

Gainsborough Selective Licensing Scheme Information for Landlords and Tenants

What is Selective Licensing?

It is a scheme for licensing properties that is detailed within the Housing Act 2004 S80. It enables the Local Authority to licence all properties in the private rented sector within a designated area and to put in place mandatory and additional conditions that the licence holder must adhere to.

Where is the designated area?

The following streets are included within the scheme;

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

*Please note, any property that falls within the shaded area on the map in the official designation will be included within the selective licensing scheme. This list of streets is not exhaustive. This designation can be found at www.west-lindsey.gov.uk/selectivelicensing

What are the licence conditions?

The licence conditions are set out in full on the Council’s website. The licence conditions cover a number of areas such as tenancy management, anti-social behaviour, property condition and property management arrangements.

When does the scheme commence?

The scheme commences on the 18th July 2016 and lasts for 5 years. Landlords will need to apply for a licence as soon as possible after this date. Landlords will have until the 31st of October 2016 to apply for a licence. If they have not taken steps to make an application by this date they may face prosecution.

How do you apply for a licence?

A licence can be applied for via www.thehomesafescheme.org.uk . All licence applications will need to be completed online. The Council are working in partnership with The Home Safe Scheme, who are a co-regulator who will deal with the initial licence application and then liaise with the Council in order for a licence to be determined. This scheme also brings additional benefits for landlords in the form of training, advice and access to discounted landlord services.

In order to process an application the landlord will need to have in place and provide a copy of the following for each property:

- Current Gas Safety Certification
- Energy Performance Certificate
- A valid Electrical Installation Certificate (no more than 5 years old and completed by a suitably qualified electrical contractor)

How much does a licence cost?

The licence fee is £375 for the 5 year period per property.

The licence holder will be required to pay £195 in advance. This is broken down as follows; £25 Home Safe joining fee, £50 Home Safe inspection fee and £120 for the Council License.

The remaining fee will be collected over the 5 year period at £3 per property per month. Full details of this will be provided at the point of application.

Are there any discounts on the licence fee?

If a landlord has more than one property they will receive a reduction of £20 for each additional licence application per property as they will only require one fit and proper persons test to be carried out.

If a landlord is licensed before the 31st of October 2016, they will receive complimentary training on property inspection and self-regulation. If they do not apply before this date then this training will result in an additional fee of £50 being charged.

What happens if a landlord does not have a licence?

This is a criminal offence and will result in prosecution with fines of up to £20,000. If a landlord continues to rent their property once the scheme has commenced then they would be committing a criminal offence. If they apply and do not meet the fit and proper person criteria or find a suitable alternative licence holder and a licence is refused then they should not continue to rent after the date the scheme begins. This would also apply should your licence be revoked at any time during the five year licence period.

What happens if licence conditions are breached?

If a licence is issued and the conditions are breached this could lead to a fine of up to £5,000. This could also lead to the revocation of the licence and unless a suitable alternative licence holder could be found, the Council may take over the management of the property by issuing an Interim Management Order (IMO).

How do you determine whether a landlord is fit and proper?

A fit and proper person check must be completed by the proposed licence holder and manager as part of the housing licensing application process on their first application. In deciding whether someone is 'fit and proper', the Council must take into account:

- Any previous convictions relating to violence, sexual offences, drugs and fraud
- Whether the proposed licence holder has broken any laws relating to housing, landlord and tenant issues in the last 12 months
- Whether the person has previously managed HMOs which have broken any approved code of practice

Where the proposed licence holder is not deemed to be fit and proper, the Council may choose not to issue a licence or to issue one for a period of less than 5 years. Full details on the criteria that the Council uses to determine whether a landlord is "fit and proper" can be found on the Council's website.

What happens if a landlord is not deemed fit and proper?

The Council will advise the landlord of their options in regards to how this may be addressed. They may need to find an alternative person to become the licence holder or the Council may choose to issue a licence for a shorter time period.

Who should be the licence holder?

The Council can only grant a licence to someone who is in control of the property. It is the owner's responsibility to ensure that an application for a licence is made for their property; however they may not necessarily be the licence holder.

Landlords who manage their properties directly should apply for a licence in their own right. Where a managing agent is used, the managing agent could apply for the licence and the landlord will need to provide information about the property and give their consent.

Where a manager is employed, financial arrangements must be in place to ensure that any works deemed necessary for the proper management and maintenance of the property can be carried out.

Where a limited Company is the licence holder then the company secretary or other authorised signatory should be the licence holder.

Are there any exemptions?

In some specific circumstances properties are exempt from Selective Licensing, such as when the property is managed or controlled by a Registered Social Landlord/ Public Body, or the building is regulated under other legislation (e.g. licensed houses in multiple occupation, care homes etc.). A full list of exemptions can be found here

<http://www.legislation.gov.uk/ukxi/2006/370/contents/made>

What happens if a property is empty?

The owner will need to apply for an exemption with the Council, which will last for 3 months. They will need to contact us at selectivelicensing@west-lindsey.gov.uk to arrange for an application to be made.

How will you target the poor quality or rogue landlords?

Our approach to enforcement within the scheme will be targeted at the unlicensed properties and those we receive complaints about. This will ensure that we are focussed on those landlords that are not engaging with the licensing scheme and/or who are not ensuring that their properties comply with the conditions.

How will you know which properties are unlicensed?

All properties that are non-exempt will need to have a licence. The Council will undertake a process to contact all of the relevant landlords using the information that is available to us. Any property that is not licensed or exempt by the 31st of October will then be dealt with as an unlicensed property and may then be liable for prosecution.

The Council will act upon information from tenants, landlords, other agencies and partners in order to identify unlicensed properties and their owners. Once licensed the Council will produce a register of licensed properties that will be publicly available.

Does Selective licensing weed out bad landlords?

Yes. If someone cannot meet the 'fit and proper' person criteria they will not be issued a licence. The Council believes that the majority of landlords conduct their business in a satisfactory manner and provide vitally important housing options for many people. For those who do not, Selective Licensing will provide a standard they must meet to continue operating as a landlord in this area.

Can a licence be transferred to another property?

No, a licence is not transferable.

Do you get a refund if you sell your property during the licence period?

No, the licence fee is non-refundable. If you join via The Home Safe Scheme you will only pay the direct debit amount up to the point at which you sell the property.

What is the situation if you wish to change your agent and he/she is the licence holder?

As stated in legislation, licences are non-transferable. If a new licence holder is to be introduced then a new licence will have to be applied for.

How can a landlord be held responsible for the behaviour of their tenants?

As part of the scheme every landlord will need to ensure that they are taking reasonable and effective steps to manage ASB within their properties. Our evidence suggests there is a strong correlation between the private rented sector and ASB. The licensing scheme will encourage a more proactive approach to the sign up and management of tenancies and ensure that clear expectations in regards to behaviour are put in place.

How do tenants benefit from licensing?

Licensing will improve the rental market by raising standards, supporting tenants and creating a more stable community. Tenants and prospective tenants will know that landlords are "fit and proper" and that they have agreed to abide by the conditions of their licence.

Will rents go up as a result of licensing?

Licensing should not affect the current rent level which is contractually agreed between you and your landlord through the terms and conditions of your tenancy agreement. Licensing should ensure that standards are met within the property, that you have a legally binding tenancy agreement and that your rights are upheld. If you do not have a tenancy agreement you should contact the Council and advise us of this.

Can a landlord evict a tenant if they are required to get a licence?

It is illegal for your landlord to evict a tenant simply because they do not wish to obtain a licence for a property that requires one. Additionally, if a tenant has an assured shorthold tenancy agreement then the landlord legally must follow the correct procedure before eviction. If a landlord threatens a tenant with eviction they should contact the Council for advice.

Could a tenant complain about a licensed landlord?

Yes, a tenant can provide information to the Council if they believe that their landlord is not meeting the conditions of the licence or are not meeting their other obligations. Complaints about property conditions should be first addressed to the landlord. If the landlord does not resolve the issues then they should be reported to the Council.

To apply please visit www.thehomesafescheme.org.uk . To find out further information in regards to the scheme please visit www.west-lindsey.gov.uk/selectivelicensing or contact selectivelicensing@west-lindsey.gov.uk