

Phase 1 Risks

The following areas need careful consideration in regards to any decision that is made on the implementation of selective licensing for the South West Ward of Gainsborough. These issues have been raised via the consultation process.

| | Issue | Implications for Scheme | Risk to Implementation | Mitigation |
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| 1. | Justification data supporting approach | Scheme will not be justifiable if challenged unless it is clear that the data supports the desired option. | Medium (reduced to low once additional data is collated) | Data analysis and justification report to clearly identify desired approach. |
| 2. | Lack of current wider strategy for regeneration of the area | A licensing scheme alone, will not change tenant behaviour, this is supported by consultation comments. The scheme may not be justifiable or have the necessary impact if there is not a wider strategy for regenerating and improving the ward and area as a whole in place. | High (will reduce should wider strategy be in place) | Wider strategy, incorporating all SWW related projects, including capital investment needs to be put in place prior to any selective licensing implementation |
| 3. | Approach to consultation | If approach is not in line with legislative requirements it may leave the scheme open to challenge. | Low | Approach outlined clearly in committee report. Use of external consultant to deliver consultation in line with legislation. |
| 4. | Size and type of scheme designation | Any scheme above 20% of PRS or 20% of District geography requires Secretary of State approval. | Low | Options presented in relation to size of scheme and phasing of designations. Options available for an under 20% designation along with a SoS approved designation or a combination. |
| 5. | What if only one designation is made? | The scheme will be delivered within the first designation area and the additional wards would not be included. | Low | The scheme is financially viable with one designation only. The broader impact of the scheme across the district will reduce. |
| 6. | Will the scheme be able to cover its financial costs | The schemes financial model demonstrates that it can cover its costs of delivery. There may be resources required to supplement the delivery of the scheme and these will be met via the existing resources that the Council has. | Medium | The fee structure shows that the scheme can cover its costs within the first designation. |
| 7. | The fee amount proposed and how it has been arrived at | The fee needs to be reasonable and justifiable so that it will stand up to challenge. Case law considerations need to be reviewed to ensure that the fee proposal is appropriate and is legal. | Medium | A detailed financial model has been developed to ensure that the licence fee proposed is reasonable and in line with the legislative requirements. |
| 8. | Risk of legal challenge and judicial or tribunal review | Anecdotal data from landlords and other selective licensing schemes suggests that there is a high likelihood of the Council facing a form of challenge should a scheme be introduced. | High | Legal challenge is likely and has occurred for schemes in many other areas. |

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| 9. | Proposed license conditions must be clear | The conditions should be clear and enforceable, along with being aimed at making an impact in the desired area. | Low | License conditions can be amended to reflect case law prior to any scheme commencing. The licence conditions will be in line with other schemes and include learning from the previous scheme. |
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