



**Prosperous Communities
Committee**

**Tuesday 3rd December
2019**

Subject: Selective Licensing – Annual Review

Report by:

Executive Director of Operations

Contact Officer:

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Purpose / Summary:

To provide Elected Members with an annual update in relation to the Selective Licensing Scheme within the Gainsborough South West Ward.

RECOMMENDATION(S):

Elected Members are asked to:

- a) Note the information contained within this report**
- b) Support the ongoing being undertaken by the Selective Licensing Scheme**
- c) Confirm that they have sought assurance the Selective Licensing Scheme is operating effectively and as intended**
- d) Commission officers to review the scheme and consider future options available to the Council related to this**

IMPLICATIONS

Legal:

The legal basis for the introduction of the selective licensing scheme can be located within the Prosperous Communities Committee report from 22nd March 2016.

The legal framework for the scheme is found in Part 3 (Sections 79 to 100) of the Housing Act 2004. Alongside this, The Selective Licensing of Houses (Additional Conditions) (England) Order 2015 sets out additional conditions for the purposes of a designation under Section 80.

Financial : FIN/118/20/SL

Section 3 provides an overview of the financial information relating to the scheme.

No financial implications arising from this report.

Staffing : N/A

Equality and Diversity including Human Rights :

The designation for the scheme has been set out in accordance with the Housing Act.

Risk Assessment :

Climate Related Risks and Opportunities :

Title and Location of any Background Papers used in the preparation of this report:

Prosperous Communities Committee report 22nd March 2016

Prosperous Communities Committee report 21st March 2017

Prosperous Communities Committee report 24th October 2017

Prosperous Communities Committee report 4th December 2018

<https://www.west-lindsey.gov.uk/my-council/decision-making-and-council-meetings/meetings-agendas-minutes-and-reports/prosperous-communities-committee/prosperous-communities-committee-reports/>

Call in and Urgency:

Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)

Yes

No

Key Decision:

A matter which affects two or more wards, or has significant financial implications

Yes

No

1. Introduction

- 1.1. The Selective Licensing scheme in the Gainsborough South West Ward was approved at Prosperous Communities Committee on the 22nd March 2016. The scheme then came into force on the 18th of July 2016 for a five year period.
- 1.2. This report provides an update in regards to the progress of the scheme and outlines the current position, the main areas of work undertaken to date and provides the timescales and objectives for the future phases.
- 1.3. Overview and Scrutiny Committee have considered this paper on Tuesday 12th November 2019. Amendments in relation the future scheme targets and timescales have been included as a result.

2. Current Position

- 2.1. There are currently 648 licenses that have been granted within the designated area and a further 48 applications in progress. Based on our current estimation of remaining unlicensed properties there are circa 90% of properties now licensed within the area.
- 2.2. The original estimation for the number of licensed properties was 550. The scheme has demonstrated that there are actually far more than this and it is estimated that over 700 will be licensed before the designation ends.
- 2.3. There are currently 29 unlicensed properties that the Council are aware of, however this number does fluctuate based on the proactive work that is being undertaken to review each street and the properties it contains.
- 2.4. From April – September 2019 there has been an average of 45 applications in progress in any one month. These originate mainly from the identification of unlicensed properties and new licenses applied for from new property landlords.
- 2.5. There are on average 27 housing disrepair cases open with the South West Ward in the year to date. This number has reduced dramatically since the inception of the scheme from 64 in 17/18 and 34 in 18/19. Whilst there will always be an open caseload for this area, the licensing scheme is helping to ensure that general property standards improve resulting in less disrepair issues.

2.6. The table below provides an overview on the current position:

	The Home Safe Scheme		West Lindsey District Council	
	Properties	Applicants	Properties	Applicants
Applications*	541	298	121	80
Draft Licences	568		97	
Full Licences	557		91	
Exemptions (full)	n/a	n/a	25	11
Exemptions (temporary)	n/a	n/a	None currently in effect.	
<i>*live applications, not including applications which have been cancelled or terminated</i>				

3. Financial Information

3.1. The Council has to date received £109,264 from licensing income. £69,540 was received in 16/17, £11,015 in 17/18, £18,534 in 18/19 and £10,175 to date in 19/20. Income across 18/19 and 19/20 is expected to stay consistent due to the amount of work undertaken in identifying unlicensed properties.

3.2. The income received is used to fund the administrative post that supports the scheme and this is currently funded until March 2021. The overall income position will be reviewed at the end of the 19/20 financial year.

3.3. Income that has been derived from the serving of notices, costs from prosecutions and issuing of civil penalties is further outlined in section 4.

4. Formal Enforcement Action

4.1. The Council's approach to enforcement action is risk based. The scheme has enabled officers to focus on those properties that present this highest risk and it is clear that the poorest property conditions are being identified in unlicensed properties. This is therefore where the focus of the schemes resource is aimed.

4.2. An overview of the formal action taken against unlicensed properties as a result of the scheme is shown below.

Action Taken	Volume	Financial
Formal Notices Served	16	£4,400 (fee income)
Interviews Under Caution	9	n/a
Cautions	2	n/a
Formal Warnings	5	n/a
Prosecutions	8 39 convictions 1 (at trial)	*Fines issued £82k Costs £10k
Civil Penalties Issued	12	**£70k total

Civil Penalties in Progress	9	£73k total
Tribunal Appeals	3 2 Upheld 1 in process	n/a

*fines issued for prosecutions are collected by HMCTS and are not received by the Council

** Civil Penalties and associated costs are received by the Council

4.3. The level of formal action is expected to continue for the remainder of the scheme and demonstrates the proactive work being undertaken by officers to identify offences committed and deal with them accordingly.

4.4. All unlicensed offences are being considered for prosecution or civil penalty.

4.5. Where civil penalties are not paid immediately a debt recovery process is in place with legal services whereby charges are added to properties and debt plus costs can then be recovered through the sale of these properties. This secures the recovery of costs for the Council and can also force the sale of the property from the landlord.

5. Dealing with Anti-Social Behaviour (ASB)

5.1. Within the scheme the focus remains on proactively dealing with unlicensed properties and any ASB that is caused by them. There are a number of specific initiatives that the Council has carried out as part of the selective licensing work and as part of our overall approach within the designated area.

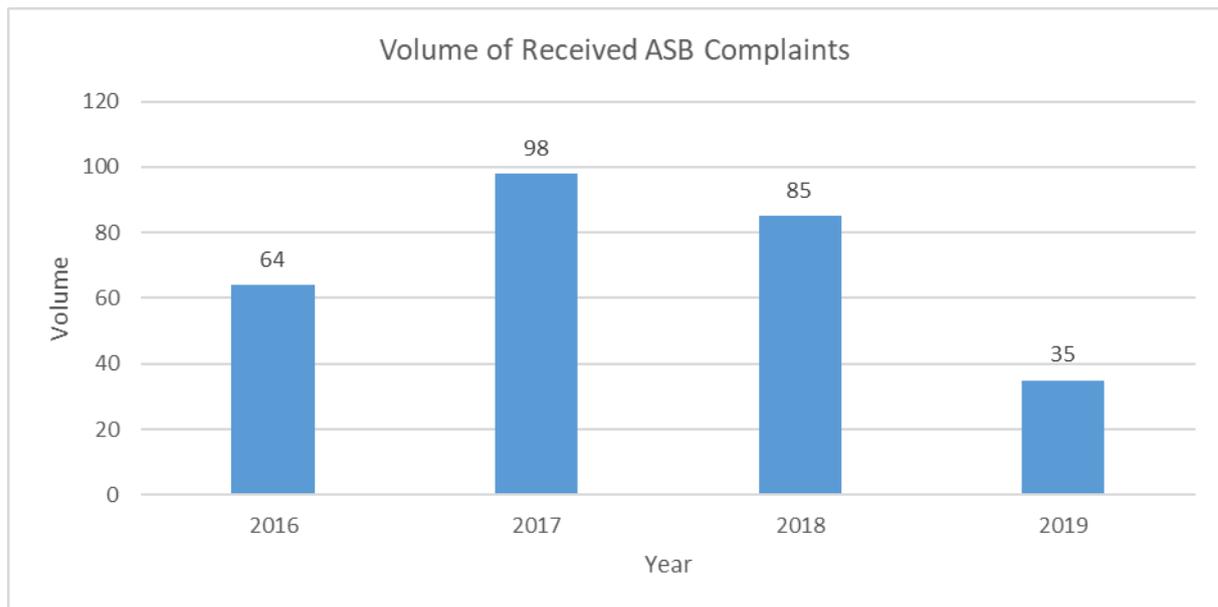
5.2. The scheme has enabled the development of additional intelligence and added a more powerful tool to require the landlord to act. The Council supports landlords to deal with ASB related issues, whilst at the same time ensures that they are meeting their obligations in relation to these. Regular work is undertaken with the Police and support agency colleagues to address specific property related issues.

5.3. Since the last update the Council has:

- Delivered scheduled 4 (Abandoned Shopping Trolleys) and reduced the impact of this issue.
- Reviewed the waste collection regime within the licensing area
- Focussed an enforcement officer on issues such as early presentation of waste
- Implemented the Housing Assistance Policy and through empty property grants reduced the number of long term empty homes in the area to 87 (the lowest figure for circa 10 years).
- Continued to address and deal with reports relating to ASB

5.4. The chart below shows the trends in relation to ASB within the area since 2016. The 2017 increase is believed to be the result of the

enhanced officer presence within the area alongside increased awareness of the scheme and the action the Council can take.

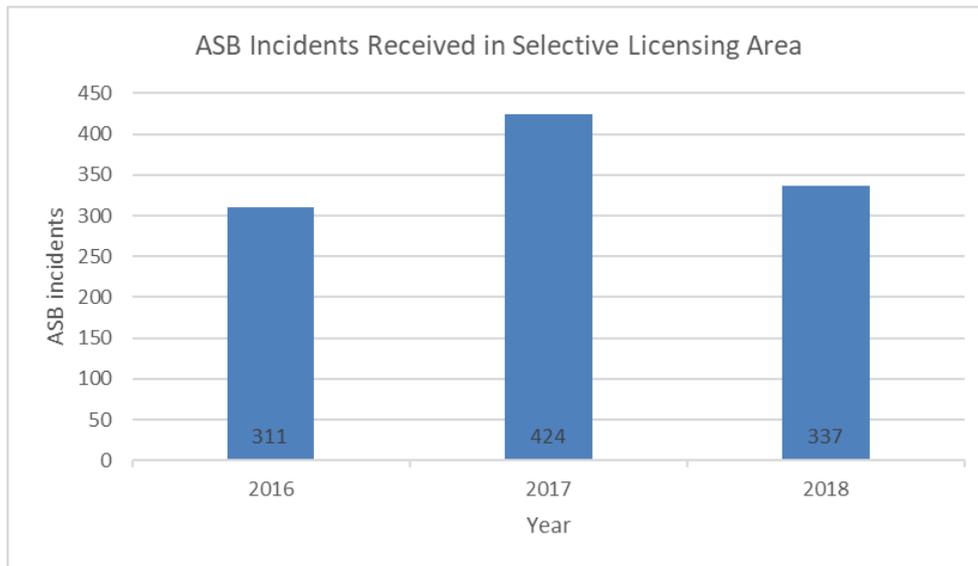


5.5. Since 2017 the number of reports are steadily decreasing. The scheme has enabled the Council to take quick effective action with landlords in relation ASB that originates from their properties and as a result some of these matters are being dealt with by landlords without the need for Council involvement. Further information on ASB is shown in appendix 2.

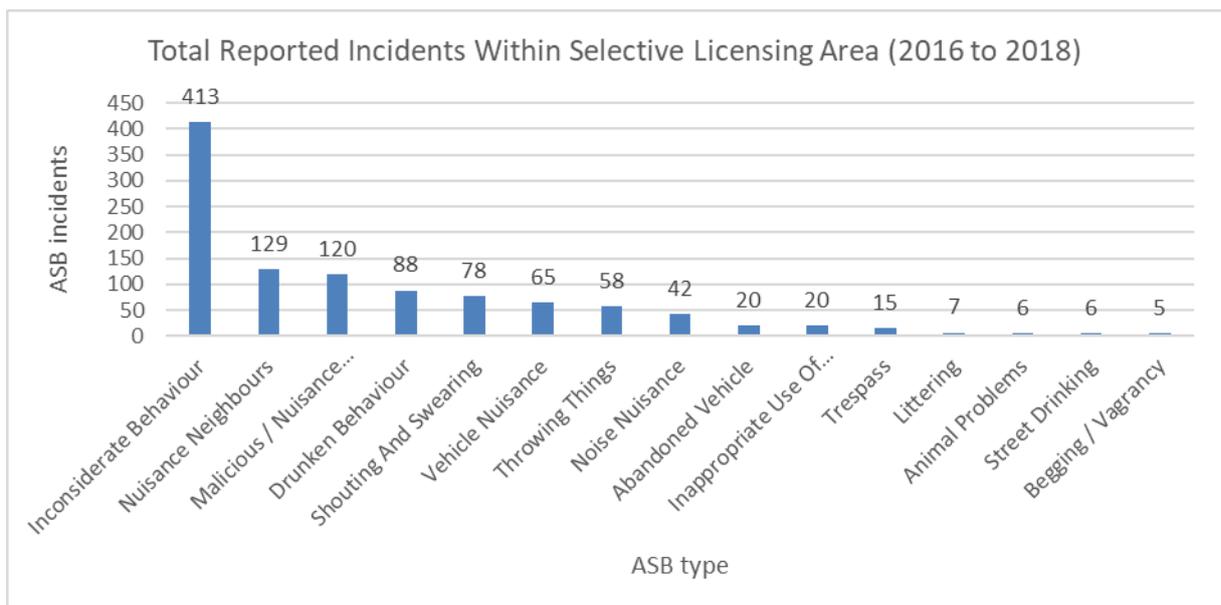
5.6. As per the Council's State of the District Report 2019 the crime rates continue to increase across West Lindsey and Lincolnshire Police recorded the overall crime rate for the district as 55.67 per 1,000 of the population in 2018, an increase from 50.89 in 2017 and 45.7 per 1,000 in 2016, 40.0 in 2015 and 39.5 in 2014. The district has the third lowest crime rate in the county.

5.7. Overall there were 4,959 crimes recorded in the 12 months to December 2018 an increase of 3.96% on 2017.

5.8. In relation to the Police recorded incidents in 2017 the area received 424 complaints which is a 36% (113) increase from incidents reported the previous year. This figure decreased by 20% (87) in 2018 when a total of 337 ASB incidents were reported. The table below demonstrates this.



5.9. The chart below shows the type and frequency of ASB incidents within the area and shows that the highest volume of ASB incidents relates to 'inconsiderate behaviour'. This incident type accounted for 39% (413) of reported ASB incidents. Whilst this information provides an overview it should be noted that the licensing scheme is not a tool to address all of these issues, but can contribute to their reduction.



6. Ensuring Compliance

6.1. The Council is in the process of inspecting all of the properties that it has directly licensed. This work is expected to be completed by March 2020. The property inspections focus on compliance with the licensing conditions and also consider the general repair of the property.

6.2. It is intended that by the end of the scheme either Homesafe or the Council will have inspected every single licensed property at least once.

6.3. Given the high level of compliance achieved in the initial two years of the scheme by Homesafe members the focus has been on ensuring ongoing compliance during year 3. Over the course of the year Homesafe have;

- Opened 101 cases relating to compliance, with currently 21 open.
- Managed 66 cases from previous compliance checks, from which 392 issues were identified.
- Identified and taken actions relating to the 26 properties for which access has been problematic.

6.4. The scheme has enabled quick and effective action to be undertaken in relation to non-compliance of licence conditions, including ASB. The process for resolving matters related to ASB places the requirement to act on the landlord and the Council is utilising this tool on a regular basis to ensure issues that arise are dealt with swiftly.

7. Future Scheme Timescales and Targets

7.1. The Council is still working towards the original three main phases of the scheme.

Phase 1 – Licensing of landlords: this has been ongoing since the 18th of July 2016 and it is our aim to ensure that all eligible landlords are licensed within the first year of the scheme.

Update – This aspect of the scheme is ongoing and will continue for its remainder as new licensed are required for newly identified properties or those that are sold and require a licence.

Phase 2 – Unlicensed Landlords: prosecution will be considered for all landlords (known and unknown) who failed to obtain a licence by the 31st of January 2017. This phase will commence on April 1st 2017.

Update – Work relating to unlicensed landlords is ongoing and formal action is being taken as appropriate.

Phase 3 – Ongoing Compliance: Homesafe members receive compliance checks. Over the course of 2019 all landlords licensed directly by WLDC will receive their inspections.

Update – All Homesafe members have been inspected for compliance. Landlords licensed directly by the Council have been receiving compliance checks during 2019 and it is expected that these will be completed by March 2020.

Phase 4 – Reducing Anti – Social Behaviour and improving the overall environment:

Update – information on the reduction of anti-social behaviour is detailed in section 5. A specific focus on ASB will continue over the remainder of the scheme.

8. Summary

- 8.1. The licensing scheme continues to deliver good outcomes in relation to housing standards, enforcement and in addressing ASB within the area. The scheme has just under 2 years until its designation comes to an end and these outcomes are expected to continue.
- 8.2. A further update report will be delivered to elected members in 12 months and alongside this a wider review of the designation and the options available when it ends will be undertaken and considered.

9. Recommendations

Elected Members are asked to:

- a) Note the information contained within this report
- b) Support the ongoing being undertaken by the Selective Licensing Scheme
- c) Confirm that they have sought assurance that they have sought assurance the Selective Licensing Scheme is operating effectively and as intended
- d) Commission officers to review the scheme and consider future options available to the Council related to this