

**Cabinet - 14 February 2018**

**Proposed Selective Licensing Scheme for Private Rented Sector:  
Update including statutory consultation results**

**Portfolio:** Councillor D Coughlan – Social Care

**Service:** Money Home Job

**Wards:** Blakenall, Birchills Leamore, St Matthew's, Willenhall South, Palfrey

**Key decision:** No

**Forward plan:** Yes

**1. Summary**

- 1.1 This report provides an update to Cabinet on Selective Licensing of the private rented dwellings of 2 areas to be known as:
- *Willenhall* and shown on Map 1: Appendix 3a
  - *Town Centre and adjoining areas* and shown on Map 2: Appendix 3b.
- 1.2 In April 2017 Cabinet approved the public consultation exercise for the above including statutory consultation on proposed licensing conditions, boundaries and fee levels. Under the legislation governing Selective Licensing the local authority is required to consider any representations made in accordance with the consultation and this report provides the feedback from the statutory consultation process.
- 1.3 The report also recommends that consultation is undertaken for Selective licensing of 2 additional areas of the borough (to be known as Harden North West and Caldmore South) and that the same fee structure and conditions proposed to be used for Willenhall and the Town Centre are used for these.

**2. Recommendations**

- 2.1 That Cabinet consider the representations received (as summarised in Appendix 4) on the proposed Selective Licensing of Private Rented Accommodation of 2 areas of the borough defined as *Willenhall* (and shown on Map 1: Appendix 3a.) and *Town Centre (and adjoining areas)* and shown on Map 2: Appendix 3b) through the statutory consultation, and agree the responses on the basis of those set out in the Appendix 4).
- 2.2 That Cabinet approve a Council led scheme for Selective Licensing of Private Rented Accommodation in the 2 areas defined in 2.1 above.
- 2.3 That Cabinet approve the proposed licensing conditions (Appendix 6) and fee levels and structure (Appendix 7) for the 2 areas identified in 2.1.

- 2.4 That Cabinet approve the preparation and publishing of a Public Notice of designation under sections 80 and 83 of the Housing Act 2004. This Notice shall designate the chosen areas listed in 2.1 above for the introduction of Selective Licensing Schemes and those schemes will last for five years from the date of commencement.
- 2.5 That Cabinet approve that Housing Standards and Improvement can begin to accept applications for Selective Licensing from 1 July 2018 in anticipation of the scheme coming into effect on 1 September 2018 and that the early bird fee discount will be available from 1 July 2018 to the 30 September 2018.
- 2.6 That Cabinet approve a public consultation exercise in line with the prescribed process for the Selective Licensing of 2 areas to be known as:
- Harden North West and shown on Map 3: Appendix 3c
  - Caldmore South and shown on Map 4 : Appendix 3d
- This consultation to include proposed licensing conditions (Appendix 6) and fee levels (Appendix 7),
- 2.7 That Cabinet receives a further report following the consultation recommended in 2.6 above in respect of the 2 areas listed in 2.6

### 3. Report Detail

- 3.1 In April 2017 Cabinet approved that statutory consultation for Selective Licensing of the private rented sector take place for two parts of the borough:
- Willenhall and shown on Map 1: Appendix 1
  - Town Centre and adjoining areas and shown on Map 2: Appendix 2.
- 3.2 The statutory consultation was undertaken between 9 October 2017 and 8 January 2018 and a detailed report on this is attached as Appendix 4. The Council received the following number of responses direct to its questionnaires (postal and online):

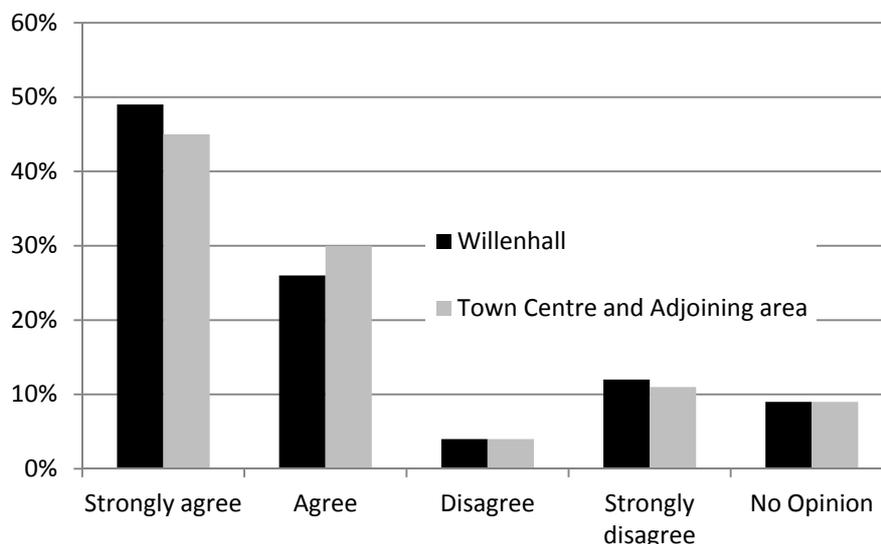
	Willenhall	Town Centre	No stated area or areas outside the selective licensing
Resident	271	344	7
Landlord and agents	8	15	9
Businesses	28	39	3
Total	307	398	19

Please note that some low bases (less than 50 responses) exist for certain questions. Where this is the case percentages have not been quoted in the consultation report as they can be misleading.

- 3.3 A further 27 additional direct written responses were also received (Appendix 4 section 4). Please note where a landlord has made multiple identical responses related to various properties this is counted as a single response.
- 3.4 It is considered that there has been significant support for the proposal of selective licensing in these two areas for which statutory consultation has already taken place. Following consideration of all responses to the consultation it is recommended these areas are therefore taken forward for formal adoption.

3.5 In response to the resident's questionnaires there was overwhelming support for the introduction of selective licensing. Over 80% of resident respondents in the Town Centre and 79% in Willenhall either agreed or strongly agreed with the proposal to introduce selective licensing.

3.6 The graph below shows the total responses (resident, landlord and businesses) by area for selective licensing.



Town Centre and Willenhall resident respondents overwhelmingly (80% and 79% respectively) also considered that the council should have more control over how landlords manage their properties.

3.7 A summary of the representations to both the questionnaire and email and letters and the proposed responses to the same is contained in Appendix 4. As indicated above, some low bases (less than 50 responses) exist for certain questionnaire questions. Where this is the case percentages have not been quoted in the consultation report as they can be misleading.

Review of other geographic areas for consideration of selective licensing

3.8 The report to Cabinet in April 2017 provided substantial detail about key parts of the borough with high levels of private rented accommodation. It identified 6 Lower Super Output Areas (LSOAs) in the borough which were considered to have the range of factors considered in the assessment, which would justify the designation of a Selective Licensing scheme.

3.9 A further review of the data contained in the April 2017 Cabinet report has taken place using the methodology detailed in Appendix 1 and the following LSOA's are also considered to have the range of factors, which would justify the designation of a Selective Licensing scheme as shown below and overleaf.

LSOA Name	Name	LSOA Number
Walsall 013D	Harden North West	E01010283
Walsall 034D	Caldmore South	E01010342

### 3.10 High level of private rented stock:

Both areas above have high levels of private rented accommodation (at a rate higher than the borough and national average of 12% and 19% respectively).

LSOA Name	% private rented (2011 Census)	Number of private rented dwellings (2011 census)
Harden North West	21.2%	147
Caldmore South	36.4%	185
	Total	332
Walsall Borough	12%	12,615

### 3.11 High levels of deprivation:

Both areas are within the top 10% nationally of LSOAs for overall deprivation.

LSOA Name	Ward	Overall IMD score (2015)	Within top % of national LSOAs
Harden North West	Blakenall	1,860	10%
Caldmore South	Palfrey	2,941	10%
Walsall Borough		Rank of 33 <sup>rd</sup> most deprived of 326	Within top 10%

### 3.12 High population change.

Both areas have experienced significant (high) population change including major growth in the private rented sector between 2001 and 2011 as shown below. For example, Harden North West had a population change of 16% whilst nationally the change in population for the same period was 7.9% and for the borough 6.2%.

LSOA Name	% of private rented		% change in private rented	Overall population change
	2001	2011		
Harden North West	2.9%	21.2%	631%	16%
Caldmore South	20.1%	36.4%	81%	11%
Walsall Borough	4%	11.7%	193%	6.2%

### 3.13 Other factors:

Based on the latest fuel poverty data (Proportion of all households fuel poor 2015 data released June 2017) the fuel poverty in both of the proposed areas is higher than the borough (13.2%) and West Midlands (13.5%) rates with very high levels of 31.5% in Caldmore South and 15.5% Harden North West.

Housing conditions (as measured by poor internal housing conditions) in the areas are within the top 10% worst of all national LSOAs for Caldmore South and in the top 30% for Harden North West.

The table below shows the high level of environmental / housing issues for a range of roads in each proposed selective licensing area (2013 to 31/12/17).

<b>Harden North West : Chaucer Road and Goldsmith Road</b>	
Pests and infestations	29
Domestic accumulations of waste and fly-tipping	11
Other environmental issues including noise domestic / neighbour disputes	26
<b>Caldmore South Victor Street and Thorpe Road</b>	
Pests and infestations	37
Domestic accumulations of waste and fly-tipping	28
Other environmental issues including noise domestic / neighbour disputes	31

It is also noted that Caldmore South has very high levels of overcrowding (16.9%) compared to the borough level of 6.5%

The areas also have relatively high levels of dwelling related crime. Harden North West is within the top 20% nationally of all LSOAs for dwelling related crime whilst Caldmore South is within the top 40%. Details from the West Midlands Police (Data Aug 2015 to July 2016) highlights that Harden North West has a rate per 1,000 households of 8.44 and Caldmore South a rate of 4.78 both above the borough rate of 4.38.

#### 4. Council Corporate Plan Priorities

- 4.1 Developing Selective Licensing has the potential to have a direct positive impact on the Council's abilities to deliver to its priorities as stated in the Corporate Plan 2017-2020 – 'Reducing Inequalities, Maximising Potential' in particular;

**2. People - To make a positive difference to the lives of Walsall people**

**3. Place - Safe, resilient and prospering communities.**

- 4.2 The overall support for the proposed selective licensing highlighted a range of resident issues / concerns that they considered had the potential to be addressed through the adoption of the licensing scheme. These include but are not limited to the residents views that selective licensing will impact positively as follows:

	% of resident respondents who agree	
	Willenhall	Town Centre
Improve management standards and property conditions	74%	75%
Develop better relationships with landlords and tenants to help address anti-social behaviour linked to rented properties	70%	72%
Improve confidence in the private rented sector both for landlords and tenants	76%	77%
Allow better targeting of enforcement action against 'rogue landlords / agents'	84%	86%
Promote consistent housing standards and a better understanding of what is expected from tenants and landlords	79%	82%

- 4.3 It is noted that this work can also have a disproportionate positive effect on some of the Council's most vulnerable customers as evidenced by the high levels of multiple deprivation in the areas proposed for selective licensing.

## 5. Risk management

### Willenhall and Town Centre

- 5.1 The two biggest implications to the Council of introducing Selective Licensing within the areas identified were covered in detail in the April 2017 report and are:
- Legal challenge and
  - Resourcing.

#### a. Legal Challenge

- 5.2 A range of landlord / agent respondents have stated that they consider that there is either insufficient justification and or failings in the consultation. These observations / concerns have been addressed within the consultation report attached. It remains the Council's position that there is sufficient merit and evidence for the adoption of selective licensing in the areas proposed and that the consultation has met / exceeded the statutory requirements.
- 5.3 The consultation process has provided a broad base and range of opportunities for residents, businesses (including but not limited to letting agents and landlords) and other parties to make representations. The period of consultation exceeded the length that is required, as a minimum, by legislation. It is considered that the consultation process fully complied with the requirements of the Housing Act 2004.

#### b. Resourcing

- 5.4 The April 2017 report highlighted a fee level to enable the effective recovery of relevant costs including staff resourcing of delivery of the selective licensing areas of Willenhall and Town Centre. Feedback from the consultation was principally in support of the proposed average fee levels of £590 for a 5 year licence, per property as shown in Table 1 below and as such this risk is mitigated. A total of 55% of Willenhall and 56% of Town Centre respondents thought the fee was about right.

Table 1: Respondents views on Average Fee Level of £590

	Willenhall				Town Centre			
	Residents	Businesses	Landlords / agents	Total	Residents	Businesses	Landlords / agents	Total
About right	153	13	3	169 (55%)	203	15	6	224 (56%)
Too much	62	13	7	82 (26%)	79	23	13	115 (29%)
Not enough	56	2	1	59 (19%)	62	1	0	63 (16%)

### Harden North West and Caldmore South

- 5.5 For the two new proposed areas (Harden North West and Caldmore South) for consultation on selective licensing it is considered that the staffing complement will be as shown in Table 2 below and operating costs would be in the region of £265,000. This is based on the number of licences that are estimated to be issued in each area and the level of resources required to deliver the scheme.

5.6 The table below summarises the proposed staffing and Appendix 5 details the staffing and costing projections associated with the proposal.

Table 2: Table of proposed roles to deliver Selective Licensing

Proposed Post	Grade	Year of operation				
		1	2	3	4	5
Housing Standards Officer	G9	1	1	1	1	1
Caseworker	G5	1	1	0	0	0
Staffing Number Total		2	2	1	1	1

5.7 Whilst the exact detail of fees to be charged for Harden North West and Caldmore South cannot be determined at this stage, in order to meet the scheme running costs, it is estimated that the Council will be looking at an average cost of £590 per licence for the full 5 years. This equates to £118 per year or £2.27 per week and is in the same range as for the Willenhall and Town Centre schemes.

5.8 As with the Willenhall and the Town Centre schemes and subject to the outcomes of public consultation, it is also anticipated that fees shall be structured in such a way as to ensure that fees for individual occupancy properties will be less than those for larger multi-occupied properties. A range of discounts are also proposed:

- 'Early bird discount' to encourage prompt application for licence;
- Landlords / agents of professional organisations;
- Landlords who own multiple properties
- Properties with proven high energy efficiency i.e. helping address fuel poverty.

5.9 It is important to note that if a scheme was to be introduced in a meaningful way and if it was to meet its intended goal of improving housing conditions and management standards, then it would certainly result in increased levels of enforcement activity in the short term in other parts of the borough . The cost of any additional enforcement activity in these other areas of the borough cannot be paid for via fee income from the proposed licensing schemes and would need to be met using existing resources.

**6. Financial Implications**

Delivery Stage for Walsall and Willenhall

6.1 The Council can charge fees for Selective Licensing (s63(3) and s63(7) Housing Act 2004, and s87(3) and 87(7)) for selective licences). A fee must (and does) reflect the cost of running the scheme. The fee is allowed to reflect all of the costs including the operation of the scheme itself, education about the scheme, and the necessary inspections and enforcement activity to make the scheme effective.

6.2 The fee structure average, estimated to be £590 for Willenhall and Town Centre is not considered unreasonable or prohibitive. It is considered that professional landlords will be able to successfully manage private rental properties in the designated areas and yield values should remain high enough to attract both

investment and finance. It is also acceptable and expected that any short term negative points will disappear as longer term regeneration occurs.

- 6.3 As highlighted earlier (section 5.4) consultation on fees has taken place and is considered overall to be in support of the level and fee structure and discounts (Appendix 4 page 28). For example, 55% and 55% respectively of all questionnaire respondents in Willenhall and Town Centre considered the £590 for a 5 year licence to be 'about right'. On the topic of reduced fees for landlords with properties with high energy efficiency (i.e. as reflected by the level of the Energy Performance Certificate) support wasn't at or above 50% (Table 3 overleaf shows the findings on this topic.

Table 3 On the question of whether high energy efficiency of properties should be rewarded with lower licence fees

	Willenhall				Town Centre			
	Residents	Businesses	Landlords / agents	Total	Residents	Businesses	Landlords / agents	Total
Yes	106	12	4	122 (40%)	139	15	3	157 (41%)
No	109	15	1	125 (41%)	116	17	5	138 (36%)
Don't know	55	1	2	58 (19%)	78	6	2	86 (23%)

- 6.4 The Council is committed to tackling fuel poverty, the consequent associated negative impacts on resident's health resulting from this and, on tackling carbon emission from dwellings. It is still considered appropriate to 'reward' landlords who seek to address fuel poverty by providing a dwelling with higher energy efficiency and therefore it is recommended that the discounts / structure remains unchanged and that they are implemented in full as per Appendix 7 for both Willenhall and Walsall.

Consultation stage for Harden North West and Caldmore South

- 6.5 The direct financial implications for the Council that arise from undertaking consultation for the proposed areas of Harden North West and Caldmore South at this time is estimated at £25,000 which is the additional cost for staffing resources and ancillary costs associated with consultation in line with the statutory requirements. A request for earmarked reserves has been submitted to finance subject to approval.
- 6.6 As with observations in the April 2017 Cabinet report fees for approved schemes can be charged but must reflect the cost of running the scheme. It is proposed to use the same fee structure as that for Willenhall and Walsall Town Centre (i.e. Appendix 7).

**7. Legal implications**

- 7.1 The legislation relating to Selective Licensing is:
- Part 3 of the Housing Act 2004
  - The Selective Licensing of Houses (Additional Conditions) (England) Order 2015 (SI 2015/977).

- 7.2 The Council must make any decision to adopt Selective Licensing in line with this legislation. This includes delivery of comprehensive consultation and the issuing of a public notice of designation.
- 7.3 The total area covered by the areas proposed for Willenhall, Walsall Town Centre and the two new proposed scheme areas are significantly less than 20% of Walsall's geographical area and less than 20% of the privately rented properties in the borough and as such Secretary of State approval to approve the designation is not needed. The new proposed areas for example, form only 2.6% of the borough's private rented stock.
- 7.4 It is noted that development of Selective Licensing can have a direct positive impact on the enforcement of a range of other housing and environmental health legislation.
- 7.5 The cabinet report had detailed observations on the legislation and penalties for non-compliance and no legislation has changed to impact upon this since that date. It is noted that the Council at October 2017 Cabinet approved an updated Housing Enforcement Policy for the borough and this will be applied for action under Selective Licensing.
- 7.6 The proposed licence conditions (including discretionary) for all the Selective Licensing areas are contained within Appendix 6. These formed part of the statutory consultation for Willenhall and Walsall Town Centre and consultation feedback is contained in Appendix 4 section E (Page 28).
- 7.7 Where a House in Multiple Occupation (HMO) is subject to or already has a mandatory licence under the Housing Act 2004 it will not require a licence under any proposed Selective Licensing scheme.
- 7.8 It is noted that the government proposes to extend the range of HMOs covered by mandatory licensing during 2018. It is noted that whilst this will support improvement in standards and management of such properties HMOs are not the overwhelming proportion of private rented dwellings within the areas proposed for selective licensing.

## **8. Procurement reporting**

- 8.1 There are no procurement implications.

## **9. Property implications**

- 9.1 There are no direct property implications for the Council as this proposal relates to private landlords and agents only.

## **10. Health and wellbeing implications**

- 10.1 Selective licensing is in accordance with the Marmot Review (Fair society healthy lives) as there are numerous direct links between improvement in housing conditions and health and wellbeing improvements. Direct support to develop and analyse the areas for possible consideration for selective licensing has been provided by the Council's Public Health service. The April 2017 Cabinet report

highlights in detail the range of negative impacts that poor quality housing and poor housing management can have on residents.

- 10.2 As part of the consultation residents were asked to provide (for monitoring purposes only) information about their mental well-being (secured via use of the Warwick Edinburgh Mental Well Being Survey (WEMWEBS)). A high level of response was received and the results for those who completed the questionnaire are summarised in Table 4 below and overleaf (more information is contained in Appendix 4 Section 5 page 81).

Table 4 Resident responses to Mental Well Being (WEMWEBS) questionnaire

Percentage of respondents with	Willenhall	Walsall Town Centre
Number who completed the WEMWEBS	225	302
Low wellbeing	29%	29%
Moderate wellbeing	56%	54%
High wellbeing	15%	17%
Mean (average) score	46.7	47.2

- 10.3 The most recent national wellbeing figures are 51.6 for 2011. This shows that for those that responded they have slightly below average well-being in Walsall Town Centre and Willenhall.
- 10.4 The details below shows the well-being 'scores' for residents depending upon their view of selective licensing for their area. It highlights that wellbeing between those who agree and disagree with the selective licensing is similar:

	Agree / Strongly agree	Disagree / strongly disagree
Low wellbeing	30%	31%
Moderate well-being	56%	51%
High wellbeing	13%	18%

## 11. Staffing implications

- 11.1 Recruitment to the proposed roles for the Selective Licensing Team for Willenhall and Walsall Town Centre is to take place following adoption of the scheme.
- 11.2 The consultation process has shown that a significant number of local agencies (schools, Police and Fire Service) are in support of the proposals and their continued strong partnership work with the Council will be highly beneficial for the scheme.

## 12. Reducing Inequalities Overall

- 12.1 The implications for reducing inequalities have been taken into account and assessed as set out below.
- 12.2 The proposed four selective licensing schemes are expected to have positive equal opportunities implications in that they seek to address key issues relating to substandard private sector accommodation, and as such seek to target resources towards improving the lives of financially disadvantaged or vulnerable households living in non-decent homes.

- 12.3 The impact of deprivation in private renting is shown in a range of factors for example, the disproportionately high level of enquiries for specialist debt advice to the Council's specialist debt advice service in Money Home Job. Table 5 below shows the rates of enquiries for help for private tenants where tenure is recorded.

Table 5	2014	2015	2016	2017
% of Debt Enquiries from private tenants	16%	18%	22%	18%
Estimated level of private renting in Walsall*	12%	12%	12%	12%

\*Based on 2011 census

#### Willenhall and Town Centre

- 12.4 As part of the statutory consultation process specific work has been undertaken to maximise the response rate from residents including support by colleagues from Nash Dom CIC, who provide assistance to Eastern European and Russian speaking communities, who have met with residents particularly in the LSOAs near the town centre.

- 12.5 Below are summary details provided by residents in their responses to the questionnaire.

#### **Willenhall**

**Gender** 250 residents provided their gender

Male 42%

Female 54%

Prefer not to say 4%

**Age** 196 residents detailed their age

Average age stated 58

63% Under 65

37% Over 65

**Ethnicity** 225 residents stated their ethnicity

White 88%

Mixed / multiple ethnic groups 1%

Asian or Asian British 3%

Black / African / Caribbean / 2%

Black British

Chinese 0%

Other ethnic group 1%

Prefer not to say 5%

#### **Town Centre**

**Gender** 320 residents provided their gender

Male 40%

Female 55%

Prefer not to say 5%

**Age** 235 residents detailed their age

Average age stated 57

66% Under 65

34% Over 65

**Ethnicity** 332 residents stated their ethnicity

White 75%

Mixed / multiple ethnic groups 2%

Asian or Asian British 11%

Black / African / Caribbean / 4%

Black British

Chinese 1%

Other ethnic group 1%

Prefer not to say 5%

#### **Willenhall**

##### **Health and disability**

Day-to-day activities limited because of a health problem or disability (which has lasted, or is expected to last, at least 12 months):

Yes - Limited a lot 18%

Yes - Limited a little 14%

No 61%

Prefer not to say 6%

#### **Town Centre**

##### **Health and disability**

Day-to-day activities limited because of a health problem or disability (which has lasted, or is expected to last, at least 12 months):

Yes - Limited a lot 18%

Yes - Limited a little 18%

No 58%

Prefer not to say 6%

The respondents report a higher level of health problems or disability than the Census data for the borough (2011). The borough rates are that 10% have their day to day activities limited a lot and 10% a little.

- 12.6 Residents were also given the opportunity to raise any equality aspects they considered should be taken into account. These have been considered but

there are no adjustments considered to be necessary to the proposal at this stage.

- 12.7 A full Equality Impact Assessment (EIA) of the Willenhall and Walsall Town Centre schemes has been completed as part of the consultation and this will be reviewed during implementation of the scheme and impact monitoring.

Harden North West and Caldmore South

- 12.8 As indicated in 3.11 the areas have significant levels of multiple deprivation. As part of the statutory consultation, as per the work undertaken for Willenhall and Town Centre, resident respondents will be asked to complete details about themselves for example; age, ethnicity, gender, disability and health problems.

- 12.9 The table overleaf shows some key census data related to the areas.

Data from IMD 2015	Children (0-17 years of age)	Working Age (18 to 64 years of age)	Older adult (65+)
Harden North West	30%	57%	41%
Caldmore South	29%	59%	36%
Walsall Borough	24%	59%	17%

- 12.10 Equalities will be considered, following government guidelines, throughout the consultation period. An EIA will be undertaken for the two new areas of (Harden North West and Caldmore South).

**13. Consultation**

Willenhall and Town Centre

- 13.1 Consultation has taken place in accordance with the statutory requirements and Appendix 4 has further details about this including the representations made and the proposed responses from the Council.

- 13.2 Key partners listed below have given their full support for the proposals:
- o Accord Housing Association who have 1,400 homes in the town centre area and 380 within the Willenhall area.
  - o Walsall Housing Group (whg)
  - o Longhurst Housing Association
  - o West Midlands Fire and Rescue
  - o West Midlands Police
  - o Crime Reduction Team, Birmingham Partnerships
  - o Staffordshire and West Midlands Community Rehabilitation Company
  - o Walsall Health Care NHS Trust (Adult Community Services)
  - o YMCA Black Country Group
  - o Local schools / academies
  - o Nashdom

Harden North West and Caldmore South

- 13.3 Consultation for the two new areas will again follow statutory requirements and will take a range of formats to be as open and inclusive as possible including:
- Questionnaire to all residents, business and landlords within the proposed designated area;
  - Meetings and presentations with key stakeholders

- Meetings with Community and Voluntary Groups
- Community drop in events

13.4 Following the consultation period, a full report on the findings and outcomes of the consultation will be presented to the Council's Cabinet in October 2018 and then full Council, who will make a decision on whether to implement the scheme. Should the Council decide to go forward with the designation, then the designation will commence in January / February 2019 following the statutory minimum period of 3 months notice.

### **Background papers**

None

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## Appendix 1

### Methodology for Detailed Assessment

There are 32,844 Lower Super Output areas (LSOAs) in England of which Walsall has 167. They were produced by the Office for National Statistics for the reporting of small area statistics. These areas are independent of political boundaries (such as councillor wards or parliamentary constituencies) and can be used to assess differences across cities and regions.

To identify the next most appropriate area(s) for consideration the following process has been undertaken on the LSOAs that have 19% or more private rented dwellings. This is the same process that was used to identify Willenhall and the Town Centre as the first two areas for proposed selective licensing.

The factors that have been chosen are representative of some of the key criteria issued in Government guidance for the designation of a Selective Licensing Area. The full data tables are as per those in the April 2017 cabinet report.

Factor	Source	Details in Appendix
Percentage of households living in privately rented accommodation:	Census 2011	1a
Overall Index of Multiple Deprivation (IMD) Score	IMD 2015	1b
IMD Domains for Crime	IMD 2015	1c
IMD Domains for Living Environment (Indoors)	IMD 2015	1d
Private Rented Population Change: 2001-2011	Census 2001 and 2011	1e

#### Assessment Process undertaken:

Stage	Commentary
1	National data on deprivation overall Index of Multiple Deprivation (IMD) (Table A attached) and individual deprivation domains was highlighted to identify the LSOAs which were in the worst 10%, 10% to 20% and 20% to 30% nationally. (Table B and Table C attached)
2	Local data on other indicators were used. All LSOAs in Walsall were ranked from worst (1) to best (167), then divided into deciles (ten groups of 16-17 LSOAs per group). LSOAs in the worst 10%, 10 to 20% and 20 to 30% locally were again identified; (Table D attached)
3	For the key indicators (IMD, living environment (indoors), crime domain and population change) any LSOA in the worst 10% was given a score of 3, those in the worst 10 to 20% a score of 2 and 20 to 30% a score of 1.  These scores were then added and the higher the resultant score the higher the area for priority. The results are shown in Table E attached.

Additional Tables are included to show key data related to the LSOAs considered appropriate for Selective licensing:

Table F: Housing benefit levels and levels of overcrowding

Table G: Levels of total crime

**Appendix 1 Table A: LSOAs over 20% private rented in order of highest level of overall deprivation.**

LSOA Code	Local Name	Ward (best fit)	Private rented %	Overall Deprivation - 10%, 20% & 30% most deprived nationally	Score
E01010283	Harden North West	Blakenall	21.2	10%	3
E01010342	Caldmore South	Palfrey	36.4	10%	3

**Appendix 1 Table B: LSOAs over 20% private rented in order of highest level of Living Environment (Indoors) Deprivation.**

LSOA Code	Local Name	Ward (best fit)	Private rented %	Living Environment (Indoors) Deprivation - 10%, 20% & 30% most deprived nationally*	Score
E01010342	Caldmore South	Palfrey	36.4	10%	3
E01010283	Harden North West	Blakenall	21.2	30%	1

**Appendix 1 Table C: LSOAs over 20% private rented in order of highest level of Crime Deprivation.**

LSOA Code	Local Name	Ward (best fit)	Private rented %	Crime Deprivation - 10%, 20% & 30% most deprived nationally	Score
E01010283	Harden North West	Blakenall	21.2	20%	2
E01010342	Caldmore South	Palfrey	36.4	40%	0

**Appendix 1 Table D: LSOAs over 20% private rented in order of highest population change (Census 2001 to 2011).**

LSOA Code	Local Name	Ward (best fit)	Private rented %	Population Change 2001 to 2011 (ranked locally)	Score
E01010283	Harden North West	Blakenall	21.2	26	2
E01010342	Caldmore South	Palfrey	36.4	45	1

<b>Appendix 1 Table E: LSOAs over 20% private rented in order of highest overall score for key factors for selective licensing</b>								
LSOA Code	Local Name	Ward (best fit)	Private rented %	Overall Deprivation Score	Living Environment Score	Crime Score	Population Change score	<b>Total Score</b>
E01010283	<b>Harden North West</b>	Blakenall	21.2	3	1	2	2	<b>8</b>
E01010342	<b>Caldmore South</b>	Palfrey	36.4	3	3	0	1	<b>7</b>

<b>Appendix 1 Table F</b> Ward, number of private dwellings			
Name of Lower Super Output Area	LSOA Reference No.	% private rented (2011 census)	Estimated number of private dwellings (2011 census)
Harden North West	Walsall 013D	21.2	147
Caldmore South	Walsall 034D	36.4	185
		<b>Total</b>	<b>332</b>

**Appendix 1 Table G** Level of Total Crime: West Midlands Police Data Aug 2015 to July 2016

Name of Lower Super Output Area	LSOA Reference no	Ward (Best fit)	Burglary ** dwelling	ASB * (environmental)	ASB * (Nuisance)	ASB * (Personal)
Harden North West	Walsall 013D	Blakenall	8.44	0.49	49.33	7.89
Caldmore South	Walsall 034D	Palfrey	4.78	0.64	8.29	3.19
<b>Walsall Borough Rate</b>			<b>4.38</b>	<b>1.02</b>	<b>16.56</b>	<b>3.74</b>

\*rates per 1,000 population

\*\*rates per 1,000 households

<b>Appendix 1a</b> Lower Super Output Areas (LSOA) with more than 20% of all households as private rented.						
LSOA Name	LSOA Code	Local Name	Ward (best fit)	All households	Private rented number	Private rented %
Walsall 034D	E01010342	Caldmore South	Palfrey	508	185	36.4
Walsall 013D	E01010283	Harden North West	Blakenall	692	147	21.2
<b>Appendix 1b</b> Lower Super Output Areas (LSOA) with more than 20% of all households as private rented and Overall Index of Multiple Deprivation (IMD) Score: IMD 2015						
LSOA Name	Local Name	Private rented number	Private rented %	Overall IMD score (2015)	Within top % of LSOAs	
Walsall 034D	Caldmore South	185	36.4	2,941	10%	
Walsall 013D	Harden North West	147	21.2	1,860	10%	
<b>Appendix 1c</b> Lower Super Output Areas (LSOA) with more than 20% of all households as private rented and IMD Domains for Crime						
LSOA Name	Local Name	Private rented %	IMD Domains for Crime (2015)	Within top % of LSOAs for crime		
Walsall 034D	Caldmore South	36.4	13,007	40%		
Walsall 013D	Harden North West	21.2	6,146	20%		
<b>Appendix 1d</b> Lower Super Output Areas (LSOA) with more than 20% of all households as private rented and IMD Domains for Living Environment (Indoors)						
LSOA Name	Local Name	Private rented %	Within Top % for IMD Living Environment (Indoors) (2015)			
Walsall 034D	Caldmore South	36.4	10			
Walsall 013D	Harden North West	21.2	30			
<b>Appendix 1e</b> Lower Super Output Areas (LSOA) with more than 20% of all households as private rented and change in private rented population.						
LSOA Name	Local Name	Private rented % in 2001	Private rented % in 2011	% change in private rented population		
Walsall 034D	Caldmore South	20.1	36.4	81%		
Walsall 013D	Harden North West	2.9	21.2	631%		
<b>Appendix 1f</b> Lower Super Output Areas (LSOA) with more than 20% of all households as private rented and population change						
LSOA Name	Local Name	% change in population from 2001 to 2011	Walsall Borough % change in population from 2001 to 2011	England % change in population from 2001 to 2011		
Walsall 034D	Caldmore South	10.8	6.2	7.9		
Walsall 013D	Harden North West	15.7	6.2	7.9		

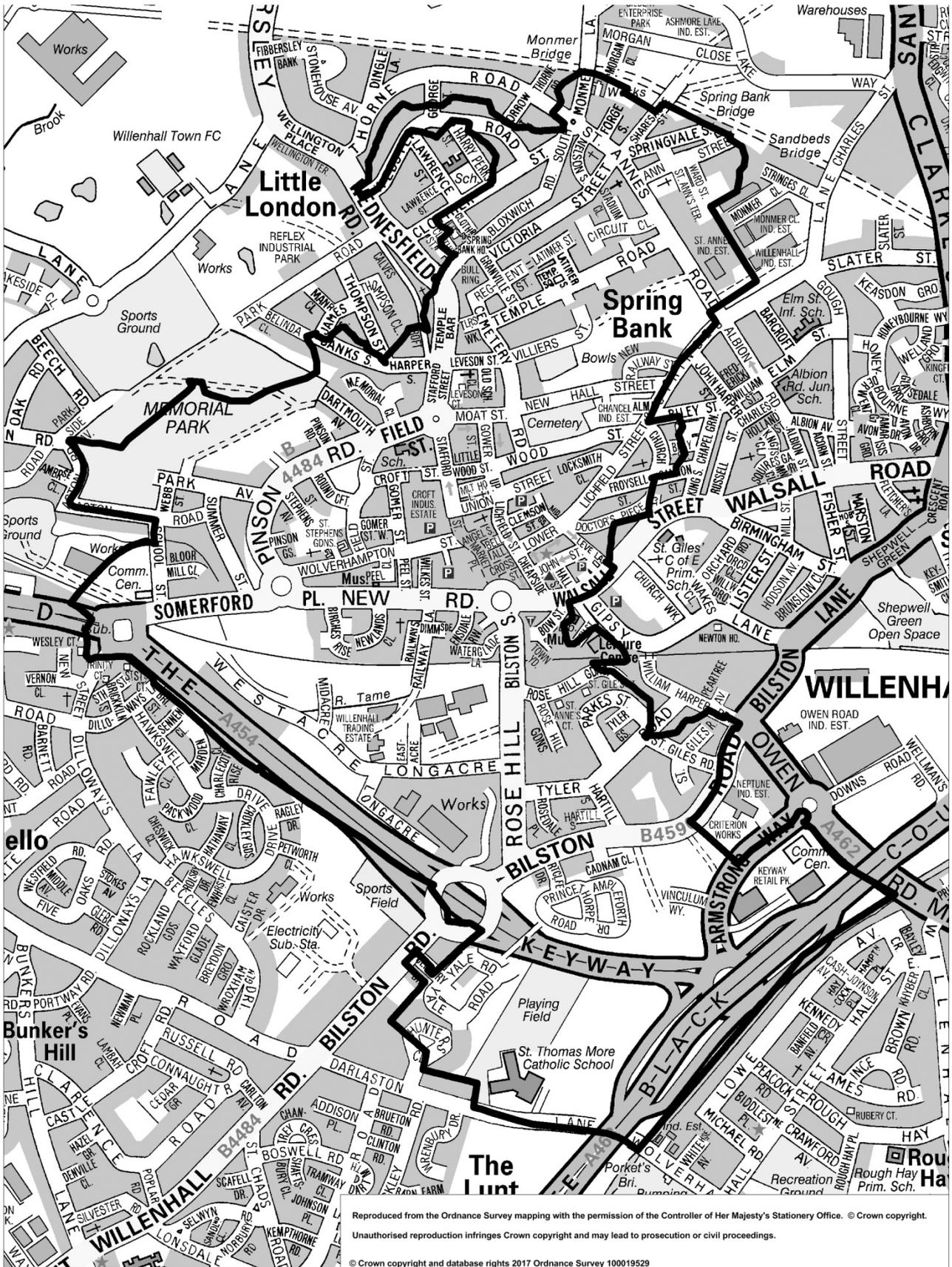
Appendix 1g Lower Super Output Areas (LSOA) with more than 20% and summary of factors for selective licensing					
LSOA	Private rented %	Within most deprived	In top % of IMD for Crime	IMD Living Environment (Indoors)	% change in population from 2001 to 2011
Walsall 013D	21.2	10%	20%	30%	20.9%
Walsall 034D	36.4	10%	40%	10%	19.3%

Appendix 2a Lower Super Output Areas (LSOA) with more than 20% private renting and rates of fuel poverty				
LSOA	Private rented %	Proportion of all households fuel poor (%). 2014 data released June 2016	Borough Rate	% difference between LSOA and Borough Rate
Walsall 013D	21.2	14.2	11.7	21
Walsall 034D	36.4	30.1	11.7	157

Appendix 2b Lower Super Output Areas (LSOA) with more than 20% private renting and rates of overcrowding				
LSOA	Private rented %	Proportion of all households overcrowded (%) 2001	Proportion of all households overcrowded (%) 20011	% change in overcrowding levels
Walsall 013D	21.2	8.2	6.2	-24
Walsall 034D	36.4	13.1	16.9	29

**Appendix 3a**

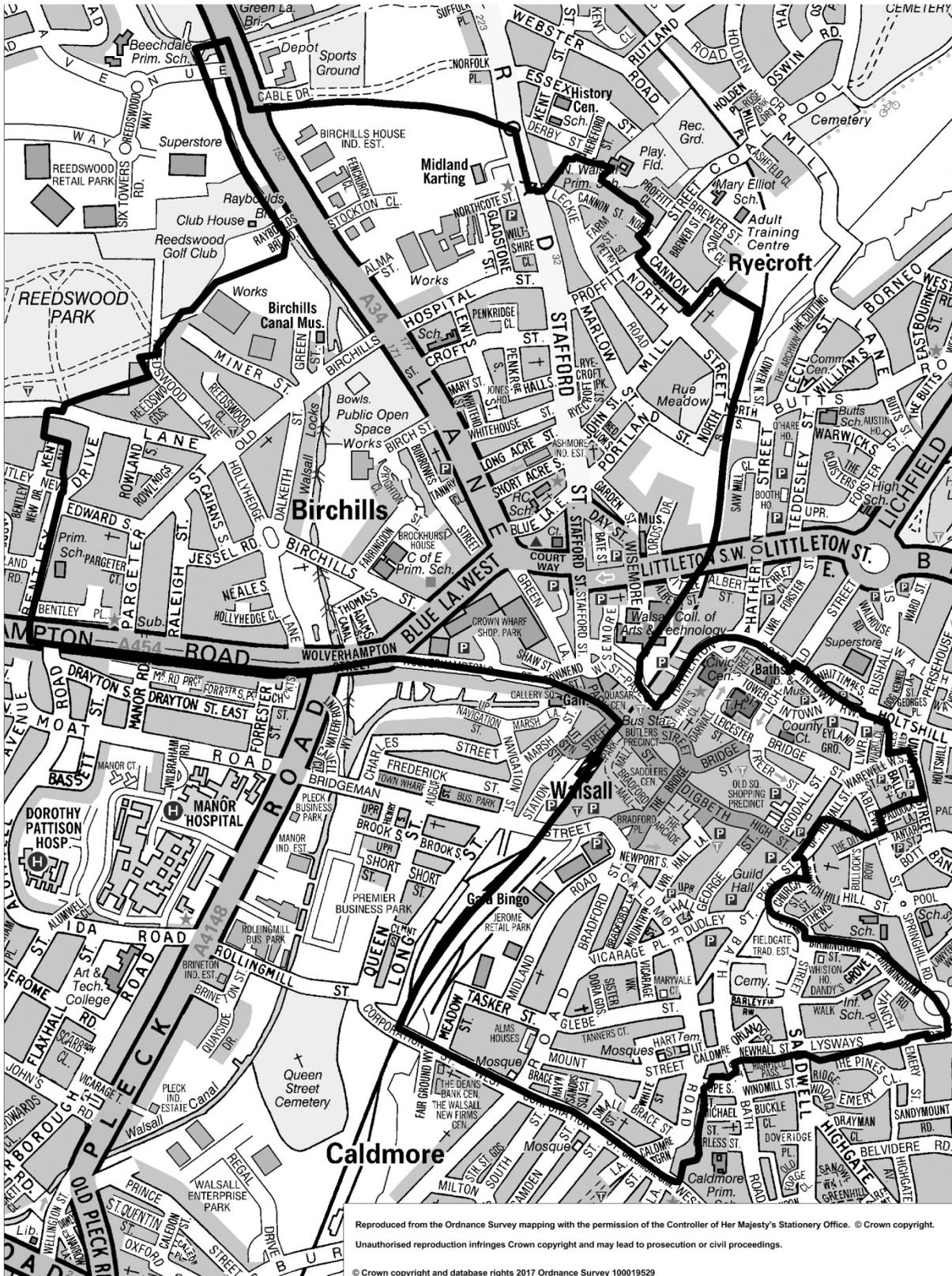
**Map 1: Proposed Willenhall Selective Licensing Area**



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# Appendix 3b

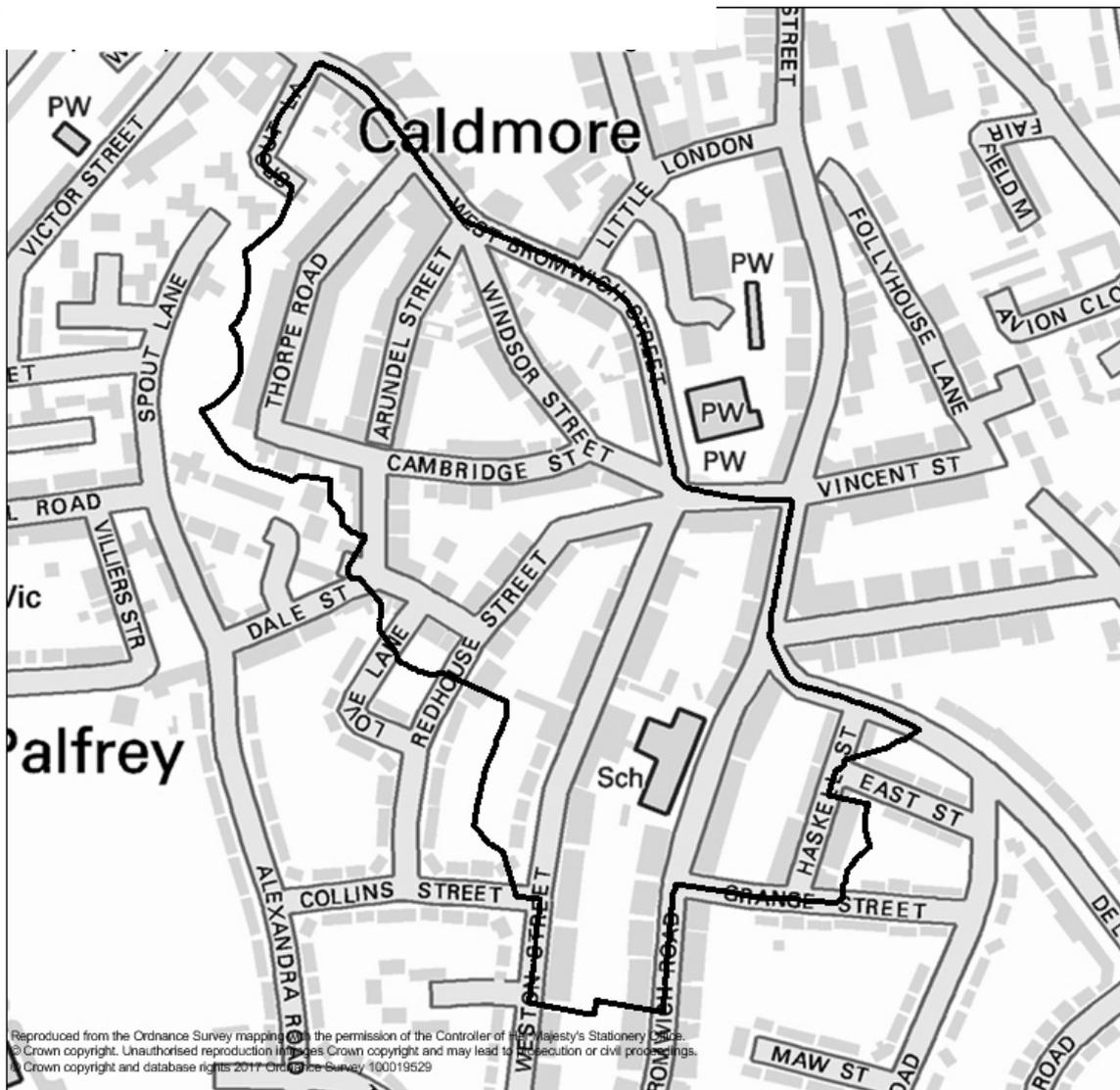
## Map 2a: Proposed Town Centre and adjoining area Selective Licensing Area





## Appendix 3c

Map 4 Boundary of proposed selective licensing area Caldmore South



**Appendix 4 Consultation Report Please see separate PDF document**

## **Appendix 5: Costs of delivery of selective licensing and rationale for overall fee structure**

<b>Costs</b>	Year 1	Year 2	Year 3	Year 4	Year 5	Total
Housing Standards Officer (Grade G9)	£ 38,484.00	£ 38,484.00	£ 38,484.00	£ 38,484.00	£ 38,484.00	<b>£192,420.00</b>
Caseworker (Grade G5)	£ 23,313.00	£ 23,313.00	Not required	Not required	Not required	<b>£46,626.00</b>
<b>Total</b>	<b>£61,797.00</b>	<b>£61,797.00</b>	<b>£ 38,484.00</b>	<b>£ 38,484.00</b>	<b>£ 38,484.00</b>	<b>£239,046.00</b>
Overheads and legal costs	£ 6,179.70	£ 6,179.70	£ 3,848.40	£ 3,848.40	£ 3,848.40	<b>£23,904.60</b>
<b>Overall Total</b>	<b>£67,976.70</b>	<b>£67,976.70</b>	<b>£42,332.40</b>	<b>£42,332.40</b>	<b>£42,332.40</b>	<b>£262,950.60</b>

<b>Projected Income</b>	Year 1	Year 2	Year 3	Year 4	Year 5	Total
Early Bird applicants*	£112,722.75	£ -	£ -	£ -	£ -	£112,722.75
Deduction for other discounted fees	-£10,000.00	-£4,000.00	-£3,000.00	-£2,000.00	-£1,000.00	-£20,000.00
Standard Fee	£60,000	£35,000	£25,000	£18,000.00	£12,297.00	£ 150,297.00
Fines / enhanced fees	£5,000.00	£5,000.00	£4,000.00	£4,000.00	£2,000.00	£20,000.00
<b>Income Total</b>	<b>£167,722.75</b>	<b>£36,000.00</b>	<b>£26,000.00</b>	<b>£20,000.00</b>	<b>£13,297.00</b>	<b>£263,019.75</b>

\*The proposed early bird discount is for the first 3 months from designation / prior to introduction and is proposed at a 25% fee reduction on the standard fee. It is anticipated that circa 75% of the landlords will apply for early bird discount.

## **Appendix 6: Proposed Local Conditions for Selective Licensing**

### **The Conditions apply :**

1. To the approved Selective Licensing Areas of
  - Willenhall
  - Town Centre and adjoining areasAnd
2. For the proposed selective licensing areas of:
  - Harden North West
  - Caldmore Southfor which statutory consultation will take place.

### **Section A: Standard Conditions**

### **Section B: Property Standards**

### **Section C: Training Standards**

### **Section D: Tenancy Management**

### **Section E: Space standards – tackling overcrowding**

### **Background**

Failure to comply with any licence condition may result in proceedings including fines up to £5,000 and loss of the licence.

The property licence and conditions do not imply or grant by inference or otherwise any approval or permission for any other purposes including those for Building Control, Development Control and under The Regulatory Reform (Fire Safety) Order 2005. Conversely compliance with any of those requirements does not confer or imply compliance with the requirements of the Housing Act 2004 including property licensing.

Any requirements relating to the licence and conditions are without prejudice to assessments and appropriate actions including enforcement actions under the Housing Act 2004. This includes actions to deal with category 1 and category 2 hazards as may be identified under Housing Health and Safety Rating System (HHSRS) and does not preclude such action.

### **Section A: Standard Conditions**

The following standard licence conditions will be applied to all licences that are issued. There will also be unique licence conditions applied to licences which will be dependent on the information supplied at the time of application and the property use i.e. is it a single household (selective licence) or a non-mandatory HMO.

1. All properties must be brought up to and kept up to the selective Licensing property standards (See Section B). Different timescales will be given dependent upon the amount of work required. The usual timescale for the conditions will be 3 months for things that seriously affect the health and safety of the house and 1 year for other matters.
2. Licence Holders and Managers must:
  1. attend an approved training course within 12 months of the start of Selective Licensing. See Section C of this document for further details.

2. always be aware of their tenancy management responsibilities and keep to the tenancy management expectations detailed in Section D of this document.
3. explain to their tenants in a way that they can understand, how to use the property's facilities; such as gas and electrical appliances and sanitation facilities.
4. explain to their tenants in a way that they can understand, how to store and dispose of waste properly.
5. make sure their tenants are aware of their responsibilities to be good neighbours and not to cause nuisance, annoyance or anti-social behaviour in or around their home. In particular they must make the authorities aware of any situation where they are concerned there may be any abuse or exploitation or criminal activity taking place in or around their property.
6. not allow their property to become over-crowded and must take steps to deal with any serious overcrowding as detailed in Section E of this document.
7. complete a number of questions relating to fit and proper status in the licence application form. They will be required to inform the Council of any changes in circumstances.
8. inform the Council of any changes in management or ownership of a licensed property within 1 month of the change occurring.

## **Section B Property Standards**

The proposed standards for properties in the selective licensing areas are detailed below.

Some properties may require additional measures – e.g. for a House in Multiple Occupation (HMO), flats over shops or unusual layouts. **Please note that HMOs that are two or three storeys must meet the fire standards for Non licensable HMOs.**

Properties should generally be in reasonable repair with internal layouts that allow for the safe use of the property and reasonable fire detection and escape routes in case of fire.

### **General**

1. Access to gas and electric meters, fuse boards, gas and water stop taps should be accessible to all occupants at all times without having to pass through other accommodation or through a shop. Where this is not possible due to security problems, tenants must be able to shut off gas and electrics from within the accommodation.
2. Any gas or electric supply that requires frequent checking or feeding of the meter must be readily accessible. Hatch access to a cellar area is not allowed in these circumstances.
3. The cold water supply pipe must be fitted with a stop tap as close to the water entry point into the premises as is reasonably practical. This must be checked to make sure it is working at the start of any new tenancy to make sure that it operates correctly, and any necessary repairs carried out.
4. Appliance operating instructions are required for all cookers, boilers, electric heating systems and fridges, freezers and washing machines supplied with a new tenancy and upon request. Appliance use must be demonstrated to new tenants.

5. Any new appliances included in the tenancy must have an energy efficiency rating of 'A' or 'A+'.
6. Free standing cookers must be fitted with a safety chain and secured to the wall.
7. Where furniture, curtains, blinds and soft furnishings are provided, they must be compliant with the current Furniture & furnishings (Fire Safety) Regulations 1988 as amended in 1989 and 1993.
8. The hot water system of the property must provide a constant controllable supply of hot water to each bath, sink, shower and wash hand basin. Cold water must be available to these facilities and to each water closet (WC).

### **Gas and Solid Fuel Safety**

9. All gas installations must be covered by a current Landlord Gas Safety Certificate (e.g. a CP12) issued by a Gas Safe registered engineer. All works to gas installations must comply with Gas Safety (Installation & Use) (as amended) Regulations 1998 and be carried out by a Gas Safe registered installer qualified to carry out that category of work
10. Gas supplies must be safe and regularly serviced. Appliances must be safe and serviced in line with the manufacturer's requirements or renewed as necessary. A photocopy of the latest landlord's gas safety certificate for the supply and appliances must be given to tenants or displayed inside the property or in the tenant information pack. The landlord must supply a copy of the gas safety certificate with the licence application and on demand.
11. A Carbon Monoxide (CO) detector is required for any property with a gas or solid fuel fire, boiler or gas oven/hob. This must be to BS EN 50291:2001. The CO detector must be fitted in a suitable location, following the manufacturer's specific fitting instructions, usually at least 3m away from the gas appliance. Where there are multiple gas appliances additional detectors must be provided and positioned in accordance with manufacturer's instructions. The whole detector (not just the battery) must be tested quarterly, using the manufacturer's instructions.
12. Any redundant gas appliance must be removed from the property and the pipework properly removed and the area it is removed from made good.
13. Any second hand gas cookers installed must comply with the safety requirements of the Gas Cooking Appliances (Safety) Regulations 1989.

### **Electrical Safety**

14. Any alterations, additions or testing of the electrical installations must be carried out by an electrician registered under an approved contractor's scheme in accordance with Building Regulations Part P and the installation left in a safe condition and proper working order.
15. The electric supply and appliances provided by the landlord must be in a safe working condition. All appliances provided must have operating guidance supplied.
16. The fixed electrical wiring and installations must be certified as safe by an electrician qualified to undertake the test at a maximum of every five years, unless otherwise indicated on the previous inspection to be sooner, and must be to a 'Satisfactory' standard. This will usually be a Domestic Electrical Installation

Condition Report, but it may be an Installation Certificate or an existing Periodic Inspection Report.

17. The landlord must supply a copy of the electrical condition report with the application for licensing. Where there is no existing report then one shall be provided within 3 months of the issue of the Licence. Where an application for selective licensing is made after 6 months from the start of the Selective Licensing scheme a copy of the electrical condition report must be submitted with the application.
18. Sockets must be located where appliances can be used safely without flexes causing a trip hazard. There must be a minimum of two double sockets in all habitable rooms. Large rooms may require more to allow for safe use.
19. Each fixed electrical appliance must have its own dedicated electrical socket or outlet. In addition to sockets dedicated for appliances, a minimum of two double sockets above the work top are to be provided in each kitchen. Sockets must be located away from sinks and cookers, in a position where appliances can be used safely.
20. Staircases are to be well lit to allow their safe use. Light switches must be in a suitable location. Lighting to staircases and rooms entered by more than one door shall be two-way/three-way as appropriate.

## **Windows and Ventilation**

21. All windows must be sound and well fitted, and opening lights must be able to be readily opened and securely closed. Windows must not be louver windows.
22. Windows opening onto walkways and across yards need to be fitted with restrictor stays to prevent them opening onto the thoroughfares
23. Window locks and keys must be provided to openable ground floor windows and any other windows accessible without the use of a ladder.
24. Any opening escape windows must not have grilles, mesh or roller shutters fitted that prevent them opening, including during a power failure.
25. Any windows with glass within 800mm of the floor will require safety glass to BS 6206 or the whole pane of glass be coated with proprietary safety film.
26. Background ventilation is required to rooms where there is no existing provision which can include airbricks with controllable ventilators; night vent catches or trickle vents to windows; humidity controlled extractors to kitchens and bathroom. To provide ventilation the trickle ventilators in windows will usually be the most cost effective option.
27. There must be an extractor fan in each bathroom and kitchen capable of achieving six air changes per hour, extracting direct to the external air or through ducting as necessary where practicable. Extractor fans controlled by a humidistat with a manual over-ride are recommended. In kitchens, a cooker hood that extracts to the outside will be sufficient.

## **Doors and Frames (See also the following sections on fire safety)**

28. Doors and frames must be sound and well fitted complete with a door latch to enable doors to be latched closed. See the section on Fire Safety for details of where doors need to be fire resistant.
29. On the external side of external door barrels of locks should not protrude from the face of doors.
30. In houses with children under the age of 10 living in the property, where the tenants request, external doors must be fitted with a bolt or security chain at high level.
31. Any glazing in doors up to a height of 1.5m must be safety glazing to BS6206 or the whole pane of glass be coated with proprietary safety film.

## **General Fire Safety for family houses (Flats will require individual assessment)**

32. The Fire Safety principles are to provide, where reasonably practical, a direct means of escape through to the outside.
33. Fire detection and alarms must enable escape to be made quickly. However, there are some house layouts in the area where it will prove difficult to achieve the direct means of escape.
34. Ideally and in all Houses in multiple occupation rear external doors must have thumb turn locks to allow for easy escape in the case of fire. Any locks to internal doors must also allow escape from the room without the use of a key. Ideally, front external doors and passage doors would also have thumb turn locks. But these will not always be practical, particularly where young children could run out into the street.
35. If you already have 30 minute fire doors, or substantial doors of 37mm thickness panel doors in sound condition with well-fitting frames, these are adequate. If you have a house which is higher risk, such as those mentioned below – there may be extra requirements.
36. If you do not have substantial doors, on all but the uppermost storey, you will need to replace them with 30 minute Fire Doors. For example, an egg box construction door or a thin panel door is not substantial. Other doors may be individually assessed.
37. Fire doors and substantial doors need to fit into a frame of equal fire resistance.

## **Three/Two storey houses with direct escape routes**

38. The doors on the ground floor in two storey houses and on the ground and first floors of three storey properties need to be at least substantial doors which are well fitting.

## **Two/Three storey houses with staircases descending into kitchens adjacent to the rear external door**

39. Construct a half hour fire resisting lobby at the foot of the staircase with a half hour fire resistant door to separate the staircase from the kitchen. The new half hour fire resisting fire door shall open up against the staircase and any existing door on the staircase removed. The half hour fire resisting lobby can be constructed out of 50x50mm timbers at 600mm centres plasterboard and skim and decorated to finish.

40. The door to the lobby shall be fitted with a latch set to enable it to be closed and Intumescent strips without a cold smoke seal.
41. Further lighting will be required in this lobby and existing lighting switches may need relocation. As this is a family house no self-closer is required.
42. Where the wall between the kitchen and the staircase has been removed this will require replacing in 30 minutes fire resisting construction.
43. For three storey houses, the doors at first floor level will need to be at least substantial doors that are well fitting, or will need replacing with 30 minute fire doors
44. Where arrangements are not reasonably practical, mainly in rooms of under 2.4m front to back or width, then individual assessment may be made.

### **Two/Three storey houses where the staircase descends into a lobby between front and rear ground floor rooms**

45. If you already have fire or substantial doors that are well fitting, this is adequate. If not they must be replaced with well-fitting 30 minute fire doors. The doors must be fitted with latch sets to enable them to be closed and Intumescent strips **without** a cold smoke seal. As this is a family house no self-closer is required.
46. Where arrangements are not reasonably practical, then individual assessment may be made.

### **Two and three storey houses where the staircase descends into a room in the centre of the house away from a direct means of escape**

47. These properties will need to be individually assessed. Priorities will be to provide a direct means of escape where practical or protection to allow escape in emergency by other means.

### **Fire detection and alarms**

48. The following provisions of fire detection and alarms are required in all properties that are not subject to individual assessment as follows:
49. Existing 10 year lithium battery type detector is adequate as the minimum requirement for family accommodation for two storey houses with a direct means of escape. However, they are recommended to be mains powered and interlinked.
50. All other properties and new installations will require a mains wired interlinked detection and alarm system to BS5839 Part D LD2.

### **Other Fire Provisions**

51. A fire blanket must be provided in the kitchen. This should meet BS EN 1869:1997. It should be wall mounted but not close to the cooker, or positioned where a tenant would need to pass the cooker to reach it in an emergency
52. There must be no polystyrene, such as ceiling or wall tiles on the ground floor of the property or in the landings and staircases of the property.
53. Where practical, escape windows should be provided when new windows are being fitted and fitted with restrictors that can be over-ridden in emergency. Cellar ceilings under escape routes must provide 30 minutes fire resistance. Cellar

ceilings in good condition will be accepted as will infill with 150mm depth mineral fibre insulation and chicken wire support.

54. In houses where the access to one room is through another room the fire protection at these houses will be subject to individual assessment, which may be after inspection.
55. In three storey houses there needs to be a door and frame separating the attic room from the first floor landing. If there is no existing door and frame then a new 30 minute fire door and frame shall be constructed in the attic room .i.e. not on the staircase.

### **Internal Stairs**

56. Handrails or grab rails are required to all stairs including cellar steps. These must be positioned to allow the safe use of the stairs and this is usually 900mm above the stairs. There must be adequate guard rails around stair wells. New guard rails must be 1.1m in height and there should not be any horizontal balustrade rails and no gaps wider than 100mm between spindles.
57. Stairs must have consistent goings and risers through any straight flight and also within a winding section. Treads must be firm, even and in sound condition. Any carpets shall be well fitting in sound condition and properly secured. Multiple layers of carpet are not acceptable.
58. Cellar stairs must have reasonably consistent goings and risers throughout the flight and the treads must be reasonably consistent.

### **Heating**

59. A form of fixed space heating is required to all habitable rooms which can be controllable by the tenants incorporating a timer and a suitably positioned room thermostat. Heating must be capable of providing the following temperatures in each room:

Bedrooms only	18 °C
Living room/ dining room	21 °C
Study bedroom	21 °C
Bathroom with WC	21 °C
Kitchens or separate WC's	18 °C
Dining kitchens	21 °C
Circulation areas	16 °C

60. Temperatures must be achievable when the external temperature is -1.°C and be capable of reaching this temperature within 1 hour of use.
61. No bottled gas, paraffin or halogen heaters are permitted within the property and any new tenancy agreement must incorporate this standard.
62. Any electrical heaters must be fixed to the walls and have their own electrical point separate to any other socket required by these standards (except for temporary heaters provided short- term in the case of boiler break-down)
63. Where storage radiators are provided there must be an off peak electrical meter at the commencement of any tenancy.

## **Kitchen**

64. The walls, floor, ceilings work tops and cupboards of the kitchen must be sound, clean and, as appropriate, well decorated at the commencement of any tenancy. The kitchen must be laid out in such an arrangement as to allow for its safe use and be easy to keep clean and hygienic by the tenant.
65. In furnished accommodation a refrigerator of appropriate size for the number of occupants in the property, including freezer space should be provided in the kitchen or immediately adjacent to the kitchen and in unfurnished accommodation a space for a fridge is required in the same location.
66. In furnished accommodation a four-ring cooker, including oven and grill located with a work top of at least 300mm either side must be provided. In unfurnished accommodation a space for a cooker must be provided with either a gas or electric supply and with work surface of at least 300mm to both sides of the cooker or hob. The cooker or the space for the cooker shall be positioned away from any door openings. A cooker with 2 or 3 rings and an oven and grill may be acceptable for small 1 or 2 person flats and studios, where space is limited.
67. There must be adequate and sound and hygienic cupboard space for food, crockery, pots and pans and utensil storage in the kitchen. A minimum 1 linear metre of dedicated free worktop space for food preparation is required in the kitchen, with a minimum depth of 500mm. There must be a minimum of a row of 100mm tiles or other suitable impervious up-stand is required behind the worktop and sink and the area behind the cooker must be tiled up to the same level.
68. There must be space for a washing machine, together with plumbing provision and a dedicated electrical socket.
69. Tumble driers are recommended to help reduce condensation problems. If provided they must be either the condensing type or the extract hose must be properly connected to a wall vent. Combined washer/driers complying with these conditions are acceptable.

## **Bathroom/toilet Facilities**

70. Bathrooms and water closets (WC's) must have adequate space to ensure their safe use. Any alterations to the bathroom and water closet need to comply with Building Regulation standards
71. An internal WC with wash hand basin must be provided for up to 6 persons. A second WC with wash hand basin is required where the property is licensed for more than 6 persons. A different standard applies for Houses in Multiple Occupation (HMOs).
72. A shower and or a bath, and wash hand basin are required each with a tiled, or equivalent, splash back area.
73. Any shower must have a waterproof surround and a shower screen/curtain.
74. If a shower is situated in a bath, tiles or equivalent must extend 1.5m from the shower head down the length of the bath, 150mm over the top of the shower head and 150mm past the side of a shower curtain to prevent damage to plasterwork

## **Decoration**

75. The decoration of the interior and exterior of the property must be clean and sound at the commencement of tenancy, with appropriate cleansable paintwork to the walls of the bathrooms and kitchens.
76. Walls, ceilings, floors and skirting boards must be in a sound condition throughout the tenancy.
77. Bathrooms and kitchens require impervious flooring with laminate, vinyl or tiled floor coverings, the edges must be sealed to minimise water ingress.
78. Floor coverings must be provided and be clean, level, sound, well secured and easy to clean, with no frayed areas, to minimise trip hazards (particularly to stairs and landings).

## **Security**

79. Where burglar alarms are provided, they must be fitted with an automatic cut out device that prevents the alarm for ringing for more than twenty minutes. Full operating instruction must be given and the contact details of the service engineers. The equipment must be serviced annually and replaced if unreliable
80. The burglar/fire alarm key holder must be registered with Public Protection to avoid expensive costs of silencing alarms causing nuisance.
81. If a coal chute into the cellar exists, it must be made safe and secure to prevent access from outside. Ventilation to the cellar area must be maintained.

## **Gardens/Yards**

82. Gardens and yards must be clean and tidy, free from rubbish and safe at the commencement of the tenancy.
83. Access steps, handrails, pathways, sheds fences and gates must be maintained in good condition
84. External redundant buildings must be maintained in a safe condition, or demolished if unsafe unless the buildings act as buttress to a retaining wall.
85. External access steps and pathways must be well maintained and free from tripping hazards. Handrails must be fitted to external steps where there are 3 or more steps and to steep sloping paths.
86. Where the drop from the side of a staircase is greater than 600mm handrails shall be fitted with a vertical balustrade with no gaps wider than 100mm between spindles
87. Access to the rear of properties should be gated where practical.
88. External lighting must be provided controlled by passive PIR and dusk to dawn sensors and maintained for rear and side entrance doors and for access passageways that are in the control of the Licence Holder or Manager. Light fittings must be positioned below first floor windows and the lighting shall be directed downwards to avoid causing disturbance to neighbours.

## **Rubbish / Dustbins**

89. One standard 240 litre wheeled bin must be provided for tenancies of up to 5 people, and a 360 litre bin be provided for tenancies of 6 and above, together with any other recycling bins and green waste bins as required. Bins must be provided on a hard standing area away from ground floor windows and not within any passage.
90. At a change of tenancy and during vacant periods the house and any land associated with it is in a clean and tidy condition and free from accumulations of refuse.

## **Rainwater goods and drains**

91. Gutters, down-pipes, soil and vent pipes and drains must be in a good state of repair and be securely fitted discharging to a suitable drain or gully. Soil and vent pipes and waste pipes must be adequately clipped.

## **Energy efficiency**

92. All properties must have a valid Energy Performance Certificate (EPC).

All properties must have a certificate with a minimum of the top half of Band E.

The exact works to improve these houses to a reasonable standard will be the subject of an individual assessment which is included on the EPC.

**Please note from 1 April 2018 no property will be licensed for new tenants (ie where a new tenancy is issued) with an EPC rating of an F or G Rating.**

93. Roof/loft spaces must be insulated where they are accessible from the house. A minimum of 270mm loft insulation, or equivalent including any upright stud walls in attic loft spaces, where accessible. Cheeks and ceilings of dormer windows and roof slopes can be over-boarded with insulated plasterboard to obtain greater energy efficiency if no insulation is evident
94. Loft hatches must be insulated and draught proofed.
95. Hot water tanks and exposed hot water supply pipes must be insulated if passing through unheated areas.
96. Where cellar ceilings have been removed or the ceiling is in poor repair exposing floor joists there must be 150mm mineral fibre insulation fixed in place with chicken wire. It is important to maintain ventilation to cellars otherwise insulation and plasterwork will become wet with condensation. Where other insulation exists an individual assessment will be made to check its suitability.

## **Section C – Training Requirements**

All Licence Holders and Managers (landlords) that do not have suitable existing training must receive adequate training which will help them to understand and carry out their legal and moral obligations properly. It will also help the private rented sector make a positive contribution to the local community.

Within 12 months of the start of selective licensing landlords must supply the Council, with information demonstrating that they have attended a landlord training course approved by the Council, within the last 5 years.

The course could have been;

- run by another local authority in an area where you also have properties
- a National Landlords Association course or
- a Residential Landlords Association course.

The Council will seek if possible to run training courses with for example a training partner which are available for landlords to attend. We will provide details and dates of these courses with Licences and these dates will also be published on our website.

## **Section D Tenancy Management Standards**

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### Introduction

1. As well as making sure that properties are safe and well maintained, we are also encouraging landlords to give greater consideration to tenancy management too. This is so that we can make sure tenancies are managed well, and help people from all communities and backgrounds integrate into their neighbourhood.
2. The management standards which follow are aimed at improving the management of private rented properties. They apply to all Licence holders and Landlords in the Selective licensing area.
3. In particular, you will need to deal with anti-social behaviour at the earliest opportunity, and where you become aware of issues to do with child safety and vulnerable adult safety, relating, for example to sexual, mental or physical abuse, or exploitation, you will report them to the appropriate authorities.
4. You will need to keep to the laws and regulations which affect all privately rented houses and also comply with the Management Standards which follow. We believe that these standards will help us all, to have a more successful private rented housing in the borough.

### **Tenancy Agreements**

5. You must give your tenants a written tenancy agreement which complies with the Guidance on Unfair Terms in Tenancy Agreements published by the Office of Fair Trading, and with the Unfair Terms in Consumer Contracts Regulations 1999. The tenancy agreement must not contain any terms or conditions which are contrary to any English law relating to the rights and responsibilities of private landlords and tenants. We can provide you with a tenancy agreement if you wish.
6. The Tenancy Agreement must include amongst other things, the following:
  - the name and address of the landlord and name and address of any agent authorised by the landlord,
  - where only part of a property is being rented to a tenant, e.g. a room in a shared house, the part of the property being let e.g. '1<sup>st</sup> floor back bedroom' or 'Room 1,'
  - the arrangements for using any shared areas i.e. what parts of the premises the tenant is going to have shared use of and how many other tenants they will be sharing with,
  - the full name of the tenants, any other occupiers and their date of birth,
  - for shared houses, a clear explanation of who will be responsible for paying fuel and water charges, how the amount will be calculated and how it will be paid,
  - the amount of rent, any service charges, and when and how it is to be paid,
  - the maximum numbers of people to be able to occupy the building based upon the Selective Licensing space standards,

- a requirement on the tenant to dispose of rubbish properly, including appropriate use of the bin collections provided by Walsall Council, and a prohibition on illegally burning or fly tipping waste from the property,
  - tenancy conditions allowing you to evict your tenant before the end of the fixed term contract through the Courts (using the appropriate grounds in schedule 2 of the Housing Act 1988) in the event of rent arrears, anti-social behaviour, using the property for immoral or illegal purposes, failing to dispose of rubbish or properly, causing the property to be overcrowded, or damage to the property,
  - a tenancy condition stating that Notices served by the landlord on the tenant will be properly served if left at the premises rented to the tenant,
7. You must make a copy of the tenancy agreement available before you let the property so that tenants can read it before being asked to sign. It also gives the tenants the opportunity to get independent advice before signing. Additional copies of the tenancy agreement should be made available if the tenants ask for it.
8. The tenancy agreement must make it clear whether it is an individual tenancy or a joint tenancy.

#### Deposits and rent in advance

9. You must not demand any money for Tenancy deposits or rent, before tenants signing and exchanging the tenancy agreement.
10. Reservation or holding deposits can be accepted providing they are not more than one month's rent (or 4 weeks in the case of a weekly tenancy). A receipt should be issued stating clearly what this money is for, and the grounds for a refund. The holding deposit must be deducted from the first month's rent or the deposit, if the tenant signs the agreement.
11. When you, or a letting agent, takes a deposit from an Assured Shorthold tenant, the deposit must be protected in a government-authorized tenancy deposit scheme and the tenant must be given the 'prescribed information' about the deposit. Both these things must happen within the timescales set out in the tenancy deposit regulations.
12. In addition to giving the prescribed information to the tenants, you, or your agent, must keep a record of having given this information, such that you have clear evidence of the information having been given to the tenant.

#### Pre Tenancy Meeting

13. Before the start of new tenancies, you will be required to meet with the tenants to make sure that they understand their responsibilities and obligations, and so that you can provide them with all the information they need about the property.
14. At this meeting, you must make especially clear to your tenants, the importance of:
- not allowing anti-social behaviour,
  - not causing nuisance or annoyance to neighbours
  - not allowing overcrowding
  - disposing of rubbish and recycling properly
  - looking after the property, for instance, not taking up fitted carpets to wash
15. and make sure that your tenants understand that you can apply to end the tenancy using the proper legal procedures, if the tenants do not meet these obligations.
16. If the tenant does not speak English well enough to understand this information, you are required to make sure that someone is present who can act as an interpreter and explain these points well enough for the tenant to understand.

Other Information which must be given to tenants at the start of the tenancy

17. You must give your tenants an information pack which contains:
- a copy of the current gas and electrical certificates
  - information about escape routes from the house in the case of fire
  - emergency contact numbers for repairs and gas leaks
  - instructions for using the heating system, alarms, fire detection systems, the washer and other gas and electrical appliances
  - refuse/ recycling arrangements for the property, such as collection days and what materials should be recycled, and the location of the nearest household waste recycling centre (dump it site)
  - clear instructions for turning off and restoring hot and cold water supplies and what to do with the central heating for any periods of absence during the winter
  - instructions for the safe and efficient working of any other appliances in the house
  - contact details for the existing utility supplier , (if you know it) and a reminder to tenants to provide a meter reading to the suppliers as soon as they move in.

Inventories

18. At the start of each tenancy, you must provide an accurate, detailed and agreed inventory of furniture, fixtures and equipment, including the condition of the property and its contents. Tenants should be given the opportunity to record any points about the inventory that they disagree with.

References

19. You must ensure that you undertake all lettings including securing references in line with the Right to Rent Scheme <https://www.gov.uk/check-tenant-right-to-rent-documents/who-to-check>.
20. You must require a satisfactory reference from prospective tenants. The reference should provide testimony as to the tenant's past record of keeping to tenancy conditions and not committing anti-social behaviour, or provide other genuine and significant evidence as to the likelihood of them keeping to tenancy conditions and not committing anti-social behaviour. The reference must also provide the referee's name, address and either an up to date telephone number or email address.
21. Where prospective tenants cannot, because of their general circumstances, be expected to produce a reference, e.g. they are newly arrived in country, certification from a council officer, saying that the tenancy conditions have been explained & agreed, can act as a reference for the purposes of these Management Conditions.

Insurance and permission to let

22. You must have current Insurance to cover the premises and any property included in the tenancy, and you must have permission to let the property from any mortgage company or freeholder, and the insurance company insuring the property.

Rent and other charges

23. You must give written receipts to tenants for any rent paid in cash, at the time the payment is paid.
24. Where rent is paid weekly you must provide a rent book or similar document and this must be kept up to date.

25. During the fixed term of the tenancy agreement, you must not make any attempt to increase the rent or make extra charges other than what is allowed for in the tenancy agreement. When the tenancy is periodic (i.e. there is no fixed term because the tenancy is running on after the contract has run out, or no fixed term was ever agreed) any rent increase will be proposed through the appropriate legal procedure (currently Housing Act 1988 s.13).

#### Managing Repairs

26. You must make sure that your tenants have a simple and straightforward way of reporting repairs to you. Ideally this should be done in writing (including email and text) except in an emergency.
27. You must not attempt to end a tenancy or licence in order to avoid carrying out repairs, or meeting any of the property or management standards.
28. Relevant non-emergency repair and emergency repair telephone numbers must be provided to tenants at the start of each new tenancy and within 3 months of the commencement of selective licensing for existing tenants.
29. You must respond to repairs (either those you identify yourself, or those reported by the tenants) within the timescales stated below where possible and reasonably practical.
30. It is however recognised that there may be circumstances where this may not be achievable, for instance because of genuine difficulty obtaining parts or lack of availability of workmen. Where delays are unavoidable, you should advise tenants of anticipated completion dates for the repairs, and make any necessary arrangements to address health and safety issues in the meantime.

#### *Category - A (emergency)*

All repairs endangering the safety, health or security of the residents or the structure of the building e.g. gas leaks, major electrical faults, blocked WCs, major water leaks.

*Response time: Within 24 hours of notification.*

*This should include a response to burglary damage resulting in the need to board or repair any insecure door or window, within 12 hours.*

#### *Category - B (urgent)*

e.g. Complete breakdown of heating/hot water systems and serious lighting faults.

*Response time: Within 48 hours of notification.*

#### *Category – C*

All other urgent repairs affecting the structure and services but not regarded to be prejudicial to the safety, health or security of the residents or the structure of the building, e.g. direct water penetration, refrigerator breakdowns and major cooker faults.

*Response time: Within seven working days of notification.*

#### *Category – D*

All other repairs reported but which do not have an immediate effect on the safety, health or security of the residents, or the structure of the building and are services, which do not prevent reasonable occupation of the accommodation. Examples are plasterwork and minor furniture repairs.

*Response time: Within three weeks of notification.*

### Access to carry out repairs

31. To get access to the property to carry out repairs, then, except in an emergency, you must make all reasonable efforts to agree a mutually acceptable time with the tenants and confirm this arrangement in writing with them (including by text or email).
32. You must make sure that planned programmes of repair, servicing and those improvements that a landlord is entitled to do, are carried out with regard to the convenience of the occupants.
33. You must get the tenant's permission where you are wanting to carry out improvements or renovations which you are not obliged to do by the tenancy agreement, or which are not required by the Walsall Council.
34. You must advise your tenants as far as possible as to how long repairs are going to take and any disruption or inconvenience that may be caused.
35. You must take reasonable steps to carry out repairs in a way which minimises discomfort and disruption to tenants and is considerate to the tenant's circumstances, and ensure that all contractors and tradespersons carry relevant identification which should be shown to tenants on demand and can be checked. Alternatively, the tenants should be notified who will be coming and when.
36. You must make sure that all redundant components and debris is removed from the property and exterior on completion of works.
37. Contractors should behave in a professional and courteous manner at all time.

### General Safety

38. You must make sure that smoke / fire detection systems and firefighting equipment is serviced and tested in line with the regulations. You must investigate any reports of false alarms. Records should be kept of these inspections. Tenants must be advised if they are responsible for routine tests.
39. Where gas is supplied to the house, you must have an annual gas safety check carried out by a Gas Safe registered installer. A copy of the certificate must be given to the tenants, and a copy sent to the Council.
40. Any furniture provided must comply with The Furniture and Furnishings (Fire Safety) Regulations 1988 as amended.

### Anti-social behaviour

41. You must take reasonable and practical steps to prevent and discourage anti-social behaviour by people occupying or visiting the house.
42. Anti-social behaviour is defined as behaviour by occupiers or visitors which cause nuisance or annoyance to people living in the area, or visiting or engaged in lawful activities in the area. It also includes behaviour which involves, or is likely to involve, the use of the property for illegal purposes. This can include (but is not limited to), leaving rubbish and litter, vandalism, noise nuisance, harassment and intimidation, abusive behaviour, and drug and alcohol abuse.
43. You should deal fairly with all parties and take account of the advice about dealing with anti-social behaviour in the Landlord Information Pack we will give you. The steps you take should include:
44. Where you receive a complaint about alleged anti-social behaviour by one of your tenants or their family or guests, you should take details of the complaint, make

enquiries of anyone else that may have information about the problem, and then talk to the alleged perpetrator about their behaviour. You should do this within 7 days of the complaint.

45. If there is reason to think the initial complaint against the tenant or their family may be justified, you will make the tenant aware of the effect of the behaviour on others. This includes writing the appropriate warning letters, and advising that you will take steps to end their tenancy and recover the costs of the legal action from them if the problems continue.
46. Where you suspect that the behaviour may amount to a criminal offence, or is causing a public nuisance you should report this to the Police promptly.
47. If you have taken all of these steps to resolve the problems, and it has not been successful, you should consider whether there is reasonable evidence to suggest that the tenant's behaviour might give you grounds to claim possession in the Courts under section 8 of the Housing Act 1988.
48. If so, you should give the tenant a Notice Seeking Possession in accordance with the Housing Act 1988 section 8, or give the tenant a Notice under Section 21 of the Housing Act 1988.
49. Where service of Notice does not act as an effective deterrent and resolve the problem, you will give reasonable consideration to ending the tenancy by the proper legal proceedings, including getting legal advice where appropriate.

#### Treating People Fairly and Respect for the Home

50. All tenants have the right to 'Quiet Enjoyment' in their home. This is the right to live in the property free from interference and disturbance by their landlord or anyone acting for the landlord. You must respect this right and take all reasonable steps to ensure that this right is respected by family members, business associates, agents and anyone else associated with you, and who has contact with the tenant.
51. Where you want to take possession of the premises (i.e. evict the tenant) the proper legal procedure must be followed, with the correct legal Notices being given and the correct Court procedures followed.
52. You must make sure that in all dealings with tenants and prospective tenants, no people or groups of people are treated less favourably than any other person, for example, because of their race, age, gender, disability, nationality, sexuality, gender reassignment, religion or belief.

### **Section E Space Standards – Tackling Overcrowding**

The overcrowding and space standards are set out below. It includes rules for existing and new occupancies.

It also sets out the size of existing occupancies that will be accepted in the Selective Licensing area.

1. Licence Holders and Managers (landlords) must not permit anyone to occupy the property if it is going to make it overcrowded as described below.
2. If landlords suspect that a house has become overcrowded, they must:

- inform the tenants that they suspect this to be the case, and that the tenants must take what reasonable steps they can to reduce the numbers of occupiers so that the property is no longer overcrowded
- be firm in making clear in writing to the tenants that they will take reasonable steps to end the overcrowding, including taking possession action through the Courts if the tenants do not resolve the overcrowding themselves
- make the tenant immediately aware that it is an offence to cause or permit certain forms of overcrowding (statutory overcrowding as set out in the room and space standards in Part X of the Housing Act 1985) and that the Council can prosecute landlords **and tenants** who cause statutory overcrowding.

### **New tenancies**

3. For new tenancies starting after the commencement of the Selective licensing Scheme, the occupancy numbers in Table 1 below must be complied with. These numbers must not be exceeded.

<b>Table 1 – New Occupancies (beginning on or after the start of the Selective Licensing Scheme)</b>	
<b>Property size</b>	<b>Permitted number of occupiers</b>
One bedroom	2 people
Two bedrooms	4 people
Three bedrooms	6 people
Four bedrooms	8 people
For the purposes of this calculation babies under the age of one year do not count as a person. Any changes in law will override this approach to counting the relevant numbers.	

- (a) Tenants must be told that they must not allow the number of people sleeping in the home to exceed the occupancy levels in Table 1 above.

### **Existing tenancies**

4. We know that some existing occupancies will exceed the numbers in Table 1 above. This is acceptable until the end of the occupancy, but they must not at any time exceed the statutory numbers in Table 2 below.

**Table 2 –Existing Occupancies (before the start of the Selective Licensing Scheme)**

Room/Room size	Permitted number of occupiers
Please note Regarding the living room standards - special provisions can be made for disabled occupants on request. Adult includes children aged 10 and above Children are aged between 1 and 9 years of age Babies under the age of 1 are not counted in these standards.	
Living room in houses of up to 3 bedrooms – minimum 13 m <sup>2</sup> free from cooking facilities that is not used for sleeping. The minimum floor space will increase by 1m <sup>2</sup> for each further bedroom	No persons
Bedrooms of 10.2 m <sup>2</sup> or above	maximum of 2 adults, 1 adult and two children or 4 children
Bedrooms of between 8.35 m <sup>2</sup> and 10.2 m <sup>2</sup>	Maximum of 1 adult and 2 children or 3 children
Bedrooms of between 6.5 m <sup>2</sup> and 8.35 m <sup>2</sup>	Maximum of 1 adult or 2 children
Bedrooms of between 4.65 m <sup>2</sup> and 6.5m <sup>2</sup>	Maximum of 1 child
Rooms of less than 4.65 m <sup>2</sup>	No persons

Any changes in law will override this approach to counting the relevant numbers.

## **Appendix 7: Fee structure for Selective Licensing for:**

This fees structure applies to

1. To the approved Selective Licensing Areas of

- Willenhall
- Town Centre and adjoining areas

And

2. For the proposed selective licensing areas of:

- Harden North West
- Caldmore South

for which statutory consultation will take place.

### **Promoting best practice in property management**

The Council is committed to supporting the improvement of private renting standards within the borough and as such offers a discounted rate for 'accredited' landlords and agents where they are a full member of an accredited landlord / letting agent association including:

- Midland Landlord Accreditation Scheme (MLAS)
- National Landlords Association Accreditation Scheme (NLA Accreditation); or
- Residential Landlords Association Accreditation Scheme (RLAAS).

Where an applicant secures a discount based on being accredited they must retain the accreditation throughout the duration of the licensing scheme. Where their accreditation lapses they will be subject to an additional £100.00 charge.

As indicated in the tables below discounts are also provided for:

- 'early bird' applicants to encourage early registration;
- Properties with high energy efficiency – to help tackle fuel poverty in the area.

### **Pre-condition for agents.**

Where an agent is managing properties that do not belong to them they will be required to be a member of the Letting Agents Redress Scheme. As this is a statutory requirement no additional discount will be offered to agents signed up to this.

### **Fee structure**

The following tables show the fees for a range of property types / compositions:

#### **Fees**

- A. For dwellings, whether a house or flat, occupied by a single family household or by two persons sharing
- B. For landlords owning buildings containing flats
- C. For landlords owning more than one flat in a building without owning the freehold.
- D. For Houses In Multiple Occupation

## Discounts

**Penalties** (additional fee costs)

### Structured fee payment for those with 10 or more licensable dwellings

#### A. Fee per dwelling

For dwellings, whether a house or flat, occupied by a single family household or by two persons sharing	Non Accredited	Accredited Landlord / Agent Fee
<b>Standard Fee</b>	£714.00	£614.00
<b>Early bird Fee</b> A 25% reduction in relevant fee for those who apply within first 3 months of the Selective Licensing scheme going live.	£535.50	£435.50

#### B. Licence fees for landlords owning buildings containing flats

Only available to a landlord who lets two or more flats within the same building AND is the freeholder (only a single licence required)	Non Accredited	Accredited Landlord / Agent Fee
<b>Standard Fee - Fee for First Flat</b>	£714.00	£614.00
<b>Fee for each additional flat</b> (within the same building)	£214.00	£214.00
<b>Early bird Fee</b> A 25% reduction in relevant fee for those who apply within first 3 months of the Selective Licensing scheme going live.	£535.50	£435.50
Fee for each additional flat (within the same building)	£214.00	£214.00

#### C. Licence fees for landlords owning more than one flat in a building without owning the freehold.

Owing to legislative restrictions, the council can only issue a single buildings licence when the landlord is in control of the whole building. Where a landlord owns more than one flat, but is not in control of the freehold, the council cannot issue a single licence for the whole building and must require individual licence applications for every flat.

Only available to a landlord who lets two or more flats within the same building AND is the freeholder (only a single licence required)	Non Accredited	Accredited Landlord / Agent Fee
<b>Standard Fee - Fee for First Flat -</b>	£714.00	£614.00
<b>Fee for each additional flat</b> (within the same building)	£428.00	£428.00
<b>Early bird Fee</b> A 25% reduction in relevant fee for those who apply within first 3 months of the Selective Licensing scheme going live. <b>Note:</b> For the Selective Licensing areas of Willenhall and Town Centre and adjoining areas this is the period 1 July 2018 to 23:59 on the 30 September 2018.	£535.50	£435.50
Fee for each additional flat (within the same building)	£428.00	£428.00

## D. Licence fees for houses in multiple occupation (HMOs)

Please note the following fees are for HMOs that are not deemed to be licensable under the provisions of the Housing Act 2004 for example Section 254. For HMOs with shared amenities (including but not limited to stair wells), including bedsit type properties, shared houses, and flats in multiple occupation

<b>Selective Licensing HMO Fees</b>	Non Accredited	Accredited Landlord / Agent Fee
HMOs (with 3-4 Persons)	£714	£614
HMOs (with 5 – 6 Persons)	£892	£792
HMOs (with 7– 8 Persons)	£1,313	£1,213
HMOs(with 9 – 14 Persons)	£1,450	£1,350
HMOs (with 15 - 19 Persons)	£1,610	£1,510
HMOs (with 20 or more Persons)	£1,790	£1,690

**Early Bird discount** – a discount of 25% on the above fees will apply for those who apply within first 3 months of the Selective Licensing scheme going live.

### Fee Structure - Proposed Discounts

In addition to discounts for Early Bird applications and accredited landlords / agents other discounts may apply as follows:

#### High energy performance

For properties with what the Council considers are good and very good EPC ratings as these are seen as a key factor in tackling excess cold, damp and mould in dwellings.

EPC Rating	Discount
A	£150.00
B	£100.00
C	£50.00

#### On-line applications

A discount of £50 will apply to all applications made using an on-line application form where all documents that are required are submitted / uploaded at time of application. This discount will not apply for incomplete / invalid applications.

#### New build properties

A discounted fee of £100 for newly-built rental properties that have not been previously lived in by residents. To claim this discount the applicant must e-mail scanned copies of the:

- 10-year warranty and insurance cover from National House Building Confederation, or similar
- building regulation certificate of completion.

## Fee Structure – Proposed Penalties (increased costs)

<p><b>The following apply to all property types</b></p> <p>Note that the Council may also seek separate legal action against relevant persons for failing to obtain a licence. The decision on this rests with the council.</p>	All landlords and agents
<p><b>Finders fee:</b></p> <p>In the event of property being found by Council or partner officers, a 'finders fee' will be added unless the landlord is able to demonstrate that they became the owner of the property within the previous 12 weeks</p>	£200
<p>Additional charge to be added following second and each subsequent letter sent chasing licence application (this may be in addition to fees above)</p>	£35
<p><b>Other penalties and charges</b></p>	
<p>Additional charge to be applied in the event of a re-inspection being required during the licence period as a result of poor management and complaints</p>	£135
<p>Additional charge for missing an appointment during inspection process</p>	£50
<p><b>EPC rating of property.</b></p> <p>The energy efficiency of a dwelling can help alleviate fuel poverty and can be determined using Energy Performance Certificates (EPC). A is the best while G is the worst rating.. The Council is committed to seeking an improvement in the private rented stock of the borough. Where in the council's opinion the energy performance of the property is poor or very poor additional fees will be charged as the Council historically has received significantly more complaints from tenants of these properties as a result of excess cold, damp and mould.</p> <p>From April 2018, a minimum EPC rating of E is mandatory for all new tenancies unless the property has a statutory exemption</p>	

### Discounts and additional fees related to EPC

Private rented dwellings excluding Houses in Multiple Occupation Licensable Under Section 232 Housing Act 2004

EPC Rating	Additional Fee on Licence or reduction
A	-£100.00
B	-£75.00
C	-£50.00
D	No cost increase or decrease
E	£100.00
F	£150.00
G	£200.00
<p>From April 2018, a minimum EPC rating of E is mandatory for all new tenancies unless the property has a statutory exemption</p>	

### **Structured fee payment for owners of 10 or more dwellings that need a licence**

We may be able to offer an alternative payment method if you have a portfolio which comprises 10 or more dwellings requiring selective licenses at time of the scheme coming into effect. In normal circumstances, the full fee is paid upfront and a licence granted for five years.

However, for larger portfolio holders we may accept applications without full payment at the initial application stage. Subject to our agreement, we will accept an initial fee based on 50% of the full cost. Thus, if you have say 10 dwellings within different buildings, and you are Accredited, the full cost to you for the new (standard application) licences would be 10 x £614 = £6,140.

If you choose the alternative payment method, you will only need to pay £3,070 at the time you make the applications. However, you will only get licences that last for one year. You will then have 12 months from the date of the licences to make the outstanding payments, which in this example would be £3,070. If you make the remaining payments in full before the expiry of the 12 months, we will vary your licenses and extend them for an additional four-year period, at no extra cost to you.

This payment method is not discounted, but allows you extra time in which to meet the full cost. If you fail to make the additional payments, and the one year licenses expire, you will be required to apply for new licences and will be charged the full cost for a five year licence for all properties concerned. In this case, the total cost to you would be more than if you had paid upfront in full, and you may be at risk of prosecution for operating unlicensed properties.

If you would like to take advantage of the alternative payment method, you must get agreement from the council first.

### **Other Fee Matters:**

#### **Applications to vary a licence (not transfer)**

If you want to change the terms of the licence after it has been issued, you will need to make an application to vary the licence. There is no charge for making an application to vary a licence.

#### **Where a landlord / agent moves**

If the named manager changes their address after the licence has been issued, they must notify the council. This is a legal requirement – they will breach the terms of their licence if they don't tell us. There is no licence fee charge for changes of address.

#### **Non-transferability of licenses**

All licenses are non-transferable (as per section 91(6) of the Housing Act 2004). As such, no licence can be varied to change the licence holder. If the licence holder is to be changed, a wholly new licence application must be made and the appropriate licence fee paid.

#### **Management fees**

Where the council needs to 'manage' or provide 'management functions' in relation to a property that would be ordinarily subject to licensing, the Council will either:

- Manage the property directly and or
- Secure an external agent or organisation to undertake this management.

The relevant and appropriate costs of this management will be chargeable and either deducted from any rental income that is received and or invoiced for services provided.

## **Refunds**

We will give a refund if:

- The applicant has made a duplicate application;
- The applicant made an application for an exempted property\* by mistake.

We will not give a refund if:

- We refuse the application
- The applicant withdraws their application
- The applicant is refused planning permission for the use of the property

Our fees are not connected to the length of a licence for example if you cancel your licence before it expires, we cannot give you a refund for any unused time.

\*Exempted properties are those specified in the Selective Licensing of Houses (Specified Exemptions) (England) Order 2006.

## Appendix 8 Equality Impact Assessment (EqIA) for Policies, Procedures and Services

Proposal name	<b>Proposed Selective Licensing Scheme for Private Rented Sector</b> <b>Statutory consultation for:</b>		
	<ul style="list-style-type: none"> <li>• Willenhall</li> <li>• Town Centre and adjoining areas</li> </ul>		
Directorate	Change and Governance		
Service	Money Home Job		
Responsible Officer	Paul Gordon		
EqIA Author	David Lockwood Mark England		
Proposal planning start	April 2017	Proposal start date (due or actual)	Statutory Consultation period : 9 October 2017 to 8 January 2018.
<b>1</b>	<b>What is the purpose of the proposal?</b>		<b>New</b>
	Other – Statutory Consultation on Proposal		Yes New
<p>The public sector equality duty, as set out in section 149 of the 2010 Act, requires the Council, when exercising its functions, to have “due regard” to the need to eliminate discrimination, harassment and victimisation and other conduct prohibited under the Act, and to advance equality of opportunity and foster good relations between those who have a “protected characteristic” and those who do not share that protected characteristic.</p> <p>The “protected characteristics” are: age, disability, race (including ethnic or national origins, colour or nationality), religion or belief, sex, sexual orientation, pregnancy and maternity, and gender reassignment. Marriage and civil partnership are also a protected characteristic for the purposes of the duty to eliminate discrimination.</p> <p>Having “due regard” to the need to “advance equality of opportunity” between those who share a protected characteristic and those who do not includes having due regard to the need to remove or minimise disadvantages suffered by them. Due regard must also be had to the need to take steps to meet the needs of such persons where those needs are different from persons who do not have that characteristic, and to encourage those who have a protected characteristic to participate in public life. The steps involved in meeting the needs of disabled persons include steps to take account of the persons’ disabilities. Having due regard to “fostering good relations” involves having due regard to the need to tackle prejudice and promote understanding.</p> <p>The Council’s duty under section 149 of the Equality Act 2010 is to have “due regard” to the matters set out in relation to equalities when considering and making decisions on the introduction of Selective Licensing for the proposed areas. Due regard to the need to eliminate discrimination, advance equality and foster good relations must form an integral part of the decision making process. When the decision comes before Cabinet, Members of the Cabinet must consider the effect that implementing a particular policy will have in relation to equality before making a decision. An Equality Impact Assessment will assist with this.</p> <p>There is no prescribed manner in which the equality duty must be exercised, though producing an Equality Impact Assessment is the most usual method.</p>			

The Council must have an adequate evidence base for its decision making. This can be achieved by means including engagement with the public and interest groups and by gathering relevant detail and statistics.

**2 What are the intended outcomes, reasons for change? (The business case)**

The private rented sector plays an important part in providing almost 12% (12,615) of accommodation in the borough. There are numerous high quality landlords and letting agents providing a range of property types throughout the borough to meet a broad range of housing needs.

The borough has been faced with a major increase in private rented accommodation in some areas and it is recognised however, that there are landlords and agents who either do not provide adequate accommodation or management of their properties. These properties and poor management have a significant impact on council and partner resources in tackling issues such as anti-social behaviour, dumping of domestic waste, concerns about property condition and harassment and illegal eviction. The council has implemented a range of powers and approaches to seek to address many issues but the ongoing pressures are such that a new approach is considered necessary for a number of specific parts of the borough.

The Council wants to work with landlords to help the sector provide an efficient and high-quality service to residents and address poor management.

In summary the proposal is to introduce statutory selective licensing of the private rented sector in two key parts of the borough (as Approved by cabinet in April 2017).

To undertake Selective Licensing the Council must first undertake consultation in line with statutory provisions.

The majority of the housing included in the proposed designation areas is pre-1919 terraced housing. The total area covered by these LSOAs covers significantly less than 20% of Walsall's geographical area and less than 20% of the privately rented properties in the borough and as such there is no need for the Secretary of State to approve the designation.

Selective Licensing is designed to benefit the local community and ensure that all private rented property within the designated area is managed to a satisfactory standard prior to a licence being granted. Private sector tenants are often reluctant to report problems in their homes as they may be concerned about being evicted by their landlord. The impact of implementation of this scheme will be as follows:

- Landlords will be required to apply for a licence to operate a privately rented property within the license area and then comply with the licence conditions.
- Proactive inspection of all private rented properties in the area to ensure suitable housing conditions, removing the pressure on tenants to complain and therefore reducing the likelihood of their eviction by their landlord and their homelessness.
- High risk properties will be subject to additional inspections.
- Robust enforcement action will be taken if licence holders fail to comply with the licensing conditions leading to:
  - o Better housing conditions,
  - o Reduction in crime and anti-social behaviour

- o Reduction in domestic waste accumulations and
- o A reduction in overcrowding.

- Increased landlord engagement with the Council and other organisations working in the area.
- In other areas council's have noted an increase in 'professionalism' of landlords and agents with increasing number joining national / local accreditation or professional bodies.
- New landlords will have to meet the licensing standards thereby protecting the area from rogue landlords entering the market.
- Improved landlord and agent engagement with their tenants, improving services provided to tenants and preventing problems from escalating. At the same time improved ability for landlords to deal with 'rogue' tenants.
- Improved image and perception of the area making it a more desirable place to live.

Walsall Council is a key member of the West Midlands Homestamp Partnership (Homestamp) which works with private landlords and others in the sector with the aim of improving the quality of privately rented dwellings. Other key partners include; West Midlands Fire Service; the National Landlords Association and; the Association of Residential Letting Agents.

This scheme is expected to have positive equal opportunities implications in that it seeks to address key issues relating to substandard private sector accommodation, and as such seeks to target resources towards improving the lives of financially disadvantaged or vulnerable households living in non-decent homes.

The impact of deprivation in private renting is shown in a range of factors for example, the disproportionately high level of enquiries for specialist debt advice to the council's specialist debt advice service in Money Home Job.

The proposed area Lower Super Output Areas (LSOAs) have an age profile that is typically younger than the borough rates. For example in Walsall 018E only 5% of residents are aged 65 or older compared to 17% for the borough.

There is a significant variation in ethnicity between the LSOAs and the borough as a whole. For example, less than 35% of households in Walsall 030C are white compared to a rate of almost 80% for the borough as a whole. English as a language spoken by the households is also relatively low in this same LSOA.

Work has been undertaken to support residents in a range of parts of the borough including the above with highlighting to them their rights (and obligations) when renting privately including a new guide n tackling damp and mould in the home. The work has been supported by colleagues from Nash Dom CIC who provide support to Eastern European and Russian speaking communities who have met with residents particularly in the LSOAs near the town centre.

3	<b>Who is the proposal potential likely to affect?</b>		
	<b>People in Walsall</b>	<b>Yes / No</b>	<b>Detail</b>
	All	Yes	If they are within an area of selective licensing or in a neighbouring area.
	Specific group/s	Yes	
	Council employees	Yes	
	Other	N	
4	<b>Evidence, engagement and consultation (including from area partnerships, where relevant)</b>		
4.1	<p>The Council has been undertaking consultation from 9 October 2017 to 8 January 2018. This is a period in excess of the minimum statutory requirement.</p> <p>The consultation comprised a range of activities and methods of communicating to interested parties about the proposals. These are summarised below. The vast majority of the work was focused on an external audience, although internal channels were used to engage staff whose work is public facing to act as ambassadors for the consultation and encourage more responses.</p> <p>Detailed information on Council Website <a href="https://go.walsall.gov.uk/selective_licensing">https://go.walsall.gov.uk/selective_licensing</a> . this included:</p> <ul style="list-style-type: none"> <li>• <b>Original April 2017 Cabinet report</b></li> <li>• <b>Answers to frequently asked questions</b></li> <li>• <b>Maps showing the proposed boundaries to the areas</b></li> <li>• <b>A link to the online survey for landlords and agents</b></li> </ul> <p>All households within the area (and adjoining the area) have received a bespoke letter (including map) and questionnaire</p> <p>All businesses (including but not limited to landlords and agents) within the area (and adjoining the area) have received a bespoke letter (including map) and questionnaire</p> <p>Landlords and agents who have attended previous landlord forums have been emailed with the link to online questionnaire.</p> <p>Communities for whom English is not their first language for example residents from Eastern Europe are heavily represented in these areas in the private rented sector. They have been encouraged and supported to complete the consultation questionnaire by a Welfare Rights Officer in the Council who has the required language skills.</p> <p>Key stakeholders including have been individually contacted:</p> <ul style="list-style-type: none"> <li>• <b>West Midlands Police</b></li> <li>• <b>West Midlands Fire and Rescue</b></li> <li>• <b>National Landlords Association</b></li> <li>• <b>Walsall NHS</b></li> <li>• <b>Walsall AgeUK</b></li> <li>• <b>Local ward members for Birchills Leamore, St Matthew's, Willenhall South</b></li> <li>• <b>Community and voluntary groups in the proposed designation areas.</b></li> </ul>		

- **Local MPs**
- **Schools and Colleges**
- **Doctors Surgeries and Medical Centres**
- **Local Housing Associations**

Internal services:

Planning, environmental health, public health, clean and green.  
 Promotion via Council Facebook pages and Twitter  
 Adverts in Walsall Express and Star

Promotion to voluntary organisations via One Walsall who also promoted the consultation online from 9 November 2017

<https://onewalsall.org/residents-businesses-landlords-and-letting-agents-have-your-say-on-a-new-licensing-scheme-for-private-landlords/>

Public Meetings have been held during October, November and December 2017.

**5 How may the proposal affect each protected characteristic or group?  
 The effect may be positive, negative or neutral.**

Characteristic	Effect	Reason	Action needed Y or N
Age	Positive	As highlighted in 2 above the scheme is expected to have positive equal opportunities implications in that it seeks to address key issues relating to substandard private sector accommodation, and as such seeks to target resources towards improving the lives of financially disadvantaged or vulnerable households living in non-decent homes.	N
Disability			
Gender reassignment			
Marriage and civil partnership			
Pregnancy and maternity			
Race			
Religion or belief			
Sex			
Sexual orientation			

**6 Does your proposal link with other proposals to have a cumulative affect on particular equality groups? If yes, give details below.**

**Yes**

In addition to the protected groups it is worth highlighting that the introduction of licensing will impact on landlords and tenants quite differently.

For landlords who, on the whole, are opposed to licensing for a range of reasons including perceived costs and bureaucracy, the impact (and perceptions about the impact) for protected groups within the cohort will differ from the impact within the tenant group. The size of the sector makes it safe to assume that it is occupied by all of the nine protected

groups, although their distribution in the sector may not be the same as the distribution within other tenures.

Similarly, the number of landlords is large: most landlords own only a small number of properties and, given the size of the sector, it is safe to assume that the number of landlords runs into the hundreds and that, within the total, there will be a wide mix including members of protected groups. However, information on both tenants and landlords is, mainly owing to the unregulated and fluid nature of the sector, incomplete. One of the benefits of licensing will be that it will offer a clearer picture over time.

A central aim of Selective Licensing is, alongside other strategies and work programmes, to raise standards in the private rented sector and tackle anti-social behaviour. Therefore, groups experiencing problems such as overcrowding, disrepair and so on are likely to see a positive impact from the proposals. Within this, there may be specific benefits for certain protected groups: for example, licensing will assist in identifying and tackling properties where hazards exist and properties where the tenant would benefit from installation of disabled adaptations or measures to tackle poor energy efficiency and high fuel costs, with older and disabled people potentially seeing particular benefits.

Since these issues tend to be concentrated in the lower end of the market (although not exclusively) it is likely that poorer households will see most impact. There is evidence that certain protected groups – for example ethnic groups who are likely to be recent migrants - are more likely to be living in the worst private housing and are likely to be on lower incomes.

From the data set out below, two points are worth noting.

First, since specific HB restrictions apply to under 35s (the Single Room Rate), households in this age group reliant on HB will tend to occupy shared or HMO accommodation, often at the lower end of the market. Second, the White Other group is by far the largest in the sector.

Although further analysis is needed, it is possible that this reflects the fact that migrants from Europe are more likely to rent privately and there is some anecdotal evidence that this group may often occupy the worst HMOs. To some degree, this may be a matter of choice, since keeping housing costs as low as possible may be a priority for migrant workers, but it is also likely to be a product of low wages and the inaccessibility of other tenure options.

In the short term, the main risk of negative impact will arise if landlords elect to withdraw from the sector, which could lead to evictions. This risk is more pronounced in the case of households in the very worst housing, owned and managed by rogue landlords. However, it is very difficult to assess the extent of this risk or, if evictions take place, who is likely to be most affected.

Very limited data is available on the ethnic or other characteristics of landlords. From the landlord perspective, the concerns noted above are likely to be seen as a negative impact of the proposals, but it is not clear that these represent a negative impact within the meaning of the Equality Act. Licensing is only one aspect of a range of powers that the council has to enforce proper management and maintenance aimed at ensuring the health and safety of occupiers. Landlords are being asked to manage and maintain their homes in the way that a range of legislation requires them to – in summary, to comply with the law.

There is limited evidence concerning other protected groups. At the same time, there is no evidence to suggest any differential impact, either positive or negative for these groups.

It is thought that high demand and affordability issues for those residing in the PRS have resulted in overcrowding, sub letting and illegal conversions and that this has been exploited by rogue/criminal landlords. Overcrowded homes lack enough bedrooms, taking into account the ages, sex and relationship of the people in the household. Couples, single adults, pairs of adolescents of the same sex and pairs of children under 10 each require a separate bedroom. Licensing will tackle overcrowding and illegal conversions.

A landlord who has a conviction for a racially motivated or other hate crime would not be considered a fit and proper person and therefore would not be granted a license.

The intention is that Selective Licensing will assist in tackling anti social behaviour, which would include harassment and victimisation, for example on the basis of ethnicity or sexuality – and it is therefore anticipated that this measure is likely to assist in eliminating discrimination.

Housing and the quality of housing has a major impact on health and wellbeing. Investment in improving poor, overcrowded or inappropriate housing will improve the quality of life of residents and have a preventative affect on future health and social care need.

**7 Which justifiable action does the evidence, engagement and consultation suggest you take? (Bold which one applies)**

<b>A</b>	<b>No major change required</b>
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**Actions / further work:**

Overall, it is expected that the impact will be positive for all groups. However, as noted earlier, there is some risk that evictions may result if landlords opt to withdraw from the market. It is impossible to predict on what scale, if at all, this might happen but any response will need to operate mainly on a case by case basis. It may be worth noting that other boroughs that have implemented Selective Licensing have reported that they have not experienced any significant rise in evictions or homelessness attributable to the schemes.

Where households are in priority need, homeless applications may be made, while advice and assistance would be available in all cases. This may be coupled with increased publicity and information for tenants and landlords at the point that the schemes are introduced.

On the basis of the information available, the groups most likely to be at risk are:

- Age – people under 35
- Ethnicity – Other White households

However, it should be stressed that eviction could affect any tenant within any of the protected groups and there is no reliable way of predicting any disproportionate impact. This issue will therefore be monitored carefully.