

Subject: SELECTIVE LICENSING DESIGNATION REPORT

Report to: Management Team – 3<sup>rd</sup> September 2018; Full Council – 13<sup>th</sup> September 2018

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#### SUBJECT MATTER/RECOMMENDATIONS

This report seeks to present to Members the significant results of the consultation for a Selective Licensing Scheme within the Nelson Ward, and a recommendation on the proposed Selective Licensing Designation. Full Council is recommended to:

1. Agree to make a Selective Licensing Scheme Designation in respect of certain parts of the Nelson Ward, as set out in the annexed Proposed Selective Licensing Designation document.
2. To confirm the proposed use of Community Connectors in the Selective Licensing area to further strengthen the outcomes of this project and previously noted by the Housing and Neighbourhoods Committee.
3. To approve the revised business case and fees and charges for the proposed Selective Licensing Scheme, to start on 7<sup>th</sup> January 2019.

## 1. BACKGROUND

- 1.1 The Committee Report 'Private Rented Housing; Proposal for a Selective Licensing Scheme within Nelson / Central and Northgate Wards', went to Full Council on 2<sup>nd</sup> November 2017.
- 1.2 Full Council agreed that Officers would further develop a scheme of Selective Licensing covering a geographic area comprising parts of the Nelson and Central and Northgate wards.
- 1.3 The release of £38,788 from the Special Project reserve to fund the development of the scheme, which included the appointment of a Housing Licensing Manager alongside undertaking statutory consultation for the scheme prior to finalising the details of scheme, was also agreed.
- 1.4 The Selective Licensing Scheme aims to tackle significant and persistent levels of

Anti-Social Behaviour (ASB), crime, poor housing conditions, low housing demand, and high deprivation, related to the private rented housing sector within these areas.

- 1.5 On 14th June 2018, the Housing and Neighbourhoods Committee (H&N) approved the 'Consultation on Selective Licensing in the Nelson Ward' document and authorised the consultation process which ran from 15th June – 24th August 2018.
- 1.6 H&N also noted the following:
- The proposed use of Community Connectors in the Selective Licensing area to further strengthen the outcomes of this project;
  - Full Council will receive a 'Selective Licensing Designation Report', on 13<sup>th</sup> September, following the 10 week stakeholder consultation.
  - The proposal to work with a Delivery Partner organisation, with the contract to be awarded by the Council under a competitive concession application process;
  - A revised business case along with revised associated fees and charges.
- 1.7 H&N received an update report on the Selective Licensing Consultation on 6<sup>th</sup> September 2018.

## **2. INTRODUCTION**

- 2.1 The 10 week stakeholder consultation on the Selective Licensing Proposals finished at the end of 24<sup>th</sup> August.
- 2.2 The consultation results have been made available to stakeholders within the appended Designation Report, summarising the results and comments received, with responses to the significant matters raised, and confirming the legal basis for a Designation decision.
- 2.3 If Full Council decides to designate the proposed Selective Licensing Scheme, it is proposed that the Designation Notice would be published on 14<sup>th</sup> September, with the designation becoming operative on 7<sup>th</sup> January 2019 and lasting for a period of five years until 6<sup>th</sup> January 2024.

## **3. RESULTS OF SELECTIVE LICENCING STAKEHOLDER CONSULTATION**

- 3.1 In preparing the final proposal in the Designation Report, the council has carefully considered all of the representations received during the public consultation. The paper and online consultation prompted 85 survey responses, and 10 other separate written responses received by post or by email. As such, there were 95 responses in total.

- 3.2 Of the 95 responses, 82 included written submissions, with 72 written comments submitted via the survey, and 10 as the separate written responses. The main issues highlighted by these responses, and some more specific issues were discussed in the Designation Report along with Council responses.
- 3.3 At least 68.2% respondents were private sector landlords or letting agents. The remaining 31.8% of respondents included residents, businesses, workers, partner organisations and others.
- 3.4 This disproportionately high response rate from the landlord and letting agent respondents, compared to the other stakeholder communities in real terms, significantly skewed results due to respondent bias against the scheme. Therefore for each question, the landlord community responses and those of other respondents were separated. This gives balanced rather than skewed responses where there is a higher response rate from one particular self-interest group. Other LA's have presented the evidence in this way to make the data more balanced and representative of public opinion.
- 3.5 Public and stakeholder consultations tend to have a low response rate from all respondent groups, particularly from those who are in support of the proposals, or relatively unconcerned about them, which is consistent with the respondent pattern in this consultation.
- 3.6 The overall results revealed that there is very strong support for a designation from residents, businesses, workers and other respondents, with 89.3% of these respondents strongly agreeing, agreeing, or not in objection to the Selective Licensing proposals. Whereas 93.9% of the private sector landlord community respondents objected to the proposals.
- 3.7 This pattern of different results from respondent groups continued throughout the consultation survey questions, demonstrating the different interests of the stakeholder groups. For example, only 12% from the landlord/lettings respondents professed to having had problems from privately rented properties within the last two years, whilst 67% of everyone else had experienced problems during that time. Given that the Council's evidence base demonstrates that there are significant issues, this suggests that there was some bias in the responses from the landlord/lettings respondents, which could be to downplay issues in the hope of avoiding a Selective Licensing Designation.
- 3.8 The Council received written submissions in support from key stakeholders, including Norfolk Constabulary, Norfolk Fire and Rescue Service, the National Landlords Association, and Trading Standards. The support of the National Landlords

Association – the UK's largest and most influential landlord membership organisation – is particularly significant given that this is not common, and only happens if Selective Licensing proposals are considered reasonable, and of benefit to all parties.

- 3.9 The Residential Landlords Association (RLA) and the Eastern Landlords Association, were not in support of the proposals and broadly submitted the same comments, which were drafted by the RLA.
- 3.10 Some landlord and letting agent members of the ELA informally proposed a landlord self-regulation scheme instead of Selective Licensing, similar to the 'SEAL' scheme in Southend. However, no firm or formal proposals were made despite requests, and due to this and a fact-finding visit to SEAL and Southend BC, such a scheme could not be demonstrated to be suitable and sufficient for the challenges faced within the proposed Designation.

#### **4. CONCLUSIONS**

- 4.1 The 10 week Stakeholder Consultation has been completed, and the results show that a significant and broad cross-section of Great Yarmouth's residents, business people, workers, and partner agencies support the proposed Selective Licensing Designation.
- 4.2 The legal tests have been met, and so Full Council has general approval to Designate the proposed area for Selective Licensing without the need to obtain confirmation from the Secretary of State.
- 4.3 If Full Council decides to make the Selective Licensing Designation, the legal Designation Notice, and Public Notice may be issued on 14<sup>th</sup> September 2018, with the Scheme commencing on 7<sup>th</sup> January 2019.

#### **5. RECOMMENDATIONS**

- 5.1 Full Council is recommended to:
- Agree to make a Selective Licensing Scheme Designation in respect of certain parts of the Nelson Ward, as set out in the annexed Proposed Selective Licensing Designation document.
  - To confirm the proposed use of Community Connectors in the Selective Licensing area to further strengthen the outcomes of this project and previously noted by the Housing and Neighbourhoods Committee.

- To approve the revised business case and fees and charges for the proposed Selective Licensing Scheme, to start on 7th January 2019.

*Areas of consideration: e.g. does this report raise any of the following issues and if so how have these been considered/mitigated against?*

Area for consideration	Comment
Monitoring Officer Consultation:	The Monitoring Officer has been consulted.
Section 151 Officer Consultation:	The Section 151 Officer has been consulted.
Existing Council Policies:	The Housing Strategy has been considered.
Financial Implications:	Yes. Details contained within the report.
Legal Implications (including human rights):	The Monitoring Officer has been consulted.
Risk Implications:	Yes. Risk Register maintained for project.
Equality Issues/EQIA assessment:	No.
Crime & Disorder:	No.
Every Child Matters:	No.



## APPENDIX 1 – Revised Fees & Charges

### Standard Fees

Property Type	5 year licence fee and payment options	
	Monthly fee – Landlord Support Scheme	Up front – Landlord Support Scheme
<b>Single occupancy household</b>  For each dwelling which is occupied by a single household (eg house, self-contained flat or non self-contained flat)	<b>£90 + £9.50+VAT/month</b>	<b>£515+VAT</b> <b>(VAT applies to £425 of fee)</b>
<b>Buildings containing flats where the landlord owns the freehold<sup>(1)</sup></b>  A single licence will be issued covering all of the flats within the control of the landlord	<b>£90 + £9.50+VAT/month for first flat and then £80 + £9.50+VAT/month for each additional flat within the same building</b>	<b>£515+VAT and then £505+VAT for each additional flat within the same building (VAT applies to £425 of each fee)</b>
<b>Buildings containing flats where the landlord owns more than one flat in a building without owning the freehold</b>  As the landlord does not own the freehold, then each flat will require an individual licence	<b>£90 + £9.50+VAT/month for first flat and then £80 + £9.50+VAT/month for each additional flat within the same building</b>	<b>£515+VAT for first flat and then £505+VAT for each additional flat within the same building (VAT applies to £425 of each fee)</b>

Reduced rates <sup>(2)</sup>	Monthly fee (Landlord Support Scheme)	Up front (Landlord Support Scheme)
<b>Accredited membership of selected organisation</b> Reduced fees will apply to accredited members of one of the following organisations:  National Landlords Association Residential Landlords Association National Approved Lettings Scheme	<b>£70 + £9.50+VAT/month</b>	<b>£495+VAT (VAT applies to £425 of fee)</b>
<b>Early application reduced fee</b> Applies to all licence applications received and fully completed with all requested documentation by the 14 <sup>th</sup> of March 2019 (i.e. within 3 months of the designation of scheme).	<b>£70 + £9.50+VAT/month</b>	<b>£495+VAT (VAT applies to £425 of fee)</b>

Penalty	Amount
<b>Late Application</b> Applications received 6 months after commencement of scheme (e.g. June 2019).	<b>£1000</b> Applies to each licence application



<b>Finder's Fee</b>  Applies where a licensable property is identified by the Council after June 2019 and no application has been submitted. Landlords who have failed to licence any such property may also be subject to prosecution by the Council.	<b>£1000</b> Applies to each licence application
<b>Incomplete application</b>  Incomplete application: e.g. incomplete information, application form not signed, failure to provide certificates and requested documentation within an agreed timescale.	<b>£25</b> Applies to each licence application

## **Penalties<sup>(3)</sup>**

### Notes

- (1) This only applies where the applicant is in control of the whole building (e.g. a landlord who owns the whole block). In cases where the applicant has one or more flats within a building, but do not have full control of the block, then the applicant will require individual licence applications for each flat in the block.
- (2) Where applicable, all reduced rates can apply to the same licence application. In the case of multiple flats within the same building where the landlord is not the freeholder, the rate will only apply to the initial application
- (3) Applicants will not be entitled to reduced fees where a penalty fee has been applied.

## APPENDIX 2 – Revised Business Case

<b>Special Projects Reserve Proposal</b>									
<b>Full costs including payback period</b>									
			<b>Note Ref.</b>	<b>2018/19 Year 1</b>	<b>2019/20 Year 2</b>	<b>2020/21 Year 3</b>	<b>2021/22 Year 4</b>	<b>2022/23 Year 5</b>	
<b><u>COSTS</u></b>									
Employee: (incl oncosts)									
Senior Housing Licensing Officer - Band 8, SCP 39 - (31/01/18-31/01/19)			2	38,793					
Housing Licensing Officer Officer - Band 4 - 5 years (8/2018-3/2023)				12,051	24,623	25,665	27,307	28,451	
Redundancy									3,000
Housing Licensing Officer Officer - Band 4 - 1 year (8/2018-8/2019)				12,051	10,358				
Housing Licensing Officer Officer - Band 4 - 1 year (8/2018-8/2019)				12,051	10,358				
Other Costs:									
IT (tablet purchase)			4	500					
Mileage				1,303	100	100	100	100	
Training				300					
Mobile phone				100					
PPE				200		100			
Other expenses (subsistence/translation/room hire)				2,000	800	500	500	500	
Intelligence and data gathering				9,700	1,000	1,000	1,000	1,000	8,250
Recruitment costs				1,500					
<b>Departmental recharges</b>			<b>5</b>	<b>50,000</b>	<b>15,000</b>	<b>15,000</b>	<b>15,000</b>	<b>15,000</b>	<b>15,000</b>
<b>Total cost in year</b>				<b>140,549</b>	<b>62,239</b>	<b>42,365</b>	<b>43,907</b>	<b>55,307</b>	
<b><u>INCOME</u></b>	<b>Fee</b>	<b>No of applications</b>							
Fee Income - Standard Fees with discount	£70	630		(44,100)					
Fee Income - Standard Fees	£90	830		(74,700)					
Fee income - Council only Standard Fees	£515	10		(5,150)					
Fee income - Council only Additional Flats	£505	2		(1,010)					
Fee Income - Additional Flats	£80	200		(16,000)					
Fee Income - Late applications / Penalty fees	£1,000	100			(25,000)	(25,000)	(25,000)	(25,000)	
Other income - Incomplete application	£25	20		(500)					
<b>Total income in year</b>				<b>(141,460)</b>	<b>(25,000)</b>	<b>(25,000)</b>	<b>(25,000)</b>	<b>(25,000)</b>	<b>(25,000)</b>
Special Projects Reserve			3	(38,788)					
<b>Net Cost/(Saving) in year</b>				<b>(39,700)</b>	<b>37,239</b>	<b>17,365</b>	<b>18,907</b>	<b>30,307</b>	
<b>Cumulative cost/(saving) including recharges</b>				<b>(39,700)</b>	<b>(2,461)</b>	<b>14,905</b>	<b>33,812</b>	<b>64,119</b>	
<b>Cumulative cost/(saving) excluding recharges</b>				<b>(89,700)</b>	<b>(67,461)</b>	<b>(65,096)</b>	<b>(61,189)</b>	<b>(45,882)</b>	
<b>Notes:</b>									
These should provide explanations/clarification around the costs/budgets included above.									
1. Current budgeted position.									
2. Actual costs in current year if proposal is introducing a change part way through the year.									
3. One off costs to be funded from the invest to save reserve.									
4. Laptops, furniture included									
5. Estimated using similar cost centre figures from 2018-19 budget workings									



**GREAT YARMOUTH**  
BOROUGH COUNCIL

## Selective Licensing in the Nelson Ward

Proposal to make a Selective Licensing designation

FOR DECISION

Full Council 13<sup>th</sup> September 2018

# Table of Contents

<b>1</b>	<b>Introduction .....</b>	<b>3</b>
<b>2</b>	<b>Overview of consultation proposal .....</b>	<b>4</b>
<b>3</b>	<b>Results of the stakeholder consultation .....</b>	<b>6</b>
3.1	Overview .....	6
3.2	Consultation methods.....	6
3.3	Survey responses.....	7
3.4	Separate written responses .....	11
<b>4</b>	<b>Council response to key issues raised during the stakeholder consultation .....</b>	<b>14</b>
4.1	Waste problems .....	14
4.2	Crime and anti-social behaviour .....	14
4.3	Housing enforcement .....	15
4.4	Licence fees .....	16
4.5	Concern about the cost of blighting .....	17
4.6	Use of existing powers .....	18
4.7	Why is Selective Licensing applied to all landlords? Can you exempt good landlords? .....	18
4.8	Consideration of alternatives and Landlord Self-Regulation .....	20
4.9	Delivery Partner and Landlord Support Scheme.....	21
4.10	Loss of private rented sector dwellings and increase in homelessness .....	23
4.11	Landlord threats to stop working with the Housing Authority.....	24
4.12	Request for the Council to purchase former Council Housing stock .....	24
4.13	Council Housing, Housing Associations and Residential Social Landlords .....	25
4.14	Support for Selective Licensing and greater regulation.....	25
4.15	Issues with HMOs .....	26
4.16	Wait for Government Review.....	26
<b>5</b>	<b>Authority to make a designation.....</b>	<b>28</b>
5.1	Legal tests.....	28
5.2	General approval by Secretary of State.....	29
5.3	Designation and operative dates .....	30
5.4	Housing strategy .....	30
5.5	Homelessness, empty properties and anti-social behaviour .....	30
5.6	Alternative courses of action .....	31
<b>6</b>	<b>Licence conditions.....</b>	<b>32</b>
6.1	Mandatory licence conditions .....	32

6.2	Discretionary licence conditions .....	32
<b>7</b>	<b>Conclusion.....</b>	<b>34</b>
7.1	Proposed Designation Document.....	35
	<b>Appendix A: Raw consultation survey results.....</b>	<b>36</b>
	<b>Appendix B: Proposed Designation Notice.....</b>	<b>41</b>
	<b>Appendix C: Selective Licensing Consultation Document.....</b>	<b>42</b>

## **1 Introduction**

On 15<sup>th</sup> June 2018, Great Yarmouth Borough Council (the Council) launched it's Selective Licensing roposal Stakeholder Consultation document: 'Consultation on Selective Licensing in the Nelson Ward: Proposal to make a selective licensing designation'. This consultation lasted for more than the required 10 weeks, finishing at the end of 24<sup>th</sup> August 2018.

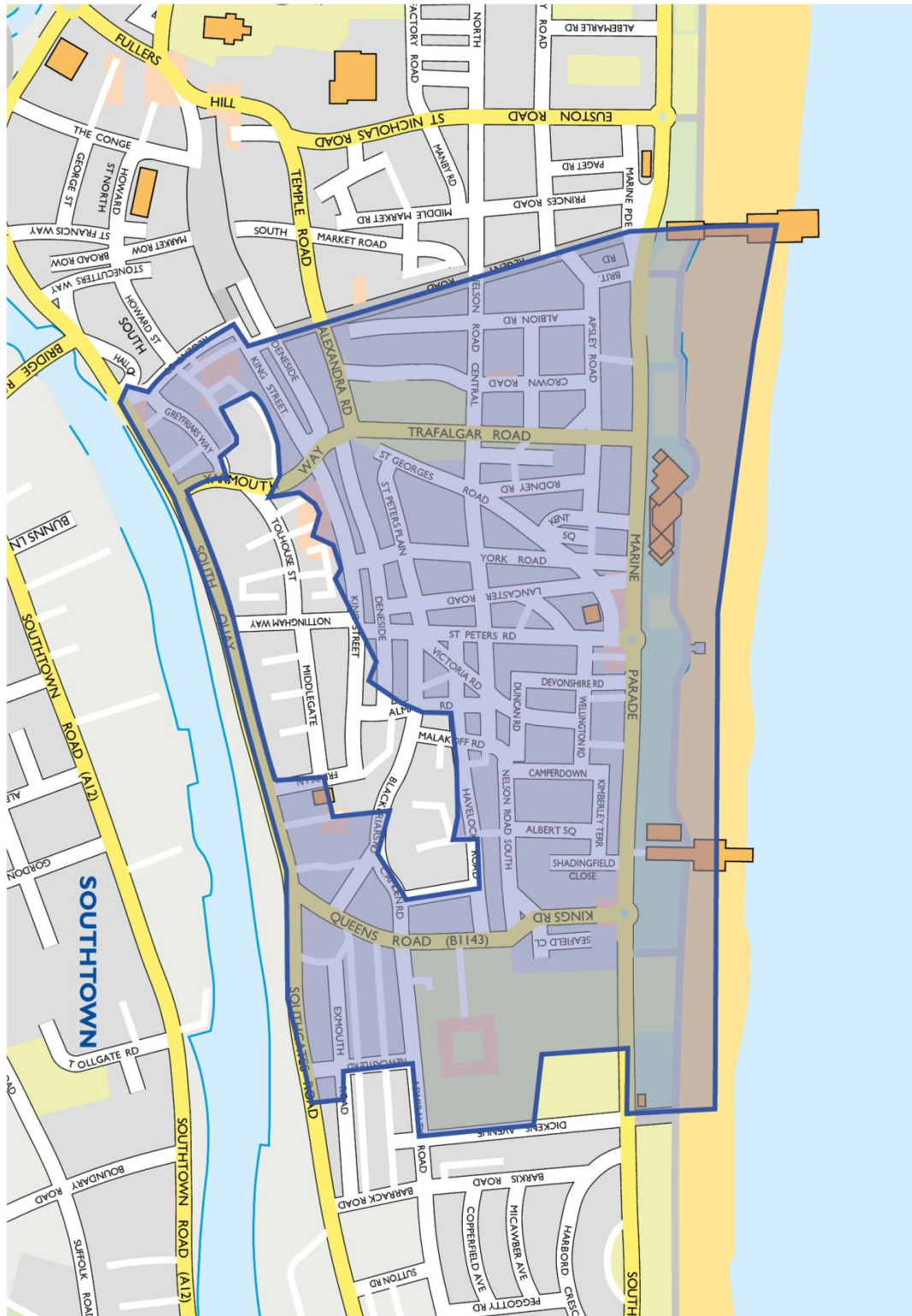
The comprehensive 73 page consultation document provided an outlined the proposed 5 year Selective Licensing Scheme Designation. It also provided the evidence base required to support such a Designation. For the avoidance of excessive and unnecessary duplication, the information presented in the consultation document is not repeated in full in this report. The reader is therefore directed to the consultation document at this point, which is contained within Appendix C.

This document reviews the results of the Stakeholder Consultation and sets out the Council's position in respect of the key issues highlighted by the responses received. It also finalises the proposal such that Full Council may make an informed decision when the Members meet on 13<sup>th</sup> September 2018, ND decide whether or not to make a Selective Licensing Designation.

## 2 Overview of consultation proposal

A map showing the proposed Selective Licensing designation, is shown below.

Figure 1: Map of proposed designated area (2019-24)



The proposed designation would, if agreed at Full Council on 13<sup>th</sup> September 2018, become operative on 7<sup>th</sup> January 2019 and expire on 6<sup>th</sup> January 2024.

It is expected that approximately 1,630 privately rented homes would be in need of a selective licence from the council in the event of a designation.

All landlords would be required to join a 'Landlord Support Scheme' operated by a 'Delivery Partner', and pay a licence fee upon application. The licence fees proposed in the consultation document were based on the concept that the scheme should minimise the financial burden on landlords. It was therefore proposed that licence fees are kept as low as is reasonably possible, without jeopardising the council's ability to undertake its statutory functions under Selective Licensing. Also, the option of a small initial application fee, and low monthly payments split over the proposed 5 year term to the Delivery Partner, rather than paying the entire 5 year cost up front, as is usual in other Selective Licensing Schemes.

Each new licence granted would be subject to a series of licence conditions. Licence conditions under Selective Licensing must include the mandatory conditions set out in Schedule 4 of the Housing Act 2004 and may include additional conditions relating to management, use and occupation. The proposed additional conditions have been drafted, following a conditions review (including responsibilities relating to tenant referencing; the use of written agreements for occupation; anti-social behaviour; crime; waste management; property maintenance; alleygates; and furniture, electrical, gas and fire safety).

The designation was proposed on the basis that the area is an area of low housing demand which also suffers from poor housing conditions and high levels of deprivation, crime and anti-social behaviour. A designation would be expected to contribute to:

- An improvement in the social and economic conditions in the area;
- A reduction in anti-social behaviour;
- An improvement in general housing conditions;
- A reduction in the level of deprivation; and
- A reduction in crime.



## 3 Results of the stakeholder consultation

### 3.1 Overview

The council undertook a greater than 10 week stakeholder consultation between 15<sup>th</sup> June 2018 and the end of 24<sup>th</sup> August 2018. Throughout the consultation period, the Council's website featured an links to stakeholder consultation document, questions and answers document, details about consultation events and where to complete the paper survey, and the online survey. The consultation survey included 15 questions, with the last giving the option to make other comments. Stakeholders also made written submissions to the Council. The consultation prompted 85 survey responses, and 10 other separate written responses received by post or by email. As such, there were 95 responses in total.

### 3.2 Consultation methods

Chapter 4 of the consultation document set out how the public consultation was to be comprehensively publicised. The various stakeholders specified in the consultation document were emailed or written to in the first few days of the public consultation, or were met with during the consultation.

The extent to which the other means of consultation took place is set out below.

#### **Landlord consultation events**

The Council hosting a Landlord Consultation Event arranged by the National Landlords' Association on 18<sup>th</sup> of June, in the Town Hall, Great Yarmouth.

Officers also presented to a meeting of the Great Yarmouth Branch of the Eastern Landlords' Association, at the Cliff Hotel in Gorleston, on 17<sup>th</sup> July.

#### **Stakeholder drop-in sessions**

The council held two Selective Licensing Consultation Drop-In Sessions, for all parties who may have an interest in the proposals, including landlords, tenants, letting agents, other residents, businesses, charities, and statutory organisations:

- Monday 18<sup>th</sup> June 2018, between 9.30 am and 4 pm, in the Assembly Room, Town Hall, Hall Plain, Great Yarmouth, NR30 2QF;
- Monday 25<sup>th</sup> June 2018, between 9.30 am and 4 pm, in the Rumbelow Gallery, Central Library, Tolhouse Street, Great Yarmouth, NR30 2SH.

## **Neighbourhood Lunch**

Selective Licensing was discussed with residents, community groups and organisations at the Neighbourhood Lunch in Great Yarmouth Library, on the 8<sup>th</sup> August.

## **Public and social media**

Social media, namely Twitter and Facebook, was also used to promote the public consultation, via the Council account, and the Comeunity account for the Neighbourhoods That Work Partnership covering the Nelson Ward.

## **Posters**

A3 sized colour posters (including Lithuanian, Polish, Portuguese language versions) promoting the public consultation were shown in Council Offices, the offices of charities and partner organisations, Harbour Radio and the library, within the proposed Designation area during the consultation period.

## **3.3 Survey responses**

The online and paper consultation prompted 85 survey responses. The consultation survey included 15 questions, of which the first four were about the respondent, and questions 5-15 were about their views on the Selective Licensing Proposals. The tables of raw results are within Appendix B.

### **Respondent questions**

Question 1 (see table 1) asked respondents to identify which type of respondent group they were in from one of ten choices. 61.2% self-identified as landlords, 12.9% as owner occupiers, 7.1% as 'Representing a Government or Regulatory Organisation', 7.1% as 'other', 5.9% as letting agents, 3.5% as 'Representing a charity or organisation', and 1.2% (or one person) each for 'As a Private Rented Tenant' and 'As a Council Tenant'. However, it is recognised that some people fit into more than one category, which is why we get more private tenant responses to later questions, as though respondents may be representing an organisation or down as 'other', they are still tenants. Equally, some of these respondents also indicate that they are business people elsewhere. The 'Private Rented Tenant' respondent actually appeared to be a landlord based in Norwich from their submission, though they have been counted as a Private Rented Tenant for results purposes. Table 2 clarifies the interests of the "Other" 6 respondents, where 'As owner of 5 properties' has self-identified as a landlord, and has been treated as such for results purposes. Therefore 62.4% of respondents overall were landlords, so with the lettings agents at least 68.2% respondents

were from the private sector landlord community. The remaining 31.8% of respondents are referred to as 'residents, businesses, workers and others'.

Question 2 (see table 3) asked the respondents to give their postcode or street name, so that we could identify whether the respondent lived/worked in the proposed Selective Licensing Designation, within the Borough, or outside the Borough; though in the event it appears that some landlords submitted the address or postcode to one or more of their privately rented properties, rather than their own. 21% of addresses were within the Proposed Selective Licensing Designation, with another 63.5% within the Borough, and over 15% outside the Borough. Even taking into account the above, the spread of addresses indicates that the significant majority of submissions were from the landlord community.

Question 3 (see table 4) asked what type of property the respondents lived in. This question was intended to give information about the sort of housing stock that residents within the proposed designation lived within, and then compare this with the issues in those properties, as identified in the later question responses. There was a higher than expected proportion of those in a 'house or bungalow' (67%), and 'none' and non-applicable responses from 'other' (18.9% in total).

Question 4 (see table 5) asked about what type of properties (if any) the respondent owned or managed within the proposed designation. With the 37.7% of responses for 'house or bungalow', the 21.2% for 'self-contained flat', and 5% for 'other' (which were a mix of properties), we can see that 64.7% of respondents had a landlord or lettings interest within the proposed designation, broadly matching the private sector landlord proportion (68.2% from question 1) of respondents. Another 34.1% do not rent or manage any properties within the proposed designation.

### **Selective Licensing results**

The survey asked 11 questions with respect to the proposed Selective Licensing Designation. Of the 85 respondents, 72 (84.7%) made further written comments in addition to answering the survey questions. These representations are discussed in section 3.6 below.

The survey results in respect of each question, are shown in the tables below, collating the results to show how three distinct groups have answered:

- All respondents;
- All private landlords and letting agents;
- Residents, businesses, workers and others.

Question 5 (see table 6) asked respondents whether they had any problems with privately rented properties in their area in the last 2 years. The results seem to differ between the two

respondent sub-groupings, with only 12% from the landlord/lettings respondents having professed problems from privately rented properties within the last two years, whilst 66.7% of everyone else having experienced problems during that time. Given that the Council's evidence base demonstrates that there are significant issues, this suggests that there is some bias in the responses from the landlord/lettings respondents, which could be to downplay issues in the hope of avoiding a Selective Licensing Designation.

Question 6 (see table 7) asked respondents that replied yes to question 5, what problems they had experienced. 36 respondents answered this question, with almost half having experienced 'nuisance and anti-social behaviour (including noise)', around 42% 'poor condition of properties', over a quarter having experienced both 'crime dealt with by the Police' and 'poorly managed properties', the 44% 'Other' included other responses that would fit into the above categories, and a number of nil responses.

Question 7 (see table 8) asked respondents if they were tenants of a privately rented property and had any concerns about their properties. This question highlighted how few tenants actually responded to the consultation survey, as 90.6% (77 out of 85) of respondents gave nil responses under 'other', meaning that there were 8 respondents (8 out of 85) who answered as a private tenant. One tenant identifying concerns with all seven of the other categories within their narrative response under 'other', and so the percentage concerns for residential tenants were 75% were concerned about 'nuisance & anti-social behaviour (including noise) from tenants of same property/building'; 62.5% with concerns about 'lack of basic amenities', 'inadequate fire safety', and 'poor state of repair of property'; while 50% of residential tenants expressed concerns about 'overcrowding', 'poor management of property', and 'crime from tenants of the same property/building'. The private sector tenants were expressing fundamental concerns about the conditions of the properties that they live in, the management standards in these properties, and the nuisance, ASB and criminal behaviour of their fellow tenants.

Question 8 (see table 9) asked respondents whether they agreed or disagreed with the proposal by GYBC to introduce Selective Licensing for privately rented properties in the proposed area. 68.2% of all respondents either disagreed, or strongly disagreed with the Selective Licensing proposals; this exactly matched the proportion of respondents from the private sector landlord/letting agent respondents in question 1. 94.8% of landlords/letting agent respondents either disagreed, or strongly disagreed with the proposals. Conversely, the vast majority of the residents, businesses, workers and other respondents either strongly agreed, agreed, or did not object to the Selective Licensing proposals at 88.9%, with 74.1% strongly agreeing.

Question 9 (see table 10) asked respondents whether they thought that Selective Licensing should use Community Connectors to help address the wider deprivations facing communities. The significant majority of residents, businesses, workers and others supported the use of Community Connectors to help address the wider deprivations facing communities (77.8%), and there was more support from the landlord and letting agent respondents for this proposal, with 15.5%.

Question 10 (see table 11) asked respondents whether they thought that Selective Licensing will improve management standards. An even greater majority of residents, businesses, workers and others believed that Selective Licensing will improve management standards (85.2%), though few of the landlord and letting agent respondents shared this opinion (6.9%).

Question 11 (see table 12) asked respondents whether they thought that Selective Licensing will improve the condition of properties. The results were similar to the previous question, with the significant majority of residents, businesses, workers and others believing Selective Licensing will improve the condition of properties (81.5%), with a higher proportion of the landlord and letting agent respondents sharing this opinion (10.3%).

Question 12 (see table 13) asked respondents whether they thought that Selective Licensing will reduce anti-social behaviour and nuisance in the area. Again, a clear majority of residents, businesses, workers and others believed that Selective Licensing will reduce anti-social behaviour and nuisance in the area (70.4%), whilst landlord and letting agent respondents shared this opinion (5.8%).

Question 13 (see table 14) asked respondents whether they thought that Selective Licensing will reduce deprivation in the area. A similarly clear majority of residents, businesses, workers and others believed that Selective Licensing will reduce deprivation in the area (70.4%), with only one of the landlord and letting agent respondents (or 1.7%) sharing this opinion.

Question 14 (see table 15) asked respondents whether they thought that Selective Licensing will improve the area. As with the preceding questions, the significant majority of residents, businesses, workers and others believe that Selective Licensing will improve the area (81.5%), with a very low proportion of the landlord and letting agent respondents sharing this opinion (6.9%).

Question 15 asked respondents whether they had any other comments to make with regard to the Selective Licensing proposals. These are addressed within section '3.6 Key issues identified during the consultation'.

### 3.4 Separate written responses

There were 10 separate written responses submitted in addition to the 85 survey responses received. Table 16 shows the interest of these 10 respondents. They have been placed within the 'agree' 'neither agree or disagree', or 'disagree' categories depending on the content of their responses. Therefore, combined with the results from question 8, we can see that again, the vast majority of the residents, businesses, workers and other respondents either strongly agreed, agreed, or did not object to the Selective Licensing proposals at 89.3%. With 93.9% of landlords/letting agent and landlord organisation respondents disagreeing with the proposals, which is a slight improvement on the survey results.

To clarify the general positions of some of the key respondents, summaries of their separate written responses or survey comments have been provided below.

#### Landlord associations

The National Landlords Association (NLA) submitted the following:

*"We thank Great Yarmouth Borough Council for providing us with the opportunity to comment on the selective licensing proposal, which we support.*

*Having considered the evidence presented, and having undertaken our own evaluation of the circumstances faced by the residents/landlords of Great Yarmouth Borough*

- Landlords have very limited authority when dealing with matters related to antisocial behaviour, especially if it happens outside the curtilage of the property. We welcome the council's approach that will work with landlords and tenants to resolve these issues.*
- Allowing landlords to pay monthly is welcomed by many landlords with cash flow and is welcomed.*
- The introduction of a delivery partner will support landlords as can be seen elsewhere where this approach has been taken.*
- The proposed scheme should help with waste management, which can be problem for landlords.*
- Support in mental health as well as drugs and alcohol issues which affect tenants will reduce issues within the areas affected and reduce deprivation*
- The support being made available to help landlords with problem tenants which will reduce the problems being moved around the borough.*

- *We support the approach that the council is looking to deliver better housing across the borough and improve house property prices and yields for landlords*

*Licensing is a powerful tool, and the approach taken by many other local authorities has not worked. We welcome the approach taken by Great Yarmouth, which looks to support landlords, tenants and the community.*

*We look forward to working with the council on the issues that are raised in the consultation.”*

The Residential Landlords Association (RLA) acknowledged the issues faced by Great Yarmouth and its residents, but still opposed a Selective Licensing designation. It argued that Selective Licensing is burdensome and expensive, with compliant landlords being mostly affected. It considered it would not reduce ASB, have a detrimental effect on mortgages, and the potential for displacement of tenants affecting other areas and the Council. There were also concerns about Selective Licensing conditions, with objections to the requirement to provide electrical installation condition reports, and the ‘Decent Homes Standard’, which the Council had not actually proposed. It believed that existing enforcement powers and resources should be used instead of Selective Licensing. They were also concerned around the proposed use of a Delivery Partner, and the Landlord Support Service, and if these Selective Licensing Proposals were lawful.

The submission of Eastern Landlords Association (ELA) duplicated the wording of the RLA submission. However, it then raised concerns with respect to stigmatisation leading to decreased property prices, increased insurance premiums, the withdrawal of mortgage products, resultant damage to landlords’ credit histories, and increase in the cost of mortgages and rents. They are concerned that harassment claims could be brought against landlords as a result of Selective Licensing requirements. The ELA wants to work with the Council rather than have landlords blamed for tenant issues, and have the targeted use of existing powers to specific areas. They also raised concerns about tenants who are persistent offenders, or have mental health or substance abuse issues, an increase in use of section 21 notices for eviction, the support and guidance will be given to landlords with respect to this, and impacts to mental health, homelessness and adult social care budgets.

## **Public agencies**

Norfolk Constabulary submitted the following:

*“The proposal documentation set out clearly the issues the area in question suffers from. Nelson Ward is a high demand location for the police both in terms of crime and anti-social behaviour. In addition many of the residents are vulnerable and easily exploited by landlords and are at increased risk from crime and poor behaviour. Whilst the police work well in partnership with the council, this is often frustrated by the poor quality of accommodation*

*residents are living in. This can manifest itself in the failure of landlords to provide the most basic of facilities that most people would take for granted, such as effective locks on doors in HMO's. Properties are often sublet with residents intimidated from complaining or seeking improvements to their properties. This is particularly concerning amongst the non-indigenous population who are especially vulnerable.*

*Whilst it is acknowledged that there are some good landlords in the area in question, there would seem to be anecdotal evidence that they are being undermined by the poorer ones and this is leading to a 'race to the bottom' in terms of accommodation. Not only will this proposed licensing scheme allow the council to take action against the landlords who refuse to bring their properties to the required standard, it will also offer support to those who wish to offer suitable accommodation. This, in my view, will not only lead to an improvement in the quality of the individual tenants lives, but will also lead to a fall in crime and anti-social behaviour in the area as a whole."*

The Norfolk Fire & Rescue Service (NFRS) supported the Council's proposed Selective Licensing Designation, citing that it will improve fire safety standards.

Norfolk County Council Trading Standards wanted to highlight the legislative requirements under the Energy Efficiency (private rented property) Regulations 2015, managing agent fees under Consumer Rights Act 2015 (plus likely changes to this act under the Tenants Bill), the deposit protection scheme under the Housing Act 2004, and the Energy Performance of Buildings Regulations 2012 (for Energy Performance Certificates). They offered Trading Standards support and advice for the Delivery Partner, and the use of Norfolk Trusted Trader for the 'discounted rates with accredited local tradesmen and businesses within the proposed Landlord Support Scheme'.



## 4 Council response to key issues raised during the stakeholder consultation

In preparing this final proposal, the council has carefully considered all of the representations received during the public consultation. In this section, the main issues highlighted by the 82 written submissions (72 written comments submitted via the survey and the 10 separate written responses) and some more specific issues are discussed along with a Council response.

### 4.1 Waste problems

A significant number of responses highlighted concerns about waste, such as flytipping, littering, and inadequate waste storage, which are familiar issues in this area.

#### Council response

The council acknowledges that the problem is very real and impacts upon people living in the area all too often. Irresponsible landlords and tenants are often to blame. Landlords cannot be held responsible for the actions of their tenants, but they can contribute to alleviating the waste problems being experienced in the area. The Council proposes to include a condition on the correct storage and disposal of waste and refuse within properties, should Selective Licensing be Designated. As the financial penalties associated with Selective Licensing can be more significant than traditional waste enforcement notices, this enforcement route could be more persuasive and lead to quicker resolutions. As Selective Licensing is concerned with property management, it is worth noting that there are limitations to what can be achieved. Enforcement action can only be taken against licence holders or named managers where there is clear evidence of failure to comply with the waste condition. Enforcement action cannot be taken directly against a tenant under Selective Licensing.

### 4.2 Crime and anti-social behaviour

Many respondents were concerned about crime and ASB in the proposed area, which includes waste related ASB (as discussed separately above). Among the issues highlighted were problems associated with drugs, alcohol abuse/street drinking, theft, noise nuisance, criminal damage, and loitering groups.

There were also concerns raised by landlords about how Selective Licensing can have an impact on crime and ASB levels.

## **Council response**

The statistical evidence base set out in the consultation document clearly shows that the area is blighted with higher than average levels of crime and ASB. Residents living in and around the area are acutely aware of this situation.

As with waste problems, landlords cannot be held responsible for the actions of their tenants, but they can, more often than not, have some influence on the behaviour of their tenants.

The council believes that a good landlord would, once they became aware a tenant of theirs was engaged in unacceptable activities that had a detrimental effect on neighbours, try to take some steps to resolve the situation. It is accepted that a landlord has limited options other than to give verbal and written warnings and in extreme cases to evict the tenant(s).

However, the threat of eviction may, in some circumstances, bring about a resolution.

Clearly, the council does not want to see tenants lose their homes and would hope it would not come to that in most cases.

Landlords do not need to be alone in facing difficult tenants. The Council, the Police, and the proposed Housing Inspectors can help. Any landlord who asks for help and advice will receive it. The Council recognises that as well as rogue landlords, there are rogue tenants who the Council and its partners will look to deal with.

The Council proposes to use its discretionary power to incorporate an ASB condition within the proposed Selective Licensing Designation. It would in outline the licence holder to take reasonable steps to try and deal with any ASB caused by their tenants and to cooperate with the Council and Police as necessary.

It is also worth noting that a mandatory condition of Selective Licensing relates to tenant referencing. All licence holders, in any Selective Licensing scheme, must require a reference from any person wishing to take up occupation in one of their licensed dwellings. In support of this requirement, the Council proposed that the Landlord Support Scheme will include credit and reference checks, and a tenancy outcome database (it will include data from scheme members and their tenants, thus dealing with the problem of good references for poor tenants, and enabling tenants to identify poor landlords).

## **4.3 Housing enforcement**

A large number of respondents cited issues with housing conditions in the private rented sector, including rogue, neglectful and absentee landlords, disrepair, unsafe housing, poor management and maintenance, neglected external appearance, and overcrowding. Many respondents also wanted to see more enforcement action and property inspections.

### **Council response**

The council accepts that there are many private landlords (and some agents) operating in the proposed area who fail to take their management responsibilities seriously. Poor housing conditions can have serious consequences for the health, safety and well-being of residents. As such, in the event of a designation, the council would continue to prioritise enforcement – where issues cannot be dealt with within the Landlord Support Scheme – using Selective Licensing and all other reasonably available legislative powers to ensure homes are well-managed and safe.

The council also recognises that proactive inspections of licensed properties are essential to providing effective and meaningful results. The Council proposes that every dwelling would be inspected at least three times during the proposed 5 year designation, with extra visits where there are complaints about properties or tenants, or checking that disrepair issues have been addressed, thus focussing on poor conditions or ineffective management.

## **4.4 Licence fees**

Many landlords raised concerns about paying licence fees, the effects that this would have on their business, and that they may pay on these costs to their tenants. The requirement to pay a licence fee and/or the Landlord Support Scheme fee was a significant reason why many landlords objected to a designation, and some saw this as another tax, or a way to fund the Council.

### **Council response**

In preparing the Consultation Document and the proposed fees and charges, the Council undertook research and met with the NLA, ELA, and peer Local Authorities with experience of Selective Licensing. The Council understood that landlords would want application fees set at the lowest possible level, to have the option to make low monthly payments, to seek recognition for accredited memberships, and have fiscal or other benefits to holding a Selective Licence. It was therefore proposed discounts for accredited landlords and early applications.

Therefore – as mentioned in the Consultation Document – a standard application fee is just £90, with a reduction to £70 for either an ‘Early application reduced fee’ (an application made within the first three months of designation), or Selective Licence applicants who are accredited by the National Landlords Association (NLA), under the Residential Landlords Association Accreditation Scheme (RLAAS), or National Approved Lettings Scheme (NALS), and have maintained their CPD requirements. The monthly fee is just £9.50 + VAT per residence, which amounts to only £2.63 per week, or £2.23 per week if the applicant chose

the option to pay all fees up front, and this cost is expected to be offset by the financial and other benefits available within the Landlord Support Scheme, to the extent that for some landlords' Selective Licensing would be cost neutral, or even allow them to save money. As such, there would be little, or no cost to pass on to tenants.

The proposed fees were reduced as much as was reasonably possible. Any further reduction would jeopardise the council's ability to undertake its statutory functions under Selective Licensing, or mean that the Council would be losing significant sums of money administering the scheme, and not maintaining its duty to be fiscally responsible. As such, no further fee reductions are proposed.

The Selective Licensing proposals are not a tax, and nor are they a way to introduce a new income scheme to fund the Council, because the income to the Council – in this case £70-90 per licence – legally must be spent only on administering Selective Licensing, and cannot be spent on anything else, even enforcement directly related to Selective Licensing offences.

## **4.5 Concern about the cost of blighting**

Equally some landlord respondents' raised concerns about property blighting due to Selective Licensing, leading to refusal of and reduced access mortgages, and insurance, or even property devaluation.

### **Council Response**

The Council considers this scenario highly unlikely. Blight is something that happens where something gets worse, and is very unlikely to improve, for example the various impacts of a new airport on adjacent dwellings, whereas Selective Licensing identifies and addresses very significant challenges and issues that are facing an area. Therefore, the very basis for introducing Selective Licensing is to reduce the severity and effect of these issues to the extent that the area improves and the designation is no longer needed, so in effect Selective Licensing removes any blight that may have existed before a Designation. The very fact that the Government and Parliament made 'Low Housing Demand' one of the criteria for designating Selective Licensing shows they believe that it can remove area and property blight, and so increase property values. Furthermore, given that Lloyds Bank has given preferential mortgage and insurance product discounts to landlords in other schemes with Delivery Partners, and a major insurance broker is developing an insurance product only for landlord members of such Landlord Support Schemes shows that our largest financial institutions believe that Selective Licensing has a positive effect on their financial investments, mortgaged property portfolios, and exposure to risk. Indeed, this is why responsible property

investors are happy to buy private rented sector properties from landlords selling up in Selective Licensing designation areas.

## **4.6 Use of existing powers**

Some responses suggested that the council should use existing legislation and resources to tackle rogue landlords and not Selective Licensing.

### **Council response**

While it is accepted that there are some overlapping legislative provisions, Selective Licensing remains a powerful and unique legislative tool that can have a tangible impact on problematic areas where there is a higher than average level of privately rented accommodation.

Selective Licensing provides the council with additional powers to ensure management standards are sufficiently maintained. The use of licence conditions has allowed the council to impose responsibilities on landlords that would otherwise be unenforceable. In addition, where there are overlapping legislative provisions, the use of Selective Licensing can make for quicker and more efficient resolutions to housing related problems.

As Selective Licensing enhances and widens the range of enforcement options, the council is of the opinion that it is an effective means of promoting good management standards, better housing conditions, and wider regeneration in the area.

The Government introduced Selective Licensing to help councils increase their chance of successfully tackling areas such as the Proposed Designation in the Nelson Ward.

## **4.7 Why is Selective Licensing applied to all landlords? Can you exempt good landlords?**

A number of responses questioned why all landlords in the proposed designated area would be required to obtain a Selective Licence. Some comments suggested that landlords who were members of landlord associations, or owned specific properties, or properties in certain roads should be exempt from any Selective Licensing requirements.

### **Council response**

Selective Licensing is a strategic area-based intervention, based on evidence gathered for these areas. A local authority may designate their whole district or an area (or a number of areas) within its district for the purposes of Selective Licensing. Once made, a local authority has no power to determine its own exemptions within a designated area. Only dwellings subject to statutory exemption, as set out in the Housing Act 2004 and The Selective

Licensing of Houses (Specified Exemptions) (England) Order 2006 (SI 2006/370) are exempt.

The exemptions specified in the Housing Act 2004 (sections 79 and 85) are:

- Dwellings let by a registered social landlord;
- Houses in multiple occupation (HMOs) already subject to mandatory licensing;
- Dwellings subject to a temporary exemption notice (issued by the local authority when a landlord is taking immediate steps to stop the dwelling requiring a licence); and
- Dwellings subject to a management order (under which the local authority has taken control of the dwelling).

The above-mentioned regulations exempt dwellings that are subject to certain types of tenancies and licences. These relate to dwellings (units of accommodation) that:

- Cannot lawfully be occupied because they are subject to a Prohibition Order;
- Are let under specified types of tenancies (which are not assured tenancies), namely:
  - Business tenancies (Landlord and Tenant Act 1954);
  - Tenancies where the premises are licensed for the sale of alcohol;
  - Tenancies relating to agricultural land where more than two acres is let with the dwelling;
  - Specified tenancies relating to agricultural holdings, etc.
- Are let by a local housing authority, a police authority, a fire and rescue authority, or a health service body;
- Are regulated by other forms of legislation, such as the Children Act 1989 and the Prison Act 1952 (see Schedule 1 of The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006 (SI 2006/373) for the full list of enactments);
- Are let to students where the dwelling is managed or controlled by an approved educational establishment;
- Are occupied by long leaseholders, where the lease has been granted for a period longer than 21 years and where the landlord has no right to end the lease early (other than by forfeiture);
- Are let to members of the landlord's family, who use the dwelling as their only or main residence;

- Are let as a holiday home;
- Are occupied by persons (lodgers) who share their amenities (WCs, bathrooms, kitchens and living rooms) with their permanently resident landlord.

## **4.8 Consideration of alternatives and Landlord Self-Regulation**

Some respondents expressed opinions that other alternatives to Selective Licensing had not been considered during the process. Certainly all options known have been considered in the original report going to Full Council in November 2017. During the consultation stakeholder events, the Council was approached by a landlord member of 'SEAL', the 'South East Alliance of Landlords, Agents and Residents', a landlord and letting agents administered scheme (with a board including a Councillor and a Council Officer) introduced in the Southend-on-Sea Borough Council area instead of Selective Licensing. They suggested that local landlords could propose this model to the Council instead of Selected Licensing. The Council encouraged this SEAL landlord to attend the next ELA Meeting where the Council would be discussing Selective Licensing, and speak about the scheme, to see if other landlords would be receptive. Following SEAL being discussed at the ELA Meeting, an approach was made by several landlords/letting agents to informally propose the possibility of a SEAL-type scheme as an alternative to Selected Licensing. Council Officers met with the landlord and letting agent representatives with regard to their proposals, and following the meeting Council Officers arranged for all parties to meet with SEAL representatives in Southend, and for an Officers' meeting with Southend BC, which were very useful for getting a better understanding of the Scheme. Despite these investigations, a formal proposal of a such a Landlord Self-Regulation scheme was not made by the landlord representatives, though they were told that this would be necessary to show that there was support from within the private sector landlord community, and that the proposals could work effectively.

### **Council response:**

Without a formal proposal, viable business case, or even indication of the level of support from within the private sector landlord community, is not possible to present an outline 'landlord self-regulation scheme' as a realistic alternative to addressing the significant and entrenched issues that the proposed Selective Licensing Designation is intended to address. Indeed, our investigations showed that whilst such a scheme could have the benefits of being Borough-wide, passing complaints about scheme members to the scheme to deal with in the first instance, initially having more support from some of the more licensing sceptical landlords, and programmes to clear waste from residences and the streetscene, it certainly had drawbacks: the existing scheme would not admit landlords or letting agents of poor

reputation, or standards, whereas the intention of the Council's proposed Landlord Support Scheme, is to bring everyone in and bring them up to standard; there was no legal mechanism for compelling poor or rogue landlords to join and comply with standards or leave the private rented sector; there was no quantitative data, or performance measurements taken to show the impact or otherwise of the SEAL scheme; the suitability SEAL scheme continuing instead of Selective Licensing had not been reviewed by the Council after 12 months, as was the intention; given that there was no formal proposal, the Council was unable to vet whether the individuals who may administer the scheme would pass a 'fit and proper person' test, or be suitable for the task.

Whilst the Council is unable to consider a landlord self-regulation scheme as an alternative to Selective Licensing at this time, landlords are still welcome to bring proposals forward for the whole Borough, or if a Selective Licensing Designation is made, at the end of the 5 year period.

## **4.9 Delivery Partner and Landlord Support Scheme**

Several consultation responses expressed concern that by working with a Delivery Partner, the Council would be allowing private sector profit instead of administering all aspects of the scheme itself, and that there would be no choice for direct licensing by the Council. Also, the RLA raised several concerns about the Council's proposals to work with a Delivery Partner, and to operate a Landlord Support Scheme. These are addressed below.

### **Council response**

The Council understands that stakeholders may have concerns the working with a Delivery Partner could be a privatisation of services, and at a considerable increased cost, due to a profit-making motive. However, this is not an existing Service, and so it has not been privatised, nor jobs moved to the private sector. Equally, where Delivery Partners have worked within schemes, they have not been vast organisations profiteering off of the Public Sector, rather a smaller organisation, with a social conscience, with limited profits.

The RLA objection to only having one Delivery Partner, though this is the basis on which the vast majority of contracts are awarded by any organisation, ensuring best value, service, consistency and avoiding confusion for all parties, as happens where there are multiple contractors. The assertion that there is no competition to be the Delivery Partner is incorrect as page 13 of the consultation document states: *"The contract will be awarded as a 'Concession', rather than through procurement, as the Delivery Partner will not be paid anything by the Council. Great Yarmouth Borough Council welcomes any competent party with an interest in being the Service Delivery Partner to submit an application for the*



*Concession. They should read Appendix F for the criteria, minimum standards, and how to apply etc. for the Selective Licensing 'Landlord Support Service Delivery Partner*

*Concession'.*" This also explains why the contract is being offered as a concession, rather than procurement – basically because the Council is not paying for it. The Council is confident that offering the contract as a concession is legally robust, given our prior legal advice, and the fact that Doncaster MC and West Lindsey DC have already undertaken similar processes.

The assertion that the Council VAT is unlawfully charging VAT on licence fees is incorrect, as HMRC sets the rules over which payments are VAT chargeable, rather than the Council, and as fees for Landlord Support Schemes are not licence fees charged by the Council, they are unfortunately liable to VAT.

The statement that the Council proposes to unlawfully charge two fees is incorrect, as the Council would only charge one small licence application fee in order to cover its costs, in administering the Selective Licensing Scheme as the Licensing Authority. The monthly Landlord Support Scheme fee is collected by the Delivery Partner, which allows the costs to be spread out over 5 years, and is something that the NLA, are publicly supporting as an approach and have commended GYBC for identifying this more beneficial route for landlords, rather than consulting on the conventional full up-front cost of licensing alone.

The Council proposes to encourage landlords to join a 'Landlord Support Service', operated by a Delivery Partner within the Proposed Selective Licensing Scheme, before the Council can issue a Selective Licence. This is because the Council believes that this ensures the best value, service, consistency and avoids the confusion for all parties of having a second parallel licensing system, where the Council was paid for all the administration work, but without any of the landlord benefits for example. When working with a Delivery Partner, the Council is still the Licensing Authority, which issues landlords with their licence to rent out their properties legally.

The RLA's concerns about what would happen if the landlord is later 'rejected' from the proposed Landlord Support Scheme is unfounded, as this was covered in the Consultation Document: *"If at any time, for whatever reason, licence-holders cease to be members of the delivery partner scheme, the licence lapses (other than where they have sold the licensed property) and they must re-apply directly to Great Yarmouth Borough Council for a licence to be able to continue to legally rent out their property or properties."* Even if the landlord no longer passes the 'fit and proper person' test to hold a Selective Licence, then a nominated licence holder, such as a Lettings Agent could apply to the Council on their behalf for the legally required Selective Licence(s).

The RLA objection to Selective Licensing inspections of the properties on the basis that it is enforcing Part 1 powers of the Housing Act 2004 is (to regulate the conditions and contents of the property) is a misunderstanding of the legislation, as the purpose of the inspections is to ensure compliance with the aims and objectives of the designation, similarly to other Selective Licensing Designations.

In summary, the Housing Act 2004, section 80 (3) (b) requires Local Authorities to consider *"that making a designation will, when combined with other measures taken in the area by the local housing authority, or by other persons together with the local housing authority, contribute to the improvement of the social or economic conditions in the area."* The proposed approach is Selective Licensing combined with other measures taken, e.g. the Delivery Partner approach is with 'other persons', and we consider that this will be partnership working at its best. The Council reiterates that it would still be the Licensing and Enforcing Authority.

## **4.10 Loss of private rented sector dwellings and increase in homelessness**

A significant number of respondents raised concerns that with the additional costs from Selective Licensing and complying with it, in addition to the increase in taxes, or loss of tax relief to landlords over recent years, would lead to more landlords selling their properties and so increasing homelessness. There were also points made that with the proposed requirement for taking references and managing tenancies, would increase homelessness, by unsuitable tenants not being offered accommodation, or being evicted as a result of their anti-social or criminal behaviour, and being displaced into other areas.

### **Council Response**

The Council acknowledges that in some cases landlords do sell some or all of their property portfolio in areas where Selective Licensing is introduced, due to being unwilling, or unable to comply with the reasonable requirements for various reasons. However, where this happens the properties are normally bought by professional landlords who see properties in Selective Licensing areas as a good, safe investment, as they understand that capital values of properties, and rental yields are likely to increase over time as an outcome. These dwellings are therefore still kept within the private rented sector, and have the welcome bonus of the properties being improved and better managed. Some dwellings of course will be sold on to owner-occupiers, but this is also welcome, as it gives the opportunity for aspiring families and individuals to own their own homes, and at relatively affordable prices, thus decreasing the low housing demand, migration in and out of the area, and increasing the sense of community.

With regard to displacement, the very ethos of working with a Delivery Partner running a Landlord Support Scheme and having intensive support and input from partner organisations and services like the Police, Adult Services, Mental Health Services, and dedicated charities like the Herring House Trust, is that tenants and landlords will be supported and advised, so that mental health, substance abuse, and behaviour issues are managed, and so evictions and migration or displacement into other areas is actually reduced. In the cases where tenants causing crime, ASB or nuisance need to be evicted, or choose to leave, this would not cause an increase in problems in non-Selectively Licensed areas of the Borough. This is because with the Delivery Partner routinely inspecting the properties, and investigating many initial complaints, the Police, the Council's Environmental Health/Services, and other partner organisations will be able to reprioritise their resources into preventing, detecting, and enforcing upon those who break the law, or cause problems to their community.

#### **4.11 Landlord threats to stop working with the Housing Authority**

Multiple landlord respondents threatened to stop working with the Council's Housing Authority, and to stop accepting tenant referrals from the Housing Options Team if Selective Licensing was Designated.

##### **Council Response**

The Council clearly does not think that this is a reasonable response to Selective Licensing, nor a likely one. Such an approach would make poor business sense, as the business model, financing, and property portfolio of many landlords is predicated on accepting tenant referrals from the Housing Authority, including those on Housing Benefit or Universal Credit.

#### **4.12 Request for the Council to purchase former Council Housing stock**

Several respondent landlords requested that the Council purchase their former Council Housing stock, should Selective Licensing be introduced, rather than Selectively Licencing these properties.

##### **Council Response**

Whilst the Council does purchase property on the open market, in order to maintain its Council Housing stock for those in need, it cannot give any firm commitments in principle, though may consider any approaches on a case-by-case basis.

## 4.13 Council Housing, Housing Associations and Residential Social Landlords

There were several responses that blamed issues on the social housing sector, and also questioned why Council Housing, Housing Association and Residential Social Landlord rented properties were exempt from the Selective Licensing Proposals.

### Council Response

As explained within the Consultation Document Council Housing, Housing Association and Residential Social Landlord rented properties (amongst others) are exempted from the legislation behind Selective Licensing (as detailed in section 4.6 above), as so the Council has no choice in the matter. It is most likely that such residences were excluded by Parliament, as these social housing providers employ significant financial and staffing resources to maintain their properties – with a decent homes standard required – and also to manage the tenancies and tenant behaviour. Additionally, the Council uses the very effective and comprehensive powers under the Anti-social Behaviour, Crime and Policing Act 2014 to deal with issues related to the Council Housing stock and its tenants, to great effect.

## 4.14 Support for Selective Licensing and greater regulation

There were a great number of positive comments with respect to the Selective Licensing Proposals, and also the opportunity to reduce the deprivation affecting residents and the wider community. There were also several specific requests for very stringent landlord vetting, public registers, and a Borough-wide scope for Selective Licensing.

### Council Response

The Council appreciates the level of support for Selective Licensing from across a wide cross-section of the community and other stakeholders. Should Selective Licensing be designated, then any prospective Selective Licence Holder would need to pass a 'fit and proper person' test, which would take into account their past behaviour and any significant unspent criminal convictions. The Council is aware that a minority of private sector landlords with properties within the proposed designation will not pass the fit and proper person test. In this case they will be left with a choice of making an arrangement with a letting agent, or another person to be the Selective Licence holder for their property/properties, or selling their privately rented dwellings within the proposed designation. Whilst this is likely to boost business for letting agents in such cases, letting agents will need to be mindful of the risk of whether their new clients will comply with the Selective Licensing legal requirements.

If the Designation is made, there will be a public register of Selective Licences, giving details with respect to the licensed properties, and the Selective Licence Holders names, though personal and address information will be excluded in order to ensure privacy and compliance with the General Data Protection Regulations.

The Council has no intention of consulting upon, or making a Borough-wide Selective Licensing Designation in future: the Council agrees with the Government's intention that Selective Licesing should be selective, and so only used where it is needed, rather than Borough-wide; also, it is highly unlikely that the legal tests to allow a Selective Licensing Designation (with or without Secretary of State approval) would be met, as most of the Borough is not as challenged as within the proposed Selective Licensing Designation.

## **4.15 Issues with HMOs**

Multiple respondents raised issues with respect to HMOs (Houses of Multiple Occupation) and their tenants causing issues to the community, such as ASB, crime, nuisance and waste issues.

### **Council Response**

It certainly is the case that poorly managed HMOs can have major impacts upon the community and lead to many complaints, though not if the HMO is licensed and well-managed; the original report to Full Council in November 2017 identified that the very significant incidence of crime, ASB, and housing complaints within the Nelson and Central and Northgate Wards, were not related to manadatory licensed HMOs. With the extension of Mandatory HMO licensing to any property with five or more people in two or more familes, from 1<sup>st</sup> October 2018, many more HMOs will be licensed, with issues from these privately rented properties therefore reducing. Furthermore, should a Selective Licensing Designation be made, the significant number of smaller HMOs and shared houses will also be licensed, with a very appreciable reduction in issues related to these properties due to the Selective Licensing scheme.

## **4.16 Wait for Government Review**

Several respondents suggested that the Council waited for the outcome of the Govenrment Review into Selective Licensing, beforfe making any Designation.

### **Council Response**

The Council sees this would add unneccessary delay to the proposed implementation of Selective Licensing, and the efforts to alleviate the significant challeges and multiple deprivations afflicting the community. The Council understands that it is a standard academic

review that is typical of any legislation that has been brought onto statute. There is no significant likelihood of a deregulation of Selective Licensing, rather Parliament has consistently been increasing regulation of the Private Rented Sector, and so the Council would not be acting contrary to the intentions of the Government by making a Selective Licensing Designation.

## 5 Authority to make a designation

### 5.1 Legal tests

Before any council can consider making a Selective Licensing designation it must ensure that the area in question meets certain legal tests.

Until 27<sup>th</sup> March 2015, an area could only be designated for the purposes of Selective Licensing if it met at least one of the two legal tests (known as conditions) set out in section 80 of the Housing Act 2004, relating to low housing demand and anti-social behaviour. However, on this date the Government introduced four new sets of conditions by making The Selective Licensing of Houses (Additional Conditions) (England) Order 2015 (SI 2015/977). The council may now designate an area if:

- It is, or is likely to become, an area of low housing demand; or
- It has a significant and persistent problem with anti-social behaviour where the inaction of private landlords is a contributory factor; or
- Following a review of housing conditions, it is believed that the area is suffering from significant housing condition problems and the council intends to inspect the dwellings concerned; or
- It has experienced a recent influx in migration, and where the migrants are primarily occupying privately rented accommodation; or
- It suffers from a high level of deprivation which particularly affects the occupiers of privately rented accommodation; or
- It suffers from a high level of crime that affects residents and businesses in the area.

The four additional legal tests are subject to pre-qualification criteria. They may only be applied if a high number of properties in the proposed area are privately rented and that those properties are occupied under assured tenancies or licences.

### Conclusion

Having carefully considered the situation, the council is of the opinion that five of the six tests are met in respect of the area proposed for designation. A designation based on migration is not proposed. The evidence to support this opinion is set out in Chapter 4 of the Consultation Document.

## 5.2 General approval by Secretary of State

Prior to 1<sup>st</sup> April 2010, all Selective Licensing designations had to be approved by the Secretary of State (SoS). Between this date and 31<sup>st</sup> March 2015 a general approval, issued by the SoS, allowed councils to designate Selective Licensing areas without the need for obtaining Government approval, as long as a ten week public consultation had taken place.

However, the 2010 general approval was revoked on 1<sup>st</sup> April 2015 and replaced with one that also includes size restrictions on new schemes. Any new designation that is over a certain size must be approved by the SoS.

Any designation that (either by itself, or in combination with other Selective Licensing designations made by the council) would cover more than 20% of the geographical area of the district is excluded from the 2015 general approval. Furthermore, any designation that (either by itself, or in combination with other Selective Licensing Designations made by the council) would affect more than 20% of privately rented homes in the district (based on Census data) would also be excluded.

### Geographical size

Great Yarmouth Borough comprises an area of 67.2 square miles (174 square km). The area proposed for designation is just 0.57% of the surface area of the Borough, so well under the 20% threshold, and therefore the proposed designation would not require approval from the SoS owing to its relatively small geographical size.

### Proportion of private rented sector

According to the BRE (2017), there were 8,951 households privately renting in Great Yarmouth. Therefore, SoS approval would be required for any scheme(s) that included more than 1,790 privately rented homes. The area proposed for designation includes approximately 1,630 privately rented homes, which will include some that are exempt from Selective Licensing, such as those that require a Mandatory HMO Licence for example.

Therefore, Secretary of State's approval would not be required for the proposed designation.

### Public consultation

The requirement to consult persons who are likely to be affected by the proposed designation for not less than 10 weeks has been met. The wide-ranging public consultation, which took place between 15<sup>th</sup> June 2018 and the end of 24<sup>th</sup> August 2018, was open for a period of over 10 weeks.



## **Conclusion**

Not affected by the size restrictions and having carried out a public consultation of over 10 weeks, the Council has authority to designate the area proposed for Selective Licensing under “The Housing Act 2004: Licensing of houses in multiple occupation and Selective Licensing of other residential accommodation (England) General Approval 2015”.

### **5.3 Designation and operative dates**

In accordance with section 82 of the Housing Act 2004, any designation made by the council cannot come into force within three months of the designation date.

If the council decides to make the proposed designation on 13<sup>th</sup> September 2018, the designation may come into force on 7<sup>th</sup> January 2019, as there would be more than three months between the two dates.

### **5.4 Housing strategy**

In accordance with section 81(2) of the Housing Act 2004, the proposal to introduce a Selective Licensing designation must be consistent with the Council’s overall housing strategy. The Council’s ‘Great Yarmouth Borough Council: Housing Strategy 2018 - 2022’ makes it clear that tackling poor quality private sector housing, working with landlords who want to improve their properties, and targetting non-compliant landlords are a high priorities. The Housing Strategy specifically sets out the aim to explore a Selective Licensing Scheme, which has been done through the consultation process. The proposal to designate a Selective Licensing Scheme is therefore wholly consistent with the council’s Housing Strategy..

### **5.5 Homelessness, empty properties and anti-social behaviour**

In accordance with section 81(3) of the Housing Act 2004, the Council has adopted a co-ordinated approach in connection with dealing with homelessness, empty properties and ASB.

## **Compulsory Purchase Orders**

Great Yarmouth Borough Council has used its powers to CPO properties in differing levels as part of all previous projects. 13 CPO’s had been completed since 2000 (as of July 2016) as for the majority of owners approached, the threat of a CPO is enough to encourage engagement, or push the owner into action themselves.

Compulsory Purchased Properties have been used for temporary accommodation, and enabled the Council to end expensive leases tied to unsuitable properties without losing the bed spaces.

### **Landlord Liaison Service (Homeless prevention)**

The Council works with tenants, to help secure, or retain, their accommodation, through a 'Personalised Housing Plan'. This is regularly reviewed and support given to tenants.

### **Deposit Bond Scheme**

The Council operates a Deposit Bond Scheme, where they guarantee the deposit for the landlord and tenant. For example, where tenants have a local connection, are homeless or threatened with homelessness, have no other way of securing a private rented property – typically a deposit equivalent to 6 weeks rent – and have a good tenancy history.

### **Property Officer**

The Council has a Property Officer in order to communicate with and support landlords and letting agents in finding suitable tenants, and placing them within their properties.

### **Anti-social behaviour**

A number of Council teams together with the Police and other partner agencies use their existing powers to deliver a joined up response to the ASB problems faced in the proposed area. This is done via the Police Operation Partnership Team, the Anti-social Behaviour Action Group, and joint visits. Further enforcement capabilities are proposed in the event of a further designation.

## **5.6 Alternative courses of action**

In accordance with section 81(4) of the Housing Act 2004, the council has considered whether there are any courses of action, other than Selective Licensing, that might achieve the same objectives in the proposed area. After careful consideration, the council has come to the conclusion that a further Selective Licensing designation is the most appropriate course of action in the circumstances, and that it will significantly assist it in achieving its objectives.

## 6 Licence conditions

Selective licences must contain the mandatory licence conditions set out in Schedule 4 of the Housing Act 2004. Under section 90 of the same act, the council may also include discretionary licence conditions which relate to the management, use and occupation of licensed premises.

### 6.1 Mandatory licence conditions

The prescribed conditions require licence holders to:

- Provide the council with gas safety certificates every year (if gas is supplied);
- Keep any electrical appliances and furniture provided by the landlord in a safe condition, and to supply the council, upon demand, with a declaration as to the safety of such appliances and furniture;
- Provide smoke alarms on every level and keep them in good working order, and to supply the council, upon demand, with a declaration as to the condition and positioning of such alarms;
- Provide carbon monoxide alarms in rooms containing a solid fuel burning appliance and keep them in good working order, and to supply the council, upon demand, with a declaration as to the condition and positioning of such alarms;
- Issue residents with a written statement of the terms of occupation (for example, a tenancy agreement or licence); and
- Require references from prospective tenants.

These conditions would be included in all new licences in the event of a further designation.

### 6.2 Discretionary licence conditions

It is not proposed to specify the exact wording of the proposed conditions here, but to set out general principles. Allowing officers the flexibility to amend licence conditions in specific cases, to deal with particular issues or problems, is invaluable.

The proposed additional Selective Licensing Conditions relating to management, use and occupation, would require licence holders – with the support of guidance – to:

- Provide electrical installation condition reports for the fixed wiring installations at intervals of not more than five years;
- Ensure the safety of any furniture and furnishings that are provided;

- Ensure fire safety;
- Provide reasonable terms of occupation;
- Make suitable arrangements for completing routine repairs and maintenance;
- Undertake an energy efficiency assessment if required;
- Limit occupation of the property to the numbers of persons and households specified in the licence;
- Provide adequate security to the property;
- Ensure the proper use of, and provide keys to tenants for any alley gates to the rear of the property;
- Maintain external areas;
- Make suitable arrangements for refuse and waste;
- Appropriately manage anti-social behaviour, should it ever originate from their property;
- Ensure that anyone involved with managing the property is a 'fit and proper person';
- Ensure management arrangements during their absence;
- Comply and cooperate with the Council, and any property inspectors;
- Advise the council of any change in circumstances.

The council believes that such licence conditions are not onerous, and that good landlords are unlikely to find that their practices need be changed.

## 7 Conclusion

Parts of Great Yarmouth suffer from a wide range of entrenched problems that arose out of many years of socio-economic change; a situation that is not uncommon in other coastal communities. Indeed, the 2015 English Indices of Multiple Deprivation reveal that all of the area proposed for The Selective Licensing Designation approximates as the 1% most deprived in the Country, or less, with the 006C area in Nelson Ward being the 20<sup>th</sup> most deprived in the Country.

As one of the most deprived areas in England, it suffers from high levels of crime and anti-social behaviour, low housing demand, and poor housing conditions. Selective Licensing can provide additional powers to help the council tackle poorly managed privately rented property. As around 60% of the accommodation is in the private rented sector (national average 20%), improved management standards in this sector should contribute to an overall improvement in living conditions in the area. This should lead to a better quality of life for residents in all tenures.

There are six legal tests that must be considered before designating an area for the purposes of Selective Licensing. The evidence presented in the consultation document, and finalised in this proposal, clearly shows that the proposed area is suffering from significant and deep-rooted issues. While the tests are subjective, the weight of evidence would appear to be overwhelming in respect of five of the six tests (excluding migration). As such, a designation based on low housing demand, anti-social behaviour, housing conditions, deprivation and crime is possible.

The 10-week Stakeholder Consultation on Selective Licensing in the Nelson Ward revealed that there is very strong support for a designation from residents, businesses, workers and other respondents, with 89.3% of all respondents strongly agreeing, agreeing, or not in objection to the Selective Licensing proposals. Also, the Designation has the support of the National Landlords Association – the UK's largest landlord membership organisation – which is something that only happens if the proposals are considered reasonable and of benefit to all parties. There is less support among the private sector landlords, letting agents, and two other landlord organisation respondents, but this was to be expected. Selective Licensing makes it harder for poor quality landlords to prosper, and good landlords should have nothing to fear in terms of how they manage and maintain their properties.

In summary, the Council explored the 'landlord self-regulation' option, but without any formal proposal forthcoming, and taking into account the learning from the Southend meetings, it has to be discounted as a realistic alternative to Selective Licensing for the present time.

However, such a scheme could be considered after the proposed 5 year Selective Licensing Designation, providing that work has been put into reasonable and effective firm proposals.

The Council have general approval to Designate the proposed area for Selective Licensing without the need to obtain confirmation from the Secretary of State.

## **7.1 Proposed Designation Document**

A draft copy of the proposed Designation has been attached in Annex B.

## Appendix A: Raw consultation survey results

**Table 1: Number of survey responses received by respondent group**

Respondent Group	Number of responses	% of responses
As a Private Rented Tenant	1	1.2%
As a Landlord	52	61.2%
As a Letting Agent	5	5.9%
As an Owner Occupier	11	12.9%
As a Council Tenant	1	1.2%
As a Housing Association Tenant	0	0.00%
As a Business Person	0	0.00%
Representing a Government or Regulatory Organisation	6	7.1%
Representing a charity or organisation	3	3.5%
Other (please specify)	6	7.1%
<b>Total</b>	<b>85</b>	<b>100%</b>

**Table 2: “Other” respondents – Nature of interest**

Answer choices	Number of responses	% of responses
elector	1	16.67%
An interested observer	1	16.67%
interested member of the public	1	16.67%
Business owner & Resident	1	16.67%
Relative of family living in the area.	1	16.67%
As owner of 5 properties	1	16.67%
<b>Total</b>	<b>6</b>	<b>100%</b>

**Table 3: Question 2 – Please supply your postcode or street name:**

Respondent address location	Number of responses	% of responses
Proposed Selective Licensing Designation	18	21.18%
Within the Borough	54	63.53%
Outside the Borough	13	15.29%
<b>Total</b>	<b>85</b>	<b>100%</b>

**Table 4: Question 3 – What type of property do you live in?**

Answer choices	Number of responses	% of responses
House or Bungalow	57	67.1%
Self-contained flat	10	11.8%
Bed-sit	0	0.00%
Room in a shared house (or house of multiple occupation)	1	1.2%
Bed and breakfast accommodation	1	1.2%
None	6	7.1%
Other (please specify)	10	11.8%
<b>Total</b>	<b>85</b>	<b>100%</b>

**Table 5: Question 4 – What type(s) of privately rented property do you own or manage (if any) within the proposed area for Selective Licensing?**

Answer choices	Number of responses	% of responses
House or Bungalow	32	37.7%
Self-contained flat	18	21.2%
Bed-sit	0	0.00%
Room in a shared house (or house of multiple occupation)	0	0.00%
Bed and breakfast accommodation	1	1.2%
None	29	34.1%
Other (please specify)	5	5.9%
<b>Total</b>	<b>85</b>	<b>100%</b>

**Table 6: Question 5 – Have you had any problems with privately rented properties in your area in the last 2 years?**

Respondent Group	Yes	No	Total responses
All respondents	25 (29.4%)	60 (70.6%)	85 (100%)
Landlords and letting agents	7 (12.0%)	51 (87.9%)	58 (100%)
Residents, businesses, workers and others	18 (66.7%)	9 (33.3%)	27 (100%)



**Table 7: Question 6 – If yes to question 5, what problems have you experienced?**

Answer choices	Number of responses	% of responses
Crime dealt with by the Police	10	27.78%
Nuisance and anti-social behaviour (including noise)	17	47.22%
Poor condition of properties	15	41.67%
Poorly managed properties	10	27.78%
Rubbish dumping	14	38.89%
Empty properties	2	5.56%
Other	16	44.44%
<b>Total number of respondents</b>	<b>36</b>	<b>100%</b>

**Table 8: Question 7 – If you are a tenant of a privately rented property do you have any concerns regarding any of the following?**

Answer choices	Number of responses	% of responses
Lack of basic amenities	4	4.71%
Inadequate fire safety	4	4.71%
Overcrowding	3	3.53%
Poor management of property	3	3.53%
Poor state of repair of property	4	4.71%
Crime from tenants of the same property/building	3	3.53%
Nuisance & anti-social behaviour (including noise) from tenants of same property/building	5	5.88%
Other	78	91.76%
<b>Total number of respondents</b>	<b>85</b>	<b>100%</b>

**Table 9: Question 8 – Do you agree or disagree with the proposal by GYBC to introduce Selective Licensing for privately rented properties in the proposed area?**

Respondent Group	Strongly agree	Agree	Neither agree or disagree	Disagree	Strongly disagree	Total responses
All respondents	20 (23.5%)	4 (4.7%)	3 (3.5%)	8 (9.4%)	50 (58.8%)	85 (100%)
Landlords and letting agents	0 (0%)	1 (1.7%)	2 (3.4%)	8 (13.8%)	47 (81.0%)	58 (100%)
Residents, businesses, workers and others	20 (74.1%)	3 (11.1%)	1 (3.7%)	0 (0%)	3 (11.1%)	27 (100%)

**Table 10: Question 9 – Do you think that a Selective Licensing should use Community Connectors to help address the wider deprivations facing communities?**

Respondent Group	Yes	No	Total responses
All respondents	30 (35.3%)	55 (64.7%)	85 (100%)
Landlords and letting agents	9 (15.5%)	49 (84.5%)	58 (100%)
Residents, businesses, workers and others	21 (77.8%)	6 (22.2%)	27 (100%)

**Table 11: Question 10 – Do you think that Selective Licensing will improve management standards?**

Respondent Group	Yes	No	Total responses
All respondents	27 (31.8%)	58 (68.2%)	85 (100%)
Landlords and letting agents	4 (6.9%)	54 (93.1%)	58 (100%)
Residents, businesses, workers and others	23 (85.2%)	4 (14.8%)	27 (100%)

**Table 12: Question 11 – Do you think that Selective Licensing will improve the condition of properties?**

Respondent Group	Yes	No	Total responses
All respondents	28 (32.9%)	57 (67.1%)	85 (100%)
Landlords and letting agents	6 (10.3%)	52 (89.7%)	58 (100%)
Residents, businesses, workers and others	22 (81.5%)	5 (18.5%)	27 (100%)

**Table 13: Question 12 – Do you think that Selective Licensing will reduce anti-social behaviour and nuisance in the area?**

Respondent Group	Yes	No	Total responses
All respondents	22 (25.9%)	63 (74.1%)	85 (100%)
Landlords and letting agents	3 (5.8%)	55 (94.8%)	58 (100%)
Residents, businesses, workers and others	19 (70.4%)	8 (29.6%)	27 (100%)

**Table 14: Question 13 – Do you think that Selective Licensing will reduce deprivation in the area?**

Respondent Group	Yes	No	Total responses
All respondents	20 (23.5%)	65 (76.5%)	85 (100%)
Landlords and letting agents	1 (1.7%)	57 (98.3%)	58 (100%)
Residents, businesses, workers and others	19 (70.4%)	8 (29.6%)	27 (100%)

**Table 15: Question 14 – Do you think that Selective Licensing will improve the area?**

Respondent Group	Yes	No	Total responses
All respondents	26 (30.6%)	59 (69.4%)	85 (100%)
Landlords and letting agents	4 (6.9%)	54 (93.1%)	58 (100%)
Residents, businesses, workers and others	22 (81.5%)	5 (18.5%)	27 (100%)

**Table 16: Number and level of support for Selective Licensing among respondents who made a separate written response:**

Respondent Group	Agree	Neither agree or disagree	Disagree	Total responses
Landlord organisations	1	0	2	3
Landlords	0	0	4	4
Letting agents	0	1	0	1
Police	1	0	0	1
Prospective Delivery Partners	1	0	0	1

## Appendix B: Proposed Designation Notice

## Appendix C: Selective Licensing Consultation Document



**GREAT YARMOUTH**  
BOROUGH COUNCIL

## **The Great Yarmouth Borough Council Designation of an Area for Selective Licensing 2018**

Thanet District Council ("the Council") in exercise of its powers under section 80 of the Housing Act 2004 ("the Act") and all other enabling powers hereby designates for selective licensing the area described in paragraph 4.

### **CITATION, COMMENCEMENT AND DURATION**

1. This designation may be cited as The Great Yarmouth Borough Council Designation of an Area for Selective Licensing 2018.
2. This designation is made on the 14<sup>th</sup> of September 2018 and shall come into force on the 7<sup>th</sup> of January 2018.
3. This designation shall cease to have effect on the 6<sup>th</sup> of January 2024 or earlier if the Council revokes the scheme under section 84 of the Act.

### **AREA TO WHICH THE DESIGNATION APPLIES**

4. This designation shall apply to those parts of the Nelson Ward as is delineated and edged blue on the map at Annex A.

### **APPLICATION OF THE DESIGNATION**

5. This designation applies to any house<sup>1</sup> which is let or occupied under a tenancy or licence within the area described in paragraph 4 unless –
  - (a) the house is a house in multiple occupation and is required to be licensed under Part 2 of the Act<sup>2</sup>;
  - (b) the tenancy or licence of the house has been granted by a registered social landlord<sup>3</sup>;
  - (c) the house is subject to an Interim or Final Management Order under Part 4 of the Act;
  - (d) the house is subject to a temporary exemption under section 86 of the Act; or

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<sup>1</sup> For the definition of "house" see sections 79 and 99 of the Act

<sup>2</sup> Section 55 of the Act defines which Houses in Multiple Occupation are required to be licensed under the Act. See also The Licensing of Houses in Multiple Occupation (Prescribed Descriptions) (England) Order 2005 (SI 2006/371)

<sup>3</sup> Section 79 (3) of the Act. For the definition of a Registered Social Landlord see Part 1 of the Housing Act 1996.

- (e) the house is occupied under a tenancy or licence which is exempt under the Act<sup>4</sup> or the occupation is of a building or part of a building so exempt as defined in Annex B.

## EFFECT OF THE DESIGNATION

6. Subject to sub paragraphs 5(a) to (e) every house in the area specified in paragraph 4 that is occupied under a tenancy or licence shall be required to be licensed under section 85 of the Act.<sup>5</sup>
7. The Council will comply with the notification requirements contained in section 83 of the Act and shall maintain a register of all houses registered under this designation, as required under section 232 of the Act.<sup>6</sup>

## INFORMATION AND ADVICE

8. Further information and advice about this designation can be obtained from by visiting: [www.great-yarmouth.gov.uk/selective-licensing](http://www.great-yarmouth.gov.uk/selective-licensing)
9. Applications for Selective Licences are to be made via a Delivery Partner, to be appointed by the Council via the concession offered within the consultation document. Details will be published within two weeks on the Council website.

## Date and authentication by the Council

Pursuant to paragraph 4 of the Housing Act 2004: Licensing of Houses in Multiple Occupation and Selective Licensing of Other Residential Accommodation (England) General Approval 2015, the designation has the Secretary of State's general approval for the purposes of section 82(1)(b) of the Act.

Date: 14<sup>th</sup> September 2018

The Common Seal of Great Yarmouth Borough  
Council was hereunto affixed in the presence of:

Member:

Kate Watts  
Strategic Director:

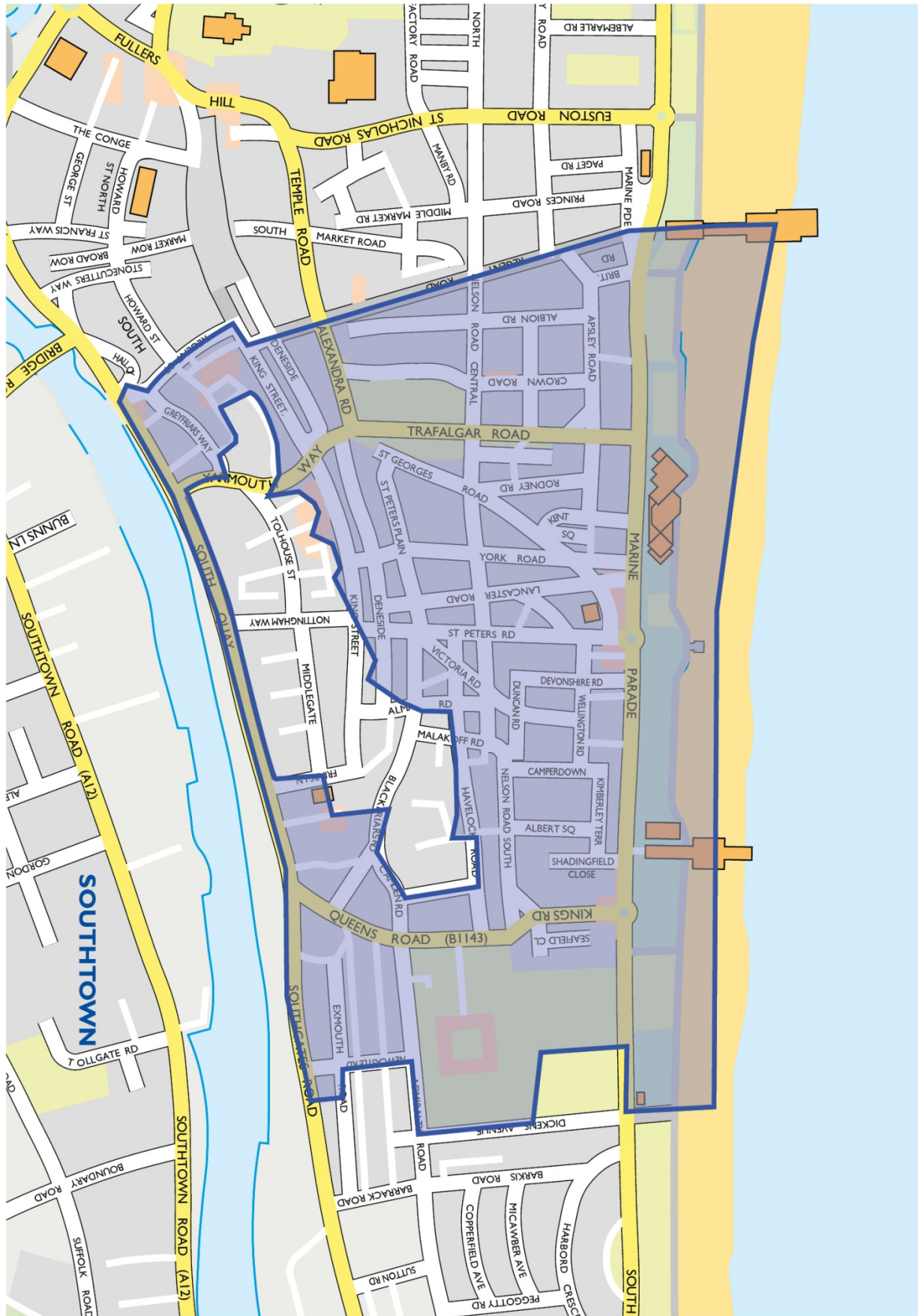
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<sup>4</sup> Section 79 (4) of the Act and SI2006/370

<sup>5</sup> Section 86 of the Act provides for certain temporary exemption. As to suitability see section 89. Note, if the house is not suitable to be licensed the Council must make an Interim Management Order - see section 102.

<sup>6</sup> Section 232 of the Act and paragraph 11 of SI 2006/373

## Annex A - Map of Designated Area





Member:

Kate Watts  
Strategic Director:

## **Annex B - Exempted Tenancies or Licences<sup>7</sup>**

### **Prohibition of occupation by law**

1. A tenancy or licence of a house<sup>8</sup> or a dwelling<sup>9</sup> within a house where the house or the dwelling is subject to a prohibition order made under section 20 of the Act the operation of which has not been suspended under section 23.

### **Certain tenancies which cannot be assured tenancies**

2. A tenancy which cannot be an assured tenancy by virtue of section 1 (2) of the Housing Act 1988 comprised in Part of Schedule 1 of the Act and which is:
  - (a) a business tenancy under Part II of the Landlord and Tenant Act 1954;
  - (b) a tenancy under which the dwelling-house consists of or comprises premises, which, by virtue of a premises licence under the Licensing Act 2003, may be used for the supply of alcohol (within the meaning of Section 14 of that Act) for consumption on the premises<sup>10</sup>;
  - (c) a tenancy under which agricultural land, exceeding two acres, is let together with the house<sup>11</sup>;
  - (d) a tenancy under which the house is comprised in an agricultural holding or the holding is comprised under a farm business tenancy if it is occupied (whether as tenant or as a servant or agent of the tenant), in the case of an agricultural holding, by the person responsible for the control of the farming of the holding, and in the case of a farm business tenancy, by the person responsible for the control of the management of the holding<sup>12</sup>.

### **Tenancies and licences granted etc by public bodies**

3. A tenancy or licence of a house or dwelling within a house that is managed or controlled<sup>13</sup> by:
  - (a) a local housing authority;
  - (b) a police authority established under section 3 of the Police Act 1996 or the Metropolitan Police Authority established under section 58 of that Act;
  - (c) a fire and rescue authority under the Fire and Rescue Services Act 2004;

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<sup>7</sup> See The Selective Licensing of Houses (Specified Exemptions) (England) Order 2006 SI 2006/370

<sup>8</sup> Sections 79 (2) and 99 of the Act

<sup>9</sup> For the definition of a dwelling – see section 99 of the Act

<sup>10</sup> See paragraph 5 of Schedule 1 of the 1988 Act as amended by section 198 (1) and paragraph 108 of schedule 6 of the Licensing Act 2003

<sup>11</sup> For the meaning of "agricultural land" section 26 (3) (a) of the General Rate Act 1967

<sup>12</sup> See paragraph 7 of Schedule 1 of 1988 Act as amended by section 40 and paragraph 34 of the Schedule to the Agricultural Tenancies Act 1995

<sup>13</sup> For the definition of "person managing" and "person having control" see section 263 of the Act

- (d) a health service body within the meaning of section 4 of the National Health Service and Community Care Act 1990.

### **Tenancies, licences etc regulated by other enactments**

- 4. A tenancy, licence or occupation of a house which is regulated under the following enactments:
  - (a) sections 87 to 870 of the Children Act 1989;
  - (b) section 43 (4) of the Prison Act 1952;
  - (c) section 34 of the Nationality, Immigration and Asylum Act 2002;
  - (d) The Secure Training Centre Rules 1998<sup>14</sup>;
  - (e) The Prison Rules 1998<sup>15</sup>;
  - (f) The Young Offender Institute Rules 2000<sup>16</sup>;
  - (g) The Detention Centre Rules 2001<sup>17</sup>;
  - (h) The Criminal Justice and Court Service Act 2000 (Approved Premises) Regulations 2001<sup>18</sup>;
  - (i) The Care Homes Regulations 2001<sup>19</sup>;
  - (j) The Children's Homes Regulations 2001<sup>20</sup>;
  - (k) The Residential Family Centres Regulations 2002<sup>21</sup>.

### **Certain student lettings etc**

- 5. A tenancy or licence of a house or a dwelling within a house –
  - (i) which is managed or controlled by a specified educational establishment or is of a specified description of such establishments and
  - (ii) the occupiers of the house or dwelling are undertaking a full time course of further or

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<sup>14</sup> SI 1998/472 as amended by SI 2003/3005

<sup>15</sup> SI 1999/728 as amended by SI 2000/1794, SI 2001/1149, SI 2002/2116, SI 2002/3135, SI 2003/3301 and SI 2005/869

<sup>16</sup> SI 2000/3371 as amended by SI 2002/2117, SI 2002/3135 and SI 2005/897

<sup>17</sup> SI 2001/238. Section 66 (4) of the Nationality, Immigration and Asylum Act 2002 provides that the reference to a detention centre is to be construed as a reference to a removal centre as defined in Part VIII of the Immigration and Asylum Act 1999

<sup>18</sup> SI 2001/850

<sup>19</sup> SI 2001/3965 as amended by SI 2001/865, SI 2003/534, SI 2003/1590, SI 2003/1703, SI 2003/1845, SI 2004/664, SI 2004/696, SI 2004/1770, SI 2004/2071 and SI 2004/3168

<sup>20</sup> SI 2001/3967 as amended by SI 2002/865, SI 2002/2469, SI 2004/664 and SI 2004/3168

<sup>21</sup> SI 2002/3213 as amended by SI 2004/664, SI 2004/865 and SI 2004/3168

higher education at the specified establishment<sup>22</sup> and

- (iii) the house or dwelling is being managed in conformity with an Approved Code of Practice for the management of excepted accommodation under section 233 of the Act<sup>23</sup>

### **Long leaseholders**

6. A tenancy of a house or a dwelling within a house provided that –

- (i) the full term of the tenancy is for more than 21 years and
- (ii) the tenancy does not contain a provision enabling the landlord (or his successor in title) to determine it other than by forfeiture, earlier than at the end of the term and
- (iii) the house or dwelling is occupied by a person to whom the tenancy was granted or his successor in title or by any members of either of those person's family.

### **Certain family arrangements**

7. A tenancy or licence of a house or a dwelling within a house where –

- (i) the person who has granted the tenancy or licence to occupy is a member of the family of the person who has been granted the tenancy or licence and
- (ii) the person who has granted the tenancy or licence to occupy is the freeholder or long leaseholder of the house or dwelling and
- (iii) the person occupies the house or dwelling as his only or main residence (and if there are two or more persons at least one of them so occupies).

### **Holiday lets**

8. A tenancy or licence of a house or a dwelling within a house that has been granted to the person for the purpose of a holiday.

### **Certain lettings etc by Resident Landlord etc**

9. A tenancy or licence of a house or a dwelling within a house under the terms of which the person granted the tenancy or licence shares the use of any amenity with the person granting that tenancy or licence or members of that person's family. An "amenity" includes a toilet, personal washing facilities, a kitchen or a living room but excludes any area used for storage, a staircase, corridor or other means of access.

### **Interpretation**

10. In this Annex:

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<sup>22</sup> See the schedule to The Houses in Multiple Occupation (Specified Educational Establishments) (England) Regulations 2013/1601

<sup>23</sup> The relevant codes of practice are approved under SI 2010/2615 - The Universities UK/Guild HE Code of Practice for the Management of Student Housing 2010

- (a) a "person" includes "persons", where the context is appropriate;
- (b) a "tenancy" or "licence" includes "a joint tenancy" or "joint licence", where the context is appropriate;
- (c) "long leaseholder" in paragraph 7 (ii) has the meaning conferred in paragraphs 6 (i) and (ii) and in those paragraphs the reference to "tenancy" means a "long lease";
- (d) a person is a member of the family of another person if –
  - (i) he lives with that person as a couple;
  - (ii) one of them is the relative of the other; or
  - (iii) one of them is, or is a relative of, one member of a couple and the other is a relative of the other member of the couple  
and
  - (iv) For the purpose of this paragraph -
    - (1) "couple" means two persons who are married to each other or live together as husband and wife or in an equivalent arrangement in the case of persons of the same sex;
    - (2) "relative" means a parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew, niece or cousin;
    - (3) a relationship of the half-blood is to be treated as a relationship of the whole blood and
    - (4) a stepchild of a person is to be treated as his child.



**GREAT YARMOUTH**  
BOROUGH COUNCIL

## Consultation on Selective Licensing in the Nelson Ward

Proposal to make a selective licensing designation

Stakeholder Consultation

15<sup>th</sup> June 2018 – 24<sup>th</sup> August 2018

## Executive Summary

This Stakeholder Consultation document is to inform and consult with all interested parties about Great Yarmouth Borough Council's proposals with regards to introducing a Selective Licensing Scheme.

## What is proposed?

Great Yarmouth Borough Council is proposing to designate certain parts of the Nelson electoral ward, as a selective licensing area under section 80 of the Housing Act 2004. It is proposed that the designation would begin on 14th of December 2018 and last for five years.

It is further proposed that a Delivery Partner will be used within the Selective Licensing Scheme.

## What is a selective licensing designation?

Local housing authorities, such as Great Yarmouth Borough Council, have the discretionary power to designate an area for the purposes of selective licensing if certain legal tests are met. Once an area has been designated, all privately rented homes within the area must be licensed with the council (unless subject to statutory exemption). A selective licensing scheme requires private landlords to comply with a range of licence conditions to ensure good property management. Selective licensing does not apply to owner-occupied or housing association homes.

## Why is the council proposing to do this?

The area in question suffers from a wide range of entrenched problems that arose out of many years of socio-economic change; a situation that is not uncommon in other coastal communities. As one of the most deprived areas in England, it suffers from high levels of crime and anti-social behaviour, low housing demand, multiple deprivations, and poor housing conditions. Selective licensing can provide additional powers to help the council tackle poorly managed privately rented property. As approximately 60% of the accommodation in the area is in the private rented sector (national average 20%), improved management standards in this sector should contribute to an overall improvement in living conditions in the area. This should lead to a better quality of life for residents in all tenures.

## How can I have my say?

The council wants your views and comments on this proposal. A ten-week public consultation will run from the 15th June 2018 – 24th August 2018. Go online at [www.great-](http://www.great-)

## **Great Yarmouth Borough Council**

[yarmouth.gov.uk/have-your-say](http://yarmouth.gov.uk/have-your-say) to respond to the consultation. Alternatively, you can collect and submit a paper version of the consultation document at the following locations:

- Great Yarmouth Borough Council, Town Hall, Hall Plain, Great Yarmouth, NR30 2QF
- Comeunity, 135 King Street, Great Yarmouth, NR30 2PQ
- GYROS, The Books & Beans Cafe in The Central Library, Tolhouse Street, Great Yarmouth, NR30 2SH

A final decision as to whether to make a selective licensing designation, or not, will only be made at Full Council, after the council has carefully considered all the responses received during the consultation.



# Table of Contents

<b>Executive Summary .....</b>	<b>i</b>
What is proposed? .....	i
What is a selective licensing designation? .....	i
Why is the council proposing to do this? .....	i
How can I have my say? .....	i
<b>1 Introduction .....</b>	<b>5</b>
1.1 Background .....	5
1.2 Document structure .....	5
<b>2 Proposal for public consultation .....</b>	<b>7</b>
2.1 Proposed designated area .....	7
2.2 Why this area? A brief historical context .....	8
2.3 General approval by Secretary of State .....	10
2.4 Legal tests .....	10
2.5 Proposed timescales .....	11
2.6 Proposed Licensing Scheme .....	11
2.7 Proposed licence fee structure .....	16
2.8 Licence conditions .....	18
2.9 Housing strategy .....	19
2.10 Existing Housing Initiatives .....	20
2.11 Expected benefits of a designation .....	21
2.12 Alternatives to selective licensing .....	21
<b>3 Supporting evidence .....</b>	<b>24</b>
3.1 Overview .....	24
3.2 Housing stock overview .....	24
3.3 Low housing demand .....	26
3.4 Anti-social behaviour .....	27
3.5 Housing conditions .....	28
3.6 Migration .....	30
3.7 Deprivation .....	31
3.8 Crime .....	33
3.9 Overall ranking .....	33
<b>4 How to make comments on this proposal .....</b>	<b>35</b>
4.1 How to make representations .....	35
4.2 Consultation methods .....	35
<b>Appendix A: Maps of proposed designated area .....</b>	<b>38</b>

## Great Yarmouth Borough Council

Police ASB Map .....	38
Police CAD Map .....	39
ASB complaints 3/2014 - 9/2016 by Ward.....	40
Housing complaints 3/2014 – 9/2016 by Ward .....	41
<b>Appendix B: Selective Licensing fees and charges .....</b>	<b>42</b>
<b>Appendix C: Evidence Base .....</b>	<b>45</b>
<b>Appendix D: Maps of proposed designated area .....</b>	<b>59</b>
Proposed Designated Area Map .....	61
Proposed Designated Sub-Area (LSOA 006B) Map.....	62
Proposed Designated Sub-Area (LSOA 006C) Map .....	63
Proposed Designated Sub-Area (LSOA 006E) Map.....	64
<b>Appendix E: Roads Affected by the Proposed Designation .....</b>	<b>65</b>
<b>Appendix F: Selective Licensing Landlord Support Service Delivery</b>	
<b>Partner .....</b>	<b>67</b>

# 1 Introduction

## 1.1 Background

Great Yarmouth Borough Council (the council) is the local housing authority for the Borough of Great Yarmouth, is situated on the coast, in the south east corner of Norfolk. A mixed urban/rural area, the population of approximately 98,000 is concentrated in the urban centres of Great Yarmouth, Gorleston, Bradwell and Caister-on-Sea, with smaller communities in Hopton-on-Sea, Hemsby, Martham, Ormesby and Winterton on-Sea.

Great Yarmouth is situated on the coast of Norfolk in East Anglia, and includes 15 miles of coastline and is a substantial part of the Broads National Park. The area served by the Council covers 67.2 miles<sup>2</sup> (174 km<sup>2</sup>) and includes the towns of Great Yarmouth and Gorleston-on-Sea and a rural hinterland consisting of 21 parishes stretching from Winterton in the north to Hopton in the south. It is about 20 miles east of Norwich.

Local housing authorities are empowered under Part 3 of the Housing Act 2004 to introduce selective licensing schemes in all or parts of their area. Once a scheme has been introduced, all privately rented accommodation situated within the designated area must be licensed, unless subject to statutory exemption. Prior to April 2015, an area could only be designated if it was, or was likely to become, an area of low housing demand and/or it had a significant and persistent problem with anti-social behaviour where the inaction of private landlords was a contributory factor.

A selective licensing designation cannot be made for a period longer than five years.

## 1.2 Document structure

Chapter 1 briefly introduces the Borough, Selective Licensing, and the document.

Chapter 2 sets out the Council's proposal for a designation, and the key elements of the proposal which is the subject of this public consultation. The chapter also explains how this position was reached, through identifying and investigating the Wards of concern for the Council, before narrowing down to the proposed Selective Licensing Designation Area.

Before making a proposal to designate a selective licensing area, the council must first be satisfied that at least one of the legal tests (or conditions) has been met. Chapter 3 identifies the six criteria for designation and deals with each in turn.

Selective Licensing must be part of a coordinated response to problem areas. Chapter 4 highlights the complementary initiatives currently in place to support regeneration.

Chapter 5 provides information on how to make a response to this public consultation.

It also lists the ways in which the consultation is being widely publicised.

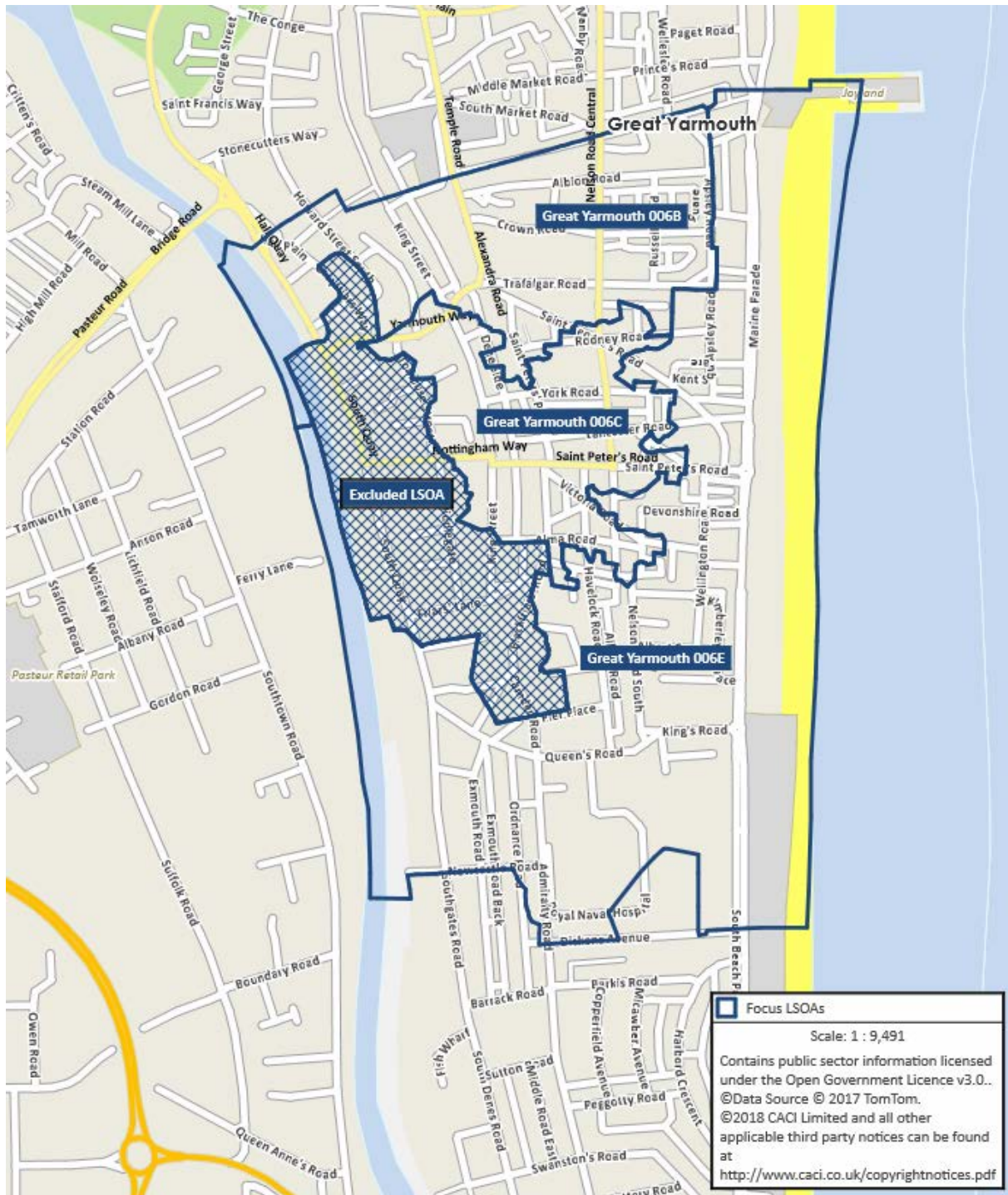
Appendices includes, all of the detailed evidence within maps and tables, that support the Selective Licensing proposals

## 2 Proposal for public consultation

### 2.1 Proposed designated area

A map showing the proposed selective licensing designation is shown below. It includes all of the blue outlined area, excluding the cross-hatched area.

**Figure 1: Map of proposed designated area (2018-23)**



## 2.2 Why this area? A brief historical context

This consultation document sets out a proposal for the Council to implement a Selective Licensing scheme in relation to a geographic area comprising parts of the Nelson Ward of the Borough of Great Yarmouth, based on evidence from an investigation of the Nelson and Central and Northgate Wards, in accordance with the provisions of the Housing Act 2004. The scheme aims to tackle significant and persistent levels of Anti-Social Behaviour (ASB), crime, poor housing conditions, and deprivation, related to the private rented housing sector.

Bounded by the seafront to the East and South, Regent Road to the North, and South Quay to the west, Nelson Ward in the centre of Great Yarmouth consists mainly of high density residential areas typically built during the Victorian era.

The Central and Northgate Ward is bounded by Salisbury Road to the North, the Broads to the West, the sea to the East and Regent Road/Street to the South, forming a boundary with Nelson Ward.

The first hotel to service the burgeoning holiday trade in Great Yarmouth, was built in 1759, when visitors came to the seaside to bathe in the salt sea water, believed to have healing powers. The area fast became a seaside resort, propelled forward by the building of three railway stations. Numerous attractions, two piers, and theatres to entertain the tourists, were built along the seafront, many of which remain to this day. Whilst Great Yarmouth still has a successful tourism industry, the demand for holiday accommodation has decreased along with the decline of the traditional English seaside holiday in recent decades, having a profound impact on the area.

Nelson, and Central and Northgate Wards, were once the heartland of small hotels and guest houses. However, the nature of the area has changed as holiday styles have changed, leaving owners of large properties with little financial alternative but to open their rooms up to residents who need living accommodation. Hence the growth in the number of houses in multiple occupation (HMO), bedsits, and small flats (in pursuit of the maximum number of rental units) within the ward. Many of these HMOs are run by irresponsible landlords exploiting the plight of their tenants, some of whom are the most vulnerable in society. Also, as more hotel and guesthouse businesses have closed and owner-occupiers moved out, more private landlords moved in. The private rented sector became the dominant tenure in parts of these Wards, with some landlords owning large portfolios.

Piecemeal interventions by a number of agencies over the years have secured improvements to some of the housing on a generally reactive basis, although it is recognized that attempts at wider area schemes such as the SHARP project (see Chapter 4) have delivered localised improvements to the housing stock.

Coupled with a rise in the number of complaints to agencies such as the police about low level crime and anti-social behaviour, the area has become one of low housing demand where only a significant investment in resources on an area wide basis can secure improvements for residents. As a result, the accommodation offer has largely been aimed at the lower end of the market. With many vulnerable households migrating inwards, the socio-economic shift has led to the area having some of the most deprived neighbourhoods in the country. The area is now characterised by high levels of worklessness, benefit dependency, crime and anti-social behaviour, poor educational achievement (Great Yarmouth has the worst post-16 educational attainment in the Country), and health inequalities.

According to the ONS Indices of Deprivation 2015, the Nelson and Central and Northgate wards are amongst the most 10% deprived wards in the Country with parts of the Nelson Ward ranking 20th out of 32, 844 neighbourhoods in England for multiple deprivations.

Preliminary investigations based upon increased political and police interest in Houses in Multiple Occupation (HMOs), led to an investigation into ASB around HMOs. Though there was no correlation between Mandatory Licensed HMOs and complaints received by the Council, or Police. However, analysis of the data, showed that the majority of Police ASB incidents (see Figure 2), and Police CADs (see Figure 3), ASB complaints to the Police and Council (see Figure 4), and housing complaints to Environmental Health (see Figure 5), demonstrated that the majority of complaints (typically more than the rest of the Borough combined), were centred around Nelson Ward and Central and Northgate Ward, with the former having a greater prevalence. This led to investigation to see if these challenges could be addressed by other forms of property licensing, and therefore Selective Licensing was identified as being the most effective way of doing this. Indeed, analysis the Police and Council data, identified that conditions within the two Wards satisfied five of the six tests for Selective Licensing (see Chapter 2.4), in addition to having the: highest density housing in Borough; greatest regulatory involvement; largest proportion of rented properties; lowest housing standards; very poor health; and very significant deprivation.

While individual private landlords cannot be held responsible for these wider changes and issues, some are perpetuating the deprivation and poor health outcomes by offering poorly managed and unsafe homes. Such landlords are not operating on a level playing field due to their poor practices, and so have been under-cutting their law-abiding competitors. Selective Licensing should make Great Yarmouth a fair place for Landlords to do business, while providing decent homes for tenants.



## 2.3 General approval by Secretary of State

Prior to 01 April 2010, all selective licensing designations had to be approved by the Secretary of State (SoS). Between this date and 31 March 2015 a general approval, issued by the SoS, allowed councils to designate selective licensing areas without the need for obtaining Government approval, as long as a ten week public consultation had taken place.

However, the 2010 general approval was revoked on 01 April 2015 and replaced with one that includes size restrictions on new schemes. Any new designation that is over a certain size must be approved by the SoS.

Any designation that (either by itself, or in combination with other selective licensing designations made by the council) would cover more than 20% of the geographical area of the district is excluded from the 2015 general approval. Furthermore, any designation that (either by itself, or in combination with other selective licensing designations made by the council) would affect more than 20% of privately rented homes in the district would also be excluded. Great Yarmouth Borough comprises an area of 67.2 square miles (174 square km). The area proposed for designation is just 0.57% of the surface area of the Borough, so well under the 20% threshold, and therefore the proposed designation would not require approval from the SoS owing to its relatively small geographical size.

According to the BRE (2017), there were 8,951 private rented sector properties within the Borough of Great Yarmouth, so Secretary of State's approval would be required for any scheme(s) that included more than 1,790 privately rented homes. The area proposed for designation includes approximately 1,630 privately rented homes, or 18.21% of the total private rented sector, which will include some that are exempt from Selective Licensing anyway, such as those that require a Mandatory HMO Licence for example. Therefore, Secretary of State's approval would not be required for the proposed designation.

## 2.4 Legal tests

Before any council can consider making a selective licensing designation it must ensure that the area in question meets certain legal tests.

Until 27 March 2015, an area could only be designated for the purposes of selective licensing if it met at least one of the two legal tests (known as conditions) set out in the Housing Act 2004. However, on this date the Government introduced four new sets of conditions. The council may now designate an area if:

- It is, or is likely to become, an area of low housing demand; or



- It has a significant and persistent problem with anti-social behaviour where the inaction of private landlords is a contributory factor; or
- Following a review of housing conditions, it is believed that the area is suffering from significant housing condition problems and the council intends to inspect the dwellings concerned; or
- It has experienced a recent influx in migration, and where the migrants are primarily occupying privately rented accommodation; or
- It suffers from a high level of deprivation which particularly affects the occupiers of privately rented accommodation; or
- It suffers from a high level of crime that affects residents and businesses in the area.

The council is of the opinion that five of the six tests are met in respect of the area proposed for designation. A designation based on migration is not proposed. The evidence to support this opinion is set out in Chapter 3.

## **2.5 Proposed timescales**

Following the ten-week public consultation, the council will carefully review all representations made. A report will then be submitted to Full Council on the 13<sup>th</sup> of September 2018 for Member consideration and decision.

If the Full Council decides to designate the area for the purposes of selective licensing, the designation would become operative on the 14<sup>th</sup> of December 2018 and last for a period of five years until the 13<sup>th</sup> of December 2023.

These timescales may be subject to change in the event of unforeseen circumstances.

## **2.6 Proposed Licensing Scheme**

Whilst preparing for this consultation research was conducted on schemes implemented by other Local Authorities – including visits, telephone and email communication – so that the Council could understand best practice, and what had worked well elsewhere. In conducting this research, the Council became aware of an innovative way of delivering selective licensing that was developed by Doncaster Metropolitan Borough Council in 2014. This delivery mechanism has been used in the delivery of their first two schemes, the latest designation made late last year, and also the designation currently in place at West Lindsey District Council.

In essence, the Local Authority making the designation are the Licensing and Enforcing Authority, as with any other Selective Licensing Scheme in the country, with all the powers to

enforce through the legislation allowing such designations to be made. However, once a designation is made landlords will be encouraged to join a 'Landlord Support Service' scheme, operated by a 'Delivery Partner' contractually approved by the Council, before the Council issues their licence.

This partnership approach provides a Landlord Support Service working closely with Local Authorities and the landlord community, providing support and development in areas designated for selective licensing. Non-compliant landlords will still face the prospect of prosecution but with training, support and development available, underpinned by the legislation, the prospects of improving the sector are much enhanced than through legislation alone.

The Delivery Partner, with professional knowledge of the private rented sector and landlord culture particularly, works with the Local Authority and landlord community to deliver the main objectives of licensing - raising standards and changing landlord behaviour, in a way that Local Authorities alone have traditionally found difficult to do.

Upon designation, landlords must apply for a licence and join the Landlord Support Service via the Delivery Partner's website. Great Yarmouth Borough Council is still the Licensing Authority, which issues landlords with their licence to rent out their properties legally. Landlords can either pay a much reduced licence fee and a monthly membership subscription to the Delivery Partner, or a combined reduced licence fee and lump sum membership fee for the entire term, where the overall the costs will be less (see Chapter 2.7 and Appendix B). As part of their application to join they will need to submit the certificates required for a licence. It will be confirmed to Great Yarmouth Borough Council if acceptable, whereby we will issue the licence at a discounted rate as our time taken to process is less when done this way.

All Managing Agents nominated by Landlord Support Service member landlords, to manage properties in the scheme area, will need to provide evidence of their Fit & Proper Person status and that they are members of an approved Redress Scheme.

Once a member of the Delivery Partner's 'Landlord Support Service', and in receipt of their Great Yarmouth Borough Council issued licence, any issues regarding the property, landlord or tenant are referred in the first instance to the Delivery Partner (notwithstanding the fact that Great Yarmouth Borough Council could enforce immediately if it so chooses). The delivery partner will work with the landlord to resolve the issue whilst compiling the evidence should it result in Great Yarmouth Borough Council legal action. This will take no longer than if we were to resolve and all timescales are agreed at the outset and enshrined in a contract between Great Yarmouth Borough Council and the Delivery Partner.

## **Great Yarmouth Borough Council**

Membership terms and conditions are clearly laid out to Landlord Support Service's members, along with a code of practice, maintenance mandate and local charters to deal with specific problems such as ASB, waste, tenancy sustainment, etc.

The Delivery Partner offers training, a local point of contact, support and development for licence holders to compliment the more robust legislative approach taken by Great Yarmouth Borough Council. Where necessary the delivery partner will also work with Great Yarmouth Borough Council to provide the evidence required for prosecution cases. If at any time, for whatever reason, licence-holders cease to be members of the delivery partner scheme, the licence lapses (other than where they have sold the licensed property) and they must re-apply directly to Great Yarmouth Borough Council for a licence to be able to continue to legally rent out their property or properties.

The Delivery Partner will conduct an agreed number of property inspections, anticipated to be three, during the designation period, deploying trained HHSRS inspectors to inspect all scheme properties. The cost of this is covered in the monthly subscriptions with no additional costs. Inspection reports are emailed to scheme members upon completion of the inspection. Any issues raised are graded with a high, medium or low priority (consistent with HHSRS) and the membership maintenance mandate gives strict timescales to respond to these follow-up actions all of which are agreed with Great Yarmouth Borough Council.

A contract between Great Yarmouth Borough Council and the Delivery Partner will be in place from the outset with key performance indicators to ensure the scheme objectives are met, if not exceeded. The contract will be awarded as a 'Concession', rather than through procurement, as the Delivery Partner will not be paid anything by the Council. Great Yarmouth Borough Council welcomes any competent party with an interest in being the Service Delivery Partner to submit an application for the Concession. They should read Appendix F for the criteria, minimum standards, and how to apply etc. for the Selective Licensing 'Landlord Support Service Delivery Partner Concession'.

There will be a requirement for the Service Delivery Partner to periodically attend management meetings to provide updates, scrutiny and accountability. As with any contract, where there are reasonable grounds, Great Yarmouth Borough Council can terminate this contract and revert to the traditional form of selective licensing on its own.

In October 2017, The Guardian newspaper published the results of a survey made under The Freedom of Information Act with responses from over 180 Local Authorities. Doncaster Council was the 4th highest Local Authority for the number of prosecutions secured against landlords.

Also, in October 2017, West Lindsey District Council secured the highest fine ever given to a landlord through Selective Licensing. Their Service Delivery Partner had offered support in trying to obtain the landlord a licence but had to reject the application to join due to a lack of engagement.

The Council understands that where a Landlord Support Scheme has been offered, the vast majority of landlords prefer this scheme in preference to full engagement with the Council, where the Council's EHOs would undertake inspections, and formally require works by landlords, under schedules of work or notices. The option of paying a much reduced application fee, with low monthly costs (estimated to be £9.50 for the Great Yarmouth Selective Licensing proposals) instead of the full application fee up front, as in most other Selective Licensing Schemes, is also well-received, meaning that landlords do not need to pay significant sums of money initially, and can budget for the low monthly costs across the term. Also, the monthly costs can be fully offset – even to the extent of making the landlords money – due to the offers, services, and preferential savings that come as part of the Landlord Support Scheme membership package. Examples from the Doncaster and West Lindsey Schemes include:

- Free training to landlord members;
- Quarterly landlord forums;
- Discounted mortgage rates from Lloyds Bank;
- Discounted landlord insurance from Lloyds Bank;
- Mediation between landlord and tenant, and between tenants (including their tenants and other landlords' tenants)
- B&Q Trade Point Card with 30% discount on everything, plus higher discounts on useful items for landlords, which have been identified by the Landlord Support Scheme;
- 18 languages available for online application forms;
- Accredited local tradesmen and businesses (a good local service for landlords, and boosts local businesses);
- Credit & reference checks;

The Council further understands that in future, the Landlord Support Scheme benefits for the the Doncaster and West Lindsey Schemes will expand to include:

- Rent collection for landlords via direct debit (thus solving the Universal Credit issue);

## **Great Yarmouth Borough Council**

- A tenancy outcome database (it will include data from scheme members and their tenants, thus dealing with the problem of good references for poor tenants, and enabling tenants to identify poor landlords);
- A property marketing portal (a full available stock list of safe rented homes – thus saving on agency fees for landlords);
- A Landlord Support Scheme landlords-only insurance product from Towergate Insurance Brokers.

In addition to the aforementioned benefits to the landlords, tenants, and other stakeholders, these Landlord Support Scheme also undertake and promotes social investment where it works; for example, repairs are made to boundary walls using donated materials, and construction students, or youths are encouraged to litter pick in exchange for vouchers to access sporting facilities for free.

These proposals are therefore a genuine attempt to raise standards in the private rented sector, and to support the communities in which they are based, through training, support and development for landlords, their representatives, and tenants, underpinned with a robust legislative approach.

## 2.7 Proposed licence fee structure

The council proposes to charge a licence application fee to cover the cost of the administration of the selective licensing scheme. Indeed, the Council has a fiscal duty to do so. This income is ring-fenced and can only be used for Selective Licensing. It cannot be used to raise income for other Council functions.

The council believes that any scheme should minimise the financial burden on landlords. It therefore proposes that licence fees are reduced as much as is reasonably possible, without jeopardising the council's ability to undertake its statutory functions under selective licensing, or any of its other statutory duties.

For the purposes of selective licensing, an accredited landlord is a landlord who is accredited by the National Landlords Association (NLA), or under the Residential Landlords Association Accreditation Scheme (RLAAS), National Approved Lettings Scheme, and have maintained their CPD requirements. There are reduced fees for such accredited landlords, and also for early applications (see Appendix C).

All licence fees would be reviewed each financial year.

A licence would normally be granted for a period of five years and no further fees would be payable during the life of the licence, unless a Landlord Support Service membership is cancelled due to repeated or serious non-compliance, and then a new licence application would need to be made to the Council for the rest of the term. Licences are non-transferrable in accordance with section 91(6) of the Housing Act 2004.

The fees are for the whole period of the Selective Licensing designation, which is for 5 years from December 2018 to November 2023. Fees are based on the running cost and management of the overall scheme. There are a range of fees, which differ for single and multiple unit properties. There are also a range of reduced fees and penalties which relate to certain circumstances.

There are three fee scenarios, dependent on the type of building and ownership, as follows (also see Appendix C):

1. **Single unit properties:** This is for dwellings, which are a single unit, which could be a house, or a self-contained flat or non-self contained flat. The standard licence fee of £90 plus a monthly £9.50+VAT 'Landlord Support Service' fee, or lump sum licence fee of £515 (with VAT applicable to the first £425), applies in this case and this requires only one licence.
2. **Multiple unit properties where the landlord controls the freehold:** Where the landlord has the freehold of a block of flats a single licence will be issued for all the

flats owned by the landlord plus the common parts of the building. The licence fee will be the standard fee of £90 plus a monthly £9.50+VAT 'Landlord Support Service' fee for the first flat, plus £80 plus a monthly £9.50+VAT 'Landlord Support Service' fee for each extra flat within the same building. Otherwise the lump sum fee of £515 for first flat and then £505 (VAT applies to the first £425 of each fee) for each additional flat within the same building can be paid. Where applicable, reduced fees will be applied to the total cost of the licence.

3. **Multiple unit properties where the landlord does not control the freehold:** Where the landlord owns multiple flats within a building but does not own the freehold, then each flat will require a separate licence. The licence fee for the first flat will be the standard fee of £90 plus a monthly £9.50+VAT 'Landlord Support Service' fee, whilst the licence fee for any extra flats in the block will be £80 plus a monthly £9.50+VAT 'Landlord Support Service' fee for each extra flat. Otherwise the lump sum fee of £515 for first flat and then £505 (VAT applies to the first £425 of each fee) for each additional flat within the same building can be paid. Reduced fees will only be applied to the total cost of the flats to be licensed in the block and will not apply to each individual flat in the block, as the licence fee for the extra flats has already been substantially reduced.

### **Payment schedule**

Licence fees must be paid in full at the time of application, and cannot be paid in instalments. However, the Landlord Support Scheme membership fees, can be paid monthly to the Delivery Support Partner.

## 2.8 Licence conditions

Each new licence granted would be subject to a series of licence conditions. Licence conditions under selective licensing must include the mandatory conditions set out in Schedule 4 of the Housing Act 2004 and may include additional conditions relating to management, use and occupation. The proposed additional conditions have been drafted, following a conditions review.

In summary, the mandatory conditions would require licence holders to:

- Provide gas safety certificates annually (if gas is supplied);
- Keep any electrical appliances and furniture provided in a safe condition;
- Provide suitable smoke alarms and keep them in good working order;
- Require references from prospective tenants;
- Issue residents with a written statement of the terms of occupation (e.g. a tenancy agreement or licence);

The proposed additional Selective Licensing Conditions would require licence holders –with the support of guidance – to:

- Provide electrical installation condition reports for the fixed wiring installations at intervals of not more than five years;
- Ensure the safety of any furniture and furnishings that are provided;
- Ensure fire safety;
- Provide reasonable terms of occupation;
- Make suitable arrangements for completing routine repairs and maintenance;
- Undertake an energy efficiency assessment if required;
- Limit occupation of the property to the numbers of persons and households specified in the licence;
- Provide adequate security to the property;
- Ensure the proper use of, and provide keys to tenants for any alley gates to the rear of the property;
- Maintain external areas;
- Make suitable arrangements for refuse and waste;



- Appropriately manage anti-social behaviour, should it ever originate from their property;
- Ensure that anyone involved with managing the property is a 'fit and proper person';
- Ensure management arrangement during their absence;
- Comply and cooperate with the Council, and any property inspectors;
- Advise the council of any change in circumstances.

The council believes that such licence conditions are not onerous, and that good landlords are unlikely to find that their practices need be changed.

## **2.9 Housing strategy**

Any proposal to introduce a selective licensing designation must be consistent with the council's overall housing strategy.

The council's overarching housing vision is within its 'Great Yarmouth Borough Council: Housing Strategy 2018 - 2022', echoed from the Corporate Plan 'The Plan 2015-2020', where it is envisaged that there will be *"An attractive mix of housing that will be fit for purpose for all and meet both the borough's existing and future needs. There will be good quality housing for all sectors of the community and workforce. An attractive mix of housing that will meet the Borough's needs"*

The Strategic Objectives of the Housing Strategy include:

- Decent homes: providing a good mix of decent homes across all tenures;
- Healthy homes: meeting the needs of vulnerable households.

The Strategic Aims of the Housing Strategy include:

- Explore a selective licensing scheme for HMOs;
- Target the most hazardous private sector properties and non-compliant landlords through effective preventative and enforcement action;
- Establish a Landlord's Forum to improve dialogue with private sector landlords and better management practice;
- Work with other agencies to target vulnerable households to help improve energy efficiency and reduce fuel poverty;
- Strengthen partnership working opportunities with statutory and voluntary agencies to ensure early intervention and the effective use of resources;

- Improve joint working with and support for private landlords who are looking to improve their property conditions.

The Housing Strategy specifically sets out the aim to explore a Selective Licensing Scheme, which is being done through this consultation, and the evidence gathered to inform the process. The proposal to designate a Selective Licensing Scheme is therefore wholly consistent with the council's Housing Strategy.

Furthermore, the 'Great Yarmouth Borough Council - Research on the Private Rented Sector (PRS)' report by RR Consultancy, advocated: *"To consider implementing either an authority-wide landlord selective licensing scheme or voluntary landlord accreditation scheme, and consider ways in which they can be incentivized e.g. to offer training and support for accredited landlords, or to negotiate discounted rates at local DIY stores and / or with local services (such as builders, joiners, electricians and plumbers) to accredited landlords. The aims of the schemes are to enforce minimum standards, ensure tenant rights are adhered to, provide training and support, and to promote good practice."* This is exactly what the Council is proposing through Selective Licensing, and with a Service Delivery Partner, that can provide the wider benefits and incentives.

## **2.10 Existing Housing Initiatives**

It is important for local housing authorities to demonstrate how licensing will work in conjunction with existing initiatives, and to deal with displacement issues.

### **Compulsory Purchase Orders**

Great Yarmouth Borough Council has used its powers to CPO properties in differing levels as part of all previous projects. 13 CPO's had been completed since 2000 (as of July 2016) as for the majority of owners approached, the threat of a CPO is enough to encourage engagement, or push the owner into action themselves.

Compulsory Purchased Properties have been used for temporary accommodation, and enabled the Council to end expensive leases tied to unsuitable properties without losing the bed spaces.

### **Landlord Liaison Service (Homeless prevention)**

The Council works with tenants, to help secure, or retain, their accommodation, through a 'Personalised Housing Plan'. This is regularly reviewed and support given to tenants.

## **Deposit Bond Scheme**

The Council operates a Deposit Bond Scheme, where they guarantee the deposit for the landlord and tenant. For example, where tenants have a local connection, are homeless or threatened with homelessness, have no other way of securing a private rented property – typically a deposit equivalent to 6 weeks rent – and have a good tenancy history.

## **Property Officer**

The Council has recently recruited a Property Officer in order to communicate with and support landlords and letting agents in finding suitable tenants, and placing them within their properties.

## **2.11 Expected benefits of a designation**

Selective licensing provides additional powers to help the council tackle poorly managed privately rented property. Better management standards in this sector should contribute to an overall improvement in conditions in the proposed designated area. In particular, the council would expect a further designation to contribute to:

- An improvement in the social and economic conditions in the area;
- A reduction in anti-social behaviour;
- An improvement in general housing conditions;
- A reduction in the level of deprivation; and
- A reduction in crime.

Such improvements should lead to the area becoming more desirable. In the longer term, this should reveal itself in higher property and rental values, and a more stable community with less resident turnover.

## **2.12 Alternatives to selective licensing**

As part of the investigation, alternatives to Selective Licensing were looked at to see if they could achieve the aims of reducing crime, ASB, deprivation, and low housing demand, and improving the housing conditions for residents.

### **Do Nothing**

Maintain current reactive strategy in respect of private rented houses in single occupation. Houses in Multiple Occupation (HMO) of three or more storeys rented to five or more persons forming two or more households are covered by Mandatory HMO Licensing under

the Housing Act 2004. The cost of inspection and administration of this scheme is covered by fees according to the size of the building. To do nothing will not bring about wholesale improvements to the area, there being only 62 licensed HMOs within the whole Borough. The numbers of licensed HMOs should increase by the end of October, with the removal of the 'three storeys rule'. However, the increase in Mandatory Licensed HMOs is likely to only be modest, and only make up a small proportion of the entire Private Rented Sector (PRS), meaning that this would only have a minimal impact compared to the aims of a Selective Licensing Scheme.

### **Landlord Accreditation Scheme**

Great Yarmouth Borough Council has previously operated a Landlord Accreditation Scheme, with incentives for membership, in an attempt to improve private rented dwellings and the other issues that Selective Licensing aims to address, as well as support and advise landlords. However, only one landlord signed up for accreditation during the two years that the scheme, so this was not a success, and a similar result would be anticipated if an accreditation scheme was launched again.

Some landlord associations operate their own accreditation schemes, in order to support and train landlords. However these schemes have not been shown to be enough to remove the need for Selective Licensing.

### **Implement Additional Licensing**

This scheme would allow the Council to licence all HMOs throughout a designated area of the Borough, irrespective of number of storeys although person and household tests would still be applicable. Overall costs would be partly recoverable via the licence fees. Whilst this option will provide greater scope to tackle more HMOs, there is a lack of evidence to show that it alone will support the overall aims of the proposed area particularly around ASB and crime. Also, with the expansion of Mandatory HMO Licensing by the end of October 2018 – due to the incoming removal of the 'three storeys rule' – Additional Licensing would licence very few if any additional properties.

### **Interim and Final Management Orders**

In certain circumstances relating to unlicensed premises, the council has the power to make Interim and Final Management Orders. Such orders authorise the council to take control of the residential premises to which the order relates. This power is reserved for the most problematic properties and is only considered as a last resort. It is also not appropriate in this context, as properties would be addressed in a piecemeal property-by-property basis, rather than strategically and systematically addressing issues. Also, a significant number of

properties may need to be managed in this manner, which is too resource-intensive for the potential benefit.

### **Implement Selective Licensing within a specific geographical area**

Selective licensing will allow the Council to introduce a scheme to licence all private rented properties, irrespective of tenure and building size (save for Mandatory Licensed HMOs).

This scheme considers the wider health and community issues associated with poor housing and irresponsible landlords, involving a significant multi-agency approach. The general costs of inspection and administration of the scheme are covered by fees levied for each licence depending on the property description and how it is occupied.

In terms of ASB, selective licensing has a wide-ranging impact. All licence holders are required to take reasonable steps to deal with ASB perpetrated by their tenants. While the council and the Police can, and do, intervene when such behaviour occurs, it is on a case by case basis. While the new tools and powers contained within the Anti-social Behaviour, Crime and Policing Act 2014 allow more flexible use of interventions, no other mechanism, apart from Selective Licensing, can have such an immediate and significant impact on an area dominated by the private rented sector and higher than average levels of ASB.

Selective Licensing creates a culture in which landlords are more likely to tackle problems, rather than ignore them.

It is therefore considered that a Selective Licensing Scheme will be able to best deliver the Council's and partners aspirations for the area and is the preferred option.

Other courses of action that will contribute to the above-mentioned objectives have already been implemented and are part of the coordinated response to the problems experienced in the area. These are described in Chapter 4: Complementary Initiatives.

## 3 Supporting evidence

### 3.1 Overview

The council is of the opinion that the area proposed for designation meets five of the six legal tests set out in the Housing Act 2004 and regulations made thereunder. The designation is proposed on the basis of low housing demand, anti-social behaviour, housing conditions, deprivation, and crime. A designation based on migration is not proposed. Only one test needs to be proved to make a designation lawful.

The council considered data from a wide range of sources, collated and analysed by M·E·L Research (who have undertaken this work for numerous local authorities in support of Selective and Additional Licensing Schemes) before coming to this conclusion. This chapter outlines the key evidence that supports the proposed designation.

For clarity for the reader, and to present evidence regarding the challenges faced by Great Yarmouth's communities, the following evidence will be presented in most cases at the Government LSOA (Local Lower Super Output Area) level. These are basically communities or areas that the UK Government use for Census and Office of National Statistics data and reporting. There are five both in the Nelson Ward, and the Central and Northgate Ward. Each LSOA community has a code e.g. 'Great Yarmouth 006B', which can be used to identify the area on the maps, figures, and tables within this chapter, Chapter 2.1, and Appendix A.

### 3.2 Housing stock overview

#### Number of properties and residents

The Nelson, and Central and Northgate Wards are urban areas characterised by a high density of dwellings and occupants, within mostly older 19<sup>th</sup> and early 20<sup>th</sup> century terraced housing, flats, and houses of multiple occupation. This is in stark comparison with much of the rest of the Borough, where the housing stock is much less dense, has fewer stories, and is quite often newer. An example of this is where the 006E LSOA community in Nelson Ward has over 300 more residents, and almost 200 more properties than the majority rural 005B LSOA in Central and Northgate Ward, and within an area one-tenth the size of 005B.

The high density housing stock is demonstrated by the fact that Nelson Ward has 9.4% of the Borough's dwellings, and Central and Northgate Ward has 7.8%, with both Wards equating to 17.2% of all all dwellings in the Borough, within just 5.9% of the entire geographic area.

With regard to the high density of residents, 8.9% of the Borough's residents live within Nelson Ward, and 8% of the Borough's residents live within Central and Northgate Ward. Between the two Wards, 16.9% of the Borough's residents live within 5.9% of the land space.

### **Private rented properties**

The private rented sector (PRS) has grown to 20% of all dwellings within the Borough of Great Yarmouth, similarly to the 20% for the whole of England private rented sector (according to the English Housing Survey 2016 to 2017, published January 2018). The PRS within both Nelson, and Central and Northgate Wards is more than double that for England, with both at 44%, and Nelson Ward with 21% of the Borough's entire PRS, and Central and Northgate having 20%.

However, what is very striking, when the localised LSOA areas are examined (see Table 5 and Figure 6), is that three communities within Nelson Ward (006B, 006C, and 006E), and one within Central and Northgate Ward (005D), are dominated by a majority private rented sector – over 60% in three areas. The private rented sector in each of these communities is so large that it includes around 500 or more dwellings, and represents between 5 and 7% of the private rented sector for the whole Borough.

### **Pre-qualification criteria**

The four new tests or “sets of conditions” are set out in The Selective Licensing of Houses (Additional Conditions) (England) Order 2015 (SI 2015/977), hereinafter referred to as the “Order”. However, before they can be applied, there are two initial legal tests that must first be met. They are set out in Article 3(1)(a) and (b), and are:

- (a) that the area contains a high proportion of properties in the private rented sector, in relation to the total number of properties in the area;*
- (b) that the properties referred to in sub-paragraph (a) are occupied either under assured tenancies or licences to occupy.*

The first test has been met, due to the size of the PRS, as discuss in the ‘Private rented properties’ section above, and the second test has been met, as the council is aware that almost every privately rented property in the proposed designated area is the subject of an assured shorthold tenancy agreement (AST).

In the council's opinion, the pre-qualification criteria have been met, and the four new sets of conditions may be applied if appropriate: housing conditions, migration, deprivation, and crime. These conditions, or criteria, will be considered and evidenced, during the rest of chapter 3.

### 3.3 Low housing demand

This legal test is set out in section 80(3) of the Housing Act 2004. For an area to be designated under this section, the conditions are:

- (a) that the area is, or is likely to become, an area of low housing demand; and*
- (b) that making a designation will, when combined with other measures taken in the area by the local housing authority, or by other persons together with the local housing authority, contribute to the improvement of the social or economic conditions in the area.*

Section 80(4) goes on to say:

*In deciding whether an area is, or is likely to become, an area of low housing demand a local housing authority must take into account (among other matters) –*

- (a) the value of residential premises in the area, in comparison to the value of similar premises in other areas which the authority consider to be comparable (whether in terms of types of housing, local amenities, availability of transport or otherwise);*
- (b) the turnover of occupiers of residential premises;*
- (c) the number of residential premises which are available to buy or rent and the length of time for which they remain unoccupied.*

#### Property prices

Considering the mean average residential property prices paid within the Nelson, and Central and Northgate Ward LSOA communities for 2017 (see table 6), they are all significantly below the average prices paid for Great Yarmouth as a whole (£198k), and for Norfolk (£269k). Indeed, 6/10 are less than half of the Norfolk average, with the other four, only slightly above this. Furthermore LSOAs 006C, 006E, and 005D are both less than £100,000 and less than half of the Great Yarmouth average, and similar to the prices that would have been paid in Norwich two decades ago for equivalent accommodation. Clearly, low housing demand has depressed property prices with the two Wards, making it an attractive area for the PRS. Figure 7 shows the the depressed prices within the LSOAs, compared to 005B, which solely due to the £9M sale of the Premier Inn, is shown as a typical sale price banding for the rest of Norfolk.

#### Turnover

Turnover data, particularly in the private rented sector, is not readily available, particularly at LSOA level. While anecdotal evidence may be available (e.g. from letting and estate agents), it wouldn't be able to show turnover at the precise LSOA level, so has not been included. Furthermore, such findings would not capture the true picture of informal, unrecorded lettings



that are made directly between landlords and tenants – some of which are made without the legal protection of a tenancy agreement.

### **Mandatory HMOs**

We can see from Table 7 that Great Yarmouth currently has 62 Mandatory Licensed HMOs, with 89% of these within the two Wards; 33 or 53% within Nelson Ward, and 22 or 35% within Central and Northgate Ward. Clearly the depressed property prices that are symptomatic of low housing demand, have helped made these Wards an attractive place for setting up high residential density HMOs. This is evidenced clearly in that the three LSOAs with average prices of less than £100,000, and also less than half of the Great Yarmouth average (see Table 6), all have licensed HMOs in double figures.

### **Empty residential properties**

Great Yarmouth had 271 empty homes on record during April 2018, with 251 of these, or 93% of these found within the two Wards; Nelson Ward had 145 of 54% of the Borough total, whilst Central and Northgate Ward had 106, or 39% of the total. In all but three of the LSOA, the average number of weeks that the homes were empty, were around two-and-a-half to three years. The lowest duration was the Council House dominated 006D, at 68 weeks. The figures are astounding, and also typical of an area with very low housing demand, as may be found within deprived communities in UK seaside resorts.

### **Empty business properties**

Empty business properties can be used as a proxy, to consider low housing demand, as where there is less demand for housing, there will tend to be less disposable income, demand for services, and businesses, thus reducing the success and viability of businesses in the area, and the demand for these premises. During April 2018, Great Yarmouth had 206 empty non-domestic properties. Almost half (94) of these were located within the two Wards, with Nelson Ward having 29% of the Borough total, and Central and Northgate having 17%. This indicates that there is depressed demand for both residential and non-residential premises within the two Wards.

## **3.4 Anti-social behaviour**

This legal test is set out in section 80(6) of the Housing Act 2004. For an area to be designated under this section, the conditions are:

*(a) that the area is experiencing a significant and persistent problem caused by antisocial behaviour;*

*(b) that some or all of the private sector landlords who have let premises in the area (whether under leases or licences) are failing to take action to combat the problem that it would be appropriate for them to take; and*

*(c) that making a designation will, when combined with other measures taken in the area by the local housing authority, or by other persons together with the local housing authority, lead to a reduction in, or the elimination of, the problem.*

*“Private sector landlord” does not include a registered social landlord within the meaning of Part 1 of the Housing Act 1996 (c. 52).*

Nelson Ward had 990 cases of ASB crime that is dealt with by the Police reported in 2017, which is 27.9% of the ASB crime within the Borough. Central and Northgate Ward had 713 cases of ASB crime, which is 20.1% of all ASB crime in the Borough. Together the two Wards account for almost half (48.1%) of all the ASB crime dealt with by the Police in the Borough, which is a worrying statistic given the relatively small geographic area. The ASB crime appears to relate to the densest areas of housing in central Great Yarmouth, and the shopping areas, as seen in figure 8.

The Council's Environmental Services dealt with 151 ASB complaints within the two Wards, during 2017 – 74 in Nelson Ward, and 77 in Central and Northgate Ward. The LSOA with more than 10% on the the ASB complaints, also made up the majority in each Ward: 006B, 006C, 006E had 54 out of 74, or 73% of the complaints in Nelson Ward; and 005C and 005D, had 47 out of 77, or 61% ASB complaints. These LSOA communities therefore have the worst incidence of ASB in the Borough, as we already know from the preliminary investigations in Chapter 2, that these Wards had the greatest ASB demand in the Borough.

When considering the Environmental Crime data (see table 12), we can clearly see that the three most affected LSOA areas are 006B, 006C and 006E within the Nelson Ward, with the 275 crimes amounting to 11% of all Environmental Crime in the Borough.

There were 42 Pest Control requests within the Nelson, and Central and Northgate Wards during 2017, which was 8.3% of all the requests for the Borough. Whilst this is very high for a comparatively small area, it could have been expected to be higher, at a similar level as the 11% of Environmental Crimes, which can provide food and shelter for pests. We presume that the gap is due to the affordability of pest control for people on lower incomes.

### **3.5 Housing conditions**

This legal test is set out in Article 4 of the Order. For an area to be designated under this article (subject to Article 3), the conditions are:

*(a) that having carried out a review of housing conditions under section 3(1) of the [Housing Act] 2004 Act, the local housing authority considers it would be appropriate for a significant number of the properties referred to in article 3(1)(a) to be inspected, with a view to determining whether any category 1 or category 2 hazards exist on the premises;*

*(b) that the local housing authority intends to carry out such inspections as referred to in paragraph (a), with a view to carrying out any necessary enforcement action; and (c) that making a designation will, when combined with other measures taken in the area by the local housing authority, or by other persons together with the local housing authority, including any licence conditions imposed under section 90 of the [Housing Act] 2004 Act, contribute to an improvement in general housing conditions in the area.*

The BRE's 2017 report on behalf of the Council found that a significant minority of properties within all LSOAs in the two Wards, would have the very harmful category 1 hazards (see Table 13), under the Housing, Health and Safety Rating System (HHSRS), with a greater prevalence within the Private Rented Sector (PRS). Indeed, the LSOAs 006B, 006C, 006E, in Nelson Ward, and 004A, 005C, and 005D have around the same, or greater than the 20% PRS category 1 hazard rate for the entire Borough. Indeed, this 20% Borough-wide rate is higher than most people would expect, because you would not assume 20% disrepair across the Borough. However, this is heavily weighted by 'excess cold' hazards, due to the poor thermal efficiency of older, rural, and detached properties, though this is less recognised, as residents in the rest of the Borough will tend to be wealthier, and so can afford to heat their rented properties, without being in 'fuel poverty'.

LSOAs with a low PRS proportion of all dwellings, due to the high concentration of Council Houses, like in 006A and 006D (see Table 5) have the lowest percentage of all stock with Category 1 hazards, and interestingly they have a lower proportion in the PRS. The percentage of PRS Category 1 hazards/'HHSRS failures', can be seen in Figure 9.

The BRE also found within 2017, that at least one in 10 PRS dwellings within 5 of the LSOA had poor housing conditions due to disrepair: 006B, 006C, and 006E in Nelson Ward; and 004A, and 005D in Central and Northgate Ward. These 10% and 11% LSOA rates of disrepair compare with just 7% for the Borough as a whole, highlighting these LSOA as 'hotspots' for poor property conditions within the Borough. Indeed 7 out of 10 LSOAs had worse PRS housing conditions than the whole Borough.

Great Yarmouth Borough Council's Environmental Health investigated 99 private rented sector (PRS) housing complaints during 2017 – this does not include the significant number of complaints that were not progressed, due to tenant fear of retaliatory eviction. 83, or 84% of these complaints were made about properties in the two Wards, with Nelson Ward having over a third of all PRS property condition complaints (34) in the Borough, and Central and

Northgate Ward around half of all the Borough's complaints, with 49. It is astounding the proportion of PRS complaints the Council deals with in these comparatively small areas, and how almost all the the Environmental Health resources for housing inspections are used here. There are obviously very significant PRS housing condition issues within the two Wards, and so there is a major drain on resources dealing with them on a mostly complaint-driven, reactive basis at present.

## Prosecutions

There were just three landlord prosecutions in 2015 and 2016 for failure to license and HMO and offences under management regulations. This highlights that though there are clearly housing issues that require regulation, enforcement, and prosecution, there is insufficient access into the worst properties, nor Environmental Health Officer resources to address them at present. Selective Licensing should help address both matters, by giving access to properties on a proactive (to complaints, which tend to close when the residents are evicted, or leave), rather than reactive basis, and increasing Officer/inspection resources.

## 3.6 Migration

This legal test is set out in Article 5 of the Order. For an area to be designated under this article (subject to Article 3), the conditions are:

- (a) that the area has recently experienced or is experiencing an influx of migration into it;*
- (b) that a significant number of the properties referred to in article 3(1)(a) are occupied by those migrants referred to in paragraph (a); and*
- (c) that making a designation will, when combined with other measures taken in the area by the local housing authority, or by other persons together with the local housing authority, contribute to –*
  - (i) the preservation or improvement of the social or economic conditions in the area;*  
*and*
  - (ii) ensuring that the properties referred to in article 3(1)(a) are properly managed, and in particular, that overcrowding is prevented.*

Great Yarmouth, being a Port Town and coastal Borough has historically had a lot of inward migration, over the centuries, as well as in recent years, from within the UK and abroad. This trend can be observed by the fact that after English, the main first languages within the Borough Poland, Portugal, and Lithuanian. However, the population growth (see Table 16), to the two Wards (20% for Nelson Ward, and 16% for Central and Northgate Ward, compared to 7% for the Borough, and 9% for the East of England) whilst significant, cannot

be used to evidence the Migrations criteria for designating Selective Licensing, as this is long-term, rather than short-term population increases: Government guidance suggests that the migration test should relate to relatively sudden increases in migration (say 15% over a 12 month period), and so a Selective Licensing Designation based upon Migration, is not proposed.

The data available on National Insurance Number registrations goes down only to MSOA level, which is larger than LSOA. These are presented below for the MSOAs that cover the two wards. MSOA 004, is only relevant to the LSOA 004A area in the north west of Central and Northgate Ward, while MSOA 005 covers the rest of Central and Northgate, and MSOA 006 fully covers Nelson Ward.

We can see that in these areas, along with the Borough as a whole, and the East of England, that there has been a fall of between one third and one half in inward migration. Presumably this decrease can be at least partly attributed to Brexit. Nelson ward had 42% of Great Yarmouth's migrant registrations in 2017, and Central and Northgate (if we allocate a proportionate quarter of the MSOA 004 figures) had 24.2%, meaning that approximately one third of all inward migration to the Borough was into these two wards. There are a variety of reasons for this, including existing communities and social networks, work and amenities within walking or public transport, cheaper accommodation due to larger buildings allowing shared/multiple occupation or due to a less desirable housing stock. Obviously denser occupation may not be desirable for the residents, legal, or through their own choice, as unfortunately some of these residents are thought to be exploited, or trapped within modern slavery.

### **3.7 Deprivation**

This legal test is set out in Article 6(1) of the Order. For an area to be designated under this article (subject to Article 3), the conditions are:

- (a) that the area is suffering from a high level of deprivation, which affects a significant number of the occupiers of properties referred to in article 3(1)(a); and*
- (b) that making a designation will, when combined with other measures taken in the area by the local housing authority, or by other persons together with the local housing authority, contribute to a reduction in the level of deprivation in the area.*

Article 6(2) goes on to say:

- (2) In determining whether an area is suffering from a high level of deprivation, the local housing authority may have regard to the following factors in relation to the area –*
  - (a) the employment status of adults;*

*(b) the average income of households;*

*(c) the health of households;*

*(d) the availability and ease of access to education, training and other services for households;*

*(e) housing conditions;*

*(f) the physical environment; and*

*(g) levels of crime.*

The Index of Multiple Deprivation ranks all LSOAs in England, with 1 being the lowest – or most deprived area. These are shown in table 18 below for the LSOAs in the two wards, along with the average rank for all Great Yarmouth LSOAs. Also showing is the decile (where the ranks are placed within 10% bandings based on their national rank) for the LSOA, and the average decile for Great Yarmouth, again with 1 being the most deprived area nationally.

All of Nelson Ward, and four out of five LSOAs in Central and Northgate Ward are amongst the top 10 most deprived area in the country, based on having a decile of one. Based on overall rank, 6 of them are amongst the 340 most deprived places in the country, with three in the top 100, and the LSOA centred around St. Peter's Road is the 20<sup>th</sup> most deprived place nationally. This is starkly shown in figure 10. In comparison, the Borough as a whole has a more moderate decile of 4, and only ranks 10,676<sup>th</sup> for deprivation.

Table 19 below, shows the total number of Disability Living Allowance and Employment & Support Allowance cases combined. There was a slight downward trend in the number of people on those benefits with both Wards, but not as significantly as for the whole of Great Yarmouth, and the East of England. During August 2017, Nelson Ward had 394 people on disability benefits (9.3% of the Borough total), while Central and Northgate Ward had 498 people on disability benefits (11.7% of those in the Borough). In total, 21% of the Borough's residents in receipt of disability benefits live in the two wards. This is highly disproportionate, and suggests that due to their lower incomes, people in receipt of disability benefits have no choice but to live in the cheaper, but poorer quality accommodation within these wards.

In both Nelson Ward (47.8%) and Central and Northgate Ward (42.9%) almost half of the Housing Benefit claimants live within the private rented sector (PRS), compared to around one third (36.5%) for the Borough as a whole. The majority of the rest of the claimants would be living in Council, or Social Housing.

With 511 PRS claimants, Nelson Ward has 20.9% of the Borough's PRS claimants, whilst Central and Northgate Ward has 21.4%, or 42% of the Borough's total PRS Housing Benefit claimants.

The figures show how large the PRS is within the two Wards, compared with the rest of the Borough, and the resultant increased deprivation of those on lower incomes.

### **3.8 Crime**

This legal test is set out in Article 7 of the Order. For an area to be designated under this article (subject to Article 3), the conditions are:

*(a) that the area suffers from high levels of crime;*

*(b) that the criminal activity affects those living in the properties referred to in article*

*3(1)(a), or other households and businesses in the area; and*

*(c) that making a designation will, when combined with other measures taken in the area by the local housing authority, other persons together with the local housing authority or by the police, contribute to a reduction in the levels of crime in the area, for the benefit of those living in the area.*

During 2017 there were 3,170 crimes reported to the Police within Nelson Ward, and 2,591 crimes within Central and Northgate Ward (see table 21). These had respectively 25.2%, and 20.6% of all crime in the Borough, which is nearly half of all the crime (45.8%) within a very small geographic area.

The greatest incidence of crime was in the LSOA 005C, containing the Town Centre and Market, followed by 006B – which has parts of the Regent Road, Regent Street, and King Street shopping areas – then the rest of the northern part of Nelson Ward: 006C, 006D, and 006E, which can be clearly seen in figure 11.

### **3.9 Overall ranking**

The evidence presented above shows the position within two Great Yarmouth wards: Nelson and Central & Northgate. To designate the proposed selective licensing scheme, this report has drilled down to the 10 LSOAs within these two wards.

In designating an area within a selective licensing scheme certain conditions must be met:

- Any area must contain more than the national average of private rented housing if designating on the grounds of property conditions, migration, deprivation or crime. The English Housing Survey 2016-17 (Ministry of Housing, Communities and Local Government, Jan 2018) shows 20% of all households are private rented.
- Local authorities can designate a selective licensing scheme without seeking confirmation from the Secretary of State providing the scheme covers no more than

20% of its geographical area or would affect more than 20% of privately rented homes in the local authority area.

- For schemes introduced because of a high level of migration, the guidance suggests this means a population rise of around 15% or more over a 12 month period. However, the data available in this report shows change over the period 2001 to 2011, not over the past 12 months.

Each of the LSOAs have been ranked from 1 to 10 on each of the relevant indicators (see Table 23 in Appendix C). Those ranked 1 are the worst on each indicator, while those ranked 10 are the best relative to the other LSOAs; ties are ranked at the lowest number.

Based on all the evidence combined, three LSOAs stand out: Great Yarmouth 006B, 006C, and 006E, which are all within Nelson Ward).

As well as scoring the worst rank overall, all three of these LSOAs scored the worst rank in more indicators than any others (11, 10, and 11 times respectively). They are all in Nelson ward. They have considerably more private rented housing than the national figure, up to three times as high in two of the LSOAs. Together, they make up 18.21% of the total PRS stock, so under the 20% limit before needing the Secretary of State's confirmation. These three LSOAs combined make up just 0.57% of the surface area of Great Yarmouth Borough Council, so well under the 20% threshold.

The next two worst ranking LSOAs are Great Yarmouth 005D (overall average rank 4.22) and Great Yarmouth 005C (4.33), both in Central & Northgate ward. However, even adding just one of these LSOAs would push the selective licensing scheme over the 20% threshold of PRS housing, therefore demanding confirmation from the Secretary of State.

Therefore, on the basis of all the collated and analysed evidence presented, we recommend that the most appropriate course of action is to designate a selective licensing scheme, which covers the three identified LSOAs within Nelson Ward. This should bring the greatest benefits for these most challenged communities, and the of Great Yarmouth as a whole, and without the delays and cost to the tax payer that an application to the Secretary of State would involve.



## 4 How to make comments on this proposal

### 4.1 How to make representations

To respond to the public consultation, go online at [www.great-yarmouth.gov.uk/have-your-say](http://www.great-yarmouth.gov.uk/have-your-say) and complete the online consultation.

Alternatively, you can collect and submit a paper version of the consultation document at the following locations:

- Great Yarmouth Borough Council, Town Hall, Hall Plain, Great Yarmouth, NR30 2QF
- Comeunity, 135 King Street, Great Yarmouth, NR30 2PQ
- GYROS, The Books & Beans Cafe in The Central Library, Tolhouse Street, Great Yarmouth, NR30 2SH

If you have a query which has not been addressed by this consultation document, please call 01493 846478 and an officer will be able to help.

The ten-week public consultation will run from the 15th June 2018 – 24th August 2018.

### 4.2 Consultation methods

We will consult on this selective licensing proposal in the following ways:

#### **Public and social media**

The consultation will be fully publicised on the council's website at [www.great-yarmouth.gov.uk/have-your-say](http://www.great-yarmouth.gov.uk/have-your-say), where online responses can be made. This document will also be available to download as a pdf document.

Press releases will be issued, and interviews given to TV, radio, and newspapers.

The council's Twitter and Facebook accounts will also publicise details of the consultation:

- @greatyarmouthbc – Twitter, Facebook & Messenger
- [www.facebook.com/greatyarmouthcouncil/](https://www.facebook.com/greatyarmouthcouncil/) - Facebook

#### **Landlord associations**

The following landlord associations will be consulted directly by email:

- Eastern Landlords Association (SLA);
- National Landlords Association (NLA); and,
- Residential Landlords Association (RLA).

## **Great Yarmouth Borough Council**

The Council is also hosting a Landlord Consultation Event on the Selective Licensing Proposals on Monday the 18<sup>th</sup> of June, between 6 and 7.30 pm, in the Assembly Room, Town Hall, Hall Plain, Great Yarmouth, NR30 2QF.

### **Member of Parliament (MP)**

The Member of Parliament for the Great Yarmouth constituency, the Rt Hon Brandon Lewis MP, will be consulted directly in writing.

### **Local community groups**

Relevant local community groups will be consulted by the most appropriate means. The initially identified groups include:

- The Comeunity Residents Board;
- GYROS;
- Neighbourhood Lunch.

### **Partner Organisations**

Partner organisations, Emergency Services, Health Services, Regulatory Services, service providers, and Charities will be contacted directly, or through the multi-service 'Early Help Hub', at the Council.

### **Stakeholder drop-in sessions**

The council will hold two Selective Licensing Consultation Drop-In Sessions, for all parties who may have an interest in the proposals, including landlords, tenants, letting agents, other residents, businesses, charities, and statutory organisations:

- Monday 18<sup>th</sup> June 2018, between 9.30 am and 4 pm, in the Assembly Room, Town Hall, Hall Plain, Great Yarmouth, NR30 2QF;
- Monday 25<sup>th</sup> June 2018, between 9.30 am and 4 pm, in the Rumbelow Gallery, Central Library, Tolhouse Street, Great Yarmouth, NR30 2SH.

No appointments are necessary and everyone will be welcome. Council officers will be on hand to answer questions about the Selective Licensing proposal.

### **Access to paper copies of this consultation document**

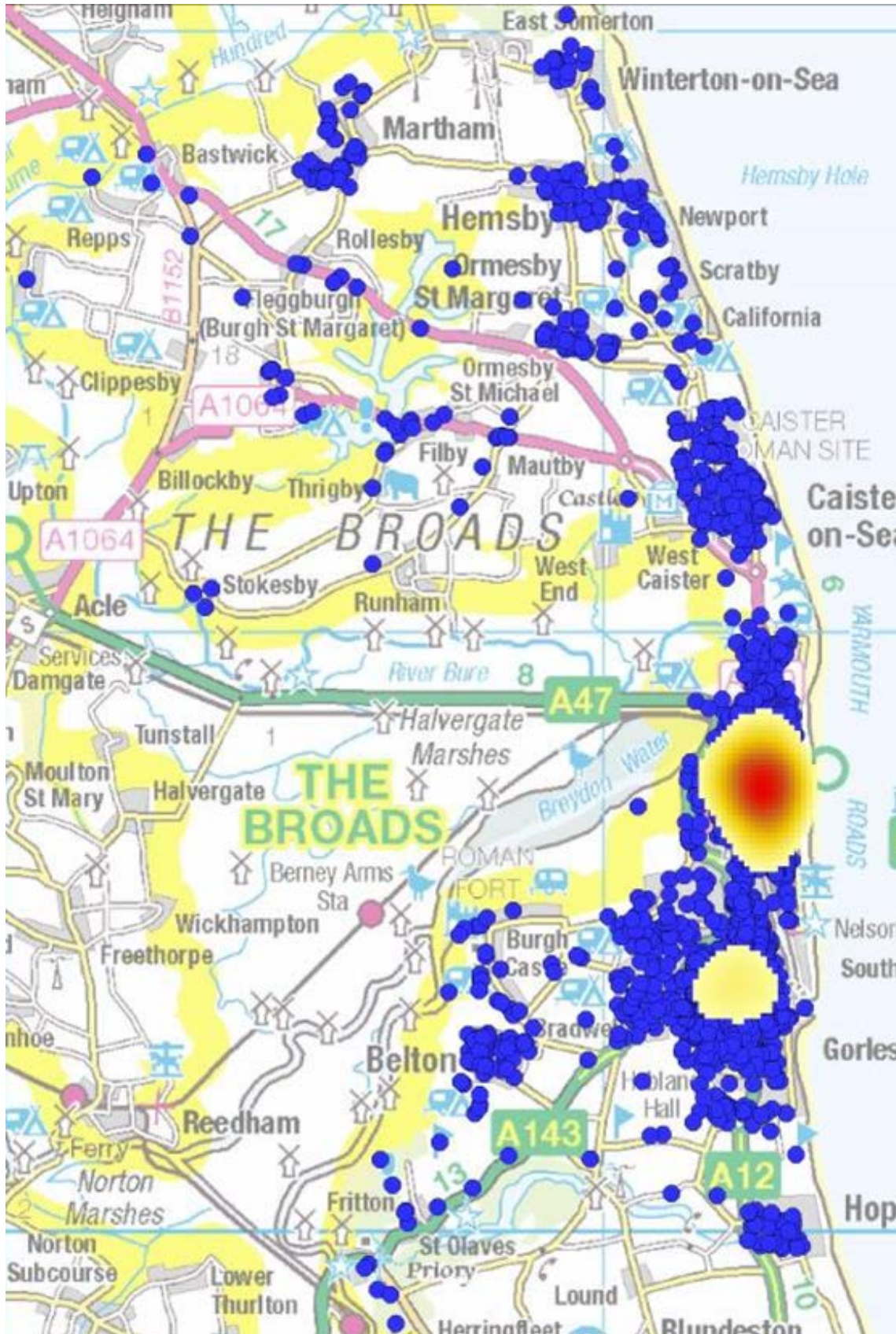
Copies of this proposal and associated leaflets will be available to view at the following locations for the duration of the consultation. All locations have internet facilities for public use, which will enable you to complete the online survey:

## **Great Yarmouth Borough Council**

- Great Yarmouth Borough Council, Town Hall, Hall Plain, Great Yarmouth, NR30 2QF
- Comeunity, 135 King Street, Great Yarmouth, NR30 2PQ
- GYROS, The Books & Beans Cafe in The Central Library, Tolhouse Street, Great Yarmouth, NR30 2SH

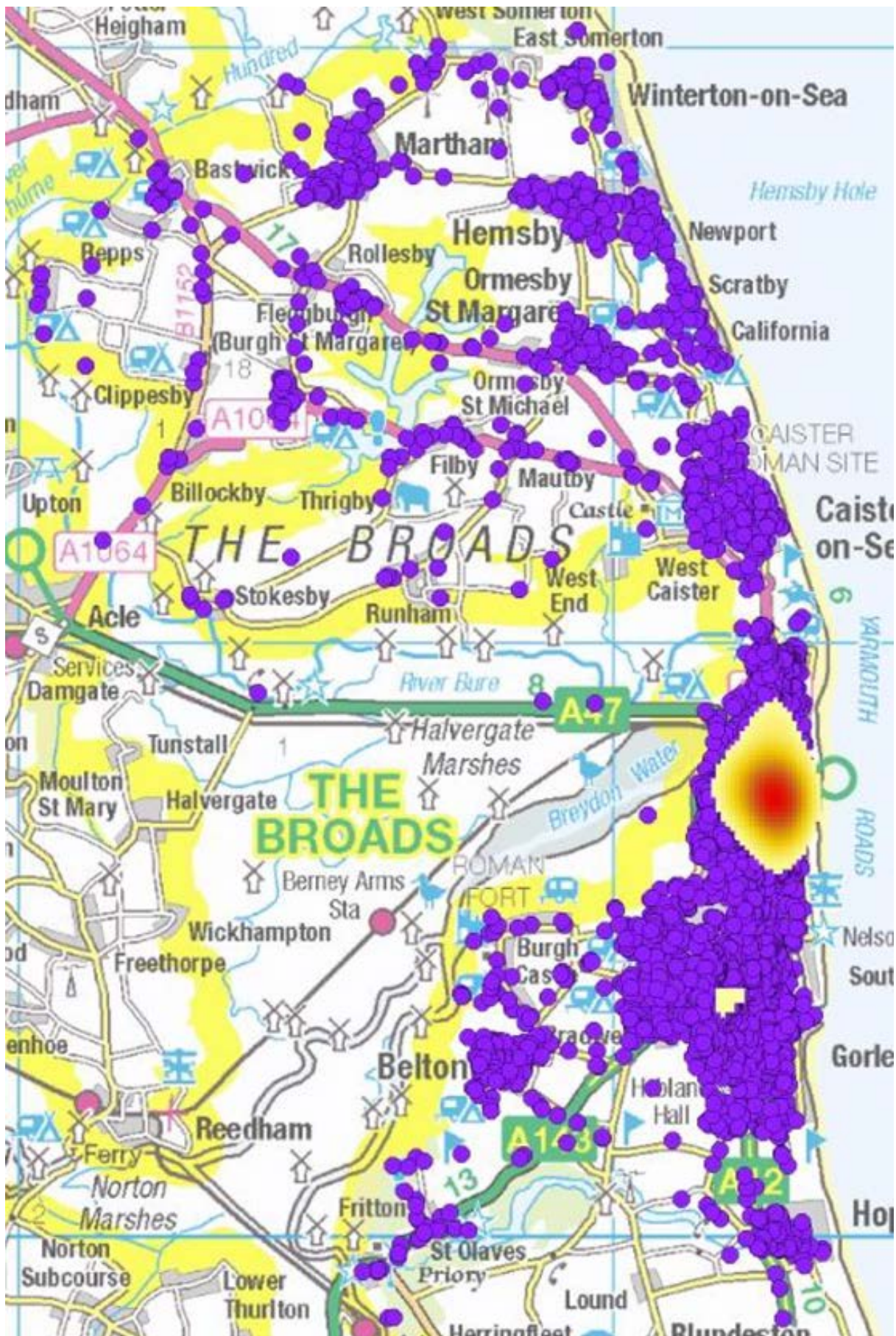
## Appendix A: Maps of proposed designated area

### Police ASB Map

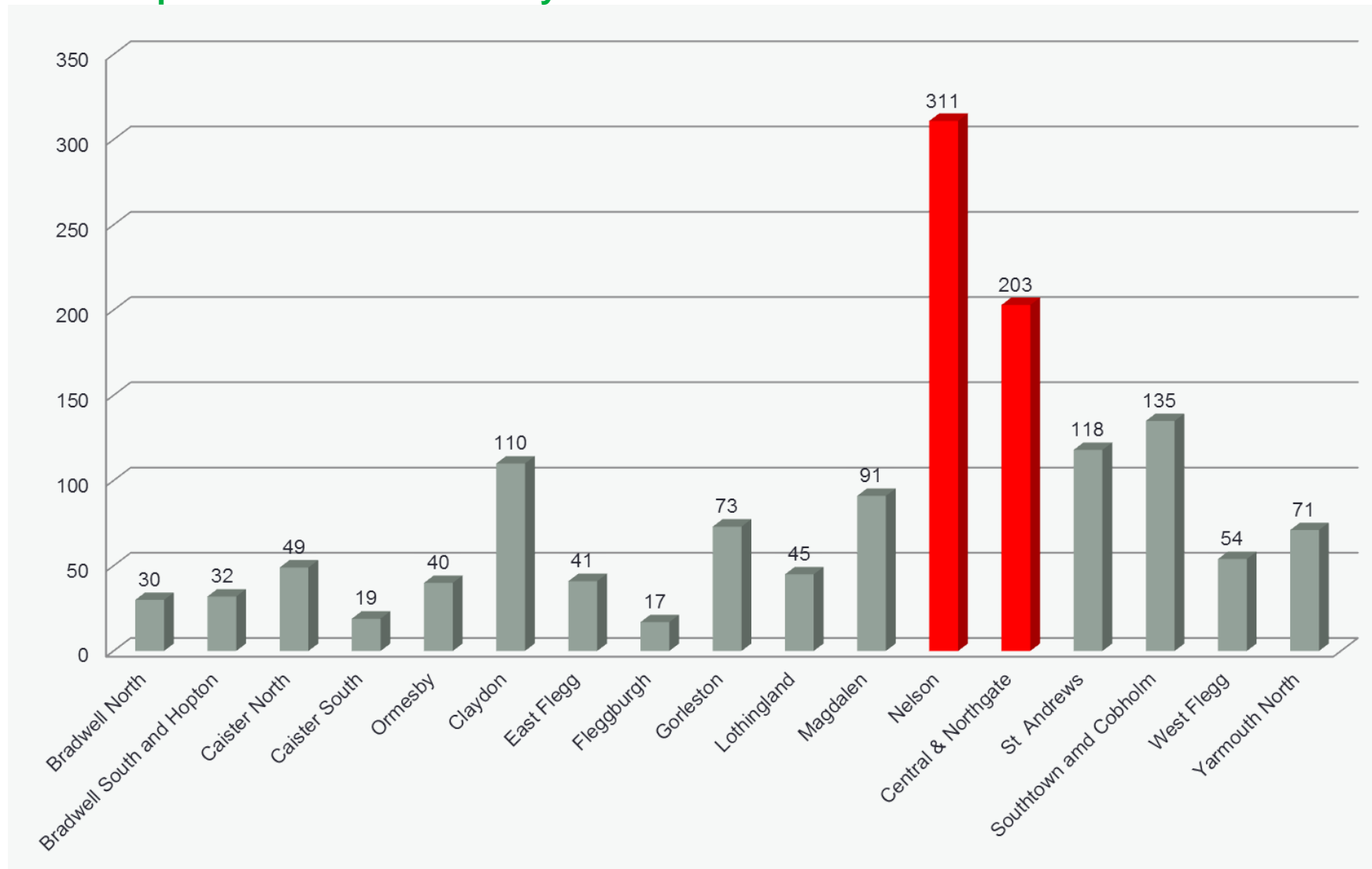




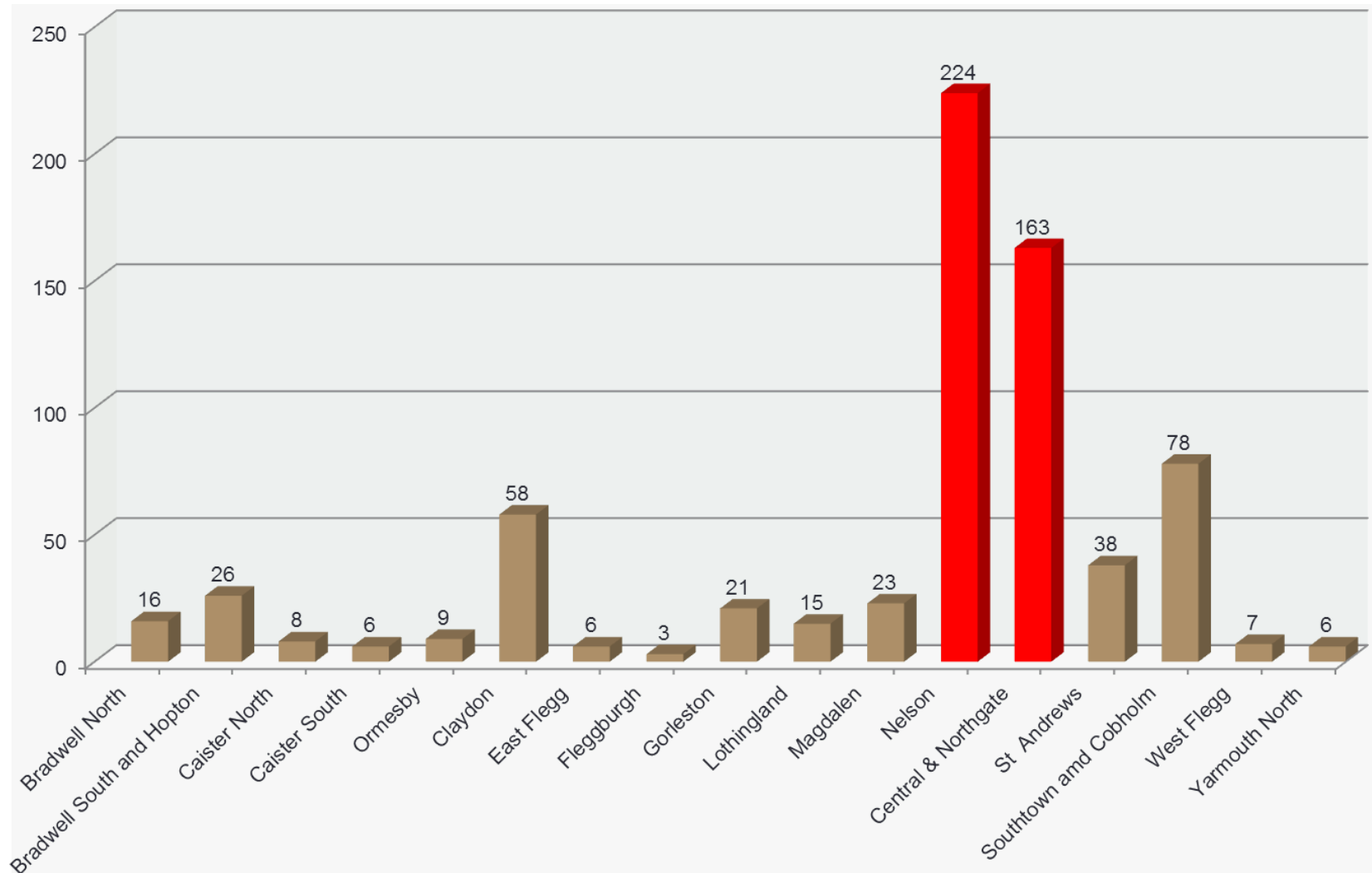
## Police CAD Map



## ASB complaints 3/2014 - 9/2016 by Ward



## Housing complaints 3/2014 – 9/2016 by Ward



## Appendix B: Selective Licensing fees and charges

### Standard Fees

Property Type	5 year licence fee and payment options	
	Monthly fee – Landlord Support Scheme	Up front – Landlord Support Scheme
<b>Single occupancy household</b>  For each dwelling which is occupied by a single household (eg house, self-contained flat or non self-contained flat)	£90 + £9.50+VAT/month	£515+VAT (VAT applies to £425 of fee)
<b>Buildings containing flats where the landlord owns the freehold<sup>(1)</sup></b>  A single licence will be issued covering all of the flats within the control of the landlord	£90 + £9.50+VAT/month for first flat and then £80 + £9.50+VAT/month for each additional flat within the same building	£515+VAT and then £505+VAT for each additional flat within the same building (VAT applies to £425 of each fee)
<b>Buildings containing flats where the landlord owns more than one flat in a building without owning the freehold</b>  As the landlord does not own the freehold, then each flat will require an individual licence	£90 + £9.50+VAT/month for first flat and then £80 + £9.50+VAT/month for each additional flat within the same building	£515+VAT for first flat and then £505+VAT for each additional flat within the same building (VAT applies to £425 of each fee)



## Great Yarmouth Borough Council

Reduced rates <sup>(2)</sup>	Monthly fee (Landlord Support Scheme)	Up front (Landlord Support Scheme)
<b>Accredited membership of selected organisation</b>  Reduced fees will apply to accredited members of one of the following organisations:  National Landlords Association Residential Landlords Association National Approved Lettings Scheme	<b>£70 + £9.50+VAT/month</b>	<b>£495+VAT (VAT applies to £425 of fee)</b>
<b>Early application reduced fee</b>  Applies to all licence applications received and fully completed with all requested documentation by the 14 <sup>th</sup> of March 2019 (i.e. within 3 months of the designation of scheme).	<b>£70 + £9.50+VAT/month</b>	<b>£495+VAT (VAT applies to £425 of fee)</b>

## Penalties<sup>(3)</sup>

Penalty	Amount
<b>Late Application</b>  Applications received 6 months after commencement of scheme (e.g. June 2019).	<b>£1000</b> Applies to each licence application

<b>Finder's Fee</b>  Applies where a licensable property is identified by the Council after June 2019 and no application has been submitted. Landlords who have failed to licence any such property may also be subject to prosecution by the Council.	<b>£1000</b> Applies to each licence application
<b>Incomplete application</b>  Incomplete application: e.g. incomplete information, application form not signed, failure to provide certificates and requested documentation within an agreed timescale.	<b>£25</b> Applies to each licence application

## Notes

- (1) This only applies where the applicant is in control of the whole building (e.g. a landlord who owns the whole block). In cases where the applicant has one or more flats within a building, but do not have full control of the block, then the applicant will require individual licence applications for each flat in the block.
- (2) Where applicable, all reduced rates can apply to the same licence application. In the case of multiple flats within the same building where the landlord is not the freeholder, the rate will only apply to the initial application
- (3) Applicants will not be entitled to reduced fees where a penalty fee has been applied.

## Appendix C: Evidence Base

**Table 4: Properties, residents and areas**

Area	Number of residents	Number of properties	% Great Yarmouth surface area
<b>Nelson ward</b>	8,681	4,164	1.71%
Great Yarmouth 006A	1,642	646	0.81%
Great Yarmouth 006B	1,542	826	0.13%
Great Yarmouth 006C	1,798	964	0.08%
Great Yarmouth 006D	1,795	781	0.09%
Great Yarmouth 006E	1,904	947	0.36%
<b>Central &amp; Northgate ward</b>	7,786	3,445	4.2%
Great Yarmouth 004A	1,432	613	0.09%
Great Yarmouth 005A	1,562	634	0.29%
Great Yarmouth 005B	1,577	764	3.31%
Great Yarmouth 005C	1,507	629	0.29%
Great Yarmouth 005D	1,708	805	0.22%
<b>Great Yarmouth</b>	97,227	44,355	100%

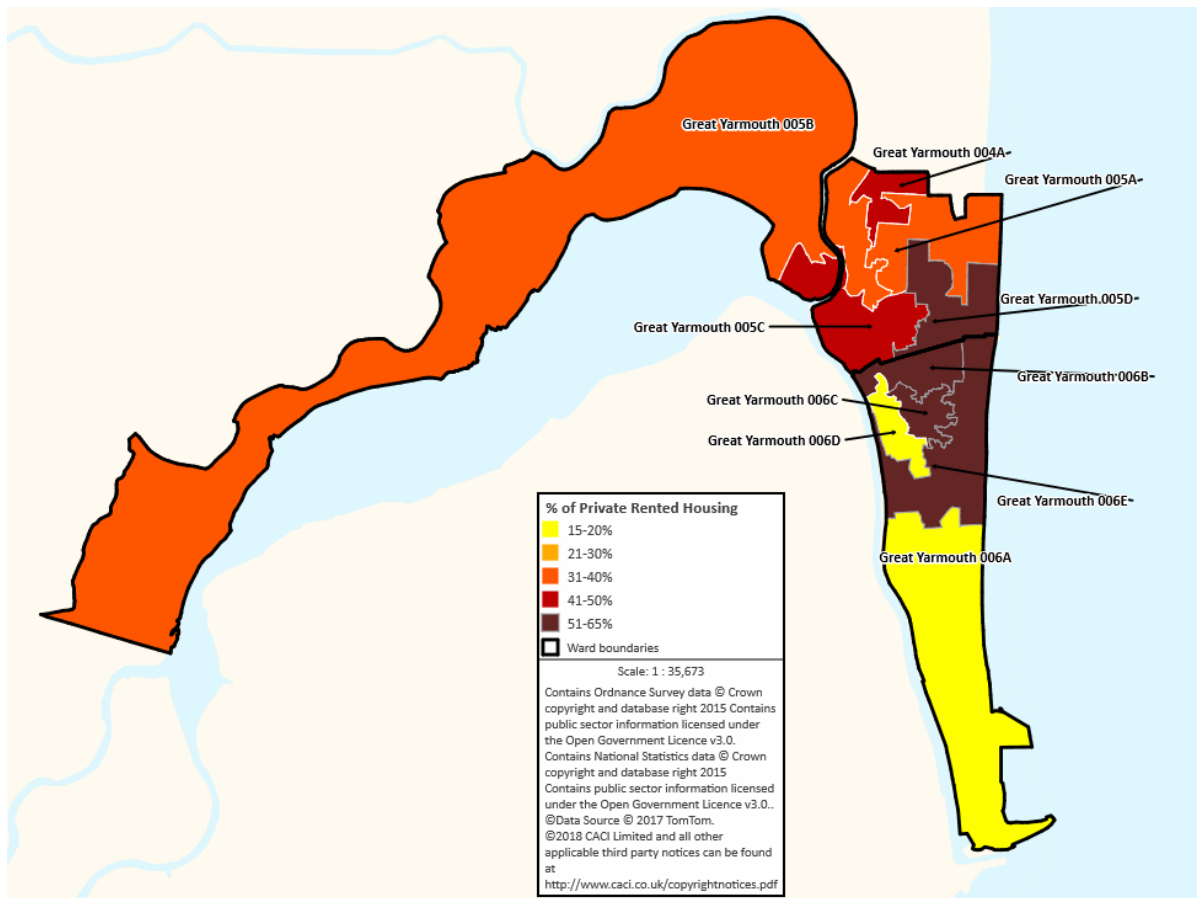
Source: 2011 census; ONS (Oct 2017) Mid-2016 population density for lower layer super output areas in England and Wales

**Table 5: Private rented properties**

Area	Number of PRS properties	PRS % all stock	% of total PRS
<b>Nelson ward</b>	1,849	44%	20.66%
Great Yarmouth 006A	94	14%	1.05%
Great Yarmouth 006B	486	61%	5.43%
Great Yarmouth 006C	617	62%	6.89%
Great Yarmouth 006D	125	15%	1.40%
Great Yarmouth 006E	527	56%	5.89%
<b>Central &amp; Northgate ward</b>	1,782	44%	19.91%
Great Yarmouth 004A	265	43%	2.96%
Great Yarmouth 005A	283	33%	3.16%
Great Yarmouth 005B	220	30%	2.46%
Great Yarmouth 005C	525	49%	5.87%
Great Yarmouth 005D	489	63%	5.46%
<b>Great Yarmouth</b>	8,951	20%	100%

Source: BRE (2017) Dwelling level stock model

Figure 6: Private rented housing as % of all stock 2017



**Table 6: Property prices**

Area	Average price paid
<b>Nelson ward</b>	
Great Yarmouth 006A	£144,167
Great Yarmouth 006B	£137,727
Great Yarmouth 006C	£81,692
Great Yarmouth 006D	£104,573
Great Yarmouth 006E	£90,229
<b>Central &amp; Northgate ward</b>	
Great Yarmouth 004A	£116,869
Great Yarmouth 005A	£108,528
Great Yarmouth 005B	£411,221*
Great Yarmouth 005C	£146,513
Great Yarmouth 005D	£97,516
<b>Great Yarmouth</b>	£198,194
<b>Norfolk</b>	£269,071

Source: Land Registry price paid data 2017

\* This includes the £9m sale of the Premier Inn hotel; excluding this, the average price paid in LSOA 005B was £142,822.

Figure 7: Average property prices 2017

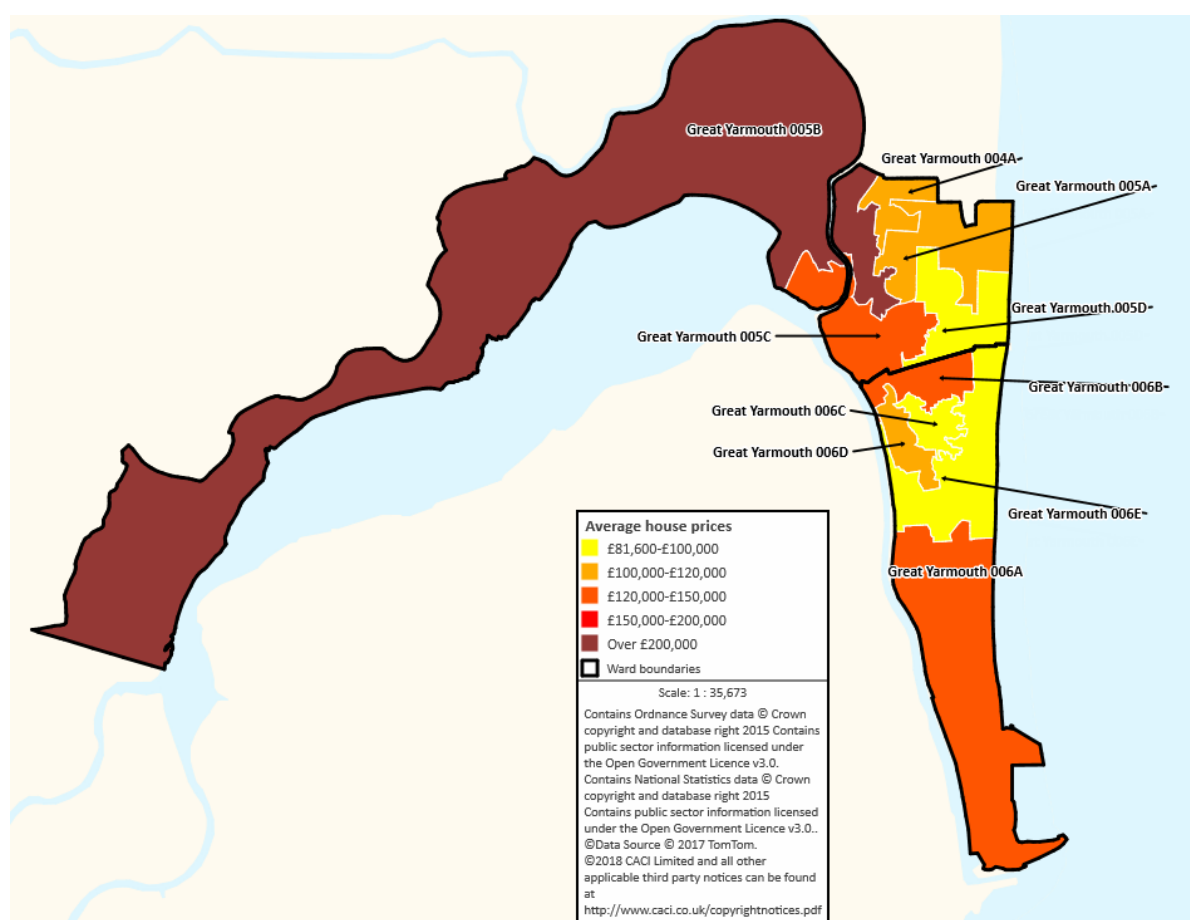


Table 7: Mandatory HMOs

Area	Number of licensed HMOs	% of all licensed HMOs
<b>Nelson ward</b>	33	53%
Great Yarmouth 006A	0	0%
Great Yarmouth 006B	6	10%
Great Yarmouth 006C	10	16%
Great Yarmouth 006D	0	0%
Great Yarmouth 006E	17	24%
<b>Central &amp; Northgate ward</b>	22	35%
Great Yarmouth 004A	4	6%
Great Yarmouth 005A	3	5%
Great Yarmouth 005B	2	3%
Great Yarmouth 005C	2	3%
Great Yarmouth 005D	11	18%
<b>Great Yarmouth</b>	62	100%

Source: Great Yarmouth Borough Council (Apr 2018) register of mandatory licensed HMOs

**Table 8: Empty residential properties**

Area	Number of empty residential properties	Average weeks residential properties were empty
<b>Nelson ward</b>	145	-
Great Yarmouth 006A	12	126
Great Yarmouth 006B	46	156
Great Yarmouth 006C	43	126
Great Yarmouth 006D	11	68
Great Yarmouth 006E	33	143
<b>Central &amp; Northgate ward</b>	106	-
Great Yarmouth 004A	29	93
Great Yarmouth 005A	17	90
Great Yarmouth 005B	12	146
Great Yarmouth 005C	25	129
Great Yarmouth 005D	23	125
<b>Great Yarmouth</b>	271	123

Source: Great Yarmouth Borough Council (Apr 2018) empty property data

**Table 9: Empty business properties**

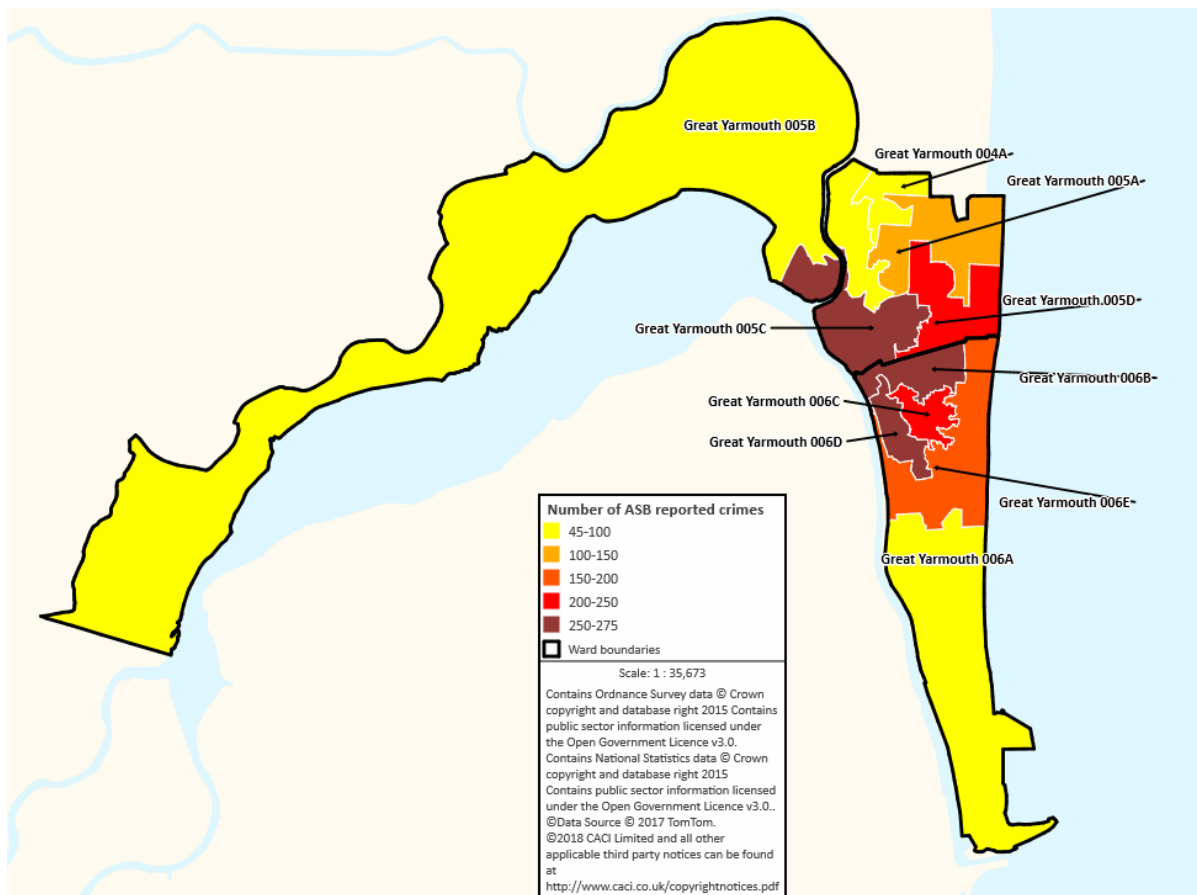
Area	Number of empty non-domestic properties
<b>Nelson ward</b>	59
Great Yarmouth 006A	20
Great Yarmouth 006B	20
Great Yarmouth 006C	4
Great Yarmouth 006D	3
Great Yarmouth 006E	12
<b>Central &amp; Northgate ward</b>	35
Great Yarmouth 004A	1
Great Yarmouth 005A	2
Great Yarmouth 005B	2
Great Yarmouth 005C	26
Great Yarmouth 005D	4
<b>Great Yarmouth</b>	206

Source: Great Yarmouth Borough Council (Apr 2018) NNDR data

**Table 10: ASB reported crime**

Area	ASB crimes
<b>Nelson ward</b>	990
Great Yarmouth 006A	93
Great Yarmouth 006B	260
Great Yarmouth 006C	211
Great Yarmouth 006D	266
Great Yarmouth 006E	160
<b>Central &amp; Northgate ward</b>	713
Great Yarmouth 004A	48
Great Yarmouth 005A	125
Great Yarmouth 005B	60
Great Yarmouth 005C	275
Great Yarmouth 005D	205
<b>Great Yarmouth</b>	3,543

Source: Home Office (Feb 2018) ASB incidents, crime and outcomes 2017 for Norfolk Constabulary

**Figure 8: ASB reported crimes 2017**



**Table 11: Private sector ASB complaints**

Area	ASB complaints
<b>Nelson ward</b>	74
Great Yarmouth 006A	7
Great Yarmouth 006B	17
Great Yarmouth 006C	20
Great Yarmouth 006D	13
Great Yarmouth 006E	17
<b>Central &amp; Northgate ward</b>	77
Great Yarmouth 004A	8
Great Yarmouth 005A	14
Great Yarmouth 005B	8
Great Yarmouth 005C	26
Great Yarmouth 005D	21

Source: Great Yarmouth Borough Council (Apr 2018) private sector ASB complaints

**Table 12: Environmental crime**

Area	Environmental crimes
<b>Nelson ward</b>	
Great Yarmouth 006A	39
Great Yarmouth 006B	76
Great Yarmouth 006C	109
Great Yarmouth 006D	33
Great Yarmouth 006E	90
<b>Central &amp; Northgate ward</b>	
Great Yarmouth 004A	38
Great Yarmouth 005A	41
Great Yarmouth 005B	39
Great Yarmouth 005C	74
Great Yarmouth 005D	55
<b>Great Yarmouth</b>	2,497

Source: Great Yarmouth Borough Council (Apr 2018) environmental crime 2017

**Table 13: Pest requests**

Area	Pest requests
<b>Nelson ward</b>	
Great Yarmouth 006A	2
Great Yarmouth 006B	3
Great Yarmouth 006C	1
Great Yarmouth 006D	12
Great Yarmouth 006E	3
<b>Central &amp; Northgate ward</b>	
Great Yarmouth 004A	0
Great Yarmouth 005A	1
Great Yarmouth 005B	2
Great Yarmouth 005C	9
Great Yarmouth 005D	2
<b>Great Yarmouth</b>	506

Source: Great Yarmouth Borough Council (Apr 2018) pest requests 2017

**Table 13: HHSRS category 1 hazards**

Area	% PRS failing HHSRS	% all stock failing HHSRS
<b>Nelson ward</b>		
Great Yarmouth 006A	15	9
Great Yarmouth 006B	19	21
Great Yarmouth 006C	24	21
Great Yarmouth 006D	12	7
Great Yarmouth 006E	24	20
<b>Central &amp; Northgate ward</b>		
Great Yarmouth 004A	26	22
Great Yarmouth 005A	13	12
Great Yarmouth 005B	17	17
Great Yarmouth 005C	22	15
Great Yarmouth 005D	22	21
<b>Great Yarmouth</b>	20	17

Source: BRE (2017) dwelling level stock model

Figure 9: Percentage of private rented housing failing HHSRS

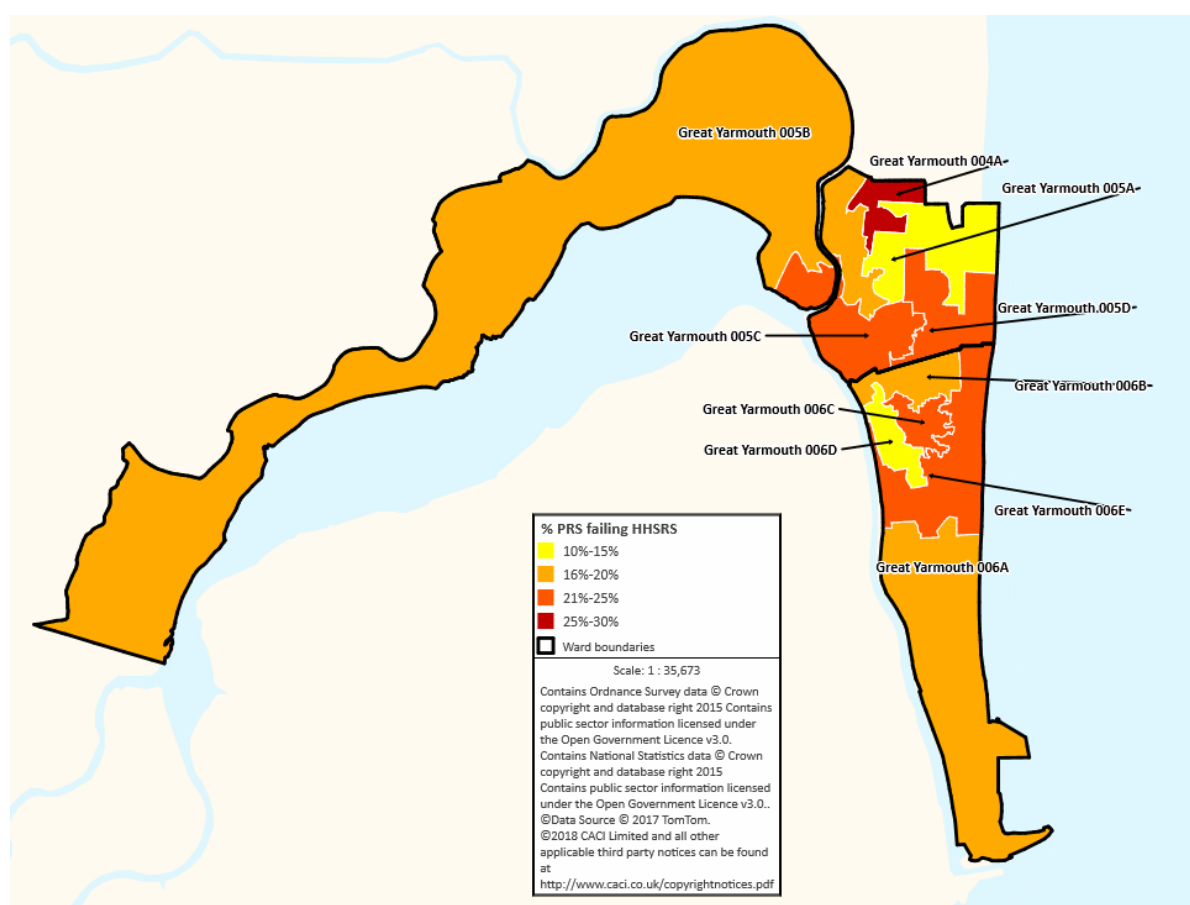


Table 14: Disrepair

Area	% PRS with disrepair	% all stock with disrepair
<b>Nelson ward</b>		
Great Yarmouth 006A	6	3
Great Yarmouth 006B	10	9
Great Yarmouth 006C	11	9
Great Yarmouth 006D	5	2
Great Yarmouth 006E	11	8
<b>Central &amp; Northgate ward</b>		
Great Yarmouth 004A	10	7
Great Yarmouth 005A	6	4
Great Yarmouth 005B	9	5
Great Yarmouth 005C	9	6
Great Yarmouth 005D	11	9
<b>Great Yarmouth</b>	7	3

Source: BRE (2017) dwelling level stock model

**Table 15: Private sector housing complaints**

Area	Number of complaints
<b>Nelson ward</b>	34
Great Yarmouth 006A	4
Great Yarmouth 006B	8
Great Yarmouth 006C	2
Great Yarmouth 006D	13
Great Yarmouth 006E	7
<b>Central &amp; Northgate ward</b>	49
Great Yarmouth 004A	1
Great Yarmouth 005A	12
Great Yarmouth 005B	19
Great Yarmouth 005C	2
Great Yarmouth 005D	15
<b>Great Yarmouth</b>	99

Source: Great Yarmouth Borough Council (Apr 2018) private sector housing complaints 2017

**Table 16: Population growth**

Area	Number of residents 2001	Number of residents 2011	Absolute change	% change
<b>Nelson ward</b>	7,213	8,681	1,468	20%
Great Yarmouth 006A	1,527	1,642	115	8%
Great Yarmouth 006B	1,353	1,542	189	14%
Great Yarmouth 006C	1,499	1,798	299	20%
Great Yarmouth 006D	1,455	1,795	340	23%
Great Yarmouth 006E	1,379	1,904	525	38%
<b>Central &amp; Northgate ward</b>	7,179	8,298	1,119	16%
Great Yarmouth 004A	1,309	1,432	123	9%
Great Yarmouth 005A	1,478	1,708	230	16%
Great Yarmouth 005B	1,497	1,691	194	13%
Great Yarmouth 005C	1,393	1,862	469	34%
Great Yarmouth 005D	1,502	1,605	103	7%
<b>Great Yarmouth</b>	90,810	97,277	6467	7%
<b>East of England</b>	5,388,140	5,846,965	458,825	9%

Source: 2001 and 2011 census

**Table 17: National Insurance Number registrations**

Area	2016/17	2017/18
Great Yarmouth 004 (MSOA)	57	29
Great Yarmouth 005 (MSOA)	255	120
Great Yarmouth 006 (MSOA)	385	222
Great Yarmouth	922	528
East of England	65,189	42,285

Source: DWP (Apr 2018) NINO registrations to adult overseas nationals entering the UK

**Table 18: Index of Multiple Deprivation**

Area	Overall IMD rank	IMD decile
<b>Nelson ward</b>		
Great Yarmouth 006A	700	1
Great Yarmouth 006B	332	1
Great Yarmouth 006C	20	1
Great Yarmouth 006D	91	1
Great Yarmouth 006E	293	1
<b>Central &amp; Northgate ward</b>		
Great Yarmouth 004A	2,818	1
Great Yarmouth 005A	1,701	1
Great Yarmouth 005B	7,398	3
Great Yarmouth 005C	98	1
Great Yarmouth 005D	168	1
<b>Great Yarmouth</b>	10,676	4

Source: DCLG, English Indices of Deprivation 2015

Figure 10: IMD overall rank 2015

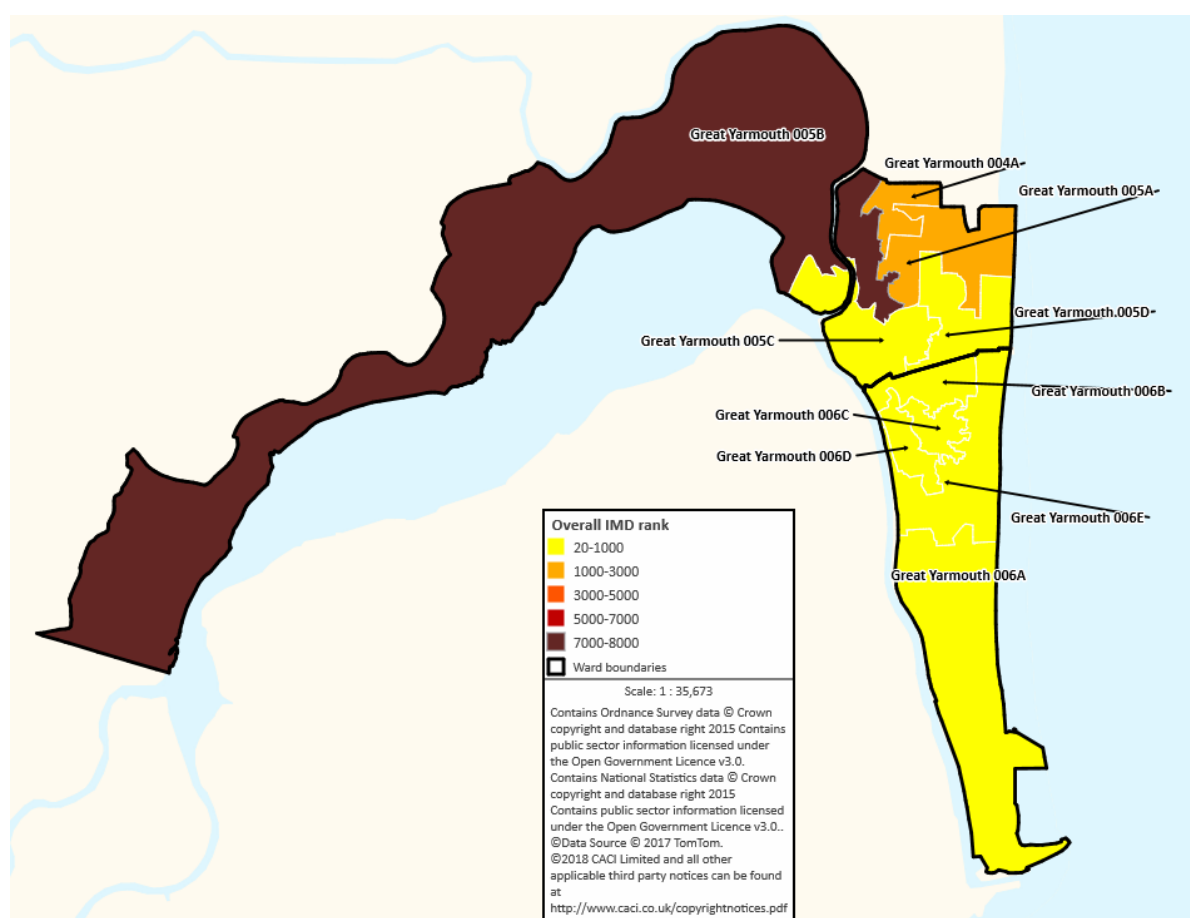


Table 19: Disability benefits

Area	Feb 2017	May 2017	Aug 2017
<b>Nelson ward</b>			
Great Yarmouth 006A	73	73	66
Great Yarmouth 006B	90	89	80
Great Yarmouth 006C	71	69	63
Great Yarmouth 006D	124	129	116
Great Yarmouth 006E	76	72	69
<b>Central &amp; Northgate ward</b>			
Great Yarmouth 004A	137	131	119
Great Yarmouth 005A	88	81	81
Great Yarmouth 005B	135	127	117
Great Yarmouth 005C	114	108	104
Great Yarmouth 005D	92	90	77
<b>Great Yarmouth</b>	<b>4,710</b>	<b>4,505</b>	<b>4,253</b>
<b>East of England</b>	<b>183,757</b>	<b>173,404</b>	<b>163,623</b>

Source: DWP (Apr 2018) DLA cases and ESA caseload

**Table 20: Housing benefit claimants**

Area	Total	PRS claimants
<b>Nelson ward</b>	1,069	511
Great Yarmouth 006A	104	76
Great Yarmouth 006B	218	63
Great Yarmouth 006C	125	75
Great Yarmouth 006D	387	131
Great Yarmouth 006E	235	166
<b>Central &amp; Northgate ward</b>	1,220	523
Great Yarmouth 004A	244	31
Great Yarmouth 005A	165	128
Great Yarmouth 005B	249	159
Great Yarmouth 005C	347	26
Great Yarmouth 005D	215	179
<b>Great Yarmouth</b>	6,703	2,445
<b>East of England</b>	338,572	97,860

Source: DWP (Apr 2018) Housing Benefit claimants

**Table 21: Reported crimes**

Area	Reported crimes
<b>Nelson ward</b>	3,170
Great Yarmouth 006A	279
Great Yarmouth 006B	957
Great Yarmouth 006C	648
Great Yarmouth 006D	650
Great Yarmouth 006E	636
<b>Central &amp; Northgate ward</b>	2,591
Great Yarmouth 004A	207
Great Yarmouth 005A	401
Great Yarmouth 005B	299
Great Yarmouth 005C	1153
Great Yarmouth 005D	531
<b>Great Yarmouth</b>	12,596

Source: Home Office (Feb 2018) ASB incidents, crime and outcomes 2017 for Norfolk Constabulary

Figure 11: Reported crimes 2017

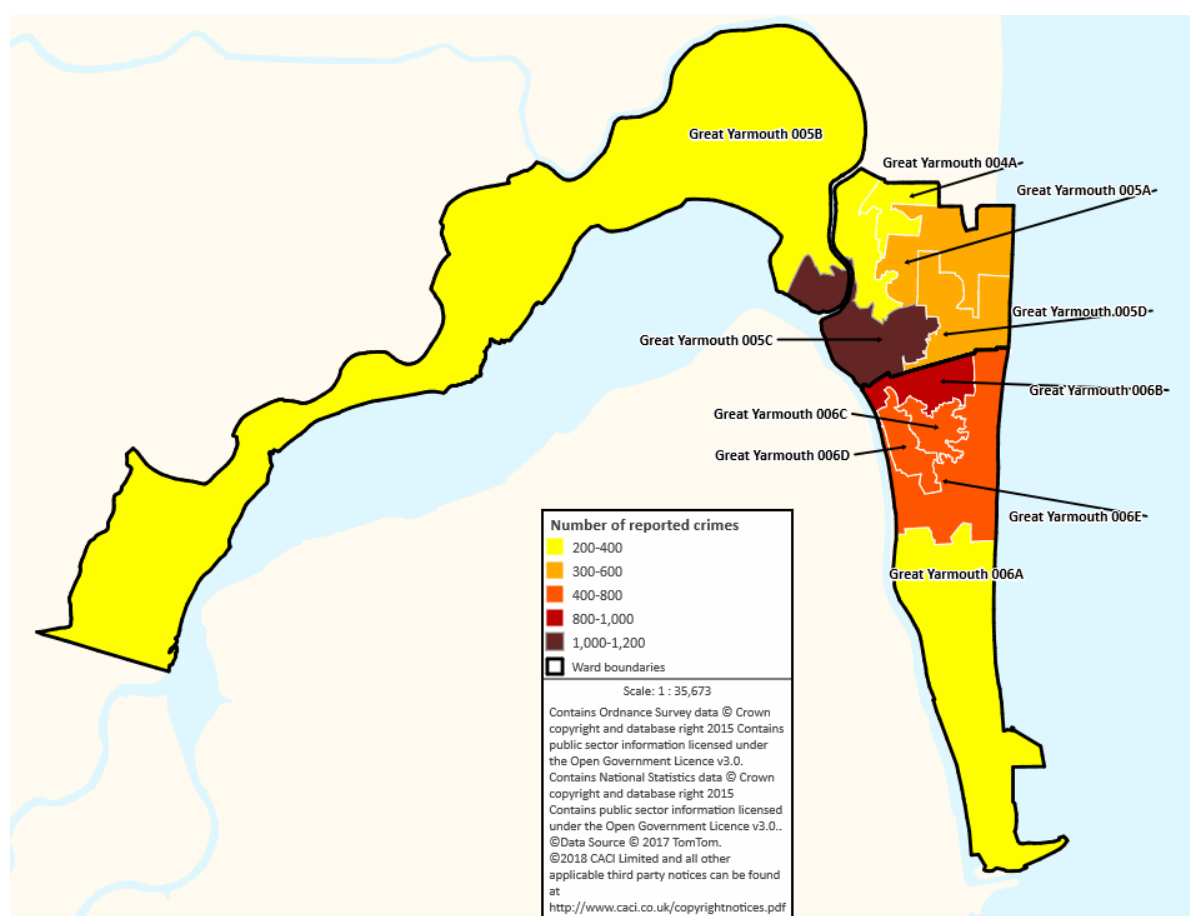


Table 22: Three proposed LSOAs for designation

LSOA	Overall rank	PRS % all stock	% of total PRS	% Great Yarmouth surface area
Great Yarmouth 006B	4.11	61%	5.43%	0.13%
Great Yarmouth 006C	4.06	62%	6.89%	0.08%
Great Yarmouth 006E	3.56	56%	5.89%	0.36%



**Table 23: Overall rankings**

Ranks: 1 = worst, 10 = best, ties are ranked lowest

Colours: worst 3 = pink, best 3 = green

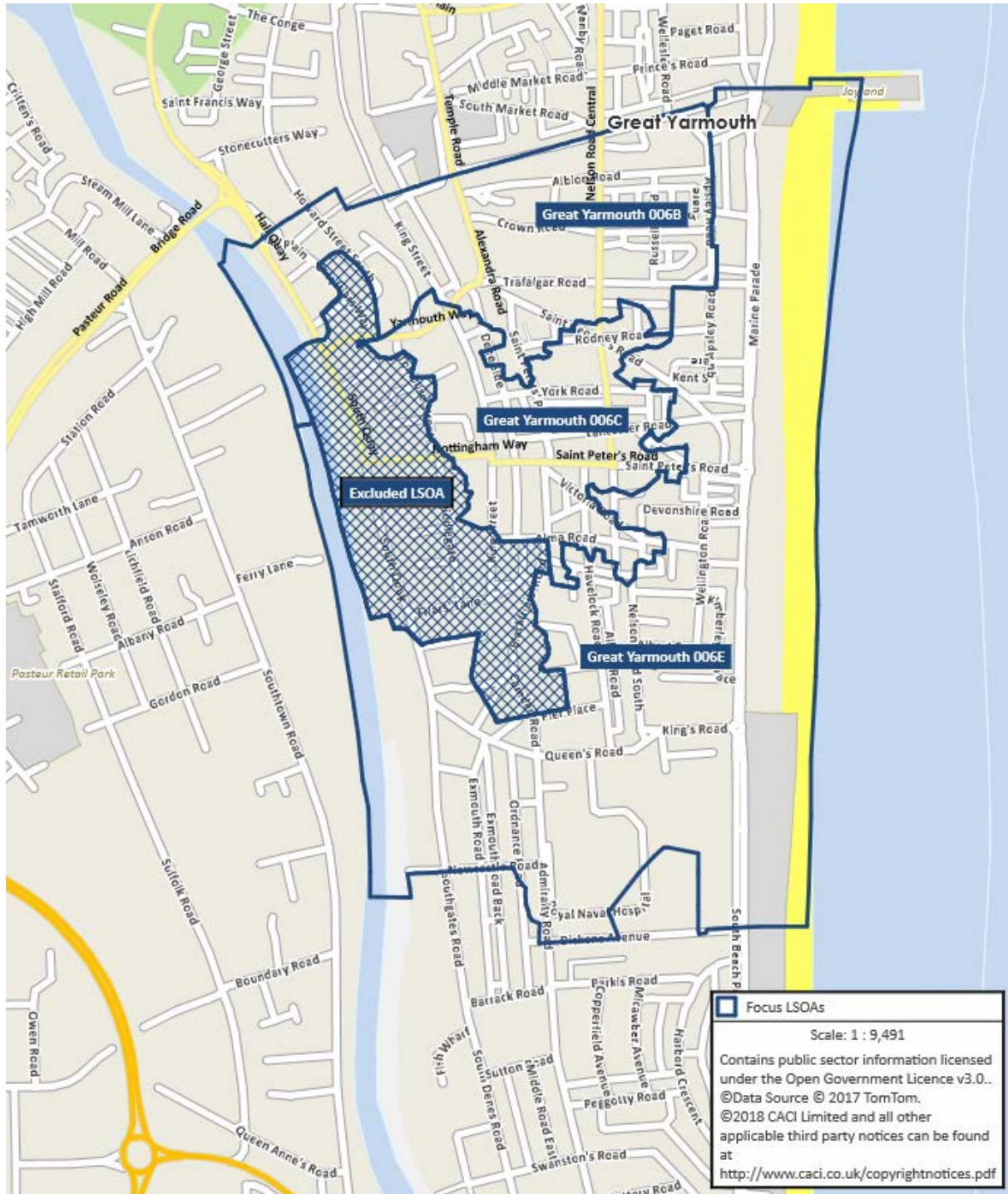
LSOA	OVERALL			General	Low housing demand				
	Average rank	Times ranked 1-3 (worst)	Times ranked 8-10 (best)		Average price paid	Number licensed HMOs	Number empty homes	Average weeks homes were empty	Number empty non-domestic properties
<b>Nelson ward</b>									
Great Yarmouth 006A	7.50	1	11	10	8	9	8	5	2
Great Yarmouth 006B	4.11	8	1	3	7	4	1	1	2
Great Yarmouth 006C	4.06	9	3	2	1	3	2	5	5
Great Yarmouth 006D	5.94	7	7	9	4	9	10	10	7
Great Yarmouth 006E	3.56	10	1	4	2	1	3	3	4
<b>Central and Northgate ward</b>									
Great Yarmouth 004A	7.17	2	11	6	6	5	4	8	10
Great Yarmouth 005A	6.72	0	6	7	5	6	7	9	8
Great Yarmouth 005B	6.50	4	8	8	10	7	8	2	8
Great Yarmouth 005C	4.33	7	3	5	9	7	5	4	1
Great Yarmouth 005D	4.22	7	1	1	3	2	6	7	5
<b>Worst</b>	Low	High	Low	High %	Low	High	High	High	High

Table 23: Overall rankings (continued)

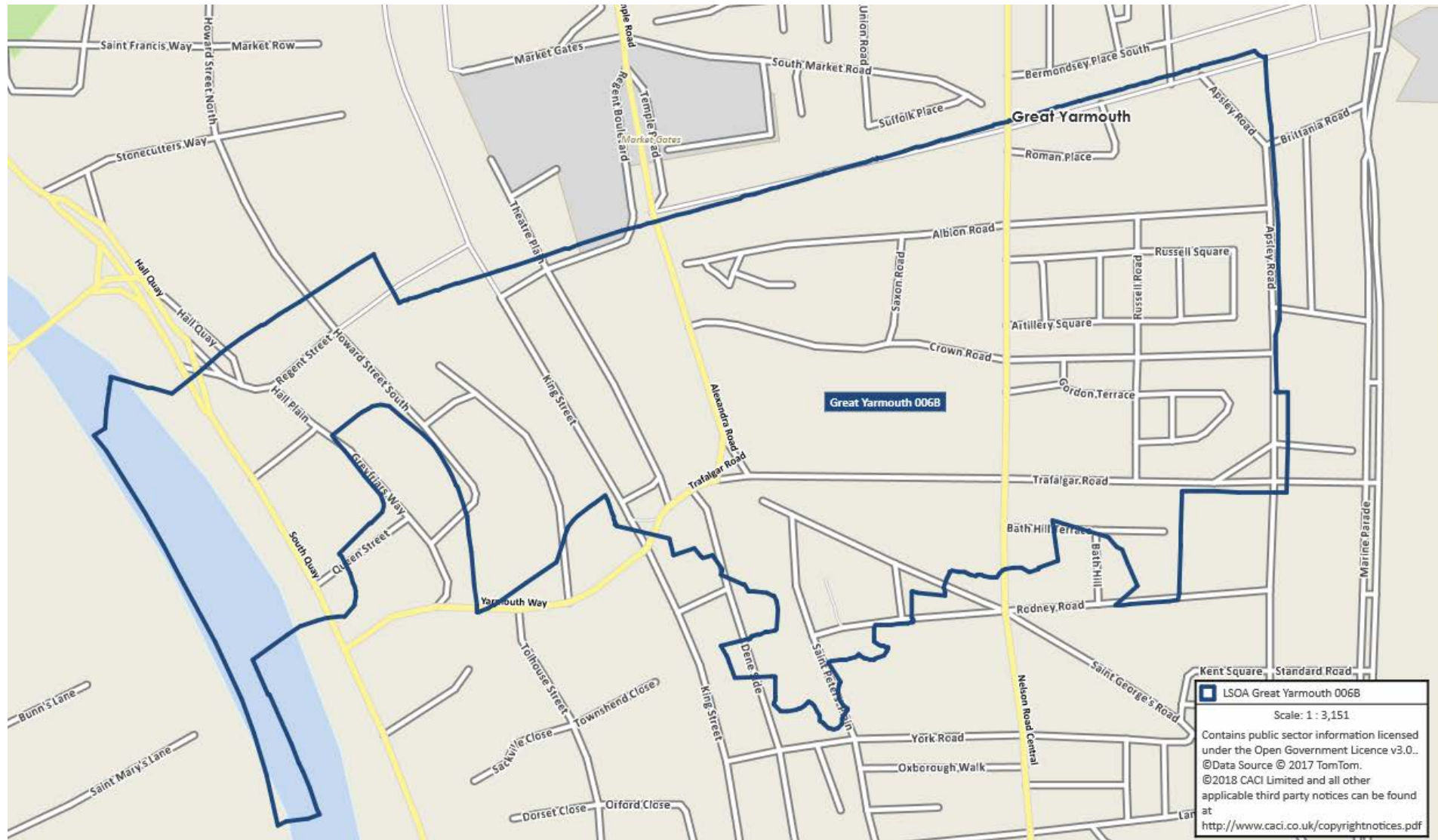
LSOA	ASB				House conditions			Migration	Deprivation			Crime
	Reported ASB crimes	Private sector ASB complaints	Environmental crimes	Pest requests	% PRS failing HHSRS	% PRS with disrepair	Number private sector housing complaints	Population change 2001-2011	Overall IMD rank	Disability benefits Aug 2017	PRS HB claimants	Reported crimes
<b>Nelson ward</b>												
Great Yarmouth 006A	8	10	7	5	8	8	7	9	7	9	6	9
Great Yarmouth 006B	3	4	3	3	6	4	5	6	6	6	8	2
Great Yarmouth 006C	4	3	1	8	2	3	8	4	1	10	7	4
Great Yarmouth 006D	2	7	10	1	10	10	3	3	2	3	4	3
Great Yarmouth 006E	6	4	2	3	3	2	6	1	5	8	2	5
<b>Central and Northgate ward</b>												
Great Yarmouth 004A	10	8	9	10	1	5	10	8	9	1	9	10
Great Yarmouth 005A	7	6	6	8	9	9	4	5	8	5	5	7
Great Yarmouth 005B	9	8	7	5	7	7	1	7	10	2	3	8
Great Yarmouth 005C	1	1	4	2	5	6	8	2	3	4	10	1
Great Yarmouth 005D	5	2	5	5	4	1	2	10	4	7	1	6
<b>Worst</b>	High	High	High	High	High %	High %	High	High	Low	High	High	High

## Appendix D: Maps of proposed designated area

### Proposed Designated Area Map



## Proposed Designated Sub-Area (LSOA 006B) Map





## Proposed Designated Sub-Area (LSOA 006C) Map



## Proposed Designated Sub-Area (LSOA 006E) Map



## Appendix E: Roads Affected by the Proposed Designation

Street names (A-Ma)	Street names (Me-Y)
Admiralty Road (1-22 & 95-122)	Melrose Terrace
Albert Gate Road	Naploeon Place
Albert Road	Nelson Road Central
Albert Road	Nelson Road South
Albert Square	New Wellington Place
Albion Road	Old Wellington Passage
Alexandra Road	Old Wellington Place
Alma Road	Ordnance Road (1-22 & 63-79A)
Apsley Road	Oxborough Walk
Artillery Square	Paston Place
Bath Hill	Pier Place
Bath Hill Terrace	Portland Place
Belgrave Villas	Queens Place
Blackfriars Road (1-17, 65-70, 94-97 & 154-160)	Queen Street
Brandon Terrace	Queens Road
Britannia Road	Queens Square
Camden Place	Regent Road (33-116)
Camden Road (16-48A)	Regent Street (19-44)
Camperdown	Rodney Road
Cerdic Place	Roman Place
Charles Street	Royal Naval Hospital
Clarence Road	Russel Road
Crown Road	Saxon Road
Dagmar Mews	Seafeld Close
Dairy Court	Selby Place
Deneside	Shadingfield Close
Devonshire Road	South Beach Parade (52-56)
Drakes Buildings	South Beach Place
Duncan Road	South Quay (1-14, 116-133, Row 76, Row 83 & Row 92)
Easthill Terrace	Southgates Road (1-36)
Edinburgh Place	St Georges Plain
Exmouth Place	St Georges Road
Exmouth Road (1-38 & 90-118)	St James Walk
Foxes Passage	St Johns Terrace
Gordon Terrace	St Mary's Court
Greyfriars Way	St Peters Plain

## Great Yarmouth Borough Council

Hall Plain	St Peters Road
Havelock Place	Standard Place
Havelock Road	Standard Road
Howard Street South (50-56, Row 75, Row 77 & Row 84)	Sultan Place
Isabella Square	Trafalgar Court
Kemp's Buildings	Trafalgar Road
Kent Mews	Trafalgar Square
Kent Square	Victoria Arcade
Kimberly Terrace	Victoria Gardens
King Street (14-60, 147-177 & Row 102)	Victoria Place
Kings Road (Hotel Victoria, Queen Elizabeth Court & Seafield Court)	Victoria Road
Lancaster Road (1-26 & 71-83A)	Waterloo Road
Lancaster Square	Wellington Place
Malakoff Road	Wellington Road
Marine Parade (Shadingfield Lodge & 1-67)	West Street
Marine Passage	Wilshire Court
Mariners Road	Yarmouth Way (1-41 (odd numbers))
Marlborough Square	York Road
Marlborough Terrace	

### Please note:

- i. All Rows within the proposed designation area are included.
- ii. Properties with non-licensable uses have not been specified in the list, but would be included, should they have licensable uses in future.
- iii. Every attempt has been made to ensure that this list is as comprehensive as possible; however, the proposed designation is based on the geographical area delineated by the blue line on the proposed designation map. The map overrides this list and is final and conclusive as to whether a property would or would not be subject to selective licensing should the designation be made.



## Appendix F: Selective Licensing ‘Landlord Support Service Delivery Partner’

Strict criteria will be applied before accepting any Delivery Partner and these are explained below.

### **Criteria for Selective Licensing ‘Landlord Support Service Delivery Partner’.**

Any Landlord Support Service Delivery Partner must have a local presence and work towards employing local people using local suppliers. Any such partner approved by the Council will be the first point of contact in respect to complaints received regarding their scheme members and the delivery partner will commit resources to resolve such concerns in the majority of cases without the need for the Council to intervene.

It is important to note that delivery partner members are not exempt from Selective Licensing, nor do they receive protection against legal action for breach of licensing conditions. However, meeting the set criteria of the delivery partner would ensure members reach at least the minimum standard required of the Selective Licensing Scheme. The delivery partner will also be required to set up and complete their own system for monitoring compliance of their members, which should substantially reduce the risk of non-compliance by their members and will be agreed with the Council. Any delivery partner will be required to deal with any such complaints and maintain records and also engage with the Council, the police or any other agency involved with investigations relating to the property or tenants of the property. This may involve providing supporting information or evidence where an appropriate authority seeks a legal remedy.

It will be a condition of the licensing discount that licence-holders remain compliant members of the delivery partner scheme for the full Selective Licensing period. If at any time a licence-holder leaves the delivery partner by mutual agreement or due to serious non-compliance, then the Council will levy a one-off charge to the licence-holder. It is proposed that in such cases a fee calculated at point of termination will be on a sliding scale from the full fee to cover licensing monitoring costs for the remainder of the scheme period. The licence fee paid will be payable up-front to cover the Council taking over licensing compliance checks for the remainder of the Selective Licensing period. In such an event the Licence holder will no longer have a relationship with the approved delivery partner.

This document explains the criteria that any landlord support service delivery partner would need to comply with in order to be approved by Great Yarmouth Borough Council and sets out the expected process of approval.

## **Process and Pre-requisites for Scheme Applications**

Any company wishing to set up as a landlord support service delivery partner will need to apply to the Council's Head of Environmental Services.

The application will need to satisfy the following criteria:

- Submit application pack stating suitability and proposals for approval and inspection-based compliance monitoring of scheme members.
- Provide details of all persons that are proposed to work on the scheme in a management capacity and thereafter all persons working on the scheme.
- Provide details of any privately rented property interests (ownership and management) of all persons proposed to be working on the scheme, including that of immediate family members.
- Minimum 2-year proven track record in property management within the Private Rented Sector.
- Provide details of arrangements for Data Protection and Data protection licence.
- Have an agreed locally based presence throughout the 5-year Selective Licensing period.
- Demonstrate resource levels to fully support and deliver the scheme, such that they are the only service delivery partner (the Council will not accept multiple service delivery partners).
- Deliverable online with a support mechanism for scheme members and Local Authority.
- Demonstrate ability to meet required workflow.
- Ability to deliver information in appropriate multi-lingual formats.
- Evidence of suitable insurance to indemnify the Council.
- Completion of Declaration of Interest form (based on the Council's template) regarding any property interests in the designation.
- Provide at least 2 professional business references.
- Sign a Delivery Contract – granted under a concession – with the Council.

On receipt of the application the following initial checks will be made:

- DBS check (highest level) for all working on the scheme.

- Fit and Proper Person Check for all working on the scheme which would include; finance check/company history, Enforcement history (Council against the applicant), Potentially Violent Persons register check (if in place), Housing Benefit & Council Tax fraud check.
- Company viability check.
- Attendance for interview.
- Confirmation that they will not be approving themselves as a licence-holder.

The above vetting process needs to confirm suitability; in terms of sector knowledge, experience, skills and attitude and that the scheme objectives can be met. Any applicant successfully completing the above steps would be invited to attend an interview. The interview will require the applicant to present how they will ensure the aims and objectives of selective licensing will be met. This must be inspection based with at least three inspections of each property.

Upon completion of the above application the Head of Service for Regulation and Enforcement and portfolio holder will authorise and confirm the decision. Once a delivery partner has been approved they will need to sign a contract for the duration of the scheme.

### **Minimum Standards for Approved Schemes**

The minimum standards for any approved scheme to comply with:

- a) Set and agree with the Council the clear terms by which an applicant is accepted/rejected as a member of the scheme. These need to be clear, fair, transparent and open to all applicants and approved by the Council prior to implementation.
- b) Draft and agree with the Council a Code of Practice for all scheme members. The requirements of the Code of Practice must as a minimum requirement correspond to, or meet an equivalent standard, to the licensing conditions dictated by the Selective Licensing Scheme.
- c) To confirm that the member approves of the Delivery Partner Scheme sharing information regarding their premises with the Council and act as a first point of contact for the Council in cases of complaints regarding the premises.

## **Great Yarmouth Borough Council**

- d) Provide a Data Protection agreement for all their scheme members confirming information shared by the Council will be treated confidentially and only used for the purposes agreed.
- e) Provide confirmation that all their scheme members have been informed that the discount in fees requires them to remain as a member of the scheme for the full licensing period, including details of charges recoverable by the Council if the contract is not adhered to and membership of the scheme ceases early.
- f) Gain pre-approval from the Council on the process to confirm an applicant's compliance to ensure it contains all information necessary for the Council to issue a Selective Licence.
- g) Design a clear procedure for resolution of complaints from scheme members that comply with good business practices and Fair-Trading legislation.
- h) Appoint a nominated person to act as first point of contact for any concerns in relation to scheme members.
- i) Have a set process for investigating complaints against members and a system of warnings/sanctions in place for any non-compliance found. This must include a method for the scheme to terminate membership in cases of members acting unlawfully, including any conviction for non-compliance with Selective Licensing Conditions or the Housing Act 2004 and any other related housing legislation specifically agreed by the Council and incorporated in the scheme.
- j) Generate and retain all records sufficient to prove compliance throughout the contract period which the Council may check on a random sampling basis. These will also form the basis of on-going evaluations throughout the contract period.
- k) Retain records for an agreed and appropriate post-contract period to allow a final evaluation of the scheme to take place.
- l) Enter into agreement with the Council, that the Council may veto the appointment, or involvement, or employment, of anyone working on the Great Yarmouth scheme. This includes nominated person to act as first point of contact, and the property inspectors.

Once the scheme is operational, the approved delivery partner will commit to:

- a) Assessing all applications for membership with the scheme to establish the applicant and the property meets the Scheme Code of Practice and forward confirmation of scheme compliance to relevant Council department.

- b) Notify the relevant Council department of any application refused by the scheme, including a statement of the reasons for such refusal.
- c) Ensure at least the agreed number of inspections of every scheme property is carried out. The inspections should be sufficiently thorough to assess compliance with the Scheme Code of Practice and must include a property survey conducted in accordance with the principles of the Housing Health and Safety Rating System (HHSRS).
- d) Within 30 days of the end of each financial year, provide a summary report to the agreed relevant Council department of the compliance monitoring of scheme members conducted during the financial year. Such report must include details of all current scheme members, all property inspections completed, details of any breaches of the Code of Practices identified with action taken, confirmation that Gas Safety Certificates are up to date and that the Electrical Installation Condition Report provided for each property at the beginning of the scheme is still in date. For any HMO, the report also needs to detail that an up to date Fire Detection and Alarm Certificate has been provided.
- e) Carry out prompt and thorough investigation of any complaint or concern reported directly to the scheme delivery partner regarding a scheme property, landlord or tenant.
- f) Notify the agreed relevant Council department within 10 working days if at any time a serious breach of the Scheme Code of Practice is identified. For the purpose of this document, a serious breach is to be considered as identification of a Category 1 hazard, or non-compliance with certain conditions of the Selective Licensing Scheme. Any such notification needs to contain details of the concern and a proposed timed action plan to rectify the breach.
- g) Resolve in a timely manner with their members any less serious breach of the Scheme Code of Practice identified during proactive monitoring or internal complaint investigation. Details of such breaches and action taken must be reported to the agreed relevant Council department in the annual monitoring report.
- h) On receipt of a complaint referral from the agreed relevant Council department carry out a thorough investigation and provide a detailed response of proposed action including agreed timescale for compliance.

## **Monitoring performance of Approved Schemes**

Performance of the approved scheme will be monitored by Great Yarmouth Borough Council during the duration of the scheme. In determining appropriate Key Performance Indicators for the scheme the following factors will be considered:

- a) Key Performance Indicators need to focus on preventing serious breaches, such as failings to confirm the mandatory licence requirements, gas certificate, smoke alarms, etc. For the purpose of this document a serious breach is to be considered as identification of a Category 1 hazard, or non-compliance with certain conditions of the Selective Licensing Scheme.
- b) Less serious breaches are still a concern and should be flagged and actioned through the KPI meetings and the performance reports submitted by the delivery partner annually. Continuance of a less serious breach puts it into the high-level breach category.