



PRCC.48 15/16
Prosperous Communities Committee
Date 22nd March 2016

B

Subject: Selective Licensing in Gainsborough South West Ward

Report by:

Chief Operating Officer

Contact Officer:

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Purpose / Summary:

To request that elected Members designate an area of the Gainsborough South West Ward for selective licensing

RECOMMENDATION(S):

Elected Members are asked to:

- a) Approve the designation of the area of the South West Ward referred to in this report and defined on the map set at paragraph 8.1 (figure 1) and the schedule of properties set out in paragraph 8.2 as being subject to selective licensing.
- b) Approve that this designation be made from 18 April 2016 and for the selective licensing scheme to come into effect on 15 July 2016 and unless revoked beforehand, to remain in force for a period of 5 years.
- c) Approve the co-regulated selective licensing scheme proposed within this report, shown as option 2 including the licence conditions set out in Appendix 5.
- d) Agree that the operational and technical aspects of the co-regulated selective licensing scheme are finalised under delegated authority by the Chief Operating Officer following consultation with the Chair of the Prosperous Communities Committee prior to the implementation of the scheme.

IMPLICATIONS

Legal:

The Council is entitled to introduce a selective licensing scheme as per the Housing Act 2004 S80. In order to do so the authority must consider that amongst other criteria, the area is experiencing significant and persistent problems caused by anti-social behaviour; that some of the private sector landlords are failing to take action to combat the problem; and that making a designation, will when combined with other measures, lead to a reduction in, or elimination of the problem.

The legal framework is found in Part 3 (Sections 79 to 100) of the Housing Act 2004. Alongside this, The Selective Licensing of Houses (Additional Conditions) (England) Order 2015 sets out additional conditions for the purposes of a designation under Section 80.

The Council believes that it has satisfied the relevant criteria and information to evidence this is shown in the background papers.

Any designation may be challenged by the way of judicial review. The time for seeking this review is within 3 months of the date the designation is made, the general legal principles of reasonableness, procedural propriety and proportionality will be applied. Any challenge may result in substantial legal costs and may delay implementation.

A table of the considerations that need to be made in regards to the overall scheme are shown in appendix 6.

Financial: FIN 132/16

This report outlines the financial implications of a selective licensing scheme in section 10. Any selective licensing scheme can only recover costs for the administration of a scheme. The costs associated with each option are set out in appendix 3 in detail.

The Council is assuming that there will be an 80% compliance rate in regards to the scheme and the financial information reflects this.

Option 2 is the recommended option and indicates that should an 80% compliance rate be achieved, the Council will be able to cover its costs.

The income received via the licence fee will be used to cover the administrative costs of the scheme, in the main through the appointment of an officer for a 2 year period to ensure that the scheme is implemented successfully and has the required impact.

Elected Members should be aware that the scheme costs cannot cover any costs for enforcing the scheme, these will be met via existing resources and should additional resources be required a request will be made to the relevant committee.

The Council has also considered the financial impact on landlords and this is reflected in its reduced licence fee of £375 per property. This charges has been approved by Council in March 2016 as part of Fee and Charge setting within the Medium Term Financial Plan and subject to approval of the scheme. This was to enable the fee to be applicable from 1st April 2016.

In considering this, the Council has also recommended an option whereby payments by instalment can be made, which has been requested by landlords throughout the consultation.

Staffing :

Each option presented in section 10 highlights the staffing requirement that is needed. The basis of the scheme requires an additional resource in order to ensure it can be administered and implemented effectively.

Existing resources will be utilised where required to assist with the early implementation of the scheme and to carry out some of the enforcement aspects. These existing resources will not be sufficient to deliver the enforcement aspects of the scheme, which are critical in regards to its success. Overall resources will be reviewed and monitored regularly and should additional resources be required a separate request will be made for these to the relevant committee.

It is clear from reviewing other selective licensing schemes that additional staff resources are required in order for them to be successful.

Equality and Diversity including Human Rights :

A full equality impact assessment has been undertaken and formed part of the December 2014 Committee report. This will be reviewed and updated during the scheme.

Risk Assessment :

A full list of risks and considerations is shown in appendix 6.

Climate Related Risks and Opportunities :

The improvement of housing standards within the proposed area will have a positive environmental and climate related impact. It will also help to tackle fuel poverty within the proposed area.

Title and Location of any Background Papers used in the preparation of this report:

The Private Rented Sector and Anti-Social Behaviour : NKM Report 2015
Prosperous Communities Committee Report – July 2015
Prosperous Communities Committee Report – December 2014
West Lindsey Selective Licensing Consultation Report December 2015
Gainsborough South West Ward Overview Analysis
All of these documents can be found at www.west-lindsey.gov.uk/selectivelicensing

Call in and Urgency:

Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)

Yes

No

Key Decision:

A matter which affects two or more wards, or has significant financial implications

Yes

No

1. Summary

1.1 The South West Ward of Gainsborough presents a number of challenges for the Council and other agencies in regards to anti-social behaviour and crime, deprivation, housing conditions and demand and wider regeneration. As a result the Council is proposing to introduce a selective licensing scheme within a specific area of the ward.

1.2 This report provides information on the proposals for a selective licensing scheme and the impact it will have in regards to improving the management and property standards within the private rented sector.

- 1.3 The scheme would apply to a defined geographical area within the South West Ward containing approximately 500 private rented sector properties. Each property will be required to have a licence, which will contain conditions that the landlord of the property will be required to adhere to.
- 1.4 The designation of a scheme provides the Council with a robust way for tackling landlords that do not meet these conditions and who are contributing to the wider issues being experienced within the area.
- 1.5 The proposals for the scheme specifically relate to the levels of anti-social behaviour being experienced in the area, which are directly linked to properties in the private rented sector. Alongside this, the proposals are also designed to improve the standards of housing within the private rented sector; contribute to addressing the issues of low housing demand and house prices; contribute to the wider regeneration of the area; provide landlords with specific training, advice and guidance and ensure an effective tenant passport scheme is in place for both tenants and landlords.
- 1.6 Overall, we believe that the scheme will make a significant contribution to the wider regeneration of this area within the South West Ward in collaboration with other Council departments, partner agencies and agencies within other sectors.

2. Background

- 2.1 In July 2015 Prosperous Communities Committee agreed to carry out further consultation in regards to the introduction of a selective licensing scheme in the South West Ward. The link to this report is available via the link on page 3.
- 2.2 A previous report (submitted to the Prosperous Communities Committee in December 2014) provided the results in regards to the Council's first round of consultation, which took place between 1st June and 1st September 2014. This report is available via the link on page 3.
- 2.3 The specific report commissioned in regards to the Private Rented Sector and Anti-Social Behaviour was made available as part of the second round of consultation, which took place between 9th September and 20th November 2015. The report in regards to ASB, along with the final consultation report are also available via the links on page 3.
- 2.4 The Council also leads on a South West Ward Partnership group, which consists of multiple agencies and partners such as the County Council, the Police, Public Health and Education. This group has enabled a range of information on the South West Ward to be brought together to highlight the issues facing the area in regards to key issues such as deprivation,

employment, education and crime. This information can be viewed via the link on page 3.

- 2.5 These reports and information, along with the consultation reports provide the basis for the proposals set out within this committee paper.

3. Legal Requirements

- 3.1 In order to designate a selective licensing scheme, the Council must consider that a general set of conditions, set out in the Housing Act 2004, Part 3, Section 80 are satisfied in relation to the specific area that is to be licensed. It is believed that the general set of conditions in regards to experiencing a significant and persistent problem caused by anti-social behaviour are met. The legislative conditions are detailed in appendix 1.
- 3.2 Alongside this, The Selective Licensing of Houses (Additional Conditions) (England) Order 2015 sets out additional conditions for the purposes of a designation under Section 80. The Council also believes that conditions relating to private rented sector properties, housing conditions and deprivation are also satisfied.
- 3.3 It should be noted that the consultation undertaken was done so on the basis that the general set of conditions have been met. The conditions set out in the 2015 Order came into effect during the second round of consultation, therefore have not been specifically consulted upon. However, it is clear from the evidence that the area satisfies these conditions, although they do not form the primary reason for the implementation of a scheme, they provide a supporting context for its introduction.

4. Evidence for Designation

- 4.1 The NKM report in regards to the PRS and ASB, available via page 3, provides the basis for meeting the general conditions in regards to ASB. This report provides analysis and commentary on key areas. The report has utilised data from the Council and also the Police to come to its conclusions.
- 4.2 In summary, the report has found the following:
- In every category of ASB analysed, levels are higher in South West Ward and higher than the all-ward average. Furthermore these problems are persistent over a long period of time including within the three-year period for which data was provided.
 - Where ASB can be directly ascribed to a property we find that in private rented properties, levels of ASB are two to three times higher. In addition we

find that repeat incidents are more likely in South West Ward than in other wards.

- That ASB is highly concentrated in certain areas of the town and the analysis identifies a small number of significant hotspots where problems are especially acute. These hotspots are the areas in which there is most likely to be a high number of properties in the PRS, particularly in the South West Ward. It is these hotspots that have determined the area and streets to be designated.

4.3 The Prosperous Communities Committee report from July 2015, available on the Council's website or via the link on page 3 provides further information on this report.

4.4 Alongside this report it has been made clear during the consultation process that many landlords do not see anti-social behaviour by their tenants, within their properties as their responsibility. This has been clarified by Officers throughout the process. The additional information that has been collated for the report in regards to housing disrepair and ASB also demonstrates that these issues are continual and persistent over a long period of time.

5. Consultation

5.1 Prior to making any designation the Council 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 and not withdrawn.

5.2 The Council has undertaken two rounds of consultation, the first between 1st June 2014 and 1st September 2014 and the second between 9th September 2015 and 20th November 2015. In each phase, all persons with an interest in a property in the South West Ward area (residents, tenants, landlords, agents) have been contacted to the best of our knowledge. This has been done via letter, e mail (where known), consultation events as well as via face-to-face and telephone contact. The Council has also released information via the local media at various stages through the consultation.

5.3 Information in regards to the first round of consultation, carried out by the Council can be found via the Prosperous Communities Committee report from December 2014 on page 3. In summary 67% of respondents felt a scheme should be introduced in the whole ward, and a further 9% felt that it should be for part of the ward. The results of this consultation led to amendments being made to the proposed scheme prior to the second consultation period. These included a reduction in the licence fee and the reducing of the proposed area that may be designated.

- 5.4 The second consultation period was carried out by an external consultant and the report they have produced can be accessed via the link on page 3. This consultation looked specifically at the PRS and ASB report and proposed that the smaller area within the South West Ward would be the area that would be focused upon for selective licensing.
- 5.5 There were 230 respondents to this consultation and again, every effort was made to contact all the relevant stakeholders in the area. Every property in the area was leaflet dropped, alongside letters to landlords and residents and specific consultation sessions were held for the respective groups. It was evident during this phase of consultation that a level of apathy was present where persons had already responded to the first round of consultation.
- 5.6 Over half of the respondents agreed that selective licensing would help to: improve private rented sector properties; reduce nuisance neighbours; improve relationships; tackle ASB; reduce environmental crime and reduce crime. Generally, landlords are not in favour of any proposals, mainly due to the fee that will accompany the licence. This fee is detailed in a further section of the report and is currently proposed to be £375 per property, which equates to £1.44 per week over the 5 year licensing period.
- 5.7 In specific relation to the proposed fee, the Council must also have regard to Section 89 (6c) of the Housing Act 2004 as to whether we believe any proposed management structures and funding arrangements are suitable before we issue a licence. Our main concern is that if landlords claim not to have sufficient finances available to pay this fee, which may mean that they also do not have the sufficient financial means to satisfactorily manage and maintain the property.
- 5.8 As part of this consultation, a proposal was made to the Council in regards to a co-regulated arrangement for selective licensing. This proposal was made by the Doncaster Homesafe Scheme and is included within the consultation report.
- 5.9 The report made a number of recommendations, one of which is that a co-regulated type approach to selective licensing could provide a more co-operative approach to introducing a scheme, which at the same time provides landlords with additional benefits and delivers the wider outcomes associated with selective licensing.

6. Alternatives Considered

- 6.1 Since its initial proposal in June 2014, the Council has demonstrated the alternatives that have been considered prior to proposing the final designation of a scheme. Each subsequent committee report has provided information on this. In this specific area the Council has been attempting to address the

issues over a number of years via a number of initiatives including the use of its statutory powers, partnership days of action, voluntary landlord accreditation and through specific empty property initiatives. None of these approaches have resulted in an overall improvement within the area, as evidenced by the reports that support this proposal. It is believed that selective licensing will build on this work and be effective in reducing ASB and improving housing demand, in conjunction with other strategies.

- 6.2 The Council offers, free of charge, a voluntary accreditation scheme via DASH. It was hoped that during the consultation periods more landlords would become members of this scheme, but this has not been the case. Overall there are only 16 landlords accredited via this scheme across West Lindsey.
- 6.3 The Council also has an active landlord's forum and recognises that a scheme such as this is not seen as positive by those landlords who already meet the required standards. However, it is clear that there is a high number of landlords in this area that could be considered as "rogue" and a scheme such as this is seen as one which can help to tackle these individuals and properties on a wholesale basis.
- 6.4 The Council uses its statutory powers on a regular basis in this area and the percentage of cases that are from within this area are consistently high and some types of issues, such as housing disrepair, are increasing. The Council is unable to deal with this growing issue on a property by property basis.
- 6.5 The South West Ward Partnership Group combines a number of agencies who are active in this area, all of which are focusing on specific areas of work. This partnership working has helped to form the basis for a selective licensing scheme to be introduced, but cannot deal with the extent of the problems that a designated scheme can. This partnership will continue to support any scheme should it be introduced.

7. Alignment with Corporate Priorities

- 7.1 In June 2014, the alignment to corporate priorities was set out in order to carry out the initial consultation on selective licensing. Following this the Council has set up and is leading upon the work of the South West Ward Partnership to improve outcomes across a number of areas. The Council has also invested in residential and commercial assets in the area as part of its ambition to regenerate Gainsborough.
- 7.2 One of these key projects has seen over 100 empty properties brought back into use with the proposed selective licensing area, using various means, including compulsory purchase orders. The work to address empty properties

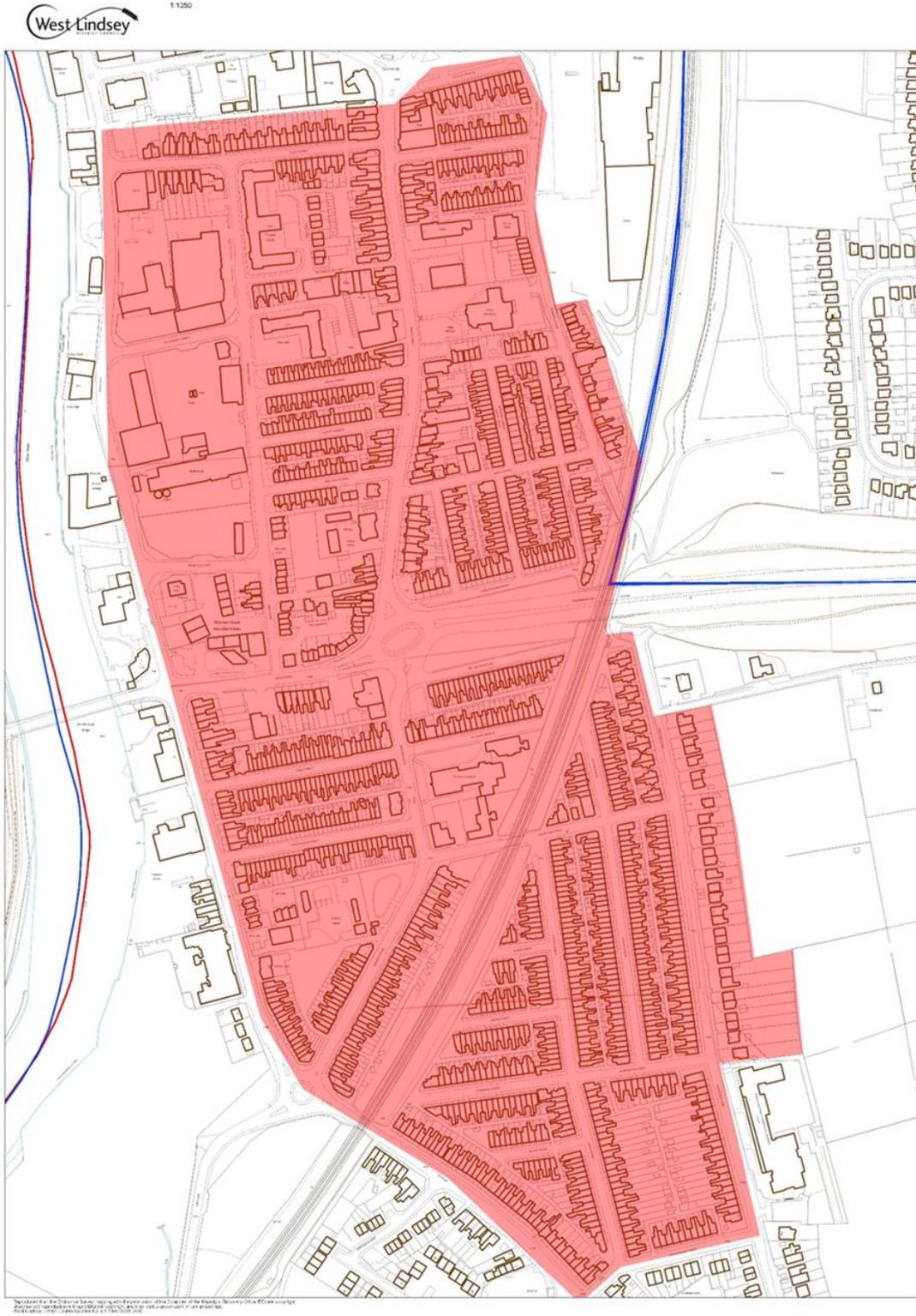
will continue within this area and form a key element of any selective licensing scheme.

- 7.3 This type of activity is consistent within the Council's Corporate Plan and will be an ongoing feature when this is refreshed during 2016. Enhancing and maintaining a safe natural and built environment and meeting the housing needs and aspirations of residents are key priorities for Councillors.
- 7.4 The Council is actively involved in the regeneration of the Carr Lane area, adjacent to the proposed licensing area and is currently consulting on a Local Development Order (LDO). This will result in the provision of additional, new housing for Gainsborough to complement the existing offer.
- 7.5 This LDO forms a key aspect of the "Gainsborough Housing Zone", which was given its status by the Government in 2015. This project will enable the redevelopment of brownfield sites across Gainsborough and is being directly supported by the Homes and Communities Agency.
- 7.6 The Council has also allocated capital funding for the improvement of housing within Gainsborough, which is likely to come in the form of grants or loans. All properties within the selective licensing area will be able to access this subject to the necessary requirements being met.
- 7.7 The Central Lincolnshire Local Plan, which is currently in its final consultation period, also recognises the specific needs of Gainsborough and will provide a framework for its regeneration. This plan includes a Housing Growth Strategy, which will help to deliver the Council's specific housing objectives.

8. The Designated Area

- 8.1 It is proposed that the area shown in figure 1 is designated for selective licensing.

Figure 1. Selective Licensing Area



8.2 As a result, private rented sector properties in the shaded area and in the following streets will fall within the scheme:

Ashcroft Road	King Street	Strafford Street
Bacon Street	King Street East	Thorndike Mews
Bridge Street (East side only)	Lea Road to 80/171	Thornton Street
Britannia Terrace	Lewis Street	Tooley Street
Burton Street	Linden Terrace	Trent Street
Cleveland Street	Marlborough Street	Trinity Court
Clinton Terrace	Pillard House Lane	Trinity Street
Colville Terrace	Portland Terrace	Wall Street
Cromwell Terrace	Primrose Street	Washington Street
Darwin Street	Prospect Terrace	Waterworks Street
Dickenson Terrace	Queen Street	Wellington Street
Drake Street	Ruskin Street	Wheeldon Street
Florence Terrace	Sandsfield Lane to 155/180	Willoughby Street
Frampton Terrace	Shakespeare Street	Wintern Court
Gordon Street	St Johns Terrace	
High Street	Stanley Street	

8.3 The primary area affected in the South West Ward is the area to the North and South of Ashcroft Road, which is in line with the proposed cluster area within the Prosperous Communities Committee report from December 2014. This is the area where ASB is evidenced to be highest.

8.4 Within these streets there are circa 1,415 properties of which an estimated 485 are privately rented, which equates to 34%. There are also 94 long term empty properties within this area, which contribute towards the South West Ward having the highest number of long term empty properties within the district.

9. Options Available

9.1 The Council has three proposed options for implementing a selective licensing scheme. Councillors retain the right to not introduce a selective licensing scheme, however this paper demonstrates that in not doing so, the problems in the area will persist.

9.2 Option 1 is for the Council to administer the selective licensing scheme itself. Option 2 has been proposed as part of the consultation process and would provide a matched price (£375) co-regulation style approach to selective licensing in partnership with an independent organisation. Option 3 is the same co-regulation model, with an increased price of £405 for the co-regulated approach. An assessment of the options is shown in appendix 1.

9.3 Option 1 will require the Council to fully administer the whole scheme and charge each landlord £375 per property.

9.4 Option 2 has been proposed by Doncaster Homesafe, who co-regulate a selective licensing scheme in Hexthorpe, Doncaster. The Council will still

designate a selective licensing area and carry out the necessary enforcement required. However, under this arrangement the co-regulator is responsible for processing all licence applications, monitoring licence conditions and ensuring landlord compliance. A process map for how this scheme will work is shown in appendix 4.

- 9.5 The main benefits this arrangement brings to the Council is that it significantly reduces the administrative resource required for implementing a scheme, whilst at the same time enabling landlords to carry out more self-regulation and improvement. The co-regulator will also be accrediting and monitoring landlords within Gainsborough in such a way that the overall standard of landlord in the area should increase.
- 9.6 Within any co-regulated scheme a landlord can still choose to have the full licence process carried out by the Council at a cost of £375. However the co-regulator will provide a much better package for the landlord, which will include additional advice and guidance and access to specialist support. The co-regulator will charge a £25 joining fee, £50 for a property inspection, then £3 per month per property. Under this arrangement the Council will then charge £120 for the licence, resulting in the same fee of £375 per licence in total.
- 9.7 Option 3 presents an opportunity for the Council to recover additional costs of £30 for the co-regulated approach. This would result in the Council's licence fee being £375 and the co-regulators fee being £405. Within this arrangement the Council would charge £150 per licence rather than £120 as per option 2. The increased cost option is being considered as it was developed prior to the consideration of data systems being compatible.
- 9.8 The co-regulated scheme would be governed by a legal undertaking and partnership agreement. This agreement would stipulate what the co-regulator is required to do and ensure that the principles of the scheme were met. The Council would retain complete control over this arrangement and would be able to terminate it at agreed stages.
- 9.9 The partnership agreement in place will have specific performance and reporting requirements attached along with a set process for handling applications from a landlord, which clearly sets out when the Council does or does not get involved.
- 9.10 Councillors are asked to consider the options presented in line with the financial implications shown below and make a recommendation as to their preferred option. A summary of the options is shown in appendix 2.

10. Financial Implications

- 10.1 Under the legislation the Council can only recover costs that are related to the administration of the scheme. The table below provides an overview of the income that will be received by the Council. A full overview of the scheme costs is shown in appendix 3.

Table 1: Scheme income and costs

		Option 1	Option 2	Option 3		
Proposed Licence Fee		£375	£120	£150		
Co-regulator Fee		£0	£255	£255		
Total Fee to landlord per property		£375	£375	£405		
Council Income (based on 485 properties) 5 year Licence		£181,875	£58,200	£72,750		
Cost of Enforcement Officer (Band 7 post)		£84,579	£56,386	£56,386		
Take up probability (based on 20% non-compliance)					Est. Income	
Option 1 (probability and income)	80%	£145,500			£145,500	
Option 2 (probability and income)	5%	£9,094	75%	£43,650	£52,744	
Option 3 (probability and income)	25%	£45,469		55%	£40,013	£85,481

- 10.2 If the Council chose to proceed with option 1 then it will take steps to recover the full licence fee for every property in the area. This income will be sufficient to appoint a band 7 officer for an initial 3 year period to administer the scheme and carry out any enforcement required. This option will also require additional administrative support during the first 2 years of the project to ensure it is introduced effectively.
- 10.3 The enforcement post would be reviewed at the start of year 2 in order to determine the requirement for staffing within years 4 and 5. This requirement will be dependent on the level of enforcement required and the number of unlicensed properties in the area.
- 10.4 If the Council chose to proceed with option 2, the level of income reflects the reduced level of resources that will be needed to administer the scheme. In this instance the Council would only recover enough income to fund a band 7 post for a two year period which would be responsible for the enforcement elements within the scheme. Option 2 will levy a charge of £120 per licence
- 10.5 The elements of the scheme that the Council will need to administer under Option 2 can largely be met within existing resources and by utilising the current data systems we have in place. The utilisation of data systems

significantly decreased the level of inputting required and therefore allows the Council to align its fees with the co-regulation option.

- 10.6 Option 3 includes the initial licence fee calculations that were undertaken. These have not been adjusted in line with the utilisation of data systems, therefore could be used to charge the increased and different licence price of £150. The main and probable risk in regards to this approach is that landlords choose to apply via the Council and the critical mass needed financially to recover the costs is split between the co-regulator and the Council. This risk will add increased resource constraints on the Council and will increase the amount of enquiries about the scheme due to the differing fee. This increased resource requirement will mean that the Council will need to bring in additional administrative resource as well as an enforcement resource, which cannot be funded via the income received.
- 10.7 Option 3 will also provide enough income to fund a band 7 post for a two year period to focus on the enforcement aspects of the scheme.
- 10.8 All of the options presented will cover the cost incurred for administering the scheme, therefore the pro's and con's of each approach need to be considered alongside the financial implications. A non-compliance rate of 20% has been assumed into the proposals, therefore the Council is expecting to take enforcement action of some form for around 100 properties.
- 10.9 In conclusion, option 2 will allow the Council to recover the relevant costs and put in place a resource for additional enforcement for the initial 2 year period. It provides clarity for landlords in terms of the licence fee and increases the probability of the co-regulated scheme being successful. On this basis, option 2 is preferred.

11. Additional Scheme Information

- 11.1 In December 2014, it was agreed that existing revenue will be allocated to the scheme to provide training and support for persons within the selected licensing scheme. This will be in the form of specific training for landlords and contribute to the development of the tenant passport scheme.
- 11.2 The Tenant Passport Scheme will be implemented at the same time as Selective Licensing and will provide a way for landlords to refer tenants to the Council so that the relevant tenancy history checks will be made. This scheme is being implemented as a result of landlords feeling that they are not able to access enough information on a tenant prior to offering them a tenancy. The scheme will be consent based and will not mean that the Council takes responsibility for the tenant. Full details of this scheme are available within the December 2014 Committee report.

- 11.3 Should a scheme be designated, the relevant performance information will be monitored and reported back to committee via progress and delivery. Alongside this, an initial 6 monthly report will come to elected Members to update on progress within the scheme. It is also proposed that an update is provided to each Prosperous Communities Committee Chair's Brief for the first 12 months of the scheme.
- 11.4 Should a scheme be designated, the first 6 months of the scheme will be solely dedicated to licensing those landlords that come forward and make applications. No formal enforcement will take place during this period. Following the initial 6 month period, any landlords that have not come forward will be in breach of the licence and the relevant enforcement action taken. The Council will give due consideration to circumstances where there are clear mitigating reasons for not becoming licensed and will make every effort to contact each and every landlord.
- 11.5 The proposed licence conditions are shown in Appendix 5, these have been updated as a result of the consultation and in line with best practice. The licence conditions will be subject to change if there are any required legislative or case law amendments.

12. Recommendations

Elected Members are asked to:

- a) Approve the designation of the area of the South West Ward referred to in this report and defined on the map set at paragraph 8.1 (figure 1) and the schedule of properties set out in paragraph 8.2 as being subject to selective licensing.
- b) Approve that this designation be made from 18 April 2016 and for the selective licensing scheme to come into effect on 15 July 2016 and unless revoked beforehand, to remain in force for a period of 5 years.
- c) Approve the co-regulated selective licensing scheme proposed within this report, shown as option 2 including the licence conditions set out in Appendix 5.
- d) Agree that the operational and technical aspects of the co-regulated selective licensing scheme are finalised under delegated authority by the Chief Operating Officer following consultation with the Chair of the Prosperous Communities Committee prior to the implementation of the scheme.

Appendix 1: Legislative Background

Housing Act 2004, Part 3, Section 80

Section 80, para 6

- (a) That the area is experiencing a significant and persistent problem caused by anti-social behaviour;*
- (b) That some or all of the private rented 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.*

The Selective Licensing of Houses (Additional Conditions) (England) Order 2015 sets

Section 3, para 1

- (a) That the area contains a high proportion of properties in the private rented sector, in relation to the total number of properties in the area;*
- (b) That the properties referred to in sub paragraph (a) are occupied either under assured tenancies or licences to occupy; and*
- (c) That one or more of the sets of conditions in articles 4 to 7 is satisfied.*

Section 4. Conditions in relation to housing conditions. The first set of conditions is—

- (a) that having carried out a review of housing conditions under section 3(1) of the 2004 Act, the local housing authority considers it would be appropriate for a significant number of the properties referred to in article 3(1)(a) to be inspected, with a view to determining whether any category 1 or category 2 hazards exist on the premises*
- (b) that the local housing authority intends to carry out such inspections as referred to in paragraph (a), with a view to carrying out any necessary enforcement action; 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, including any*

licence conditions imposed under section 90 of the 2004 Act, contribute to an improvement in general housing conditions in the area.

Section 6. Conditions in relation to deprivation. The third set of conditions is –
(a) that the area is suffering from a high level of deprivation, which affects a significant number of the occupiers of properties referred to in article 3(1)(a); 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 a reduction in the level of deprivation in the area.

Appendix: 2 Summary of implementation options

Likely Outcomes	Option 1: Council Scheme	Option 2: Co – Regulated Scheme (same cost)	Option 3: Co – regulated scheme (increased cost)
Legislative			
Does the scheme meet the requirements of the legislation?	Yes.	Yes. Will need to be supported by a legal and contractual undertaking	Yes. Will need to be supported by a legal and contractual undertaking
Are there examples of a scheme being delivered in this way in other Local Authorities?	Yes.	Yes. Only currently in place in Doncaster.	Yes. Only currently in place in Doncaster.
Will non – compliance still result in enforcement?	Yes. The Council will carry out enforcement where required.	Yes. The co-regulator will refer formal enforcement to the Council in an agreed way.	Yes. The co-regulator will refer formal enforcement to the Council in an agreed way.
Does the scheme reduce the possibility of Judicial Review?	No. The possibility of legal challenge will still be present.	No. It is possible that this approach is seen as more co-operative towards landlords, which may reduce the risk.	No. It is possible that this approach is seen as more co-operative towards landlords, which may reduce the risk.
Are there any procurement issues in regards to the scheme?	No.	No. Advice has been sought.	No. Advice has been sought.
Landlords			
Does the scheme provide accreditation, training and support for landlords?	No. This does not form part of the Council's proposal.	Yes. The scheme would allow landlords to become accredited and have access to training opportunities	Yes. The scheme would allow landlords to become accredited and have access to training opportunities
Does the scheme provide flexible payment options for landlords?	No. The Council would seek to recover the full licence fee up front.	Yes. The business model allows for a small upfront payment followed by monthly payments	Yes. The business model allows for a small upfront payment
Does the scheme enable landlords to self-certificate and inspect?	No. The Council will not be providing this option.	Yes. In an agreed and formal way with the Council.	Yes. In an agreed and formal way with the Council.

Are landlords in favour of the scheme?	No. A Council scheme is viewed by landlords as a money making scheme.	Maybe. They would prefer a co-regulated arrangement.	Maybe. They would prefer a co-regulated arrangement.
Will the scheme develop better relationships with landlords?	Yes. These will still remain formal due to the type of scheme the Council will operate.	Yes. A co-regulated approach will be seen as a sensible and proactive approach.	Yes. A co-regulated approach will be seen as a sensible and proactive approach.
Benefits			
Will the scheme still improve the standard of property management in the area?	Yes.	Yes.	Yes.
Will the scheme provide a local presence in the area?	Yes.	Yes. This would be a requirement of any co-regulation agreement.	Yes. This would be a requirement of any co-regulation agreement.
Will the scheme ensure that every property is inspected?	Yes. Each property will be inspected once during the 5 year period.	Yes. Each property will be inspected annually if it is within the co-regulated scheme.	Yes. Each property will be inspected annually if it is within the co-regulated scheme.
Resources			
Is the Council responsible for all of the scheme administration?	Yes. The Council will have to administer every aspect of the scheme and deal with every enquiry.	No. The Council provides validation checks and issues the licence. Enquiries relating to the co-regulated scheme would be passed on.	
Does the scheme cover the Council's administrative costs?	Yes.	Yes, but only for the elements that the Council administers.	Yes, but only for the elements that the Council administers.
Does the scheme still require additional resources for enforcement?	Yes. The scheme will be ineffective without the appropriate enforcement resources.	Yes. The Council will still be required to carry out the necessary enforcement against landlords.	Yes. The Council will still be required to carry out the necessary enforcement against landlords.
Are there financial risks with the scheme	Yes. Although the Council will charge the full fee, it will also be responsible for all related debt recovery.	Yes, but these are reduced as the Council will only be recovering a smaller element of the licence fee.	

Will the scheme release capacity within the Council	No. This scheme will not release capacity within the Council	Yes. A co-regulated scheme will release capacity in specific areas of the council due to the elements of work that they will carry out.	No. A different price scheme will increase the number of landlords who apply directly to the Council, which will in turn require additional resources.
Will all landlords be directed to one scheme?	Yes. The Council will administer all licences	Yes. All landlords will be directed to the same price co-regulated scheme	No. A different price scheme will result in a mixture of Council and co-regulated scheme members.

Appendix 3: Scheme Costs –

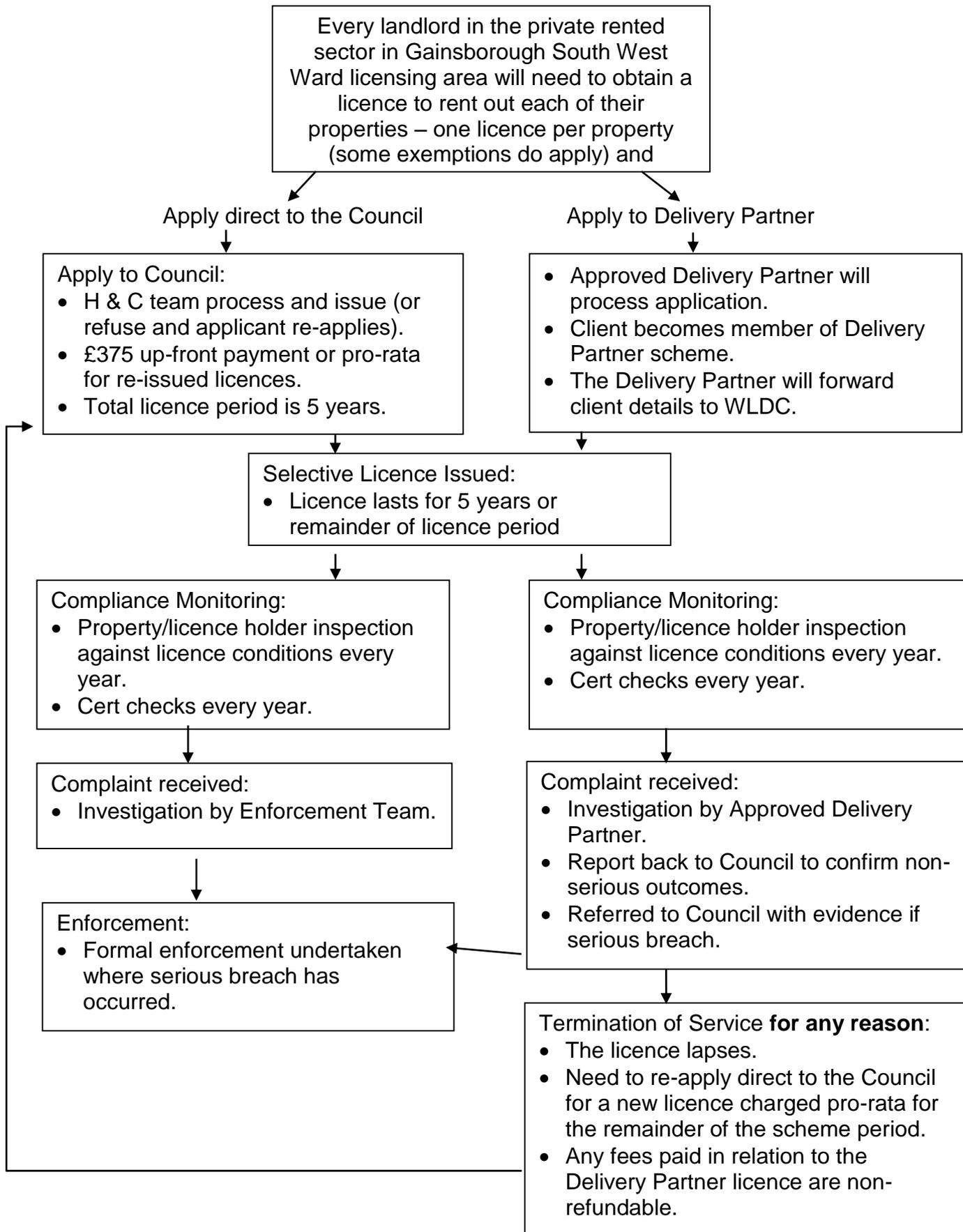
Selective Licensing Financial Information								
	Officer Grade	Hourly Rate	Option 1 (Time Taken)	Option 1 (WLDC Cost)	Option 2 (Time Taken)	Option 2 (WLDC Cost)	Option 3 (Time Taken)	Option 3 (WLDC Cost)
Cost Breakdown								
Send out information pack and open record on Flare	25	£19.25	01:00:00	£19.25	00:05:00	£1.60	00:30:00	£ 9.63
Answer queries on application process	25	£19.25	01:00:00	£19.25	01:00:00		01:00:00	
Log and scan application pack, link to database	25	£19.25	00:30:00	£9.63	00:30:00		00:30:00	
Land Registry search & input into database	25	£19.25	00:30:00	£9.63	00:20:00	£6.42	00:20:00	£ 6.42
Land registry search fee				£3.00		£3.00		£ 3.00
Council tax check	25	£19.25	00:20:00	£6.42	00:20:00	£6.42	00:20:00	£ 6.42
Check application details	25	£19.25	01:00:00	£19.25	01:00:00		01:00:00	
check enclosures: relevant certificates and proofs	25	£19.25	01:30:00	£28.88	01:30:00		01:30:00	
'Fit and Proper' person check: Self declaration, council	25	£19.25	02:00:00	£38.50	01:00:00		01:00:00	
"Fit and Proper person check validation	25	£19.25			00:15:00	£4.81	00:15:00	£ 4.81
Check with other Council services	25	£19.25			00:45:00	£14.44	00:45:00	£ 14.44
raise debtor, check payment	25	£19.25	00:40:00	£12.83	00:40:00	£12.83	00:40:00	£ 12.83
update details on database	25	£19.25	00:40:00	£12.83	00:20:00		00:20:00	
Send out acknowledgement letter	25	£19.25	00:20:00	£6.42	00:20:00		00:20:00	
Inspection organisation & notifications	25	£19.25	01:00:00	£19.25	01:00:00		01:00:00	
Inspection of property	25	£19.25	01:30:00	£28.88	01:30:00		01:30:00	
Travel time	25	£19.25	00:40:00	£12.83	00:40:00		00:40:00	
Mileage				£2.70				
Prepare and send out draft licence to applicant & relevant parties	25	£19.25	01:30:00	£28.88	01:00:00	£19.25	01:30:00	£ 28.88
Redraft licence including feedback from landlord/manager	25	£19.25	01:00:00	£19.25	00:30:00	£9.63	01:00:00	£ 19.25
Senior officer to check and sign legal notices	58	£41.77	00:30:00	£20.89	00:30:00	£20.89	00:30:00	£ 20.89
Amend and send final licence for applicant & relevant parties	25	£19.25	00:30:00	£9.63	00:30:00	£9.63	00:30:00	£ 9.63
revisit to check compliance with licence conditions	25	£19.25	01:00:00	£19.25	02:00:00		02:00:00	
Spot check 1 in 10 properties for 1 hour	25	£19.25			00:06:00	£1.93	00:06:00	£ 1.93
Enter details on public register	25	£19.25	00:30:00	£9.63	00:30:00	£9.63	00:30:00	£ 9.63
Enquiries and Monitoring During Licence Period	25	£19.25	01:00:00	£19.25	01:00:00		01:00:00	
Indicates tasks that the co-regulator will complete			18:40:00	£376.29	05:31:00	£120.46	06:56:00	£ 147.73
Proposed Licence Fee				£375		£120		£150
Co-regulator Fee				£0		£255		£255
Total Fee to landlord per property				£375		£375		£405
Council Income (based on 485 properties) 5 year Licence				£181,875		£58,200		£72,750
Cost of Enforcement Officer (Band 7 post)				£84,579		£56,386		£56,386
Take up probability (based on 20% non-compliance)								Est. Income
Option 1 (probability and income)			80%	£145,500				£145,500
Option 2 (probability and income)			5%	£9,094	75%	£43,650		£52,744
Option 3 (probability and income)			25%	£45,469			55%	£40,013
								£85,481

Scheme Costs – additional information

- a)** Option 2 recovers slightly less income than is required for the scheme at an 80% compliance rate. It ensures that the resource demand on the Council is kept to a minimum as the majority of applicants are more likely to choose the co-regulated option at the same price. This option only requires an additional enforcement resource as the reduced amount of administration can be delivered via existing resources.
- b)** Option 3 presents a significant resource challenge in that it is probable that more licences will need to be administered by the Council, estimated at 25%. The issuing of each individual licence will create an additional 12 hours work per licence and will require additional administrative resources as well as the essential enforcement resources requested.
- c)** Option 1 covers the costs of administering the scheme but will present a more significant resource risk than option 3 as the whole scheme will be delivered in-house. This will require an additional administrative resource alongside the enforcement resource.
- d)** The co-regulators costs are as follows: £25 joining fee, £50 for first inspection, £3 a month per property. This totals £255 per licence.
- e)** Within any co-regulated scheme, a landlord would still have the ability to be fully licensed by the Council at a fee of £375, paid in full, up front.
- f)** Option 1 details the time taken and costs incurred should the Council deliver the selective licensing scheme in house
- g)** Option 2 details the reduction in time taken by the Council to administer a co-regulated scheme. Time taken to deliver system based tasks has also been reduced to enable a same fee approach to be taken
- h)** Option 3 details the time taken and costs incurred within a co-regulated scheme, without the reduction for system based tasks. The increased charge could be justified within this co-regulated option, however it would lead to a co-regulated licence fee that was £30 more than the Council's licence fee

Appendix 4: Co-Regulation Scheme Process

Process for Licensing Applications



Appendix 5: Proposed Licence Conditions

West Lindsey District Council Selective Licensing Scheme

License Holder Information and Proposed Conditions of Licence

Proposed Licence Conditions for Selective Licensing in Gainsborough South West Ward

Licence Conditions will be imposed as part of the licensing scheme. Mandatory conditions are shown below, followed by additional conditions, which the Council believes are also required.

(In these conditions 'house' refers to the building or part of a building, which is licensed in accordance with parts 2 and 3 of the Housing Act 2004)

1. Mandatory Conditions required by Schedules 4 & 10 of the Housing Act 2004

- a) **Gas** – if gas is supplied to the house the licence holder must provide to West Lindsey District Council a Gas Safety Certificate issued within the past 12 months at the time of application and thereafter annually or on demand
- b) **Electrical Appliances** – the licence holder must ensure that any electrical appliances made available within the property are kept in a safe condition and must supply to the Council, upon demand, any declarations relating to their condition.
- c) **Furniture and Furnishings** – the licence holder must ensure that any furniture and furnishings supplied by them are compliant with the Furniture and Furnishings (Fire Safety) Regulations 1988 (as amended) and must provide a declaration as to their safety at the time of application
- d) **Smoke Alarms** – the licence holder must ensure that smoke alarms are installed in the property and kept in proper working order and provide a declaration as to their condition and positioning to West Lindsey District Council on demand
- e) **Tenant References** – the licence holder must demand references from persons who wish to occupy the property and must provide evidence to West Lindsey District Council upon request that pre letting reference checks have been undertaken. Where the tenant has rented a property in the UK in the last 2 years these checks shall include a landlord reference, which will include information on the tenant's conduct and behaviour.
- f) **Terms of Occupation** – the licence holder must supply to the occupiers of the house a written statement of the terms under which they occupy the property. Any tenancy agreement must comply with current legislation.

g) Tenancy Deposit Protection – the licence holder must comply with all the requirements of the tenancy deposit protection scheme covering tenants' deposits

2. Proposed additional conditions required by West Lindsey District Council

a. Electrical System/ Appliances – the licence holder must ensure that:

- i.** all electrical systems, appliances and furniture must be supplied in a safe condition and must provide a declaration as to their safety at the time of application and thereafter on demand.
- ii.** the premises must be covered by a valid Periodic Electrical Report, which is no more than 5 years old. Where a report expires during the term of the licence an up-to-date report must be provided to Council. Any report should be completed by a suitably qualified electrical contractor who is a member of one of the government approved schemes i.e. NICEIC, ECA, ELECSA or BRE.
- iii.** any works specified on a Periodic Electrical Report are completed no later than 28 days following the date of the report and the Council provided with evidence of this.
- iv.** there should be sufficient plug sockets to enable appliances to be used safely without flexes causing trip hazards or for the permanent use of extension leads.
- v.** All fixed electrical appliances (e.g. cookers, fridges) should have their own dedicated electrical sockets.
- vi.** A minimum of two double sockets above the work top should be provided in each kitchen in safe locations.

b. Management arrangements – the licence holder must ensure that:

- i.** they are suitably located to the licensable property or have arrangements in place to ensure adequate management, especially with regards to accessing the property, anti-social behaviour, arranging repairs and being available to tenants.
- ii.** they provide the Council and any of its tenants with accurate and up-to-date contact details. This shall include contact details for out of hours emergencies. The Council will look at each application individually but would consider an overseas licence holder as inappropriate and expect a local managing agent to be employed.

- iii. they have suitable funding arrangements in place to deal with repairs etc. Therefore the application process will require the licence holder to declare they have suitable financial management procedures in place to ensure funds or appropriate insurances are available for any repairs or emergency remedial works.

c. Fire Safety – the licence holder must ensure that;

- i. West Lindsey District Council are informed of any changes to the positioning of smoke alarms, and if the property is a house in multiple occupation, produce a fire detection and alarm certificate annually.
- ii. if the main means of escape within the property is through the living room or kitchen, the licence holder will fit at least one means of escape window on the first floor in a room which is not directly above the kitchen

d. Property Management – the licence holder must ensure that:

- i. all repairs to the house, installations, facilities or equipment within it are carried out by competent and reputable persons, who are government regulation compliant where appropriate
- ii. all occupants of the house receive written confirmation detailing the arrangements for repairs, emergencies and reporting anti-social behaviour and nuisance
- iii. the relevant occupier(s) is/are provided with copies of user manuals for equipment provided as part of the agreement for the occupation of the house
- iv. all occupiers are made aware of the licence and conditions and that the conditions are displayed prominently within the property.
- v. the house is not overcrowded and if the licence holder becomes aware of overcrowding, they must take all reasonable steps to deal with the issues and advise the Council of the actions taken.

e. Security – the licence holder must ensure that:

- i. the security provisions for access to the dwelling (including but not limited to locks, latches, deadbolts and entry systems) must be maintained in good working order at all times.

- ii. where window locks are fitted, keys are provided to the relevant occupier
- iii. where a burglar alarm is fitted the relevant occupier is shown how to use the system and informed in writing as to the arrangements for getting the alarm code changed
- iv. where previous occupants have not surrendered keys, arrange for locks to be changed prior to new occupants moving in
- v. where alley gates or specific local security measures are installed to the property that satisfactory arrangements are in place for the occupiers access
- vi. the rear and side boundaries of the property are in a good state of repair and lockable, with keys provided to the tenants.

f. External areas, refuse and waste – the licence holder must ensure that:-

- i. at all times any gardens, yards and other external areas within the curtilage of the house are kept in reasonably clean and tidy condition and free from rodent infestation, waste accumulation and fouling from pets.
- ii. adequate space and provision is made for storage of refuse and recyclables generated in the property.
- iii. all occupants are made aware of West Lindsey's waste and recycling collection services and that this information is displayed prominently within the kitchen of the property.

g. Anti-social behaviour – the licence holder must:

- i. take all reasonable and effective steps to reduce anti-social behaviour by persons occupying or visiting the house and must not permit the use of the premises for illegal purposes. In support of this the Licence Holder must:
- ii. confirm on request the steps being taken to deal with an incident of anti-social behaviour at or in vicinity of the property.
- iii. co-operate with West Lindsey District Council, Lincolnshire Police and other agencies in resolving complaints of anti-social behaviour

- iv. ensure that all tenants are issued with and sign a copy of the “Anti-Social Behaviour Agreement” upon the commencement of the tenancy and provide a copy of this to the Council and the tenants.

h. Management – the licence holder must ensure that:

- i. they undertake a detailed inventory in agreement with each occupant upon commencement of their occupation of the house. The inventory must be signed and dated by both parties and copies provided to the tenant.
- ii. they act lawfully and reasonably in requiring any advanced payments from occupiers, in handling rents, in returning deposits and in making deductions from deposits. The Licence Holder will provide any occupiers/prospective occupier 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.
- iii. make inspections of the property, not less than twice yearly to ensure that the property is in a decent state of repair and that the occupiers are not in breach of tenancy terms and conditions
- iv. upon receiving a reference request for a current or former tenant for the purposes of an application to rent the property of another Licence Holder, he/she must respond in writing within a reasonable period and not give any false statement
- v. tenants are aware that if they, other occupiers or their visitors, cause nuisance or annoyance to neighbours; use abusive or threatening behaviour or language to neighbours; fail to store or dispose of refuse correctly; cause damage to fixtures, fittings, alarm equipment, installations or to the fabric of the premises; fail to give access to the landlord or his/her agent for statutory purposes, they may be liable to enforcement action.

- i. all Licence Holders will be expected to show that they are a 'fit and proper person' to be given a licence. West Lindsey District Council will look at whether they have:
 - Committed any serious criminal offences (fraud, violence, drugs or sexual offences)
 - Discriminated illegally against anyone
 - Breached laws that relate to renting property
- ii. The licence holder and/or their manager shall undertake property and/or tenancy management training courses where required to do so by the authority, or otherwise demonstrate competency in relation to all aspects of tenancy and property management.

Notes:

- a) The Council will adopt a common sense approach and exercise its discretion reasonably and proportionately in relation to applying 'fit and proper' tests and in accordance with Section 89 of the Housing Act 2004. A licence may be revoked if the Council no longer considers the licence holder to be a fit and proper person to be the licence holder.
- b) The council will also determine whether the Landlord/Managing Agent/Licence Holder is the most appropriate person to be given a licence depending on their interest and involvement in the property.
- c) The Council will take a reasonable and proportionate approach within the licensing process on standards and conditions and will work with landlords to ensure compliance as far as reasonably possible.

Appendix 6: Selective Licensing Considerations

The following areas need careful consideration in regards to any decision that is made on the implementation of selective licensing for the South West Ward of Gainsborough. These issues have been raised via the consultation process.

	Issue	Implications for Scheme	Risk to Implementation	Comment	Update
1.	Requirement of specific data relating to ASB in private sector tenancies. Data also required to be split down to street and tenure level.	Scheme will not be justifiable if challenged unless this data is provided. Additional data provided demonstrates link between PRS and ASB	Low	Data available	Report complete
2.	Impact on regeneration and investment in the area	Anecdotal evidence suggests that investors may not consider the area and some landlords may pull out of the area if scheme is introduced. Some major lenders not lending in areas where selective licensing is in place.	Medium	The implementation of the scheme could impact on the council's wider strategy for regenerating Gainsborough.	Growth Board approved proposals in December 2015.
3.	Lack of current wider strategy for regeneration of the area	A licensing scheme alone, will not change tenant behaviour, this is supported by consultation comments. The scheme may not be justifiable or have the necessary impact if there is not a wider strategy for regenerating and improving the ward and area as a whole in place.	Medium	Wider strategy and partnership in place for the South West Ward.	

4.	Level and quality of consultation that has been undertaken. Specifically related to data presented within consultation information.	Data relating to issue 1 could be new data and has not formed part of the consultation process.	Low	Consultation carried out on two occasions.	
5.	Size of area considered for selective licensing.	Wider area within North Ward shows clear links between PRS and ASB. Consideration of this area and its inclusion needed.	Low	Scheme size reduced in line with consultation and ASB data	
6.	Potential resource and cost implications for the Council to ensure the scheme is successful.	The scheme can only recover costs related to specific elements of the scheme, therefore additional elements such as enforcement and legal costs will need to be met from the Councils general fund.	Medium	Cost implications noted and scheme costs included within final proposals.	Scheme will require support from various service areas and capital projects. True cost unknown until scheme commences.
7.	Landlord training package needs to be developed to support scheme.	If the scheme focuses on administration and enforcement it will not be effective in changing behaviours and dealing with the main issues.	Medium	Staff resource and partner resource will need to be committed to enable this.	Additional revenue agreed at 16/12 PCC.
8.	Tenant passport training scheme essential in order for scheme to be successful	Mechanisms for improving tenant behaviour and to support landlords in obtaining references to meet the licensing conditions.	Medium	Tenant passport implementation agreed.	Additional revenue agreed at PCC 16/12/14
9.	Survey responses do not support low housing demand element of scheme	Additional and more reliable data will be required to compare the ward to similar wards and areas. This needs to confirm	Medium	Scheme can still be brought in on ASB issues only, however	Scheme will be focused on ASB element.

		density of empty homes, for sale periods, tenancy turnover and choice based lettings property refusals.		they are linked to issue 1.	
10.	The fee amount proposed and how it has been arrived at	The fee needs to be reasonable and justifiable so that it will stand up to challenge. Case law considerations need to be reviewed to ensure that the fee proposal is appropriate and is legal.	Medium	Fee reviewed and in line with other schemes. Fee reduced following first round of consultation	
11.	Impact on rental costs in the area	Survey data suggests that if implemented landlords will pass on cost of the licence to the tenant in the property in order to cover the additional costs	Medium	Proposed fee equates to £1.44 per week.	
12.	Risk of legal challenge and judicial or tribunal review	Anecdotal data from landlords and other selective licensing schemes suggests that there is a high likelihood of the Council facing a form of challenge should a scheme be introduced.	High	Legal challenge is likely and has occurred for schemes in many other areas.	
13.	Proposed licence conditions must be clear	Conditions relating to property improvement need to be removed due to the Hyndburn RPT decision July 14. Conditions should not cover disrepair which will be enforced under Pt 1 of the Housing Act. Conditions have been amended in regards to inspections, disrepair	Low	Licence conditions can be amended to reflect case law prior to any scheme commencing.	.

14.	Waste Collection	Waste services are concerned about licence conditions relating to bins. It is felt that this needs a ward wide approach, not just an approach for private landlords. There are concerns that receptacles used for storage will be presented or misused.	Low	Due to the complexities in regards to waste collection and the need for an all property solution this condition has been reviewed.	Licence conditions amended to remove requirement for receptacles and reworded to ensure adequate space for storage is provided.
15.	Legislation amendments	Any scheme will need Secretary of State approval if it contains more than 20% of the Districts PRS or covers more than 20% of the Districts geographic area.	Medium	Additional legislation considered	
16.	R (Regas) Vs LB Enfield Consultation Ruling	High Court ruling requires any proposals to consult with neighbouring areas. Initial consultation only engaged with SWW.	Low	Additional consultation carried out.	