

## **Appendix C – Actions and revisions to the proposal arising out of the consultation etc.**

### **A. Actions/Proposals arising from consideration of the representations received during the consultation period.**

1. The area for the proposed designation will be amended from that which was consulted on. The area will be reduced to that shown in Appendix A, effectively removing the following streets from the designated area:
  - Barnstone Street
  - Bramworth Road
  - Dell Crescent
  - Garden Lane
  - Glen Field Avenue
  - Greenfield Lane
  - Harfield Close
  - Langer Street
  - Patrick Stirling Court
  - Riverside Close
  - Travis Gardens

and parts of:

- Eden Grove (except even numbers 2 to 16 which are to remain within the proposed area)
  - Old Hexthorpe (properties from the junction with Shady Side to Greenfield Lane are to remain within the proposed area)
2. Where a tenant fails to correct any inappropriate behaviour such as ASB or where the tenant has overfilled the property, the Council recognises that the landlords are not responsible for the behaviour of their tenants nor are they able to manage their behaviour. The landlord is however able to manage the tenancy and the only effective tool to address this is to ultimately end the tenancy. In appropriate circumstances, the Council will expect a landlord to take this course of action and, if necessary, the Council will support the landlord through the process.
  3. Comprehensive guidance on compliance with the terms of the licence including help on how to remove problematic tenants who fail to refrain from conduct such as ASB will be developed and made available to all landlords and licence holders.
  4. The Council will signpost landlords to relevant support services and agencies to assist them to support a tenancy where a tenant has mental health or drug/alcohol dependency issues.
  5. In recognition of the likelihood that landlords who have access to an

authoritative source of advice, guidance and support will be more responsible and compliant, the Council will offer a discount on the licence fee to licence holders who are members of a recognised body e.g. landlord association.

6. The Council recognises that the proposal is a blanket approach to all landlords in the proposed area and that there is a financial burden in the form of the licence fee. However, without the scheme there is no enforcement duty on landlords to effectively manage their properties and tenancies. Furthermore, the fee is required for the Council to effectively resource the monitoring of compliance and enforce where required. The Council is committed to its legal duty to ensure all income received from the licence fee is used to resource the operation of the scheme. The Council also recognises that compliance monitoring inspections can also place a burden on those landlords who are compliant and the Council will endeavour to show recognition to landlords through the targeting of resources and ensure that such visits are kept to a minimum thereby allowing resources to concentrate on those more likely to be non-compliant.
7. A concerted effort will be made to target issues associated with identified ASB and, in particular, fly-tipping and the arrangements for the disposal of household waste. Where such issues are identified and are attributable to the householder(s) in addition to bringing this to the attention of the landlord for them to manage through the tenancy, action will also be taken against the individuals concerned using existing enforcement tools.
8. There was a recurring message in the consultation responses for there to be more enforcement. In recognition of this and the shift from the emphasis being on annual housing health and safety standards inspections of all properties to intelligence led inspections and robust compliance monitoring of the property/tenancy management arrangements, the proposed scheme will operate without the delivery partner option.

**B. If a further selective licensing designation is made, it is proposed that the new scheme will involve:**

- Greater emphasis placed on securing continued improvements and consistency with regard to the management of properties and tenancies in the PRS. This will be achieved through the revised licence conditions and by directing resources at achieving compliance with these conditions through education, empowerment and enforcement.
- With specific regard to housing standards, there will be a change of direction away from annual health and safety inspections of all licensed properties. We will adopt a targeted, risk-based, approach where the frequency of visit is informed by individual property/landlord compliance intelligence. Properties where standards (compliance) are likely to be high will be visited less frequently. This approach frees resources to tackle the most problematic properties and ensures that consistent and effective monitoring

of the licensing regime and conditions can be undertaken for all licensable properties.

- Following due consideration, it is not considered appropriate, going forward, to continue with the delivery partner approach adopted in the 2015-2020 scheme. The good work undertaken with the delivery partner carrying out a significant number of property inspections and identifying major health and safety hazards is fully recognised. The success of this approach has in fact facilitated the change of direction outlined in the two points above. Delivering the scheme entirely in-house will secure sustained compliance and ensure adequate resources are available to the Council for operating the scheme, driving up property and tenancy management standards and tackling the ASB associated with the PRS.
- Clear and unambiguous licence conditions, which ensure property and tenancy management is consistent and effective.
- Further work to reduce incidents of ASB. We will tackle the issue of fly-tipped waste, in particular in the back alleys. We will make full use of the CCTV project which is producing some excellent results in tackling the ongoing fly-tipping issues. We will do everything that is reasonably practicable to identify and hold individual offenders to account as well as ensuring landlords are meeting their own obligations with regard to their individual waste management arrangements and tenancy management.
- Proactively engaging with licence holders. We will review and publicise the outcomes of the scheme at appropriate intervals to help encourage engagement with stakeholders and to recognise the achievements of the scheme.
- In recognition of those landlords who have access to authoritative advice and guidance, a discount will be available for membership of a relevant approved body e.g. landlord association (see Appendix E).
- Securing compliance with the licensing scheme will be the priority. There will always be a role for the educative approach of advice and guidance to secure compliance. However, full use will be made of financial penalties (civil penalties) for dealing with non-compliance. This will go some way to incentivise compliance, whilst affording the opportunity to rebalance the resources required for enforcement and reduce the financial burden on the compliant landlords who are effectively subsidising the non-compliant ones through their licence fees. There will always be a role for informal approaches to secure compliance.