

**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.

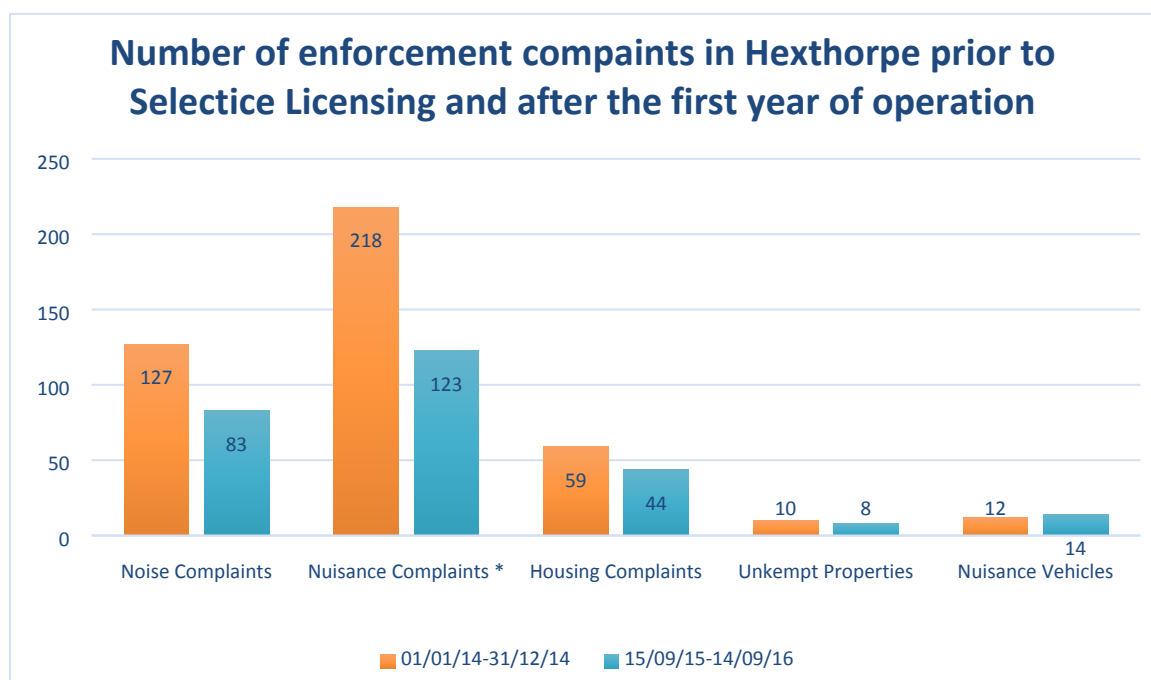


Table 1: Comparison of the number of complaints made to the Enforcement Team regarding Hexthorpe in the year prior to the SL decision compared to the first year of implementation. Please note nuisance complaints include waste in gardens, accumulations and bonfires.

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.

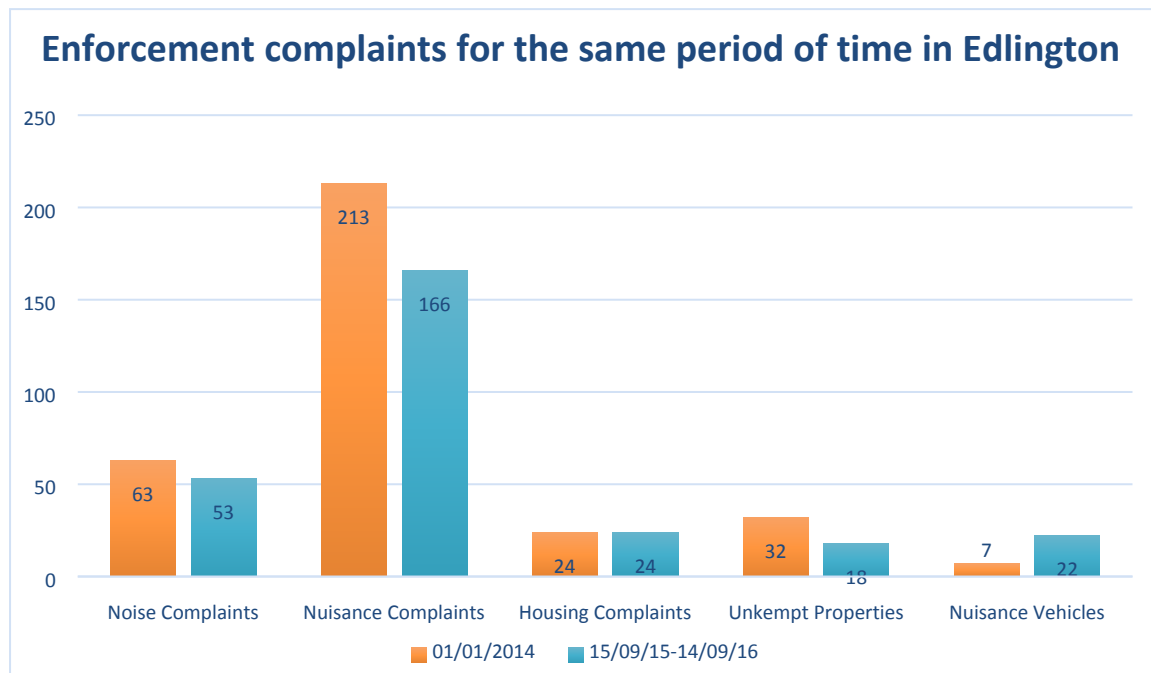


Table 2: Comparison of the number of complaints made to the Enforcement Team regarding Edlington using the same methodology and the same time period as presented for Hexthorpe in Table 1.

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.

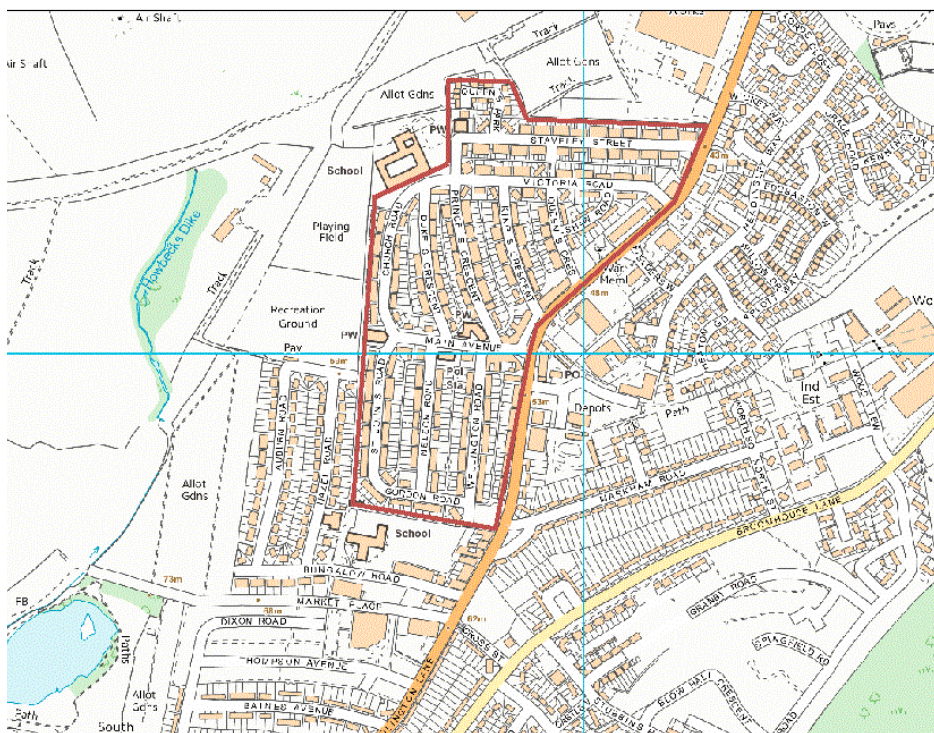
As evidenced through the Hexthorpe Scheme, Selective Licensing offers the best chance of addressing this problem but recognises that all agencies must redouble their efforts in line with this to provide adequate support.

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

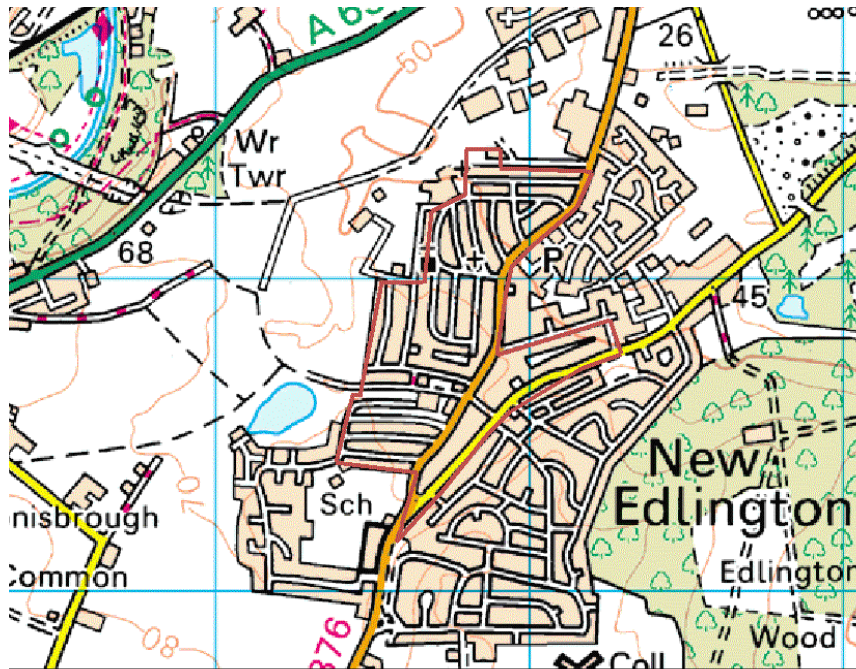
Edlington is a large village consisting of several separate parts with different characteristics. To the North East of the village, bordering Warmsworth, is an estate originally constructed by the National Coal Board, locally known as the Royal Estate (map 1 below). The number of properties in this area 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

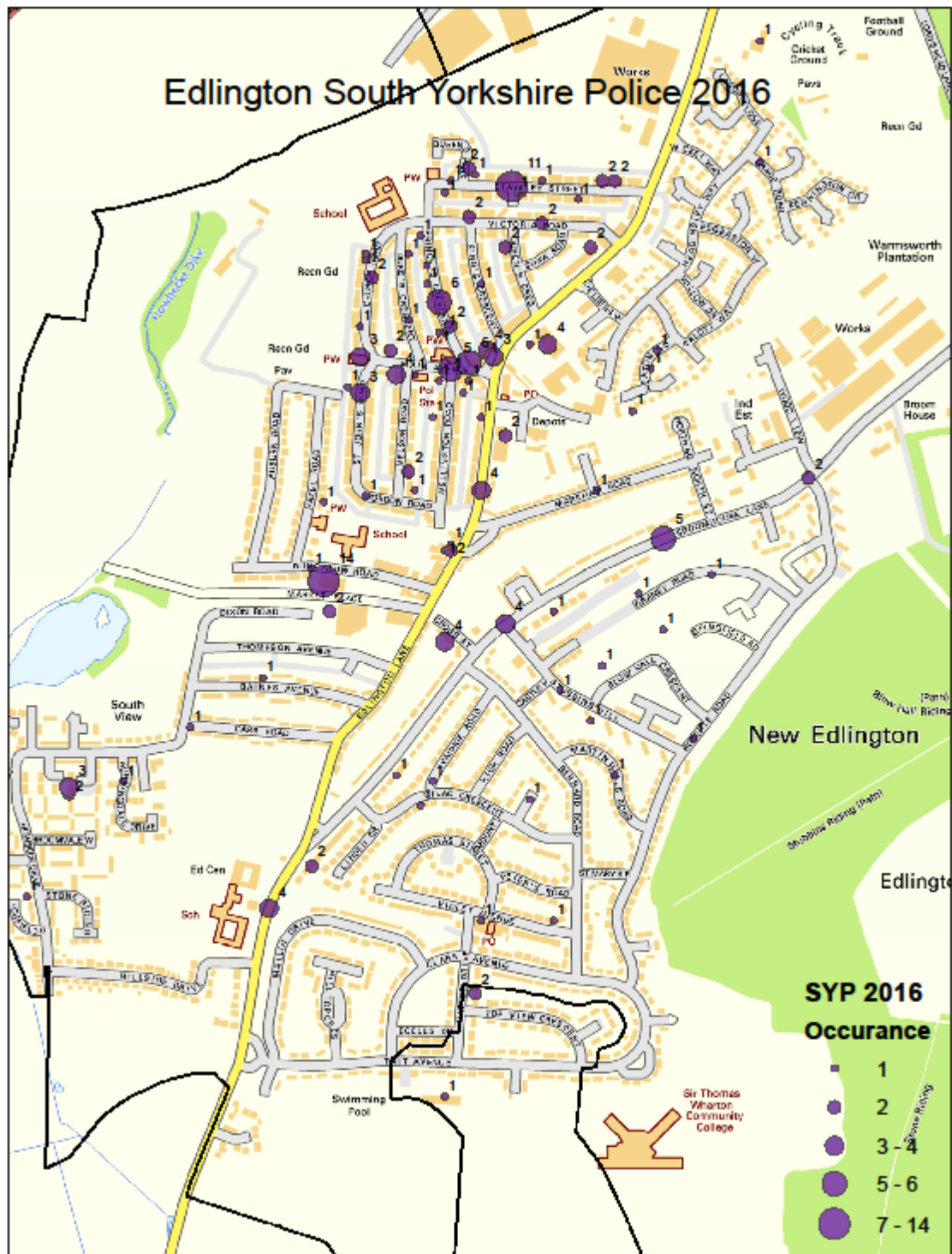


94% if the adjoining streets are also included. The only complaint type not following this pattern is fly tipping where the majority of incidents reported in Edlington relates to the rural country lanes surrounding the village, rather than the estate roads. The concentration of ASB reports to the Royal 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.

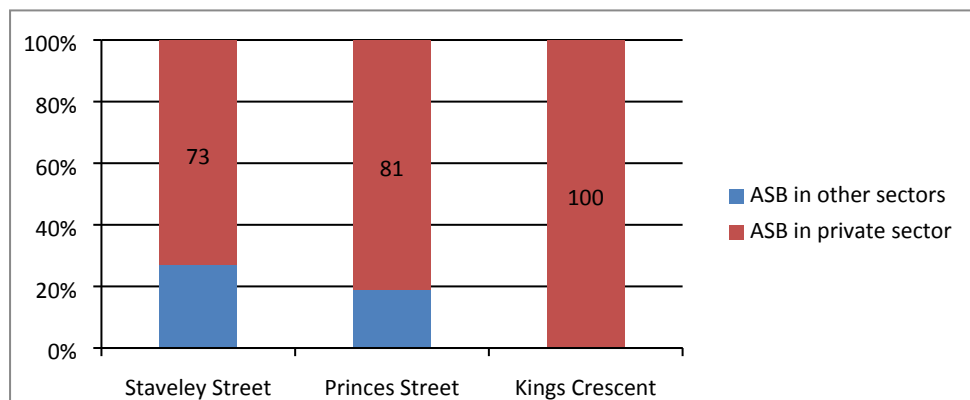


Table 5: The percentage of complaints received by the Enforcement Team in 2016, relating to private rented properties for the three worst affected streets in Edlington.

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.

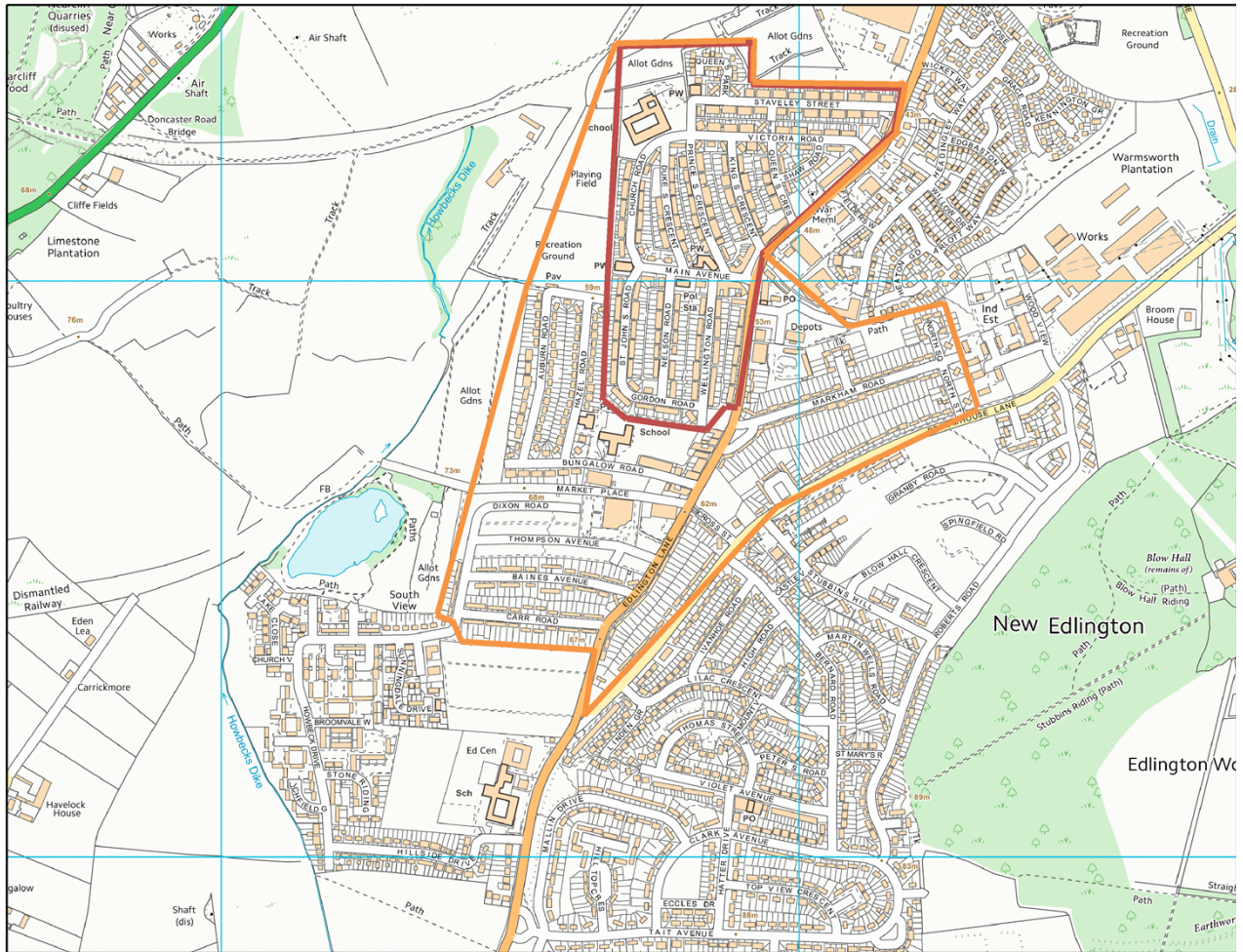
Based on the clusters of reports to the Enforcement Team and South Yorkshire Police it is proposed that Selective Licensing in Edlington is introduced according to one of the following options:

- **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:

<p><b>Benefits to Landlords</b></p> <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>	<p><b>Benefits to tenants</b></p> <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>
<p><b>Benefits to residents/wider community</b></p> <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>	<p><b>Benefits to DMBC/other agencies</b></p> <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 3months, 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.

**Note:** Draft Inventory forms are available from Doncaster Council.

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.

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:

- a. The amount of rent payable;
- b. The details of any deposit required;
- c. Details of what the deposit covers and arrangements for return;
- d. The frequency of payments;
- e. The details of any utilities or other charges included in the rent;
- f. The responsibility for payment of Council Tax;
- g. The responsibility for payment of utilities and arranging provision of such.
- 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.

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.

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.

**Reason: to safeguard the wellbeing of occupants and to ensure that the condition of the Licenced property is maintained.**

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### **Property Repairs**

**The Licence Holder must ensure that:-**

- 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.
- ii) The water supply and drainage system serving the house is maintained in good, clean and working order.

- iii) The water supply or drainage system that is used by the occupiers of the house is not unreasonably interrupted.
- iv) The gas or electricity supply that is used by occupiers of the house is not unreasonably interrupted.
- v) Reasonable steps are taken to protect occupants from injury especially in relation to:
  - a. Any roof or balcony that is unsafe - ensuring that it is either made safe or access to it restricted.
  - b. 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.
- vi) All common parts and fixtures are maintained and in a safe condition including handrails, windows, stair coverings, fixtures, fittings and appliances.
- 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.
- 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.
- 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.

**Reason: to safeguard the health, safety and wellbeing of occupants.**

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**Energy Efficiency**

The Licence Holder is required upon request by the authority, to produce an Energy Performance Certificate completed by a suitably qualified person.

**Reason: To safeguard the health and wellbeing of the occupants with regards to the reduction of fuel poverty and national energy efficiency measures.**

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**Number of Occupiers**

	<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>

**Where there are alley-gates installed to the rear of the Licenced property, the Licence Holder must:**

- i) Take responsibility for holding a key for any alley-gates which are in place or which are installed.
- 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.
- iii) Ensure that all new named tenants are advised of the need to keep the alley gates locked.
- 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.

**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.**

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**External Areas**

**The Licence Holder must ensure that:-**

- i) The exterior of the house is maintained in reasonable decorative order and in reasonable repair.
- ii) All outbuildings, yards and forecourts are maintained in good repair.
- iii) Gardens are kept in a clean, tidy and safe condition and free from infestations during any period the property is unoccupied.
- 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.
- v) Access is available at all times for adequate, external, refuse storage.
- 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. *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*

	<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>