

## **Cabinet - 26 April 2017**

### **Proposed Selective Licensing Scheme for Private Rented Sector**

<b>Portfolio:</b>	Councillor D Coughlan – Social Care
<b>Service:</b>	Change and Governance
<b>Wards:</b>	Birchills Leamore, St Matthew's, Willenhall South
<b>Key decision:</b>	No
<b>Forward plan:</b>	Yes

#### **1. Summary**

- 1.1 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.
- 1.2 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.
- 1.3 Part 3 of the Housing Act 2004 sets out the scheme for licensing private rented properties in a local housing authority. Under section 80 of the Act, the Council can designate the whole or any part or parts of its area as subject to Selective Licensing. The purpose of such schemes is to improve standards of property management in the private rented sector. Where a selective licensing designation is made it applies to privately rented property in the area. The scheme does not apply to owner occupied or social housing properties.
- 1.4 Subject to certain exemptions specified in the Selective Licensing of Houses (Specified Exemptions) (England) Order 2006, all properties in the private rented sector which are let or occupied under an assured shorthold tenancy or licence are required to be licensed by the Council.
- 1.5 This report provides background about Selective Licensing and recommends consultation, in line with the prescribed process, for the selection of 2 areas of Walsall for Selective licensing.

## 2. Recommendations

- 2.1 That Cabinet approve a public consultation exercise in line with the prescribed process for the Selective Licensing of 2 areas to be known as:
- *Willenhall* and shown on Map 1: Appendix 3a
  - *Town Centre and adjoining areas* and shown on Map 2a : Appendix 3b
- This consultation to include proposed licensing conditions (Appendix 5) and fee levels (Appendix 7),
- 2.2 That Cabinet receives a further report following the above consultation.

## 3. Report Detail

### Background to Selective Licensing

- 3.1 Powers to develop Selective Licensing started in 2006 and have been implemented by a range of councils in England. Published findings from some have indicated that they have for example:
- Newcastle (Byker scheme): resulted in improvements to the management standards and physical conditions of the privately rented properties in the area increased number of tenants who are able to manage their tenancy, as they are better informed of their rights and landlords are better aware of the tenants' requirements. Levels of anti-social behaviour have reduced over the licensing period.
  - Salford: Void rates have shown a clear downward trend. The reporting of ASB at first showed an increase which is thought to be because more people felt able to report incidents once the issue had been raised as part of the scheme and has subsequently fallen as a result of this intervention.
  - Gateshead (Sunderland Road): Feedback from residents has been positive, Landlords have been quicker to respond to issues relating to anti social behaviour arising from their tenants, understanding that this may affect their status as a licence holder. Crime and ASB have fallen.
  - Leeds: reduction in fly-tipping and graffiti and anti-social behaviour.

### Relevant legislation

- 3.2 The government made significant expansions to the reasons why a council can designate selective licensing in changing legislation in April 2015 (via an Amended General Approval). Before any council can consider making a selective licensing designation it must now ensure that the area in question has a high number of private rented properties occupied under assured tenancies or licences and that it meets one (or more) of the following;
- It is, or is likely to become, an area of low housing demand; or
  - It has a significant and persistent problem with anti-social behaviour where the inaction of private landlords is a contributory factor; or
  - Following a review of housing conditions, it is believed that the area is suffering from significant housing condition problems and the council intends to inspect the dwellings concerned; or
  - It has experienced a recent influx in migration, and where the migrants are primarily occupying privately rented accommodation; or

- It suffers from a high level of deprivation which particularly affects the occupiers of privately rented accommodation; or
  - It suffers from a high level of crime that affects residents and businesses in the area.
- 3.3 When considering whether to make a selective licensing designation a local housing authority must first identify the objective or objectives that a designation will help to achieve – it must identify whether the area is suffering problems (providing evidence of these problems) that are attributable to any of the above criteria for making a designation and what it expects the designation to achieve.
- 3.4 A council must also consider whether there are any other courses of action available to it that would achieve the same objective or objectives as the proposed scheme without the need for the designation to be made. Only where there is no practical and beneficial alternative to a designation should a scheme be made.
- 3.5 Secretary of State agreement is only required for a selective licensing scheme where a scheme covers 20% or more of the council's geographical area and or 20% of the privately rented properties in the borough.

#### **Relevant Non statutory Guidance**

- 3.6 Non-statutory guidance issued by the Department for Communities and Local Government (DCLG) in March 2015 (*Selective Licensing in the private rented sector – A Guide for local authorities*) ('the Government guidance') notes that nationally, the private rented sector currently makes up 19% of the total housing stock and that it is appropriate to consider an area as having a high proportion of rented homes if it is at this or a higher level.
- 3.7 Government guidance on Selective Licensing encourages Councils to:
- a) Firstly ensure that they have sought alternative ways to tackle the issues including encouraging landlords to join accreditation schemes and;
  - b) Have reference to their housing strategy and policies on homelessness and empty dwellings'

#### Accreditation schemes

- 3.8 The council has for many years encouraged landlords and agents to join the Midland Landlord Accreditation scheme that is managed by Homestamp (a multi-agency award winning partnership seeking to secure improvements in private rented sector). This is directly referenced in the Council's adopted Housing Strategy and mentioned at all private sector landlord forums that are undertaken.

#### Housing Strategy Homelessness and Empty Dwellings

- 3.9 The Council are clear that the private rented sector has a central role to play in meeting housing need across the borough. As owner occupation becomes increasingly more difficult to achieve it is not an option or indeed the choice for everyone. There has been a significant rise (187%) in the number of households renting privately from 4.3% (4,386) in 2001 to 11.7% (12,615) in 2011 (Census 2001 & 2011). Note that census only records occupied properties as opposed to those that are empty at the time. It is crucial that this sector can offer a decent alternative to owner occupation or social rented housing.

- 3.10 By strengthening the partnership between landlords and the Council both accreditation and Selective Licensing can contribute to the prevention of homelessness through:
- effective tenancy management that minimises Anti-social Behaviour (ASB),
  - tackles rent payment issues in a timely and constructive manner and
  - offers a housing option for some of the most vulnerable households in need of a home.
- 3.11 The Council has taken, for a number of years, concerted activity to tackle the issues of long term empty dwellings including seeking compulsory purchase orders (CPOs) for the properties where owners fail to bring them back into use. The proposal for selective licensing in the borough will directly support the council's aims to tackle the many negative impacts of long term empty dwellings.
- 3.12 As highlighted above whilst successful in a range of areas the pressures as a result of the increasing numbers of poorly managed and or maintained private rented properties is having a significant impact on services and communities.

### **Methodology and Evidence Base**

- 3.13 Council's must when considering Selective Licensing ensure that the methodology and evidence bases used are as robust as is realistically possible. There are huge implications for designating an area for Selective Licensing, both for Local Authorities and their partners (particularly in terms of resources) and for private landlords, tenants and the wider local community.
- 3.14 With this in mind, the methodology used is that which has been used in a number of other Council areas where selective licensing has been proposed and implemented. It is a 3 stage process;
- Initial assessment
  - Detailed assessment
  - Further refinement

#### **a) Initial Assessment**

- 3.15 Council's are advised to refer to the most recent iteration of the English Housing Survey for determining what is considered as a 'high level of private renting'. The current 2015/16 Survey (published 2 March 2017) indicates that private rented sector currently makes up 20% of the total housing stock in England. For the purposes of selective licensing in Walsall it is considered that only areas which have private rented dwellings that account for more than more than 20% of the stock are reviewed.
- 3.16 The Council undertook a private sector stock condition survey in 2007 and this highlighted that dwellings exhibiting Category 1 hazards, the most serious form of hazard, under the Housing Health and Safety Rating System, are not evenly distributed within the private sector but are proportionately more concentrated in the private rented sector (30.1%). This means that private rented tenants are far more likely to live with a Category 1 hazard in their property compared to other tenures.

## b) Detailed Assessment

3.17 Appendix 1 contains the methodology for the detailed assessment that has been undertaken. This work has identified 6 Lower Super Output Areas (LSOAs) in the borough which are considered to have the range of factors, which would justify the designation of a Selective Licensing scheme as shown below. These factors are for these specific schemes:

- High levels of deprivation
- High levels of dwelling related crime
- Poor internal housing conditions
- High population change.

Name of Lower Super Output Area	LSOA Reference no	% private rented	Estimated number of private dwellings
Walsall Town Centre West	Walsall 030A	31.7%	324
Ryecroft South	Walsall 018E	31.2%	229
Caldmore North	Walsall 030C	21.8%	193
Willenhall South	Walsall 027C	26.6%	290
Willenhall North	Walsall 025C	20.1%	146
Spring Bank	Walsall 025E	23.9%	155
		<b>Total</b>	<b>1,337</b>

3.18 Appendix 1 and 2 also contain a range of background information and statistics about the 6 LSOAs and compares them with other LSOAs that have high levels (20% or more) private rented dwellings.

3.19 These areas contain a total of 5,111 dwellings with private renting accounting for a total 26.2% of these (approximately 1,337 privately rented dwellings).

3.20 As a result for consideration for Selective licensing in Walsall, these 6 LSOAs are proposed to be merged based on geographic proximity into 2 separate area designations as follows:

a) **Willenhall Area:** This would cover the LSOAs of Willenhall North, South and Spring Bank. This would comprise approximately 600 privately rented properties (22% of the total stock). This is shown on Map 1.

b) **Town Centre and Adjoining Areas:** This would cover the LSOAs of Walsall Town Centre West, Caldmore North and Ryecroft South and would comprise approximately 920 privately rented properties (28% of the total stock). This is shown on Map 2.

3.21 A review of community / public protection complaints for the 2015/16 period shows that the proposed selective licensing areas have a higher than the borough proportion for a range of key complaints as summarised below and overleaf. For the two proposed areas the highest level of complaints were for issues of:

Willenhall area

1. Noise/Domestic 2. Domestic Accumulations 3. Pest complaints 4. Fly Tipping  
The number of pest complaints for the Willenhall area equated to 13% of the total for the borough.

Town Centre and Adjoining Areas

1. Consumer Complaint 2. Noise/Domestic 3. Domestic Accumulations 4. Noise-Commercial

**c) Further Refinement of Proposed Areas**

- 3.22 Detailed assessment was carried out of the 2 areas identified in 3.20 above to refine them as much as possible to ensure that they:
- included all streets where Selective licensing would be justified, and
  - excluded any streets where it would not be justified.
- 3.23 The further refinement and review also demonstrates that as robust an approach as possible has been taken to designating area(s) for Selective Licensing.
- 3.24 The further assessment is based on the factors detailed below.

**Housing Enforcement: Walsall Private Sector Housing Database: 2013-2017**

Further evidence of property condition impacting on residents to come from housing disrepair complaints emanating from the private sector reported to the Council.

It is also anticipated that there will be an under-recording of concerns from some residents either because they continue to fear retaliatory eviction or they have a low expectation of their landlords and or the council resolving their issues.

**Environmental Nuisance actions: Environmental Health: 2013-2017**

Records of issues such as noise complaints, fly tipping, domestics accumulations of waste, pests (rats, bed bugs, fleas etc).

For example in 2016 there were the following direct complaints received for two streets alone in the revised Selective Licensing area compared to two streets outside the proposed area. The areas have similar property types (Victorian terraced) but markedly different levels of issues.

	Proposed selective licensing area	Not within a proposed selective licensing area
Public Health issues	Dalkeith Street and Miner Street	Cecil Street and Borneo Street
Pests and infestations	19 complaints	10 complaints
Noise domestic / neighbor disputes	39 complaints	11 complaints
Domestic accumulations of waste and fly-tipping	23 complaints	9 complaints
Total	81 complaints	30 complaints

**All recorded crime incidents: West Midlands Police**

Crime is an important feature of deprivation that has major effects on individuals and communities. Table G in Appendix 1 highlights the high levels of total crime in the LSOAs proposed for selective licensing.

- 3.25 As a result of the refinement, it is proposed to slightly alter the boundaries of one of the proposed areas to include a number of other nearby streets including Miner Street, Dalkeith Street, Pargeter Street, Lysways Street, and a part of Wednesbury Road all shown on Map 2a.
- 3.26 This report recommends 2 main areas within Walsall for consultation in line with the prescribed process for designation. The majority of the housing included in the proposed designation area 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.
- 3.27 The proposal to consult on the 2 areas does not prevent the council from undertaking further consultation on additional schemes in the future. In fact a number of councils have seen the successes in designation in one area and then moved to further designations once a scheme is established. This can for example, help with phasing of resources and improve the impact of the initial schemes (publicity etc). It is also noted that as can be common in some areas tenant's fear of retaliatory eviction or harassment can lead to an under-reporting of their concerns about property conditions and the behaviour(s) of their landlords. Publicity for this proposed scheme may help in some way at helping address this on a borough wide basis which could again lend information to any future consideration of additional areas.
- 3.28 As part of any Selective Licensing Scheme Council's must also consult on:
- a) Boundary for area(s);
  - b) Fee structure for licenses;
  - c) Issues council is seeking to address and how these will be measured
  - d) Proposed licence conditions including those directly related to tackling issues of the area.

#### **What impact will this proposal have?**

- 3.29 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:
  - Better housing conditions,
  - Reduction in crime and anti-social behaviour
  - Reduction in domestic waste accumulations and
  - 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.

#### **4. Council 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.**

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**

- 5.1 The two biggest implications to the Council of introducing Selective Licensing within the areas identified are:
- Legal challenge and
  - Resourcing.

##### Legal Challenge

- 5.2 Selective Licensing schemes nationally have resulted in a range of legal challenges including against Councils who have:
- failed to follow the requirements of the consultation process as per Housing Act 2004 s.80(9) ;
  - had insufficient rationale for their proposed licensing scheme including where councils have previously sought to selectively licence the whole of their borough area.

- 5.3 The above risks are considered mitigated by:
- Proposing a consultation scheme in full accordance with the legislation and guidance for selective licensing.
  - Having a sufficiently robust evidence base to support the proposal of consultation on the selective licensing for the 2 areas identified in this report.

##### Resourcing

- 5.4 The council does not have the capacity to effectively introduce a licensing scheme without additional resources. Any effective scheme will require a programme of inspection as part of the licensing application process along with

an on-going programme of routine inspections throughout the licence period. Services such as landlord support and advice would need to be bolstered.

5.5 Additional staff would therefore be required, the cost for which would need to be met via fee income. It is estimated that the total cost of operating the schemes will be in the region of £820,000. 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 4 details the staffing and costing projections associated with the proposal.

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
Community Protection Officer	G8	1	1	1	1	1
Technical officers	G7	1	1	1	1	1
Caseworkers	G5	3	2	1	1	1
Staffing Number Total		6	5	4	4	4

5.7 Whilst the exact detail of fees to be charged 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.

5.8 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 In other selective licensing schemes (Sheffield for example) it is noted that during consultation residents were concerned that a fee set too low combined with further local authority budget cuts could lead to the scheme becoming untenable. It is also noted that nationally, landlords generally objected to license fees. In other areas some landlords stated that they pay letting agents to manage their properties so should not be liable for the costs of any selective licensing scheme. In contrast, residents stated that they are required by landlords to pay rent in advance and bond payments, so similar principles should be applied to landlords.

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 for the proposed licensing scheme and would need to be met using existing resources.

## **6. Financial Implications**

### **Consultation stage**

- 6.1 The direct financial implications for the Council that arise from this report at this time is £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.

### **Delivery Stage**

- 6.2 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 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.
- 6.3 The costs of administering Selective Licensing (primarily additional staffing costs) would need to be recouped through an administration fee levied to landlords. Fee income charged would need to be at a sufficient level to pay for additional staffing costs of administering such a scheme and would of course vary depending on the scale of any proposal. As highlighted in 5.4 to 5.7 above the current proposal is to set a fee that will fully recover the costs of scheme delivery.
- 6.4 It is estimated that the cost of running such a scheme shall be in the region of £820,000 and that average fee income shall be around £590 per property, inclusive of early bird discount. A range of discounts are proposed and extra charges where landlords fail to apply on time. The proposed Fees and Discounts are contained in Appendix 7
- 6.5 The fee structure with average estimated to be £590 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.
- 6.6 Our understanding of the local property market, market rent levels, and typical buy-to-let mortgage rates, suggests that the majority of landlords will be able to absorb this cost without increasing rent levels.
- 6.7 Ultimately the decision to increase rents or not is an individual landlord's business decision. Whilst it is expected that landlords will be able to 'offset' the cost of licence fees in the same way as property insurance some landlords may however subsequently increase rents to recover the costs of the licence. Other areas that have been selectively licensed have not seen an increase in rent due to licensing.
- 6.8 Improved tenancy management and area improvement should reduce costs arising from void periods and tenancy turnover. These should for landlords lead

to an increase in total rent received (lower costs associated with marketing and bringing the property back to rental standard following vacation) and these lower costs should 'balance' any impact of fee for licensing. Bringing empty properties back into use will restore confidence in the area in addition to generating income for the individual owners.

## **7. Legal implications**

- 7.1 The legislation relating to Selective Licensing is highlighted in 1.2 and 1.4 above and 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 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 Secretary of State approval to approve the designation is not needed.
- 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 It is a criminal offence to rent a property in an area designated to be a Selective Licensing area without a licence. Failure to apply for a licence could lead to prosecution, with the penalty of a criminal conviction and an unlimited fine. A landlord of an unlicensed property is unable to serve a section 21 notice under the Housing Act 1988 in relation to a short hold tenancy of the whole or part of any property which is an 'unlicensed house'.
- 7.6 A licence will have conditions attached and there are both mandatory and discretionary conditions. The mandatory conditions relate to circumstances covering the conditions that:
- a. a landlord must obtain references from all persons wishing to occupy the property, landlords must produce gas certificates;
  - b. electrical appliances must be kept safe;
  - c. the property must have working smoke alarms; and
  - d. each tenant must be provided with a written tenancy agreement.
- 7.7 The Council can also include discretionary conditions and these relate to the management of the property. The proposed licence conditions are attached to this document as Appendix 5.
- 7.8 A licence holder (or person bound by the licence conditions) will commit a criminal offence if they fail to comply with any condition of a licence. This offence is punishable by a fine not exceeding £5,000.

7.9 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 license under any proposed Selective Licensing scheme.

## 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.

10.2 National Charity Shelter who campaigns to end homelessness and bad housing in England and Scotland support councils who propose to tackle poor private housing through the use of selective licensing.

10.3 There are complex interconnections between living conditions, deprivation and health problems. The Council has a statutory duty to tackle what are known as Category 1 Hazards under the Housing Health and Safety Rating System (HHSRS). The HHSRS has 29 hazards that are caused by defects in housing that have a direct impact on health. These include but are not limited to:

- Falls
- Damp and mould
- Crowding and space
- Excess cold
- Electrical hazards

10.4 Appendix 6 has further detail on the links between poor quality rented housing and poor physical and mental health of tenants. If Selective Licensing is adopted a range of local conditions are proposed to help address these key issues and these are contained in Appendix 5.

### Monitoring health and other benefits of selective licensing

10.5 The table overleaf shows the health and wellbeing factors that will be monitored during the course of any future approved Selective Licensing scheme to see the impacts / benefits of the scheme.

<b>Health impacts</b>		
<b>Target to improve</b>	<b>HHSRS hazard linked</b>	<b>Measured via</b>
Improved mental wellbeing	Range including excess cold, damp and mould, crowding and space, noise, entry by intruders	WEMWBS form at start of scheme and during duration of scheme

Reduction in Fuel Poverty	Excess cold Damp and Mould	National Fuel Poverty data (released annually at LSOA level)
<b>Target to improve</b>	<b>HHSRS hazard linked</b>	<b>Measured via</b>
Reduced levels of Carbon Monoxide (CO) poisoning	Carbon monoxide and fuel combustion products	Inspections recording uptake of CO detection via the proposed condition to require CO detection in dwellings
Reduction in communicable (notifiable) diseases / outbreaks	Crowding and space,	Public Health data from Public Health England
The risk of premature death and the impairment of quality of life through poor physical or mental health	Range including excess cold, damp and mould, crowding and space, noise, entry by intruders	Data from the updates to the English Indices of Deprivation
<b>Living Environment (Internal)</b>		
Improved housing conditions <ul style="list-style-type: none"> <li>• Category 1 Hazards</li> <li>• Category 2 Hazards</li> </ul>	All 29 hazards	Inspections and post-remedial work inspections of dwellings
The proportion of homes that fail to meet the Decent Homes standard.		Data from the updates to the English Indices of Deprivation
The proportion of houses that do not have central heating		Excess cold Damp and Mould
Reduction in domestic related pest infestations	Drainage pest and refuse, Drainage pest and refuse	Environmental health data
Reduction in levels of overcrowding	Crowding and space, Noise	Inspections of dwellings and area
Reduction in incidents of domestic fires	Fire, electrics.	Data from West Midlands Fire Service.
Respiratory conditions and childhood asthma levels	Damp and Mould and crowding and space	CCG data from Walsall Health Care NHS Trust
Excess winter deaths	Excess cold data from Government	
COPD incidence	Excess Cold and Damp and Mould	
Injuries and deaths due to accidents in the home	Range including fall between levels, falling on stairs, collision and entrapment, excess cold, damp and mould.	
<b>Living Environment (External)</b>		
Reduction in fly-tipping and accumulations of waste	Drainage pest and refuse	Inspections of dwellings and area
Reduction in empty dwellings		Council Tax records and inspections

<b>Crime and Anti-social behaviour:</b>		
Reduction in dwelling burglaries	Entry by intruders	West Midlands Police data
Reduction in levels of violence		West Midlands Police data and data from the updates to the English Indices of Deprivation
Reduction in theft		
Reduction in criminal damage		
Reduction in anti-social behaviour		Community Protection data and data from the updates to the English Indices of Deprivation
Reduction in harassment and illegal evictions		Housing Standards and Housing Aid records
Reduction in homelessness		

## 11. Staffing implications

- 11.1 The Council does not have the capacity currently to take forward the proposal with its existing staffing resources. Additional staff would be required to administer and manage:
- the consultation process and
  - then the scheme to be fund itself via the License fee income should the it be taken forward. The number of officers would vary depending on the scale of any proposal.
- 11.2 It is also very important to note that any effective scheme for selective licensing is likely to generate a significant level of additional enforcement activity for the Council, however the cost of this additional activity cannot legally be met via licence fee income.
- 11.3 In addition any scheme would require continued strong partnership arrangements with other agencies (mainly the Police and Fire Services) for it to be successful.

## 12. Equality implications

- 12.1 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.
- 12.2 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 table below shows the rates of enquiries for help for private tenants where tenure is recorded.

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

\*Based on 2011 census

12.3 As indicated elsewhere in this report the geographic areas being proposed are those with significant levels, (within the highest 10% and 20% nationally) of multiple deprivation.

12.4 Some key Census data for the relevant LSOAs for the areas is summarised below:

	Age profile		
	Children (0-17 years of age)	Working Age 18 to 64 years of age	Older adult (65+)
Walsall 018E	36%	59%	5%
Walsall 025C	26%	61%	13%
Walsall 025E	26%	65%	9%
Walsall 027C	26%	65%	9%
Walsall 030A	20%	71%	9%
Walsall 030C	30%	64%	7%
<b>Walsall Total</b>	<b>24%</b>	<b>59%</b>	<b>17%</b>

The table above highlights that the 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.

12.5 The table overleaf highlights 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.

	Any white ethnicity (%)	% of households where English is spoken as main language.
Walsall 018E	39%	74%
Walsall 025C	80%	94%
Walsall 025E	86%	96%
Walsall 027C	65%	92%
Walsall 030A	63%	84%
Walsall 030C	31%	67%
Walsall Total	79%	93%

12.6 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.

12.7 Equalities will be considered throughout the consultation period following government guidelines. A full Equality Impact Assessment (EIA) of this scheme will be undertaken as part of the scheme consultation, implementation and impact monitoring.

### **13. Consultation**

- 13.1 At a Landlord Forum in 2016 landlords enquired as to whether Selective Licensing was being considered for Walsall. They were advised that this would be a decision ultimately for Council to make. They were also advised that at that time the indications were that government was considering implementation of a greatly expanded mandatory licensing scheme for HMOs and that that may reduce the need for any Selective Licensing. The most recent indications are that expanded mandatory licensing has been significantly delayed (till circa mid / late 2018).
- 13.2 In development of this report detailed involvement of officers from a range of services including Public Health - Intelligence Management, Environmental Health has taken place. Additionally discussions with West Midland Fire Service and Police have been undertaken and they generally support the proposal.
- 13.3 Legislation dictates the minimum form of consultation for Selective Licensing. The audience or groups being consulted will include:
- All residents and businesses within the proposed designation area(s)
  - All private landlords who own and manage residential property within the proposed designation area(s)
  - Key stakeholders including West Midlands Police, West Midlands Fire and Rescue, National Landlords Association, Walsall NHS, etc
  - Local ward members
  - Community and voluntary groups in the proposed designation area(s)
  - Internal services, Planning, environmental health, public health, clean and green.
- 13.4 Consultation will take a range of formats 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
- 13.5 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 2017 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 2018 following the statutory minimum period of 3 months notice.

#### **Background papers**

None

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Signed  
Julie Alderson  
Interim Executive Director  
Change and Governance  
10 April 2017



Signed  
Councillor D Coughlan  
Portfolio holder Social Care

10 April 2017

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## **Appendix 1**

### **Methodology for Detailed Assessment**

There are 32,844 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 most appropriate area(s) for consideration the following process has been undertaken on the LSOAs that have 19% or more private rented dwellings.

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.

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.**

<b>LSOA Code</b>	<b>Local Name</b>	<b>Ward (best fit)</b>	<b>Private rented %</b>	<b>Overall Deprivation - 10%, 20% &amp; 30% most deprived nationally</b>	<b>Score</b>
E01010368	Walsall Town Centre West	Birchills Leamore	31.7	10%	3
E01010371	Caldmore North	St Matthew's	21.8	10%	3
E01010375	Ryecroft South	Birchills Leamore	31.2	10%	3
E01010283	Harden North West	Blakenall	21.2	10%	3
E01010342	Caldmore South	Palfrey	36.4	10%	3
E01010269	Birchills East	Pleck	27.4	10%	3
E01010367	Pleck West	Pleck	22.0	10%	3
E01010374	Ryecroft North	Blakenall	20.8	10%	3
E01010364	Alumwell South	Pleck	20.4	10%	3
E01010340	Caldmore West	Palfrey	20.1	10%	3
E01010406	Willenhall South	Willenhall South	26.6	20%	2
E01010404	Willenhall North	Willenhall South	20.1	20%	2
E01010408	Spring Bank	Willenhall South	23.9	20%	2
E01010363	Alumwell East	Pleck	30.6	20%	2
E01010268	Reedwood	Birchills Leamore	23.3	20%	2
E01010343	Palfrey North	Palfrey	22.3	20%	2
E01010372	Caldmore East	St Matthew's	20.4	20%	2
E01010403	Chapel Green West	Willenhall South	22.4	20%	2
E01010327	Chuckery West	Paddock	27.3	30%	1
E01010330	Chuckery South	Paddock	28.2	40%	0
E01010361	Pleck South	Pleck	21.0	40%	0

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

<b>LSOA Code</b>	<b>Local Name</b>	<b>Ward (best fit)</b>	<b>Private rented %</b>	<b>Living Environment (Indoors) Deprivation - 10%, 20% &amp; 30% most deprived nationally*</b>	<b>Score</b>
E01010342	Caldmore South	Palfrey	36.4	10%	3
E01010408	Spring Bank	Willenhall South	23.9	10%	3
E01010368	Walsall Town Centre West	Birchills Leamore	31.7	20%	2
E01010371	Caldmore North	St Matthew's	21.8	20%	2
E01010269	Birchills East	Pleck	27.4	20%	2
E01010367	Pleck West	Pleck	22.0	20%	2
E01010374	Ryecroft North	Blakenall	20.8	20%	2
E01010268	Reedswood	Birchills Leamore	23.3	20%	2
E01010343	Palfrey North	Palfrey	22.3	20%	2
E01010372	Caldmore East	St Matthew's	20.4	20%	2
E01010327	Chuckery West	Paddock	27.3	20%	2
E01010330	Chuckery South	Paddock	28.2	20%	2
E01010361	Pleck South	Pleck	21.0	20%	2
E01010375	Ryecroft South	Birchills Leamore	31.2	30%	1
E01010283	Harden North West	Blakenall	21.2	30%	1
E01010364	Alumwell South	Pleck	20.4	30%	1
E01010406	Willenhall South	Willenhall South	26.6	30%	1
E01010404	Willenhall North	Willenhall South	20.1	30%	1
E01010363	Alumwell East	Pleck	30.6	30%	1
E01010340	Caldmore West	Palfrey	20.1	40%	0
E01010403	Chapel Green West	Willenhall South	22.4	40%	0

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

<b>LSOA Code</b>	<b>Local Name</b>	<b>Ward (best fit)</b>	<b>Private rented %</b>	<b>Crime Deprivation - 10%, 20% &amp; 30% most deprived nationally</b>	<b>Score</b>
E01010408	Spring Bank	Willenhall South	23.9	10%	3
E01010368	Walsall Town Centre West	Birchills Leamore	31.7	10%	3
E01010371	Caldmore North	St Matthew's	21.8	10%	3
E01010375	Ryecroft South	Birchills Leamore	31.2	10%	3
E01010406	Willenhall South	Willenhall South	26.6	10%	3
E01010404	Willenhall North	Willenhall South	20.1	10%	3
E01010343	Palfrey North	Palfrey	22.3	20%	2
E01010372	Caldmore East	St Matthew's	20.4	20%	2
E01010283	Harden North West	Blakenall	21.2	20%	2
E01010364	Alumwell South	Pleck	20.4	20%	2
E01010367	Pleck West	Pleck	22.0	30%	1
E01010268	Reedswood	Birchills Leamore	23.3	30%	1
E01010363	Alumwell East	Pleck	30.6	30%	1
E01010403	Chapel Green West	Willenhall South	22.4	30%	1
E01010342	Caldmore South	Palfrey	36.4	40%	0
E01010269	Birchills East	Pleck	27.4	40%	0
E01010374	Ryecroft North	Blakenall	20.8	40%	0
E01010340	Caldmore West	Palfrey	20.1	40%	0
E01010330	Chuckery South	Paddock	28.2	50%	0
E01010361	Pleck South	Pleck	21.0	50%	0
E01010327	Chuckery West	Paddock	27.3	70%	0

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

<b>LSOA Code</b>	<b>Local Name</b>	<b>Ward (best fit)</b>	<b>Private rented %</b>	<b>Population Change 2001 to 2011 (ranked locally)</b>	<b>Score</b>
E01010406	Willenhall South	Willenhall South	26.6	1	3
E01010375	Ryecroft South	Birchills Leamore	31.2	2	3
E01010371	Caldmore North	St Matthew's	21.8	3	3
E01010368	Walsall Town Centre West	Birchills Leamore	31.7	5	3
E01010404	Willenhall North	Willenhall South	20.1	15	3
E01010340	Caldmore West	Palfrey	20.1	16	3
E01010363	Alumwell East	Pleck	30.6	17	3
E01010268	Reedwood	Birchills Leamore	23.3	20	2
E01010283	Harden North West	Blakenall	21.2	26	2
E01010403	Chapel Green West	Willenhall South	22.4	27	2
E01010269	Birchills East	Pleck	27.4	32	2
E01010330	Chuckery South	Paddock	28.2	35	1
E01010327	Chuckery West	Paddock	27.3	41	1
E01010342	Caldmore South	Palfrey	36.4	45	1
E01010374	Ryecroft North	Blakenall	20.8	47	1
E01010343	Palfrey North	Palfrey	22.3	59	0
E01010408	Spring Bank	Willenhall South	23.9	78	0
E01010367	Pleck West	Pleck	22	79	0
E01010372	Caldmore East	St Matthew's	20.4	89	0
E01010364	Alumwell South	Pleck	20.4	104	0
E01010361	Pleck South	Pleck	21	109	0

**Appendix 1 Table E: LSOAs over 20% private rented in order of highest overall score for key factors for selective licensing**

LSOA Code	Local Name	Ward (best fit)	Private rented %	Overall Deprivation Score	Living Environment Score	Crime Score	Population Change score	Total Score
E01010368	Walsall Town Centre West	Birchills Leamore	31.7	3	2	3	3	<b>11</b>
E01010371	Caldmore North	St Matthew's	21.8	3	2	3	3	<b>11</b>
E01010375	Ryecroft South	Birchills Leamore	31.2	3	1	3	3	<b>10</b>
E01010406	Willenhall South	Willenhall South	26.6	2	1	3	3	<b>9</b>
E01010404	Willenhall North	Willenhall South	20.1	2	1	3	3	<b>9</b>
E01010408	Spring Bank	Willenhall South	23.9	2	3	3	0	<b>8</b>
E01010283	Harden North West	Blakenall	21.2	3	1	2	2	<b>8</b>
E01010342	Caldmore South	Palfrey	36.4	3	3	0	1	<b>7</b>
E01010363	Alumwell East	Pleck	30.6	2	1	1	3	<b>7</b>
E01010269	Birchills East	Pleck	27.4	3	2	0	2	<b>7</b>
E01010268	Reedwood	Birchills Leamore	23.3	2	2	1	2	<b>7</b>
E01010343	Palfrey North	Palfrey	22.3	2	2	2	0	<b>6</b>
E01010367	Pleck West	Pleck	22	3	2	1	0	<b>6</b>
E01010374	Ryecroft North	Blakenall	20.8	3	2	0	1	<b>6</b>
E01010372	Caldmore East	St Matthew's	20.4	2	2	2	0	<b>6</b>
E01010364	Alumwell South	Pleck	20.4	3	1	2	0	<b>6</b>
E01010340	Caldmore West	Palfrey	20.1	3	0	0	3	<b>6</b>
E01010403	Chapel Green West	Willenhall South	22.4	2	0	1	2	<b>5</b>
E01010327	Chuckery West	Paddock	27.3	1	2	0	1	<b>4</b>
E01010330	Chuckery South	Paddock	28.2	0	2	0	1	<b>3</b>
E01010361	Pleck South	Pleck	21	0	2	0	0	<b>2</b>

**Appendix 1 Table F Ward, number of private dwellings and percentage of residents who are housing benefit claimants**

Name of Lower Super Output Area	LSOA Reference No.	% private rented (2011 census)	Estimated number of private dwellings (2011 census)	Housing Benefit Claimants (Based on IMD data)	% of household overcrowded (2011 census)
Walsall Town Centre West	Walsall 030A	31.7%	324	10.36%	13.8%
Ryecroft South	Walsall 018E	31.2%	229	13.74%	15.8%
Caldmore North	Walsall 030C	21.8%	193	15.24%	17%
Willenhall South	Walsall 027C	26.6%	290	12.48%	7.5%
Willenhall North	Walsall 025C	20.1%	146	11.26%	6.5%
Spring Bank	Walsall 025E	23.9%	155	14.95%	8.8%
Total			1,337		

**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)
Walsall Town Centre West	Walsall 030A	Birchills Leamore	17.70	4.57	153.96	24.90
Ryecroft South	Walsall 018E	Birchills Leamore	3.67	1.81	25.78	3.62
Caldmore North	Walsall 030C	St Matthew's	16.40	2.57	73.69	10.28
Willenhall South	Walsall 027C	Willenhall South	18.50	0.75	46.08	13.49
Willenhall North	Walsall 025C	Willenhall South	4.70	1.62	25.43	4.33
Spring Bank	Walsall 025E	Willenhall South	8.80	1.27	6.99	4.45
<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 Lower Super Output Areas (LSOA) with more than 20% of all households as private rented.</b>						
<b>LSOA Name</b>	<b>LSOA Code</b>	<b>Local Name</b>	<b>Ward (best fit)</b>	<b>All households</b>	<b>Private rented number</b>	<b>Private rented %</b>
Walsall 034D	E01010342	Caldmore South	Palfrey	508	185	<b>36.4</b>
Walsall 030A	E01010368	Walsall Town Centre West	Birchills Leamore	1,023	324	<b>31.7</b>
Walsall 018E	E01010375	Ryecroft South	Birchills Leamore	735	229	<b>31.2</b>
Walsall 026D	E01010363	Alumwell East	Pleck	758	232	<b>30.6</b>
Walsall 029D	E01010330	Chuckery South	Paddock	635	179	<b>28.2</b>
Walsall 026A	E01010269	Birchills East	Pleck	530	145	<b>27.4</b>
Walsall 029B	E01010327	Chuckery West	Paddock	561	153	<b>27.3</b>
Walsall 027C	E01010406	Willenhall South	Willenhall South	1,090	290	<b>26.6</b>
Walsall 025E	E01010408	Spring Bank	Willenhall South	649	155	<b>23.9</b>
Walsall 021B	E01010268	Reedswood	Birchills Leamore	579	135	<b>23.3</b>
Walsall 025B	E01010403	Chapel Green West	Willenhall South	683	153	<b>22.4</b>
Walsall 034E	E01010343	Palfrey North	Palfrey	467	104	<b>22.3</b>
Walsall 031E	E01010367	Pleck West	Pleck	622	137	<b>22.0</b>
Walsall 030C	E01010371	Caldmore North	St Matthew's	886	193	<b>21.8</b>
Walsall 013D	E01010283	Harden North West	Blakenall	692	147	<b>21.2</b>
Walsall 031A	E01010361	Pleck South	Pleck	556	117	<b>21.0</b>
Walsall 018D	E01010374	Ryecroft North	Blakenall	631	131	<b>20.8</b>
Walsall 031B	E01010364	Alumwell South	Pleck	505	103	<b>20.4</b>
Walsall 030D	E01010372	Caldmore East	St Matthew's	623	127	<b>20.4</b>
Walsall 034B	E01010340	Caldmore West	Palfrey	563	113	<b>20.1</b>
Walsall 025C	E01010404	Willenhall North	Willenhall South	728	146	<b>20.1</b>

**Appendix 1b 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**

<b>LSOA Name</b>	<b>Local Name</b>	<b>Private rented number</b>	<b>Private rented %</b>	<b>Overall IMD score (2015)</b>	<b>Within top % of LSOAs</b>
Walsall 034D	Caldmore South	185	<b>36.4</b>	2,941	10%
Walsall 030A	Walsall Town Centre West	324	<b>31.7</b>	728	10%
Walsall 018E	Ryecroft South	229	<b>31.2</b>	2,138	10%
Walsall 026D	Alumwell East	232	<b>30.6</b>	3,923	20%
Walsall 029D	Chuckery South	179	<b>28.2</b>	10,721	40%
Walsall 026A	Birchills East	145	<b>27.4</b>	1,463	10%
Walsall 029B	Chuckery West	153	<b>27.3</b>	7,740	30%
Walsall 027C	Willenhall South	290	<b>26.6</b>	4,277	20%
Walsall 025E	Spring Bank	155	<b>23.9</b>	3,327	20%
Walsall 021B	Reedwood	135	<b>23.3</b>	3,760	20%
Walsall 025B	Chapel Green West	153	<b>22.4</b>	5,879	20%
Walsall 034E	Palfrey North	104	<b>22.3</b>	3,861	20%
Walsall 031E	Pleck West	137	<b>22.0</b>	3,213	10%
Walsall 030C	Caldmore North	193	<b>21.8</b>	370	10%
Walsall 013D	Harden North West	147	<b>21.2</b>	1,860	10%
Walsall 031A	Pleck South	117	<b>21.0</b>	12,289	40%
Walsall 018D	Ryecroft North	131	<b>20.8</b>	1,652	10%
Walsall 031B	Alumwell South	103	<b>20.4</b>	2,119	10%
Walsall 030D	Caldmore East	127	<b>20.4</b>	3,706	20%
Walsall 034B	Caldmore West	113	<b>20.1</b>	1,939	10%
Walsall 025C	Willenhall North	146	<b>20.1</b>	3,385	20%

**Appendix 1c Lower Super Output Areas (LSOA) with more than 20% of all households as private rented and IMD Domains for Crime**

<b>LSOA Name</b>	<b>Local Name</b>	<b>Private rented %</b>	<b>IMD Domains for Crime (2015)</b>	<b>Within top % of LSOAs for crime</b>
Walsall 034D	Caldmore South	<b>36.4</b>	13,007	40%
Walsall 030A	Walsall Town Centre West	<b>31.7</b>	1,787	10%
Walsall 018E	Ryecroft South	<b>31.2</b>	2,666	10%
Walsall 026D	Alumwell East	<b>30.6</b>	8,937	30%
Walsall 029D	Chuckery South	<b>28.2</b>	14,882	50%
Walsall 026A	Birchills East	<b>27.4</b>	9,884	40%
Walsall 029B	Chuckery West	<b>27.3</b>	22,685	70%
Walsall 027C	Willenhall South	<b>26.6</b>	696	10%
Walsall 025E	Spring Bank	<b>23.9</b>	3,223	10%
Walsall 021B	Reedswood	<b>23.3</b>	7,458	30%
Walsall 025B	Chapel Green West	<b>22.4</b>	8,163	30%
Walsall 034E	Palfrey North	<b>22.3</b>	5,794	20%
Walsall 031E	Pleck West	<b>22.0</b>	8,724	30%
Walsall 030C	Caldmore North	<b>21.8</b>	1,309	10%
Walsall 013D	Harden North West	<b>21.2</b>	6,146	20%
Walsall 031A	Pleck South	<b>21.0</b>	16,213	50%
Walsall 018D	Ryecroft North	<b>20.8</b>	12,478	40%
Walsall 031B	Alumwell South	<b>20.4</b>	5,352	20%
Walsall 030D	Caldmore East	<b>20.4</b>	3,778	20%
Walsall 034B	Caldmore West	<b>20.1</b>	10,762	40%
Walsall 025C	Willenhall North	<b>20.1</b>	3,014	10%

**Appendix 1d Lower Super Output Areas (LSOA) with more than 20% of all households as private rented and IMD Domains for Living Environment (Indoors)**

<b>LSOA Name</b>	<b>Local Name</b>	<b>Private rented %</b>	<b>Within Top % for IMD Living Environment (Indoors) (2015)</b>
Walsall 034D	Caldmore South	<b>36.4</b>	<b>10</b>
Walsall 030A	Walsall Town Centre West	<b>31.7</b>	<b>20</b>
Walsall 018E	Ryecroft South	<b>31.2</b>	<b>30</b>
Walsall 026D	Alumwell East	<b>30.6</b>	<b>30</b>
Walsall 029D	Chuckery South	<b>28.2</b>	<b>20</b>
Walsall 026A	Birchills East	<b>27.4</b>	<b>20</b>
Walsall 029B	Chuckery West	<b>27.3</b>	<b>20</b>
Walsall 027C	Willenhall South	<b>26.6</b>	<b>30</b>
Walsall 025E	Spring Bank	<b>23.9</b>	<b>10</b>
Walsall 021B	Reedswood	<b>23.3</b>	<b>20</b>
Walsall 025B	Chapel Green West	<b>22.4</b>	<b>40</b>
Walsall 034E	Palfrey North	<b>22.3</b>	<b>20</b>
Walsall 031E	Pleck West	<b>22.0</b>	<b>20</b>
Walsall 030C	Caldmore North	<b>21.8</b>	<b>20</b>
Walsall 013D	Harden North West	<b>21.2</b>	<b>30</b>
Walsall 031A	Pleck South	<b>21.0</b>	<b>20</b>
Walsall 018D	Ryecroft North	<b>20.8</b>	<b>20</b>
Walsall 031B	Alumwell South	<b>20.4</b>	<b>30</b>
Walsall 030D	Caldmore East	<b>20.4</b>	<b>20</b>
Walsall 034B	Caldmore West	<b>20.1</b>	<b>40</b>
Walsall 025C	Willenhall North	<b>20.1</b>	<b>30</b>

**Appendix 1e Lower Super Output Areas (LSOA) with more than 20% of all households as private rented and change in private rented population.**

<b>LSOA Name</b>	<b>Local Name</b>	<b>Private rented % in 2001</b>	<b>Private rented % in 2011</b>	<b>% change in private rented population</b>
Walsall 034D	Caldmore South	20.1	36.4	81%
Walsall 030A	Walsall Town Centre West	8.5	31.7	273%
Walsall 018E	Ryecroft South	9.3	31.2	235%
Walsall 026D	Alumwell East	6.9	30.6	343%
Walsall 029D	Chuckery South	13.5	28.2	109%
Walsall 026A	Birchills East	19.2	27.4	43%
Walsall 029B	Chuckery West	13.3	27.3	105%
Walsall 027C	Willenhall South	12.3	26.6	116%
Walsall 025E	Spring Bank	10.7	23.9	123%
Walsall 021B	Reedwood	13.8	23.3	69%
Walsall 025B	Chapel Green West	9.0	22.4	149%
Walsall 034E	Palfrey North	18.5	22.3	21%
Walsall 031E	Pleck West	10.4	22.0	112%
Walsall 030C	Caldmore North	19.6	21.8	11%
Walsall 013D	Harden North West	2.9	21.2	631%
Walsall 031A	Pleck South	7.4	21.0	184%
Walsall 018D	Ryecroft North	11.1	20.8	87%
Walsall 031B	Alumwell South	9.0	20.4	127%
Walsall 030D	Caldmore East	11.0	20.4	85%
Walsall 034B	Caldmore West	12.4	20.1	62%
Walsall 025C	Willenhall North	8.8	20.1	128%

**Appendix 1f Lower Super Output Areas (LSOA) with more than 20% of all households as private rented and population change**

<b>LSOA Name</b>	<b>Local Name</b>	<b>% change in population from 2001 to 2011</b>	<b>Walsall Borough % change in population from 2001 to 2011</b>	<b>England % change in population from 2001 to 2011</b>
Walsall 034D	Caldmore South	<b>10.8</b>	6.2	7.9
Walsall 030A	Walsall Town Centre West	<b>34.2</b>	6.2	7.9
Walsall 018E	Ryecroft South	<b>50.4</b>	6.2	7.9
Walsall 026D	Alumwell East	<b>19.1</b>	6.2	7.9
Walsall 029D	Chuckery South	<b>14.1</b>	6.2	7.9
Walsall 026A	Birchills East	<b>14.4</b>	6.2	7.9
Walsall 029B	Chuckery West	<b>11.7</b>	6.2	7.9
Walsall 027C	Willenhall South	<b>74.8</b>	6.2	7.9
Walsall 025E	Spring Bank	5.7	6.2	7.9
Walsall 021B	Reedwood	<b>18.3</b>	6.2	7.9
Walsall 025B	Chapel Green West	<b>15.4</b>	6.2	7.9
Walsall 034E	Palfrey North	<b>8.2</b>	6.2	7.9
Walsall 031E	Pleck West	5.7	6.2	7.9
Walsall 030C	Caldmore North	<b>48.9</b>	6.2	7.9
Walsall 013D	Harden North West	<b>15.7</b>	6.2	7.9
Walsall 031A	Pleck South	1.2	6.2	7.9
Walsall 018D	Ryecroft North	<b>10.3</b>	6.2	7.9
Walsall 031B	Alumwell South	2.3	6.2	7.9
Walsall 030D	Caldmore East	4.3	6.2	7.9
Walsall 034B	Caldmore West	<b>19.2</b>	6.2	7.9
Walsall 025C	Willenhall North	<b>19.3</b>	6.2	7.9

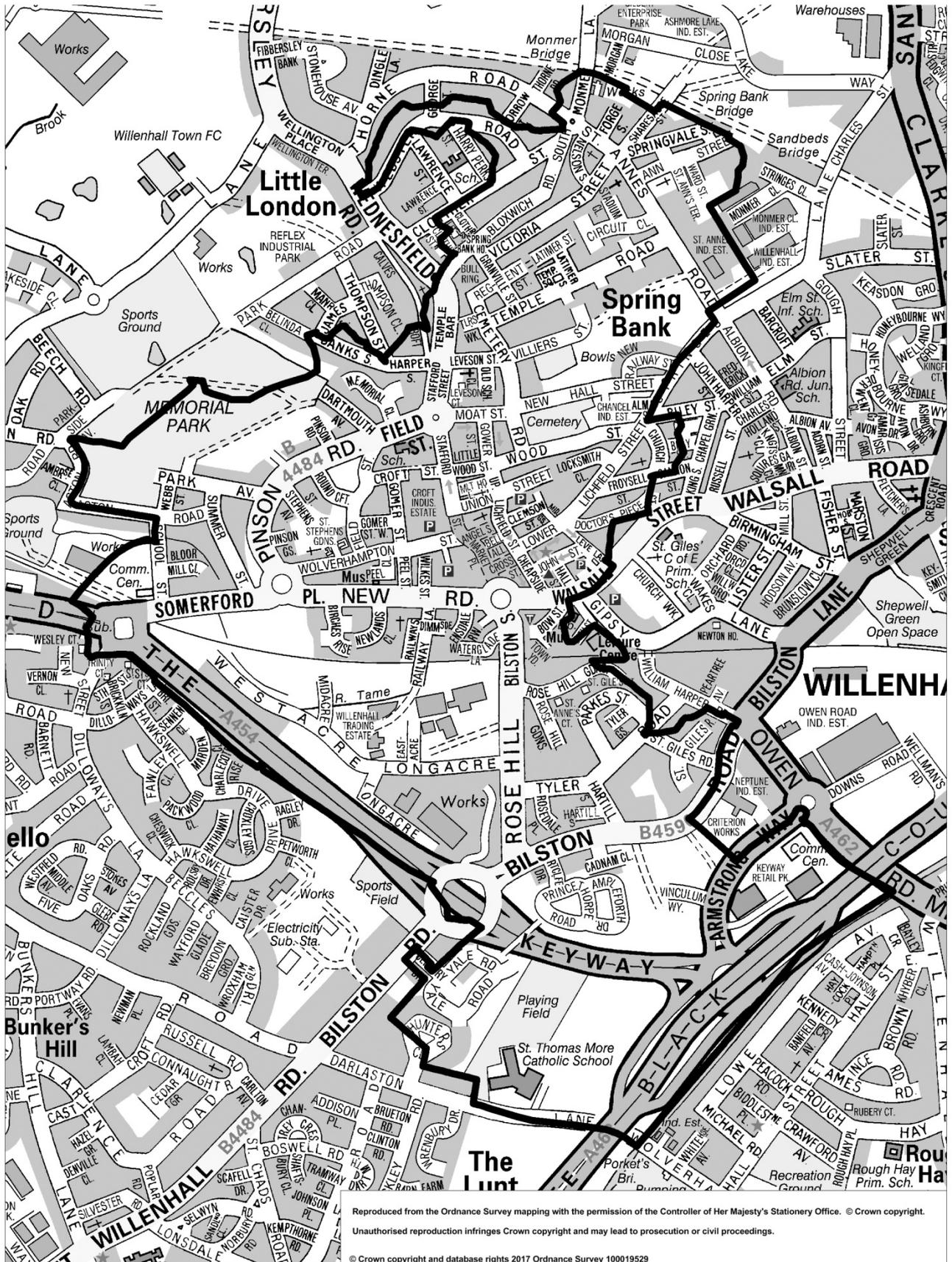
<b>Appendix 1g Lower Super Output Areas (LSOA) with more than 20% and summary of factors for selective licensing</b>					
<b>LSOA</b>	<b>Private rented %</b>	<b>Within most deprived</b>	<b>In top % of IMD for Crime</b>	<b>IMD Living Environment (Indoors)</b>	<b>% change in population from 2001 to 2011</b>
Walsall 030A	31.7	10%	10%	20%	15.7%
Walsall 018E	31.2	10%	10%	30%	10.3%
Walsall 030C	21.8	10%	10%	20%	50.4%
Walsall 013D	21.2	10%	20%	30%	20.9%
Walsall 031E	22.0	10%	30%	20%	15.4%
Walsall 034D	36.4	10%	40%	10%	19.3%
Walsall 026A	27.4	10%	40%	20%	5.7%
Walsall 018D	20.8	10%	40%	20%	14.4%
Walsall 034B	20.1	10%	40%	40%	19.1%
Walsall 031B	20.4	10%	50%	30%	9.4%
Walsall 027C	26.6	20%	10%	30%	74.8%
Walsall 025E	23.9	20%	10%	10%	11.7%
Walsall 025C	20.1	20%	10%	30%	14.1%
Walsall 034E	22.3	20%	20%	20%	34.2%
Walsall 030D	20.4	20%	20%	20%	48.9%
Walsall 026D	30.6	20%	30%	30%	5.7%
Walsall 021B	23.3	20%	30%	20%	14.4%
Walsall 025B	22.4	20%	30%	40%	19.2%
Walsall 029B	27.3	30%	70%	20%	9.8%
Walsall 029D	28.2	40%	50%	20%	22.6%

<b>Appendix 2a Lower Super Output Areas (LSOA) with more than 20% private renting and rates of fuel poverty</b>				
LSOA	Private rented %	Proportion of all households fuel poor (%). 2014 data released June 2016	Borough Rate	% difference between LSOA and Borough Rate
Walsall 030A	31.7	13.8	11.7	18
Walsall 018E	31.2	16.3	11.7	39
Walsall 030C	21.8	16.9	11.7	44
Walsall 013D	21.2	14.2	11.7	21
Walsall 031E	22.0	21.6	11.7	85
Walsall 034D	36.4	30.1	11.7	157
Walsall 026A	27.4	21.9	11.7	87
Walsall 018D	20.8	19.9	11.7	70
Walsall 034B	20.1	13.0	11.7	11
Walsall 031B	20.4	19.2	11.7	64
Walsall 027C	26.6	11.4	11.7	-3
Walsall 025E	23.9	13.4	11.7	15
Walsall 025C	20.1	11.2	11.7	-4
Walsall 034E	22.3	22.0	11.7	88
Walsall 030D	20.4	16.9	11.7	44
Walsall 026D	30.6	15.2	11.7	30
Walsall 021B	23.3	19.6	11.7	68
Walsall 025B	22.4	12.2	11.7	4
Walsall 029B	27.3	23.7	11.7	103
Walsall 029D	28.2	16.1	11.7	38

<b>Appendix 2b Lower Super Output Areas (LSOA) with more than 20% private renting and rates of overcrowding</b>				
LSOA	Private rented %	Proportion of all households overcrowded (%) 2001	Proportion of all households overcrowded (%) 2011	% change in overcrowding levels
Walsall 030A	<b>31.7</b>	13.8	<b>7.7</b>	<b>-44</b>
Walsall 018E	<b>31.2</b>	15.8	<b>15.1</b>	<b>-4</b>
Walsall 030C	<b>21.8</b>	17.0	<b>17.4</b>	<b>2</b>
Walsall 013D	<b>21.2</b>	8.2	<b>6.2</b>	<b>-24</b>
Walsall 031E	<b>22.0</b>	5.5	<b>11.1</b>	<b>102</b>
Walsall 034D	<b>36.4</b>	13.1	<b>16.9</b>	<b>29</b>
Walsall 026A	<b>27.4</b>	13.7	<b>23.2</b>	<b>69</b>
Walsall 018D	<b>20.8</b>	8.9	<b>10.8</b>	<b>21</b>
Walsall 034B	<b>20.1</b>	21.5	<b>20.2</b>	<b>-6</b>
Walsall 031B	<b>20.4</b>	12.0	<b>9.9</b>	<b>-18</b>
Walsall 027C	<b>26.6</b>	7.5	<b>5.2</b>	<b>-31</b>
Walsall 025E	<b>23.9</b>	6.5	<b>5.2</b>	<b>-20</b>
Walsall 025C	<b>20.1</b>	8.8	<b>5.2</b>	<b>-41</b>
Walsall 034E	<b>22.3</b>	14.4	<b>17.3</b>	<b>20</b>
Walsall 030D	<b>20.4</b>	10.0	<b>9.0</b>	<b>-10</b>
Walsall 026D	<b>30.6</b>	13.9	<b>8.8</b>	<b>-37</b>
Walsall 021B	<b>23.3</b>	9.9	<b>15.5</b>	<b>57</b>
Walsall 025B	<b>22.4</b>	8.8	<b>5.3</b>	<b>-40</b>
Walsall 029B	<b>27.3</b>	6.0	<b>12.5</b>	<b>108</b>
Walsall 029D	<b>28.2</b>	6.3	<b>7.7</b>	<b>22</b>

Appendix 3a

Map 1: Proposed Willenhall Selective Licensing Area

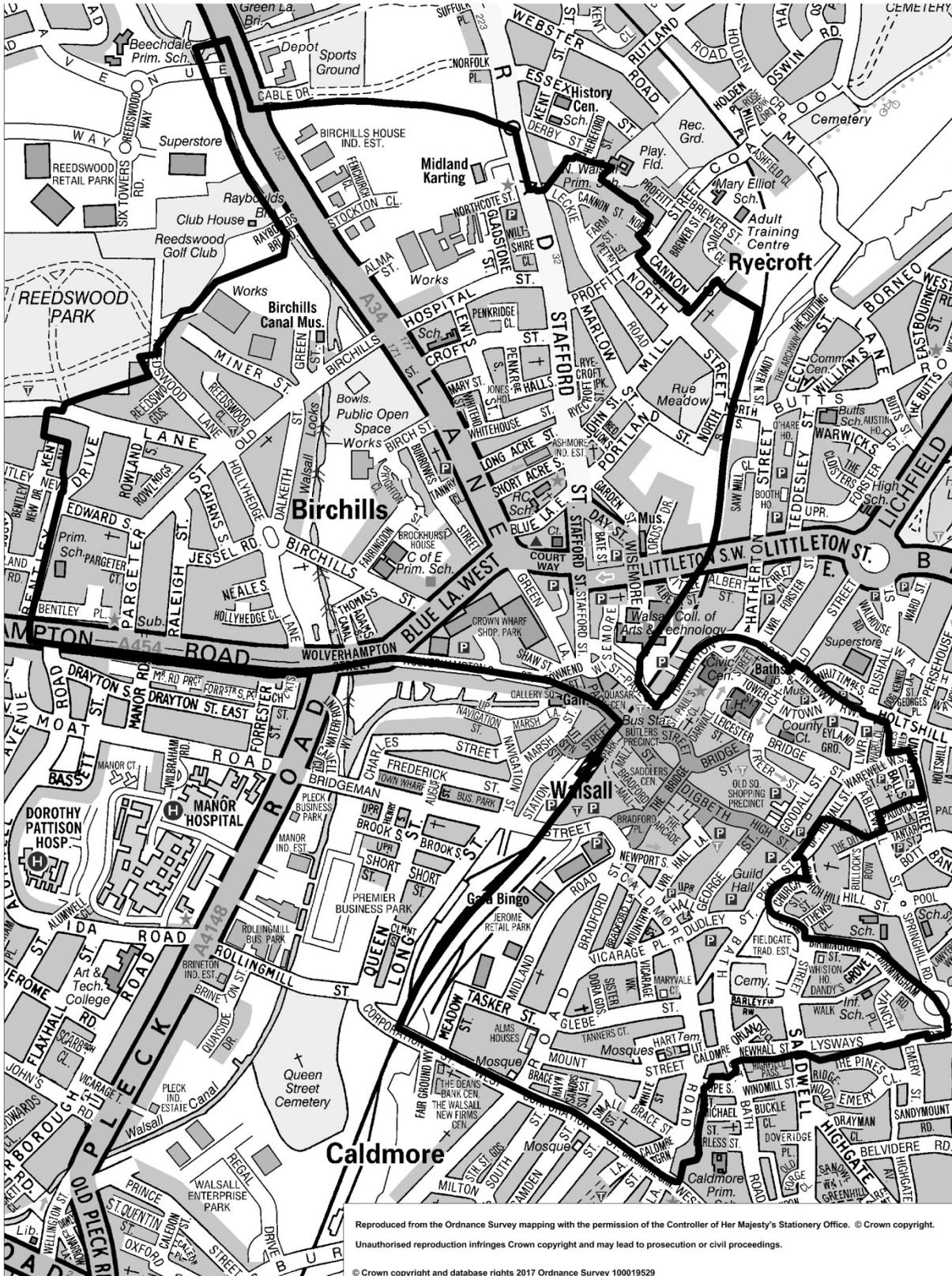


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Appendix 3c

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



#### **Appendix 4: Costs of delivery of selective licensing and rationale for overall fee structure**

<b>Costs</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>	<b>Total</b>
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>
Community Protection Officer (Grade G8)	£ 35,000.00	£ 35,000.00	£ 35,000.00	£ 35,000.00	£ 35,000.00	<b>£175,000.00</b>
Technical officer (Grade G7)	£ 30,451.00	£ 30,451.00	£ 30,451.00	£ 30,451.00	£ 30,451.00	<b>£152,255.00</b>
Caseworker (Grade G5)	£ 23,313.00	£ 23,313.00	£ 23,313.00	£ 23,313.00	£ 23,313.00	<b>£116,565.00</b>
Caseworker (Grade G5)	£ 23,313.00	£ 23,313.00	Not required	Not required	Not required	<b>£ 46,626.00</b>
Caseworker (Grade G5)	£ 23,313.00	Not required	Not required	Not required	Not required	<b>£ 23,313.00</b>
<b>Total</b>	<b>£173,874.00</b>	<b>£150,561.00</b>	<b>£127,248.00</b>	<b>£127,248.00</b>	<b>£127,248.00</b>	<b>£706,179.00</b>
Overheads and legal costs	£ 26,081.10	£ 22,584.15	£ 19,087.20	£ 19,087.20	£ 19,087.20	<b>£105,926.85</b>
<b>Overall Total</b>	<b>£199,955.10</b>	<b>£173,145.15</b>	<b>£146,335.20</b>	<b>£146,335.20</b>	<b>£146,335.20</b>	<b>£812,105.85</b>

<b>Projected Income</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>	<b>Total</b>
Early Bird applicants*	£562,275.00	£ -	£ -	£ -	£ -	£562,275.00
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	£71,400.00	£53,550.00	£53,550.00	£35,700.00	£35,700.00	£249,900.00
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>£628,675.00</b>	<b>£54,550.00</b>	<b>£54,550.00</b>	<b>£37,700.00</b>	<b>£36,700.00</b>	<b>£812,175.00</b>

\*The proposed early bird discount is for the first 3 months from designation 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 5: Proposed Local Conditions for Selective Licensing**

**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 -1.0°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 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.

Table 1 – New Occupancies (beginning on or after the start of the Selective Licensing Scheme)	
Property size	Permitted number of occupiers
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. Note that the legislation is proposed to be changed such that everyone including babies will count equally. 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

## Appendix 6

### Links between poor quality rented housing and poor physical and mental health of tenants

1. The Council has a statutory duty to tackle what are known as Category 1 Hazards under the Housing Health and Safety Rating System (HHSRS). The HHSRS has 29 hazards that are caused by defects in housing that have a direct impact on health. These include but are not limited to:
- Falls

- Excess cold
- Damp and mould
- Electrical hazards
- Crowding and space

## Falls

2. Under the HHSRS there are a range of hazards linked with falls:

Hazard	Most vulnerable group
Falls associated with baths	60 years of age or more
Falling on level surface (where the change in level is less than 300mm)	60 years of age or more
Falling on stairs	60 years of age or more
Falling between levels	Child aged under 5 years of age

3. The combined total of all hazards associated with falls are the most frequent hazards listed on legal enforcement notices issued by the Councils Housing Standards team.

4. Falls can have significant health implications ranging from bruising and broken / fractured bones to fatalities.

## Excess Cold and Fuel Poverty

5. The National Institute for Health and Care Excellence (NICE) highlight that health problems associated with cold homes are experienced during 'normal' winter temperatures, not just during extremely cold weather. An increase in death rates due to a drop in temperature varies across England but can happen when temperatures drop below about 6°C.

6. Excess cold in dwellings at the most extreme is linked to excess winter deaths and can impact on for example;

- Thermoregulatory system of both the elderly and very young
- Can slow the heart temporarily increasing cardiovascular strain
- Can reduce resistance to infection
- Sickle cell anaemia and symptoms of rheumatoid arthritis can be worsened.

7. Excess cold also has an impact with clear evidence linking home temperatures and mental health. The evaluation of the UK Warm Front Scheme, found that increasing the warmth of homes had a clear impact on mental health – those with bedroom temperatures of 21 degrees C were 50% less likely to experience depression and anxiety than those whose bedrooms were only 15 degrees C.

8. The government statistics on fuel poverty are very valuable in identifying areas of housing where excess cold are most likely to occur. Fuel poverty in England is measured using the Low Income High Costs (LIHC) indicator. Under the LIHC indicator, a household is considered to be fuel poor if:

- they have required fuel costs that are above average (the national median level)
- were they to spend that amount, they would be left with a residual income below the official poverty line.

9. Fuel poverty in Walsall is at a rate of 11.2%. Table B of Appendix 1 highlights the rate of fuel poverty in the LSOAs proposed for selective licensing

10 The energy efficiency of a dwelling, which can be measured using Energy Performance Certificates (EPC), best is A worst is, can help alleviate fuel poverty. The proposed selective licensing scheme has a fee structure to encourage landlords to create rented properties that have a higher EPC ratings i.e. help their tenants avoid fuel poverty. The government proposes a minimum EPC rating of E by 2018 for private rented homes. Any selective licensing scheme will ensure that licences do not exist for homes post 2017 that are bands F or G.

11 The current proposal related to this is summarised below:

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
From 2018 no licence will be issued to a rented property with an F or G Rating.	

### **Damp and mould growth**

12 The most vulnerable age-group to damp and mould growth is children aged 14 and under. It can have a detrimental impact on asthma

- Asthma levels
- Social and mental wellbeing

13 The council has been proactive in promoting advice about tackling housing related damp and mould and made free information available to landlords to help them address the causes. Damp and mould remains a highly recorded concern of private tenants and as a hazard that legal enforcement notices are issued for. The 2015/16 English House Condition Survey highlights that problems of damp are highest in private rented sector (9.3%) than any tenure with all tenure level having a rate of 4.4%.

### **Electrical Hazards**

14 Hazards most commonly resulting from defective wiring are another key area of concern for private tenants and high level of enforcement for the council. They also have a direct impact on risk of home fires. The council has worked proactively with the West Midlands Fire Service to address risks from dangerous wiring and or inappropriate use of electrical systems and appliances including significant publicity campaigns during 2015/16 and 2016/17.

15 The most vulnerable age group for this hazard is children under 5 years of age.

### **Crowding and Space**

16 Lack of space and overcrowded conditions have been linked to number of health outcomes, including:

- psychological distress and mental disorders, especially those associated with a lack of privacy and childhood development;
- increased hygiene risks;
- increased accidents;
- spread of contagious diseases.

- 17 The Office of National Statistics (Feb 2015) highlight research that showed from the 2011 Census that residents living in overcrowded households reported significantly higher levels of “not good” health compared with those living in under-occupied households, Young people (aged 0 to 15) were more than twice as likely to report “not good” health if they lived in overcrowded households.
- 18 The 2011 Census highlighted that 4.4% of households in England and Wales were overcrowded with a higher rate in private renting of 8.6%. Appendix 2b details the rate of overcrowding in the LSOAs with the highest levels of private rented accommodation. Many of the LSOAs have higher rates of overcrowding than the rate for England and Wales with one having a rate of 23.2%. The table also highlights that there have been some LSOA's with significant percentage growth in overcrowding.
- 19 If Selective Licensing is approved it is proposed that a condition of a license will be that the property at point of any new letting must not meet the statutory overcrowding levels. To deliver this a maximum number of occupants will be stated on the individual licence. This is similar to approaches undertaken by other councils to tackle overcrowding.

## Appendix 7: Proposed Fee structure for Selective Licensing

### 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.	£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

Selective Licensing HMO Fees	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
<b>Early Bird discount</b> – 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)

<b>The following apply to all property types</b> 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.	All landlords and agents
<b>Finders fee:</b> 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	£200
Additional charge to be added following second and each subsequent letter sent chasing licence application (this may be in addition to fees above)	£35
<b>Other penalties and charges</b>	
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	£135
Additional charge for missing an appointment during inspection process	£50

### **EPC rating of property.**

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. From April 2018 no licence will be issued to a rented property with an F or G Rating.

EPC Rating	Additional fee
E	£100.00
F	£200.00
G	£300.00

### **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  $10 \times £614 = £6,140$ .

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.