

West Lindsey Selective Licensing Consultation Report

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Executive Summary

- ES1. West Lindsey District Council is considering introducing a private sector landlord selective licensing scheme in the South West Ward of Gainsborough. The ward covers around 1,415 properties of which around a third are privately rented. 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. Based on an analysis of costs the Council are proposing that the license fee should be set at £375 to cover the five year licensing period. This equates to £75 per annum or £1.44 per week.
- ES2. The private rented sector plays an important role in meeting the housing needs of households. However, poor housing management and low standards in the sector can lead to the failure of local housing markets. As such, selective licensing is intended to address the impact of poor quality private landlords and anti-social tenants. In an area subject to selective licensing, all private landlords must obtain a licence and if they fail to do so, or fail to achieve acceptable management standards, the authority can take enforcement action. The benefits of selective licensing schemes for private landlords are clear. Although licensing does not strengthen security of tenure, it improves the management practices of landlords. This, in turn, makes renting privately a more viable option in the longer term.
- ES3. Section 80 (9) of the Housing Act 2004 states that when considering designating an area the local housing authority must take reasonable steps to consult persons who are likely to be affected by the designation, and, consider any representations made in accordance with the consultation. The 2014 West Lindsey Selective Licensing Consultation found that more than two thirds of respondents felt a scheme should be introduced in the whole Gainsborough South West. An independent analysis of the private rented sector and anti-social behaviour (ASB) in the ward suggested it meets at least some of the government's conditions regarding the implementation of a selective licensing scheme.
- ES4. The proposed selective licensing scheme will form part of the Council's wider strategy for improving conditions in the Gainsborough South West Ward. It is recognised that the social, economic and environmental problems evident in the South West Ward require a multi-agency approach. As such, the Council, alongside partner agencies are piloting a 'Total Approach' strategy within the ward. The main vision of the strategy is to create an environment in which people feel safe, are proud and prosper.
- ES5. A number of different types of selective licensing schemes have already been implemented including regulated, co-regulated and non-regulated schemes. In Scotland and Wales mandatory landlord licensing schemes have been implemented which are compulsory for all private sector landlords. However, housing legislation in England (2004) only allows for selective licensing in areas experiencing low housing demand and/or suffering from anti-social

behaviour. Nonetheless, a range of different selective licensing models in England have already been implemented.

- ES6. In August 2015 the Council commissioned *RRR Consultancy Ltd* to undertake independent consultation on the proposed selective licensing scheme. The main aim of the consultation was to determine key stakeholder responses to the proposed selective licensing scheme. The consultation took place between 09 September 2015 and 30 November 2015. It took the form of an extensive range of consultation and information events, a stakeholder survey, focus groups and semi-structured interviews.
- ES7. Between 9 September 2015 and 20 November 2015 a wide range of stakeholders completed a selective licensing survey. In total, there were 230 respondents including landlords, owner occupiers, private rented sector tenants and Housing Association/RSL tenants. More than four-fifths of 230 respondents to the selective licensing survey stated that they were concerned about anti-social behaviour in their local area. The most commonly cited problems included flytipping/environmental crime, noise nuisance, drunken behaviour, burglary, and inconsiderate behaviour. Over a quarter of respondents stated that they had reported ASB within the last 12 months. Respondents stated that ASB was most likely to occur everywhere in Gainsborough, the proposed selective licensing area, and Gainsborough town centre. However, there were some differences between respondent types with owner occupiers more likely than landlords to be concerned about anti-social behaviour being reduced in local areas.
- ES8. Generally, a majority of respondents stated that the proposed selective licensing scheme would positively impact on factors such as improving private rented sector properties or reducing nuisance neighbours. Respondents provided a range of positive and negative comments regarding the proposed selective licensing scheme. Positive comments included that it would make landlords take some of the responsibility for poor tenants, lead to improvements in the physical condition of licensed properties and surrounding environment, be a more active response to ASB, lead to a better quality of people living in the houses, and subsequently a more desirable area to live, which in turn could increase house prices. Negative comments included that the proposed scheme is too costly, it will lead to increased rents, will be ineffective, and lead to more empty properties and less investment in the proposed selective licensing area.
- ES9. Stakeholders suggested that any selective licensing scheme should be implemented in conjunction with other schemes and environmental improvements. The Council also need to ensure that they have sufficient resources to implement, enforce, monitor and secure the scheme throughout the proposed five year period. It is also necessary for the Council to work closely with other agencies in order to deal with the complex issues and problems affecting the proposed licensing scheme area.

ES10. Findings from a range of consultation events suggested that, in its current form, landlords are unlikely to support the proposed selective licensing scheme. Whilst at least in principle, residents and tenants agreed that some form of selective licensing scheme is required in Gainsborough, landlords tended not to support the proposed scheme. Given that there is evidence of a need to implement a selective licensing scheme, but that there is clear opposition from landlords to the current proposed scheme, it is important to consider alternatives. As such, it is recommended that West Lindsey District Council adopts a co-regulated Licensing Scheme and an alternative to the proposed Tenant Passport. Further recommendations are discussed in Chapter 5.

1. Introduction

- 1.1. West Lindsey District Council is considering introducing a private sector landlord selective licensing scheme in the South West Ward of Gainsborough¹. The ward covers around 1,415 properties of which around a third are privately rented. 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. Based on an analysis of costs the Council are proposing that the license fee should be set at £375 to cover the five year licensing period. This equates to £75 per annum or £1.44 per week.
- 1.2. The Council are also considering implementing a tenant passport scheme which will allow them to provide additional assurances to landlords with regard to any prospective tenants that they may wish to let their property to. This process will determine the level of risk associated with any particular tenant so prospective landlords can then utilise this to decide whether to proceed with the tenancy. The scheme will check tenancy history for the past two years using the Council's records, its partner's records and with any current and previous landlords. There are three proposed levels of tenant passport membership: full membership (green) – membership granted for six months; provisional membership (yellow) – membership granted for six months; rejected membership (red) - membership rejected for six months.
- 1.3. There are clear benefits of such a scheme to landlords, communities and tenants. CLG guidance indicates that Councils wanting to implement a selective licensing scheme should undertake consultation with key stakeholders before proceeding. Although the Council previously undertook work in 2014 to explore the possibility of the scheme the Council decided to undertake further consultation with key stakeholders including landlords, residents, businesses and housing providers. As such, in August 2015 the Council commissioned *RRR Consultancy Ltd* to undertake independent consultation on the proposed selective licensing scheme. This took the form of consultation and information events, a stakeholder survey, focus groups and semi-structured interviews. The remainder of this report discusses the results of the consultation.

¹ See Appendix 1 for a list of streets in the proposed selective licensing area

2. Background

Context

- 2.1. The private rented sector plays an important role in meeting the housing needs of households. Over the last 25 years the proportion of households renting from the private rented sector has almost doubled from 11.9% in 1980 to 19.4% in 2013/14². The private rented sector serves a diverse population of tenants, and privately rented properties range from luxury apartments to large shared houses. Equally varied are the landlords, who range from large companies with an extensive portfolio of properties to individuals renting out a single property. The majority of private landlords provide a decent service, but the practices of a minority have given the sector a poor reputation.
- 2.2. Problems associated with the private rented sector include: a lack of security of tenure for tenants; links to cases of repeat homelessness; problems relating to tenants' deposits; Housing Benefit restrictions; unacceptable states of disrepair. Poor housing management and low standards in the sector can lead to the failure of a local housing market. People leave the area, house prices fall, speculative landlords move in, and the local community becomes weaker. Low demand and antisocial behaviour can result in unsettled communities, along with other social and economic problems. These can undermine efforts to regenerate an area³.
- 2.3. In response, sections 79, 80 and 81 of the Housing Act 2004 provided for the introduction of a scheme of selective licensing of private landlords in a local housing authority's area. Selective licensing is intended to address the impact of poor quality private landlords and anti-social tenants. It has primarily been developed with the need to tackle problems in areas of low housing demand in mind – although the Act also allows for selective licensing in some other circumstances. Many of the provisions relating to selective licensing are similar to those relating to the mandatory and discretionary licensing of Houses in Multiple Occupation (HMOs) – regimes which were also introduced by the 2004 Act.
- 2.4. In an area subject to selective licensing, all private landlords must obtain a licence and if they fail to do so, or fail to achieve acceptable management standards, the authority can take enforcement action – e.g. issuing a fine of up to £20,000 or in some cases, assuming management control of the property. The London Borough of Newham introduced a selective licensing scheme covering all private rented properties in the borough in January 2013 – a number of authorities have followed suit. Increased interest in licensing appears to be directly linked to the growth of the sector (now the second largest tenure in England).

² DCLG English housing survey headline report 2013 to 2014: section 1 household tables located at: <https://www.gov.uk/government/statistics/english-housing-survey-2013-to-2014-headline-report>

³ Shelter (2006) *Selective Licensing for Local Authorities: a good practice guide*, London.

- 2.5. The benefits of selective licencing schemes for private landlords are clear. Although licensing does not strengthen security of tenure, it improves the management practices of landlords. This, in turn, makes renting privately a more viable option in the longer term. A more professional private rented sector encourages landlords to let properties for a longer term and tenants receive a comprehensive tenancy management service. It also means local authorities working in partnership with landlords and agents to maximise the use of privately rented properties to help meet a range of housing needs. Managed well, the private rented sector can offer choice and flexibility for those it serves. Previously, measures to tackle antisocial behaviour have been directed at tenants of social housing, and have only been available for use by the police, LAs and housing associations. Selective licensing helps fight antisocial behaviour, caused by both tenants and landlords, in the private rented sector (Shelter, 2006).
- 2.6. Section 80 (9) of the Housing Act 2004 states that when considering designating an area the local housing authority must: take reasonable steps to consult persons who are likely to be affected by the designation, and, consider any representations made in accordance with the consultation. The consultation should be informative, clear and to the point, so the proposal is readily understood. It should inform local residents, landlords, letting agents and businesses about the proposed designation, giving the reasons for proposing it, why alternative remedies are insufficient, demonstrating how it will tackle specific problems together with other specified measures, and describing the proposed outcome of the designation. It should also set out the proposed fee structure and level of fees the authority is minded to charge. Consultees should be invited to give their views, and these should all be considered and responded to (CLG, 2015).

2014 West Lindsey Selective Licensing Consultation

- 2.7. In 2014 West Lindsey District Council undertook a 10 week consultation exercise on the implementation of the Selective Licensing scheme for the South West Ward of Gainsborough. A survey consisting of 663 respondents found that 67% felt a scheme should be introduced in the whole ward, whilst a further 9% felt that it should be for part of the ward. Alongside the survey the Council conducted a number of consultation events including a local information day, attendance at the Gainsborough market and a specific day of presentations for specific groups. The specific groups were landlords and letting agents, residents and tenants and businesses and support services.
- 2.8. As a result of the 2014 consultation a number of amendments were made to the initial proposals. The main amendments were as follows:
- The commissioning of additional analysis of ASB data (see below)
 - Review and amendment of the proposed licence conditions

- A reduction in licence fees from £500 to £375 per licensed property for a five-year period
- Information on how the fee calculation has been made and how it may be paid
- Review of the proposed selective licensing areas as per the additional ASB analysis
- The introduction of a tenant passport scheme alongside any selective licensing scheme
- Additional training and guidance for landlords to be funded and delivered over the course of any scheme

2015 West Lindsey Selective Licensing Consultation

2.9. In August 2015 the Council commissioned *RRR Consultancy Ltd* to undertake an independent consultation on the proposed selective licensing scheme. The main aim of the consultation was to determine key stakeholder responses to the proposed selective licensing scheme. The consultation took place between 09 September 2015 and 30 November 2015. It took the form of an extensive range of consultation and information events, a stakeholder survey, focus groups and semi-structured interviews including:

- Media releases regarding the selective licensing consultation were sent to local media including the, *Lincolnshire Echo*, *Gainsborough Echo*, *Gainsborough Standard*, *Market Rasen Mail*, *Grimsby Telegraph*, *Scunthorpe Telegraph*, *BBC Radio Lincolnshire*, and *Lincolnshire FM*.
- Details regarding the consultation were posted on the West Lindsey DC website
- Online and paper surveys regarding the proposed selective licensing scheme were undertaken between 9 September 2015 and 20 November 2015:
 - Stakeholders invited to complete the surveys included: residents, tenants, landlords, letting agencies, local businesses, the local MP, Gainsborough District Councillors, Gainsborough Town Councillors, Gainsborough County Councillors, Letting Agencies, Housing Associations, and community and support groups
 - All properties and businesses in the proposed selected license area were leafleted regarding the survey and consultation events
 - Information leaflets and surveys were also placed in shops and other venues within and outside the proposed selective licensing area
 - Face-to-face surveys were conducted with residents on market days in Gainsborough Market Square, in the West Lindsey District Council office foyer, and around Marshalls Yard
 - West Lindsey District Council contacted landlords via email to encourage them to complete the survey

- A number of consultation and information events were undertaken by West Lindsey DC officers including:
 - An open consultation and information day conducted at the Trinity Art Centre on 29 September 2015
 - Two information and consultation sessions for landlords and two for residents and tenants hosted at West Lindsey Guildhall on 20 and 26 October 2015
 - Presentation and consultation by the National Landlords Association (NLA) and the Home Safe Scheme to landlords at West Lindsey Guildhall on 6 October 2015.
 - A stall at the Lincolnshire Landlord and Letting Agents Expo Event at Bentley Hotel, South Hykeham on 6 October 2015.

2.10. The above ensured that the consultation involved a wide range of stakeholders across Gainsborough and with representatives with relevant agencies.

South West Gainsborough Ward

2.11. According to government guidance⁴ a selective licensing designation may be made if the area to which it relates is experiencing one or more of the following conditions:

- low housing demand (or is likely to become such an area)
- a significant and persistent problem caused by anti-social behaviour
- poor property conditions
- high levels of migration
- high level of deprivation
- high levels of crime

2.12. There is extensive evidence that the Gainsborough South West Ward displays at least some of the above characteristics. An independent analysis of the private rented sector and anti-social behaviour (ASB)⁵ in the ward suggests it meets at least some of the above conditions. It notes that whilst there is little difference between levels of ASB in private or social housing, when other factors are included such as housing dilapidations, ASB occurrence rises significantly. In every category analysed ASB 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 were provided. This includes noise complaints, enviro-crime such as litter and fly-tipping, and housing

⁴ House of Commons, *Selective Licensing of Privately Rented Housing (England & Wales)*, 17 March 2015.

⁵ NKM Consultants, *The Private Rented Sector and Anti-Social Behaviour: Gainsborough, West Lindsey District Council, Lincolnshire*, March 2015.

dilapidations.

2.13. Where ASB can be directly ascribed to a property the report found that in private rented properties levels of ASB are two to three times higher. In addition it found that repeat incidents are more likely in South West Ward than in other wards. Spatial analysis using the location of every single household revealed that nearly every single property in South West Ward has been impacted by ASB and in one or two areas in particular by more than three reported incidents in the time frame. Although some concentrations of ASB are found in adjoining wards these are at a fraction of the scale observed in South West Ward and are also more localized. However, in the north of South West Ward some of this overflows into North Ward. In particular, the consultation found that of the 3,202 instances of households being affected by three or more incidences of ASB, more than half (52%) took place in the Gainsborough South West Ward.

2.14. Further data gathered by West Lindsey District Council supports evidence that it meets the criteria for selective licensing outlined above. The standard of homes in South West Ward is generally below average. The 2010 Stock Condition Survey identified that 81% of homes in the South West Ward are solid walled, pre-1919 construction; 32% of private sector stock had a Category 1 Hazard; and 56% of private homes failed the Decent Homes Standard compared to 33% in Gainsborough North and East. The households in the South West Ward are also the poorest in the District:

- 25% are in fuel poverty
- 62% are deemed vulnerable in non-decent dwellings (compared with 43% of all West Lindsey DC stock)
- 31% are in receipt of housing benefit (compared with a national average of 17%)
- 37.5% have an income less than £15,000 per annum
- The population in South West Ward is more transitory than the rest of West Lindsey DC with 44% of households occupying for less than 5 years compared with 36% across the District WLDC (West Lindsey DC Stock Condition Survey 2010)

2.15. The South West Ward 'Neighbourhood Renewal Assessment' (NRA) (April 2010) formed the basis for the neighbourhood being a priority for the Council. Information within the NRA provides evidence as to why selective licensing is deemed necessary in the area:

- Residents of the area have become increasingly concerned with the levels of anti-social behaviour, conduct of landlords and general appearance of the ward as a whole
- There is low demand for housing in the South West Ward

- Landlords have refurbished properties but failed to let them
- Where landlords have let them tenants frequently misuse the properties and hand them back in an appalling state
- There is a considerable amount of stock on the market for sale and letting
- Environmental issues relating to fly tipping and street cleanliness and dog fouling are a regular occurrence.
- All letting agents report that properties in the SWW take significantly longer to sell or let than in the North of the town
- Some properties are on the market for over a year without viewings.
- Recently refurbished realistically priced properties take an average of three months to sell and let
- The average tenancy length is around one year

2.16. There is also evidence of low housing demand, weak house prices, difficult to let properties, empty properties, housing enforcement issues and incidences of ASB.

South West Ward Strategic Partnership

2.17. The proposed selective licensing scheme would form part of the Council's wider strategy for improving conditions in the Gainsborough South West Ward. It is recognised that the social, economic and environmental problems evident in the South West Ward require a multi-agency approach. As such, the Council, alongside partner agencies are piloting a 'Total Approach' strategy within the ward. The main vision of the strategy is to create an environment in which people feel safe, are proud and prosper.

2.18. The agencies involved in the pilot include Lincolnshire Police, Lincolnshire Fire and Rescue, Lincolnshire Probation Service, Lincolnshire Youth Offending Service, West Lindsey Trading Standards, West Lindsey Housing Department, West Lindsey Waste Management, West Lindsey Anti-Social Behaviour Team, Children's Services, Skills and Employment, Sports Partnership, community participation agencies, education providers, drugs misuse agencies, and voluntary sector agencies.

2.19. A key element of the pilot is the collation and analysis of key data enabling a better understanding of problems within the ward. The pilot aims to deliver key outcomes including:

- Social: to create a cohesive community that supports local people to realize their potential; tackles barriers to success which include education, health and general wellbeing
- Environmental: to tackle environmental issues that signal decay and impact negatively on community aspirations. To deliver a partnership approach that ensures the

community are empowered to make a difference and that a structure is in place that enables long term sustainable change

- Safe: to help create an environment in which people feel safe; an environment and community that ensures the individual is respected and allowed to enjoy living in the South West Ward free from harm or threat (bench marked through surveys and engagement).

2.20. In order to ensure that the aims and objectives of the strategy are met a strategic leadership partnership has been established. It is accountable for delivering the strategy and its objectives, ensuring that its vision and outputs are met in a timely and efficient manner. The strategic leadership is committed to ensuring that the South West Ward Strategic Partnership delivers a long-term sustainable solution that is properly evaluated, and where evidenced, shared as best practice across the county. The Tactical Delivery Group oversees the delivery of the strategy and is accountable for delivering the outputs. Finally, the strategy aims to put in place effective actions and support, enabling the community to self-help and deliver long-term sustainable solutions.

Selective Licensing Scheme Case Studies

2.21. According to the National Landlords Association (NLA) (2015) by February 2015 there were 26 Selective Licensing schemes operating throughout England (see Appendix 1). Consultations on Selective Licensing schemes are either proposed or underway in a further 31 local authority areas (see Appendix 2). However, whilst following the same principles and government guidance not all Selective Licensing schemes have been implemented in the same way. The following case studies discuss three different types of scheme: Decent and Safe Homes (DASH), a 'traditional' Selective Licensing scheme (Stoke); a co-regulated scheme (Doncaster Hexthorpe); and a landlord regulated alternative to a selective licensing scheme (Southend).

Decent and Safe Homes (DASH)

2.22. DASH Services is a joint-working initiative between local authorities, property owners, landlords and tenants. DASH delivers services aimed at improving housing conditions, with particular emphasis on the private rented sector. It is hosted by Derby City Council, and works across the East Midlands region and beyond with over 40 Local Authorities.

2.23. DASH aims to raise housing standards and deliver increased efficiency in services by raising awareness of the 2004 Housing Act, harmonising standards, providing professional development opportunities and landlord engagement. They provide housing-related training and accreditation services and offer a one stop shop for individual Local Authorities to engage and work with the private rented sector. They do not have any licensing or enforcement powers.

2.24. According to the DASH manager, they have 719 members (17 in west Lindsey). The service is free to landlords. The seven local authorities across Lincolnshire have contributed financially towards the service. However, the number of accredited landlords did not increase significantly during the current or previous consultation process.

Stoke-On-Trent Selective Licensing Scheme

2.25. Stoke-on-Trent City Council was one of the first local authorities to implement a Selective Licensing schemes in 2011. The Stoke Housing Standards Team worked in close partnership with other departments and agencies to identify two geographical areas within Stoke-on-Trent (Cobridge and Fenton) as suitable for the designation of a selective licensing scheme due to low demand and antisocial behaviour. The intended outcome of the Selective Licensing scheme is to raise standards in the private rented sector, prevent low demand for housing, and prevent high incidences of antisocial behaviour within the private rented sector. The Selective Licensing scheme enables the Council to gain an overview of private rented accommodation in the two areas and help develop a more focused strategic approach to tackle the problems in the areas. The Council identified a number of key objectives:

- support for landlords to tackle antisocial behaviour more effectively and participate more in the community
- a higher standard of properties for tenants;
- improved landlord management skills;
- support for landlords with regards to empty homes;
- decent minimum standards in housing conditions for tenants, and
- to increase the rental value of properties, as well as house property prices in the areas concerned.

Doncaster Hexthorpe Selective Licensing Scheme

2.26. According to Doncaster Metropolitan Council⁶ there is clear evidence of problems within the private rented sector in Hexthorpe. As such, following a 12 week consultation undertaken between June and September 2014, the Doncaster MBC Cabinet recommended approval of a discretionary Selective Licensing Scheme. The Hexthorpe Scheme differs from the proposed West Lindsey Scheme in that while all eligible landlords have a licence granted by the Council, the Scheme is co-regulated by an approved provider ('Home Safe') who essentially runs the scheme.

2.27. Landlords can apply directly to Doncaster MBC for a single license at a cost of £500. Alternatively, Landlords can apply to join the Home Safe Scheme for a one-off fee of £25

⁶ Doncaster MBC, Cabinet Meeting Agenda Item 6: *To Consider Recommendations for Implementing a Selective Licensing Scheme for Private Sector Landlords in Hexthorpe Following Consultation*, 17 December 2014.

together with an agreement to pay £5 per month thereafter (or £50 per year). Home Safe then submits an application on the Landlord's behalf direct to the Council, at a reduced licence fee of £75. The Home Safe Scheme incurs additional charges for annual property inspections of £50 per inspection. However, members have the opportunity to attend a one-off inspection training course at a cost of £50, enabling Landlords to perform their own inspections, making the minimum overall cost lower than the direct application route through the Council. As part of the service, Home Safe provides an alternative tenant data system to the proposed Gainsborough Tenant Passport Scheme.

- 2.28. Home Safe offer a flexible approach whereby every scheme is tailored to local needs. West Lindsey DC is considering the Home Safe option as an alternative to the proposed selective licensing scheme. Home Safe are aiming to match the cost of the proposed selective licensing scheme of £375 (consisting of a £25 joining fee, £3 per property per month equating to £180 per property over 5 years, £50 for the Year One inspection, and a £120 licensing fee).
- 2.29. Once a landlord becomes a member of the Home Safe Scheme, it checks the landlord's details and property documentation. It advises them as to what is required to apply to the local authority for a selective licence. Home Safe then applies to the Council for a licence on the landlord's behalf. Once the landlord is issued with a licence from the Local Authority Home Safe carry out the first property inspection. Home Safe advises the landlord as to what is required to remain compliant with the scheme Code of Practice which includes the Doncaster MBC licence conditions. From this point on they can contact Home Safe for any support required and including responding to any complaints made about them or their property, in the required time scales, using the Home Safe online ticketing system.
- 2.30. Finally, landlords are required to carry out periodic duties as identified in the Home Safe membership mandate and code of practice and ensure they respond to any complaints raised on you via the Home Safe ticketing system within the identified timescales. During this time the Council will not enter the landlord's property or contact them directly unless a serious breach of membership rules takes place.
- 2.31. According to Home Safe, their version of the Selective Licensing scheme offers advantages to landlords (e.g. a simple code of practice covering everything needed to ensure landlords are fully compliant with Selective Licensing, complaints handling support, and inspections training); tenants (e.g. living in a safe and compliant home, a landlord educated in the management of tenancies, and an independent contact able to mediate between the tenant and landlord); and the local authority (e.g. one point of contact, annual inspections of licensed

properties, and trained landlords)⁷. The scheme also offers an incentive in the form of a 30% discount card for the trade building supplies company *TradePoint*.

- 2.32. According to a representative from Doncaster MBC, Home Safe's co-regulated approach is proving successful in Doncaster. He stated that: "it offers an alternative approach that addresses people's concerns about the Council's proposed selective licensing scheme including an alternative payment scheme, and a more educational and supportive approach to addressing the conditions and management of properties".

The South East Alliance of Landlords, Agents & Residents (SEAL)

- 2.33. An example of a landlord regulated scheme which has evolved as an alternative to a Selective Licensing scheme is Southend's SEAL⁸. SEAL was initially formed to coordinate a response to Southend-on-Sea Borough Council's plans to introduce Selective Licensing. It has now entered into a new and formal partnership with the Council to improve the standard of accommodation within privately rented properties, and reduce anti-social behaviour (ASB) throughout SEAL managed properties. SEAL is responsible for reporting its progress to the Council's Community Services and Culture Scrutiny Committee. As a result of this partnership, Selective Licensing within Southend has been indefinitely postponed pending the success of SEAL. SEAL has its own Code of Conduct to follow as well as a Complaints Procedure in conjunction with Southend Borough Council.
- 2.34. SEAL currently has over 75 members including 20 Agents and 55 Landlords and manage over 7,500 properties in the Southend Borough. They are also supported by local resident/community associations from the Southend Borough including Southend HARP⁹. According to SEAL, the scheme benefits landlords, tenants and the local authority and is being closely monitored by other Councils around the country. SEAL benefits the tenant through identification stickers that Members put into their rented or managed properties. The tenant or resident is able to contact SEAL using a phone help line to tackle ASB at the property. SEAL can contact the Member to notify them of any such issues that need to be managed before they escalate to the detriment of the property and the neighbourhood.
- 2.35. The cost of the scheme is £30 per year for landlords, or £150 per year for landlords owning 30 or more properties, and £150 per year to letting agencies. The Council helped to resource the scheme in the first two years although it is now funded wholly by landlord and letting agent fees and is hoping to gain income from advertising on the SEAL websites. They currently have one part time member of staff whilst the remaining staff are volunteers.

⁷ See <http://thehomesafescheme.org.uk/#how-it-works>

⁸ See <http://www.southeastalliance.org/>

⁹ An independent charity that reduces homelessness by providing essential services, emergency housing and long term solutions. See <http://www.harpsouthend.org/>

- 2.36. SEAL members are carefully vetted. Private landlords must be National Landlord Association (NLA) or Eastern Landlords Association (ELA) members. Agents must have been trading for a minimum of 2 years and ideally be members of the Association of Residential Letting Agents (ARLA) or the National Approved Letting Scheme (NALS), and have client money protection in place. SEAL ensures that members clearly understand the code of conduct and what being a member means. The alliance has led to a reduction in complaints regarding SEAL member properties and has worked with 'rogue landlords' to bring properties to required standards, with a view to them becoming full SEAL members, and retaining critically needed housing. SEAL is also helping to set up community and street groups to work on sustainable improvement to certain streets. It is aiming to work closely with the Council to reduce ASB, improve property conditions and street scene, support residents through street groups, and to achieve sustainable improvements.
- 2.37. According to a Southend-On-Sea BC local authority officer SEAL is difficult to monitor. Whilst there is evidence that the management and conditions of properties have improved, it is difficult to determine if the scheme has positively impacted on ASB. Also, licensing and enforcement conditions are absent from the SEAL scheme.

Landlord Licensing Schemes in Scotland and Wales

- 2.38. As well as discussing different licensing schemes in England, it is important to note the types of schemes in both Scotland and Wales. Both the Scottish Government and Welsh Assembly have adopted national schemes whereby all private sector landlords (not just those who own houses of multiple occupation or own properties in selective licensing areas) have to be registered as part of a national landlord scheme.
- 2.39. This is similar to the landlord licensing initially proposed in England. However, in March 2015 the CLG stated that local authorities will have to seek confirmation from the Secretary of State for any selective licensing scheme which would cover more than 20% of their geographical area or would affect more than 20% of privately rented homes in the local authority area. Also, it is important to note that a large proportion of respondents believe that any selective licensing scheme should cover the whole of Gainsborough.
- 2.40. Under Part 8 of the Antisocial Behaviour etc. (Scotland) Act 2004, almost all private landlords must apply for registration with their local authority. The local authority must be satisfied that they are fit and proper persons to let property, before registering them. The system makes sure that all landlords meet minimum standards and removes the worst landlords from the sector. It allows tenants and neighbours to identify and contact landlords of private rented property. It also provides information on the scale and distribution of the sector in Scotland.

2.41. Landlord registration in Scotland helps Councils monitor private landlords and ensures that they are suitable people to let out property. Before any person or agency is registered, the Council has to check that the applicant is a fit and proper person to let property. All private landlords have an obligation to apply to the local Council for registration. If they have not registered, or have not applied for registration, it is a criminal offence which can lead to a fine of up to £50,000. Each landlord and agent applying for registration pays a principal fee of £55 to each local authority in which they apply and, in the case of landlords, a property fee of £11 for each property registered.

2.42. The Welsh Assembly operates a similar landlord licensing scheme which was implemented under the Housing (Wales) Act 2014. Under the legislation all private landlords must register themselves and the addresses of their rental properties in Wales with *Rent Smart Wales*¹⁰. It is intended that the legislation will result in:

- improved standards of letting and management practice in the private rented sector
- more information on landlords available for tenant verification and for local authorities to assist with strategic intervention and dissemination of information
- raised awareness by landlords and agents of their respective rights and responsibilities
- in turn, raised awareness by tenants of their respective rights and responsibilities

2.43. Local authorities are responsible for any necessary enforcement action against non-compliance. These powers will be given to the authorities a year after the system comes into force to give time to those who must comply without fear of prosecution.

Summary

2.44. To summarise, the private rented sector plays an important role in meeting the housing needs of households. However, poor housing management and low standards in the sector can lead to the failure of local housing markets. As such, selective licensing is intended to address the impact of poor quality private landlords and anti-social tenants. In an area subject to selective licensing, all private landlords must obtain a licence and if they fail to do so, or fail to achieve acceptable management standards, the authority can take enforcement action. The benefits of selective licencing schemes for private landlords are clear. Although licensing does not strengthen security of tenure, it improves the management practices of landlords. This, in turn, makes renting privately a more viable option in the longer term.

2.45. Section 80 (9) of the Housing Act 2004 states that when considering designating an area the

¹⁰ *Rent Smart Wales* is a newly created service within Cardiff Council. The Welsh Ministers designated Cardiff Council as the Licensing Authority for the whole of Wales in 2015. See: <https://www.rentsmart.gov.wales/en/>

local housing authority must take reasonable steps to consult persons who are likely to be affected by the designation, and, consider any representations made in accordance with the consultation. The 2014 West Lindsey Selective Licensing Consultation found that 67% of respondents felt a scheme should be introduced in the whole Gainsborough South West Ward, whilst a further 9% felt that it should be for part of the ward (the results of the 2015 Consultation are discussed in Section 3). An independent analysis of the private rented sector and anti-social behaviour (ASB) in the ward suggested it meets at least some of the government's conditions regarding the implementation of a selective licensing scheme.

- 2.46. Importantly, the proposed selective licensing scheme will form part of the Council's wider strategy for improving conditions in the Gainsborough South West Ward. It is recognised that the social, economic and environmental problems evident in the South West Ward require a multi-agency approach. As such, the Council, alongside partner agencies are piloting a 'Total Approach' strategy within the ward. The main vision of the strategy is to create an environment in which people feel safe, are proud and prosper.
- 2.47. A number of different types of selective licensing schemes have already been implemented including regulated, co-regulated and non-regulated schemes. In Scotland and Wales mandatory landlord licensing schemes have been implemented which are compulsory for all private sector landlords. However, housing legislation in England (2004) only allows for selective licensing in areas experiencing low housing demand and/or suffering from anti-social behaviour. Nonetheless, a range of different selective licensing models in England have already been implemented.
- 2.48. For example, Stoke-on-Trent City Council was one of the first local authorities to implement a regulated Selective Licensing scheme in 2011. The Stoke Housing Standards Team worked in close partnership with other departments and agencies to identify two geographical areas within Stoke-on-Trent (Cobridge and Fenton). The Decent and Safe Homes (DASH) is a joint-working initiative between local authorities, property owners, landlords and tenants. Similarly, the South East Alliance of Landlords, Agents & Residents (SEAL) is a non-regulated scheme which works closely with the Council to reduce ASB, improve property conditions and street scene, support residents through street groups, and to achieve sustainable improvements. However, whilst there is evidence that under SEAL the management and conditions of properties have improved, it is difficult to determine if the scheme has positively impacted on ASB. Finally, Doncaster Hexthorpe Selective Licensing Scheme is a co-regulated licensing scheme which offers a flexible approach whereby every scheme is tailored to local needs. Evidence discussed in the following sections will help determine which scheme is most appropriate in the proposed Gainsborough selective licensing area.

3. Selective Licensing Consultation Survey

- 3.1. As noted in Section 2, online and paper surveys regarding the proposed selective licensing scheme were undertaken from 9 September 2015 to 20 November 2015. A wide range of stakeholders were invited to complete the survey including: residents, tenants, landlords, letting agencies, local businesses, the local MP, Gainsborough District Councillors, Gainsborough Town Councillors, Gainsborough County Councillors, Housing Associations, and community and support groups. Face-to-face surveys were conducted with residents during door to door consultation within the proposed selected licensing area, during leaflet drops and distribution across the whole of Gainsborough, on market days in Gainsborough Market Square, in the West Lindsey District Council office foyer, and around Marshalls Yard. West Lindsey District Council also contacted landlords via email to encourage them to complete the survey. The following summarises the results of the survey. Please note that in order to simplify tables the seven respondent types (as summarised in Table 3.1) were recoded into four categories: landlords, tenants and residents, owner occupiers, and 'other' (the latter including businesses and letting agencies). As the following analysis shows, there are significant differences in responses from the four different groups.
- 3.2. In total, there were 230 respondents including 65 (28%) landlords, 62 owner occupiers (27%), 57 (25%) private rented sector tenants and 30 (13%) Housing Association/RSL tenants. Smaller numbers of responses were received from 12 (5%) respondents describing themselves as 'other' (local Councillors, the local MP, or people residing with family or friends)', 3 (1%) local businesses, and 1 (0%) letting agent (Table 3.1).
- 3.3. It is important to note the reasons as to why fewer surveys were completed during the 2015 consultation compared with the 2014 consultation. One reason was the high level of apathy displayed amongst those approached to take part in the 2015 consultation. Some prospective respondents stated that they had already taken part during the previous consultation and did not want to contribute towards the current one. Also, there was some apathy as to the extent to which the consultation would influence policy with comments such as: "why bother again as nothing happened last time", "the Council will do nothing" or "the Council will do whatever they want as they have already decided what they want to do" being common.
- 3.4. Respondents were asked where in Gainsborough they resided or owned properties or businesses (landlords and businesses could state more than one area). Respondents derived from across Gainsborough although it is perhaps unsurprising (given the proposed selective licensing areas) that more than half of respondents (55%) either lived or owned properties or businesses within the Gainsborough South West Ward. Just over a quarter (21%) of

respondents either lived or owned properties or businesses within Gainsborough North Ward, whilst fewer (13%) derived from the Gainsborough East Ward (Table 3.2).

Table 3.1 Respondent type		
	No	%
Landlord	65	28%
Owner Occupier	62	27%
PRS Tenant	57	25%
HA/RSL Tenant	30	13%
Other	12	5%
Business	3	1%
Letting Agent	1	0%
Total	230	100%

Source: Selective Licensing Survey 2015

Table 3.2 Area live or own property or business										
	Gains SW		Gains E		Gains N		Don't Know		Total	
	No.	%	No.	%	No.	%	No.	%	No.	%
A tenant in PRS	37	57%	7	11%	21	32%	0	0%	65	100%
A landlord	42	51%	4	5%	10	12%	26	32%	82	100%
An owner occupier	40	70%	1	2%	16	28%	0	0%	57	100%
RSL tenant	8	27%	18	60%	4	13%	0	0%	30	100%
Other	5	42%	3	25%	3	25%	1	8%	12	100%
A business	8	89%	0	0%	0	0%	1	11%	9	100%
Letting agent	1	100%	0	0%	0	0%	0	0%	1	100%
Total	141	55%	33	13%	54	21%	28	11%	256	100%

Source: Selective Licensing Survey 2015

- 3.5. Respondents were asked the extent to which they were concerned about anti-social behaviour within their local area. More than four fifth (82%) of respondents stated that they had some concerns about anti-social behaviour. However, there were significant differences between respondent types with almost all (96%) of owner occupiers having some concern about anti-social behaviour compared with just over four fifths (81%) of landlords and just over three quarters (76%) of tenants/residents. This possibly reflects the greater interest of owner occupiers in ensuring that anti-social behaviour is reduced in local areas (Table 3.3).
- 3.6. Respondents were also asked whether anti-social behaviour had got better or worse over the last 12 months. Some respondents stated that ASB had got 'much better' (5%) or 'a little better' (17%) over the last 12 months, whilst half (50%) stated it had stayed the same. Smaller proportions of residents stated that ASB had got 'a little worse' (12%) or 'much worse' (15%) over the previous 12 months. Again, there were differences in respondent type with over half (53%) of owner occupiers stating that ASB had got worse over the last 12 months, compared with only 12% of landlords (Table 3.4).
- 3.7. Respondents were asked in which areas ASB was likely to occur (respondents could state more than one area). There was a very wide range of responses (with many respondents

stating that their local area is most likely to experience ASB). However, a small number of areas were most commonly cited by respondents including: everywhere in Gainsborough (21%), the proposed selective licensing area (19%), Gainsborough town centre (16%), Gainsborough South West Ward (10%), and 'elsewhere' in Gainsborough (8%) (Table 3.5).

Table 3.3 Concerned about ASB in local area										
	Landlord		Ten/resid		Own occ		Other		Total	
	No.	%	No.	%	No.	%	No.	%	No.	%
Very concerned	15	24%	14	15%	35	61%	8	50%	72	31%
Fairly concerned	12	19%	27	28%	11	19%	1	6%	51	22%
Slightly concerned	23	37%	31	33%	9	16%	3	19%	66	29%
Not at all concerned	7	11%	21	22%	2	4%	2	13%	32	14%
No opinion	5	8%	2	2%	0	0%	2	13%	9	4%
Total	62	100%	95	100%	57	100%	16	100%	230	100%

Source: Selective Licensing Survey 2015

Table 3.4 Has ASB in local area got better or worse over last 12 months										
	Landlord		Ten/resid		Own occ		Other		Total	
	No.	%	No.	%	No.	%	No.	%	No.	%
Much better	5	8%	6	6%	0	0%	1	6%	12	5%
A little better	15	24%	16	17%	4	7%	5	31%	40	17%
About the same	33	53%	54	57%	23	40%	5	31%	115	50%
A little worse	5	8%	11	12%	12	21%	0	0%	28	12%
Much worse	4	6%	8	8%	18	32%	5	31%	35	15%
Total	62	100%	95	100%	57	100%	16	100%	230	100%

Source: Selective Licensing Survey 2015

Table 3.5 In which areas do you think ASB is most likely to occur?										
	Landlord		Ten/resid		Own occ		Other		Total	
	No.	%	No.	%	No.	%	No.	%	No.	%
Everywhere	19	30%	16	16%	11	18%	5	26%	51	21%
Selected area	9	14%	17	17%	15	24%	5	26%	46	19%
Town Centre	6	9%	24	24%	5	8%	4	21%	39	16%
South West Ward	3	5%	8	8%	11	18%	2	11%	24	10%
Elsewhere Gains'	1	2%	9	9%	7	11%	2	11%	19	8%
Don't know	26	41%	28	27%	13	21%	1	5%	68	28%
Total	64	100%	102	100%	62	100%	19	100%	247	100%

Source: Selective Licensing Survey 2015

3.8. Respondents were asked the extent to which they had experienced particular problems over the last 12 months. The most commonly cited problems (those with over 20% of respondents stating that they had experienced it 'a lot') included: 'flytipping/environmental crime' (30%), 'noise nuisance' (27%), 'drunken behaviour' (23%), burglary (21%), and inconsiderate behaviour. A further 7 problems were cited as being experienced 'a lot' by between 13% and 19% of respondents (Table 3.6).

3.9. Over a quarter of respondents (29%) stated that they had reported ASB within the last 12

months. Again, there were significant differences between respondent types with nearly half of all owner occupiers (49%) compared to around a quarter of landlords (21%) stating that they had reported ASB in the last 12 months (Table 3.7). In over a third (39%) of instances the reporting of ASB led to 'nothing', whilst in around a quarter (24%) of cases the issue was ongoing. Similarly, in around a quarter (24%) of cases the issue was resolved (Table 3.8).

Table 3.6: Experienced the following over the last 12 months in local area?

	A lot		Some		A little		None at all		Total	
	No.	%	No.	%	No.	%	No.	%	No.	%
Flytipping/environmental crime	64	30%	46	21%	31	14%	74	34%	215	100%
Noise nuisance	59	27%	54	25%	39	18%	65	30%	217	100%
Drunken behaviour	49	23%	44	20%	29	13%	95	44%	217	100%
Burglary	45	21%	42	19%	15	7%	115	53%	217	100%
Inconsiderate behaviour	44	20%	43	20%	42	19%	88	41%	217	100%
Animal related	42	19%	41	19%	25	12%	109	50%	217	100%
Throwing objects	41	19%	19	9%	12	6%	145	67%	217	100%
Drug related crime	40	18%	38	18%	31	14%	108	50%	217	100%
Verbal abuse	37	17%	31	14%	20	9%	129	59%	217	100%
Vehicle nuisance	37	17%	32	15%	28	13%	120	55%	217	100%
Abandoned vehicles	33	15%	18	8%	10	5%	156	72%	217	100%
Other	11	13%	9	11%	7	8%	58	68%	85	100%

Source: Selective Licensing Survey 2015

Table 3.7 Reported ASB in last 12 months?

	Landlord		Ten/resid		Own occ		Other		Total	
	No.	%	No.	%	No.	%	No.	%	No.	%
Yes	13	21%	21	22%	28	49%	5	31%	67	29%
No	49	79%	74	78%	29	51%	11	69%	163	71%
Total	62	100%	95	100%	57	100%	16	100%	230	100%

Source: Selective Licensing Survey 2015

Table 3.8 Outcomes to reporting ASB?

	No	%
Nothing	26	39%
Issue ongoing	16	24%
Resolved	16	24%
Didn't say	9	13%
Total	67	100%

Source: Selective Licensing Survey 2015

3.10. Respondents were asked whether the proposed selective licensing scheme will help reduce ASB. Nearly half (49%) of all respondents stated that the proposed scheme would help reduce ASB although similar to previous findings, there were differences between respondent groups. More than three quarters (77%) of owner occupiers believed that the proposed scheme would help reduce ASB compared to over half (55%) of tenants/residents and only around one-in-ten (11%) of landlords (Table 3.9).

- 3.11. Respondents were asked which area in Gainsborough the proposed selective license scheme should cover. Only 10% of respondents stated that the scheme should cover the proposed selective licensing area and 14% the whole Gainsborough South West Ward compared with nearly two-thirds (63%) of respondents who stated the proposed scheme should cover the whole of Gainsborough. Interestingly, no landlords stated that the scheme should cover only the proposed licensing scheme area (Table 3.10).
- 3.12. Respondents were asked what positive impact the proposed licensing scheme would have on a number of factors. Three quarters (75%) of respondents stated that the proposed scheme would positively impact on the condition of private rented sector properties. Similarly, around two thirds of respondents stated that the proposed scheme would positively impact on relationships between landlords or tenants (66%), help tackle ASB (66%), or reduce the number of nuisance neighbours (65%). Slightly smaller proportions of respondents stated that the proposed scheme would impact positively to reduce environmental crime (59%) or reduce crime (57%) (Table 3.11).

Table 3.9 Will selective licensing help reduce ASB?

	Landlord		Ten/resid		Own occ		Other		Total	
	No.	%	No.	%	No.	%	No.	%	No.	%
Yes	7	11%	52	55%	44	77%	9	56%	112	49%
No	48	77%	22	23%	5	9%	1	6%	76	33%
Don't know	7	11%	21	22%	8	14%	6	38%	42	18%
Total	62	100%	95	100%	57	100%	16	100%	230	100%

Source: Selective Licensing Survey 2015

Table 3.10 If 'yes' to above, which area should be covered?

	Landlord		Ten/resid		Own occ		Other		Total	
	No.	%	No.	%	No.	%	No.	%	No.	%
Proposed SL area	0	0%	5	10%	4	9%	2	22%	11	10%
Whole Gains SW Ward	1	14%	4	8%	9	20%	2	22%	16	14%
Whole of Gainsborough	4	57%	34	65%	29	66%	4	44%	71	63%
Don't know	2	29%	9	17%	2	5%	1	11%	14	13%
Total	7	100%	52	100%	44	100%	9	100%	112	100%

Source: Selective Licensing Survey 2015

Table 3.11: Would selective licensing impact on the following?

	Yes		No		Don't know		Total	
	No.	%	No.	%	No.	%	No.	%
Improve PRS properties	172	75%	48	21%	10	4%	230	100%
Reduce nuisance neighbours	150	65%	70	30%	10	4%	230	100%
Improve relationships	152	66%	68	30%	10	4%	230	100%
Tackle ASB	151	66%	70	30%	9	4%	230	100%
Reduce environmental crime	136	59%	84	37%	10	4%	230	100%
Reduce crime	130	57%	90	39%	10	4%	230	100%

Source: Selective Licensing Survey 2015

- 3.13. Respondents were asked for the most positive aspects of the proposed scheme, the most negative aspects, and for any other comments. Each question elicited a wide range of responses. Over half (51%) of respondents made a total of 118 positive comments regarding the proposed selective licensing scheme. This included nearly two thirds (65%) of owner occupiers, around a half (51%) of residents/tenants, but only just over a third (35%) of landlords (Table 3.12). The positive comments included that landlords would become more accountable and would deter 'rogue' landlords, 'bad' tenants to be more easily identified or to become better behaved, and the physical condition of the proposed area would be improved.
- 3.14. For example, one respondent stated that the proposed scheme: "would allow landlords to be made aware of bad tenants. If a tenant had a good record under a licensing scheme they would be able to get better quality rented housing". Again, "it would make landlords take some of the responsibility for poor tenants which they currently ignore – they take the rent and don't try to attend to the tenant's bad behaviour". Also, it would lead to improvements in the physical condition of licensed properties and surrounding environment: "it is a move towards improving the area and improving landlord responsibility – agents will be more responsible for tenants", and it would "force landlords to maintain better quality homes and ensure that tenants are more responsible and considerate to their neighbours".
- 3.15. According to one respondent, the proposed licensing area would lead to "a more active response to ASB, better quality of people living in the houses, and subsequently a more desirable area to live, which in turn could increase house prices." Similarly: "house prices might actually rise in the town. Gainsborough is, at present, an undesirable place to choose to live or work. Introducing selective licensing would begin to assist in raising Gainsborough's profile". Some respondents stated that the proposed scheme would positively impact on certain issues such as reducing ASB, reducing the number of empty homes, reducing non-payment of rent, reducing drug dealing, or reducing fly tipping.
- 3.16. Over half (58%) of all respondents made a total of 133 negative comments regarding the proposed selective licensing scheme. This included over nine tenths (92%) of landlords, around half (49%) of owner occupiers, and just under half (46%) of residents/tenants (Table 3.13). The most common negative comments included: the prohibitive cost of the scheme, that such costs will be passed onto tenants, that it will deter landlords from investing in the proposed area, that it will result in empty properties, that it will be ineffective, and that it will stigmatise the proposed area. The main issue cited was the cost of the proposed scheme which was regarded by a large number of landlords as being prohibitive. One respondent stated that although they have experience of such schemes in London the much lower private sector rents in Gainsborough make it uneconomical for local landlords. There was particular concern that the licence could "add costs to a property sector where a high proportion of rent is a being funded by the Council. We already offer a discounted rent to secure good, long

term tenants – any extra costs will have to be reflected in the rent which will inevitably increase”, and “I do not have issues with my tenants...so the selective licensing scheme will negatively impact my business as it imposes extra and unnecessary burdens and costs on me as a landlord and will negatively impact my relationship with my tenants”.

- 3.17. Similarly, it was suggested by some respondents that the scheme costs could lead to less investment in the proposed selective licensing area: “it would take funds which good landlords spend on improving their properties”. There was also some suggestion that the scheme would lead to the proposed licensing area being stigmatised: “it would degrade and stigmatise the whole area and streets some of which have really nice houses and residents even though they’re modest”. Some respondents commented that the proposed scheme could lead to ‘bad’ landlords ‘going underground’ or to landlords leaving the area and investing elsewhere: “all landlords will give tenants notice to quit and let the Council find homes for them. That is what I will be doing if I get this charge. The idea sounds good, but not at the expense of landlords who take these people off the Council’s hands”, and “landlords who do not get a licence will just remortgage their empty properties and buy elsewhere meaning that Gainsborough will just end up a town of empty homes that no one can live in because of these licences”.
- 3.18. According to two respondents the license will lead to: “houses up for sale, loss of suitable housing stock, loss of law abiding landlords not prepared to pay stealth taxes” and it will “reduce property prices, increase dilapidation of properties, and further create slum areas and social deprivation”. There was concern from some respondents that the license scheme could lead to ASB being displaced to other areas in Gainsborough: “there could be a lot of empty properties if landlords decide to not jump on board and just cut their losses. Also if scheme is just in the [Gainsborough] South West ward then it's only going to move the issue to another part of town” and “I do not see where some people in Gainsborough are going to eventually live. If they get moved out of one property, where are they going to go?”

Summary

- 3.19. Between 9 September 2015 and 20 November 2015 a wide range of stakeholders completed the selective licensing survey. In total, there were 230 respondents including landlords, owner occupiers, private rented sector tenants and Housing Association/RSL tenants. Smaller numbers of responses were received from respondents describing themselves as ‘other’, local businesses, and a letting agent. Given the focus of the selective licensing area it is unsurprising that just more than half of respondents either lived or owned properties or businesses within the Gainsborough South West Ward.
- 3.20. Importantly, given the legislative terms regarding implementing a selective license scheme more than four fifths half of respondents stated that they were concerned’ about anti-social behaviour. However, there were some differences between respondent types with owner

occupiers more likely than landlords to be concerned about anti-social behaviour being reduced in local areas. Relatively few respondents stated that ASB had worsened over the last 12 months. Respondents stated that ASB was most likely to occur everywhere in Gainsborough, the proposed selective licensing area, and Gainsborough town centre.

- 3.21. The most commonly cited problems included flytipping/environmental crime, noise nuisance, drunken behaviour, burglary, and inconsiderate behaviour. Over a quarter of respondents stated that they had reported ASB within the last 12 months although, again, owner occupiers were likely to state they had reported ASB compared with landlords. Similarly, nearly half of all respondents stated that the proposed selective licensing scheme would help reduce ASB. Nearly two-thirds of respondents stated that the proposed scheme should cover the whole of Gainsborough. Generally, a majority of respondents stated that the proposed selective licensing scheme would positively impact on factors such as improving private rented sector properties or reducing nuisance neighbours.
- 3.22. Finally, respondents provided a range of positive and negative comments regarding the proposed selective licensing scheme. Positive comments included that it would make landlords take some of the responsibility for poor tenants, lead to improvements in the physical condition of licensed properties and surrounding environment, be a more active response to ASB, lead to a better quality of people living in the houses, and subsequently a more desirable area to live, which in turn could increase house prices. Negative comments included that the proposed scheme is too costly, will lead to increased rents, will be ineffective, and will lead to more empty properties and less investment in the proposed selective licensing area.

4. Consultation and Information Events

Introduction

- 4.1. As part of the consultation process a number of consultation and information events were held throughout October and November 2015 with a range of stakeholders including residents, tenants, landlords, letting agents, housing associations, and relevant organisations. In October 2015 representatives from the local authority and *RRR Consultancy Ltd* also attended the Lincolnshire Landlord and Letting Agents Expo and distributed information on the proposed selective licensing scheme. In November 2015 focus groups were held with local landlords, residents and tenants.
- 4.2. *RRR Consultancy Ltd* also undertook telephone and face-to-face interviews with relevant stakeholders (including residents, tenants and landlords), and received written feedback from relevant organisations (including letting agencies, housing associations, residents groups, the National Landlords Association, Home Safe, Decent & Safe Homes, SEAL, Southend Council, and Doncaster Council). Discussions regarding the proposed selective licensing scheme also took place during the leaflet drops, distribution and consultation throughout Gainsborough. The following summarises the feedback gained from stakeholders. This includes anecdotal evidence gathered during the consultation period.

The proposed selective licensing scheme

- 4.3. There was agreement between residents and tenants that some form of selective licensing scheme is needed in Gainsborough. Some commented that all landlords throughout the country should be licensed. According to one resident: “you have to have a licence to watch television in your home or to drive a car, but someone can rent out a home without one”. They stated that issues which require an urgent response include the poor condition of housing and fly tipping. Some areas also experience anti-social behaviour (ASB) relating to drug and alcohol misuse. Whilst it was recognised that such issues do occur in the proposed selective licensing area it was suggested that similar problems occur in other areas such as uphill in the Gainsborough East Ward, and areas close to Ropery Road in the Gainsborough North Ward. Residents and tenants stated that it is necessary for both landlords and tenants to be made accountable for the poor condition of housing and ASB.
- 4.4. Generally, landlords were opposed to any form of licensing scheme. However, there was some agreement amongst landlords that if a licensing scheme was to be implemented it should cover the whole of Gainsborough, if not the whole of West Lindsey. Both landlords and residents stated that imposing a selective licensing scheme on any one particular area could lead to it being stigmatised i.e. one that contains rogue landlords and tenants who do not adhere to the terms of tenancy agreements. Gainsborough already has a ‘poor reputation’ and labelling an area as being the focus of ASB is ‘not helpful’. According to one landlord: “they

shouldn't select an area and place a negative label on it".

- 4.5. Some stakeholders expressed a lack of confidence in change taking place within the proposed selective licensing area. They commented on previously proposed schemes and initiatives aimed at improving the area not being implemented. This included plans to physically regenerate properties within the proposed selective licensing area which were cancelled due to a lack of funds. Some stakeholders invited to attend consultation events reflected this apathy with remarks included: "why, we have already been through all of this, we already put our views forward last year", and "why bother, they won't listen, it won't make any difference". At the landlord events, some landlords commented that they had tried to encourage other landlords to take part but were told: "why bother, we've already been through this" or "they won't listen".
- 4.6. Tenants and residents also tried to encourage others to attend the events, and were given similar responses. Having seen other consultations and initiatives come and go, or not even materialise, stakeholders commented on wanting to believe that things would change, but that they all needed to see something take place before they would be convinced. They said that if and when they see changes and improvements more people would be likely to have more confidence in the scheme and this in itself will probably help address the issues. One said that this would help "people in the area to feel that they and the area are being respected and taken notice of for good reasons, so will be more likely to respect and take a pride in the area and the homes. Often if people and an area are constantly given a bad name, feel neglected, not listened to, and not respected or helped they will replicate in a negative way".
- 4.7. Some landlords stated that they are already members of, and regulated by, a number of organisations such as the National Landlords Association, and the *Decent and Safe Homes* (DASH) scheme (see Chapter 2). A DASH representative suggested that the proposed licensing scheme could lead to landlords seeking advice, guidance and accreditation via their scheme. Some residents and tenants stated that, similar to licensing schemes in Scotland and Wales, all landlords (and not just those owing houses of multiple occupation) within a local authority should be licensed.
- 4.8. The National Landlords Association provided a written response to the proposed licensing scheme. They stated:

The NLA believes that any regulation of the private rented sector needs to be balanced. Additional regulatory burdens must focus on increasing the professionalism of landlords, the quality of private rented stock and driving out the

criminal landlords – who blight the sector.

- 4.9. The NLA also suggested that the local authority should offer landlords alternatives to the proposed selective licensing scheme such as the Doncaster Home Safe scheme and the Southend SEAL scheme (see Chapter 2).
- 4.10. Some residents and tenants felt that schemes administered by organisations other than the local authority could add a layer of bureaucracy to the management process whilst being less effective and accountable. Others felt that alternative schemes such as Doncaster Home Safe would be more acceptable to landlords and would provide better help and support compared with the Council. It was felt that any scheme should require the enforcement of licence conditions (meaning that the Southend SEAL scheme is not a suitable alternative).
- 4.11. Stakeholders (including some landlords) recognised the potential benefits of adopting a co-regulated scheme such as the Doncaster Home Safe scheme. Its advantages were perceived to be: the opportunity for landlords to pay in monthly instalments, stakeholder input into license conditions, incentives offered to tenants and landlords, and the extent of support offered to both tenants and landlords.

Costs of the proposed selective licenses

- 4.12. Stakeholders discussed the costs of the proposed selective licensing scheme. Most landlords stated that the proposed fees are too high, whilst some residents believe that the fees are too low to offer a minimum service. Residents were concerned that a too low fee combined with further local authority budget cuts could lead the scheme becoming untenable. Generally, landlords objected to the license fee. However, some landlords commented on how it was not so much the £375 license fee which concerned them, but further costs which could be incurred. Some landlords stated that they pay letting agents to manage their properties so should not be liable for the costs of any selective licensing scheme. In contrast, residents stated that they are required by landlords to pay rent in advance and bond payments, so similar principles should be applied to landlords.
- 4.13. Stakeholders commented on how the licensing scheme will only work if it is implemented in conjunction with other initiatives aimed at addressing poor social, economic and environmental conditions. Also, it was suggested that agencies need to work more closely together to prevent people who contact them for help: “being passed from pillar to post and things, such as anti-social behaviour, not being addressed”. Some stakeholders stated how responding to anti-social behaviour is a shared responsibility including a wide range of stakeholders including the local authority, landlords, police, local communities. The Council also needs to ensure that adequate resources are in place to ensure any scheme introduced

will: “not simply be a tokenistic attempt to address problems and will not gradually disappear due to lack of funds”.

- 4.14. According to one letting agent landlords are fearful of the cost of selective licensing which they regard as a tax. The cost of the license would reduce resources which could be used to improve properties. Landlords accept that there is need for improvements in the quality of tenants and increased property values. However, they stated that landlords are sceptical as to whether a license scheme will lead to support for landlords or whether they will derive any direct benefit. Increasing legislation means that there is greater impetus on landlords rather than tenants to adapt and improve. Finally, they stated that whilst the scheme will not immediately lead to increased resources in the form of more police officers or community workers, given time and better management practice:

...things should improve. Any real improvement I am sure will be widely welcomed by the local community. Landlords will be happy if improvements lead to less volatile, destructive tenancies and an area with greater prospects and value.

- 4.15. Council officers from local authorities where selective licensing schemes already take place commented on how it is important to secure sufficient funds to run the schemes. This could include securing funds beyond that collected by licence fees. Councils should ensure that resources are in place to address issues such as enforcement, community engagement, empty properties, and environmental improvements (especially during the early days of the scheme as stakeholders may want visible evidence of the scheme’s effectiveness). Also, it is important that licensing schemes are implemented in conjunction with other initiatives. Local authorities should work closely with landlords and agencies. According to one: “it needs to be a collective approach. Although an important part, the licence is only part of the solution”.
- 4.16. It was suggested that successful schemes provide local authorities with time and resources to address other issues which may require addressing. One officer stated that enforcement is an important part of the selective licensing process: “it is important that local authorities are seen to be carrying out enforcement”. Also, the Council uses Section 49 of The Housing Act 2004 to recover costs associated with enforcement action.

Housing Associations and letting agents

- 4.17. Landlords and residents commented on the need for letting agencies to be made more accountable. Some suggested that they should also be part of the selective licensing scheme. According to some landlords agents are good at getting tenants, but sometimes poor at managing them. One landlord stated that he had changed agencies because it did not

manage his properties well but remained unsure about the performance of his current letting agent. Both private rented sector (PRS) and Housing Association (HA) tenants commented on landlord performance. Some cited 'good' landlords who swiftly respond to issues such as repairs, whilst others cited examples of 'bad' landlords who were slow to respond to problems or issues. For some tenants, the main purpose of any selective licensing scheme should be to improve the performance of landlords.

- 4.18. Some landlords, residents and tenants felt that Housing Associations should be part of the selective licensing scheme. They should be monitored and made accountable by the local authority. They felt that the same terms and conditions of the selective licensing scheme applied to PRS landlords should be applied to Housing Associations. This would include the local authority monitoring and enforcing minimum standards on Housing Associations. This would lead to a 'level playing field' whereby tenants in all types of rented properties would be afforded the same conditions and rights as those in selective licensing properties. According to one landlord, in future Housing Associations may be the only type of housing organisation who can afford to maintain minimum standards.
- 4.19. Landlords regarded it as being unfair that Housing Associations were able to obtain central government funds for improving properties. One tenant stated how a Decent Homes Grant had been used to improve their terraced house including damp proofing and installing a new boiler. This led to a warmer property and reduced heating costs. They suggested that similar improvements should be made to private rented sector properties in the South West Ward. The local authority should provide financial; assistance to help landlords improve properties. This is particularly important with regards terraced housing as the poor condition of one property can adversely impact on neighbouring properties.

Anti-Social Behaviour (ASB)

- 4.20. Stakeholders discussed the extent of anti-social behaviour (ASB) and social issues within the proposed selective licensing area and Gainsborough generally. Some residents commented on how previously areas within the Gainsborough East Ward (known as 'uphill') were associated with 'troubled families'. However, more recently the proposed selective license area had become associated with ASB.
- 4.21. One local authority officer who attends local resident groups stated that ASB and environmental crime constitute important topics at meetings. The residents group within the Gainsborough South West Ward are considering undertaking a survey on resident attitudes towards ASB in the local area. She stated that families are 'frightened' about the high level of ASB in the South West Ward area.
- 4.22. Some residents commented on how there has recently been an increase in landlords from

outside of Gainsborough (including non-domiciles) buying up houses to let through property auctions. This is important as it is believed that such landlords have little interest in ensuring the upkeep of properties or behaviour of tenants. Similarly, a community group officer stated that service providers such as Probation Services and Youth Offending Service from outside West Lindsey are housing difficult clients inside the selected licensing area. This means that there is a high concentration of troubled families within the proposed selective licensing area.

- 4.23. Some landlords commented on how they are trying to address ASB. However, they receive little support from services such as the police, highways, social services or the local authority. It was suggested that the proposed licensing scheme will not resolve the underlying social and economic issues which lead to ASB. Also, service providers are not fully using existing powers to help address ASB. Stakeholders spoke about the need for service providers to work more closely with landlords and letting agents.
- 4.24. One landlord spoke about the cost of replacing a door broken by the police during a drugs raid. They suggested that in future the police contact them to arrange access. Another landlord spoke about receiving no support from the police when attempting to deal with drug dealers in his property. The problem was only resolved when the tenant was evicted for non-payment of rent. Landlords agreed that evicting tenants can be costly due to loss of income, legal costs, or the cost of repairs to damaged properties. As such, they stated that they would need better support from service providers to successfully deal with ASB.
- 4.25. Landlords particularly require help during such crisis points. This could include providing general or legal advice. One concern was that the implementation of a licensing scheme could lead to more evictions and greater costs. However, some landlords stated that is preferable for issues with tenants to be resolved rather than for costly and complex eviction proceedings to take place.
- 4.26. All stakeholders agreed that it is essential for the licensing scheme to be clear as to what is required of both landlords and tenants. Also, landlords, tenants and residents commented on how the scheme will only be successful if they receive requisite help and support. As such, it is important for all stakeholders to understand where they can seek help and support. Some stakeholders spoke about how they have struggled to gain support from the Council and other agencies when dealing with issues such as anti-social behaviour.
- 4.27. Some landlords stated that they require help and support in dealing with the issue of non-payment of rent. Also, it would be helpful if housing benefit applications were more swiftly processed. Tenants were concerned about how late payments of benefits could impact on

their tenancy and put them at risk of being evicted. Some tenants may require help in completing benefit forms. Concerns were displayed by both landlords and tenants about direct payments of housing benefit to tenants as they were likely to lead to higher rates of rent arrears. Some landlords stated that there is a need for better information sharing regarding prospective tenants. Currently, there is limited information about tenants and it is difficult to vet them.

Environmental conditions

- 4.28. Stakeholders discussed environmental conditions within Gainsborough. For some, the main problem facing Gainsborough is the visual look of the area rather than anti-social behaviour. Residents referred to the physical appearance of Gainsborough as “bringing the area down and it being ‘down at heel’ due to its physical appearance, rather than being due to actual anti-social behaviour”. They commented on how the dilapidated appearance of some areas in Gainsborough makes them appear more threatening than they actually are. According to one stakeholder:

“...making the South West Ward a better place to look at, live in, walk through and so on would encourage growth and investment. It’s the first thing you see when entering the town from that direction. You can’t just invest in new growth and development – you need to heal from within”.

- 4.29. It was agreed that residents are more likely to maintain properties if they reside in an attractive environment. Landlords spoke about the importance of properties being maintained, particularly as they constitute an important financial investment. They stated that good landlords do not rent out properties in poor condition and without being committed to maintenance. Good landlords set high benchmarks in terms of property standards and would only let properties they would want to reside in themselves.
- 4.30. Owner occupiers commented on how the scheme could potentially protect their investment. The scheme would symbolise “at least something is being done”. They spoke about how poor environmental conditions adversely impact on their investment. Some spoke about being unable to sell or being able to afford to sell their homes. They welcome the licensing scheme as a way to address the negative issues such as the poor condition of properties or the environment. Consequently, this would protect investment in properties and lead to increased house prices. However, the NLA said that they are concerned “around how this proposal will be considered by the banking industry – already banks are not lending in areas subject to discretionary licensing”.
- 4.31. Stakeholders commented on how local environmental conditions should be improved alongside improving properties and reducing ASB. This included improving the condition of

pavements, roads, public lighting, open spaces, and dealing with litter and empty properties. It was suggested that these issues would not be successfully addressed by the proposed licensing scheme. To not do so would lead to continued social problems because: "if the area doesn't look cared for, then people will never care for it, and things will just continue to get worse".

4.32. According to both residents and landlords fly tipping tends to occur when people are moving out of a property. Refuse collections take place every two weeks in Gainsborough and the local authority charge for the collection of large items. As such, on moving some tenants fly tip rubbish in the narrow streets and 'tenfoots' (a wide passageway located behind houses for access to garages).

4.33. Landlords felt penalised by the local authority when removing tenants' rubbish as they are charged if they visit the Gainsborough Household Waste Recycling Centre more than twice in one day. According to a written response by the National Landlords Association (NLA):

Often when tenants near the end of the contract/tenancy and they are moving out they will dispose of excess waste in a variety of methods, this does include putting it out on the street for the Council to collect. A waste strategy for the collection of excess waste at the end of tenancies needs to be considered by local authorities with a large number of PRS properties in areas (NLA).

4.34. Some landlords suggested that a benefit of becoming a registered landlord should be that the Council issues landlords with a pass exempting them from additional charges when using the Gainsborough recycling centre on more than two occasions per day.

4.35. There was agreement that the proposed licence scheme would be more effective if it addresses environmental concerns as well as anti-social behaviour. Doing so would lead to landlords and tenants taking more responsibility for the environment and lead to fewer issues such as fly-tipping. People are more likely to respect the local environment if it is in good condition and will lead to people feeling safer and less anti-social behaviour.

4.36. Some stakeholders commented successful examples of investment in Gainsborough has already made. The development of Marshall's Yard and environmental improvements around the High Street and Market Square were cited as examples of regeneration which attract people and increases local pride in an area. Conversely, dilapidated and empty buildings, such as those in the proposed selective licensing area, were likely to increase the possibility of social problems occurring. As such, it is necessary to combine schemes such as selective licensing with environmental improvements.

The proposed tenant passport scheme

- 4.37. Alongside the proposed selective licensing scheme the local authority are considering implementing a tenant passport scheme. The scheme will provide additional assurances to landlords with regard to any prospective tenants that they may wish to let their property to. This process will determine the level of risk associated with any particular tenant so prospective landlords can then utilise this to decide whether to proceed with the tenancy. The scheme will check tenancy history for the past two years using the Council's records, its partner's records and with any current and previous landlords. There are three proposed levels of tenant passport membership: full membership (green) – membership granted for six months; provisional membership (yellow) – membership granted for six months; rejected membership (red) - membership rejected for six months. This element of the scheme will be available across Gainsborough.
- 4.38. Some stakeholders felt that whilst vetting tenants is important, a tenant passport scheme is not necessarily the most appropriate solution. Some expressed concerns that the scheme could leave tenants open to unfair judgements resulting in them unable to be housed. This could particularly affect people from certain groups, individuals or families being unfairly labelled. Home Safe proposes an alternative, which they argue is less open to unfair judgements and is based solely on factual and impartial data. They are currently developing a Tenancy Outcome Data Base which will be based on information from the tenant's verification data. This will highlight if the tenant has any adverse data on file concerning arrears, non-payments of rent, ASB records, leaving a property in poor condition and poor maintenance and upkeep of a property. Tenants will be able to appeal against the data stored and landlords will access the data only with the use of tenants National Insurance Number.
- 4.39. According to a letting agent, tenants could derive peace of mind from the assurance that there will be guaranteed minimum standard to the accommodation that they rent. Should the tenant passport scheme become effective and trustworthy it could improve confidence levels of residents both inside and outside the ward. This could mean a greater mix of potential tenants become attracted to the area, over a period of time and with some education to tenants regarding unacceptable behaviour in private sector accommodation things should improve.

Summary

- 4.40. To summarise, it is apparent from the consultations that there are distinct differences between different stakeholders in relation to views on the proposed selective license scheme. Whilst residents and tenants agreed that some form of selective licensing scheme is required in Gainsborough, landlords tended not to support the proposed scheme. Landlords felt that they are already well regulated and many are members of organisations such as the National Landlords Association (NLA). Landlords generally perceived the proposed cost of the selective licensing scheme as too high whilst some residents and tenants believed it too low to

be sustainable. Whilst landlords accept that there is a need for improvements in the private rented sector, they were sceptical as to whether they would directly benefit.

- 4.41. Some stakeholders believe that letting agents and Housing Associations, as well as private sector landlords, should be regulated by any licensing scheme. This would lead to a 'level playing field' whereby tenants in all types of rented properties would be afforded the same conditions and rights as those in selective licensing properties. Landlords regarded it as being unfair that Housing Associations were able to obtain central government funds for improving properties.
- 4.42. Some landlords commented on how they are trying to address ASB. However, they receive little support from services such as the police, highways, social services or the local authority. It was suggested that the proposed licensing scheme will not resolve the underlying social and economic issues which lead to ASB. Landlords agreed that evicting tenants can be costly due to loss of income, legal costs, or the cost of repairs to damaged properties. As such, they stated that they would need better support from service providers to successfully deal with ASB.
- 4.43. For some stakeholders, the main problem facing Gainsborough is the visual look of the area rather than anti-social behaviour. It was agreed that residents are more likely to maintain properties if they reside in an attractive environment. Landlords spoke about the importance of properties being maintained, particularly as they constitute an important financial investment. Owner occupiers commented on how the scheme could potentially protect their investment. Stakeholders commented on how local environmental conditions should be improved alongside improving properties and reducing ASB. This included improving the condition of pavements, roads, public lighting, open spaces, and dealing with litter and empty properties.
- 4.44. Stakeholders emphasised that any selective licensing scheme should be implemented in conjunction with other schemes and environmental improvements. The Council also need to ensure that they have sufficient resources to implement, enforce, monitor and secure the scheme throughout the proposed five year period. It is also necessary for the Council to work closely with other agencies in order to deal with the complex issues and problems affecting the proposed licensing scheme area.
- 4.45. Finally, stakeholders discussed the proposed tenant passport scheme. Some stakeholders felt that whilst vetting tenants is important, a tenant passport scheme is not necessarily the most appropriate solution. Some expressed concerns that the scheme could leave tenants open to unfair judgements resulting in them unable to be housed. This could particularly affect people

from certain groups, individuals or families being unfairly labelled. However, should the tenant passport scheme become effective and trustworthy it could improve confidence levels of residents both inside and outside the ward.

5. Conclusion and recommendations

- 5.1. Between 09 September 2015 and 30 November 2015 extensive consultation took place on the proposed selective licensing scheme with a wide range of stakeholders including residents, tenants, landlords, letting agencies, local businesses, the local MP, Gainsborough District Councillors, Gainsborough Town Councillors, Gainsborough County Councillors, Letting Agencies, Housing Associations, and community and support groups. The consultation took the form of an extensive range of consultation and information events, a stakeholder survey, focus groups and semi-structured interviews.
- 5.2. It is apparent from the results of the consultation that there are varied opinions regarding the implementation of a selective licensing scheme. There is evidence from previous consultations that the Gainsborough South West Ward does reflect some of the criteria for selective licensing including high levels of deprivation, poor property conditions, low housing demand, and a significant and persistent problem caused by anti-social behaviour. However, more qualitative evidence gleaned from stakeholders suggests that such problems are not confined to certain areas of the Gainsborough South West Ward. For example, they are likely to occur in other areas such as Gainsborough Town Centre or in uphill Gainsborough.
- 5.3. Nonetheless, there is sufficient evidence that some form of selective licensing scheme is required within Gainsborough. Also, more than four-fifths of 230 respondents to the selective licensing survey stated that they were concerned about anti-social behaviour in their local area. The most commonly cited problems included flytipping/environmental crime, noise nuisance, drunken behaviour, burglary, and inconsiderate behaviour. Over a quarter of respondents stated that they had reported ASB within the last 12 months. Generally, a majority of respondents stated that the proposed selective licensing scheme would positively impact on factors such as improving private rented sector properties or reducing nuisance neighbours.
- 5.4. The consultation shows that there are clear distinctions between landlords and other stakeholders regarding the implementation of a selective licensing scheme. Whilst at least in principle, residents and tenants agreed that some form of selective licensing scheme is required in Gainsborough, landlords tended not to support the proposed scheme. Owner occupiers in particular were keen to see the selective licensing scheme implemented because it could help resolve ASB, improve properties, improve the environment, and help maintain or increase property values. In contrast, although they perceived some benefits of a proposed selective licensing scheme, most landlords are opposed to implementing it. As discussed in Chapter 4, some landlords were apathetic to the proposed scheme because previous consultations have not led to schemes being implemented. However, it was suggested that

landlords would react positively to any scheme which led to improved tenancies and improvements to the proposed area.

- 5.5. As discussed in Chapter 2, there are a range of regulated, co-regulated and non-regulated schemes which the Council could consider adopting. Whilst the advantages of national landlord registration schemes such as those implemented in Scotland and Wales may be evident, it is unlikely that legislation in England will change in the near future to enable such a national scheme to be implemented. Stoke Council has implemented its own regulated selective licensing scheme (similar to the proposed selective licensing scheme), although there is not yet sufficient evidence as to its effectiveness. Southend Council's *South East Alliance of Landlords, Agents & Residents* (SEAL) is an example of an unregulated scheme which has had some success in attracting members. However, whilst there is evidence that the management and conditions of properties have improved, it is difficult to determine if the scheme has positively impacted on ASB.
- 5.6. Decent and Safe Homes (DASH) is a joint-working initiative between local authorities, property owners, landlords and tenants. DASH delivers services aimed at improving housing conditions, with particular emphasis on the private rented sector. It is hosted by Derby City Council, and works across the East Midlands region and beyond with over 40 Local Authorities. However, it has a primarily training, advice and support role but does not have the statutory powers to issue landlord licences or undertake enforcement. DASH services are often used in conjunction with schemes such as Doncaster Home Safe (see below) and local authority selective licensing schemes. Finally, the Doncaster Home Safe is an example of a co-regulated landlord scheme. The fact that landlords are able to apply directly to the Council, or pay monthly fees to the selective licensing scheme, may act as an incentive to landlords. Also, the scheme offers a number of other incentives to members including providing support to landlords, training and education sessions, and discounts with commercial suppliers. It is likely that a co-regulated scheme offers the best alternative to the proposed Gainsborough South West Ward selective licensing scheme.
- 5.7. Importantly, the proposed selective licensing scheme will form part of the Council's wider strategy for improving conditions in the Gainsborough South West Ward. It is recognised that the social, economic and environmental problems evident in the South West Ward require a multi-agency approach. As such, the Council, alongside partner agencies are piloting a 'Total Approach' strategy within the ward. The main vision of the strategy is to create an environment in which people feel safe, are proud and prosper. However, it must also be recognised that such an approach will require resources above those which would be gleaned by the proposed licensing scheme. As such, it is important for the Council to ensure that sufficient resources are in place to successfully implement any proposed licensing and related schemes.

5.8. The above leads to the following recommendations that are needed in order to secure the success of the selective licencing scheme:

- Whilst there is evidence of a need for a selective licensing scheme the current proposed scheme is unlikely to be acceptable to all stakeholders. As such, it is recommended that West Lindsey District Council adopts a co-regulated Selective Licensing Scheme and an alternative to the Council's proposed Tenant Passport Scheme. Also, the Council should carefully consider the findings of this consultation before implementing any selective licensing scheme.
- The Council need to be proactive in undertaking e.g. environmental improvements to the proposed selective licensing area. This would increase community confidence in the Council's commitment to improving the area.
- It is unlikely that parallel Selective Licensing schemes run simultaneously would be financially viable. As such, it is recommended that membership of one co-regulated scheme should be the only option available to landlords whilst the Council plays the lead role in administering licenses and enforcement.
- The conditions of the licensing scheme should be clearly defined. However, it should be sufficiently flexible to allow changes in conditions if appropriate. Conditions of licenses should be strictly enforced to ensure the confidence of stakeholders in the effectiveness of the scheme is maintained.
- Although agents of the licensing scheme and landlords will primarily undertake inspections of properties, it is important that a condition of membership is that (given reasonable notice) the Council are allowed access to all licensed properties.
- The Council needs to ensure collaborative multi-agency working effectively takes place and is regularly monitored.
- Irrespective of which scheme is adopted, it is essential that the Council secures sufficient funding to ensure that the scheme and projects running in conjunction are adequately resourced.
- The Council should consider gradually implementing the scheme to other parts Gainsborough.
- It is essential that any licensing scheme implemented is regularly monitored. This will ensure that the scheme is meeting its main objectives. Monitoring should be combined with regular evaluations of its effectiveness.
- The adopted scheme should provide a single point of contact for both landlords and tenants. This could be in the form of a telephone number or online contact form which can be accessed 24 hours per day.
- Alongside enforcing conditions, both landlords and tenants need to be provided with help and support to ensure they meet the conditions of a licence.
- In order to assist landlords and tenants without access to the internet, it is recommended that the Council offer internet training and online facilities to those

who require it. This could simply mean allowing service users access to the public computers located in the West Lindsey DC foyer.

- It is important that all Council staff (including reception workers, case workers and managers) are trained and educated regarding the adopted scheme so that they can efficiently and effectively respond to relevant queries.
- The adopted scheme will require some information to be recorded such as the owner of the property, the property manager (e.g. letting agent), owner and property management contact details, tenant name and contact details etc. Only information required to successfully implement the scheme should be recorded and data owners should consider the terms and conditions of the Data Protection Act 1998.
- It is important to acknowledge that incentives will need to form a key component of the adopted scheme. One incentive to be considered could be the allocation of a pass to license holders so that they can access the Gainsborough Household Waste Recycling Centre more than twice in one day without incurring further costs. Other incentives to be considered could include commercial discounts at relevant shops for both licence holders and tenants.

Appendix 1: Proposed Gainsborough Selective Licensing Area Streets

Street	Street	Street
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	

Appendix 2: Selective Licensing Schemes (as at 1/05/2015) (NLA)

Region	Local Authority
London	- Dagenham
	-Wembley Central
	- Enfield
	- Newham
	- Waltham Forest
North West	-Griffin Area, Lancashire
	- South Beach, Lancashire
	- Burnley (Designated areas)
	- Accrington (Designated areas)
	- Swinton (Designated area)
	- Oldham (Designated areas)
	- Liverpool
North East	- Gateshead (Designated areas)
	- Wembley Area, Easington Colliery (Durham)
	- Gresham, Middlesbrough
	- Newcastle (Designated area)
	- South Bank, Redcar and Cleveland
	- Sunderland (Designated areas)
Yorkshire and Humber	- Leeds (Cross Green and East End Park)
	- Rotherham (Designated areas)
	- Hexthorpe, Doncaster
East Midlands	- Loughborough
West Midlands	- Stoke-on-Trent (Designated area)
	- Wolverhampton (Designated area)
South West	- Margate (Designated area)

Appendix 3: Areas undertaking or considering undertaking consultation on Selective Licensing Schemes (as at 1/05/2015) (NLA)

Local Authority	
	• Barnsley – Consultation expected
	• Birmingham
	• Brighton – Planning to introduce city-wide licensing
	• Cornwall – Awaiting consultation
	• Derby – Awaiting consultation
	• Doncaster – Consultation issued
	• Exeter – Awaiting consultation
	• Gravesham – Awaiting consultation
	• Hull
	• Luton – Awaiting consultation
	• Newport
	• Northampton – Council approved proposal
	• Preston – Local residents pressing Council for selective licensing and Article 4 Direction
	• Rotherham – Decision expected at Council meeting on 24 September (delayed)
	• Solihull – Awaiting consultation
	• West Lindsey – Consultation closed; expected to be approved
	• York
London Boroughs	
	- Barking and Dagenham: approved
	- Brent: approved
	- Camden: apparently considering licensing
	- Croydon: working on consultation proposals
	- Ealing: additional Licensing in place; awaiting consultation on Selective Licensing
	- Enfield: additional and Selective Licensing schemes in place; application for judicial review partly rejected
	- Greenwich: awaiting consultation
	- Hackney: Council accepted Scrutiny Committee recommendation in favour; awaiting consultation
	- Hammersmith & Fulham: awaiting announcement.
	- Islington: Council accepted Scrutiny Committee recommendation in favour; awaiting consultation
	- Kingston: approved, but not implemented
	- Redbridge: pre-consultation exercise complete
	- Southwark: awaiting consultation

Appendix 4: Process for Doncaster Hexthorpe Licensing Applications

