

Subject: Update on Selective Licensing in the Gainsborough South West Ward

Report by:

Chief Operating Officer

Contact Officer:

Andy Gray
Housing and Environmental Enforcement Officer
01427 675195
Andy.gray@west-lindsey.gov.uk

Purpose /
Summary:

To provide elected members with an update in regards to the selective licensing scheme

RECOMMENDATION(S):

- 1) Members are asked to note the contents of this report and agree that further update will be provided in 12 months time.
- 2) Members are asked to approve the Tenant Passport Policy as agreed with the Chair of the Prosperous Communities Committee and for it to come into effect on 8th January 2018 and delegate any minor technical policy amendments to the Chief Operating Officer,

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.

Financial:

FIN /88/18

Section 3 outlines the financial income received from the licensing fee to date.

The Council has to date received £73,300 from licensing income. £69,540 was received in 16/17 with £3,760 to date this year. Of this income £20,540 was spent in 16/17 and £13,744 to date in 17/18 . The majority of this figure consists of the £120 fee paid to the Council via Homesafe for landlords that apply to be licensed in this manner. A small amount relates to the Council applications where the landlord pays the full fee of £375 up front.

Staffing:

The initial Selective Licensing Officer role has been vacant since the staff member in post started their duties as Housing Standards and Enforcement Officer. The duties have been met by an interim staff resource for a period of time and it is proposed to utilise the remaining income from the scheme to appoint to the post for a 12 month period at the earliest opportunity. This person will be required to continue to cover the administrative aspect of the scheme, as well as further embed the proactive aspects of the role in relation to identifying licensable properties.

Equality and Diversity including Human Rights :

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

Risk Assessment :

Enforcement – the level of enforcement undertaken will pose a financial, reputational and public interest risk. This risk will be considered on a case by case basis and will be focused upon the cases that pose the highest risks in relation to the scheme objectives.

Climate Related Risks and Opportunities:

Improvements to individual properties will impact upon their individual energy efficiency and ratings. Further work will be undertaken to capture this in later phases of the scheme.

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

<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. Given the ever changing data in relation to the scheme, updates on the key statistics will be provided at the Committee meeting on the 24th of October 2017 to ensure that the information provided is as up to date as possible.
- 1.4. This paper does not go into the background of the scheme or how it came to be in effect as this has been covered within previous committee papers.

2. Current Position

- 2.1. All landlords were asked to make their applications by the 1st of November 2016 and then subsequently to provide any final certificates by the end of March 2017. This was the final cut off date and any application not finalised by this point has or will be considered for further formal action based on the risk that is presented.
- 2.2. Given that the scheme commenced in July 2016, the Council has provided a more than reasonable timescale for landlords to make an application.
- 2.3. There are currently 555 live applications
- 2.4. There are live applications for 555 properties in total, across 301 applicants. Table 1 shows the breakdown of these applications.

Table 1.	The Home Safe Scheme		West Lindsey District Council	
	Properties	Applicants	Properties	Applicants
Applications*	518	281	37	20
Draft Licences	377	245	22	10
Full Licences	345	224	11	6
Exemptions (full)	n/a	n/a	22	10
Exemptions (temporary)	n/a	n/a	All temporary exemptions now expired, none currently in effect.	
<i>*live applications, not including applications which have been cancelled or terminated</i>				

- 2.5. 22 applicants have had their membership of Homesafe terminated for a variety of reasons. There have also been 23 properties sold during the period of the scheme, which have resulted in memberships ceasing.
- 2.6. Alongside these applications there are around 60 properties known to the Council that need a licence and an additional estimation of 190 properties where further investigation is required. This estimates that the maximum number of licensable properties will be in the region of 815.
- 2.7. It should be noted that this is the maximum. Further investigation will reduce this number and an updated figure will be provided with each update report received by the committee.

The Council has pinpointed the exact properties it needs to investigate and will commence this process as per the timescales outlined in this report.

3. Financial Information

- 3.1. The Council has to date received £73,300 from licensing income. £69,540 was received in 16/17 with £3,760 to date this year. Of this income £20,540 was spent in 16/17 and £13,744 to date in 17/18.
- 3.2. It is proposed to utilise the remainder of the funding on staffing resource to continue the administration and implementation of the scheme.

4. Support for Landlords

- 4.1. In partnership with Homesafe, forums for licensed landlords will be taking place between now and the end of 2017. These forums will be aimed at seeking feedback on the scheme and to initiate the development of ideas and solutions to some of the problems faced by landlords within the area.
- 4.2. Homesafe have provided elected members with an update of the work they have undertaken to date within the scheme and the area and this is shown in appendix 1.
- 4.3. Information relating to the proposed Tenant Passport Scheme is shown in appendix 2.

5. Approach to Enforcement

- 5.1. Officers are continuing to focus their efforts on the highest risk unlicensed landlords and their properties. To date, a wide range of enforcement action has been taken, as follows:
 - 2 separate prosecutions are under way. One of which involves multiple owners of properties, 3 of whom have been found guilty of licensing offences. The additional owner has entered in a not guilty plea and is due to stand trial in October. A further landlord has also pleaded guilty to licensing offences and is awaiting sentencing.
 - The 3 guilty landlords have all been given Criminal Behaviour Orders (CBOs), requiring them to meet certain conditions in relation to property management. A CBO is also being sought for the additional landlord who entered into a not guilty plea. A further landlord has voluntarily agreed to meet the requirements of the CBO.
 - 15 Warrants have been executed within the area to assist in the determination of licensing and other offences. These have been completed in partnership with the Police.
 - 49 formal enforcement notices have been served since 31st October 2016 (37 were served in the whole of 16/17)
 - There have been 50 safeguarding referrals from agencies working in the area since 31st October 2016
 - There are currently 90 empty properties within the South West Ward, 80 of which are long term empty (6 months or more). 36 of the 80 have been empty for 2 years or more. This suggests that the short term empty properties are being brought back into use and that our efforts should be focussed on the long term empty properties. There are 2 Compulsory Purchase Orders underway within the ward also.

- Regular meetings with the local policing team are identifying joint actions and issues and are ensuring intelligence is shared. These meetings are also directly addressing specific property and landlord issues reported by the public or gather via our own intelligence.
- 5.2. There is currently still an estimated further 190 properties, which may require a licence. These will also be considered for prosecution subject to the Council carrying out the relevant due diligence within each case.
 - 5.3. At this stage of the scheme we are not considering the prosecution of any landlords for being non – compliant with the scheme conditions. Only when a landlord is licensed can they be considered for prosecution for non-compliance. These considerations will be made in due course.
 - 5.4. The Council continues to investigate reports of disrepair in the area alongside the scheme and continues to use its enforcement powers to address any issues found in advance of a landlord being licensed.

6. Ensuring Compliance

- 6.1. To date 516 properties have been checked for compliance. These checks determine whether the landlord is compliant with the required licence conditions.
- 6.2. 243 properties have resolved Level 1 (Urgent) or Level 2 (High Risk) compliance issues which were identified. Homesafe are working with license holders to resolve the remaining issues.
- 6.3. Where a license holder does not take the necessary steps to become compliant their status as a licence holder is discussed with the Council and we will determine the most appropriate course of action.

7. Tenant Passport Scheme

- 7.1. Details of the Tenant Passport scheme are shown in Appendix 2. It is proposed to implement the scheme from January 2018. It is estimated that there will be on average, 5 applicants per week within the licensing area, if they all choose to approach and provide consent to be put through the scheme.
- 7.2. The scheme is aimed at improving tenancy sustainment and providing landlords with a tool to make additional checks on tenants relating to their tenancy history and any previous offences relating to tenancy management.
- 7.3. Landlords often advise the Council that their reference checks cannot provide enough information, likewise, some landlords do not take references and as a result suffer tenancy sustainment issues. The scheme will enable proactive landlords to make further checks and allow the Council to gather additional intelligence on those landlords that are not obtaining references.
- 7.4. The scheme will initially only be available to those landlords within the licensing area and it is proposed to implement it from January 2018.

8. Future Scheme Timescales

- 8.1. As per the update to elected members in March 2017, the scheme is focussed initially on the 3 main phases below. An update has been provided for each phase.

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 – The Council will continue to license eligible landlords for the duration of the scheme. All remaining live applications are now within the process and will be determined at the earliest opportunity. The most resource intensive period in regards to issuing licenses is drawing to a close and will be completed by the end of November 17.

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 – 2 prosecutions have already been undertaken and a number of additional prosecutions are in the pipeline. This phase of the project will continue for the duration of the 5 year licensing period.

Phase 3 – Ongoing Compliance: all compliance checks for licensed landlords will be completed by July 17. The Council will then take a risk based approach to ensuring that all licensed landlords are fully compliant by the 1st of January 2018.

Update – To date, 514 compliance checks have been completed. The remaining properties will be checked as soon as practicably possible with regards to the specific issue that they may present in terms of access. Properties licensed directly by the Council will receive a full Part 1, Housing Act inspection within the duration of the five year scheme.

8.2. An additional fourth phase of the scheme can now be considered in relation to anti-social behaviour and wider improvements within the area

Phase 4 – Reducing Anti – Social Behaviour and Improving the overall environment: following the completion of the overall licensing phase of the scheme, the Council will consider further its approach to reducing anti-social behaviour. an overview of the approach to this is given below in section 9 . This phase of the scheme will last for the remainder of its designation.

9. Working to reduce anti-social behaviour

9.1. There has been clear direction from elected members in regards to the reduction of anti-social behaviour in the area and this is a key objective within the licensing scheme. Now that the initial licensing and administrative phase is nearing completion the focus will be on addressing the wider issues within the area, which the scheme can influence.

9.2. The scheme is a 5 year scheme and although the intelligence gathered within the scheme is assisting in our efforts to tackle ASB and wider issues this has not been the focus to date. These efforts are being taken using our existing resources and our work on tackling unlicensed landlords, whose properties are the cause of large amounts of ASB are taking priority.

9.3. Elected Members will be aware that ASB on the whole, across Lincolnshire has risen for the first year since 2011. Many of the issues being seen in West Lindsey are mirrored in other districts. Where there has been a rise, the numbers of incidents are still very small.

9.4. Officers are working with County colleagues via the Community Safety Partnership to look at reducing ASB and to highlight any gaps in provision and identify solutions. This work is

ongoing and impacts upon the whole district, not just the licensing area.

9.5. Within the scheme the following activities are taking place relating to ASB:

- All of the Councils existing statutory functions related to enforcement are focussed on the licensing area and wider SWW.
- Where we have had ASB complaints about an unlicensed property, we have tackled this by arranging a joint visit from housing enforcement under a s239 notice with ASB officer attending. This provides an opportunity to contact the landlord, highlight the licensing status, enter premises and speak with the tenant. This has had a positive effect in a number of cases and it is something we have the opportunity to enhance and link to forthcoming prosecutions.
- The Council's joint working with the Police has enhanced and now forms the basis for our approach to enforcement and in ensuring we are focusing on the highest risk and highest harm issues.
- Public Space Protection Orders have been put in place within the Trinity Arts Centre to address activities of concern, likewise a PSPO is in place across the district to deal with dog fouling.

9.6. Proposals will be brought to elected members over the coming months in regards to our future approach. This will provide resources for the following

- Additional enforcement officer, focused on the South West Ward and other areas where PSPO issues are prevalent. This will extend our ability to deal with fly tipping, early presentation of waste and PSPO related offences.
- A specific resource focussed on support for the private rented sector and landlords aimed at increasing tenancy sustainment and providing advice, support and guidance.
- Extension of the existing CCTV system into the South West Ward .

10. Recommendations

10.1. Members are asked to note the contents of this report and agree that further update will be provided in 12 months time.

10.2. Members are asked to approve the Tenant Passport Policy and its implementation to come into effect on Monday 8th January 2018 and delegate any minor technical policy amendments to the Chief Operating Officer,

Gainsborough Scheme Overview – October 2017

The Home Safe Scheme Memberships

Total members – 281

Total houses – 518

Average ownership – 1.8

Largest portfolio member / investor – landlord currently has 26 properties in the designated area and has apparently bought more which are yet to be registered

Termination Analysis

Sold houses – 23 so far throughout the licensing period and the busiest month for selling was January 2017 where 6 properties were removed from our membership as our members informed us they had completed.

Terminated by Home Safe – 22 members

Submission error/ refused DD method - 16

Applications rejected (failed fit and proper) – 14 entries have been noted on the database by WLDC as having Fit and Proper issues

Registration Analysis (non compliance) at the time of registration

LGSR - 321

EPC - 250

EICR – 283

Unsatisfactory EICR – 17

The Home Safe scheme made weekly calls and emails to each member to drive compliance and arranged a contractor for any landlord that couldn't organize the reports to be completed themselves for whatever reason. We also sent via post 111 outstanding matters reminder letters

on the 9th of February 2017 and 52 Final reminder letters on the 3rd of March 2017. Listed below is a snapshot of the impact of such reminders and correspondence to enable the landlords to be fully compliant.

	6 th January	27 th January	1 st March	21 st March
EPC	99	99	3	4
LGSR	121	87	6	6
EICR	219	161	36	21
U EICR	31	47	16	28

Outstanding complete registrations and registration date

October 18TH 2016 - Clinton Terrace – Unsatisfactory EICR submitted. The property is vacant and uninhabitable according to Martin & Co. Section 21 previously served

December 1st 2016 –Waterworks Street – EICR – Vacant refurbishment. Has issued a Section 21 and the end result was eviction by bailiffs

December 31st 2016– 62 Trent Street – GSC – Vacant Refurbishment. The landlord has submitted a commissioning document for a new boiler that’s been installed.

January 8th 2017 – Lea Road – Property for Sale. Tenant was using drugs and the property was not safe to enter. All contractors refused to access due to human waste being present in the rooms

December 23rd 2016 - Portland Terrace –Unsatisfactory EICR. Vacant property

June 17TH 2017 - Cromwell Street - EICR – New registration; awaiting report

Compliance Check Analysis

Total properties inspected - 514

Total remaining - 5

Linden Terrace – New registration

Sandsfield Lane – New registration

Trent Street – Difficult tenant – WLDC have obtained a warrant to access

Ruskin Street – for sale – Vacant

Waterworks Street – Vacant refurbishment

Total job tickets raised - 474

Total job tickets completed - 394

Tickets remaining - 80

Response Levels Identified

Green – 32

R4 – 8

R3 – 100

R2 – 313

R1 – 66

Safeguarding Concerns Raised - 7

Peripheral Issues

Landlord v Landlord disrepair complaints - 3

WLDC disrepair complaints - 13

Recorded ASB tickets completed - 12

Witness statements given for non-compliance and terminated members - 2

Example Stories - Selective Licensing Membership Journey – WLDC

Mr A – This gentleman was house bound recovering from an operation on his broken hip. He was worried about Selective Licensing and completing his application. In the interest of supporting him in ill health, Home Safe talked him through the entire application over the 'phone so he achieved the application deadline.

Ms P – This Lady declared she had recently become divorced and her husband had taken the computer they owned together. She lives as she describes “somewhat in the sticks” and was struggling to get some support with her application. She decided to go out and buy a computer and Home Safe offered her a weekend appointment to be on call to support her completing her application. She is now enjoying the benefits of being back online and it has made it easier for her to communicate with her tenants

Ms J – Ms J had very sadly lost four close family members in quick succession including her husband. Her husband had always dealt with the rental property and she was worried she would now have to take his place of being “Landlord”. Home safe met with Mrs J to help her complete her application, ordered for her an electrical report and the remedial works that were subsequently required to make the electrics satisfactory. She also had a problem tenant and Home Safe helped her gain access to her property via a suite of letters and provided her with details of some local Agents who could support her, long term, in managing the property.

Mr F – Home Safe met with Mr F to complete his application. He had very little computer skills and was not aware that he was required by law to have a Gas Safety Certificate. He also did not have an electrical report. Home Safe organised both of the required documents and gave Mr F guidance on the basic principles and legalities of managing his properties.

Ms S – Ms S had not been able to gain access to her rental property in seven years and her tenant was unmanageable. He lived in a flat above her commercial shop and would regularly cause flooding which also affected and damaged the shop downstairs. Home Safe provided her with a suite of Access letters and helped her organise the correct certification that was required for the Selective Licence application. Her tenant left the property and she has now re let the property to a Tenant that looks after the flat, respects it and pays the rent.

Ms M – Ms M rang Home Safe to ask for advice on attracting a tenant, decorating and marketing ideas as she has been without a tenant for several months. After Home Safe provided advice, Ms M was able attract a new tenant who moves in shortly. Home Safe also provided advice clarifying issues that had confused Ms M as a result of her electrical contractor disappearing without providing her with the required documentation following remedial works and a new electrical installation. Home Safe advice clarified information sent to Ms M by NICEIC which has enabled her to complete her licence application and allow the new tenant to move in.

Mr M – Mr M was frustrated at the costs of Selective Licensing given the fact that he had not been able to attract a tenant since summer 2016. Mr M was given advice on how he could check to see if the property was being marketed properly and given guidance on how he could make his property more appealing to prospective tenants.

Comments from Home Safe members

“This is to confirm that I have been extremely impressed and thankful for the ‘over and above’ service offered by Melanie Webster throughout this process. I did find certain aspects of it very confusing and difficult to understand and she was there to help and guide me

During this period I have also undergone an operation in hospital and a long recovery period, again she has shown empathy and understanding for my situation, and I can honestly say that without her help I doubt if I would have been able to complete all the necessary and numerous documents as unfortunately I am not very computer literate.

Also many thanks to a gentleman called Harry who very patiently talked me through certain procedures which had been very ambiguous – I found it difficult to understand which made me feel better!!!

Thank you again Melanie and Harry for all the care and attention you have provided to me and I can assure you that it has been most appreciated and I hope you are both able to continue to provide me (and others) with that ‘personal touch’ which is so important but often overlooked by big corporate establishments.”

West Lindsey District Council- The Tenant Passport Scheme

October 2017

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Further information regarding this policy can be obtained by contacting:

The Home Choices
Team
Guildhall
Marshall's Yard
Gainsborough
Lincs.
DN21 2NA
01427 676676

Introduction

The Tenant Passport is a free to use tenant referencing service managed and delivered by West Lindsey District Council's Home Choices Team.

The aim of the scheme is to improve tenancy sustainment in the social and private rented sector by providing landlords with information regarding a person's tenancy history. This will assist landlords in determining whether they feel they want that particular applicant for their property and will enable the Council to identify where support can be offered to the landlord or the potential tenant to help them to obtain and then to maintain a property.

Landlords are often reluctant to let their properties to people who they know little about. They fear their property could be damaged, used for illegal purposes or that the rent may not be paid. This can make it difficult and time consuming to find a good property for a tenant and a good tenant for a landlord.

Different landlords have different levels of experience, resources, and ability in tenancy management. For example; whether or not they are locally based; the number and experience of the staff they employ; the number of properties they manage; the financial resources available to them to maintain the property and manage the tenancy. This means that some landlords will be able to successfully maintain and manage tenancies that other landlords cannot. The scheme will enable landlords to consider this as part of the decisions that they make and provide an opportunity to seek support from the Council and other relevant agencies.

Reasons for the scheme

Membership of The Tenant Passport Scheme allows someone to show that they are a suitable tenant quickly and easily. The scheme allows landlords to obtain reliable, accurate and comprehensive information regarding the tenancy history of someone who has approached them for housing. This information is provided to the landlord with a person's written permission. Landlords use the information provided by the scheme to make a risk assessment of whether it would be appropriate for them to take someone as their tenant. The liability for the decision remains with the landlord, the scheme provides them with additional information in order to assist them in their decision making.

Objectives

The scheme is designed to encourage the following:

- Increase reporting of incidents of anti-social behaviour and poor tenancy management (landlord and tenant)
- To enable tenants to learn from previous behaviours and receive assistance and support to address this.
- To encourage ALL landlords to seek references from their prospective tenants.
- Give landlords relevant information about the people wanting to rent their properties.

Lincolnshire Police are working in partnership with the Council in regards to this means of referencing for prospective tenants. It is intended that this is not to be a tool to prohibit prospective tenants but rather one that informs prospective landlords and the Council of what needs to be put in place to prevent the tenancy from failing. It is only then we can assess the needs from our customers.

How the scheme will work

Tenants can self-refer to the Home Choices team or be referred by the landlord. The Home Choices team will contact the tenant to ensure this is correct and checks will only be undertaken with the permission of the applicant. This will be done by an application which will be stored in a specific file on the housing file. Explicit consent will be obtained for the police disclosure. Forms are attached in Appendix 1.

The team will make the following checks

- Former tenancy history over the last 2 years
- Criminal convictions which are relevant to tenancy history. This would cover all offences where a possession order could have been granted if the tenant were a tenant of a registered provider (housing association). Offences are those listed in section 30 of the Anti social Behaviour, Crime and Policing Act 2014 (Appendix 2).
- Other anti-social behaviour

We will work with Lincolnshire Police to obtain information but all information will be held on current Council systems. Information will be obtained with the customer's full consent..

Data Protection

Information will be deleted in line with the council's data protection rules

Specific information re a person's membership can only be discussed in detail if that agency has an information sharing agreement with Lincolnshire Police. For those wanting housing with private landlords the landlord cannot be given any indication as to why the colour has been given (details are below). Merely to state that colour has been given in line with the guidance.

If an agency or landlord asks the reasons for the level given to the customer they will be referred back to the criteria. If they wish to discover specific information they will need to put in requests to public protection, housing benefit and Lincolnshire Police.

All requests are to be made in line with the information sharing agreement between Lincolnshire Police and WLDC

Terms of the scheme

Membership is granted for a maximum of 12 months and is on a 3 tier basis.

- **Full Membership (Green)** - Membership granted for 12 months. Applicants must have held a previous tenancy within the last two years. Applicants with no history of rent arrears, anti-social or criminal behaviour related to the tenancy or tenancy management concerns,
- **Provisional Membership (Yellow)** - Membership granted for 6 months. Applicants with minor rent arrears, anti-social or criminal behaviour related to the tenancy, tenancy management concerns, or who have not previously held a tenancy,
- **Rejected Membership (Red)** - Membership rejected for 6 months. Applicants whose behaviour would have entitled a landlord to seek immediate possession of the property at court. i.e., significant rent arrears, serious anti-social / criminal behaviour, major problems involving tenancy management. Reasons for rejected membership and assistance provided to applicants are explained further in Appendix 3.

Policy Review

It is proposed to review the policy internally within 6 months of its implementation to ensure that it is operating effectively.

The Tenant Passport Membership Application Form

HOUSING STATUS

About yourself	About the joint applicant
Family name or surname:	Family name or surname:
First name(s):	First name(s):
Title: Mr Ms Mrs Miss (please circle)	Title: Mr Ms Mrs Miss (please circle)
Date of Birth:	Date of Birth:
National Insurance Number:	National Insurance Number:
Gender (Sex): M F (please circle)	Gender (Sex): M F (please circle)
Address Postcode:	

Email Address:

Telephone Number (Home):

Daytime Telephone Number (if different):

Mobile Telephone Number:

Date moved into current property:

Date have to leave current property:

HOUSING HISTORY

(Provide your addresses for the last 2 years and explain any gaps in your housing history)

Address	From	To	Reason for leaving	Who was tenancy with?

Are you the tenant of the above property? Yes / No

If you are the tenant - who is your current Landlord?

What is your Landlord's Name:

What is your Landlord's Address:

.....
.....
.....
..... Postcode:

Please give your Landlord's
telephone numbers:

Home

.....
.....

Mobile

.....
.....

E-mail:

.....

If you are not the tenant of the above property are you?

Living In

Owner Occupier

Homeless

APPLICANT 1 - TENANCY HISTORY

Do you have any rent arrears from previous tenancies in the last 2 years?

Yes No

If yes – where and how much?

Address: _____ £ _____

Address: _____ £ _____

In the last 2 years have you been subject to?

In the last two years have you been subject to any of the following court orders:	Main Applicant
Anti-social Behaviour Order	Yes/No
Drinking Banning Order	Yes/No
Premise Closure Order	Yes/No
Injunction	Yes/No
Possession Order (loss of your home)	Yes/No
A Domestic Violence Court Order	Yes/No

Any complaints Regarding:	Main Applicant
Anti-Social Behaviour	Yes/No
Criminal Behaviour	Yes/No
Domestic Violence	Yes/No
A criminal conviction (unless spent)	Yes/No

If yes for any of the above please provide details below:

Do you have anyone who provides you with help or support such as a Health Worker, Social Worker, Probation Officer or another Support Officer?

Yes No

Name:

Agency:

Tel No:

APPLICANT 2 - TENANCY HISTORY

Do you have any rent arrears from previous tenancies in the last 2 years?

Yes No

If yes – where and how much?

Address: _____ £ _____

Address: _____ £ _____

In the last two years have you been subject to any of the following court orders:	Main Applicant
Anti-social Behaviour Order	Yes/No
Drinking Banning Order	Yes/No
Premise Closure Order	Yes/No
Injunction	Yes/No
Possession Order (loss of your home)	Yes/No
A Domestic Violence Court Order	Yes/No

Any complaints Regarding:	Main Applicant
Anti-Social Behaviour	Yes/No
Criminal Behaviour	Yes/No
Domestic Violence	Yes/No
A criminal conviction (unless spent)	Yes/No

If yes for any of the above please provide details:

Do you have anyone who provides you with help or support such as a Health Worker, Social Worker, Probation Officer or another Support Officer?

Yes No

Name:

Agency:

Tel No:

**INFORMED CONSENT FORM
TO BE READ AND SIGNED BY THE PERSON(S) APPLYING FOR MEMBERSHIP OF THE
TENANT PASSPORT SCHEME.**

I have applied for membership of West Lindsey District Council's Tenant Passport Scheme. I understand that the aim of the scheme is to reduce anti-social behaviour in the private rented sector by providing landlords with information regarding a person's **tenancy** history to assist a landlord in deciding whether to offer a member of the scheme a tenancy, in tenancy management and where appropriate, by linking people to support to help them to get and then to maintain a property.

I understand and consent to West Lindsey District Council's Tenant Passport carrying out checks about my and members of my households past behaviour/character and the conduct of any previous tenancies and/or occupations of any property that have involved myself and/or members of my household.

I understand and consent to any information obtained by the scheme being used to assist the scheme in determining my membership application (subject to scheme guidance available at www.west-lindsey.gov.uk) and in measures to prevent and tackle crime and anti-social behaviour.

I understand and consent to any agency/company exchanging any information that they deem necessary and relevant regarding myself and members of my household for these purposes.

I understand and consent to any information that is held about myself and my household being shared with any relevant agencies under Section 115 of the Crime and Disorder Act 1998 for the purpose of reducing crime and disorder.

I understand that these agencies may include, but are not limited to, any prospective or current or previous landlords, Police Force, departments of Local Authorities, Housing Associations, Probation Services, Primary Care Trusts and Fire Authorities.

I understand that information about myself and my household will be held by West Lindsey District Council under the terms of the Data Protection Act 1998. Information will be held on a secure database for 12 months and then deleted in line with West Lindsey District Council's guidelines.

I understand and consent that the information that may be held and exchanged may include, but may not be limited to, any complaints of anti-social behaviour, domestic violence, rent arrears, damage to property, abandonment of property, breach of tenancy conditions, court orders, illegal use of property, and/or criminal behaviour which is deemed to be relevant to tenancy management.

I understand that should I provide any false information and/or withhold any information relevant to determining my suitability for membership of the Tenant Passport Scheme that I will be refused membership/face the withdrawal of my membership for a minimum of 12 months.

(Please take signature for every person who needs referencing over 18 years old who will be living with the main applicant).

Signature:Date:

Signature:Date:.....

FORM D: Explicit Consent for the Disclosure of Police Information

Most information held by the Police is classified as 'SENSITIVE' personal information, under the Data Protection Act 1998, and therefore unless an exemption applies the explicit consent of the Data Subject is required, before we can consider disclosure.

I, Name: (applicant)
 Date of Birth:
 Address:

I hereby consent for Lincolnshire Police to disclose the following information–

TO Organisation: West Lindsey District Council
 Address: Home Choices, The Guildhall, Marshalls Yard,
 Gainsborough DN21 2NA

For the purpose of -

For West Lindsey District Council's tenant referencing scheme. Applicant has signed statement above to confirm would like to apply to the scheme.

Signed: Date:

CONFIRMATION OF IDENTITY:

I, Name: (Organisation Representative)
 of the above organisation, hereby confirm that I have verified the identity of the above named individual.

Signed: Date:

Position/Job Role:

(Where possible, please provide countersigned photocopy of any available identification)

GTP APPLICATION CHECKLIST

Has Applicant 1 and Applicant 2: (if relevant)

(A) Application Form:

1. Answered **ALL** questions on the form?
2. Provided a phone number?
3. Listed everyone who is going to be living with them?
4. Listed **ALL** their previous addresses for the last 2 years?
5. Signed and dated the form?

(B) Provided 2 proofs of their identity?

(Note - only 1 proof of identity needed if you provide photo ID with your current address on. i.e. Driving Licence)

(C) Provided proof of their current address?

(D) Had their photograph taken?

(Note - BOTH applicants (if relevant) must be present to have their photograph taken to hand in the form)

Documents accepted for proof of identity and current address:

1. Passport
2. Home office immigration papers
3. Driving licence
4. Birth or Marriage certificate
5. National Insurance number card
6. EEC identity card
7. Military identity card
8. Prison identity card
9. Citizen, validate UK, PASS identity cards
10. University/College identity card
11. Benefit payment book/letter, Child or Housing benefit book/letter
12. Tenancy Agreement or Rent book
13. NHS medical card
14. Utility bill (gas, electric, water) (dated within last 3 months)
15. Phone, council tax, insurance bill (dated within last 3 months)

THIS TENANT PASSPORT SCHEME APPLICATION FORM WILL NOT BE ACCEPTED UNLESS ALL OF THE ABOVE HAS BEEN DONE

Appendix 2

List Of Offences

Violent offences

1Murder.

2Manslaughter.

3Kidnapping.

4False imprisonment.

5An offence under any of the following sections of the Offences against the Person Act 1861—

(a)section 4 (soliciting murder),

(b)section 16 (threats to kill),

(c)section 18 (wounding with intent to cause grievous bodily harm),

(d)section 20 (malicious wounding),

(e)section 21 (attempting to choke, suffocate or strangle in order to commit or assist in committing an indictable offence),

(f)section 22 (using chloroform etc. to commit or assist in the committing of any indictable offence),

(g)section 23 (maliciously administering poison etc. so as to endanger life or inflict grievous bodily harm),

(h)section 24 (maliciously administering poison etc. with intent to injure, aggrieve or annoy any other person),

(i)section 27 (abandoning or exposing children whereby life is endangered or health permanently injured),

(j)section 28 (causing bodily injury by explosives),

(k)section 29 (using explosives etc. with intent to do grievous bodily harm),

(l)section 30 (placing explosives with intent to do bodily injury),

(m)section 31 (setting spring guns etc. with intent to do grievous bodily harm),

(n)section 38 (assault with intent to resist arrest),

(o)section 47 (assault occasioning actual bodily harm).

6An offence under any of the following sections of the Explosive Substances Act 1883—

(a)section 2 (causing explosion likely to endanger life or property),

(b)section 3 (attempt to cause explosion, or making or keeping explosive with intent to endanger life or property),

(c)section 4 (making or possession of explosive under suspicious circumstances).

7An offence under section 1 of the Infant Life (Preservation) Act 1929 (child destruction).

8An offence under section 1 of the Children and Young Persons Act 1933 (cruelty to children).

9An offence under section 1 of the Infanticide Act 1938 (infanticide).

10An offence under any of the following sections of the Public Order Act 1986—

(a)section 1 (riot),

(b)section 2 (violent disorder),

(c)section 3 (affray).

11An offence under either of the following sections of the Protection from Harassment Act 1997—

(a)section 4 (putting people in fear of violence),

(b)section 4A (stalking involving fear of violence or serious alarm or distress).

12An offence under any of the following provisions of the Crime and Disorder Act 1998—

(a)section 29 (racially or religiously aggravated assaults),

(b)section 31(1)(a) or (b) (racially or religiously aggravated offences under section 4 or 4A of the Public Order Act 1986),

(c)section 32 (racially or religiously aggravated harassment etc.).

13An offence under either of the following sections of the Female Genital Mutilation Act 2003—

(a)section 1 (female genital mutilation),

(b)section 2 (assisting a girl to mutilate her own genitalia).

14An offence under section 5 of the Domestic Violence, Crime and Victims Act 2004 (causing or allowing the death of a child or vulnerable adult).

Sexual offences

15An offence under section 33A of the Sexual Offences Act 1956 (keeping a brothel used for prostitution).

16An offence under section 1 of the Protection of Children Act 1978 (indecent photographs of children).

17An offence under section 160 of the Criminal Justice Act 1988 (possession of indecent photograph of a child).

18An indictable offence under Part 1 of the Sexual Offences Act 2003 (sexual offences).

Offensive weapons

19An offence under either of the following sections of the Prevention of Crime Act 1953—

(a)section 1 (prohibition of the carrying of offensive weapons without lawful authority or reasonable excuse),

(b)section 1A (threatening with offensive weapon in public).

20An offence under any of the following provisions of the Firearms Act 1968—

(a)section 16 (possession of firearm with intent to endanger life),

(b)section 16A (possession of firearm with intent to cause fear of violence),

(c)section 17(1) (use of firearm to resist arrest),

(d)section 17(2) (possession of firearm at time of committing or being arrested for offence specified in Schedule 1 to the Act of 1968),

(e)section 18 (carrying a firearm with criminal intent),

(f)section 19 (carrying a firearm in a public place),

(g)section 20 (trespassing with firearm),

(h)section 21 (possession of firearms by persons previously convicted of crime).

21An offence under either of the following sections of the Criminal Justice Act 1988—

(a)section 139 (having article with blade or point in public place),

(b)section 139AA (threatening with article with blade or point or offensive weapon).

Offences against property

22An offence under any of the following sections of the Theft Act 1968—

(a)section 8 (robbery or assault with intent to rob),

(b)section 9 (burglary),

(c)section 10 (aggravated burglary).

23An offence under section 1 of the Criminal Damage Act 1971 (destroying or damaging property).

24An offence under section 30 of the Crime and Disorder Act 1998 (racially or religiously aggravated criminal damage).

Road traffic offences

25An offence under section 35 of the Offences against the Person Act 1861 (injuring persons by furious driving).

26An offence under section 12A of the Theft Act 1968 (aggravated vehicle-taking involving an accident which caused the death of any person).

27An offence under any of the following sections of the Road Traffic Act 1988—

(a)section 1 (causing death by dangerous driving),

(b)section 1A (causing serious injury by dangerous driving),

(c)section 3A (causing death by careless driving when under influence of drink or drugs).

Drug-related offences

28An offence under any of the following provisions of the Misuse of Drugs Act 1971—

(a)section 4 (restriction of production and supply of controlled drugs),

(b)section 5(3) (possession of controlled drugs with intent to supply),

(c)section 8(a) or (b) (occupiers etc. of premises to be punishable for permitting unlawful production or supply etc. of controlled drugs there).

29 An offence under section 6 of that Act (restrictions of cultivation of cannabis plant) where the cultivation is for profit and the whole or a substantial part of the dwelling-house concerned is used for the cultivation.

Inchoate offences

30(1) An offence of attempting or conspiring the commission of an offence specified or described in this Schedule.

(2) An offence under Part 2 of the Serious Crime Act 2007 (encouraging or assisting) where the offence (or one of the offences) which the person in question intends or believes would be committed is an offence specified or described in this Schedule.

(3) An offence of aiding, abetting, counselling or procuring the commission of an offence specified or described in this Schedule.

Appendix 3

Advice for persons with rejected membership

- Previous tenancy issues - If you have had problems with a tenancy in the past, you can still apply to join. The scheme will assess your application and may, depending on the circumstances, decide to grant you provisional membership of the scheme. Applicants who are refused membership of the scheme will be offered an interview to discuss their refusal with their application's investigating officer.
- Applicants who have been rejected for rent arrears can reapply when arrears are repaid in full or a rent repayment plan has been agreed and adhered to with their landlord. West Lindsey would expect arrears to be below 8 weeks of rent and then 13 reasonable weekly payments to be made. This is in line with the current policy for the Lincs Homefinder housing register policy. For assistance in negotiating a rent repayment plan applicants can contact the Home Choices Team.
- Applicants who have been rejected for anti-social / criminal behaviour and / or problems involving tenancy management have a right to re-apply to join the scheme provided they can show an improvement in their behaviour over a consistent period of at least 6 months (or accept support offered by Floating Support provider or Vulnerable Adults Panel - see below)
- Applicants who attend their interview will be offered a referral to a Floating Support provider or Vulnerable Adults Panel. The Floating Support provider or Vulnerable Adults Panel will review the situation to see if there is any available and appropriate support that can be provided to assist in changing/improving the behaviour which led to rejection from the scheme.
- Where an applicant accepts support offered for a minimum period of 3 months and in the opinion of their primary support worker the applicant has engaged with the support offered and there have been no further reports of behaviour which would affect a tenancy, an applicant will be offered provisional membership of the scheme. The scheme manager reserves the right to determine whether an applicant has met the above requirements when deciding whether to grant a provisional membership.

Reasons for amber membership

Minor rent arrears would mean those below 8 weeks rent arrears/ former tenant arrears. The team would highlight a rent repayment plan and look at ways of referring for direct benefit payments to landlords.

This would also include tenants with either possession of drugs but would not constitute a possession order and warnings issued by the Housing enforcement team at West Lindsey District Council.

Appendix 4

The Tenant Passport Scheme – Fact Sheet for Applicants

What is the Tenant Passport Scheme? - The scheme is a free to use tenant referencing service managed and delivered by West Lindsey District Council's Home Choices Team.

The aim of the scheme is to improve tenancy sustainment in the social and private rented sector by providing landlords with information regarding a person's tenancy history. This will assist landlords in determining whether to offer the property to an applicant and will enable the Council to identify where support can be offered to the landlord or the potential tenant to help them to obtain and then to maintain a property.

Landlords are often reluctant to let their properties to people who they know little about. They fear their property could be damaged, used for illegal purposes or that the rent may not be paid. This can make it difficult and time consuming to find a good property for a tenant and a good tenant for a landlord.

Different landlords have different levels of experience, resources, and ability in tenancy management. For example; whether or not they are locally based; the number and experience of the staff they employ; the number of properties they manage; the financial resources available to them to maintain the property and manage the tenancy. This means that some landlords will be able to successfully maintain and manage tenancies that other landlords cannot. The scheme will enable landlords to consider this as part of the decisions that they make and provide an opportunity to seek support from the Council and other relevant agencies. Using information from the scheme, landlords are able to confirm whether someone is a suitable tenant and to hopefully offer them a property. As a voluntary scheme, the final decision as to whether to take someone as a tenant remains with the landlord.

What are the benefits of membership? - Membership of the Tenant Passport scheme allows someone to show that they are a good tenant quickly and easily. Landlords want to attract and keep good tenants. The scheme enables a fair and accurate picture of a person's tenancy history to be presented to a landlord which is based on reliable information.

How do I apply? - Joining the Good Tenant Passport is easy and free. Complete an [application](#) form and hand it in or post to the **Home Choices Team at the Guildhall, Marshall's Yard, Gainsborough, DN21 2NA**. Contact us for further information on 01427 676 676, Home.choices@west-lindsey.gov.uk

The scheme will check **your** tenancy history for the past two years using our records, our partner's records and with any current and previous landlords. This may include, but may not be limited to, any complaints of anti-social behaviour, domestic violence, rent arrears, damage to property, abandonment of property, breach of tenancy conditions, court orders, and illegal use of property, and / or criminal behaviour which is deemed to be relevant to tenancy management.

Depending on the results this may result in:

- Full Membership (Green) - Membership granted for 6 months. Applicants must have held a previous tenancy within the last two years. Applicants with no history of rent arrears, anti-social or criminal behaviour related to the tenancy or tenancy management concerns,
- Provisional Membership (Yellow) - Membership granted for 6 months. Applicants with minor rent arrears, anti-social or criminal behaviour related to the tenancy, tenancy management concerns, or who have not previously held a tenancy,

- Rejected Membership (Red) - Membership rejected for 6 months. Applicants whose behaviour would have entitled a landlord to seek immediate possession of the property at court. i.e., significant rent arrears, serious anti-social / criminal behaviour, major problems involving tenancy management.

What if I have had problems in the past? - If you have had problems with a tenancy in the past, you can still apply to join. The scheme will assess your application and may, depending on the circumstances, decide to grant you provisional membership of the scheme. Applicants who are refused membership of the scheme will be offered an interview to discuss their refusal with their applications investigating officer.

Applicants who have been rejected for rent arrears must repay them in full or maintain a rent repayment plan agreed with their landlord. For assistance in negotiating a rent repayment plan with your landlord please contact the Home Choices Team.

Applicants who have been rejected for anti-social / criminal behaviour and / or problems involving tenancy management have a right to re-apply to join the scheme provided they can show an improvement in their behaviour over a consistent period of at least 6 months (or they accept the support offered by the Floating Support Team or Vulnerable Adults Panel - see below)

Applicants who attend their interview will be offered a referral to P3 Floating Support Team or the Vulnerable Adults Panel. The Floating Support Team or Vulnerable Adults Panel will review the situation to see if there is any available and appropriate support that can be provided to assist in changing/improving the behaviour which led to rejection from the scheme.

Where an applicant accepts support offered, and for a minimum period of 3 months; in the opinion of their primary support worker the applicant has engaged with the support offered, and there have been no further reports of behaviour which would affect a tenancy, an applicant will be offered provisional membership of the scheme. The scheme manager reserves the right to determine whether an applicant has met the above requirements when deciding whether to grant a provisional membership.

Appendix 5

Tenant Referencing Scheme – Factsheet for Staff. Step by Step

Applications will be made to the tenant referencing scheme on approach to Home Choices. The customer will need to sign the P698d document to give explicit consent to access information in relation to their tenancy history.

Customer signs this document and that together with a copy of their identification is e-mailed to Lincolnshire Police.

Previous landlords are first contacted by telephone. If unable to reach please send landlord reference form to landlord by post. Where possible please try phone or e-mail to complete reference form.

If information is not received after it has been pursued then application is to be referred to Senior Home Choices officer and in the absence to the Home Choices Team Manager. To decide if application to be passported.

- **On receipt of information**

Once information is received person to be given membership depending on criterion issued in guidance booklet. If unclear please refer to Senior Home Choices Officer for discussion.

Storage of information

Information to be stored in persons file on H Drive.

Information should not be held past expiry date stated on spreadsheet. If person has not been housed within the timescale stated on their membership, customer to be contacted and asked if would like to be reconsidered for membership if appropriate.

Information will be stored on the customer's file in line with the times stated in the information sharing agreement and will be deleted once the customer's housing application has been cancelled or the customer has been rehoused. Information to be passed to registered provider if registered provider has information sharing agreement with Lincolnshire Police.

All Information is to be disposed in accordance with council procedures.

- **Questions re membership colour**

Specific information re a person's membership can only be discussed in detail if that agency has an information sharing agreement with Lincolnshire Police. For those wanting housing with private landlords the landlord cannot be given any indication as to why the colour has been given. Merely to state that colour has been given in line with the guidance.

If an agency or landlord asks the reasons for the level given to the customer they will be referred back to the criteria. If they wish to discover specific information they will need to put in requests to public protection, housing benefit and Lincolnshire Police.

All requests are to be made in line with the information sharing agreement between Lincolnshire Police and WLDC