

## **Council – 13th July 2015**

### **Notice of Motion – Selective Licensing of Private Rented Dwellings**

The following notice of motion has been submitted from Councillors Robertson, D. Coughlan, Burley, Jeavons, Chambers, Russell and Jukes.

Council recognises the importance of both high standards of compliance by tenants and landlords to their respective tenancy agreements. This is in the best interests of both tenants and landlords and for the surrounding community around these let properties. Council will consult on a proposal to introduce a selective licensing scheme of private rented housing in selected areas of Walsall, in accordance with part 3 of the Housing Act 2004.

In this scheme, private landlords in selected areas of Walsall, would have to apply for a one-off licence for each house they let, meet various license conditions and be subject to a 'fit and proper persons' test. These conditions would include:

- Making sure the home is safe
- Clear arrangements around deposits and paying bills
- Taking references from tenants before allowing them to move in and
- Ensuring the landlord deals with tenants who cause anti-social behaviour in and around their home.

The use of licences for each property can be granted by WMBC as in use in other authorities. If this Charter of minimum standards of operation is not complied with, this licence could be withdrawn and so prevent the offending landlord from operating in Walsall Borough until there is compliance.

The licence fees collected will ensure the operation is self financing.

The result of the consultation will be the subject of a report by the Director of Regeneration with recommendations with operational details to ensure that any adopted policy complies with current legislation and current housing strategy. This report will also be considered by the relevant scrutiny committee.

### **Background**

The motion proposes consideration of areas within Walsall the licensing of private rented dwellings (houses and flats), within a designated area (called Selective Licensing). Such Licensing can be introduced following consultation and due consideration where an area is or is likely to become either:

- an area of low housing demand; and/or
- an area which is experiencing a significant and persistent problem caused by anti-social behaviour and that some or all private landlords in that area are not taking appropriate action to tackle this.

The aim of Selective Licensing is to improve the management of these properties to ensure they have a positive impact on the area and the License lasts for 5 years from date of approval / confirmation. All private landlords with residential property within the proposed area(s) would need to apply for a licence for each property they let in the area. In practice this means that a landlord and their property has to meet a certain standard before they can legally rent out the dwelling.

As indicated in the motion Licenses are issued with conditions, several of which are mandatory imposed by the Act and others that can be agreed locally. Examples are in Appendix 1.

The Act gives provision for breaches which include, upon conviction in a Magistrates court, fines for:

- failing to have a licence of up to £20,000
- breach of a licence condition fines of up to £5,000.

Resources for identifying and consulting on Selective Licensing area must be met by the council and cannot be covered by subsequent licence fees.

The Housing Standards and Improvement Service will work with elected members and colleagues in other directorates to identify areas for potential Selective Licensing and review the evidence for example, details of recorded a significant and persistent problem caused by anti-social behavior associated with private rented (not social rented or owner occupied). A report to cabinet and scrutiny will be produced on the findings.

**Report author:**

David Lockwood, Housing Standards and Improvement Manager

R. Borealis,  
Executive Director, Resources

2nd July 2015

## **Appendix 1 Types of License condition**

### **Mandatory licence conditions**

- A gas safety certificate must be obtained annually and produced to the Council (if there is a gas supply to the house)
- Electrical appliances and furniture supplied by the landlord must be kept in a safe condition;
- Smoke alarms must be installed in the house which should be maintained in good working order;
- The Licence holder must supply the occupiers of the house with a written statement on the terms of occupation;
- The Licence holder must demand references from persons who wish to occupy the house.

### **Local conditions**

Conditions could include:

- The House is free from category 1 Hazards (this means the house is legally safe to occupy);
- Any house legally required to have an Energy Performance Certificate must have one;
- An appropriate electrical test certificate for the fixed wiring in the house must be provided at least once every five years and an annual portable appliance test be carried out on any portable appliances supplied by the landlord;
- Where there's a gas supply, a suitable carbon monoxide detector must be provided, maintained in good working order and tenants aware of its operation;
- Occupiers are reminded of their responsibilities for the storage and disposal of household waste;
- Landlords must ensure the correct bins are at the property at the start of the tenancy and carry out regular checks to ensure refuse is being disposed of correctly.
- Landlords must keep the property free of pests and carry out any pest proofing and treatment needed.
- The licence holder does not knowingly allow the house to be overcrowded;
- At the change of tenancy the house and any land associated with it is in a clean and tidy condition with reasonable levels of decoration;
- The property is kept secure and free from accumulations of refuse during vacant periods;
- A copy of the licence including the conditions attached is provided to all tenants;
- All tenants are provided with contact details including emergency telephone number of the licence holder and if applicable the manager;
- The licence holder and any appointed manager provide up to date contact details (including telephone number) for the Council, so that problems can be swiftly addressed;
- The licence holder takes all possible actions to resolve anti-social behaviour and remove occupiers where there is evidence of criminal activity or serious anti-social behaviour;

The Council has discretion to vary these with every licence issued. These conditions would be monitored by the Council to ensure they were being complied with.