights service as inadequate
- Council unable to work with partner organisations

Likelihood is risk assessed as being either:

- 1      Very Unlikely  
         **Probability** - 1 in 10,000 - 100,000  
         **Historical** - May occur, but only in exceptional circumstances
- 2      Unlikely  
         **Probability** - 1 in 1000 - 10,000  
         **Historical** - Could occur, but doubtful
- 3      Possible  
         **Probability** - 1 in 100 - 1000  
         **Historical** - Might occur at some time in the future
- 4      Likely  
         **Probability** - 1 in 10 - 100  
         **Historical** - Will probably occur
- 5      Very Likely  
         **Probability** - > 1 in 10  
         **Historical** - Is expected to occur in most circumstances

Each risk is assessed in terms of impact and likelihood and an overall risk rating obtained by multiplying the assessed scores. The rating is considered to be either:

- Ok – green and light green on the risk matrix below
- Warning – yellow on the matrix
- Alert – amber and red on the matrix





Risk	Likelihood	Impact	Score	Mitigation	New Likelihood	New Impact	New Score
Landlords legally challenge the decision-making process to implement creating a cost to defend and time delay.	3	4	12	Make sure the decision-making process, particularly the consultation is correct to not encourage a legal challenge. Also need to have an effective communications strategy. That said landlords may still mount a challenge. Estimated costs to defend a challenge are circa £30k.	2	4	8
Residents/tenants challenge the decision-making process to implement.	2	4	8	Unlikely as they are obvious beneficiaries of such schemes. Make sure the decision making process, particularly the consultation is correct. Also need to have an effective communications strategy.	1	4	4
A small number of landlords don't apply for/obtain a licence.	4	2	8	As a deterrent the courts can fine up to £20k for non-application or continuing to operate after being refused a licence. In terms of landlords applying but being refused they would have to vacate the property meaning it becomes empty (covered as another risk, further down) or find a suitable managing agent. As a further deterrent the Council would have to prosecute swiftly and publicise the fact.	3	2	6
A medium number of landlords don't apply for/obtain a licence.	3	3	9	As above.	2	3	6
A significant number of landlords don't apply for/obtain a licence.	2	4	8	As above.	1	4	4
A significant number of conditions are breached.	3	3	9	As a deterrent the courts can award an unlimited fine per breach. Again, the consultation and communications strategy are critical here. It is also critical that enforcement is firm but fair and publicised.	2	3	6

Risk	Likelihood	Impact	Score	Mitigation	New Likelihood	New Impact	New Score
The aims of the scheme are not met, i.e. ASB is not reduced.	3	4	12	Everybody has to commit to this and take ownership to ensure the aims are met. Again, the consultation and communications strategy are critical. Moreover the experience of other authorities is very interesting in terms of commitment to this, compared to perception and overall success, i.e., those that fully commit and do not waiver have the best reports of success.	1	4	4
Relationships between Council and landlords breakdown.	3	3	9	Everybody has to commit to this and take ownership to ensure relationships do not breakdown. Yet again, the consultation and communications strategy are critical along with effective implementation.	2	3	6
Rents go up to cover extra costs of scheme.	3	5	15	This couldn't happen immediately as most tenants will have tenancy agreements, however on renewal, rents could go up. If tenants cannot afford to stay this may increase homelessness but the rental market may mean landlords would have to be sure they could replace these tenants with others. Landlords will also be paying 100% Council Tax, 150% after two years, for an empty property so they will have a commercial incentive to receive a rent. There is not a lot we can do to mitigate this risk as this is decided by landlords so the consultation and communications strategy are important.	2	5	10
Landlords displace bad tenants to areas outside the scheme rather than manage them better within the scheme area.	3	4	12	There is difficult to control. We can't deal with ASB outside the scheme area as robustly as we can within the scheme area so it might lead to other areas being designated if this proves successful. We could however give priority attention to displaced offenders, otherwise there is no mitigation.	2	4	8

Risk	Likelihood	Impact	Score	Mitigation	New Likelihood	New Impact	New Score
Landlords sell properties and move out of the area.	2	2	4	This has been threatened by a couple of landlords but we were warned by other LAs this would happen. Not really the experience of other LAs and if new purchasers are landlords then they will be in the scheme. If not, the percentage of owner occupancy increases and with it the stability of the community.	2	2	4
Landlords abandon properties and engagement and even move out of the area leaving properties empty.	3	3	9	Yet again there is difficult to control but the need to receive a rent along with the disincentive of full Council Tax on empty properties should ensure this does not happen on a large scale.	2	3	6
Illegal evictions, empty properties and homelessness increase.	3	4	12	Not really the experience of other LAs but if this does happen we need to be firm on dealing with the illegal evictions. In terms of empty properties and homelessness, St Leger Homes are aware of the increase in management responsibility they may have and we could force the sale of an empty property if it is causing us continued problems. We will continue to work with landlords and tenants to prevent homelessness.	2	4	8
The resources required to run a successful scheme are more than anticipated due to poor co-operation from landlords and/or tenants.	4	4	16	This has certainly been the experience of some other LAs, but not all, due to the lack of co-operation from landlords and additional staff needed to work on the issues raised. The licence fee proposed in the consultation will allow for processing the licence and monitoring compliance. Any further funding required will need another approval at the time and/or scrutiny of management and operational practices.	2	5	10
There is an increase in non-licensable HMOs outside of Edlington, so landlords can maximise their rental potential. (They will still be licensable within this scheme but not when the scheme ends, according to the latest criterion for licensing).	3	3	9	This would take investment and time and will not appeal to all, however there is little we can do at this stage to mitigate this risk. We could introduce further additional licensing schemes to cover all HMOs if this becomes a problem.	2	3	6

Risk	Likelihood	Impact	Score	Mitigation	New Likelihood	New Impact	New Score
Margins are so tight for landlords that the £515 licence fee forces them out of business.	3	2	6	This has been threatened by a few landlords and we were warned by other LAs this would happen. Not really the experiences of other LAs. The Act states we must consider that any proposed management structures and funding arrangements are suitable before we can issue a licence. It is clearly a concern therefore if landlords claim they do not have any financial means of paying the fee, as this would suggest they also do not have the financial means to satisfactorily manage the property (e.g. carrying out repairs and maintenance). This equates to under £2 per week or 2% of the rental income over 5 years based on rent at £400 per month, compares favourably with other licence fees we charge and against the fees of other LAs running such schemes. Any doubting landlords at the outset could be persuaded with a well-run scheme enforced appropriately.	2	2	4
Rather than the finances forcing them out of business the regulation and control of licensing may force some landlords to sell up.	3	2	6	There has been little evidence of this through the consultation. Again, any doubting landlords at the outset could be persuaded with a well-run scheme enforced appropriately.	2	2	4
Mortgage companies refuse to lend in selective licensing areas stifling regeneration.	3	2	6	Not the experience of other Local Authorities (bearing in mind selective licensing is on the increase). Would need to meet with mortgage companies and explain the purpose of selective licensing as if it is explained and understood, it is feasible that mortgage companies would prefer to lend in such areas that have controls introduced to help in the regeneration of the area.	2	2	4

7 November 2017

**To the Chair and Members of the  
Cabinet**

**PARTNERSHIP GOVERNANCE REPORT - Trent Regional Flood and Coastal  
Committee**

<b>Relevant Cabinet Member(s)</b>	<b>Wards Affected</b>	<b>Key Decision</b>
Cllr Chris McGuinness	Conisborough, Edlington and Warmsworth, Hexthorpe and Balby, Town, Wheatley and Intake, Stainforth and Barnby Dun and Thorne and Moorends, Rossington and Bawtry, Finningley, Bessacarr, Tickhill and Wadworth, Armthorpe, Edenthorpe and Kirk Sandall	No

**EXECUTIVE SUMMARY**

1. As part of the Council's approach to monitoring and evaluating its relationship with external organisations and partnerships this report provides details on activities undertaken by the following organisations (s):

**Trent Regional Flood and Coastal Committee**

**EXEMPT REPORT**

2. This is not an exempt report.

**RECOMMENDATIONS**

- 3 To note the feedback and comments in respect of the Council's partnership arrangements with **Trent Regional Flood and Coastal Committee**.

**WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER?**

4. Reviewing the activities of partnerships where the Council or Executive appoints representatives helps to ensure alignment with Borough wide priorities, improved stewardship of public funds and public confidence that effective controls are in place to manage any relevant risks. Effective governance also ensures partnerships' working contributes to the effective and efficient provision of services to the Public and the achievement of value for money.

**BACKGROUND**

- 5 At its meeting on 19 May 2017, Council agreed that where it made

appointments to external partnerships, a mechanism should be put in place to report back to the Council on the activities of that body in a consistent manner. As the Council increasingly works with partners to achieve common objectives and/or ensure effective stewardship of public funds this process will demonstrate greater transparency and accountability within partnership working.

6. Attached at Appendix A is a Partnership Governance template relating to **Trent Regional Flood and Coastal Committee**. This provides Members with an overview of key activities undertaken, any significant future activities and any significant governance or other issues.

## OPTIONS CONSIDERED

7. Without consistent and effective information on their activities, it is more difficult for the Council to understand and register the effects of decisions made by partnerships and take action where appropriate on any decisions made/proposed. The option to do nothing, therefore, misses the opportunity/requirement to respond to the ever-growing incidence of partnerships working and strengthen the Council's control framework and its management of risks.

## REASONS FOR RECOMMENDED OPTION

8. To regularly report back on the activities of partnerships provides an opportunity to strengthen governance arrangements, monitor the effectiveness of those arrangements and raise awareness of wider partnership activities.

## IMPACT ON THE COUNCIL'S KEY OUTCOMES

9. Good partnerships governance has the following impacts on Council priorities.

	Outcomes	Implications
	<p>All people in Doncaster benefit from a thriving and resilient economy.</p> <ul style="list-style-type: none"> <li>• <i>Mayoral Priority: Creating Jobs and Housing</i></li> <li>• <i>Mayoral Priority: Be a strong voice for our veterans</i></li> <li>• <i>Mayoral Priority: Protecting Doncaster's vital services</i></li> </ul>	
	<p>People live safe, healthy, active and independent lives.</p> <ul style="list-style-type: none"> <li>• <i>Mayoral Priority: Safeguarding our Communities</i></li> <li>• <i>Mayoral Priority: Bringing down the cost of living</i></li> </ul>	
	People in Doncaster benefit from	Flood Risk management

	<p>a high quality built and natural environment.</p> <ul style="list-style-type: none"> <li>• <i>Mayoral Priority: Creating Jobs and Housing</i></li> <li>• <i>Mayoral Priority: Safeguarding our Communities</i></li> <li>• <i>Mayoral Priority: Bringing down the cost of living</i></li> </ul>	<p>throughout the borough reduces the flood risk to properties, businesses and infrastructure.</p>
	<p>All families thrive.</p> <ul style="list-style-type: none"> <li>• <i>Mayoral Priority: Protecting Doncaster's vital services</i></li> </ul>	
	<p>Council services are modern and value for money.</p>	<p>By providing robust partnership guidance ensures the stewardship of public funds.</p>
	<p>Working with our partners we will provide strong leadership and governance.</p>	<p>Strengthening partnership working by identifying, managing and reducing risks in order to enable strategic and operational partnerships achieve all our objectives.</p>

## RISKS AND ASSUMPTIONS

10. Failure to review partnerships' and key internal groups' activities exposes the Council to risks that can impact on a number of levels as follows:

- Failing to ensure an effective strategic fit
- Failing to identify and address the gaps and shortfalls in relationships
- Failing to fully assess and plan for the Organisational Impact the changes will have
- Failing to robustly develop and test the economic case for partnership working
- Reputational damage to DMBC due to flawed partnerships
- Conflicts of interest not being managed
- Damaged relationships with partners.

## LEGAL IMPLICATIONS

11. S 1 of the Localism Act 2011 provides a general power of competence which allows local authorities to do anything an individual can do, unless prohibited by law (and subject to public law principles). This power allows for the general oversight of the external organisation on which Council members and officers sit. It is important that where the Authority nominates officers or members to sit on external partnerships they do have an ongoing oversight of the governance standards of the partnerships. As a minimum, the partnerships should be aware and have policies reflecting the ethical standards of behaviour expected of public office holders as detailed in the Nolan principles.

12. It is essential that those the Council appoints to sit on outside bodies understand their duties and responsibilities in relation to their position on those bodies and the limit of any delegations they may enjoy. Further specific advice should be sought if they are in any doubt as to these matters.

#### **FINANCIAL IMPLICATIONS**

13. DMBC makes an annual contribution of £20,000 to the Local Levy. This amount is part of DMBC central budgets.

#### **HUMAN RESOURCES IMPLICATIONS**

14. There are no human resource implications.

#### **TECHNOLOGY IMPLICATIONS**

14. There are no technology implications

#### **EQUALITY IMPLICATIONS**

15. There are no equality implications

#### **CONSULTATION**

16. Not required

#### **BACKGROUND PAPERS**

17. Report to Council 19 May 2017 : Governance Arrangements: Oversight and Transparency of the Work of External Partnerships and Council Committees.

#### **REPORT AUTHOR & CONTRIBUTORS**

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**Director of Regeneration and Environment**



## PARTNERSHIP GOVERNANCE – REVIEW OF PARTNERSHIP ACTIVITY TEMPLATE AND GUIDANCE NOTES

<b>1.</b>	<b>NAME OF PARTNER ORGANISATION:</b> Trent Regional Flood and Coastal Committee
<b>2.</b>	<b>OBJECTIVES OF THE ORGANISATION</b>  The Trent Regional Flood and Coastal Committee (TRFCC) is a committee established by the Environment Agency under the Flood and Water Management Act 2010 that brings together members appointed by Lead Local Flood Authorities (LLFAs) and independent members with relevant experience for 3 purposes: <ul style="list-style-type: none"> <li>• to ensure there are coherent plans for identifying, communicating and managing flood and coastal erosion risks across catchments and shorelines</li> <li>• to encourage efficient, targeted and risk-based investment in flood and coastal erosion risk management that represents value for money and benefits local communities</li> <li>• to provide a link between the Environment Agency, LLFAs, other risk management authorities, and other relevant bodies to build understanding of flood and coastal erosion risks in its area</li> </ul>
<b>3.</b>	<b>NAME OF THE COUNCIL'S REPRESENTATIVE(S) APPOINTED TO THE ORGANISATION AND THE CAPACITY IN WHICH THEY SERVE:</b>  Committee Members Councillor Chris McGuinness
<b>4.</b>	<b>NAME OF COUNCIL'S LEAD OFFICER:</b>  Richard Ward – Senior Flood Risk Engineer (DMBC)
<b>5.</b>	<b>KEY ACTIVITIES UNDERTAKEN DURING THE PERIOD April 2016 to April 2017</b>  To ensure (to include formal approval of the programme expenditure) the Environment Agency's 6 year medium term capital programme continues to be delivered. £29 million pounds of Capital expenditure is forecast to be spent in 2016/17.  The overall settlement for the MTP up to the year 2020/21 is around £179 million pounds.  Setting of the Local Levy, of which Doncaster MBC contributes £20,000

**6. KEY ACTIVITIES EXPECTED TO BE UNDERTAKEN DURING THE PERIOD April 2017 TO April 2018**

To ensure (to include formal approval of the programme expenditure) the Environment Agency's 6 year medium term programme, continues to be delivered.

Setting of the Local Levy, of which Doncaster MBC contributes £20,000

**7. DETAILS OF ANY SIGNIFICANT GOVERNANCE ISSUES**

None

**8. ADDITIONAL COMMENTS**

None

**9. PLEASE STATE NAME OF RELEVANT DIRECTOR OR ASSISTANT DIRECTOR**

Peter Dale, Director Regeneration and Environment  
Gill Gillies, Assistant Director Environment

**10. DATE:**

3 October 2017

**11. DATE OF NEXT SCHEDULED REPORT - 27 March 2018**

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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