



CABINET

This meeting will be recorded and the sound recording subsequently made available via the Council's website.

Please also note that under the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, other people may film, record, tweet or blog from this meeting. The use of any images or sound recordings is not under the Council's control.

To: Councillors Bailey, Barkley (Deputy Leader), Bokor, Harper-Davies, Mercer, Morgan (Leader), Poland, Rattray, Rollings and Smidowicz (for attention)

All other members of the Council
(for information)

You are requested to attend the meeting of the Cabinet to be held in Virtual Meeting - Zoom on Thursday, 10th December 2020 at 6.00 pm for the following business.

Chief Executive

Southfields
Loughborough

27th November 2020

AGENDA SUPPLEMENT – ITEM 7

7. DISCRETIONARY PRIVATE SECTOR HOUSING LICENSING SCHEME PROPOSALS

2 - 85

A report of the Head of Strategic and Private Sector Housing.

Key Decision

CABINET – 10TH DECEMBER 2020

Report of the Head of Strategic and Private Sector Housing Lead Member: Councillor Mercer

Part A

ITEM 7 DISCRETIONARY PRIVATE SECTOR LICENSING SCHEME

Purpose of Report

To approve the proposals for the introduction of an Additional Licensing Scheme across the Borough and Selective Licensing Scheme in Hastings and Lemyngton wards.

Recommendations

That Cabinet:

1. Note the outcome of the Discretionary Private Sector Housing Licensing consultation exercise.
2. Approve the proposal to declare Charnwood Borough as an area for Additional Licensing to be implemented from April 2021.
3. Approve the proposal to declare the two wards Hastings and Lemyngton an area for Selective Licensing to be implemented following approval from the Secretary of State.
4. Approve the proposed draft licence conditions for both schemes attached as Appendix 1 and for a consultation exercise to be undertaken for a period of 6 weeks from the 18th January 2021 to the 26th February 2021.
5. Approve an initial budget for £65k to set up the two schemes and commence recruitment of staff to deliver the two licensing schemes until the licence fees are received.

Reasons

1. To enable the Cabinet to consider the information and evidence gathered.
2. The scheme will cover all HMOs, irrespective of the number of stories that are occupied by 3 or 4 unrelated persons and all Section 257 HMOs (buildings converted into self-contained flats) where the building is wholly occupied by tenants.
3. The scheme will cover all Private Sector Rented properties in the two wards Hastings and Lemyngton other than those licensed through the Mandatory HMOs Licensing Scheme or the proposed Borough Wide Additional Licensing Scheme for HMOs.

4. To allow feedback on the draft licence conditions.
5. To Allow the schemes to be set up and the recruitment of officers to implement the two proposed licensing schemes in advance of the licence fees being received.

Policy Justification and Previous Decisions

The Scrutiny Management Board considered the findings and recommendations of the Managing Student Occupancy Scrutiny Panel at its meeting held on 19th March 2014 and the Cabinet subsequently considered the report on 10th April 2014. The Board then received three reports on the implementation of decisions taken following Scrutiny recommendations. The final report, considered on 28th October 2015, showed that the implementation of all Cabinet resolutions was sufficiently complete and no further monitoring was required.

However, the Board resolved to make two further recommendations to the Cabinet (detailed in Part B of this report).

At its meeting held on 15th November 2015, having considered the report of the Scrutiny Management Board, the Cabinet resolved the following:

1. *that the Head of Strategic and Private Sector Housing further investigate the potential to implement a Loughborough Accreditation Standard in partnership with the Loughborough Students Union;*
2. *that the Head of Strategic and Private Sector Housing consider the submission from the Loughborough Student Advisory Service of complaints data from 2014/15 and evaluate this alongside the evidence that has already been collated;*
3. *that the Head of Strategic and Private Sector Housing submit a report to a future meeting of the Cabinet to provide updates on the evidence gained and the actions taken in relation to resolutions 70.1 and 70.2, above.*

Reasons

1. *If this can be achieved, it will assist in improving standards in the student Private Rented Sector and raise awareness among students about some of the risks associated with poor housing standards.*
2. *To determine whether there are further options for investigation.*
3. *To enable the Cabinet to consider the evidence gained and the potential for further initiatives.*

The Cabinet meeting on the 17th January 2019 resolved:

1. That the evidence gathered to date and the impact of the implementation of the Government's expansion of the Mandatory Licensing of HMOs in the Borough be noted;

2. That further investigations being undertaken to gather evidence (as referred to in paragraph 61 of Part B of the report of the Head of Strategic and Private Sector Housing) to establish the case for the introduction of an Additional or Selective Licensing Scheme be approved;
3. That it be noted that a Borough wide Accreditation Scheme with the Students Union will not be taken forward.
4. That the report of the Overview Scrutiny Group be noted.

Reasons

1. To enable the Cabinet to consider the evidence gained.
2. Further information and evidence is required for Cabinets consideration and the consultation process required to introduce an Additional or Selective Licensing Scheme.
3. Resources were no longer available from the Student Union to take a Scheme forward.
4. To acknowledge the work undertaken by and the views of the Overview Scrutiny Group.

The Cabinet meeting on the 16th January 2020 resolved:

1. That the proposals for Private Sector Licensing be noted;
2. That the supporting evidence and risks be noted;
3. That the proposal for a consultation exercise be approved, as required by Section 56(3) of the Housing Act 2004 for Additional Licensing and Section 80(9) of the Housing Act 2004 for Selective Licensing;
4. That a one-off budget of up to £30,000 be approved to be funded from the Reinvestment Reserve in 2019/20 to undertake the consultation exercise;
5. That the report of the Scrutiny Commission be noted.

Reasons

- 1&2. To enable the Cabinet to consider the information and evidence gathered.
- 3&4. To use the Reinvestment Reserve to fund the statutory consultation to support the implementation of an Additional and Selective Licensing Scheme in consultation with the respective Lead Members.
5. To acknowledge the work undertaken by and the views of the Scrutiny Commission.

Implementation Timetable including Future Decisions and Scrutiny

If Cabinet approve the recommendations the consultation exercise on the licence conditions will be conducted between from the 18th January 2021 to the 26th February 2021. The Additional Licensing will be publicised for implementation in April 2021. The Selective Licensing publicised and implementation following approval from the Secretary of State.

Report Implications

The following implications have been identified for this report:

Financial Implications

If Cabinet approve the schemes, the licence fee income should pay for the implementation of the scheme, making the schemes cost neutral. The schemes will be implemented in April 2021 when applicants will have to apply and pay for their licence fee prior to the approval of their licence.

Set up costs and staff need to be in place to implement the scheme for these before the Council receive the full licence income. The exact number of licences issued will not be known until the schemes are operational, therefore a staggered approach to recruitment is planned to ensure all costs can be covered by the new Licence Income.

For 2021/22 up to £276,974 costs including set up cost £65,000 and staffing costs for the two schemes this will be funded once the licence fees have been received. This new scheme will require close monitoring to ensure that costs are being fully recovered by the new Licence Income.

Details are included in the implementation section of this report.

Risk Management

The risks associated with the decision Cabinet is asked to make and proposed actions to mitigate those risks are set out in the table below.

Risk Identified	Likelihood	Impact	Overall Risk	Risk Management Actions Planned
Landlords legally challenge the decision making process to implement a licensing scheme – cost to the Council to defend and time delay.	Very Likely (4)	Major (4)	High (16)	Make sure the decision making/consultation process meets legislative requirements to not encourage a legal challenge. Develop an effective Communication Strategy.
The resources to run a successful scheme are more than forecasted.	Very Likely (4)	Major (4)	High (16)	This has been the experience of some LAs due to the lack of cooperation from

Risk Identified	Likelihood	Impact	Overall Risk	Risk Management Actions Planned
				Landlords and additional staff required to work on the issues raised.
Landlords fail to apply or obtain a licence.	Very Likely (4)	Major (4)	High 16	<p>The Council can issue Civil Penalties (up to £30K) or prosecute for non-application and or continuing to operate after a licence is refused.</p> <p>Council would need to act swiftly and publicise.</p> <p>Landlords refused a licence would have to vacate the property and leave the property empty or a find a suitable Managing Agent.</p>
A significant number of licence conditions are breached.	Likely (3)	Major (4)	High 12	<p>The Council can issue Civil Penalties (up to £30K) or prosecute for non-application and or continuing to operate after a licence is refused.</p> <p>Council would need to act swiftly and publicise.</p>
Illegal evictions, homelessness and empty homes.	Likely (3)	Major (4)	High 12	<p>This has not been the experience of other LAs.</p> <p>Enforcement action would not be taken for illegal evictions.</p> <p>The Council will continue to work with landlords and tenants to prevent homelessness.</p>
Resident and or tenant challenge the decision to implement a licensing scheme.	Unlikely (2)	Major (4)	Moderate (8)	<p>Schemes should benefit residents and or tenants so unlikely to challenge.</p> <p>Make sure the decision making/consultation process meets legislative requirements.</p>

Risk Identified	Likelihood	Impact	Overall Risk	Risk Management Actions Planned
Relationships breakdown between the Council and Landlords.	Likely (3)	Serious (3)	Moderate 9	<p>Consultation and Communication Strategies must be effective.</p> <p>Commitment to the implementation of the Scheme.</p>
Landlords increase rental charges to cover the costs of the licence fee.	Very Likely (4)	Unlikely (2)	Moderate 8	<p>The impact of this would be delayed for the tenants with an existing tenancy.</p> <p>If tenants cannot afford to stay this could increase homelessness. Impact on the Council additional homeless applications to process and the increased use of temporary accommodation.</p> <p>This could increase the number of empty homes across the Borough; Landlords would be impacted by the Council Tax premium.</p> <p>Consultation and Communication Strategies must be effective.</p>
The licence fee is too high for Landlords to pay and forces them out of business.	Likely (3)	Unlikely (2)	Moderate 6	<p>This has not been the experience of other LAs.</p> <p>The Act requires that the Council must consider that any proposed management structures and funding arrangement are suitable before issuing a licence.</p>
The aims of the Scheme are not met.	Likely (3)	Serious (3)	Moderate (9)	Consultation and Communication Strategies must be effective.

Risk Identified	Likelihood	Impact	Overall Risk	Risk Management Actions Planned
				Commitment to the implementation of the Scheme.
Landlords abandon properties and engagement and move out of Borough leaving the property home.	Likely (3)	Serious (3)	Moderate 9	The Council will be unable to control.
Landlords sell properties and move out of the Borough.	Unlikely (2)	Unlikely (2)	Low 4	The Council will be unable to control. This has not been the experience of other LAs. Properties have been purchased to rent and joined the scheme or sold to an owner occupier.

- Key Decision: Yes
- Background Papers: Cabinet, 16th January 2020 – Agenda Item 7 and Minute 67.
Cabinet, 17th January 2019 – Agenda Item 8 and Minute 75.
Overview Scrutiny Group, 14th January 2019 – Agenda Item 6B and Minute 47.
Scrutiny Management Board, 18th March 2015 – Agenda Item 8 and Minutes 53.2 and 53.3.
Scrutiny Management Board, 8th October 2014 – Agenda Item 8 and Minute 26.
Cabinet, 10th April 2014 – Agenda Item 6 and Minute 120.
Scrutiny Management Board, 19th March 2014 – Agenda Item 8 and Minute 51.
Cabinet Report, 19th November 2015 – Referral from Scrutiny – Managing Student Occupancy Scrutiny Panel – Agenda Item 6 and Minute 24.
Agendas and notes of the Managing Student Occupancy Scrutiny Panel meetings, available on the Council's website at:
http://www.charnwood.gov.uk/committees/managing_student_occupancy_scrutiny_panel

- Officer to contact: Alison Simmons
Head of Strategic and Private Sector Housing
01509 634780
alison.simmons@charnwood.gov.uk

Part B

Background

1. The Cabinet considered a report of the Scrutiny Management Board on 19th November 2015 when it was resolved that the Head of Strategic and Private Sector Housing should further investigate the potential to implement a Loughborough Accreditation Standard in partnership with the Loughborough Students Union; and consider the submission from the Loughborough Student Advisory Service of complaints data from 2014/15 and evaluate this alongside the evidence that had already been collated in relation to potentially introducing an Additional or Selective Houses in Multiple Occupation (HMO) Scheme.
2. The Cabinet considered a report from the Head of Strategic and Private Sector Housing on the 17th January 2019 when it was resolved that further investigations be undertaken to gather evidence (as referred to in paragraph 61 of Part B of the report of the Head of Strategic and Private Sector Housing – see Background papers) to establish the case for the introduction of an Additional or Selective Licensing Scheme be approved.
3. The Cabinet considered a report from the Head of Strategic and Private Sector Housing on the 16th January 2020 when it was resolved that a consultation exercise be undertaken, as required by Section 56(3) of the Housing Act 2004 for Additional Licensing and Section 80(9) of the Housing Act 2004 for Selective Licensing.

Consultation Exercise

4. The Council undertook a consultation exercise for the proposed Additional and Selective Licensing Scheme over a 12 week period between the 3rd August and the 23rd October 2020.
5. The consultation exercise included:
 - A dedicated web page launch
 - A dedicated email address for comments
 - Online questionnaire
 - Street level leaflet/poster drop to affected properties and local businesses
 - Direct contact with Landlords/Letting Agent whose details the Council hold
 - Virtual Landlords Forum facilitated by Decent And Safe Homes (DASH)

Additional Licensing Scheme

6. The summary of the consultation results for the Additional Licensing Scheme can be found at Appendix 2.
7. Having considered the feedback from the consultation exercise and the justification report presented to Cabinet in January 2020 for the Scheme this report is seeking the approval and implementation of a borough wide scheme.

8. Below is a summary of the results:

Question 3 - Having read the information in the consultation document, to what extent do you support or oppose additional licensing?

The Council received 251 responses to the online questionnaire. The scheme was strongly supported by 75.47% (160) and tend to support 7.08% (15) making a total of 82.55% (175) with only 14.62% (22) tending or strongly opposing the scheme.

A selection of the comments made include:

- The Council has other legislation it can use
- Consultation carried outside of MHCLG guidance
- Proposals do not go far enough

Question 4 - Thinking about the proposed additional licensing, to what extent do you agree or disagree that there is an issue with the management of houses in multiple occupation (irrespective of number of storeys) that are occupied by three or four unrelated persons.

78.5% (214) of the respondents agreed that there was an issue with the management of houses in multiple occupation that are occupied by three or four unrelated persons.

A selection of the comments made include:

- Noise
- Bad parking
- General unkempt property, rubbish left on the street
- Too many tenants abuse the goodwill of landlords
- Proposals do not go far enough

Questions 6 and 7 - What impact, if any do you think additional licensing should have in the borough? What impact, if any, do you think this proposal would have on other nearby areas?

80.88% (165) of the respondents think the additional licensing will have a positive impact on the Borough and 59.61% (121) on the other nearby areas.

A selection of the comments made include:

- The costs will increase the rents of HMOs
- Good management will lead to more available housing for all
- Waste management, noise control, parking issues reduced

Question 13 - If introduced, additional licensing would apply to all eligible properties within the borough. To what extent do you agree or disagree that additional licensing should be applied to eligible properties across the whole borough?

The scheme being introduced across the whole borough was strongly supported by 75.90% (148) and tend to support 9.74% (19) making a total of 85.64% (167) with 13.34% (26) tending or strongly opposing.

Selective Licensing Scheme for the two wards Hastings and Lemyngton

9. The summary of the consultation results for the Selective Licensing Scheme for the two wards Hastings and Lemyngton can be found at Appendix 3.
10. Having considered the feedback from the consultation exercise and the justification report presented to Cabinet in January 2020 for the Scheme this report is seeking the approval and implementation of a Selective Licensing Scheme for the two wards Hastings and Lemyngton.
11. Below is a summary of the results:

Question 3 - Having read the information in the justification document, to what extent do you support or oppose Selective Licensing?

The Council received 154 responses to the online questionnaire. The scheme was strongly supported by 54.87% (62) and tend to support 11.50% (13) making a total of 66.5% (75) with 29.20% (33) tending or strongly opposing the scheme.

A selection of the comments made include:

- The Council has other legislation it can use
- Consultation carried outside of MHCLG guidance
- Proposals do not go far enough

Questions 5 to 9 - Thinking about the proposed Selective Licensing area, how much of a problem do you think landlords being unable to let their properties, poor quality housing, deprivation, anti-social behaviour and crime. Responses are detailed in the table below:

	Hastings Ward – a very big problem	Hastings Ward – not a problem at all	Lemyngton Ward - a very big problem	Lemyngton Ward - not a problem at all
Landlords unable to let property	4.9% 5	28.43% 29	3.13% 3	25.00% 24
Poor quality housing	16.83% 17	8.91% 9	8.91% 9	5.21% 5
Deprivation	19.61% 20	5.88% 6	16.67% 16	4.17% 4
Anti-social behaviour	23.76% 24	23.76% 24	17.02% 16	6.38% 6
Crime	23.76% 24	6.93% 7	6.93% 7	6.38% 6

(94 and 102 responses were received for these questions and for each question there was 22% - 42% of response for Don't know/no opinion)

A selection of the comments made include:

- Drug using and dealing in Lemyngton area, drinking in Tatmarsh and Old Rectory garden areas and subsequent littering with glass bottles, dog mess

- Any link between poverty, deprivation, antisocial behaviour etc and the quality of the housing does not stem from poor investment from landlords, they all stem from poor tenant behaviour

Question 11 and 13 - What impact if any do you think this proposal would have on the proposed selective licensing area? What impact if any do you think this proposal would have on the proposed selective licensing area?

58.25% (60) of the respondents think the selective licensing will have a positive impact on the two wards and 42.72% (44) other nearby areas.

A selection of the comments made include:

- Improve the quality of housing for tenants that live in those areas
- Will force rents higher
- Improve the area with improved property conditions both inside and out and make the area more attractive to career minded residents

Draft Licence Conditions

12. The consultation included questions asking what should be included within the licence conditions based on the following principles for each of the proposed scheme.

13. The table below details the results:

Licence Condition Principles	Additional Licensing strongly support	Additional Licensing strongly oppose	Selective Licensing strongly support	Selective Licensing strongly oppose
Improve property conditions	80.10% 157	6.63% 13	58.16% 57	13.27% 13
Improve management standards	78.79% 140	6.06% 12	59.18% 58	13.27% 13
Additional licensing will extend and continue the process of upgrading of HMO rental stock in the line with the Mandatory Scheme	72.22% 143	6.06% 12	Not applicable	Not applicable
All HMOs will be subject to the same evaluation and improvement regime as the national scheme	72.22% 143	6.06% 12	Not applicable	Not applicable
Residents will be afforded the same protection as residents in licenced HMOs	69.39% 136	5.10% 10	Not applicable	Not applicable
Improve the quality of our neighbourhoods to support safe, inclusive and cohesive communities	78.57% 154	7.65% 15	60.20% 59	15.31% 15

14. A selection of the comments received on what the conditions should include:
 - Anti-social behaviour and noise disturbance should absolutely become the responsibility of the landlord. Front gardens must be maintained to an adequate standard
 - If the Council goes ahead with this idea, then please make DASH or similar mandatory. Honestly without inspection this whole thing is a waste of time
 - Most landlords and letting agents would accept are:
 - An ASB section in the tenancy agreement
 - Being informed after incidents
 - Being vocal to tenants in supporting agencies such as the University, the Police and the Council in combating ASB
 - A 'good neighbours' statement about standards of behaviour, which would be displayed in the house
15. From the feedback received licence conditions have been drafted. The proposed Licence will have two parts:
 - Part I Mandatory Conditions which cover conditions such as gas supply; electrical appliances; furniture; smoke alarm; carbon monoxide alarm and household waste conditions
 - Part II Additional Conditions which will differ between the two licensing schemes for example space standards required for HMO licensing and the demand for references for residents living in selective licensing areas
16. A consultation exercise will be undertaken for a period of 6 weeks between from the 18th January 2021 to the 26th February 2021 on the proposed licence conditions. Any licence condition changes recommended following the consultation process will be brought back to Cabinet for approval.
17. The draft licence conditions can be found at Appendix 1.

Implementation Timetable and Financial Implications

18. The Implementation timetable for the two licensing schemes will be in April 2021. The Selective Licensing will require Secretary of State approval which could delay the start dates of this scheme.
19. Both the schemes will be financed through the Licence fee. The licence fee will be £700 for a 5 year period. The Council's proposed fee structure consists of two payment stages. The first covers the receipt, assessment and processing of the application. The second covers the costs incurred in a property compliance and inspection, together with management assessment.
20. If Cabinet approve the schemes, the licence fee income will pay for the implementation of the scheme, making the schemes cost neutral.
21. The costs of enforcement for non-compliance with the Licence conditions are included in the original licence. However, any action required under Part 1 of the Housing Act (the Housing, Health and Safety Rating System) will be borne by the Council.

22. The overall costs for the implementation of the two schemes and forecasted licence fee are detailed in the table below, this is based on 1,100 Additional Licences and 1,313 Selective Licences:

Overall Costs required for the Discretionary Private Sector Housing Licensing Scheme (2,413 Licences)

Staffing Costs

Staffing	£	1,125,393
Implementation Costs		
Consultation/Comms		20,000
Comms Annual Costs (years 2 to 5)		40,000
Legal		20,000
Finance		2,000
Equipment		20,000
Software - online form		25,000
Contingency		100,000
Total Costs		1,352,393

Licence Fee Income

Full Licence Fee	£	1,689,100
Accredited - Reduced Licence Fee	£	1,663,600

(Accredited - assuming 300 of the 1,100 Additional Licences - Landlord registered with DASH and will pay the Council's reduced licence fee)

23. The table below provides a breakdown of the proposed staff structure, staff will be recruited on fixed term contracts:

Staffing required	Senior Housing Standards Officer	Housing Standards Officer	Admin Officer	Costs of new Team
Year 1	1	3	1	£211,974.00
Year 2	1	3	1	£218,333.00
Year 3	1	3	1	£224,882.00

Year 4	1	3	1	£231,628.00
Year 5	1	3	1	£238,576.00
Total	1	3	1	£1,125,393.00

- 24. Staff need to be in place to implement the scheme so funding will be required for their employment before the Council receive the full licence income. The exact number of licences issued will not be known until the schemes are operational.
- 25. Therefore, £65,000 is required to set up the schemes and a staggered approach to recruitment is planned in 2021/22 to enable expenditure to more closely match demand/income. For 2021/22 £276,974 is required for set up and staffing costs.
- 26. The initial recruitment will be for two Housing Standards Officers and an Admin Officer at a cost of £114,900 and then depending on the demand further recruitment will be staggered to ensure that we have a dedicated team as detailed in the above to successfully implement and deliver the two licensing schemes.

Appendices

- Appendix 1 Additional and Selective Licence Conditions
- Appendix 2 Summary of the Consultation Results for Additional Licensing Scheme
- Appendix 3 Summary of the Consultation Results for Selective Licensing Scheme
- Appendix 4 Equality Impact Assessment

Appendix 1

Houses in Multiple Occupation Additional Licensing Scheme Proposed Licence Conditions

This document constitutes Appendix 1 of any Licence granted by Charnwood Borough Council under either the mandatory licensing of Houses in Multiple Occupation, or the additional licensing of Houses in Multiple Occupation designation applicable in the borough of Charnwood.

It includes both the conditions specified in Schedule 4 of Housing Act 2004, together with additional conditions which Charnwood Borough Council consider appropriate for regulating the management, use and occupation of the house which is to be licensed, and its contents and conditions, and are imposed under sections 67 and 68 of the Housing Act 2004.

Important notice

It is the Licence Holder's responsibility to ensure compliance with the requirements of all the Licence conditions set out in this document. Failure to do so may result in prosecution for breach of Licence conditions; service of a civil penalty of up to £30,000 in respect each Licence condition breach; and/or the revocation of the Licence.

The Licence Holder, as the person to whom this Licence has been granted, is responsible for ensuring compliance with its conditions at all times, and that any person acting on their behalf in the management of the house is made aware of, and complies with, the obligations and responsibilities set out in this document.

Definitions

In these proposed Licence conditions, the following words are defined below:

“Authority” refers to Charnwood Borough Council acting in its capacity as a local housing authority.

“Additional Licensing designation” means the designation of the borough of Charnwood as the area in respect of which all HMOs are required to be licensed under Part 2 of the Housing Act 2004.

“BS” means British Standard.

“Discretionary Conditions” means licence conditions imposed by the Authority under sections 67 and 68 of the Housing Act 2004.

“Electrical Installations” has the meaning given to those words in regulation 2(1) of the Building Regulations 2010.

“HMO” refers to the building (or part of it), or such part of it, as is licensed under Part 2 of the Housing Act 2004.

“House” refers to any HMO.

“Licence” means the licence granted by the Authority under Part 2 of the Housing Act 2004 pursuant to an application made by the proposed Licence Holder.

“Licence Holder” refers to:

- (i) the person to whom the Authority has granted the Licence, and
- (ii) from the date of his or her consent, any other person who agrees to comply with the Licence conditions, restriction and obligations that follow.

“Mandatory Conditions” means the licence conditions specified in Schedule 4 of Housing Act 2004 which must be imposed upon a Licence granted under Part II.

“Tenant” includes a licensee or any other occupier of the HMO.

Table of Contents

Part I PERMITTED OCCUPATION

- Condition 1 Space Standards
- Condition 2 Requirement for Works to be Carried Out

Part II PROPERTY MANAGEMENT

- Condition 3 Gas Safety
- Condition 4 Electrical Safety
- Condition 5 Furniture and Furnishing
- Condition 6 Heating and Insulation
- Condition 7 Security
- Condition 8 Storage and Disposal of Household Waste
- Condition 9 Pests
- Condition 10 Water Supply and Drainage
- Condition 11 External Areas
- Condition 12 Property Conditions
- Condition 13 Emergency Escape Lighting
- Condition 14 Personal Washing Facilities

Part III TENANCY MANAGEMENT

- Condition 15 References
- Condition 16 Tenancy Agreements
- Condition 17 Terms of Occupation
- Condition 18 Tenants' Rights
- Condition 19 Licence Holder/Manager Details
- Condition 20 Complaints Procedure
- Condition 21 Anti-social Behaviour and Damage

Part IV FIRE SAFETY

- Condition 22 Smoke Alarms
- Condition 23 Fire Precautions
- Condition 24 Carbon Monoxide Alarm
- Condition 25 Electricity Supply and Fire Safety
- Condition 26 Safety of Doors
- Condition 27 Means of Escape
- Condition 28 Fire Blankets
- Condition 29 Fire Safety Compliance
- Condition 30 Electrical Installations
- Condition 31 Fire Risk Assessment

Part V GENERAL

- Condition 32 General
- Condition 33 Changes and Alterations
- Condition 34 Management

Condition 35 Training
Condition 34 Display of HMO Licence

Draft for Consultation

Part I PERMITTED OCCUPATION

Condition 1 - Space Standards

1. The Licence Holder must ensure that:
 - 1.1 The floor area of any room in the HMO which is used as sleeping accommodation by one person over the age of 10 years is not less than 6.51 square metres.
 - 1.2 The floor area of any room in the HMO which is used as sleeping accommodation by two persons over the age of 10 years is not less than 10.22 square metres.
 - 1.3 The floor area of any room in the HMO which is used as sleeping accommodation by one person under the age of 10 years is not less than 4.64 square metres.
 - 1.4 Any room in the HMO with a floor area of less than 4.64 square metres is not used as sleeping accommodation.
 - 1.5 Where any room in the HMO which is used as sleeping accommodation by persons aged over the age of 10 years only, it is not used as such by more than the maximum number of persons aged over 10 years specified in the Licence.
 - 1.6 Where any room in the HMO which used as sleeping accommodation by persons aged under the age of 10 years only, it is not used as such by more than the maximum number of persons aged under 10 years specified in the Licence.
 - 1.7 Where any room in the HMO which is used as sleeping accommodation by persons aged over 10 years and persons aged under 10 years, it is not used as such by more than the maximum number of persons aged over 10 years specified in the Licence together with the maximum number of persons aged under 10 years as so specified.

Space Standards Assessment

The assessment of the number of people sharing will take into account both babies and children, with each having their own allocation of space.

Everyone aged over the age of 10 years old must be able to occupy sleeping accommodation so that they do not have to share with someone who is not a close relative, or with someone of the opposite gender unless they are living together/co-habiting. For the definition of close relative, this means parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew, niece or cousin.

A bed shall be provided for the exclusive use of each child.

Only the useable floor space will be included in calculating a room's floor area after having deducted: corridors, toilet compartments, bathrooms, shower-rooms and chimney breasts. Any floor area occupied by fitted furniture shall also be excluded.

The ceiling height must be a minimum 1.9 metres over at least half of the floor area, and any area with a ceiling height of less than 1.5 metres shall not be counted as part of the habitable floor area.

No staircase or landing, nor any room which has been designed or appointed as either a kitchen, or as a bathroom, shall be deemed as suitable for sleeping accommodation.

These standards are set for a maximum of 5 people to share one facility such as a kitchen.

All bedrooms are to be within one floor of the kitchen, unless a lounge/dining room is provided where tenants may sit so as to be able eat their meals without having to carry their meals up or down two or more flights of stairs.

Condition 2 - Requirement for Works to be Carried Out

2. The Licence Holder must ensure that if the Authority specify any works as necessary to be carried out as a condition of the grant of this Licence, then such works are carried out within the time period so specified.

Part II PROPERTY MANAGEMENT

Condition 3 - Gas Safety

3. The Licence Holder must ensure that:
 - 3.1 If gas is supplied to the HMO a copy of the current gas safety certificate is provided to the Authority in respect of the previous 12 months which is to cover both all the residentially occupied and the common parts of the HMO.
 - 3.2 The certificate states that it covers the complete gas installation including: supply pipes, flues, gas appliances and that they are safe to be operated.
 - 3.3 That each year an annual inspection of the HMO is undertaken by a suitably qualified and experienced gas engineer in accordance with the requirements of the Gas Safety (Installation and Use) Regulations 1998, or any subsequent amended regulations.

Condition 4 - Electrical Safety

4. The Licence Holder must ensure that:
 - 4.1 Every electrical appliance which is provided by the Licence Holder for the use of a tenant is, and always remains in, a safe condition.

- 4.2 A copy of the current electrical safety certificate is provided to the Authority on demand.
- 4.3 Operating instructions in respect of electrical appliances are provided to each tenant at the start of their tenancy.
- 4.4 Periodic inspections of the electrical appliances in the HMO are undertaken in accordance with BS 7671, or any British Standard which subsequently replaces it at intervals of not less than 5 years.

Condition 5 - Furniture and Furnishing

5. The Licence Holder must ensure that:
 - 5.1 Every item of upholstered furniture, including: sofas, chairs, children's furniture, beds, upholstered headboards or garden furniture; together with all soft furnishings, including: mattresses, seat pads, cushions or pillows which are supplied to a tenant comply with the relevant safety tests as prescribed under the Furniture and Furnishings (Fire Safety) Regulations 1988 (as amended), or any later amended regulations.
 - 5.2 All items of furniture are, and remain, labelled to show that they comply with the relevant safety tests.
 - 5.3 Upon receiving a demand by the Authority to provide a certificate concerning the safety of such furniture and soft furnishings, such is provided within 14 days.

Condition 6 - Heating and Insulation

6. The Licence Holder must ensure that:
 - 6.1 A form of adequate and efficient fixed heating with adjustable controls is provided at the HMO which is capable of maintaining a temperature of not less than 21 degrees Celsius in every habitable room.
 - 6.2 The fixed heating so provided is cost-effective, safely designed, sited and guarded so as to minimise risk to the health and safety of tenants and their visitors.
 - 6.3 Such heating appliances are maintained annually by a suitably qualified and experienced heating engineer.
 - 6.4 Any additional living room is provided with a sufficient number of sockets that can be used for a fixed heating appliance. Alternatively, a suitable supply pipe for gas where it is possible to safely site a gas appliance in the room is provided.
 - 6.5 Gas cylinders such as Calor Gas, portable paraffin, or oil fixed heaters are not used as a main form of heating.

Condition 7 – Security

7. The Licence Holder must ensure that:
 - 7.1 Any lock, latch or entry system at the HMO is maintained in good working order at all times.
 - 7.2 The front door to the HMO is fitted with a thumb-turn mortice lock (or equivalent) to a five lever level of security.
 - 7.3 If window locks are fitted, each tenant is provided with keys to them.
 - 7.4 Details of any burglar alarm are provided to each tenant, including instructions for use, and circumstances when, the code can be changed, together with the reporting of such changes to the Licence Holder.
 - 7.5 If any tenant, on ceasing to occupy the HMO fails to return their keys to the Licence Holder, then new locks are fitted before any new tenant takes up residence in the HMO.

Condition 8 - Storage and Collection of Household Waste

8. The Licence Holder must ensure that:
 - 8.1 Arrangements are made that comply with any scheme which the Authority adopt in connection with the storage and collection of household waste at HMOs pending collection.
 - 8.2 Where no such scheme has been adopted, that suitable refuse and re-cycling containers are provided on a scale sufficient for the number of tenants.
 - 8.3 Any necessary supplementary arrangements for the disposal or refuse and recyclable materials from the HMO are made having regard to the services provided by the Authority.
 - 8.4 If within the curtilage of the HMO there is insufficient space to store refuse, waste and re-cyclable materials, adequate arrangements for extra collections of such are made.
 - 8.5 Each tenant is informed in writing, at the start of their tenancy, of the days on which refuse and re-cycling collection happens, and this information is displayed in a prominent position at the HMO.

Condition 9 - Pests

9. The Licence Holder must ensure that:
 - 9.1 Reasonable precautions are taken to ensure that the HMO, together with its curtilage and garden are, so far as is practicable, kept free from pest infestation.

- 9.2 Within 7 days of becoming aware of any pest infestation, adequate steps are taken with a view to effectively controlling such infestation.

Condition 10 - Water Supply and Drainage

10. The Licence Holder must ensure that:
- 10.1 Adequate measures are taken to ensure that there is no unreasonable interruption in the supply of water to the HMO.
- 10.2 Sufficient steps are taken to ensure that the HMO's drainage system is kept free of obstructions.

Condition 11 - External Areas

11. The Licence Holder must ensure that:
- 11.1 Any garden, forecourt, yard, or passageway within the HMO's curtilage is kept in a reasonably clean and tidy condition.
- 11.2 If a tenant, or a member of their household, or their visitor causes a breach of condition 11.1 above, steps are immediately taken to address the matter including a written warning being given to the tenant within 14 days of it coming to the attention of the Licence Holder.
- 11.3 No items of discarded furniture, bedding, clothing, toys, refuse or rubbish are left outside the HMO, or on the public highway, or on third party private land except where this occurs in anticipation of a pre-arranged collection.
- 11.4 All domestic rubbish and refuse is stored in suitable bins pending its collection.
- 11.5 A copy of any written warnings that have been given to a tenant is provided to the Authority within 7 days of a request being made to see the same.

Condition 12 - Property Conditions

12. The Licence Holder must ensure that:
- 12.1 The HMO is, and remains free from, any Category 1 serious hazards as classified under the Housing Health and Safety Rating System ("HHSRS").
- 12.2 Upon becoming aware of a potential Category 1 hazard, he/she takes all reasonable steps to remedy the situation without delay and provides evidence to the Authority of the remedial steps taken within 7 days of receipt of such a request.

Condition 13 - Emergency Escape Lighting

13. The Licence Holder must ensure that:

- 13.1 Any emergency escape lighting which is required to be installed within the HMO is inspected, tested and serviced in accordance with the requirements of clause 12 of BS 5266 – 1: 1999, or of any subsequent British Standard which replaces it. In particular, the following checks are carried out in accordance with BS 5266:
 - 13.1.1 every six months checks of the emergency escape lighting in accordance with clause 12.4.4;
 - 13.1.2 every three years checks of the emergency escape lighting in accordance with clause 12.4.5; and
 - 13.1.3 for self-contained luminaries with sealed batteries, once the first three year test of the emergency escape lighting has been carried out, thereafter annual tests shall be carried out in accordance with clause 12.4.6.
- 13.2 Throughout the period of time during which the HMO is licensed pursuant to this Licence, periodic test certificates in the format recommended by Part 1 of BS 5266, Annex C are submitted to the Authority within 7 days of such being demanded.
- 13.3 All of the checks and tests which are identified above are carried out by a suitable qualified, experienced and competent person, which includes a person who is a NCEIC enrolled contractor, or ECA member, and who is: familiar with all British Standards which relate to emergency escape lighting systems; qualified to, and regularly engaged in, the inspection of such systems; and whose work is subject to regular assessment.

Condition 14 - Personal Washing Facilities

14. The Licence Holder must ensure that:
 - 14.1 Any room at the HMO which contains a WC is also provided with a fixed hand-basin which has a constant supply of both hot and cold running water supplied to it.
 - 14.2 Adequate drainage arrangements are in place in respect of the removal of foul and wastewater from the HMO.
 - 14.3 Where either of the above conditions are not met, then the Licence Holder is required to ensure that compliance with both requirements is achieved within 12 months of the date of this Licence.

Part III TENANCY MANAGEMENT

Condition 15 - References

15. The Licence Holder must ensure that:
 - 15.1 References as to character and behaviour are taken in respect of every prospective tenant in advance of their being offered a tenancy and taking-up occupation at the HMO.

- 15.2 Written confirmation is provided to each tenant of the action which the Licence Holder will take should a tenant engage in acts of anti-social behaviour whether within the HMO or the immediate neighbourhood.
- 15.3 Copies of all references are kept for the duration of each tenant's occupation of the HMO.

Condition 16 - Tenancy Agreements

16. The Licence Holder must ensure that at the start of each tenancy, or licenced period of occupation, he/she provides to the tenant a written agreement which clearly sets out the terms upon which the tenant is permitted to occupy the HMO.

Condition 17 - Terms of Occupation

17. The Licence Holder must ensure that:
 - 17.1 Occupancy levels at the HMO do not exceed those set by the Licence.
 - 17.2 If occupancy levels exceed those permitted by the Licence then, upon he/she becoming aware of this, all reasonable lawful steps are taken to ensure that the number of occupiers is reduced to the permitted level as soon as is reasonably practicable.

Condition 18 - Tenants' Rights

18. The Licence Holder must ensure that each tenant's legal rights are observed, which includes but is not limited to:
 - 18.1 Giving 24 hours prior notice of entry to the premises within the HMO which are occupied by the tenant in the case of emergency repairs, and 7 days' notice in the case of non-emergency repairs and inspections.
 - 18.2 Terminating a tenancy or licensed period of occupation in a lawful manner.
 - 18.3 Protecting rent deposits in accordance with legislation including the Rent Deposit Protection Scheme.
 - 18.4 Ensuring utilities serving the HMO are not disconnected, nor unreasonably interrupted.

Condition 19 - Licence Holder/Manager Details

19. The Licence Holder must ensure that:
 - 19.1 A notice giving the name, address, telephone number and e-mail address, together with the emergency contact telephone number of the person managing the HMO is clearly and prominently displayed in the common parts of the HMO.

- 19.2 If any of the above details change, the notice is amended from time to time so that the correct up to date information is given.

Condition 20 - Complaints Procedure

20. The Licence Holder must ensure that it has a written complaints procedure concerning the management and conditions of the HMO, a copy of which is given to each tenant at the start of their tenancy.

Condition 21 - Anti-social Behaviour and Damage

21. The Licence Holder must ensure that:

- 21.1 The terms of any tenancy or licence agreement include provisions concerning anti-social behaviour.
- 21.2 All reasonable and practicable steps are taken both to prevent (which may include period inspection) and deal with any acts of anti-social behaviour occurring at the HMO, and which shall include investigating any complaints made about such conduct and liaising with the Authority and/or the Police.
- 21.3 If acts of anti-social behaviour occur at the HMO in breach of the terms of the tenancy or licence agreement, he/she takes appropriate steps to address this which may, in the case of serious or repeated anti-social behaviour, mean commencing possession proceedings.
- 21.4 Records are kept of what action is taken which are provided to the Authority within 7 days of a request to see them.
- 21.5 Appropriate notices are prominently displayed in the common parts of the HMO reminding tenants of their obligation not to act in an anti-social manner, nor to cause a nuisance or annoyance to other occupiers or neighbouring residents, and to take reasonable care to avoid causing damage to property.

Part IV FIRE SAFETY

Condition 22 - Smoke Alarms

22. The Licence Holder must ensure that:

- 22.1 Adequate smoke and heat alarm systems are in place at the HMO which, as a minimum, are both mains wired and provide interlinked smoke alarms with battery back-up and comply with BS 5446.
- 22.2 A smoke alarm is affixed to the ceiling of each hallway and landing area and living room and dining area; and a heat detector is affixed to the ceiling of each kitchen.

- 22.3 At least one smoke detector is provided on each floor level of the HMO, and any corridor longer than 5 metres is provided with sufficient additional smoke detectors.
- 22.4 Each smoke or heat detector and alarm system is periodically inspected so as to ensure that they are maintained in proper working order.
- 22.5 Within 14 days of receipt of a demand by the Authority to see copies of any inspection or maintenance certificates, or confirmation of the location and positioning of the smoke or heat detectors and alarm system, such are provided within 14 days of the demand.

Condition - 23 Fire Precautions

- 23. The Licence Holder must ensure that:
- 23.1 Adequate and sufficient fire precaution facilities and equipment are provided at the HMO in accordance with any relevant British Standard, Building Regulations' approval, or other guidance and advice document issued by any competent authority in respect of fire precaution facilities and equipment.
- 23.2 All fire precaution facilities and equipment including: fire doors, fire alarm systems, and emergency escape lighting systems are kept and maintained in full working order at all times.

Condition 24 - Carbon Monoxide Alarm

- 24. The Licence Holder must ensure that:
- 24.1 A carbon monoxide alarm is installed, and maintained in working order, in any room at the HMO which is used wholly or partly as living accommodation (including a kitchen) and which contains within it a solid fuel (e.g. coal or wood) combustion appliance.
- 24.2 Adequate checks are carried out before each tenancy commences so as to ensure that each combustion appliance is in proper working order on the day the tenancy begins.

Condition 25 - Electricity Supply and Fire Safety

- 25. The Licence Holder must ensure that the electricity supply to the fire detection and emergency lighting system at the HMO is neither disconnected, nor threatened with disconnection, due to the non-payment of any money owing to the relevant supplier.

Condition 26 - Safety of Doors

- 26. The Licence Holder must ensure that:

- 26.1 The main entrance door to the HMO, together with all doors leading to the common parts of the HMO from each tenant's individual premises, are capable of being opened from the inside without the use of a key. This includes kitchen and living room doors leading out into any garden, yard, forecourt or side passage within the curtilage of the HMO.
- 26.2 Any kitchen, lounge, dining-room or bedroom is fitted with a half-hour fire resistant door (FD30S) which conforms to British Standard ("BS") BS 476-22:1987 and is installed in compliance with BS 8214:2008.

Condition 27 - Means of Escape

27. The Licence Holder must ensure that:
 - 27.1 All means of leaving and escaping from the HMO in the event of a fire are kept free from any obstructions, and that fire precautions are maintained which includes informing tenants of this obligation.
 - 27.2 All tenants are made aware of the procedures which are to be followed in the event of a fire at the HMO, including the routes out of, and means of escape from, it.

Condition 28 - Fire Blankets

28. The Licence Holder must ensure that each kitchen at the HMO is provided with a fire blanket which conforms to the current British Standard as varied from time to time.

Condition 29 - Fire Safety Compliance

29. The Licence Holder must ensure that:
 - 29.1 The HMO complies with the current version of the Local Authorities Coordinators of Regulatory Services ("LACORS") Fire Safety Guidance, or demonstrates to the satisfaction of the Authority that a reasonable and suitable alternative is in place.
 - 29.2 No deviation from the LACORS' Fire Safety Guidance which lowers the protection afforded at the HMO takes place before the Authority have agreed that such proposed deviation provides a reasonable and suitable alternative.

Condition 30 - Electrical Installations

30. The Licence Holder must ensure that:
 - 30.1 Every electrical installation in the HMO is always kept and maintained in safe and proper working order.
 - 30.2 Sufficient periodic inspections of every electrical installation in the HMO are undertaken in accordance with BS 7671, or any subsequent British Standard

which may replace it, at intervals of not more than 5 years or, where a lesser interval has been recommended on the occasion of a previous inspection, within that lesser period.

- 30.3 A copy of the latest periodic inspection report, prepared in the format recommended in Appendix 6 to BS 7671, is supplied to the Authority within 14 days of it being requested.
- 30.4 The periodic inspections and reports are carried out and prepared respectively, by a suitably qualified and experienced person which includes: (a) a National Inspection Council for Electrical Installation Contracting enrolled contractor; (b) a fully approved Electrical Contractors Association member; (c) a member of ELECSA who has completed a periodic approval assessment; (d) a British Standards Institute or National Association of Professional Inspectors and Testers domestic installer.

Condition 31 - Fire Risk Assessment

31. The Licence Holder must ensure that he/she arranges for a fire risk assessment to be carried out at the HMO, and that all known risks and hazards noted by such assessment are, in so far as is reasonably practicable, documented and minimised.

Part V GENERAL

Condition 32 - General

32. The Licence Holder must ensure that:
 - 32.1 The HMO's common parts are kept clean, in a good state of repair and periodically maintained.
 - 32.2 All tenants, together with their visitors, are reminded that smoking is not allowed in any of the common parts of the HMO by virtue of the Health Act 2006 and associated regulations.

Condition 33 - Changes and Alterations

33. The Licence Holder must ensure that:
 - 33.1 The HMO complies with current planning and building control regulations, and that, in respect of any changes to the physical fabric of the HMO which requires planning permission or building regulation approval, such permission or approval is obtained before any changes are made.
 - 33.2 In respect of any change to the:
 - 33.2.1 physical fabric of the HMO;
 - 33.2.2 freehold or leasehold ownership;
 - 33.2.3 management arrangements at the HMO;

33.2.4 construction, layout or amenity provisions at the HMO which would, or might affect the Licence or licence conditions;

33.2.5 personal circumstances of the Licence Holder which would or might impact upon their status as a fit and proper person – including but not limited to: cautions, criminal conviction for an offence concerning either dishonesty, fraud, violence, misuse of drugs, discrimination, or housing regulation

and such change is reported in writing to the Authority within 21 days of it occurring (or any such lesser period that is specified in any relevant regulation).

Condition 34 - Management

34. The Licence Holder must ensure that:
 - 34.1 He/she complies with all the requirements of the Housing Act 2004, together with the Management of Houses in Multiple Occupation (England) Regulations 2006, and all other secondary legislation which concerns the regulation and management of HMOs.
 - 34.2 Any person appointed to act in the capacity of manager of the HMO complies with requirements of regulations 3 to 9 inclusive of the Management of Houses in Multiple Occupation (England) Regulations 2006, or any such regulations as may from time to time supersede them.

Condition 35 - Training

35. The Licence Holder must ensure that he/she attends sufficient and adequate training so that he/she is familiar with the requirements and obligations of any approved code of conduct made under section 233 of the Housing Act 2004.

Condition 36 - Display of HMO Licence

36. The Licence Holder must ensure that a copy of the HMO Licence is displayed at all times in a prominent place in the HMO, such as on a notice board at the front entrance.

Limitations of Licence

LICENCE TRANSFER: This Licence is personal to the Licence Holder and cannot be transferred to another person, organisation or property.

COMPANY OR PARTNERSHIP LICENCE HOLDERS: If the Licence Holder is a corporate body or partnership which is either wound-up or dissolved during the period of time when the Licence is in force, then the Licence ceases to have any legal effect on and from the date of winding-up or dissolution.

Other Statutory Regulatory and Legal Requirements

PLANNING PERMISSION: This Licence does not grant planning permission, or any other planning approval or consent which may be required under the Town and Country Planning Act 1990 (as amended), or other planning legislation regulating the development and use of land and buildings.

BUILDING CONTROL: This Licence does not grant Building Control approval, or any other approval or consent which may be required under the building control and regulation legislation.

CONDITION OF THE HMO: This Licence is not evidence that the HMO, or any part of it, is safe or free from either hazard or defect. Nor does it offer protection against any criminal civil legal action being taken against the Licence Holder by any relevant authority – including the Authority – and any occupier concerning hazards, nuisance or any other matter affecting the condition of the HMO.

Selective Licensing of PRS Houses Proposed Licence Conditions

This document constitutes Appendix 1 of any Licence granted by Charnwood Borough Council under the selective licensing of Private Sector Rented Houses designation applicable to the Hastings and Lemynton wards in the borough of Charnwood.

It includes both the conditions specified in Schedule 4 of Housing Act 2004, together with such additional conditions which Charnwood Borough Council consider appropriate for regulating the management, use and occupation of the house which is to be licensed and are imposed under sections 90 and 91 of the Housing Act 2004.

Important notice

It is the Licence Holder's responsibility to ensure compliance with the requirements of all the Licence conditions set out in this document. Failure to do so may result in prosecution for breach of Licence conditions; service of a civil penalty of up to £30,000 in respect each Licence condition breach; and/or the revocation of the Licence.

The Licence Holder, as the person to whom this Licence has been granted, is responsible for ensuring compliance with its conditions at all times, and that any person acting on their behalf in the management of the house is made aware of, and complies with, the obligations and responsibilities set out in this document.

Definitions

In these proposed Licence conditions the following words are defined below:

“Authority” refers to Charnwood Borough Council acting in its capacity as a local housing authority.

“Selective Licensing designation” means the designation of the Hastings and Lemyngton wards in the borough of Charnwood as the area in respect of which Houses of the defined type and category are required to be licensed under section 79 of Part 3 of the Housing Act 2004.

“BS” means British Standard.

“Discretionary Conditions” means licence conditions imposed by the Authority under sections 90 and 91 of the Housing Act 2004.

“Electrical Installations” has the meaning given to those words in regulation 2(1) of the Building Regulations 2010.

“House” means the building (or any part of it) as defined by section 99 of the Housing Act 2004 and which is subject to selective licensing.

“Licence” means the licence granted by the Authority under Part 3 of the Housing Act 2004 pursuant to an application made by the proposed Licence Holder.

“Licence Holder” refers to:

- (i) the person to whom the Authority has granted the Licence, and
- (ii) from the date of his or her consent, any other person who agrees to comply with the Licence conditions, restriction and obligations that follow.

“Mandatory Conditions” means the licence conditions specified in Schedule 4 of Housing Act 2004 which must be imposed upon a Licence granted under Part 3.

“Tenant” includes a licensee or any other occupier of the House.

Table of Contents

Part I PERMITTED OCCUPATION

- Condition 1 Space Standards
- Condition 2 Requirement for Works to be Carried Out

Part II PROPERTY MANAGEMENT

- Condition 3 Gas Safety
- Condition 4 Electrical Safety
- Condition 5 Furniture and Furnishing
- Condition 6 Heating and Insulation
- Condition 7 Security
- Condition 8 Storage and Disposal of Household Waste
- Condition 9 Pests
- Condition 10 Water Supply and Drainage
- Condition 11 External Areas
- Condition 12 Property Conditions
- Condition 13 Emergency Escape Lighting
- Condition 14 Personal Washing Facilities

Part III TENANCY MANAGEMENT

- Condition 15 References
- Condition 16 Tenancy Agreements
- Condition 17 Terms of Occupation
- Condition 18 Tenants' Rights
- Condition 19 Licence Holder/Manager Details
- Condition 20 Complaints Procedure
- Condition 21 Anti-social Behaviour and Damage

Part IV FIRE SAFETY

- Condition 22 Smoke Alarms
- Condition 23 Fire Precautions
- Condition 24 Carbon Monoxide Alarm
- Condition 25 Electricity Supply and Fire Safety
- Condition 26 Safety of Doors
- Condition 27 Means of Escape
- Condition 28 Fire Blankets
- Condition 29 Fire Safety Compliance
- Condition 30 Electrical Installations
- Condition 31 Fire Risk Assessment

Part V GENERAL

- Condition 32 General
- Condition 33 Changes and Alterations
- Condition 34 Management

Condition 35 Training
Condition 34 Display of Part 3 Licence

Draft for Consultation

Part I PERMITTED OCCUPATION

Condition 1 - Space Standards

1. The Licence Holder must ensure that:
 - 1.1 The floor area of any room in the House which is used as sleeping accommodation by one person over the age of 10 years is not less than 6.51 square metres.
 - 1.2 The floor area of any room in the House which is used as sleeping accommodation by two persons over the age of 10 years is not less than 10.22 square metres.
 - 1.3 The floor area of any room in the House which is used as sleeping accommodation by one person under the age of 10 years is not less than 4.64 square metres.
 - 1.4 Any room in the House with a floor area of less than 4.64 square metres is not used as sleeping accommodation.
 - 1.5 Where any room in the House which is used as sleeping accommodation by persons aged over the age of 10 years only, it is not used as such by more than the maximum number of persons aged over 10 years specified in the Licence.
 - 1.6 Where any room in the House which used as sleeping accommodation by persons aged under the age of 10 years only, it is not used as such by more than the maximum number of persons aged under 10 years specified in the Licence.
 - 1.7 Where any room in the House which is used as sleeping accommodation by persons aged over 10 years and persons aged under 10 years, it is not used as such by more than the maximum number of persons aged over 10 years specified in the Licence together with the maximum number of persons aged under 10 years as so specified.

Space Standards Assessment

The assessment of the number of people sharing will take into account both babies and children, with each having their own allocation of space.

Everyone aged over the age of 10 years old must be able to occupy sleeping accommodation so that they do not have to share with someone who is not a close relative, or with someone of the opposite gender unless they are living together/co-habiting. For the definition of close relative, this means parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew, niece or cousin.

A bed shall be provided for the exclusive use of each child.

Only the useable floor space will be included in calculating a room's floor area after having deducted: corridors, toilet compartments, bathrooms, shower-rooms and chimney breasts. Any floor area occupied by fitted furniture shall also be excluded.

The ceiling height must be a minimum 1.9 metres over at least half of the floor area, and any area with a ceiling height of less than 1.5 metres shall not be counted as part of the habitable floor area.

No staircase or landing, nor any room which has been designed or appointed as either a kitchen, or as a bathroom, shall be deemed as suitable for sleeping accommodation.

These standards are set for a maximum of 5 people to share one facility such as a kitchen.

All bedrooms are to be within one floor of the kitchen, unless a lounge/dining room is provided where tenants may sit so as to be able eat their meals without having to carry their meals up or down two or more flights of stairs.

Condition 2 - Requirement for Works to be Carried Out

2. The Licence Holder must ensure that if the Authority specify any works as necessary to be carried out as a condition of the grant of this Licence, then such works are carried out within the time period so specified.

Part II PROPERTY MANAGEMENT

Condition 3 - Gas Safety

3. The Licence Holder must ensure that:
 - 3.1 If gas is supplied to the House a copy of the current gas safety certificate is provided to the Authority in respect of the previous 12 months which is to cover both all the residentially occupied and the common parts of the House.
 - 3.2 The certificate states that it covers the complete gas installation including: supply pipes, flues, gas appliances and that they are safe to be operated.
 - 3.3 That each year an annual inspection of the House is undertaken by a suitably qualified and experienced gas engineer in accordance with the requirements of the Gas Safety (Installation and Use) Regulations 1998, or any subsequent amended regulations.

Condition 4 - Electrical Safety

4. The Licence Holder must ensure that:

- 4.1 Every electrical appliance which is provided by the Licence Holder for the use of a tenant is, and always remains in, a safe condition.
- 4.2 A copy of the current electrical safety certificate is provided to the Authority on demand.
- 4.3 Operating instructions in respect of electrical appliances are provided to each tenant at the start of their tenancy.
- 4.4 Periodic inspections of the electrical appliances in the House are undertaken in accordance with BS 7671, or any British Standard which subsequently replaces it at intervals of not less than 5 years.

Condition 5 - Furniture and Furnishing

5. The Licence Holder must ensure that:
 - 5.1 Every item of upholstered furniture, including: sofas, chairs, children's furniture, beds, upholstered headboards or garden furniture; together with all soft furnishings, including: mattresses, seat pads, cushions or pillows which are supplied to a tenant comply with the relevant safety tests as prescribed under the Furniture and Furnishings (Fire Safety) Regulations 1988 (as amended), or any later amended regulations.
 - 5.2 All items of furniture are, and remain, labelled to show that they comply with the relevant safety tests.
 - 5.3 Upon receiving a demand by the Authority to provide a certificate concerning the safety of such furniture and soft furnishings, such is provided within 14 days.

Condition 6 - Heating and Insulation

6. The Licence Holder must ensure that:
 - 6.1 A form of adequate and efficient fixed heating with adjustable controls is provided at the House which is capable of maintaining a temperature of not less than 21 degrees Celsius in every habitable room.
 - 6.2 The fixed heating so provided is cost-effective, safely designed, sited and guarded so as to minimise risk to the health and safety of tenants and their visitors.
 - 6.3 Such heating appliances are maintained annually by a suitably qualified and experienced heating engineer.
 - 6.4 Any additional living room is provided with a sufficient number of sockets that can be used for a fixed heating appliance. Alternatively, a suitable supply pipe for gas where it is possible to safely site a gas appliance in the room is provided.

- 6.5 Gas cylinders such as Calor Gas, portable paraffin, or oil fixed heaters are not used as a main form of heating.

Condition 7 – Security

7. The Licence Holder must ensure that:
- 7.1 Any lock, latch or entry system at the House is maintained in good working order at all times.
- 7.2 The front door to the House is fitted with a thumb-turn mortice lock (or equivalent) to a five lever level of security.
- 7.3 If window locks are fitted, each tenant is provided with keys to them.
- 7.4 Details of any burglar alarm are provided to each tenant, including instructions for use, and circumstances when, the code can be changed, together with the reporting of such changes to the Licence Holder.
- 7.5 If any tenant, on ceasing to occupy the House fails to return their keys to the Licence Holder, then new locks are fitted before any new tenant takes up residence in the House.

Condition 8 - Storage and Collection of Household Waste

8. The Licence Holder must ensure that:
- 8.1 Arrangements are made that comply with any scheme which the Authority adopt in connection with the storage and collection of household waste at Houses pending collection.
- 8.2 Where no such scheme has been adopted, that suitable refuse and re-cycling containers are provided on a scale sufficient for the number of tenants.
- 8.3 Any necessary supplementary arrangements for the disposal or refuse and recyclable materials from the House are made having regard to the services provided by the Authority.
- 8.4 If within the curtilage of the House there is insufficient space to store refuse, waste and re-cyclable materials, adequate arrangements for extra collections of such are made.
- 8.5 Each tenant is informed in writing, at the start of their tenancy, of the days on which refuse and re-cycling collection happens, and this information is displayed in a prominent position at the House.

Condition 9 - Pests

9. The Licence Holder must ensure that:

- 9.1 Reasonable precautions are taken to ensure that the House, together with its curtilage and garden are, so far as is practicable, kept free from pest infestation.
- 9.2 Within 7 days of becoming aware of any pest infestation, adequate steps are taken with a view to effectively controlling such infestation.

Condition 10 - Water Supply and Drainage

10. The Licence Holder must ensure that:
 - 10.1 Adequate measures are taken to ensure that there is no unreasonable interruption in the supply of water to the House.
 - 10.2 Sufficient steps are taken to ensure that the drainage system at the House is kept free of obstructions.

Condition 11 - External Areas

11. The Licence Holder must ensure that:
 - 11.1 Any garden, forecourt, yard, or passageway within the curtilage of the House is kept in a reasonably clean and tidy condition.
 - 11.2 If a tenant, or a member of their household, or their visitor causes a breach of condition 11.1 above, steps are immediately taken to address the matter including a written warning being given to the tenant within 14 days of it coming to the attention of the Licence Holder.
 - 11.3 No items of discarded furniture, bedding, clothing, toys, refuse or rubbish are left outside the House, or on the public highway, or on third party private land except where this occurs in anticipation of a pre-arranged collection.
 - 11.4 All domestic rubbish and refuse is stored in suitable bins pending its collection.
 - 11.5 A copy of any written warnings that have been given to a tenant is provided to the Authority within 7 days of a request being made to see the same.

Condition 12 - Property Conditions

12. The Licence Holder must ensure that:
 - 12.1 The House is, and remains free from, any Category 1 serious hazards as classified under the Housing Health and Safety Rating System ("HHSRS").
 - 12.2 Upon becoming aware of a potential Category 1 hazard, he/she takes all reasonable steps to remedy the situation without delay and provides evidence to the Authority of the remedial steps taken within 7 days of receipt of such a request.

Condition 13 - Emergency Escape Lighting

13. The Licence Holder must ensure that:
 - 13.1 Any emergency escape lighting which is required to be installed within the House is inspected, tested and serviced in accordance with the requirements of clause 12 of BS 5266 – 1: 1999, or of any subsequent British Standard which replaces it. In particular, the following checks are carried out in accordance with BS 5266:
 - 13.1.1 every six months checks of the emergency escape lighting in accordance with clause 12.4.4;
 - 13.1.2 every three years checks of the emergency escape lighting in accordance with clause 12.4.5; and
 - 13.1.3 for self-contained luminaries with sealed batteries, once the first three year test of the emergency escape lighting has been carried out, thereafter annual tests shall be carried out in accordance with clause 12.4.6.
 - 13.2 Throughout the period of time during which the House is licensed pursuant to this Licence, periodic test certificates in the format recommended by Part 1 of BS 5266, Annex C are submitted to the Authority within 7 days of such being demanded.
 - 13.3 All of the checks and tests which are identified above are carried out by a suitable qualified, experienced and competent person, which includes a person who is a NCEIC enrolled contractor, or ECA member, and who is: familiar with all British Standards which relate to emergency escape lighting systems; qualified to, and regularly engaged in, the inspection of such systems; and whose work is subject to regular assessment.

Condition 14 - Personal Washing Facilities

14. The Licence Holder must ensure that:
 - 14.1 Any room at the House which contains a WC/toilet is also provided with a fixed hand-basin which has a constant supply of both hot and cold running water supplied to it.
 - 14.2 Adequate drainage arrangements are in place in respect of the removal of foul and waste water from the House.
 - 14.3 Where either of the above conditions are not met, then the Licence Holder is required to ensure that compliance with both requirements is achieved within 12 months of the date of this Licence.

Part III TENANCY MANAGEMENT

Condition 15 - References

15. The Licence Holder must ensure that:
 - 15.1 References as to character and behaviour are taken in respect of every prospective tenant in advance of their being offered a tenancy and taking-up occupation at the House.
 - 15.2 Written confirmation is provided to each tenant of the action which the Licence Holder will take should a tenant engage in acts of anti-social behaviour whether within the House or the immediate neighbourhood.
 - 15.3 Copies of all references are kept for the duration of each tenant's occupation of the House.

Condition 16 - Tenancy Agreements

16. The Licence Holder must ensure that at the start of each tenancy, or licenced period of occupation, he/she provides to the tenant a written agreement which clearly sets out the terms upon which the tenant is permitted to occupy the House.

Condition 17 - Terms of Occupation

17. The Licence Holder must ensure that:
 - 17.1 Occupancy levels at the House do not exceed those set by the Licence.
 - 17.2 If occupancy levels exceed those permitted by the Licence then, upon he/she becoming aware of this, all reasonable lawful steps are taken to ensure that the number of occupiers is reduced to the permitted level as soon as is reasonably practicable.

Condition 18 - Tenants' Rights

18. The Licence Holder must ensure that each tenant's legal rights are observed, which includes but is not limited to:
 - 18.1 Giving 24 hours prior notice of entry to the premises within the House which are occupied by the tenant in the case of emergency repairs, and 7 days' notice in the case of non-emergency repairs and inspections.
 - 18.2 Terminating a tenancy or licensed period of occupation in a lawful manner.
 - 18.3 Protecting rent deposits in accordance with legislation including the Rent Deposit Protection Scheme.
 - 18.4 Ensuring utilities serving the House are not disconnected, nor unreasonably interrupted.

Condition 19 - Licence Holder/Manager Details

19. The Licence Holder must ensure that:
 - 19.1 A notice giving the name, address, telephone number and e-mail address, together with the emergency contact telephone number of the person managing the House is clearly and prominently displayed in the common parts of the House.
 - 19.2 If any of the above details change, the notice is amended from time to time so that the correct up to date information is given.

Condition 20 - Complaints Procedure

20. The Licence Holder must ensure that it has a written complaints procedure concerning the management and conditions of the House, a copy of which is given to each tenant at the start of their tenancy.

Condition 21 - Anti-social Behaviour and Damage

21. The Licence Holder must ensure that:
 - 21.1 The terms of any tenancy or licence agreement include provisions concerning anti-social behaviour.
 - 21.2 All reasonable and practicable steps are taken both to prevent (which may include period inspection) and deal with any acts of anti-social behaviour occurring at the House, and which shall include investigating any complaints made about such conduct and liaising with the Authority and/or the Police.
 - 21.3 If acts of anti-social behaviour occur at the House in breach of the terms of the tenancy or licence agreement, he/she takes appropriate steps to address this which may, in the case of serious or repeated anti-social behaviour, mean commencing possession proceedings.
 - 21.4 Records are kept of what action is taken which are provided to the Authority within 7 days of a request to see them.
 - 21.5 Appropriate notices are prominently displayed in the common parts of the House reminding tenants of their obligation not to act in an anti-social manner, nor to cause a nuisance or annoyance to other occupiers or neighbouring residents, and to take reasonable care to avoid causing damage to property.

Part IV FIRE SAFETY

Condition 22 - Smoke Alarms

22. The Licence Holder must ensure that:

- 22.1 Adequate smoke and heat alarm systems are in place at the House which, as a minimum, are both mains wired and provide interlinked smoke alarms with battery back-up and comply with BS 5446.
- 22.2 A smoke alarm is affixed to the ceiling of each hallway and landing area, and living room and dining area; and a heat detector is affixed to the ceiling of each kitchen.
- 22.3 At least one smoke detector is provided on each floor level of the House, and any corridor longer than 5 metres is provided with sufficient additional smoke detectors.
- 22.4 Each smoke or heat detector and alarm system is periodically inspected so as to ensure that they are maintained in proper working order.
- 22.5 Within 14 days of receipt of a demand by the Authority to see copies of any inspection or maintenance certificates, or confirmation of the location and positioning of the smoke or heat detectors and alarm system, such are provided within 14 days of the demand.

Condition 23 - Fire Precautions

- 23. The Licence Holder must ensure that:
- 23.1 Adequate and sufficient fire precaution facilities and equipment are provided at the House in accordance with any relevant British Standard, Building Regulations' approval, or other guidance and advice document issued by any competent authority in respect of fire precaution facilities and equipment.
- 23.2 All fire precaution facilities and equipment including: fire doors, fire alarm systems, and emergency escape lighting systems are kept and maintained in full working order at all times.

Condition 24 - Carbon Monoxide Alarm

- 24. The Licence Holder must ensure that:
- 24.1 A carbon monoxide alarm is installed, and maintained in working order, in any room at the House which is used wholly or partly as living accommodation (including a kitchen) and which contains within it a solid fuel (e.g. coal or wood) combustion appliance.
- 24.2 Adequate checks are carried out before each tenancy commences so as to ensure that each combustion appliance is in proper working order on the day the tenancy begins.

Condition 25 - Electricity Supply and Fire Safety

- 25. The Licence Holder must ensure that the electricity supply to the fire detection and emergency lighting system at the House is neither disconnected, nor

threatened with disconnection, due to the non-payment of any money owing to the relevant supplier.

Condition 26 - Safety of Doors

26. The Licence Holder must ensure that:
 - 26.1 The main entrance door to the House, together with all doors leading to the common parts of the House from each tenant's individual premises, are capable of being opened from the inside without the use of a key. This includes kitchen and living room doors leading out into any garden, yard, forecourt or side passage within the curtilage of the House.
 - 26.2 Any kitchen, lounge, dining-room or bedroom is fitted with a half-hour fire resistant door (FD30S) which conforms to British Standard ("BS") BS 476-22:1987 and is installed in compliance with BS 8214:2008.

Condition 27 - Means of Escape

27. The Licence Holder must ensure that:
 - 27.1 All means of leaving and escaping from the House in the event of a fire are kept free from any obstructions, and that fire precautions are maintained which includes informing tenants of this obligation.
 - 27.2 All tenants are made aware of the procedures which are to be followed in the event of a fire at the House, including the routes out of, and means of escape from, it.

Condition 28 - Fire Blankets

28. The Licence Holder must ensure that each kitchen at the House is provided with a fire blanket which conforms to the current British Standard as varied from time to time.

Condition 29 - Fire Safety Compliance

29. The Licence Holder must ensure that:
 - 29.1 The House complies with the current version of the Local Authorities Coordinators of Regulatory Services ("LACORS") Fire Safety Guidance, or demonstrates to the satisfaction of the Authority that a reasonable and suitable alternative is in place.
 - 29.2 No deviation from the LACORS' Fire Safety Guidance which lowers the protection afforded at the House takes place before the Authority have agreed that such proposed deviation provides a reasonable and suitable alternative.

Condition 30 - Electrical Installations

30. The Licence Holder must ensure that:
 - 30.1 Every electrical installation in the House is always kept and maintained in safe and proper working order.
 - 30.2 Sufficient periodic inspections of every electrical installation in the House are undertaken in accordance with BS 7671, or any subsequent British Standard which may replace it, at intervals of not more than 5 years or, where a lesser interval has been recommended on the occasion of a previous inspection, within that lesser period.
 - 30.3 A copy of the latest periodic inspection report, prepared in the format recommended in Appendix 6 to BS 7671, is supplied to the Authority within 14 days of it being requested.
 - 30.4 The periodic inspections and reports are carried out and prepared respectively, by a suitably qualified and experienced person which includes: (a) a National Inspection Council for Electrical Installation Contracting enrolled contractor; (b) a fully approved Electrical Contractors Association member; (c) a member of ELECSA who has completed a periodic approval assessment; (d) a British Standards Institute or National Association of Professional Inspectors and Testers domestic installer.

Condition 31 - Fire Risk Assessment

31. The Licence Holder must ensure that he/she arranges for a fire risk assessment to be carried out at the House, and that all known risks and hazards noted by such assessment are, in so far as is reasonably practicable, documented and minimised.

Part V GENERAL

Condition 32 General

32. The Licence Holder must ensure that:
 - 32.1 The common parts of the House are kept clean, in a good state of repair and periodically maintained.
 - 32.2 All tenants, together with their visitors, are reminded that smoking is not allowed in any of the common parts of the House by virtue of the Health Act 2006 and associated regulations.

Condition 33 - Changes and Alterations

33. The Licence Holder must ensure that:

- 33.1 The House complies with current planning and building control regulations, and that, in respect of any changes to the physical fabric of the House which requires planning permission or building regulation approval, such permission or approval is obtained before any changes are made.
- 33.2 In respect of any change to the:
 - 33.2.1 physical fabric of the House;
 - 33.2.2 freehold or leasehold ownership;
 - 33.2.3 management arrangements at the House;
 - 33.2.4 construction, layout or amenity provisions at the House which would, or might affect the Licence or licence conditions;
 - 33.2.5 personal circumstances of the Licence Holder which would or might impact upon their status as a fit and proper person – including but not limited to: cautions, criminal conviction for an offence concerning either dishonesty, fraud, violence, misuse of drugs, discrimination, or housing regulation and such change is reported in writing to the Authority within 21 days of it occurring (or any such lesser period that is specified in any relevant regulation).

Condition 34 – Management

34. The Licence Holder must ensure that:
 - 34.1 He/she complies with all the requirements of the Housing Act 2004, together with the Management of Houses in Multiple Occupation (England) Regulations 2006, and all other secondary legislation which concerns the regulation and management of Houses subject to Part 3 licensing.
 - 34.2 Any person appointed to act in the capacity of manager of the House complies with requirements of regulations 3 to 9 inclusive of the Management of Houses in Multiple Occupation (England) Regulations 2006, or any such regulations as may from time to time supersede them.

Condition 35 - Training

35. The Licence Holder must ensure that he/she attends sufficient and adequate training so that he/she is familiar with the requirements and obligations of any approved code of conduct made under section 233 of the Housing Act 2004.

Condition 36 - Display of HMO Licence

36. The Licence Holder must ensure that a copy of the House Licence is displayed at all times in a prominent place in the House, such as on a notice board at the front entrance.

Limitations of Licence

LICENCE TRANSFER: This Licence is personal to the Licence Holder and cannot be transferred to another person, organisation or property.

COMPANY OR PARTNERSHIP LICENCE HOLDERS: If the Licence Holder is a corporate body or partnership which is either wound-up or dissolved during the period of time when the Licence is in force, then the Licence ceases to have any legal effect on and from the date of winding-up or dissolution.

Other Statutory Regulatory and Legal Requirements

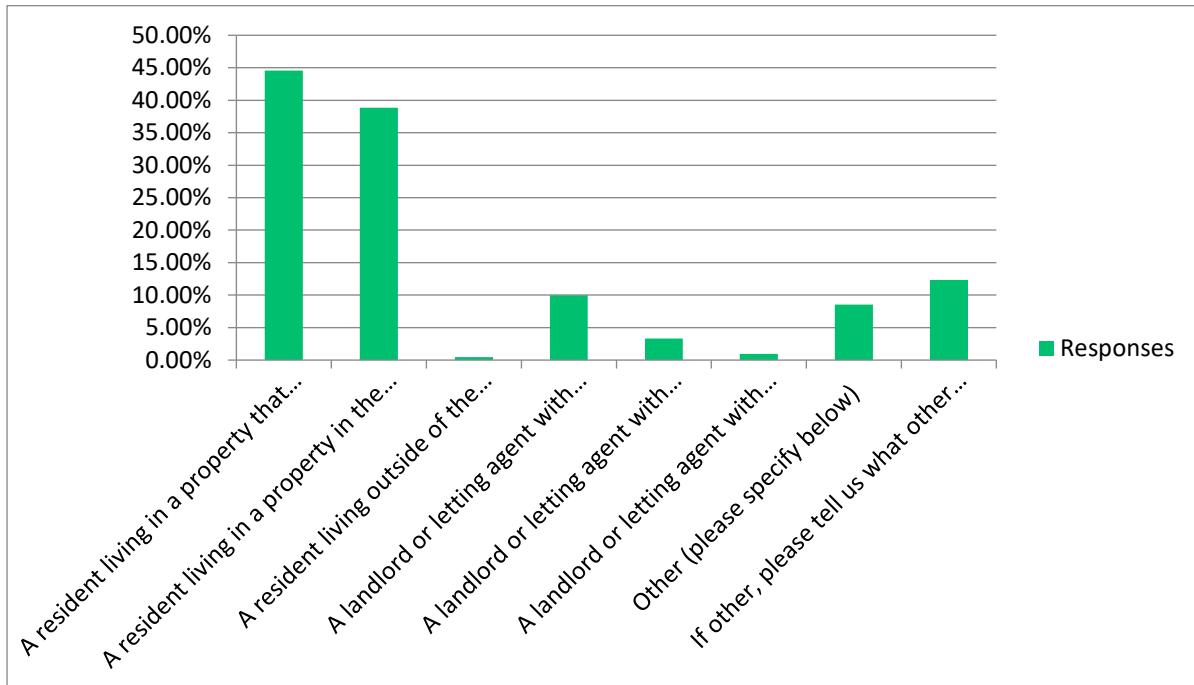
PLANNING PERMISSION: This Licence does not grant planning permission, or any other planning approval or consent which may be required under the Town and Country Planning Act 1990 (as amended), or other planning legislation regulating the development and use of land and buildings.

BUILDING CONTROL: This Licence does not grant Building Control approval, or any other approval or consent which may be required under the building control and regulation legislation.

CONDITION OF THE HOUSE: This Licence is not evidence that the House, or any part of it, is safe or free from either hazard or defect. Nor does it offer protection against any criminal civil legal action being taken against the Licence Holder by any relevant authority – including the Authority – and any occupier concerning hazards, nuisance or any other matter affecting the condition of the House.

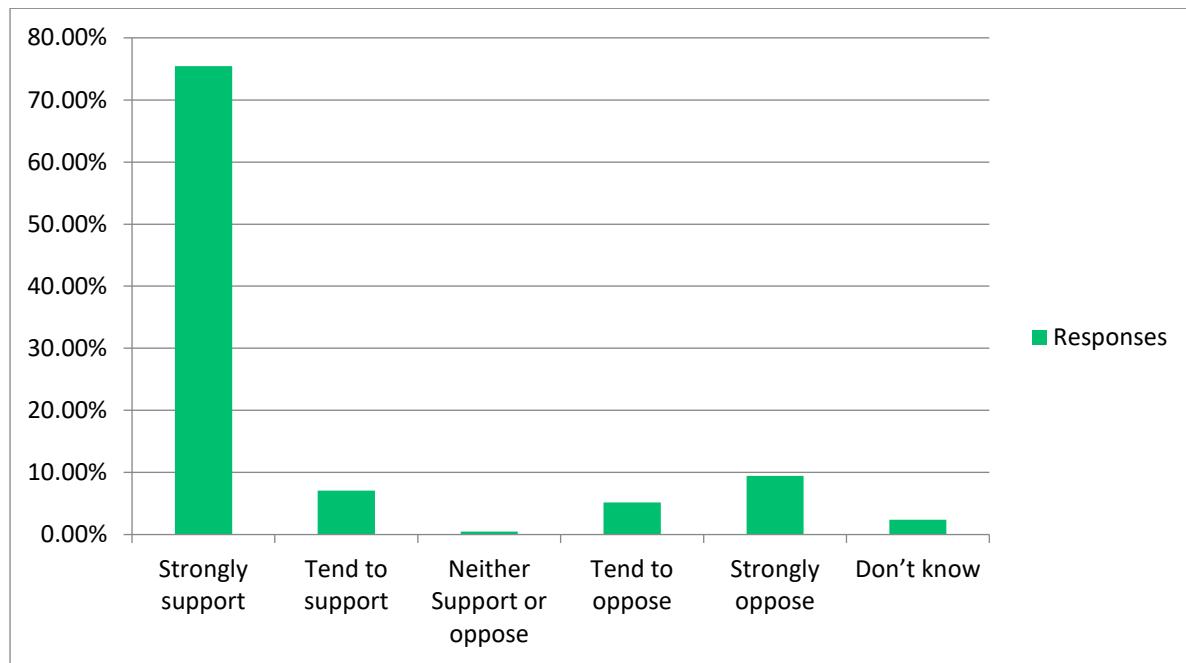
Consultation Results for Additional Licensing Scheme

Question 2. Are you responding to this consultation as?



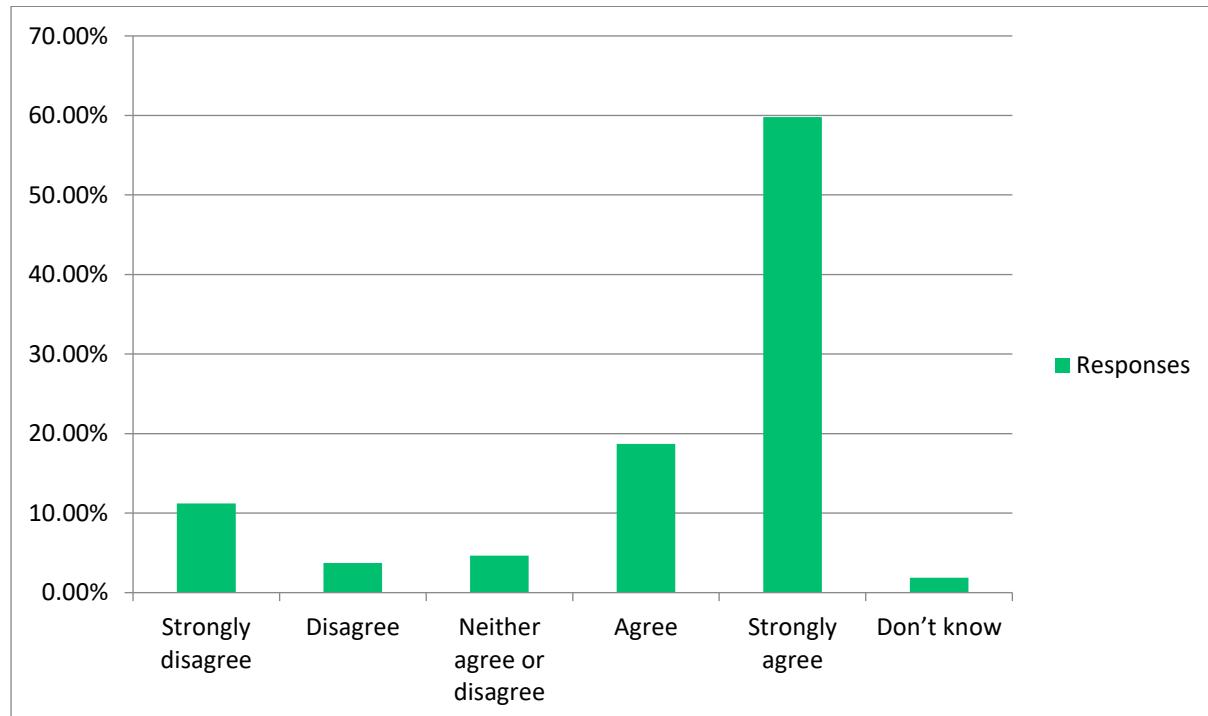
Answer Choices	Responses	
A resident living in a property that could be affected by this additional licensing proposal	44.55%	94
A resident living in a property in the borough that would not be affected by this proposal	38.86%	82
A resident living outside of the borough	0.47%	1
A landlord or letting agent with properties that could be affected by this additional licensing proposal	9.95%	21
A landlord or letting agent with properties that would not be affected by this additional licensing proposal	3.32%	7
A landlord or letting agent with properties outside the borough	0.95%	2
Other	8.53%	18
If other, please tell us what capacity you are responding to the consultation	12.32%	26

Question 3. Having read the information in the consultation document, to what extent do you support or oppose additional licensing?



Answer Choices	Responses	
Strongly support	75.47%	160
Tend to support	7.08%	15
Neither support or oppose	0.47%	1
Tend to oppose	5.19%	11
Strongly oppose	9.43%	20
Don't know	2.36%	2
Total		212

Question 4. Thinking about the proposed additional licensing, to what extent do you agree or disagree that there is an issue with the management of houses in multiple occupation (irrespective of number of storeys) that are occupied by three or four unrelated persons.



Answer	Responses	
Strongly disagree	11.21%	24
Disagree	3.74%	8
Neither agree or disagree	4.67%	10
Agree	18.69%	40
Strongly agree	59.81%	128
Don't know	1.87%	4
Total		214

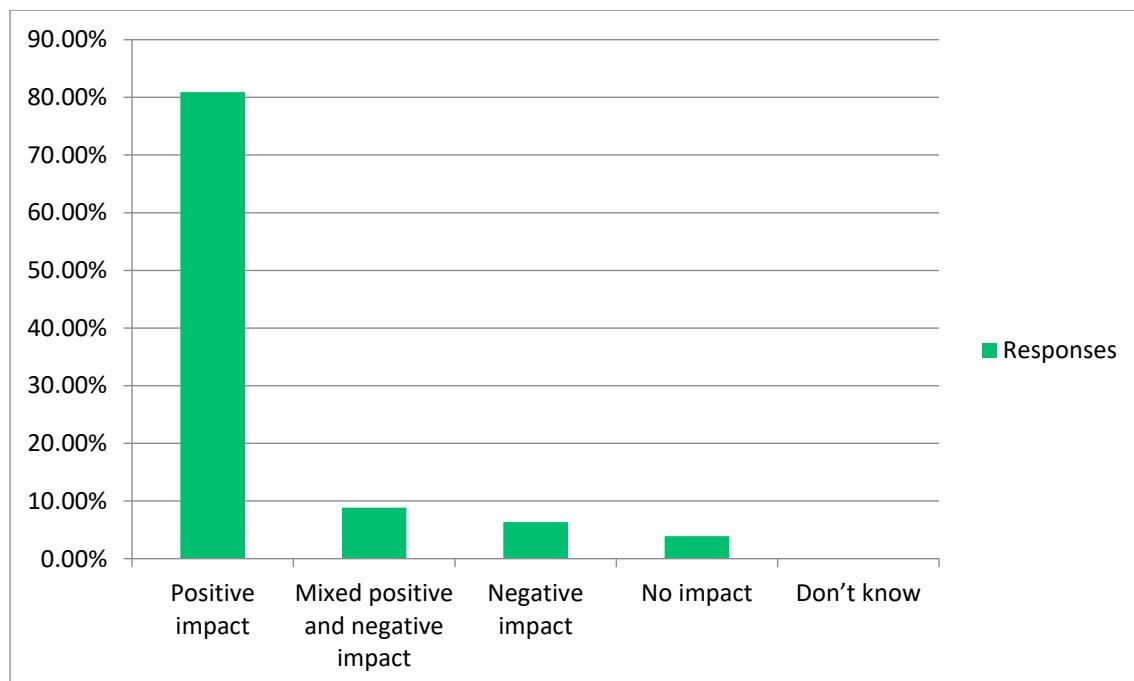
Question 5. Do you have any further comments about the extent that you agree or disagree that there is an issue with the management of houses in multiple occupation?

113 people responded to this question listed below is a selection of their comments:

- In my experience with regard the management of student HMOs in my area, the University is the first port of call for problems and they are usually sorted out very quickly. As far as I can see the Council has effectively handed it's responsibility to the University, who have taken it on, and now you want it back but only if you get extra money.
- In my experience the quality of student HMOs has improved substantially since 2014, due to higher expectations and commercial competition. I think this is less the case for non-student HMOs

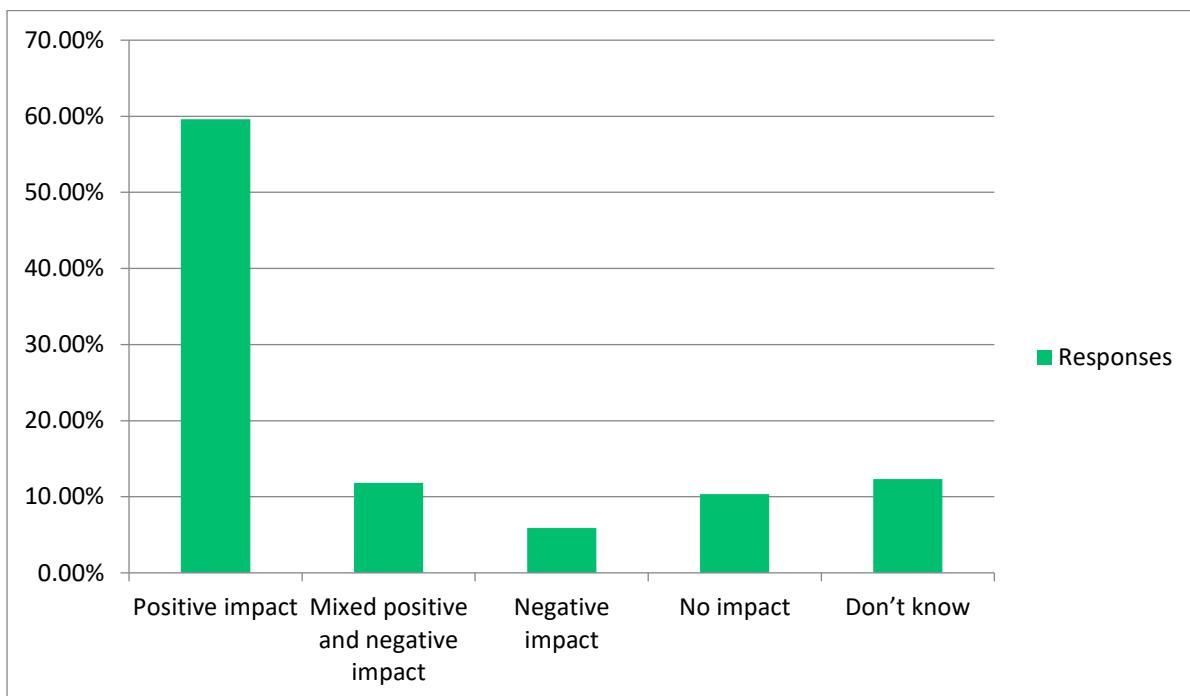
- Local HMOs are student dwellings. We are regular issues with noise, bad parking and general unkempt property (e.g. rubbish left on the street and dumping taking place. I am a homeowner in such an area.
- The proposals don't go far enough. Larger fees to cover the council tax and the licence. Abolish special rate Loughborough pays
- HMOs need restricting in areas.
- Landlords take no responsibility for the behaviour of their tenants
- It is the tenants who should be registered nationally. Too many abuse a landlord's goodwill
- Our 4 bed HMO has all the Right certification and is done to a very high standard. I feel this additional licencing will just end up as a way for the council to make more money when they decide to start charging for it.
- It's a minority spoiling the good name of the majority
- Many HMOs, especially those that are already in the DASH scheme are well regulated
- I am a responsible legal landlord. I believe there are many that aren't. This should be dealt with.
- Most landlords are fairly responsible. But many are exploitative, keeping their properties in unsafe and dilapidated conditions whiles charging exorbitant rents, and caring little for the impact that their tenants have on neighbours and wide communities.

Question 6. What impact, if any do you think additional licensing should have in the borough?



Answer Choices	Responses	
Positive impact	80.88%	165
Mixed positive and negative impact	8.82%	18
Negative impact	6.37%	13
No impact	3.92%	8
Don't know	0.00%	0
Total		204

Question 7. What impact, if any, do you think this proposal would have on other nearby areas?



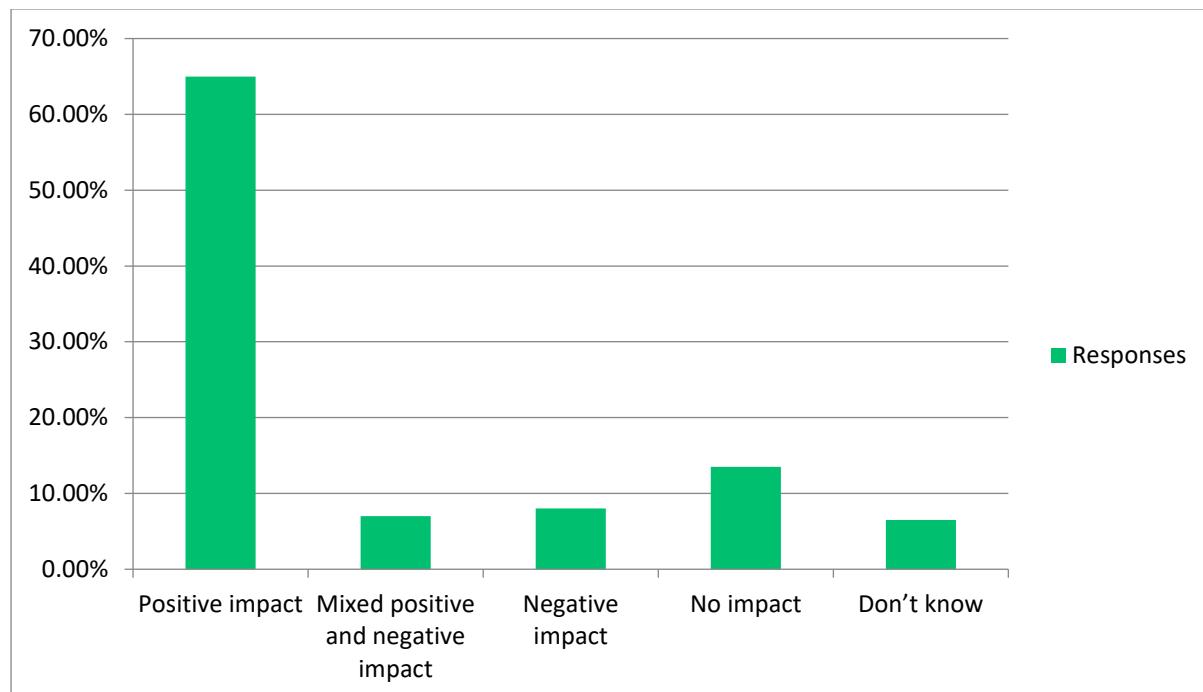
Answer Choices	Responses	
Positive Impact	59.61%	121
Mixed positive and negative impact	11.82%	24
Negative impact	5.91%	12
No impact	10.34%	21
Don't know	12.32%	25
Total		203

Question 8. Which other areas do you think might be impacted by the proposals? How do you think they will be affected?

113 people responded to the question, listed below is a selection of their comments:

- How can anything be impacted by licensing? Landlords will still make a profit, as they will transfer the cost to the tenants.
- This will stigmatise Loughborough as a town with a lot of housing problems, which I don't believe is true...Having a scheme makes people feel there must be a problem, which is not necessarily the case. This could deter families from moving in, either buying or renting, which is clearly not good for the long-term wellbeing of all residents. I am not sure officers have understood reputational factors and the damage that could be done to the image of the town.
- Hopefully rogue landlords will realise that the licensing will be applied more widely to other large villages and towns in Charnwood and improve properties accordingly.
- Any area that has properties rented to students would be affected in a very positive way. The licensing would mean that there is a person with responsibility to make sure the students behave in a way that is not a nuisance to others. There should also be sanctions or fines levied against the responsible person and the landlord if nuisance behaviour occurs
- Good management of HMOs will lead to more available housing for all
- Negative issues for landlords in an already very difficult period.
- I think licensing can only encourage a more positive connection between landlords, their properties, their tenants, local residents and managing agents which in turn will improve the area and surrounding areas.
- Adjacent local authorities may be encouraged to adopt Additional Licensing. Rogue landlords may however be motivated to develop HMOs within Local Authorities who have not implemented Additional Licensing.
- The cost of the current proposals would mean that rents for HMOs would have to increase. This would make it more difficult for those who are living in HMOs that are already being managed and regulated well. Those that do not need this additional protection will be penalised for no added benefit.
- Waste management, noise control, parking issues reduced

Question 9. What impact if any, do you think this proposal will have on you and/or your business/ organisation?



Answer Choices	Responses	
Positive impact	65.00%	130
Mixed positive and negative impact	7.00%	14
Negative impact	8.00%	16
No impact	13.50%	27
Don't know	6.50%	13
Total		200

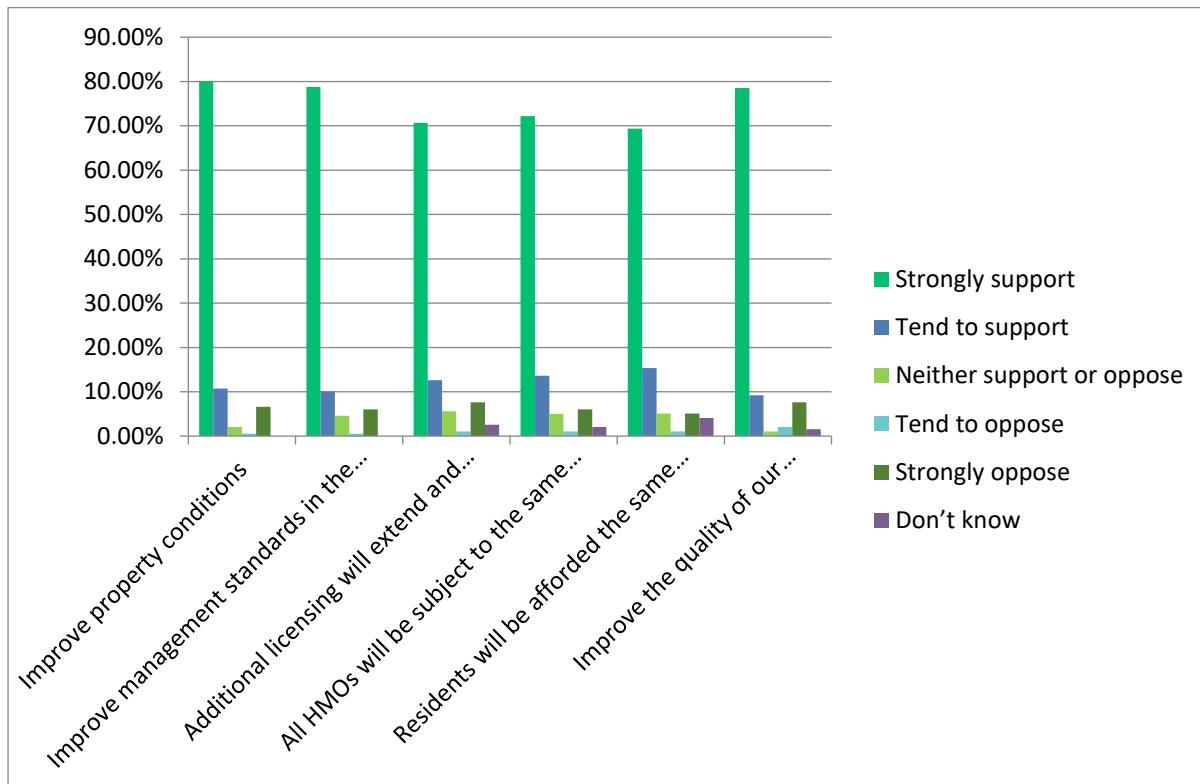
Question 10. Do you have any additional comments about how the proposed scheme might affect you?

116 people responded to this question. Listed below is a selection of their comments:

- We will have better managed waste bins, smarter frontages and more control over noise and anti-social behaviour. This scheme will dramatically improve residents' lives – lives that have been blighted by Council inaction for many years since the HMO boom in the early 2000s.
- With the economic downturn caused by Covid, landlords are going to be under increased financial pressure. The costs of the scheme will likely be passed onto the tenant, who are already themselves struggling. Either tenants forced to share an HMO will be further disadvantaged or it will put up rents generally because landlords of houses rented to families up their rents in line.

- Harder to find reliable tenants as rent will need to rise
- Ensure that my neighbourhood isn't made even worse.
- The scheme might make our area less scruffy and more pleasant to live in
- I disagree with the fee that you want to impose. This looks like one more tax and nothing else. I am not a landlord neither a tenant but I don't think it feels right to create even more fees, that will always be passed on to tenants. Bad landlords need to be your target.
- It is encouraging to hope that more effective regulation of HMOs might finally begin to redress the very negative impact on communities that we have experienced for too long.
- Improved streetscape, less noise disturbance, improved refuse management, improved fire and electrical safety to properties on road
- I live in an HMO. Desperate for someone to be accountable.
- I will have to fill out loads more paperwork for my houses, do no extra work as my houses are already very high standard and pay a lot of money for the pleasure of running my housing business. I will absolutely pass this cost on to my tenants as I need this income to live.
- If a licensing scheme was brought in across the borough, as I believe it would eventually want to do. I would have to question if I would still want to be a landlord due to the constant rising costs.
- Anything that makes Charnwood a better place to live and work in must be good. Landlords have a responsibility to maintain and upkeep their properties as best as possible for everyone's benefit.
- The scheme if implemented will damage the relationship the council have with good landlords.

Question 11. The licence will include conditions aimed at ensuring licenced properties are safe, good quality and well managed. To what extent do you support or oppose licence conditions to regulate the following?



Licence Condition Principles	Strongly support	Tend to support	Neither Support or Oppose	Tend to oppose	Strongly oppose	Don't know	Total
Improve property conditions	80.10% 157	10.71% 21	2.04% 4	0.51% 1	6.63% 13	0.00% 0	196
Improve management standards	78.79% 140	10.10% 20	4.55% 9	0.51% 1	6.06% 12	0.00% 0	198
Additional licensing will extend and continue the process of upgrading of HMO rental stock in the line with the Mandatory Scheme	72.22% 143	13.64% 27	5.05% 11	1.01% 2	6.06% 12	2.02% 4	198

All HMOs will be subject to the same evaluation and improvement regime as the national scheme	72.22% 143	13.64% 27	5.05% 10	1.01% 2	6.06% 12	2.02% 4	198
Residents will be afforded the same protection as residents in licenced HMOs	69.39% 136	15.31% 30	5.10% 10	1.02% 2	5.10% 10	4.08% 8	196
Improve the quality of our neighbourhoods to support safe, inclusive and cohesive communities	78.57% 154	9.18% 18	1.02% 2	2.04% 4	7.65% 15	1.53% 3	196

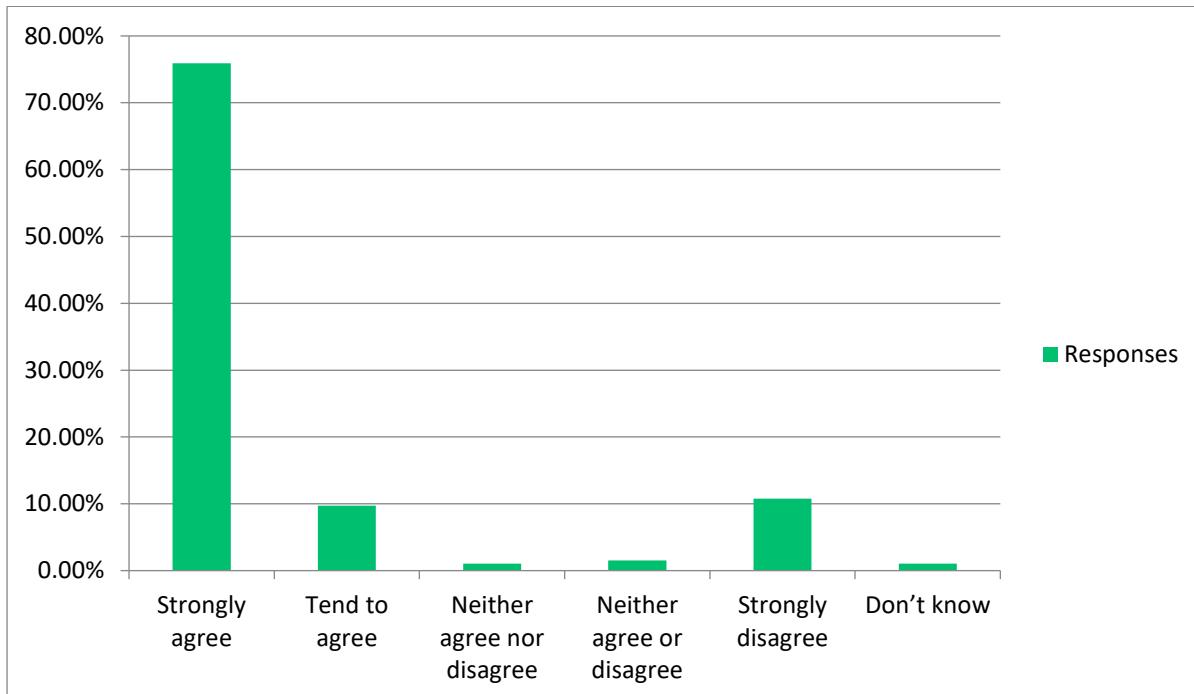
Question 12. Do you have any specific comments about licence conditions, or any suggestions for alternative or additional conditions?

97 people responded to this question. Listed below is a selection of their comments:

- Anti-social behaviour and noise disturbance should absolutely become the responsibility of the landlord. Front gardens must be maintained to an adequate standard
- The raft of legislation available to Charnwood Council is quite extensive to deal with most of the problems this scheme is designed to solve
- Anti-Social behaviour. It will always be possible for landlords to say there is little or nothing they can do about ASB (given the increasing slowness of the eviction process). If they think the licensing system is unfair or bureaucratic way for others to avoid responsibility. Things I think most landlords and letting agents would accept are:
 - An ASB section in the tenancy agreement
 - Being informed after incidents
 - Being vocal to tenants in supporting agencies such as the University, the Police and the Council in combating ASB
 - A 'good neighbours' statement about standards of behaviour, which would be displayed in the house
- Its overdue
- Some landlords will change their operation to avoid your scheme as happened in Birmingham with Airbnb type setups
- There are already many conditions that tenants many more rights than landlords

- Leave it has it currently is
- At the current time there needs to be flexibility. It would be better to begin by asking for improvements to properties that have had complaints made against them, and those not covered by DASH, followed by DASH members at a later date
- If the council goes ahead with this idea, then please make DASH or similar mandatory. Honestly without inspection this whole thing is a waste of time
- How can you justify such a high fee?
- It is imperative that landlords are invited to play an active role in the design of the scheme, rather than having a scheme imposed on them. Landlords are not 'the enemy' (as widely portrayed) and the more professional amongst them are keen to embrace a scheme which meets the needs of all interested parties
- Local residents' views should be taken into account more
- Don't think the costs reflect the true cost to council. Feels wrong
- Hopefully the scheme will not just improve the properties but the street scene in terms of land maintenance, rubbish etc that nearby residents have to live with.
- If it's to happen then it must happen to all landlords. It must be effectively enforced. All must be treated fairly, no fudging or excuses, because that in itself would be unfair and would undermine support, if you are going to do it, do it completely and fairly.
- HMOs should have a star rating and those an exceptional quality should have 4 or 5 stars
- The fee should be kept as low as is achievable to run the scheme
- The fee is too low. It should be £1000 per property and should run for 5 years but for 3.

Question 13. If introduced, additional licensing would apply to all eligible properties within the borough. To what extent do you agree or disagree that additional licensing should be applied to eligible properties across the whole borough?



Answer choices	Responses	
Strongly agree	75.90%	148
Tend to agree	9.74%	19
Neither agree or disagree	2.57%	5
Strongly disagree	10.77%	21
Don't know	1.03%	2
Total		195

Question 14. If you disagree, are there any areas that you think should be included?

40 people responded to this question. Listed below is a selection of their comments:

- All HMOs should be regulated
- Surely all rented accommodation should be fit to live in and meet gold standard for the type of accommodation it is, there should not be a need for additional levels
- Council tenants and the housing associations

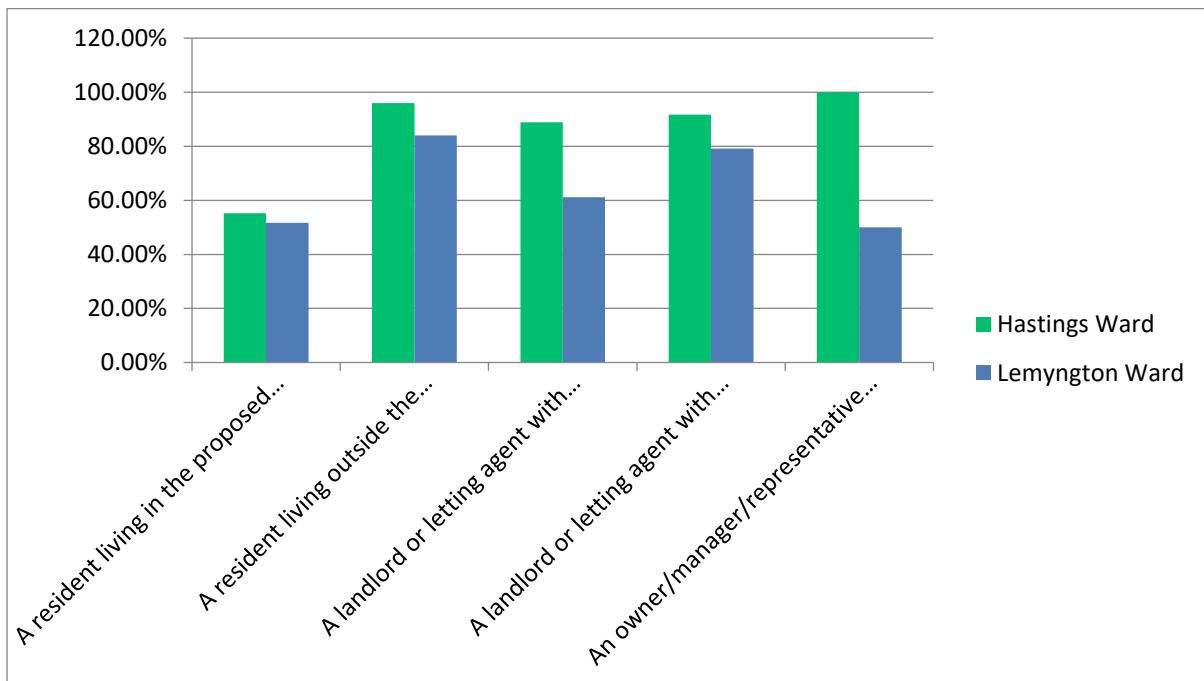
Question 15. Do you have any further comments about the proposal to introduce additional licensing? Please include any suggestions for alternative way of dealing with the problems in the area, or any ideas for improving the scheme.

91 people responded to this question. Listed below is a selection of their comments:

- All landlords must have a contactable telephone number attached to their licence or be given a licence number so that members of the public can quickly report issues with HMOs
- We need a better, properly resourced Citizens Advice service so that tenants can get really good, knowledgeable help and advice about any problems they have with a property or landlord and small landlords likewise about the issues they face
- Most landlords do care about the quality of their accommodation, recognise that there are some problems and will support sensible measures to improve them
- If tenants don't like the conditions, they are free to move
- One contact to raise concerns with both by phone and email
- Instead of using staff to create licensing, apply national criteria for rental accommodation and use staff to ensure all properties meet it
- Is additional licencing appropriate for the whole of the borough? The problem HMOs appears to be those in Loughborough and the immediately surrounding villages e.g. Hathern, Quorn and Shepshed
- More accountability from Loughborough University wardens. Police it on the ground not from behind a desk. Look at the impact on our streets of HMOs from an environmental perspective too – congestion, safety and noise. Be proactive.
- A list of civil penalty charges should be clearly outlined
- The public should be able to find out exactly which properties have been given a licence, and who holds the licence.

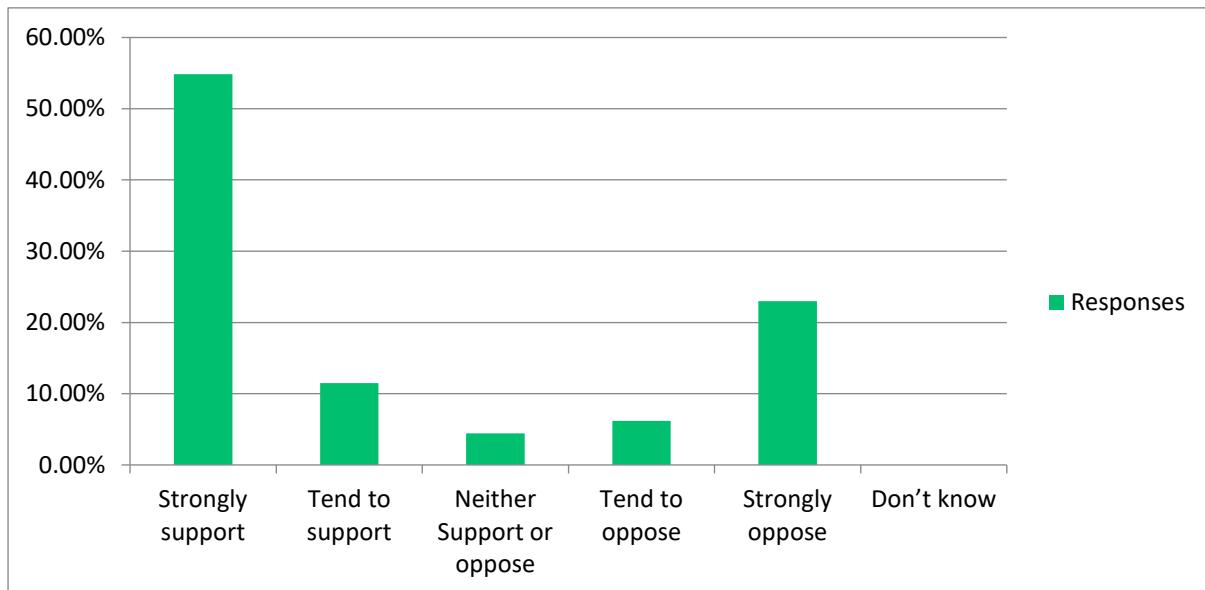
Summary of Consultation Results for Selective Licensing

Question 2. Are you responding to this consultation as?



	Hastings Ward	Lemyngton Ward	Total respondents
A resident living in the proposed selective licensing areas	55.17% 16	51.72% 15	29
A resident living outside the proposed selective licensing area	96% 48	84% 43	50
A landlord or letting agent with properties in the proposed selective licensing area	88.89% 16	61.11% 11	18
An owner/manager/representative of a business or other organisation located in the proposed selective licensing area	100% 4	50% 2	4

Question 3. Having read the information in the justification document, to what extent do you support or oppose Selective Licensing?



Answer Choice	Responses	
Strongly support	54.87%	62
Tend to support	11.50%	13
Neither support or oppose	4.42%	5
Tend to oppose	6.19%	7
Strongly oppose	23.01%	26
Don't know	0.00%	0
TOTAL		113

Question 4. Do you have any additional comments as to why you support or oppose selective licensing?

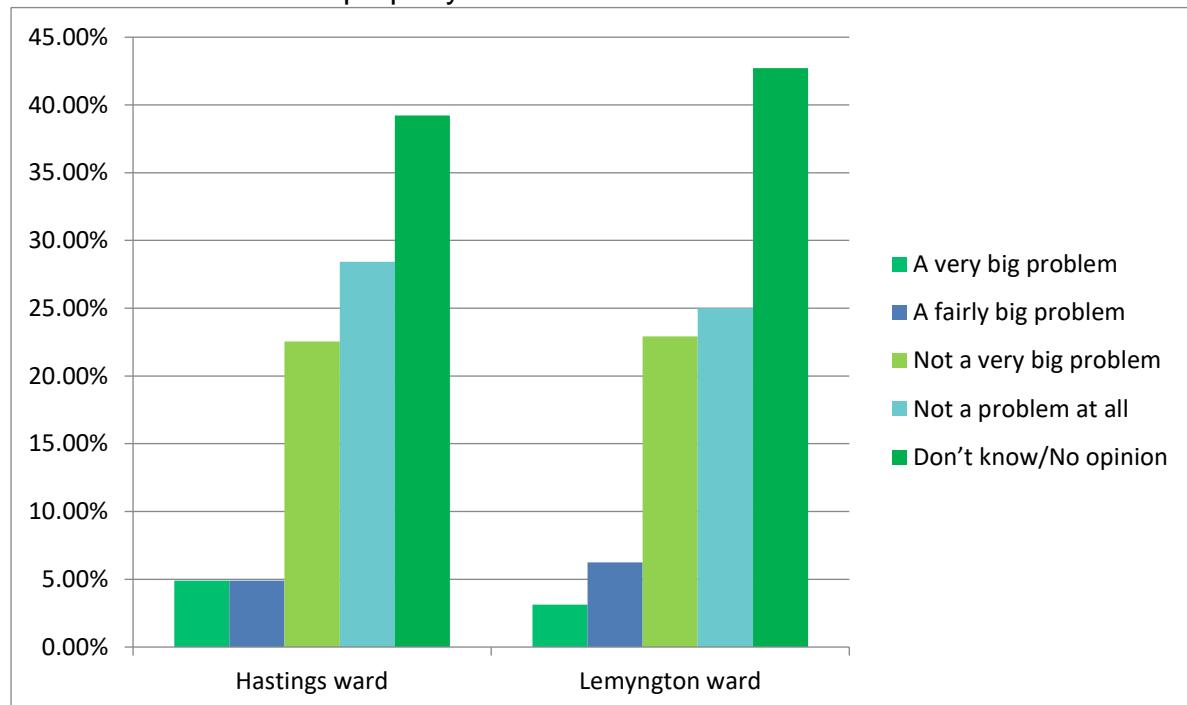
79 people responded to this question. Listed below is a selection of their comments:

- Do not think checking houses once every 5 years is going to improve conditions in rented properties
- Sometimes there is a large amount of rubbish outside these homes for a number of days
- The £700 will mean I will have to increase the rent to my tenant

- Improvement of standards for housing stock is beneficial for the health and well being for everyone in the community
- I support the scheme as some landlords just treat rentals as a 'get rich quick'scheme without taking responsibility for the other aspects which come with the ownership of a rental property
- The concerns raised to justify the selective licensing are not related to private tenants but council tenants, there it is the responsibility of the council to ensure these issues are dealt with under their legislation not to impose these on private landlords.
- Licensing will lead to increase in rents as costs are passed onto tenants and the small number of bad properties that will be found could easily be found with existing powers.
- This is the completely wrong time to the proposing this, small time landlords are struggling enough with the covid pandemic and tenants not able to afford rents. Seems the only 1 who will do well out of this is the Council
- To 'reign in' the many rogue landlords/agents
- There is already legislation in place to ensure that landlords provide safe housing. This just seems like an additional cost that will be passed onto tenants in the areas where you say tenants are already struggling to pay bill.
- I would like neighbours to live in good quality housing
- It should be £1000 per year and they should ay council tax on the property or be charged business rates as it is a business letting property.
- The Council needs to fully support the residents and the owner occupiers in these 2 wards.
- Individuals and families living in the Lemyngton and Hastings wards are vulnerable to poor standard housing. Selective Licensing will help safeguard tenants and communities by ensuring well maintained and managed housing.

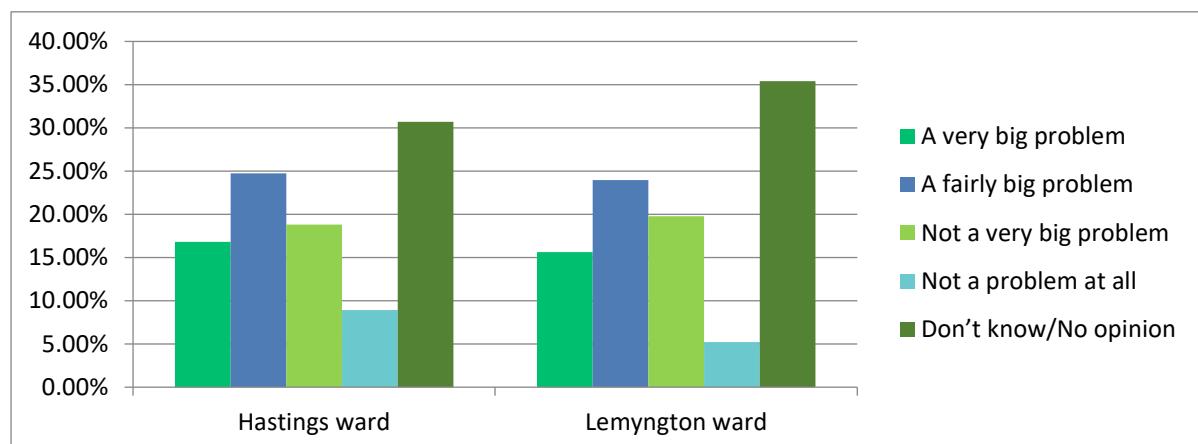
Question 5. Thinking about the proposed Selective Licensing area, how much of a problem do you think each of the following are:

Landlords unable to let property:



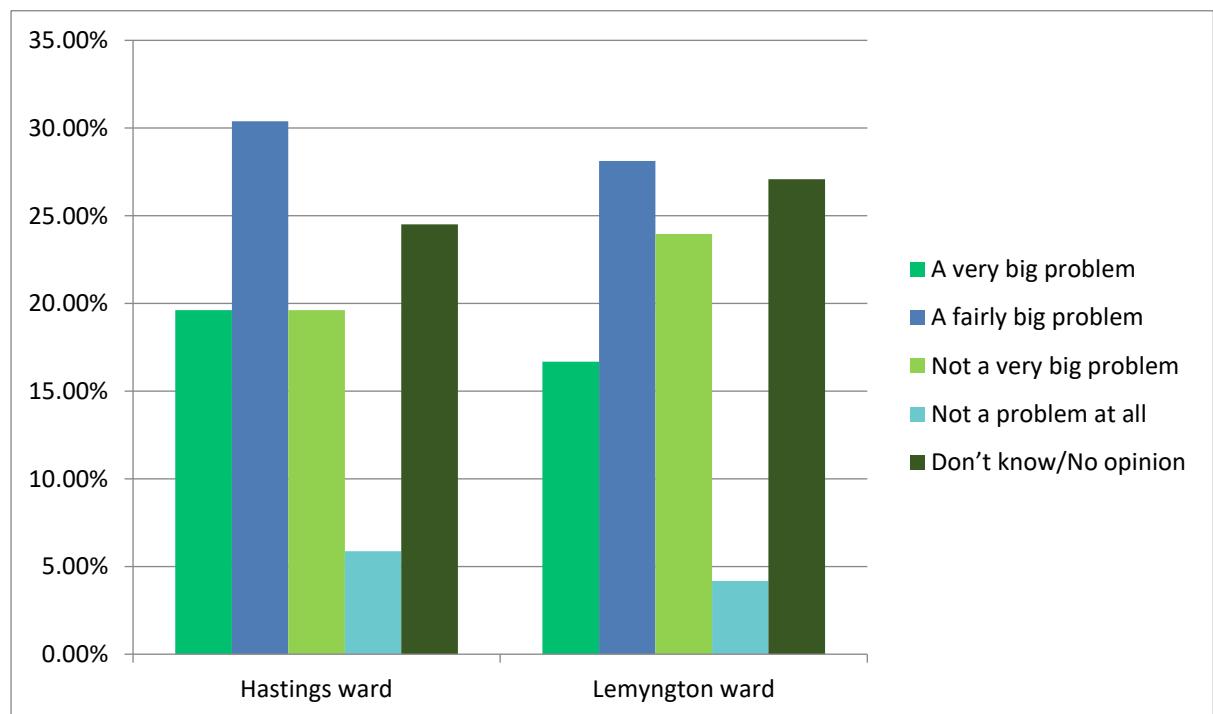
	A very big problem	A fairly big problem	Not a very big problem	Not a problem at all	Don't know/no opinion	Total
Hastings Ward	4.9% 5	4.9% 5	22.55% 23	28.43% 29	39.22% 40	102
Lemyngton Ward	3.13% 3	6.25% 6	22.92% 22	25.00% 24	42.71% 41	96

Question 6. Poor quality housing:



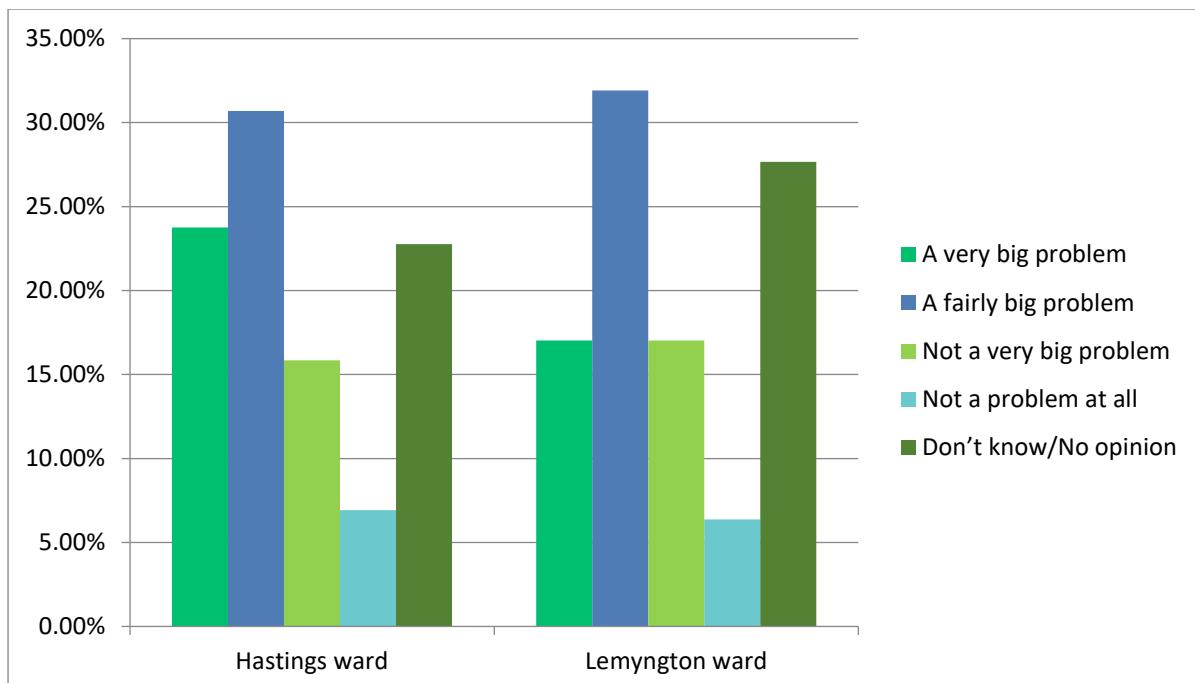
	A very big problem	A fairly big problem	Not a very big problem	Not a problem at all	Don't know/no opinion	Total
Hastings Ward	16.83%	24.75%	18.81%	8.91%	30.69%	101
Lemyngton Ward	15.63%	23.96%	19.79%	5.21%	35.42%	96

Question 7. Deprivation



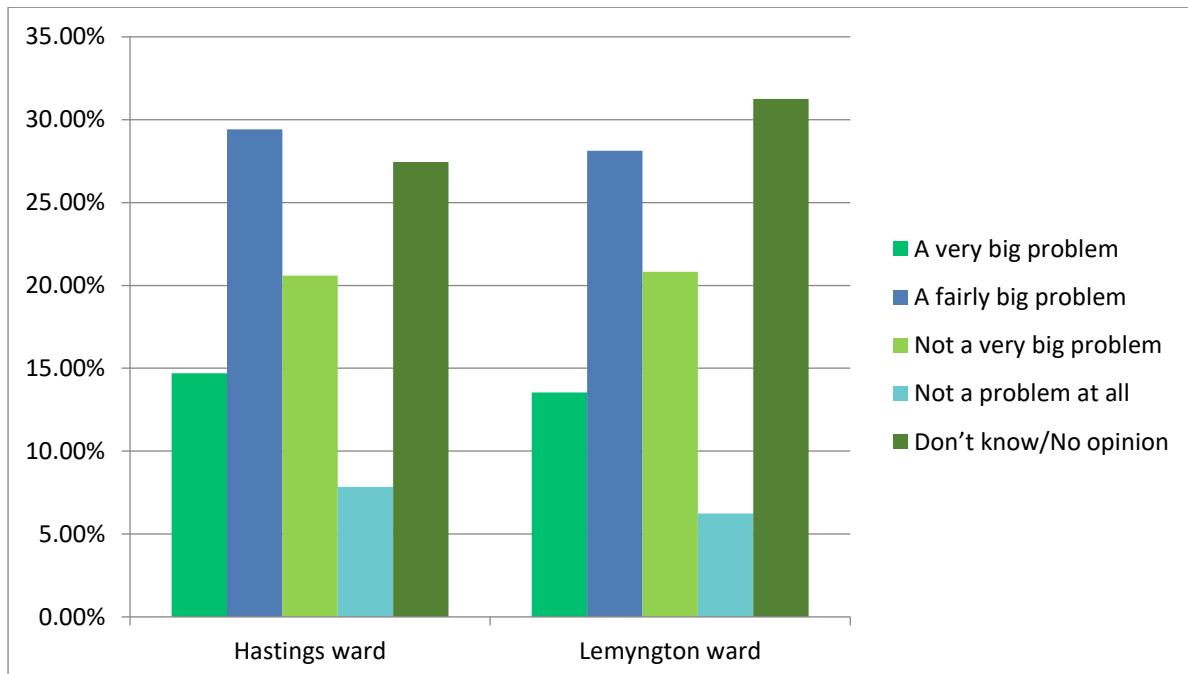
	A very big problem	A fairly big problem	Not a very big problem	Not a problem at all	Don't know/no opinion	Total
Hastings Ward	19.61% 20	30.39% 31	19.61% 20	5.88% 6	24.51% 25	102
Lemyngton Ward	16.67% 16	28.13% 27	23.96% 23	4.17% 4	27.08% 26	96

Question 8. Anti-social behaviour:



	A very big problem	A fairly big problem	Not a very big problem	Not a problem at all	Don't know/No opinion	Total
Hastings Ward	23.76% 24	30.69% 31	15.84% 16	6.93% 7	22.77% 23	101
Lemyngton Ward	17.02% 16	31.91% 30	17.02% 16	6.38% 6	27.66% 26	94

Question 9. Crime:



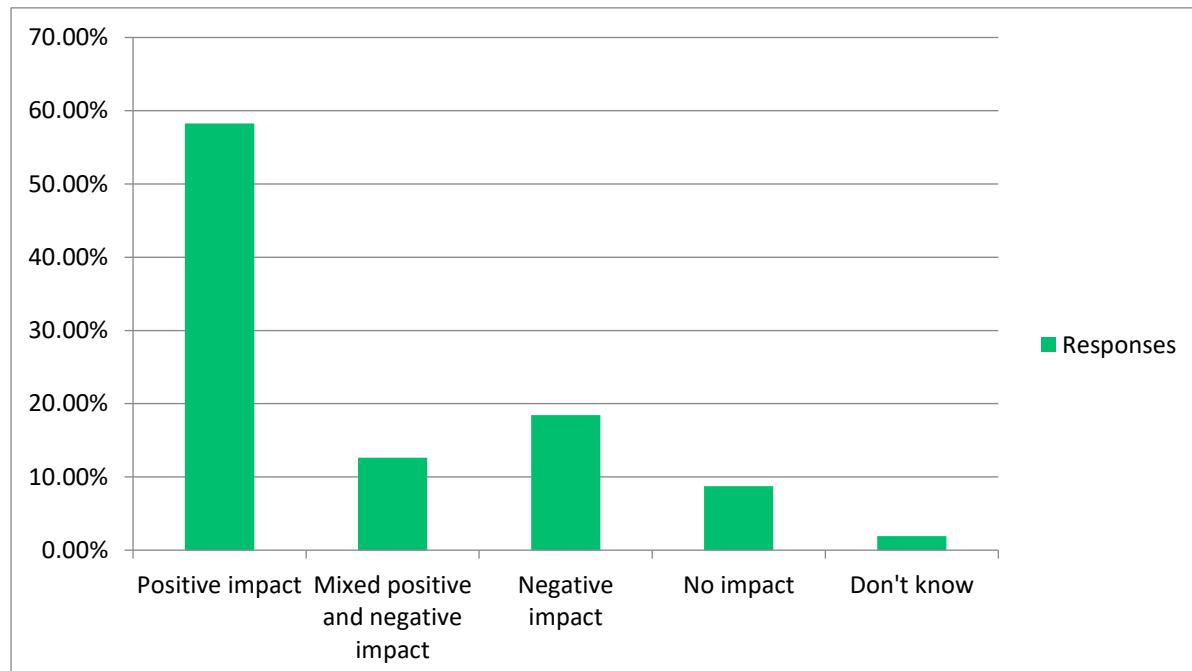
	A very big problem	A fairly big problem	Not a very big problem	Not a problem at all	Don't know/no opinion	Total
Hastings Ward	23.76% 24	30.69% 31	15.84% 16	6.93% 7	22.77% 23	101
Lemyngton Ward	17.02% 16	31.91% 30	17.02% 16	6.38% 6	27.66% 26	94

Question 10. Do you have any additional comments about problems in the proposed selective licensing area?

58 people responded to this question. Listed below is a selection of their comments:

- Drug using and dealing in Lemyngton area, drinking in Tatmarsh and Old Rectory garden areas and subsequent littering with glass bottles, dog mess
- I don't see that the criteria have been made to introduce selective licensing in Lemyngton ward according to your criteria.
- There are a lot of drug related activities carried out around the area, I have witnessed dealing, someone slumped on the ground from spice, exposed used needles laying on footpaths. There is a lot of anti-social behaviour regarding mopeds and motorcycles.
- I have lived in the Hasting area for several years and never experienced any of the issues raised in the justification document
- I don't feel there is a local problem in the streets surrounding my home. I feel safe and have lovely neighbours.
- Any link between poverty, deprivation, antisocial behaviour etc and the quality of the housing does not stem from poor investment from landlords, they all stem from poor tenant behaviour
- Selective licensing can't improve conditions of properties beyond what is already required of any property being let the material purpose is not to upgrade properties. The secondary purpose of controlling antisocial behaviour and crime is generally outside the control of the landlord and is caused as a result of a tenant action the tenant has free will and this is not something that a landlord can control, therefore it is not something that they should be placed in a legal position of controlling.

Question 11. What impact if any do you think this proposal would have on the proposed selective licensing area?



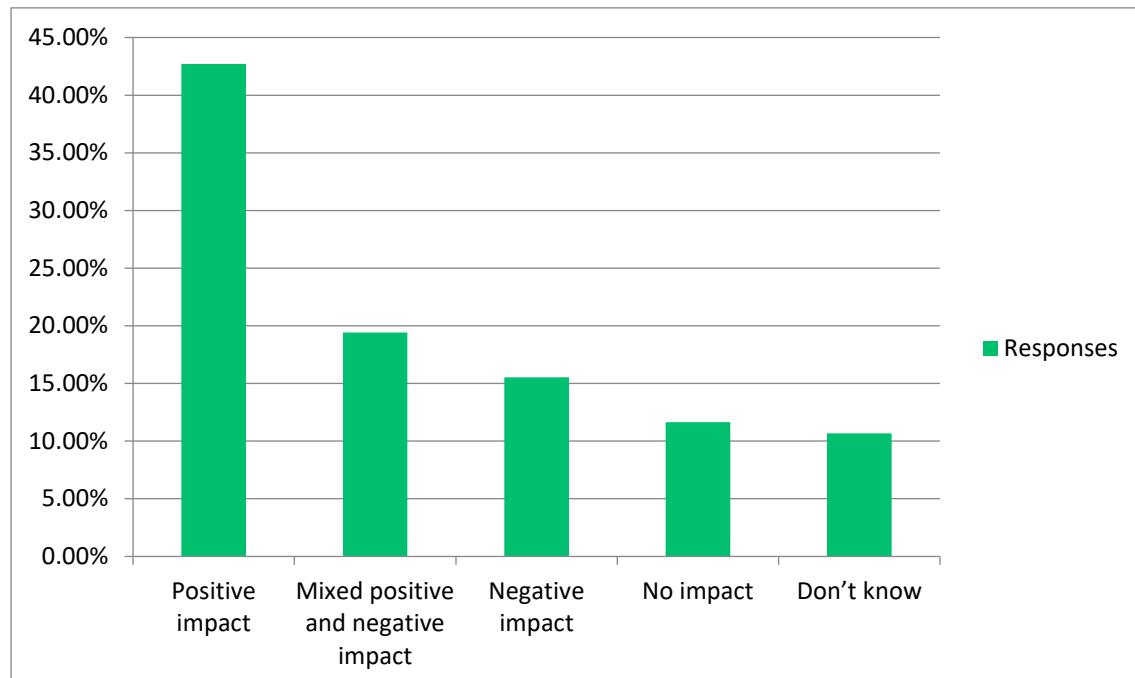
Answer Choices	Responses	
Positive Impact	58.25%	60
Mixed positive and negative impact	12.62%	13
Negative impact	18.45%	19
No impact	8.74%	9
Don't know	1.94%	2
Total		103

Question 12. Do you have any additional comments about the impact of this proposal on the selected licensing area?

54 people responded to this question. Listed below is a selection of their comments:

- It might impact house sales
- Improve the quality of housing for tenants that live in those areas
- Hopefully it will improve security of tenure for all clients
- I hope it would improve the area with improved property conditions both inside and out and therefore make the area more attractive to career minded tenants
- It would have no impact whatsoever other than make money for the council
- Will force rents higher

Question 13: What impact, if any, do you think this proposal would have on other nearby areas?



Question 14. Do you have any additional comments about the impact of the impact of this proposal would have on other nearby areas?

54 people responded to this question. Listed below is a selection of their comments:

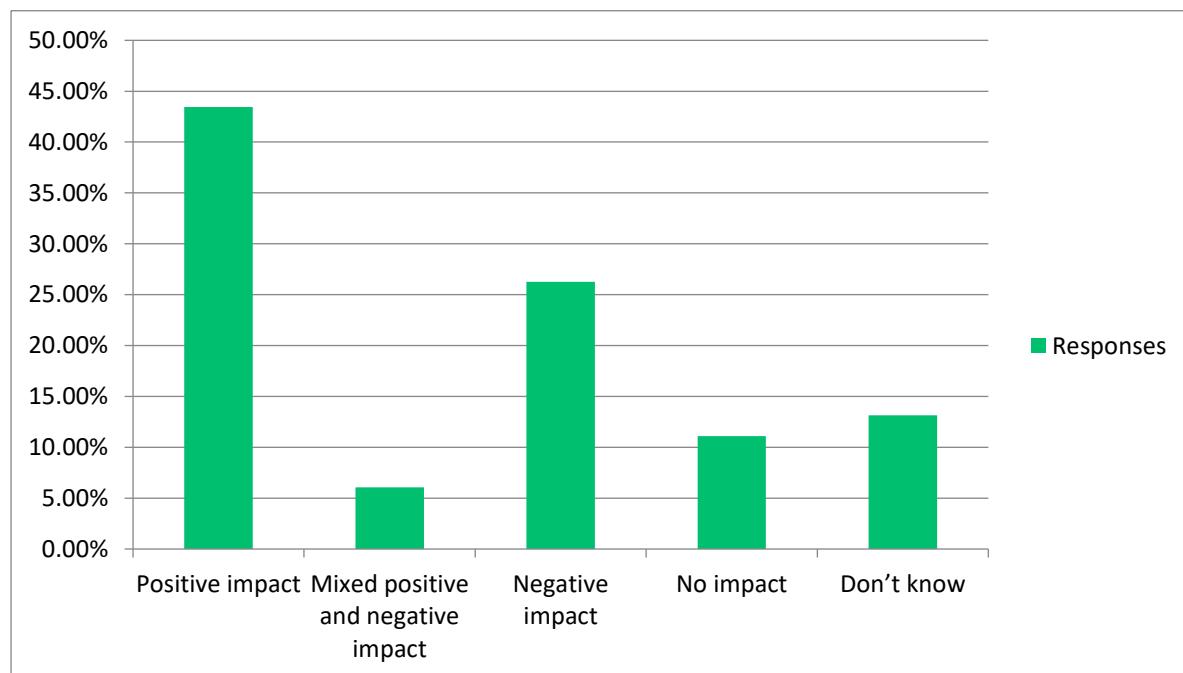
- May lead to increases in unlicensed hmos in unlicensed areas
- It depends if antisocial behaviour and unscrupulous landlords move to other areas of the town
- HMOs bring numbers of people into the town thereby creating employment and helping the local economy
- Landlords may look to purchase buy to let properties which may be positive initially. Negative impacts could manifest if poor landlords continue behaviours into nearby areas
- Good housing encourages good tenants so win win
- Force rent rises in the identified areas and it will cause rent increases in the surrounding areas as demands outstrips availability.
- May push house prices up in other wards for investment property while devaluing these
- Would it make much difference? Anti social behaviour is everywhere and it's not always a landlord who is to blame. We cannot always control their behaviour.

Question 15. Which other areas do you think might be impacted by the proposals? How do you think they might be affected?

47 people responded to this question. Listed below is a selection of their comments:

- Town centre
- Socially and health wise
- Implementing strong measures will have significant impact on other areas
- Many low income families want to live in these areas and I believe that landlords will increase their rent to cover the cost. These families will be forced into situations that would cause serious harm to their families and well being
- Areas not covered by the scheme might attract and concentrate the poorly managed properties there. Why isn't this scheme borough-wide?
- It will make landlords in other areas become gradually more conscious of their actions (or lack of) and responsibilities to their tenants plus neighbours/communities

Question 16. What impact, if any, do you think this proposal, if any, do you think this proposal would have on you and/or your business/organisation?



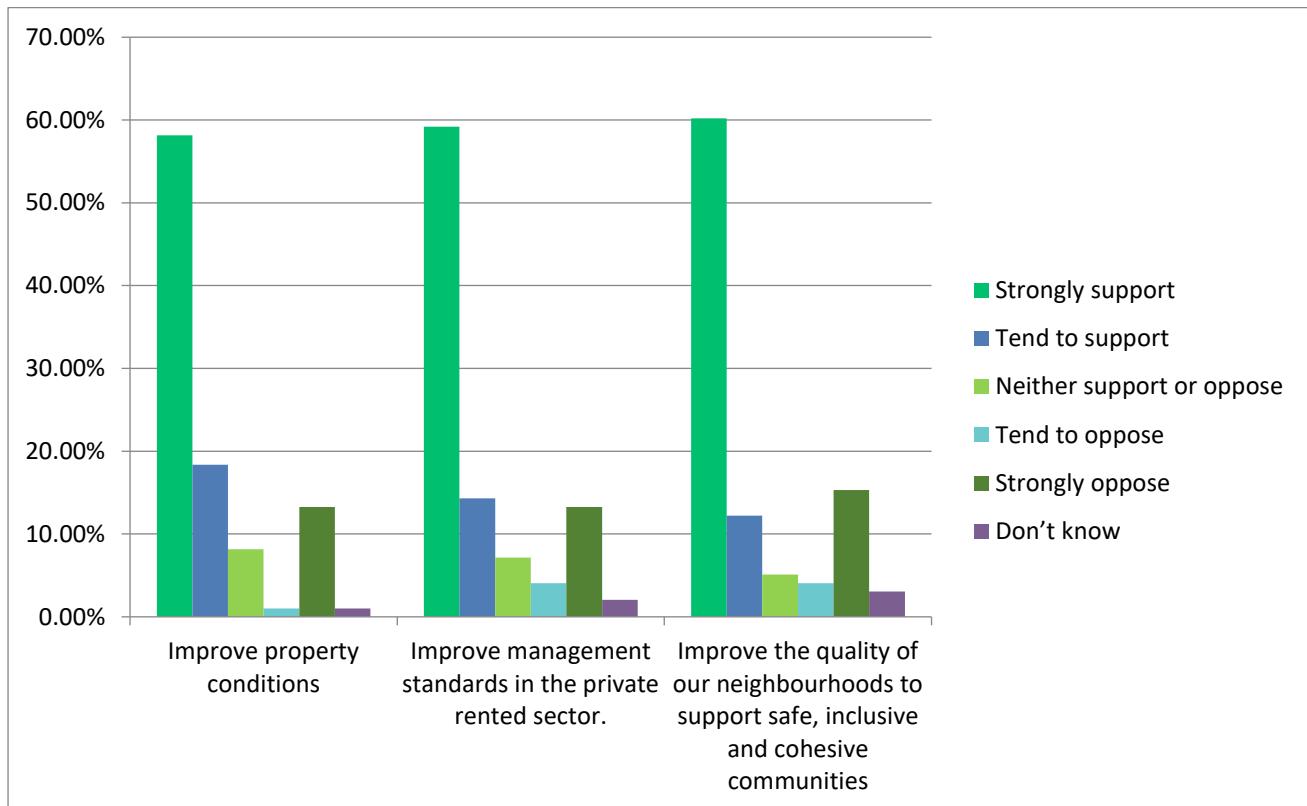
Answer Choices	Responses	
Positive impact	43.43%	43
Mixed positive and negative impact	6.06%	6
Negative impact	26.26%	26
No impact	11.11%	11
Don't know	13.13%	13
Total		99

Question 17. Do you have additional comments about how the proposed scheme might affect you?

53 people responded to this question. Listed below is a selection of their comments:

- As a landlord who takes pride in providing a good quality house that is well maintained I agree that this would make all landlords improve their properties where needed. My property is in the Storer ward. How likely is it that the licensing will come into force in this ward?
- Personally, it is most likely to affect me when I come to sell my property. I am in favour of improving standards of safety in rental properties, having lived in a range of homes myself. But I do not know that this scheme will achieve this.
- Having properly maintained rented property would discourage antisocial behaviour and positively impact property prices
- It would mean that only a select type of tenant would be able to rent in my area and that would be discriminative. If the Council were able to deal with their unruly tenants then I believe the problem would be solved.
- It will simply add costs, as our properties are in good condition, these costs will be passed on to the tenant as they would be in any business
- We maintain our 2 properties to a very high standard; this will be an extra unneccassary cost for our tenants
- I am genuinely worried it could lead to me losing my home.
- A general raising of standards would be a visible thing, making the entire town a more attractive place to live, work and visit
- With 4 properties in the 2 wards this scheme will cost me £2800
- I will be happy to drive, cycle and walk through these improved areas. They are historical areas having the Taylors Bell Foundry and other sites in their boundaries.

Question 18. The licence will include conditions aimed at ensuring licensed properties are safe, good quality and well managed. To what extent do you support or oppose licence conditions to regulate the following:



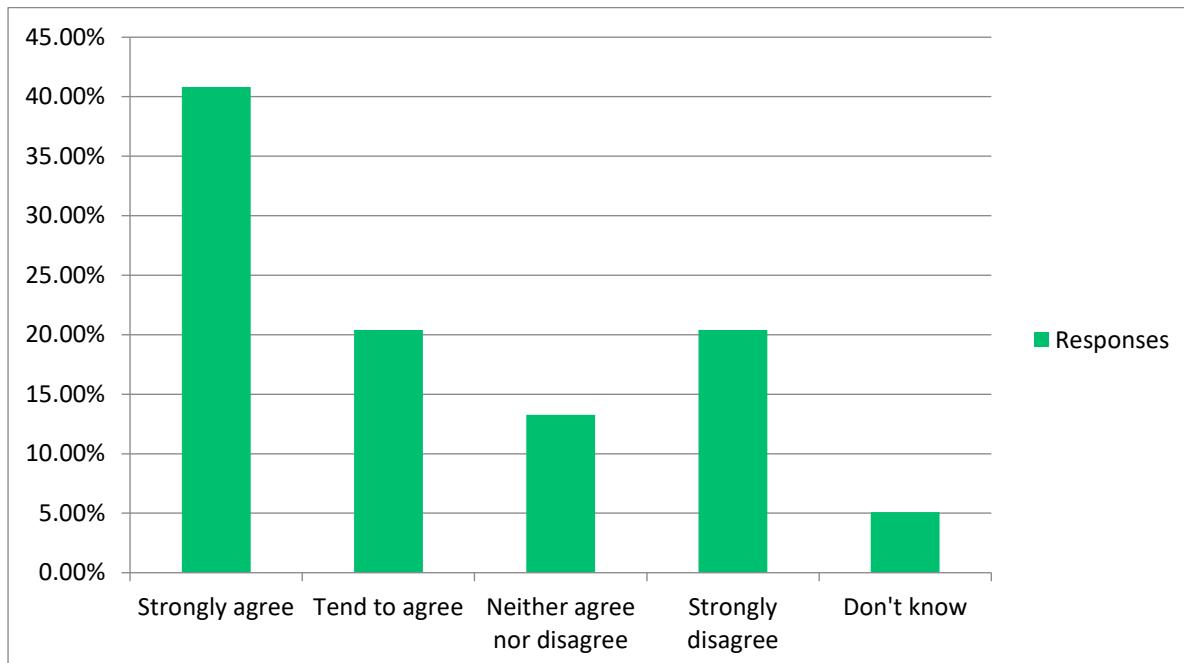
Licence Condition Principles	Strongly Support	Tend to Support	Neither Support or Oppose	Tend to oppose	Strongly oppose	Don't know	Total
Improve Property Conditions	58.16% 57	18.37% 18	8.16% 8	1.02% 1	13.27% 13	1.02% 1	98
Improve management standards in the private rented sector	59.18% 58	14.29% 14	7.14% 7	4.08% 4	13.27% 13	2.04% 2	98
Improve the quality of our neighbourhoods to support safe, inclusive and cohesive communities	60.20% 59	12.24% 12	5.10% 5	4.08% 4	15.31% 15	3.06% 3	98

Question 19. Do you have any specific comments about licence conditions, or any suggestions for alternative or additional conditions?

53 people responded to this question. Listed below is a selection of their comments:

- The quality of community cohesion is not achieved through selective licensing and I think it is very odd to suggest that it might
- 5 years seems a long time to get a license for standards can soon deteriorate with no regular checking therefore standards are soon reduced
- The cost of the licence fees must not be passed onto the tenant as part of the deposit
- I think the fee should be higher
- It might be worth providing landlords with an opportunity to have a say on the pricing of licenses, as this part directly affects them. Would they rather all have to pay for the licence or pay a lower amount up front and have to pay a much higher fee to cover the difference should the council have to step in and deal with any issues.
- This should work both ways, so if the landlord has provided a good home then the tenants should respect this. Things like leaving their bins on the street, untidy gardens, general litter etc should be included as a condition for the tenancy that the council can intervene on behalf of the landlord. Landlords can't control everything
- Bad landlords will simply not register, and the council doesn't have the manpower/resources to find them so they will simply not be affected by this. The good landlords will be affected and then react as before
- I have selected strongly oppose as I do not feel selective licensing will achieve these aims. Issues should be addressed by identifying those falling short of the mark through tenants reporting landlords
- As safety is already covered by government regulations – we have gas checks, smoke, electric, legionella, epc etc so they are not needed? This is just for you to collect fees for looking at our documents. We give certs to tenants, our elects are online from April, EPC is publicly available info?

Question 20. Details of the proposed selective licensing areas can be found in the Justification Report. To what extent do you agree or disagree with the proposed area for selective licensing?



Answer Choices	Responses	
Strongly agree	40.82%	40
Tend to agree	20.41%	20
Neither agree nor disagree	13.27%	13
Strongly disagree	20.41%	20
Don't know	5.10%	5
Total		98

Question 21. What, if anything, would you change about the proposed area? Are there specific areas that you think should be included or excluded?

48 people responded to this question. Listed below is a selection of their comments:

- To access the scheme after 2 years, then roll it out over much wider area, if successful
- Make it borough-wide
- Scrap it until Covid is under control
- Exclude whole areas
- I am keen to make the right decision for my town. If you have already made up your minds up and are going ahead with this bad scheme that doesn't do what is intended, you should go town wide. Loughborough is small enough that if you selectively licence specific areas, you're going to get strange patterns of migration, rental vs owned ratios and potentially prices of rent
- The whole of Charnwood
- I think the scheme should be extended to cover all LE11 postcode areas

- Maybe include specific streets from other areas that have a high ratio of HMOs in a primarily residential/owner occupier street e.g. Cotswold Close.
- I strongly agree on the proposed areas. I wonder too about other pockets of deprivation in Charnwood, namely Thurcaston, Syston and Mountsorrel
- Please include the student rental areas more in the centre of town
- I would not introduce the selective licensing. Instead using existing legislation to address landlords flouting the safety rules (HHSRS) rather than spending vast amounts of time and money checking the majority of landlords that are compliant with the regulation but have to pay £700 to prove this is the case.
- The whole scheme should be reviewed, by targeting selective areas it sends out the message that other areas are exempt from the rules and is likely to make other areas worse. It is also not fair to landlords with property in the proposed areas v those outside those areas, it creates an imbalanced market, not to mention issues such as crime my be perpetrated by residents just outside the boundary line.

Question 22. Do you have any further comments about the proposal to introduce selective licensing? Please include any suggestions for alternative ways of dealing with problems in the area, or any ideas for improving the scheme

50 people responded to this question. Listed below is a selection of their comments:

- Investment into monitoring drug dealing and using and community consultation
- Invest more in the area. I feel this scheme is designed to generate money
- There is a chronic shortage of affordable rentals as well as social housing, these areas need urgent improvement in the present environment there will be much more homeless, council need to act NOW.
- Look to increase the ease with which tenants can report property/landlord falling short of acceptable standards
- I am a big fan of DASH or similar accreditation being mandated. I have seen my fair share of bad landlords and poorly managed homes. These people do need regulation but paying £700 every 5 years arbitrarily won't solve anything. DASH requires regular update of gas certificates etc which I like
- When any form of complaints from neighbours to police attending to tenants complaining then action must be taken. Visits must be booked in. Then find the landlords who don't care
- The primary problem in the area is drug related. I am not sure a licensing scheme relating to private landlords in the ward would have an impact on this
- Make sure visibility of the roll out is maintained. Police these changes on the ground not from behind a desk. Name and Shame
- The design of the scheme should be developed and finalised in full consultation with representatives of the HMO landlord sector, and these representatives should be selected by the landlords themselves.

- Compulsory licensing but zero fees. Finance scheme by high fines for noncompliance and breaches, thus targeting the problem

Charnwood Borough Council

Equality Impact Assessment 'Knowing the needs of your customers and employees'



Background

An Equality Impact Assessment is an improvement tool. It will assist you in ensuring that you have thought about the needs and impacts of your service/policy/function in relation to the protected characteristics. It enables a systematic approach to identifying and recording gaps and actions.



Legislation- Equality Duty

As a local authority that provides services to the public, Charnwood Borough Council has a legal responsibility to ensure that we can demonstrate having paid due regard to the need to:

- Eliminate discrimination, harassment and victimisation
- Advance Equality of Opportunity
- Foster good relations

For the following protected characteristics:

1. Age
2. Disability
3. Gender reassignment
4. Marriage and civil partnership
5. Pregnancy and maternity
6. Race
7. Religion or belief
8. Sex (Gender)
9. Sexual orientation

What is prohibited?

1. Direct Discrimination
2. Indirect Discrimination
3. Harassment
4. Victimisation
5. Discrimination by association
6. Discrimination by perception
7. Pregnancy and maternity discrimination
8. Discrimination arising from disability
9. Failing to make reasonable adjustments

Note: Complete the action plan as you go through the questions

Step 1 – Introductory information

Title of the policy	Discretionary Private Sector Housing Licensing
Name of lead officer and others undertaking this assessment	Alison Simmons
Date EIA started	19 th December 2019
Date EIA completed	17 th November 2020

Step 2 – Overview of policy/function being assessed:

Outline: What is the purpose of this policy? (Specify aims and objectives)

The Policies are for Housing In Multiple Occupation (HMO) and Selective Licensing and set out the way in which the Council intends to implement and secure effective compliance with the Policies and relevant private sector housing legislation.

The HMO and Selective Licensing Policies aims to ensure:

- Good quality, healthy housing for households renting in the Private Sector and to prioritise action to those homes which present the greatest risks to Health and Safety
- Private housing is not left empty for an unreasonable amount of time or becomes an eyesore and nuisance to neighbouring homes
- Houses in Multiple Occupation are safe and well managed and all relevant Management Regulations are adhered to

What specific group/s is the policy designed to affect/impact and what is the intended change or outcome for them?

The Policies are designed to:

- Support Officers of the Council in appropriately applying the relevant enforcement legislation
- Inform Owner Occupiers, Private Sector Landlords and Registered Providers (RPs) as to the Council's approach to housing enforcement

The intended outcome is to ensure there is a provision of good quality, healthy housing and to prioritise action to those homes which present the greatest risks to Health and Safety.

Which groups have been consulted as part of the creation or review of the policy?

Following approval by Cabinet, to go out to implemented, each Policy will be consulted on in accordance with the Housing Act 2004 Part 2 and Part 3 requirements for the implementation of these schemes.

Step 3 – What we already know and where there are gaps

List any existing information/data do you have/monitor about different diverse groups in relation to this policy? Such as in relation to age, disability, gender reassignment, marriage and civil partnership, pregnancy & maternity, race, religion or belief, sex, sexual orientation etc.

Data/information such as:

- Consultation
- Previous Equality Impact Assessments
- Demographic information
- Anecdotal and other evidence

Based in the 2011 Census there are approximately 66,600 households in the Borough of Charnwood.

Breakdown by Tenure:

- 47,900 (72%) – Owner Occupiers
- 500 (1%) - Part owned and part rented (shared ownership)
- 7,900 (12%) - Social rented
- 9,400 (14%) - Private rented
- 800 (1%) – Living rent free

What does this information / data tell you about diverse groups? If you do not hold or have access to any data/information on diverse groups, what do you need to begin collating / monitoring? (Please list)

The Policies have now been consulted on.

Additional Licensing (HMO) responses received:

Gender - Male 51.32%, Female 42.86%, Prefer not to say 5.82%

Age - 18-24 – 0.52%, 25-34 – 5.24%, 35-44 – 12.04%, 45-54 – 15.18%, 55-64 – 23.56%, 65-74 – 21.99%, 75+ - 13.61%, Prefer not to say - 7.85%

Ethnic Origin – English/Welsh/Scottish/North Irish/British – 86.7%, Irish – 1.06%, Any other white background – 2.66%, Indian – 1.06%, Pakistani – 0.53%, Bangladeshi 1.60%, Prefer not to say - 6.38%

Religion – No religion – 37.43%, Christian – 50.27%, Hindu – 1.07%, Muslim – 2.67%, Any other religion – 0.53%, Prefer not to say – 8.02%

Sexual Orientation – Heterosexual/straight – 83.51%, Gay man – 2.13%, Gay woman – 0.53%, Other – 0.53%, Prefer not to say 13.30%

First Language – English – 93.68%, Prefer not to say - 5.79%, Other – 0.53%

Selective Licensing

Gender - Male 47.83%, Female 42.39%, Prefer not to say 9.78%

Age - 18-24 – 2.13%, 25-34 – 7.45%, 35-44 – 13.83%, 45-54 – 17.02%, 55-64 – 20.21%, 65-74 – 14.89%, 75+ - 12.77%, Prefer not to say – 11.70%

Ethnic Origin – English/Welsh/Scottish/North Irish/British – 82.11%, Irish – 1.05%, African – 1.05%, Indian – 3.16%, Bangladeshi 1.05%, Prefer not to say – 11.58%

Religion – No religion – 38.30%, Christian – 41.49%, Hindu – 2.13%, Muslim – 2.13%, Prefer not to say – 15.96%

Sexual Orientation – Heterosexual/straight – 70.97%, Gay man – 2.15%, Bisexual – 2.15%, Prefer not to say 24.73%

First Language – English – 89.47%, Prefer not to say – 10.53%

Thorough consultation completed and no further monitoring required.

Step 4 – Do we need to seek the views of others? If so, who?

In light of the answers you have given in Step 2, do you need to consult with specific groups to identify needs / issues? If not please explain why.

Following approval by Cabinet, to go out to consultation, each Policy will be implemented on in accordance with the Housing Act 2004 Part 2 and Part 3 requirements for the implementation of these schemes.

Step 5 – Assessing the impact

In light of any data/consultation/information and your own knowledge and awareness, please identify whether the policy has a positive or negative impact on the individuals or community groups (including what barriers these individuals or groups may face) who identify with any ‘protected characteristics’ and provide an explanation for your decision (please refer to the general duties on the front page).

	Comments
Age	Neutral impact, no impacts on age. Standard policy applies to all landlords with the 2 proposed schemes.
Disability (Physical, visual, hearing, learning disabilities, mental health)	Neutral impact, no impacts on disability. Standard policy applies to all landlords with the 2 proposed schemes.
Gender Reassignment (Transgender)	Neutral impact, no impacts on gender reassignment. Standard policy applies to all landlords with the 2 proposed schemes.
Race	Neutral impact, no impacts on race. Standard policy applies to all landlords with the 2 proposed schemes.
Religion or Belief (Includes no belief)	Neutral impact, no impacts on religion or belief. Standard policy applies to all landlords with the 2 proposed schemes.
Sex (Gender)	Neutral impact, no impacts on sex. Standard policy applies to all landlords with the 2 proposed schemes.
Sexual Orientation	Neutral impact, no impacts on sexual orientation. Standard policy applies to all landlords with the 2 proposed schemes.
Other protected groups (Pregnancy & maternity, marriage & civil partnership)	Neutral impact, no impacts on other protected groups. Standard policy applies to all landlords with the 2 proposed schemes.
Other socially excluded groups (carers, low literacy, priority neighbourhoods, health inequalities, rural isolation, asylum seeker and refugee communities etc.)	Neutral impact, no impacts on other socially excluded groups. Standard policy applies to all landlords with the 2 proposed schemes.

Where there are potential barriers, negative impacts identified and/ or barriers or impacts are unknown, please outline how you propose to minimise all negative impact or discrimination.

Please note:

- a) If you have identified adverse impact or discrimination that is illegal, you are required to take action to remedy this immediately.
- b) Additionally, if you have identified adverse impact that is justifiable or legitimate, you will need to consider what actions can be taken to mitigate its effect on those groups of people.

No barriers or negative impacts found.

Summarise your findings and give an overview as to whether the policy will meet Charnwood Borough Council's responsibilities in relation to equality and diversity (please refer to the general duties on the front page).

The 2 proposed schemes meet Charnwood Borough Council's responsibilities.

Step 6- Monitoring, evaluation and review

Are there processes in place to review the findings of this Assessment and make appropriate changes? In particular, how will you monitor potential barriers and any positive/ negative impact?

The outcome of this EIA will be monitored and reviewed alongside the Policies.

How will the recommendations of this assessment be built into wider planning and review processes? e.g. policy reviews, annual plans and use of performance management systems.

As above.

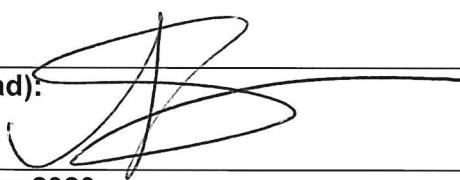
Step 7- Action Plan

Please include any identified concerns/actions/issues in this action plan: The issues identified should inform your Service Plan and, if appropriate, your Consultation Plan			
Reference Number	Action	Responsible Officer	Target Date
	Review EIA as part of any review process of the 2 schemes.	Head of Strategic and Private Sector Housing	TBC

Step 8- Who needs to know about the outcomes of this assessment and how will they be informed?

	Who needs to know (Please tick)	How they will be informed (we have a legal duty to publish EIA's)
Employees	X	
Service users	X	
Partners and stakeholders	X	
Others	X	
To ensure ease of access, what other communication needs/concerns are there?		

Step 9- Conclusion (to be completed and signed by the Service Head)

Please delete as appropriate
I agree / disagree with this assessment / action plan
If disagree, state action/s required, reasons and details of who is to carry them out with timescales:
Signed (Service Head): 
Date: 19 th November 2020

Please send completed & signed assessment to Suzanne Kinder for publishing.