

Public Document Pack



MEETING:	Cabinet
DATE:	Wednesday, 21 February 2018
TIME:	10.00 am
VENUE:	Reception Room, Barnsley Town Hall

AGENDA

1. Declaration of pecuniary and non-pecuniary interests
2. Leader - Call-in of Cabinet decisions

Minutes

3. Minutes of the previous meeting held on 7th February 2018 (Cab.21.2.2018/3)
(Pages 3 - 10)

Items for Noting

4. Decisions of Cabinet Spokespersons (Cab.21.2.2018/4)

Petitions

5. Petitions received under Standing Order 44 (Cab.21.2.2018/5)

Items for Decision/Recommendation to Council

Core Services Spokesperson

6. Pensions Agreement - Facility Manager Provider Building Schools For The Future
(Cab.21.2.2018/6) (Pages 11 - 14)
7. Community Asset Transfer: Land at Doncaster Road Recreation Ground Grant of a 25 Year Lease by the Council to Dearne & District Junior Football Club
(Cab.21.2.2018/7) (Pages 15 - 24)

Communities Spokesperson

8. Selective Licensing Consultation Outcomes, Alternative Proposals and next steps
(Cab.21.2.2018/8) (Pages 25 - 86)
9. Exclusion of Public and Press
It is likely that the public and press will be excluded from this meeting during consideration of the items so marked because of the likely disclosure of exempt information as defined by the specific paragraphs of Part I of Schedule 12A of the Local Government Act 1972 as amended, subject to the public interest test.

Core Services Spokesperson

10. Affordable Housing Framework 2016- 2019 – Land Disposal, Catherines Walk, Athersley South (Cab.21.2.2018/10) (Pages 87 - 96)
Reason restricted:
Paragraph (3) Information relating to the financial or business affairs of any particular person (including the authority holding that information)

To: Chair and Members of Cabinet:-

Councillors Houghton CBE (Chair), Andrews BEM, Bruff, Cheetham, Gardiner, Howard, Miller and Platts

Cabinet Support Members:

Councillors Franklin, Frost, David Griffin, Lamb, Pourali and Saunders

Chair of Overview and Scrutiny Committee

Chair of Audit Committee

Diana Terris, Chief Executive

Rachel Dickinson, Executive Director People

Matt Gladstone, Executive Director Place

Wendy Lowder, Executive Director Communities

Julia Burrows, Director Public Health

Andrew Frosdick, Executive Director Core Services

Alison Brown, Service Director Human Resources and Business Support

Michael Potter, Service Director Business Improvement and Communications

Neil Copley, Service Director Finance

Katie Rogers, Communications and Marketing Business Partner

Anna Marshall, Scrutiny Officer

Ian Turner, Service Director, Council Governance

Chris Braithwaite, Senior Council Governance Officer

Corporate Communications and Marketing

Please contact Ian Turner on email governance@barnsley.gov.uk

Tuesday, 13 February 2018



MEETING:	Cabinet
DATE:	Wednesday, 7 February 2018
TIME:	10.00 am
VENUE:	Reception Room, Barnsley Town Hall

MINUTES

Present Councillors Houghton CBE (Chair), Andrews BEM, Bruff, Cheetham, Gardiner, Howard, Miller and Platts

Members in Attendance: Councillors Franklin, Frost, Lamb, Pourali, Saunders and Sheard

174. Declaration of pecuniary and non-pecuniary interests

There were no declarations of pecuniary or non-pecuniary interests.

175. Leader - Call-in of Cabinet decisions

The Leader reported that no decisions from the previous meeting held on 24th January, 2018 had been called in.

176. Minutes of the previous meeting held on 24th January, 2018 (Cab.7.2.2018/3)

The minutes of the meeting held on 24th January, 2018 were taken as read and signed by the Chair as a correct record.

177. Decisions of Cabinet Spokespersons (Cab.7.2.2018/4)

The Record of Decisions taken by Cabinet Spokespersons under delegated powers during the week ending 26th January, 2018 were noted, subject to the addition of Cllr Andrews also being authorised to attend the NHS Accountable Care Systems Event.

178. Petitions received under Standing Order 44 (Cab.7.2.2018/5)

RESOLVED that the report notifying the receipt of the following petitions be noted and the recommended actions for responding to them be endorsed:-

- (a) Containing the signatures of 1,381 signatories, in respect of Smoke Free Market – 'Fags and Swags'.

The Council's markets team will contact the stall holder to clarify the reasons for the introduction of the policy and explore potential business support options including diversification of product lines in order to mitigate the impact of the introduction of Smoke Free Market.

- (b) Containing the signatures of 411 electronic signatories, in respect of a request for a pedestrian crossing outside Hunningley Primary School in Kendray.

In considering requests for light controlled pedestrian crossings there are very strict criteria in place which must be met before a pedestrian crossing facility

can be considered. These relate to the conflict between the volume of vehicles and the number of pedestrians wishing to cross the road at a particular point. In order to meet the criteria there needs to be a sustained flow of pedestrians crossing the carriageway throughout the whole of the day. On Hunningley Lane this does not exist as crossing movements are confined to school start and finish times.

Surveys carried out since 2010 show that the site does not meet the criteria for a light controlled crossing. However, the site does meet the criteria for a school crossing patrol and one is provided.

It is recommended that the Service Director, Environment and Transport write to the lead petitioner to inform them of this situation.

Core Services Spokesperson

179. Service and Financial Planning 2018/19 - Revenue Budget, Capital Programme and Council Tax (Cab.7.2.2018/6)

RECOMMENDED TO FULL COUNCIL ON 22ND FEBRUARY, 2018:-

- (i) that the Future Council 2020 Strategy at Section 1 of the report now submitted be noted and implemented accordingly;
- (ii) that the report of the Service Director Finance (Section 151 Officer), under Section 25 of the Local Government Act 2003 at Section 2 be noted and that the 2018/19 budget proposals be agreed on the basis that the Chief Executive and Senior Management Team (SMT), in consultation with Cabinet Spokespersons, submit for early consideration detailed plans that ensure the Council's ongoing financial sustainability for 2019/20 and beyond;
- (iii) that the Revised Medium Term Financial Strategy and Forecast for 2018/19 to 2019/20 contained at Section 3a and 3b of the report and the position on Reserves, Provisions and Balances at Section 3c be noted and monitored as part of the arrangements for the delivery of the Future Council 2020 Strategy;
- (iv) that the 2018/19 budget proposals for all services, as separately presented in Sections 5a, 6 and 7, be approved for submission to Council – subject to the submission of detailed implementation reports as appropriate;
- (v) that the total additional specific funded capital investment of £65.5m as outlined at Section 5c, Table 5, be included within the Capital Programme and released subject to further detailed reports on the proposals for its use;
- (vi) that the £12.5m of cumulative resources available as highlighted at Section 5c Table 6 be noted and the allocation of £8.5m for the expenditure requirements outlined at Section 5c Table 7 be agreed;
- (vii) that the efficiency proposals for 2018/19 in Sections 7a to 7e be agreed subject to consideration of any further Equality Impact Assessments;

- (viii) that the detailed proposals for increases in existing fees and charges and new fees and charges be implemented as set out at Section 8 of the report;
- (ix) that the Aggregated Equality Impact Assessment at Section 10 of the proposals be noted and the proposed mitigation actions in the report be approved;
- (x) that the cash limited budgets for each service with overall net expenditure for 2018/19 of £168.988m be approved for submission to Council;
- (xi) that the Chief Executive and SMT, in consultation with Cabinet Spokespersons, be required to submit reports into Cabinet, as a matter of urgency, in relation to the detailed General Fund Revenue Budget for 2018/19 on any further action required to achieve an appropriately balanced budget in addition to those proposals set out above;
- (xii) that the Chief Executive and SMT be responsible for managing their respective budgets including ensuring the implementation of savings proposals;
- (xiii) that the Authority's SMT be charged with ensuring that the budget remains in balance and report regularly into Cabinet on budget/savings monitoring including any action required;
- (xiv) that Cabinet and the Section 151 Officer be authorised to make any necessary technical adjustments to form the 2018/19 budget;
- (xv) that appropriate consultation on the agreed budget proposals takes place with the Trade Unions and representatives of Non-Domestic Ratepayers and that the views of consultees be considered by Cabinet and the Council; and
- (xvi) that the budget papers be submitted for the consideration of the Full Council.

(B) Council Tax 2018/19

RECOMMENDED TO FULL COUNCIL ON 22ND FEBRUARY, 2018

- (i) that the contents of Section 5b (2018/19 Council Tax options) be noted;
- (ii) that the Council Tax Collection Fund net surplus as at 31st March, 2018 relating to BMBC of £3.115m be used to reduce the 2018/19 Council Tax requirement, in line with statute;
- (iii) that 2018/19 Band D Council Tax increase for Barnsley MBC's services be set at 4.49% (2.99% for Barnsley MBC services and an additional 1.5% for the Chancellor's Adult Social Care levy);
- (iv) that the Band D Council Tax for Barnsley MBC's areas be determined following confirmation of the South Yorkshire Police and Crime Commissioner and South Yorkshire Fire Authority precepts for 2018/19; and

- (v) that the Band D Council Tax for areas of the Borough with Parish/Town Councils be determined following confirmation of individual Parish precepts for 2018/19.

180. Treasury Management Strategy and Policy Statement (Cab.7.2.2018/7)

RECOMMENDED TO FULL COUNCIL ON 22ND FEBRUARY, 2018:-

- (i) that the main Treasury Management Policy Statement attached at Appendix A of the Treasury Management Strategy and Policy Statement now submitted, be noted; and
- (ii) that the proposed Treasury Management Strategy for 2018/19 be approved, including:-
- The Borrowing Strategy for 2018/19 at Section 3 including the full suite of Prudential and Treasury Indicators at Appendix F;
 - The revised Minimum Revenue Provision (MRP) Statement at Appendix C of the report; and
 - The Annual Investment Strategy for 2018/19 at Section 4 of the Treasury Management Strategy and Policy Statement.

181. 2018/2019 Service and Financial Planning Redundancy Compensation and Procedures (Cab.7.2.2018/8)

RECOMMENDED TO FULL COUNCIL ON 22ND FEBRUARY, 2018:-

- (i) that for the purpose of the 2018/19 budgetary procedures, payments in accordance with the Discretionary Compensation Regulations 2006 be up to a maximum of 30 weeks actual pay based on the Statutory Redundancy Scheme; and
- (ii) that any employee (excluding Teachers) declared redundant be afforded the maximum of 12 weeks' notice of termination of employment.

182. Grant of new 22 year lease by the Council as trustee to Higham Cricket Club of the Cricket Ground which forms a part of land known as Higham Miners Institute and Recreation Ground (Cab.7.2.2018/9)

RECOMMENDED TO FULL COUNCIL ON 29TH MARCH, 2018:-

- (i) that, subject to the statutory procedures under the Charities Act 2011 being complied with, the Council in its capacity as Trustee of Higham Miners Institute and Recreation Ground approve the proposal of a new lease to Higham Cricket Club of their ground at Higham Common to replace two existing leases to Higham Cricket Club which expire in 2024 and 2029;
- (ii) that the Service Director Assets be authorised to finalise heads of terms for the new lease to Higham Cricket Club; and

- (iii) that the Executive Director Core Services be authorised to complete the lease to Higham Cricket Club.

Place Spokesperson

183. Market Gate Pedestrian Bridge Concept Design (Cab.7.2.2018/10)

RESOLVED:-

- (i) that the preferred design for the Market Gate Bridge, as set out in the report now submitted, be approved;
- (ii) that the stakeholder engagement on the proposed design be authorised; and
- (iii) that the Executive Director Core be authorised to agree a Basic Asset Protection Agreement (BAPA) with Network Rail for the delivery of the project.

184. Homes England Affordable Homes Programme 2016/21 - Baden Street (Cab.7.2.2018/11)

RESOLVED:-

- (i) that approval be granted to commence the delivery of the Baden Street Council House Build project, as set out in the report now submitted;
- (ii) that approval be given to accept the Affordable Homes Programme (AHP) grant funding of £360,000 from Homes England;
- (iii) that, should further authorisation be required for any additional appendices/amendments to the recently approved contract with the Homes England for the Affordable Homes Programme period 2018/21 (approved at Cabinet on 13th December, 2017), the Executive Director Core Services, in consultation with the Cabinet Spokesperson Place, be authorised to give approval; and
- (iv) that the Council's Capital Programme be amended to reflect scheme costs (following tender) and match funding support to the Baden Street re-development project; totalling (including match) £1,137,938, and the current variance of £27,938 against the agreed Capital Programme budget following tender be noted.

185. Barnsley Museums National Portfolio Organisation Status (Cab.7.2.2018/12)

RESOLVED that the delivery of the Barnsley Museum National Portfolio Organisation (NPO) Business Plan funded by £1,866,000 from the Arts Council England in recognition of Barnsley Museums as a National Portfolio Organisation, as set out in the report submitted, be agreed.

People (Achieving Potential) Spokesperson

186. 2018/19 Schools Funding Formula and Outcome of Consultation with Schools (Cab.7.2.2018/13)

The Achieving Potential Spokesperson explained that, since the agenda had been published, the Department for Education (DfE) had ruled on the proposal to transfer 1.5% of schools funding to the high needs block, which had not been supported by the Schools Forum (which had proposed a transfer of only 1%). The DfE's ruling was to approve the reduced transfer amount proposed by the Schools Forum.

The meeting noted that this decision would lead to an ongoing annual deficit of c. £750k. The Achieving Potential Spokesperson explained that there was an ongoing dialogue with the DfE and schools to determine how this deficit could be addressed.

RESOLVED:-

- (i) that the Dedicated Schools Grant settlement for Barnsley's schools for 2018/19 and the implementation of the new national funding formula from April 2018, as set out in the report now submitted, be noted;
- (ii) that the summary responses by schools and the Barnsley Schools Forum, to the recent consultation on the changes to the local schools funding formula and the transfer of funding to the high needs block, be noted;
- (iii) that, as a result of the above, the following be agreed:
 - (a) the changes to the schools formula as set out in paragraph 6.2 of the report, subject to the amendment, following the decision by the DfE, that 1.0% of funding be transferred from schools to the high needs block (rather than 1.5% as set out within the report);
 - (b) the proposed schools block budget for 2018/19 as summarised in Appendix 3 (subject to the amendment set out in a) above); and
- (iv) that the Executive Director People and Service Director Finance be authorised to make any changes required in line with the Department for Education's decision.

187. Co-ordinated Scheme for Admission to Primary and Secondary Schools for the 2019-2020 School Year (Cab.7.2.2018/14)

RESOLVED that the proposed scheme for co-ordinating the admission arrangements for primary and secondary schools for the 2019-2020 school year, as set out in the report now submitted, be approved.

188. Admission Arrangements for Community and Voluntary Controlled Primary and Secondary Schools for the 2019/2020 School Year (Cab.7.2.2018/15)

RESOLVED that the proposed admission arrangements for community and voluntary controlled primary and secondary schools for 2019/2020 school year, as detailed in the report now submitted, be approved.

189. School Term Times and Holiday Dates for Community and Voluntary Controlled Schools 2019-2020 (Cab.7.2.2018/16)

RESOLVED that the proposed term times and holiday dates for community and voluntary controlled schools for 2019-2020, as detailed in Appendix 1 of the report submitted, be approved.

190. Exclusion of Public and Press (Cab.7.2.2018/17)

RESOLVED that the public and press be excluded from the meeting during consideration of the following items, because of the likely disclosure of exempt information as described by the specific paragraphs of Part I of Schedule 12A of the Local Government Act 1972 as amended, as follows:-

<u>Item Number</u>	<u>Type of Information Likely to be Disclosed</u>
191	Paragraph 3

Place Spokesperson

191. Replacement of Boilers at the Metrodome Leisure Facility (Cab.7.2.2018/18)

RESOLVED:-

- (i) that the Council deliver the replacement of the heating system at the Metrodome utilising the EU compliant Re:fit Framework, work to be carried out spring/summer 2018 and completed before the next winter heating season 2018-2019;
- (ii) that the financial implications of the options available to the Council to support the replacement of the heating system at the Metrodome be noted;
- (iii) that the total estimated cost of £1.2m be included in the Capital Programme and funding be released in accordance with Financial Regulations;
- (iv) that approval be given to fund the purchase of the new heating system at the Metrodome via prudential borrowing with the cost being fully recovered via a charge to BPL for energy used;
- (v) that the Local Partnerships be appointed to act as the Council's financial, technical and procurement consultant working with in-house client-side project team to deliver the replacement of the heating system; and
- (vi) that Legal Services be instructed to amend the management agreement between Barnsley MBC and Barnsley Premier Leisure accordingly.

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Chair

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BARNSELY METROPOLITAN BOROUGH COUNCIL

This matter is not a Key Decision within the Council's definition and has not been included in the relevant Forward Plan

**REPORT OF THE
EXECUTIVE DIRECTOR
CORE SERVICES**

**PENSIONS AGREEMENT FACILITY MANAGER PROVIDER
BUILDING SCHOOLS FOR THE FUTURE**

1. PURPOSE OF REPORT

- 1.1 To propose that the Council acts as a guarantor on pension admission agreements (if requested) by the South Yorkshire Pension Authority for the new facility management services provider across the Building Schools for the Future portfolio.

2. RECOMMENDATIONS

- 2.1 **That the Council acts as guarantor for pension admission agreement(s) for South Yorkshire Pension Authority for any potential facility management provider's application for admitted body status across the Building Schools for the Future portfolio, subject to the necessary financial and legal checks.**

3. INTRODUCTION

- 3.1 The Barnsley Local Education Partnership (BLEP) through the strategic partnering arrangement it has with the Council on the Building Schools for the Future (BSF) Private Finance Initiative (PFI) for secondary schools is responsible for the provision of facility management services at secondary schools.
- 3.2 The BLEP is also responsible for the provision of facility management services at the BSF secondary schools that were financed by the authority. (i.e. the non PFI secondary schools)
- 3.3 Carillion plc was appointed by the BLEP to provide this facility management service.
- 3.4 The authority is the current guarantor for the South Yorkshire Pension Authority (SYPA) admissions arrangements with Carillion on both the PFI and non PFI schemes.
- 3.5 Due to Carillion's insolvency on Monday 15th January 2018 the BLEP are now actively looking for an alternative provider for facility management services at both PFI and non PFI schools.
- 3.6 On appointment of another facility management services provider this provider may choose to offer existing staff who it re-employs the opportunity to enrol in the SYPA

and as such would enter into two admission agreement (for PFI and non PFI) with SYPA. It may also offer a suitable similar pension scheme if it so wishes.

- 3.7 In the event of it offering re-employed staff the opportunity to remain in the SYPA the council would be asked by SYPA to be the guarantor on both the PFI and non PFI scheme.

4. PROPOSAL AND JUSTIFICATION

- 4.1 It is proposed that the authority acts as guarantor for both these schemes if requested by the SYPA.
- 4.2 The justification for this is that it puts the council at no greater risk in terms of liability than it did before. The council would remain a guarantor for the same number of staff that it does now as any future admission agreement with a new facility management provider undertaken by the SYPS would be closed i.e. not open to new members.
- 4.3 By acting as guarantor the council would facilitate the continuation of facility management staff within the SYPA. These are staff who were previously employed at secondary schools by the Local Authority and subsequently TUPE transferred to the facility management provider.

5. CONSIDERATION OF ALTERNATIVE APPROACHES

- 5.1 The Council could not act as guarantor in which case it's unlikely that the SYPA would allow any future facility management provider to enter into an admissions agreement with itself.
- 5.2 Although if this was the case the incoming facility management provider would have to offer a broadly comparable pension scheme it may still mean a potential loss of future pension benefits for staff currently within the SYPA.

6. IMPLICATIONS FOR LOCAL PEOPLE/SERVICE USERS

- 6.1 There are no implications for local people/service users.

7. FINANCIAL IMPLICATIONS

- 7.1 The provision of a guarantee to the SYPA could result in financial implications to the Council in circumstances where the employer defaulted on payments to the SYPA, but is more likely in the event of the provider company going into liquidation. Such costs can only be determined on occurrence of this event although at this stage it is anticipated that the financial risk is likely to be small.
- 7.2 Under the terms of the strategic partnering agreement between the Council and the BLEP, the council will also remain financially liable for any difference in the employer rate of pension contribution at the point of entering the agreement and any future increase in this rate.
- 7.2.1 In 16/17 as a result of this the Council paid the then facility management provider (Carillion) the following sums:

PFI schools £40,679
Non PFI £11,400

7.2.2 It should be noted that this is not an indication of the level of future payments that the Council may have to make as the pension contribution rate is set at the time of admission into the pension agreement and is then reviewed on a three yearly basis.

7.2.3 As a result of this proposal the Council is not committing to any new / additional liability to existing arrangements, more continuation of what is already in place. The costs associated with any future increase in rate are funded through the BSF whole life affordability model, thus no direct impact to the Council's Medium Term Financial Strategy. As referred to in section 7.1, the financial risk associated with default of payments is seen to be relatively low. The Council will undertake appropriate due diligence checks on the incoming provider to mitigate this risk as far as possible.

8. EMPLOYEE IMPLICATIONS

8.1 There are no direct employee implications but as noted above, previous employees who are members of the SYPA may not be able to continue with their membership of this pension scheme if the authority does not act as guarantor.

9. COMMUNICATIONS IMPLICATIONS

9.1 There are no direct communication implications.

10. CONSULTATIONS

10.1 Human Resources and Business Support
Finance Business Unit
Legal Business Unit

11. LIST OF APPENDICES

None.

12. BACKGROUND PAPERS

Strategic Partnering Agreement Barnsley Local Education Partnership and the Authority.

If you would like to inspect background papers for this report, please email governance@barnsley.gov.uk so that appropriate arrangements can be made

Financial Implications/Consultation



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BARNSELY METROPOLITAN BOROUGH COUNCIL

This matter is not a Key Decision within the Council's definition and has not been included in the relevant Forward Plan

**Report of the Executive Director
Core Services**

**COMMUNITY ASSET TRANSFER; LAND AT DONCASTER ROAD RECREATION
GROUND GRANT OF A 25 YEAR LEASE BY THE COUNCIL TO DEARNE &
DISTRICT JUNIOR FOOTBALL CLUB**

1. Purpose of Report

- 1.1 The purpose of the report is to consider the grant of a 25-year lease of an area of land at Doncaster Road Recreation Ground, shown edged black on the attached plan, by the Council to Dearne & District Junior Football Club to enable the club to attract external funding to invest in the facility and to finance the refurbishment of the existing changing rooms building.

2. Recommendations

- 2.1 That subject to terms being agreed, the Council in its capacity as leaseholder of the Doncaster Road Recreation Ground approves the grant of a 25 year sub-lease of a section of the land to Dearne & District Junior Football Club.
- 2.2 That the Service Director Assets be authorised to finalise Heads of Terms for the proposed 25 year lease.
- 2.3 That the Executive Director of Core Services be authorised to complete the lease to Dearne & District Junior Football Club. The grant will be in accordance with Local Government Act 1972, but at less than best consideration based on the delivery of local social economic and environmental wellbeing powers as introduced by the Local Government Act 2000 and the General Disposal Consent (England) 2003.

3. Introduction

- 3.1 The Council are tenants of the land known as Doncaster Road Recreation Ground by way of a 999-year peppercorn lease from the estate of Charles Lindsay Viscount Halifax, dated 13th March 1907. The lease was granted to secure the long-term provision of public recreational space for the benefit of the inhabitants of Bolton-upon-Deerne.

- 3.2 The Recreation Ground is a large expanse of maintained grass land containing a football pitch, a play area, and a detached sports changing room building situated on the southern boundary. D&DJFC currently use the football pitch for training and matches and occupy the changing rooms through a licence agreement with the Council. Park Services maintain the land, although representatives of D&DJFC regularly cut the grass and pick up litter in an informal capacity.
- 3.3 D&DJFC recently registered as a Community Amateur Sports Club and have been in operation for over thirty years. They are staffed exclusively by volunteers who ensure the club's adherence to both the Football Association's regulations and its own constitution. They currently have 13 boys and girls teams in competition over a range of junior age groups.
- 3.4 The changing room facility on site is a single-storey prefabricated building serving the neighbouring football pitch. The building is usable but lacks designated female and referees changing rooms / showers necessary for the level of Football Association accreditation sought by D&DJFC. The club have proposed the facility is refurbished to bring it up-to-date with relevant FA regulation.
- 3.5 Under the terms of the 1907 lease, landlord's consent to sub-let is not necessarily required, subject to the sub-tenant continuing to meet the objectives of the original grant. That being said, Asset Management are in receipt of notification of the landlord's approval in principle for the sublease with a peppercorn rent, to go ahead and have been assured by Legal Services that D&DJFC's proposed use of the land is in-line with the permitted use as detailed in the head lease.

4.0 Proposal and Justification

- 4.1 It is proposed that the Council approve the granting of a 25 year lease at a peppercorn rent of a section of land at Doncaster Road Recreation Ground to Dearne & District Junior Football Club at less than best consideration in-line with powers as introduced by the Local Government Act 2000 and the General Disposal Consent (England) 2003.
- 4.2 The terms of the lease will make the tenants responsible for maintenance and repairs to the land and the existing changing room building, along with all outgoing costs and utilities. The Council will continue to insure the changing rooms but recharge the premium to the tenant.
- 4.3 The proposed lease will contain a landlord and tenant break clause, subject to 6-months' written notice. This will provide a degree of flexibility ensuring the Club can terminate the agreement if the management of the site becomes too onerous and allows the Council to take occupation in the event of continued and material tenant breach.
- 4.4 The proposal is in line with the Council's Community Asset Transfer Policy (Cab 30.1.2013.6.3).

- 4.5 The proposed changing room refurbishment project will enable D&DJFC to protect the use of the building and the pitches as a site for local sporting competition and recreation in the long-term. The continuation of a junior football club in this location is an important factor in ensuring community wellbeing, not just in terms of the provision an accessible sports organisation for young people, but also in the availability of social interaction and community events for the parents and carers of the attending children.
- 4.6 Community groups or charities with observable vested interests in property are more likely to receive funding from external parties for the purposes of investment or refurbishment of the facilities provided. The proposed lease would allow D&DJFC to finance the proposed refurbishment of the changing rooms, and provide confidence in the club's long term ability to sustain itself financially.

5. Consideration of Alternative Approaches

- 5.1 If the proposal is not approved, D&DJFC would not be in a position to undertake the required works to the changing room building and would risk losing their FA accreditation due to inadequate facilities, bringing the continued existence of the club into question. Even if they were able to secure the funds for this particular project themselves, any future application for external funding would be hampered by the club's lack of a permanent interest in the site.
- 5.2 The direct transfer of the freehold of the land to D&DJFC is not possible due to the Council only holding a leasehold interest.
- 5.3 Part-assignment of the Council's leasehold interest to the club would not be advisable as this would relinquish any Council jurisdiction over management of the land transferred; in the event that D&DJFC were to use the land inappropriately or disband altogether, the Council would not be able to protect the continued use of the land for public recreation.

6 Impact on Local People

- 6.1 The proposal would ensure the continued involvement, inclusion and empowerment of a third-sector sporting organisation in the local community. It would also provide a sustainable location for the provision of sport for young people, including a social hub for parents and carers of the participating children.
- 6.2 Central to D&DJFC structure is the continued involvement of members after junior competition ends, with the club's mission statement encouraging former players to take up coaching or administrative roles. The proposed lease would provide a long-term stability that would only serve to boost long-term participation and thus increase social investment in the community.

7. Financial Implications

- 7.1 The grant of a 25 year lease to D&DJFC will ensure that the pitches and changing room building are maintained to a good standard. D&DJFC will be responsible for maintaining the asset thus reducing the Council's maintenance costs.
- 7.2 Under reports previously submitted and approved by Cabinet, Asset Disposal Programme (2013-2018) ref Cab.12.03.2014.13 and Community Asset Transfer Policy ref Cab.30.1.2013/6.3, these reports stated that any land or property leased out by the Council should be at a market rent, unless otherwise specifically agreed by Cabinet, and that in the case of offering land or property for rent or lease at a lower market value, the anticipated socio-economic benefits are taken into consideration.
- 7.3 The grant of a 25 year lease will allow D&DJFC to make applications for funds to support their operation and funds towards the land and premises that the Council is unable to access.
- 7.4 The proposal to award the lease at a peppercorn rent ensures the best use of the asset and will have significant benefits to the local community as outline within section 6 of this report.
- 7.5 D&DJFC will pay the councils reasonable legal and surveyors fees in respect of the lease.
- 7.6 There are no undue VAT implications arising as a result of this report.
- 7.7 For the purpose of IFRS the lease will be classified as an operating lease.
- 7.8 As a result of the above there are no direct financial implications associated with this proposal.

8. Employee implications

- 8.1 There are no implications for BMBC employees as a result of this recommendation

9. Communications implications

- 9.1 There are no communications implications for BMBC as a result of this recommendation.

10. Consultations

- 10.1 Local ward members have been consulted on the proposed lease and support the proposals as detailed in this report.
- 10.2 The Service Director Stronger, Safer & Healthier Communities (Parks Services) support the grant of a 25 year lease.

10.3 Financial Services Manager and the Insurance and Taxation Manager on behalf of the Director of Core Services has been consulted and details are shown in paragraph 7 of the report.

10.4 Legal Services have also been consulted in the creation of this report in respect to the grant of a lease of public open space.

11. The Corporate Plan and The Council's Performance Management Framework

11.1 D&DJFC's mission statement emphasises the importance of community involvement and highlights the club's responsibility to "meet the ever changing requirements of the local community"; the lease grant is in alignment with the continuing development, consolidation and expansion of community resources as detailed in the Council's Corporate Plan.

12. Promoting Equality and Diversity and Social Inclusion

12.1 As written in D&DJFC's constitution, membership is open to "anyone in the community that has an interest in football regardless of age, sex, disability, ethnicity, sexual orientation, religion or other beliefs"; the lease grant would establish a sustainable platform from which the club would continue to provide sports and recreation accessible to all.

12.2 Safeguarding the future of D&DJFC in the short-term would also improve the participating children's prospects for establishing and maintaining social relationships outside the environments of school or home. There are no foreseeable negative effects arising from this report.

13. Tackling the Impact of Poverty

13.1 Childhood participation in group sports and recreation can improve, not only the participant's physical and psychological well-being, but also their social skills and self-esteem, making them more likely to succeed in education and employment in the future.

13.2 Longer-term, the sustainable and continued presence of a junior football club in the community will increase communication and connectivity with local schools and academies for mutual academic benefit.

14. Tackling Health Inequalities

14.1 The lease grant will allow the continuation of D&DJFC's provision of regular exercise for the participating children, directly tackling the issue of childhood obesity. Moreover, by establishing an interest in the property, D&DJFC have an opportunity to safeguard their future in this location, ensuring the provision of regular exercise is accessible to subsequent generations.

- 14.2 The terms of the lease will transfer the responsibility for the land's maintenance onto the tenant. It is evident the club is able to maintain the land to a higher standard than the Council is, at present, able to achieve. By increasing the attractiveness of the site, it is likely the land will be used more often by members of the public for exercise and recreation, benefitting the wider population in addition to the club's membership.

15. Reduction of Crime and Disorder

- 15.1 Vacant or under used buildings and land can attract vandalism and unauthorised uses such as fly-tipping, substance abuse, and other anti-social behaviour. The proposed transfer will keep the land and changing room building in use, helping to prevent such problems.
- 15.2 The sustainable provision of football training and matches will provide a welcome distraction to young people who may otherwise feel compelled to commit crime or engage in anti-social behaviour.

16. Risk Management Considerations

- 16.1 The granting of a lease to D&DJFC should see continued use and investment in the recreation ground, keeping the asset at the heart of the community and in a productive use for the benefit of the local population. That being said, it is possible during the 25 year term that the Club disbands, either through financial hardships or possible changing priorities of the personnel.
- 16.2 To mitigate this, the lease will include both landlord and tenant break clauses, allowing both parties to terminate the agreement subject to 6 month's written notice. This will ensure that the Club is not entering into an agreement that is potentially too onerous to fulfil and will give the council the opportunity to terminate the agreement in the event that the tenants breach the terms of the lease.
- 16.3 The land is leased to the Council to preserve its purpose as a public recreation ground, for the benefit of, and accessible to, all local inhabitants. By entering into a sub-lease of this land, the Council is reducing its ability to ensure this use of the land is protected and risks the tenant using the land in an inappropriate manner or preventing public access to an entirety, or a section, of the land transferred.
- 16.4 The lease will include a tenant covenant stipulating the land is to remain open for public recreation throughout the duration of the term, excluding land that is currently the site of the changing room building. In addition, the lease will only allow the tenant to use the land for the provision of football matches, training, or associated activities. These restrictions will ensure the site continues to be used in a manner consistent with the terms outlined in the head lease.

17. Health, Safety and Emergency Resilience Issues

- 17.1 The proposal to lease the property will be carried out giving full considerations to current Health and Safety legislation.

18. Compatibility with European Convention on Human Rights

- 18.1 This report recognises the promotion and importance of equality, diversity and human rights for all members of the local community and the wider borough.

19. Conservation of Biodiversity

- 19.1 There are no issues arising from this report.

20. Glossary

- 21.1 CASC - Community Amateur Sporting Association

21. List of appendices

- 21.1 Appendix A – Site Plan

22. Background Papers

- 22.1 Correspondence regarding this matter is held on the files in Asset Management – not available for inspection, contains exempt information.

If you would like to inspect background papers for this report, please email governance@barnsley.gov.uk so that appropriate arrangements can be made

Officer Contact: Tim Hartley

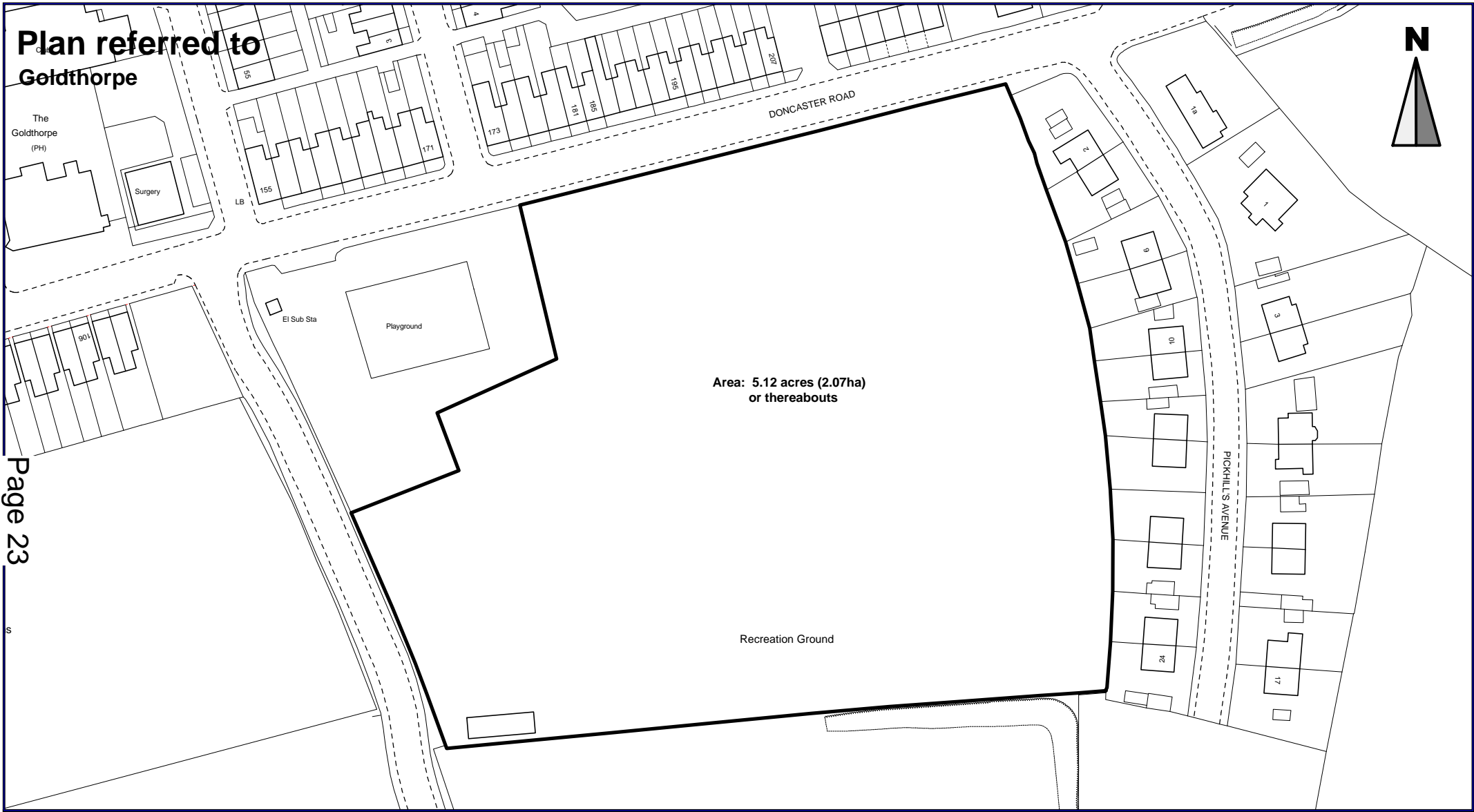
Financial Implications/Consultation




.....
(To be signed by senior Financial Services officer where no financial implications)

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Plan referred to Goldthorpe



Reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number 100022264	Drwg no:	JK2687D	Drawing Title : Doncaster Road Recreation Ground , Goldthorpe	<div> BARNSELY Metropolitan Borough Council</div> Strategic Property and Procurement/Asset Management PO Box 634, Barnsley, S70 9GG e-mail: Assetmanagement@barnsley.gov.uk website: www.barnsley.gov.uk
	Date:	31/01/2018		
	Scale 1: 1,250			

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BARNSELY METROPOLITAN BOROUGH COUNCIL

This matter is a Key Decision within the Council's definition and has been included in the relevant Forward Plan.

**Report of the Executive Director
Communities**

**SELECTIVE LICENSING CONSULTATION OUTCOMES,
ALTERNATIVE PROPOSALS AND NEXT STEPS**

1. PURPOSE OF REPORT

- 1.1 The purpose of the report is to seek a decision from Cabinet with regards Selective Licensing, based upon the original rationale, findings from the statutory consultation and alternative proposals received.

2. RECOMMENDATIONS

- 2.1 **Members approve the designation of the following four locations, as identified at Appendix 6, for Selective Licensing:**

- a) **Measborough Dyke - Pindar Street, Sunderland Terrace, Seth Terrace, Osbourne Street, Evelyn Terrace, Ivy Terrace, Burton Terrace, Junction Street and Terrace, Jubilee Terrace, Victor Terrace, Doncaster Road (174-278) and King Georges Terrace.**
- b) **Goldthorpe - Beever Street, Victoria Street, Cross Street, Cooperative Street and Claycliffe Terrace.**
- c) **Wombwell - John Street, Mount Terrace and William Street, Blythe Street, Main Street, Bond Street, Myrtle Road, Victoria Road, York Street, Frederick Street, Princess Street, Bartholomew Street, Barnsley Road (1-99), West Street, Western Terrace and School Street.**
- d) **Elsecar - Welland Crescent.**

- 2.2 **Members approve an additional option through approved accreditation schemes allowing Landlords to self-regulate within a set framework of standards.**

- 2.3 **Members authorise that where Landlords cannot demonstrate adherence to the standards framework, the terms of the full Selective Licensing scheme will apply.**

3. INTRODUCTION

- 3.1 Continuing to improve private sector housing aligns with all three corporate priorities of a Thriving & Vibrant Economy, Strong & Resilient Communities and People Achieving their Potential. Specific objectives that we are seeking to achieve are listed below

- a reduction in ASB and crime

- an increased confidence and assurance that landlords who operate tenancies are 'fit and proper' and manage properties well to reduce the numbers of housing complaints.
- an improved confidence in specific localities
- a reduction in the number of empty properties.

3.2 Cabinet authorised entering into a period of statutory consultation regarding a proposal to introduce a Selective Licensing scheme for specific locations, listed in glossary of this report, within Goldthorpe, Elsecar, Wombwell and Measbrough Dike. A consultation exercise was undertaken as outlined in Cabinet Report CR461, to address issues of ASB, Crime and Deprivation, in accordance with guidance from the Department of Communities and Local Government (DCLG). All consultation responses are included in Appendix 1 together with a copy of the questionnaire.

3.3 The consultation period closed 24th September 2017 and highlighted a number of different perspectives with regards to the proposal. Specifically, a number of representative Landlord groups and affiliated parties expressed concerted opposition to the proposal and made a number of alternative suggestions as to how standards in these locations could be assured. The specific objections raised included:

- The application of a license fee would leave landlords with no choice but to pass these costs onto their tenants which typically affect those who could least afford it
- Homelessness would potentially increase
- Areas would decline as good Landlords may be forced into selling their properties
- Landlords are not the police and therefore are not accountable for their tenants behaviour
- Selective Licensing penalises good Landlords
- The council already has sufficient powers to effectively regulate the sector
- Some Licence conditions are unworkable
- Outcomes highlighted in the proposal document were vague
- The scheme is overly bureaucratic
- The questionnaire utilised during the consultation was biased and leading
- Other locations not proposed have worse statistical figures than those in the proposed areas
- The council have not offered any training to help Landlords deal with anti-social behaviour

3.4 Of particular note was the objection that a Selective Licensing scheme may penalise good Landlords intent on making a positive contribution to raising standards in the areas being considered. This was a major consideration when producing this report to align with the outcomes required and aspects of the alternative approaches received.

3.5 Part of the original rationale for the proposal was to focus on locations with higher than average problems with anti-social behaviour, crime and deprivation. Selective Licensing schemes are designed to allow council's to establish a standards framework and to have the authority to regulate within that framework.

3.6 Before, during and after the consultation period, there was sustained lobbying objecting to the scheme, typically from existing Landlords groups and representatives

of lettings agents. From these, four alternative proposals were submitted by the groups listed below:

- Goldthorpe Landlords and Residents Group (GLR)
- Barnsley Residential Landlords Group (BRLA)
- Homesafe
- National Association of Lettings Agents (NALs)

3.7 The council also received challenges to the detail and methodology contained within the original rationale proposed for the scheme and received 48 Freedom of information (FOI) requests directly related to selective licensing with additional FOI requests made to various aspects of private rented sector regulation.

3.8 Reflecting that the Council has listened to the alternative proposals being made, it is felt sensible to consider the merits of a form of integrated self-regulation whilst ensuring the required standards and licence conditions (as consulted upon) will be achieved.

4. PROPOSAL AND JUSTIFICATION

4.1 The proposal is to implement a hybrid scheme. In this model locations would be designated as Selective Licensing areas however Landlords would have an additional option to be accredited, they would self-regulate on adherence to standards which would be monitored through the Safer Neighbourhood Service. A summary of the key features of this option is as follows:

All four locations areas are designated as Selective Licensing areas.

- There will be three approved accreditation scheme providers which are, BMBC, BRLA and GLR.
- The full cost of a license for an unaccredited property would be £530 for a five year period. The full cost of an accredited property would be £115 for the same period.
- Landlords refused accreditation would pay the full license fee as they default to the full Selective Licencing scheme.
- Non accredited Landlords would be eligible for the full license fee as above.
- Accreditation scheme providers will be responsible for ensuring that their scheme members properties comply with the standards and licence conditions set out within the original proposal.
- BMBC remains the enforcing authority and properties in each accreditation scheme will be inspected to ensure compliance with the above licence conditions and standards set.
- Where any property is found to be in breach of any licence condition, its eligibility for accreditation will be lost and it will be required to join the full Selective Licensing scheme.
- All enforcement options for non-compliance will be retained by the council including the use of enforcement notices, civil penalties and prosecution.
- Where property inspections are prevented by Landlords, properties will automatically be removed from the accreditation scheme forcing non-negotiable entry into the default Selective Licensing scheme.

- The accreditation scheme providers will be responsible for investigating initial complaints relating to standards and a formal monitoring forum will be developed as a quality assurance measure.

- 4.2 By operating a hybrid scheme, BMBC can still exercise its duties to inspect all properties within each designated area and undertake appropriate enforcement action. The accreditation scheme providers will effectively ensure those landlord properties which they accredit meet the Housing Health and Safety Rating System (HHSRS) standards of compliance and licence conditions.
- 4.3 The hybrid model would require all Landlords to join an approved accreditation scheme provided by the council, BRLA or GLR. Landlords failing to join an accreditation scheme would be required to be licensed by the council as part of the Selective Licensing scheme. In addition, Landlords refused accreditation would also be subject to the full terms of the licensing scheme.
- 4.4 The justification for proposing this option is based upon the recognition that some Landlords can demonstrate good management and standards and a commitment to the sustainability and improvement of the locations considered.
- 4.5 If approved, a three month statutory period is required prior to implementation (May 2018). The scheme will be evaluated one year after implementation to assess the impact and outcomes achieved via the scheme (May 2019).

5. CONSIDERATION OF ALTERNATIVE APPROACHES

- 5.1 The council does not introduce any additional form of regulation into these locations and relies upon existing powers to raise standards.

This option is not recommended as the professional view is that this option would not achieve improvements in these locations as powers are limited and rely heavily upon compliance from all Landlords.

- 5.2 The introduction of a full Selective Licensing scheme for the four areas considered in the original consultation. The license would be non-negotiable and would apply equally to all Landlords with tenanted households irrespective of standards or compliance.

This option is not recommended as our professional view is that this option does not consider the merits of alternative approaches proposed during the consultation and the opportunity to develop stronger partnerships with good Landlords.

6. IMPLICATIONS FOR LOCAL PEOPLE/SERVICE USERS

- 6.1 The purpose of a Selective Licensing scheme is to contribute towards improving living standards for local residents in designated areas. It is intended that a hybrid model will realise the benefits of such a scheme whilst recognising the important contributions made by good Landlords.

7. FINANCIAL IMPLICATIONS

- 7.1 The Housing Act 2004 allows the Local Authority to set a license fee where a scheme is appropriately designated. The recommended option would set a fee of £530 per property to cover a 5 year period for unaccredited landlords and a fee of £115 per property for accredited Landlords for the same period. It should be noted that the approved accreditation schemes operate their own charging tariffs. These are included in Appendix 4 Table 2.
- 7.2 As a hybrid model, accurately predicting numbers of properties or how many will be accredited is difficult. Therefore based on the uncertainty of take-up of each element of this scheme, it is not currently possible to make precise financial projections.
- 7.3 For illustrative purposes however cost and income estimates have been provided in the table below – it is considered likely that take-up will be weighted towards a 75% accreditation level. At this level a modest surplus (approximately £16k per annum) will be generated – this is largely due to the fact that higher levels of external accreditation will mean a reduced requirement for administrative support from the Council.
- 7.4 The former cabinet report outlined a £100 reduction per property for accredited landlords. This has been removed due to the implementation of the new 'Hybrid' scheme. The new scheme offers a substantial reduction against the cost of a licence for an accredited property offered by the approved providers, which reflects the reduced work required by BMBC to licence each property.

Revenue Effects	Accreditation: Level of Take Up		
	0%	50%	75%
	£	£	£
Expenditure			
Accredited Property Income over 5 Years	0	32,890	49,335
Non Accredited Property Income over 5 Years	303,160	151,580	75,790
Total Income over 5 Years	303,160	184,470	125,125
Running Costs over 5 Years	182,770	91,385	45,693
Net Income over 5 years	120,390	93,085	79,433
Average Annual Net Income	24,078	18,617	15,887

- 7.5 It is important to note that any surpluses generated through the Selective Licensing scheme must be used to support the administration of the scheme, as set out in the Housing Act 2004.
- 7.6 Appendix A provides a summary of the estimated financial implications of the proposal.

8. EMPLOYEE IMPLICATIONS

- 8.1 A programme of enhanced training is being undertaken in relation to the Housing Health and Safety Rating System standards. This will enable staff within the Safer Neighbourhood Services to conduct property inspection and assessments of standards using this system.

9. COMMUNICATION IMPLICATIONS

- 9.1 Should the proposal be accepted all persons and properties within the designations affected by the scheme would be contacted in writing to advise them of the outcome and implications. Where the scheme is approved, there will be a three month call in period from approval before the scheme could become active.
- 9.2 Further landlord information, specimen documents and training material would be made available on BMBC web pages including 'How to' guides relating to dealing with anti-social behaviour.

10. CONSULTATION

- 10.1 Groups engaged with and events held/ attended:
2 Landlords and letting agents events
4 Residents drop in events held in localities and at the Town hall.
BME music event held September
Radio interview
Interview with the Barnsley Chronicle
- 10.2 The following outcomes were received via the consultation:
- 48 FOI directly related to the scheme and 25 received relating to the SNS
 - 170 Total completed questionnaires
 - 86 Emails received via the Selective Licensing web page requesting information
 - 4 Alternative proposals
 - 4 Written objections/ responses to the scheme
- 10.3 Considering the above a Hybrid scheme has been proposed to mitigate objections. Both the BRLA and GLR group managers attended a meeting to outline the rationale for the Hybrid proposal and scheme implications for their members.

11. THE CORPORATE PLAN AND THE COUNCIL'S PERFORMANCE MANAGEMENT FRAMEWORK

- 11.1 This proposal supports the delivery of the following strategic priorities:
- Thriving and Vibrant Economy
- Stimulating housing growth and maximizing the use of empty properties
- People Achieving their Potential
- Children and adults are safe from harm
 - Early targeted support for those who need it
- Strong and Resilient Communities
- Protecting the Borough for future generations
- 11.2 Performance will be actively monitored through a stratified risk and performance framework monitored via Safer Neighbourhood Services delivery plan and the Private Sector Housing plan.

12. PROMOTING EQUALITY, DIVERSITY AND SOCIAL INCLUSION

- 12.1 The Equality Impact Assessment (EIA) is an interactive document. Its aim is to ensure all sectors of the community are recognised and issues raised are addressed. We acknowledge the full impact of the scheme is not yet known. The scheme will be monitored throughout the initial call in period of implementation and periodically throughout the schemes duration.
- 12.2 This scheme is intended to improve standards and living conditions for residents in some of our most deprived locations. To this extent it is anticipated that the impact will have a disproportionately positive effect on those typically isolated and less socially mobile.

13. TACKLING THE IMPACT OF POVERTY

- 13.1 The locations of the designated areas are typically some of the most deprived areas of the Borough. It is intended that by improving standards of accommodation- which is inextricably linked to deprivation, improving behaviour and the environment, a positive impact will accrue in terms of the health and wellbeing for those most economically challenged.
- 13.2 Consideration has been given to landlords passing on the fee to tenants. This has been reflected and consideration has been given to the fee and support options available to assist tenants regarding financial management. The council has contacted other areas where selective licensing schemes are in place to check any evidence of costs being passed onto tenants through rents. The areas contacted do not have any evidence to suggest this has happened.

14. TACKLING HEALTH INEQUALITIES

- 14.1 The threshold test of the Housing Act is to ensure the absence of Category 1 hazards (the most serious) or an accumulation of several Category 2 hazards. Properties are required to be safe and well maintained. By implementing a Selective Licensing scheme and conditions, properties will be inspected to ensure an absence of Category 1 hazards and offer possible benefits towards reducing issues of deprivation relating to fuel poverty.

15. REDUCTION OF CRIME AND DISORDER

- 15.1 The aim of the scheme is to reduce anti-social behaviour and crime, drive up housing standards and mitigate the issues surrounding private rented and empty properties in the designated areas. It is anticipated that by having an integrated approach to tackle the worst areas for reported anti-social behaviour and crime, combined with licence conditions, the areas will yield a reduction in the above.

16. RISK MANAGEMENT ISSUES

- 16.1 All risks have been highlighted and mitigated as part of this report.

17. HEALTH, SAFETY AND EMERGENCY RESILIENCE ISSUES

- 17.1 None

18. COMPATIBILITY WITH THE EUROPEAN CONVENTION ON HUMAN RIGHTS

18.1 No direct implications

19. CONSERVATION OF BIODIVERSITY

19.1 None

20. GLOSSARY

ASB Anti-social Behaviour
RLA Residential Landlords Association
EIA Equalities Impact Assessment
NLA National Landlords Association
DCLG Department for Communities and Local Government
NLCE National Landlords Code of Excellence
BRLA Barnsley Residential Landlords Association
SNS Safer Neighbourhood Services
GLR Goldthorpe Landlord and Residents group

FOI Freedom of Information requests
ICO Information Commissioners Office

21. LIST OF APPENDICES

Appendix A Financial Implications
Appendix 1 Questionnaire and Data/Outcomes
Appendix 2 Q & A document
Appendix 3 License conditions
Appendix 4 BMBC Hybrid proposal
Appendix 5 Amendments made to report Cab. 26.6.2017/7
Appendix 6 Maps, criteria for implementation, overall rationale for the scheme
Appendix 7 EIA Summary

22. BACKGROUND PAPERS

House of Commons – Standard note SN/SP/4634 Selective Licensing of PR Housing (England and Wales) [17.02.2015]

Approval steps for Additional and Selective Licensing designations in England

The Selective Licensing of Houses (Additional Conditions) (England) Order 2015

LA Questionnaire outcomes

If you would like to inspect background papers for this report, please email governance@barnsley.gov.uk so that appropriate arrangements can be made

Officer Contact: Gail Hancock for Paul Brannan
Date: 9th February 2018

Prepared on Behalf of the Director of Finance


FINANCIAL IMPLICATIONS

Selective Licensing

i) <u>Capital Expenditure</u>	<u>2017/18</u>	<u>2018/19</u>	<u>2019/20</u>	<u>Later Years</u>
	£	£	£	£
To be financed from:				
ii) <u>Revenue Effects</u>				
	<u>Estimated Accreditation Take Up = 75%</u>			
	<u>2017/18</u>	<u>2018/19</u>	<u>2019/20</u>	<u>Later Years</u>
	£	£	£	£
Income				
Accredited Property Income	0	-9,867	-9,867	-9,867
Non Accredited Property Income	0	-15,158	-15,158	-15,158
Gross Income	0	-25,025	-25,025	-25,025
Expenditure				
less Running Costs	0	9,139	9,139	9,139
Annual Net Income	0	-15,886	-15,886	-15,886
To Contribute to:				
Future Council Efficiency Proposal BU8 E1.	40,000	145,000	145,000	145,000
Other Savings - <i>to be identified</i> .	-40,000	-129,114	-129,114	-129,114
	0	0	0	0

Impact on Medium Term Financial Strategy:

Work is ongoing to achieve in full the savings required to fulfil KLOE BU8 E1.


 Agreed by:On behalf of the Director of Finance

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Appendix 1

In review of the Selective licensing consultation, the following summary outlines the results. More importantly to note; is the demographic makeup of the completed questionnaires and the limited numbers of response received, despite several forms of engagement undertaken during the consultation period. Very few respondents were actual tenants of the private rented sector (23), with landlords making up the highest number who completed questionnaires (68), closely followed by residents of the area (61).

Given the makeup of the responses, and the issues highlighted as concerns between residents and private rented properties, there are clear indications of concerns in each of the proposed areas. Consideration has been given to the proportionality of the responses and subsequent proposals put forward. Without a proactive form of regulation and accountable proportionality, issues indicated within the consultation results cannot be effectively tackled, reduced and offer a better environment for all. This would require a system of designation with an approved set of dialogues and conditions for all landlords in the respective areas.

	% Total	% Answer	Count
Number of Responses	100.00%	-	170
Private renting	13.53%	13.53%	23
Owner/occupier	35.88%	35.88%	61
Council tenant	3.53%	3.53%	6
Landlord	40.00%	40.00%	68
Housing Association tenant	2.35%	2.35%	4
Other	4.71%	4.71%	8
[No Response]	0.00%	-	0
Total	100.00%	100.00%	170

Question 12: Do you feel that Council should implement a selective licensing scheme as described above in your area? Of the respondents, 70 voted YES and 99 voted NO.

Of the questionnaires completed, 48% felt that there were issues with private rented properties, relating to how well managed private rented properties were. Crime did not appear to be an issue for many in the proposed areas. Of the questionnaires completed, 36% felt that there was a problem with crime in their area.

An overwhelming 77% of respondents felt that landlords should take action against tenants who cause antisocial behaviour. More than half of the respondents felt that tenants in the private sector should be given better information relating to how they conduct themselves.

Issues relating to refuse: 61% felt that landlords should provide enough receptacles and ensure waste is presented correctly. More than 92% of respondents voted in favour of tenants presenting waste for collection and ensuring yards and gardens are kept clean and tidy.

The following five questions asked respondents to give their preference between **5 = High** and **1 = Low** and **0 = Not a concern**.

Noise from property: Only 12% felt this was an issue in their areas. 37% responded with “not a concern”.

Refuse in gardens: 40% marked this as a high priority.

Antisocial behaviour: Combined 52% gave this a mark of 3-5. (19% responding “High”). Whilst 45% combined gave a preference of 0-2. (22% responded “not a concern”).

Too many people sharing properties: 45% of respondents did not feel this was an issue.

Poor property conditions: Combined 52% gave a preference of 3-5 (31% responding “High”), whilst 45% combined gave a preference of 0-2 (23% responding “not a concern”).

The overall view of those consulted was against the implementation of a Selective Licensing scheme. However, the above questions indicate that there is a requirement to abate some of the issues which are creating tensions within the communities proposed.

The most significant issues appear to be around refuse, gardens and presentation of waste and property conditions in private rented properties. This in all areas plays a part in many of the ASB complaints received, in addition to landlord-tenant relationships, management and perceived conduct of tenants.

Due to the numbers of private rented concentrations in the proposed areas and the significant issues highlighted requiring action, a combination of measures which can be actioned will be required under the designation area.

Questionnaires were made available online and paper copies available at all drop-in events and libraries in the designated areas. Completed paper questionnaires were sent to our IT department and added to the completed online questionnaire data. The total number of completed questionnaires was 170.

Do you think the Council should implement a Selective licensing scheme in your area?

	% Total	% Answer	Count
Number of Responses	99.41%	-	169
Yes	41.18%	41.42%	70
No	58.24%	58.58%	99
[No Response]	0.59%	-	1
Total	100.00%	100.00%	170

Questions 1-8 inclusive asked respondents regarding the general conditions of the area relating to the private rented sector (PRS).

Have you experienced problems with private rented properties in this area or their occupiers and/or visitors

	% Total	% Answer	Count
Number of Responses	96.47%	-	164
Yes	48.82%	50.61%	83
No	47.65%	49.39%	81
[No Response]	3.53%	-	6
Total	100.00%	100.00%	170

Do you believe private rented properties in your area are well managed?

	% Total	% Answer	Count
Number of Responses	90.59%	-	154
Yes	51.76%	57.14%	88
No	38.82%	42.86%	66
[No Response]	9.41%	-	16
Total	100.00%	100.00%	170

Do you consider that the levels of crime in your area are higher than in other areas?

	% Total	% Answer	Count
Number of Responses	91.18%	-	155
Yes	36.47%	40.00%	62
No	54.71%	60.00%	93
[No Response]	8.82%	-	15
Total	100.00%	100.00%	170

Do you consider private rented tenants require better information and guidance relating to how they conduct themselves in this area?

	% Total	% Answer	Count
Number of Responses	93.53%	-	159
Yes	51.18%	54.72%	87
No	42.35%	45.28%	72
[No Response]	6.47%	-	11
Total	100.00%	100.00%	170

Should private rented landlords take action against tenants who cause a nuisance and antisocial behaviour?

	% Total	% Answer	Count
Number of Responses	95.88%	-	163
Yes	77.06%	80.37%	131
No	18.82%	19.63%	32
[No Response]	4.12%	-	7
Total	100.00%	100.00%	170

Should private rented landlords provide enough refuse bins and boxes to ensure waste is presented correctly?

	% Total	% Answer	Count
Number of Responses	93.53%	-	159
Yes	61.76%	66.04%	105
No	31.76%	33.96%	54
[No Response]	6.47%	-	11
Total	100.00%	100.00%	170

Should all tenants ensure their waste is presented for collection and gardens/ yards are kept clean and tidy?

	% Total	% Answer	Count
Number of Responses	95.88%	-	163
Yes	92.35%	96.32%	157
No	3.53%	3.68%	6
[No Response]	4.12%	-	7
Total	100.00%	100.00%	170

Question 9 asked respondents to rate the main issues in your area, awarding in order of importance the following five statements (5 = High and 1= Low).

- a) Noise from Property
- b) Refuse and litter in yards/gardens and the street.
- c) Antisocial behaviour (ASB)
- d) Too many people sharing properties.
- e) Poor property maintenance appearance/ condition.

Noise from property

	% Total	% Answer	Count
Number of Responses	94.12%	-	160
5	11.76%	12.50%	20
4	8.24%	8.75%	14
3	12.94%	13.75%	22
2	10.59%	11.25%	18
1	15.29%	16.25%	26
0	35.29%	37.50%	60
[No Response]	5.88%	-	10
Total	100.00%	100.00%	170

Refuse and litter in yards/gardens and street

	% Total	% Answer	Count
Number of Responses	94.71%	-	161
5	38.24%	40.37%	65
4	10.59%	11.18%	18
3	11.18%	11.80%	19
2	5.88%	6.21%	10
1	11.18%	11.80%	19
0	17.65%	18.63%	30
[No Response]	5.29%	-	9
Total	100.00%	100.00%	170

Anti-social behaviour (ASB)

	% Total	% Answer	Count
Number of Responses	95.29%	-	162
5	19.41%	20.37%	33
4	15.29%	16.05%	26
3	15.88%	16.67%	27
2	12.35%	12.96%	21
1	11.18%	11.73%	19
0	21.18%	22.22%	36
[No Response]	4.71%	-	8
Total	100.00%	100.00%	170

Too many people sharing properties

	% Total	% Answer	Count
Number of Responses	92.35%	-	157
5	16.47%	17.83%	28
4	7.65%	8.28%	13
3	7.65%	8.28%	13
2	6.47%	7.01%	11
1	12.35%	13.38%	21
0	41.76%	45.22%	71
[No Response]	7.65%	-	13
Total	100.00%	100.00%	170

Poor property maintenance/appearance/conditions

	% Total	% Answer	Count
Number of Responses	94.12%	-	160
5	30.00%	31.88%	51
4	7.06%	7.50%	12
3	13.53%	14.38%	23
2	11.18%	11.88%	19
1	10.59%	11.25%	18
0	21.76%	23.13%	37
[No Response]	5.88%	-	10
Total	100.00%	100.00%	170

Numerous responses were recorded both in general emails to this department, at the landlords meetings, via FOI requests, and within the text of objections put forward, relating to the Council having enough statutory powers to deal with non-compliant landlords and therefore landlords felt there was no requirement to have an 'added layer of bureaucracy' by implementing a selective licensing scheme. In addition there were also questions posed relating to the use of interim management orders to deal with 'Isolated' properties as appeared to be the general consensus among landlords.

Do you think the council should have more powers to regulate landlords?

	% Total	% Answer	Count
Number of Responses	97.65%	-	166
Yes	44.12%	45.18%	75
No	53.53%	54.82%	91
[No Response]	2.35%	-	4
Total	100.00%	100.00%	170

CONSULTATION EVENTS AND INFORMATION PROVIDED.

During the consultation period (5th July – 24th September 2017) several consultation events were held. Other than the landlord events, these were not well attended. These events consisted of drop in events in the four localities, an open day event at the Town Hall and two landlord specific events. These were held close to the start and towards the end of the consultation period. During the latter events, landlords were advised all questions would be taken down and added to the Q&A document which would be updated and added to the website. To note: Some questions asked were not included due to relevance to the scheme itself and questioned data and information which could reveal personal information. This document was made available for all to view on the web pages. (A copy is attached as part of the appendices to this report).

A Selective Licensing webpage was also set up to allow and answer queries relating to the scheme. However, in some cases this was used to circumvent the Freedom of Information (FOI) process, if a request was refused via the formal process.

In response to comparisons raised and comments of ‘unworkability and unnecessary bureaucracy’ which were raised based on other local authority SL schemes. In addition to the questionnaire, BMBC sent out a questionnaire to four other Local authorities to establish their rationale and outcome for implementing such schemes. These were sent to: **Rotherham** MBC (A large SL scheme of 1200 properties); **Birmingham** CC (A new SL scheme which is under consultation from September 2017 to November 2017); **Doncaster** MBC (having just implemented their 2nd Co-regulation scheme) and **Weston Super Mare** CC (who opted for an accreditation scheme over SL following a judicial review). The implemented schemes were undertaken to tackle specific issues within each of the boroughs. Questions raised related to how, why or when/if they had considered Selective Licensing (SL) schemes were yielding results. Of those already implemented (Doncaster, Rotherham) felt the schemes were warranted and yielding the results required. Birmingham was still under consultation and could not comment. Weston Super Mare did not respond.

To Note: The scheme has not been consulted upon in relation to migrant concentrations. However, an Equality Impact Assessment (EIA) has been undertaken. This was evaluated at the beginning and part way through the consultation period to assess the outcome response from BME groups. It was again updated after the close of the consultation to assess the overall take up. Responses from those groups have been poor. Consideration has been given to door-to-door street evaluation. However, these were discounted to prevent issues of impartiality or courting responses. Consultation was undertaken towards the end of the consultation event at an engagement event for specified BME groups. However, engagement was limited despite translated additional documents provided. Additional re-engagement with Polish and Russian Facebook pages requested groups to complete questionnaires online. Again, this was also limited in its take up.

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Selective Licensing Q & As regarding the proposed scheme/s.

The Councils objective of considering a Selective Licensing is to address incidences of ASB, crime and deprivation. These issues are affecting tenants, residents and landlords in the proposed areas.

If private landlords make up between 45% to 60% of the areas, why have they been identified as a problem?	There is a significant link between the private rented sector and the issues regarding ASB in the area. The selective licensing legislation only applies to landlords.
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Isn't the council just shifting responsibility to landlords for dealing with antisocial behaviour?	The landlord is already responsible for managing antisocial behaviour. Selective licensing reinforces this. The landlord is responsible for educating tenant behaviour through information, education and co-operation with statutory authorities.
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If the council is keen to work with landlords, would they help evict my tenant because of anti-social behaviour?	Landlords are liable for their business costs of tenancy enforcement and legal eviction. You can also ask for a judgement order from the courts to cover costs plus legal fees. The award is at the discretion of the Judge. Assistance can be sought from our Housing Options Advice Team relating to tenancy issues.
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Why charge £530 per house? Isn't this just a money making scheme at the cost of landlords?	The licence fee is set to cover the costs of administering and issuing a licence.
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What does the £530 provide to the landlord? What is the council going to do about tenants who damage properties? Can the landlord increase the rent to cover the fee?	Private landlords can increase or decrease rents freely in line with market forces, subject to statutory notice requirements, which allow tenants to choose accommodation that offers the best value for money for their rent payments. The Council does not pay for tenant damage unless a bond scheme agreement covers this. The landlord should use civil court arrangements to recover their losses or landlord insurance.
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¹ CABINET reports/ CR461/ Q & A for landlords

Why can't accredited landlords be passported through the scheme without an internal inspection? Why not charge landlords who require enforcement action more?	Internal inspections form an integral part of the scheme to ensure that properties offered for rent have an absence of category 1 hazards (the most serious). We offer discounts for BMBC accredited landlords as their properties have been inspected using the HHSRS standard. We acknowledge landlord accreditation schemes; however, recent case law does not allow us to charge more for landlords who require enforcement than those who comply.
The clause 'having satisfactory procedures for dealing with antisocial behaviour' is unreasonable. If a tenant breaks the law then they should be punished by the law. To punish the landlord by imposing a fee is wrong. How can we enforce this?	It is requested that landlords take reasonable and effective steps when dealing with ASB relating to their property and tenants, including recovery possession of a property through the court when necessary.
What am I getting for paying £530?	The licence fee is set to cover the cost of administering the licence and undertaking the inspection. It is not proportional to the term of the licence. It allows you to operate as a landlord legitimately.
Why do I need several different licences, one for each property? Surely the licence is about 'fit and proper'. I would not have a licence if I was not 'fit and proper'. Therefore why do I have to pay for multiple licences?	The 'fit and proper check' is a small part of the licence administration. We also have to inspect and consider each property on its merits. The fee covers the administration.
'Why not just licence the poor landlords? Why should 'good' landlords have to pay where properties / tenants have never caused any problems?'	The legislation states that the selective licensing power can only be used to cover all private rented landlords in the designated area. Enforcement is used towards non-compliant landlords on a case by case basis.
Isn't it the Police who should deal with antisocial behaviour and crime?	Not entirely, the licence conditions ask Landlords to take reasonable and effective steps to deal with antisocial behaviour from their tenants and their property.

How are you going to ensure absentee landlords have a licence?	We will use tracing systems such as council tax records, land registry documents, tenancy documents and enforcement information notices, to locate absentee landlords and ensure they apply for a licence or face prosecution. The licence conditions and application process are designed to ensure properties are satisfactorily managed, regardless of owner's location.
Are the Council aware that this may lead to some landlords just boarding up their properties and leaving them; making the area worse and driving down property prices for other landlords and residents? This will allow less scrupulous landlords to come into an area and buy up the properties at low prices and the area will decline further.	This has been identified as a risk to the council. If areas and properties are left, we may be able to work with the owners to assist with sales and purchases. Where new landlords come into the area. They too will be bound by the terms of the scheme and would be subject to a fee. Therefore it is considered that only landlords wanting to work within the conditions of the scheme would consider purchasing properties.
The authority already has the statutory powers to address property issues. Why should good landlords pay for something you should be doing already? Why haven't you used those powers effectively?	The council already has a mandatory duty to deal with category one hazards in housing and we have served a number of notices and CPN notices, which we will continue to do. Selective licensing designation has been proposed to address issues of ASB, crime and deprivation. The legislation allows us to set conditions within designations to complement the scheme and address housing issues. However, ultimately the council do not have the right to seek possession of a property where ASB is being perpetrated. That is the landlord's responsibility, in addition to taking reasonable steps to deal with ASB. Possession of a property would be considered to be a last resort.
How can the local authority prevent properties from being rented out without a licence?	The council will take legal action against those landlords.
How is this scheme to be policed? Will you recruit further officers financed by the licence fee?	We have recently undertaken a restructure to ensure we have the appropriate staff in the appropriate places.

Is this scheme just a way of making additional money for the council?	No, the scheme is covered by legislation and therefore cannot make a profit. The licence fee is set to cover the cost of inspection, administration and issuing the licence.
Could this scheme be rolled out for shorter periods and if successful abolish it part way through, reducing the cost of a licence?	It could be revoked during the five year period if successful. However, the licence fee is determined by the administration of the licence, inspection of the property and issuing a licence. This length of the term would not reduce the cost of a licence.
If after 5 years the issues are not resolved, what will happen then?	An evaluation of the scheme will be undertaken to establish if the scheme has been successful. Where issues still arise. Cabinet may choose to close the scheme or extend for a further five years with additional conditions or review boundary areas.
Couldn't you just increase policing to deal with these issues?	Crime is just one of the criteria for which the scheme was implemented. Policing and enforcement will continue to play a part in supporting the scheme.
What will the council do when tenants are evicted for non-payment of rent as a result of landlords passing on the selective licensing fee to them?	This has been identified as a risk to the Council. The licensing scheme if broken down equates to a £2 increase per week for a tenancy over the 5 year period. Where tenants are found to be in arrears and threatened with eviction, the housing options team can assist with budgeting issues for tenants. Alternatively, tenants may pursue debt relief orders to offer a solution to the debt problem.
Why not include everyone in the scheme not just private landlords?	This piece of legislation only refers to private rented landlords.
What is the point of being an accredited landlord if we still have to pay? We have joined accreditation schemes voluntarily to show our commitment to good standards.	BMBC accredited landlords receive a discount. However, accreditation schemes offer training to landlords and support inexperienced landlords. They only gain support from those who are willing. The Housing Act specifies landlords and private rented properties. It does not offer guidance regarding 'good' and 'bad', 'willing' and 'non- willing' landlords.

What if I want to appoint a managing agent for my property?	Managing agents will need to be named on the licence applications, and the council will consider if the management in place is sufficient when issuing a licence. Under the legislation, only the person having control of the property, which is usually the owner, will be accountable for the licence conditions. They can use their agent to effect works and vet tenants. Landlords will want to choose a responsible and experienced agent who will safeguard the landlord's legal obligation. Poor performing agents may struggle to operate in a licensed market.
Are the Council aware that setting a selective licensing scheme in areas will increase house insurance and car insurance charges and why hasn't this been advised to residents and tenants?	There is no evidence to suggest that selective licensing schemes increase house and car insurance premiums. It is more likely that areas suffering from ASB, experience increased house and car insurance premiums as a result of claims made against their insurance. It is considered that Selective Licensing would be seen as a positive in areas which have previously suffered from this.
What happens if I am not classed as 'Fit and proper'?	'Fit and proper' is a measurement to ensure that landlords have no serious records of poor management or an outstanding criminal charge that would prevent them from operating as a landlord. It demonstrates that a landlord is capable of following good tenancy practices. Where a landlord is designated as <u>not</u> being fit and proper, they would be given the opportunity to appoint a managing agent or another person to be able to operate their property.
The licence condition relating to tenancy agreements being offered to tenants in different languages is unworkable. Surely, the law is English then the tenancy agreement should be in English?	Translation of a tenancy agreement does not diminish the law. However, tenants should be fully aware of what they are being asked to sign and what is expected of them. Tenants must initial specific clauses in the agreement relating to ASB and presentation of waste.

<p>If you don't offer questionnaires in different languages why should we offer tenancy agreements?</p> <p>By translating documents for our tenants we will also have to translate all licence conditions, gas certs, EPC and electrical certificates. This is going to cost the landlord a fortune.</p>	<p>Demographics of the areas were assessed and questionnaires and letters were produced in those languages in accordance with that information. Where other languages are required those requests will be assessed on the basis of Council policy relating to translation. This will be undertaken in the most cost effective manner to deliver this option. In the interim, we would suggest you try to seek assistance from other members of the community in the first instance as it may not be possible to provide a full translation service.</p> <p>The clause in the licence agreement refers directly to the tenancy document, as this forms the contract. Gas safe checks etc. are undertaken in accordance with guidance information. This would have been communicated to the tenant as part of the tenancy agreement. Therefore not requiring additional documents to be translated.</p>
<p>The licence condition regarding people sharing accommodation (rooms) of different faiths is unworkable.</p>	<p>The condition is to stop <u>forced</u> sharing of accommodation for those of differing faiths which would cause harm or distress.</p>
<p>There will be bad landlords /tenants everywhere. There are also bad homeowners are they to be licenced and monitored?</p>	<p>The Housing 2004 sets discretionary powers subject to meeting several legal tests which can be applied to areas where licensing would address the issues, underpinned by a set of license conditions. The scheme is further underpinned by the percentage number of private rented properties in each area which are considered to be higher than the national average. This piece of legislation is written to address the private rented sector.</p>
<p>The streets in the designations- how do these streets qualify?</p>	<p>The designations have been based on information available in the proposal document. These are initially, ASB, Crime and Deprivation. The areas are not being considered under the low demand criteria.</p>

How can I be at the house at all times of the day and night to ensure my tenants is not carrying out ASB?	We are asking you to take reasonable steps to deal with this when advised there is an issue. Including advising your tenants at the start of each tenancy to act in a tenant like manner and that ASB will not be tolerated.
How am I supposed to get into a property I have no rights of entry? I can give the tenants 24 hours' notice as you have given me. However, I can't force entry.	You have the option of contacting the tenant and giving them 24 hours' notice. Access is being requested by the council in order to support the scheme and address conditions of Health and Safety. Where this is ineffective procedures will be sought via the courts.
Why are Berneslai Homes properties not included in the scheme? If it is discretionary, why not just charge the bad landlords?	The Act is specific; it covers private rented properties only. It does not offer the ability to discharge a fee for only substandard Landlords. Berneslai Homes properties are not included in the Act.
When you undertake the HHSRS inspections. This is going to become a business cost if we have to do repairs. We will have to pass this cost onto the tenants we have. Many of which are vulnerable.	In line with the councils corporate objectives 2016-2032. Properties would be assessed in terms of their fitness for occupation under the 29 hazards under the Housing Act 2004 as highlighted in the HHSRS guidance. This differs from the Berneslai homes decency standard. Where hazards are identified, the landlord will be given the opportunity to rectify this issue.
What if a landlord failed to apply for a licence?	They would face prosecution for non- compliance. They would still be required to hold a licence.
My property is currently empty- I am in the process of renovation. What will happen to me?	You will be given the opportunity to apply for a Temporary Exemption Notice (TEN). These last three months.
My properties are managed by G4S. They are properly managed; will I need to have an inspected?	They will still require an inspection.
What does deprivation mean?	Deprivation is an indicator and measures multiple factors categorised as follows: income, employment, educational skills and training. Health, crime, housing, environment. It relates to an area in which 1500 people reside. It offers a ranking out of 32,842.

We are accredited landlords why do we need to be part of the scheme?	Accreditation offers a level of commitment from landlords. However, the Act is clear. All landlords who have properties in the areas under consideration will be part of the scheme. BMBC accredited landlords will receive a reduction of £100 from the licence fee.
Some of the licence conditions ask for tenant's names and ages and dates of birth. Why should we ask for this information it's unreasonable?	This requires you as landlords to collect this information in terms of the numbers of persons sharing and their ages. This will assist you when completing the 'Right to rent checks' and also regarding sizes of rooms for numbers of occupants and their sex. This is required to assess occupancy. This information will be requested from you should the council pursue legal action.
One of the licence conditions refers to set market rates for utilities. What does that mean?	This refers to where person have card meters which normally carry higher tariff charges or where sharing a house and pay a fee for all included utilities. Tariffs sought and set should be the most economical. Therefore, not to disadvantage the tenant.
Why didn't you just come and consult with landlords before you wasted all this time writing the selective licensing scheme proposal?	In respect of the selective licensing consultation, we can't consult meaningfully and therefore fairly, until we have a proposal to consult upon.
How can I be at the property all the time to ensure that tenants are not using other rooms for sleeping in?	As the landlord it is your responsibility to ensure that tenants use only the appropriate rooms for sleeping in. This will be outlined if the scheme is approved. As a landlord you will be expected to complete a room sizes declaration as part of your application. This coupled with names and dates of birth of your occupant will dictate the correct numbers of persons who can reside at the property. Alterations to the property layout should be advised to The Safer Neighbourhood Service.
My tenants already have a tenancy agreement. I can't change it to include these licence conditions.	It is mandatory for all landlords in the scheme to meet the licence conditions. Therefore, you must take relevant steps to ensure these are met.

How can I prevent tenants from becoming involved in terrorism?	You are not being asked to prevent terrorism. You are being asked to take appropriate steps to advise your tenants of acceptable behaviour. However, where you consider or asked for information relating to an incident, you are asked to liaise or give information to the Police or relevant services.
Why have you not considered the Housing and Planning Act 2016/ 2017, before bringing in this scheme?	There are a number of legal powers available to the council for dealing with tenancy related issues. Some are general, for example: selective licensing schemes and others are intended to deal with specific issues relating to specific properties. The 2016 Act, includes the implementation of 'banning orders' and a duty to maintain a register of 'rogue landlords' who have been served with a banning order. The Act allows the council to introduce the use civil penalties as an alternative to prosecution for certain housing act offences and other regulation breaches. Both pieces of law have a part to play and, as with other legislation available, will be used where appropriate to deal with issues to address and complement areas.
If the council has new powers under the Housing and Planning Act 2016 (APRIL). For example: the ability to issue civil penalties for 'rogue landlords' why do we need a Selective licensing scheme?. You should be taking action to deal with them instead of using a broad brush approach like this.	<p>Selective licensing is not an alternative to civil penalties. The new penalties can only be used as an alternative to prosecution for certain offences under the Housing Act 2004. These are:</p> <ul style="list-style-type: none"> • Failure to comply with a housing improvement notice. • Offences related to Houses in Multiple Occupation (HMO's) • Offences related to licensing of houses under Part 3 of the Act. • Contravention of an overcrowding Notice. • Failure to comply with Management regulations in respect of HMO. <p>This can also be used against property agents and letting gents. It cannot be used retrospectively and has a part to play to complement the selective licensing scheme.</p> <p>Where a landlord is the subject of a civil penalty. This will be</p>

	taken into account when considering 'fit and proper' status.
You know who the 'rogue landlords' are why not just target them instead of good landlords by using selective licensing?	<p>The term 'Rogue landlords' is only specific to the Housing and Planning Act. It is applied to landlords who:</p> <ul style="list-style-type: none"> • Have received a banning order under the above act. • Have been convicted of a banning order offence; or • Received 2 or more civil penalties over a 12 month period. <p>This term is not applicable in law to other landlords unless they have been found to be in breach of the above.</p>
I have a managing agent who manages my property. Who is responsible for applying for the licence?	Unless the Managing agent has financial control over the property. Ultimately, you as the owner have the responsibility of the licence. The licence will be in your name.
I have asked for references from other landlords who have given me good references for poor tenants to 'get rid of them'. I have then been left with poor tenants in my property causing problems for the duration of the AST. How can I deal with that, If I have followed all the instructions given?	Management of ASB. Licence condition 16. The landlord must provide accurate referencing relating to existing or previous tenants. Where this is found to be in default the landlord will be considered in breach of that licence condition. Where those tenants are from outside the designation landlords must undertake further due diligence checks.
If we can show that ASB has reduced in our area and you are aware of the work 'good' landlords with the community have undertaken in this area, then can cabinet decide not to impose Selective licensing in this area.	It is Cabinet's decision to approve or decline the scheme/s. To note: The scheme/ s have been proposed to address issues of ASB, Crime and Deprivation and have taken account of the high concentrations of private rented properties in the areas.
Is there any point in consulting?	We are consulting in accordance with government legislation. We have produced a proposal document which the council feels addresses the issues in these areas. We have continually advised we would welcome and evaluate alternate proposals from those affected provided they address the issues raised. Once the consultation has closed (24th September 2017). All data, issues, questions and concerns raised will be passed to

	cabinet as part of the cabinet report for cabinet members to make a final decision.
Why have only five streets been chosen in one particular area, when I can name other streets in this area where there are worse problems?	The areas have been outlined based on guidance information from government office regarding applying the Housing Act. This includes meeting the legal tests which are required to satisfy application of the Act. Therefore other streets in the locality may not have met all the overall criteria to apply a scheme.
If the scheme was free would there still be an aversion to implementation? This question was asked of the majority of attendees at the consultation events 25th July 2017. This question was also asked at the final landlord event on the 12 th September. The majority of landlord agreed that the charge had an impact upon the scheme.	Overall, the majority of attendees, when asked, agreed their objections were cost related. One landlord was opposing the scheme as he felt it was the 'thin end of the wedge' and that if un- opposed the council would roll out other schemes. Finally, some landlords related their objections to specific licence conditions. Translation of documents, sharing of persons with different faiths and provision of utilities. Most notable was the requirement for landlords to take all reasonable and practicable steps for dealing with ASB.
For further information please consult our Frequently Asked Questions document available on the web pages. 24/9/2017	

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Selective Licence Conditions

In these conditions 'house' refers to the building or part of the building, which is licensed in accordance with Part 3 of the Housing Act 2004. (Or where otherwise stated)

Reason: Mandatory Licence Conditions (Housing Act 2004, s.90 (4) and Sch.4)

1.	<p>Gas</p> <p>If gas is supplied to the house, the Licence Holder must provide Barnsley MBC a gas safety certificate issued within the previous 12 months at the time of application and thereafter annually or on demand.</p> <p>Reason: Mandatory condition required by Schedule 4 of the Housing Act 2004</p> <p>This should include all gas appliances provided by the landlord, including central heating, space heating, and cooking appliances. Any heating provision should be able to be exclusively controlled by the tenant.</p>
2.	<p>Electrical Appliances</p> <p>The Licence Holder must keep electrical appliances made available by him in the house in a safe condition and must supply the authority, upon request, a declaration by him as to the safety of such appliances.</p> <p>Reason: Mandatory condition required by Schedule 4 of the Housing Act 2004</p>
3.	<p>Smoke Alarms</p> <p>The Licence Holder must ensure that smoke alarms are installed in the property and must keep them in proper working order and must supply BMBC, upon request, with a declaration by him, as to the condition, positioning, inspection and maintenance records of such alarms.</p> <p>Reason: Mandatory condition required by Schedule 4 of the Housing Act 2004</p> <p>https://www.gov.uk/government/publications/smoke-and-carbon-monoxide-alarms-explanatory-booklet-for-landlords</p>
4.	<p>Furniture and Furnishings</p> <p>The Licence Holder must ensure that furniture and furnishings supplied by them are compliant with the Furniture and Furnishings (Fire) (Safety) Regulations 1988 (as amended 1989 and 1993). Where the property is let furnished the Licence Holder must provide insurance certification to ensure that these items can be replaced in the event of damage and must provide a declaration as to their safety at the time of application and thereafter on demand.</p>

	Reason: Mandatory condition required by Schedule 4 of the Housing Act 2004
5.	<p>Carbon Monoxide Alarms</p> <p>The Licence Holder must ensure that a carbon monoxide alarm is installed in any room which is used wholly or partly as living accommodation and contains a solid fuel combustion appliance. A declaration as to the position of such alarms must be supplied to the Council on demand. Note: Room includes a hall or landing. A bathroom or lavatory is to be treated as a room used for living accommodation. The Licence Holder must ensure that carbon monoxide alarms are kept in proper working order. A declaration as to the proper working order of such alarms must be supplied to the Council on demand.</p> <p>Reason: Mandatory condition required by Schedule 4 of the Housing Act 2004</p> <p>https://www.gov.uk/government/publications/smoke-and-carbon-monoxide-alarms-explanatory-booklet-for-landlords</p>
6.	<p>Tenant References</p> <p>The Licence Holder must obtain references from all persons who wish to occupy the house. The Licence Holder must provide a copy of the said pre-let references upon demand to the council.</p> <p>Reason: Mandatory condition required by Schedule 4 of the Housing Act 2004</p>
7.	<p>Terms of Occupation</p> <p>The Licence Holder must provide each Occupier (18 or over) of the house with a written statement of the terms on which they occupy the property. A guide of the terms can be found on the Department for Communities and Local Government website (DCLG).</p> <p>Reason: Mandatory condition required by Schedule 4 of the Housing Act 2004.</p> <p>https://www.gov.uk/government/publications/how-to-rent/how-to-rent-the-checklist-for-renting-in-england</p>
<p>Additional Conditions of Licence imposed by Barnsley Council.</p> <p>The Licence Holder must ensure that they are fully compliant with the conditions set out below unless otherwise notified by the Barnsley Council.</p>	
	Electrical System/Appliances.

8.	<p>The Licence Holder must ensure that:-</p> <ul style="list-style-type: none"> i. A recent inspection of the electrical installation of the premises has been carried out and that a Periodic Inspection Report (PIR), completed by a suitably qualified electrical contractor who is a member of one of the government approved schemes i.e. NICEIC, NAPIT, ECA, ELECSA or BRE, is produced to the Council. This report must be no more than 5 years old and must be supplied to the Council within the first twelve months of the licence. ii. That the property is covered by a valid Periodic Inspection Report (PIR), throughout the period of the licence. Where the report expires during the term of the licence, an up to date report must be provided to Council within 28 days of the expiry date. iii. Any works specified on the (PIR) making the installation unsatisfactory are to be completed within 28 days following the date of the report. Upon completion, Barnsley MBC should be informed. iv. Where the (PIR) specifies the installation to be satisfactory, but lists other remedial work to be undertaken, such works are to be completed within 12 months of the date of the report and Barnsley MBC are to informed upon completion. v. Where the property is rented on a furnished basis which includes electrical appliances, a portable appliance test (PAT) certificate is produced to Barnsley Council for their inspection within 12 months of the licence period or upon termination of the current tenancy. <p>Reason: To ensure the safety of tenants and persons visiting the premises.</p>
9.	<p>Fire Safety</p> <p>The Licence Holder must ensure that:-</p> <p>Where the property is a single family house, either hard wired or 10 year battery operated smoke alarms are installed in suitable locations and are kept in proper working order at all times.</p> <p>Where the property is a house in multiple occupation (HMO), The fire detection system is compliant with Lacors approved standards for HMO's according to the type of property offered. The Licence holder must also produce a Fire detection and Alarm System certificate annually to Barnsley MBC (in accordance with B5839), ensuring records of tests are available on request. Ensure a fire evacuation plan detailing means of escape is displayed and written advice is provided to occupants at the time of signing each tenancy agreement.</p> <p>Reason: To ensure the health safety and welfare of the occupants and persons visiting the property.</p>

10.	<p>Terms of Occupation</p> <p>The Licence holder must:-</p> <p>Provide any existing and future tenants with a written tenancy agreement, confirming the terms on which they occupy the property, including details of reporting nuisance and anti- social behaviour.</p> <p>To ensure any tenancy agreement used as far as practicable, to be free from unfair terms and complies with legislative requirements.</p> <p>Ensure the tenancy agreement is complete with full names and dates of birth of all occupants. To include a clause stating ‘Upon request from the local authority (BMBC), the occupiers names and date of birth can be released to assist with enquiries relating to illegal activities and/ or anti- social behaviour.’</p> <p>Provide the tenants of a single household with a copy of the licence certificate and licence conditions which are in force.</p> <p>Where the property is a HMO, display at all times whilst in force, a copy of the licence certificate and licence conditions in a prominent position inside the house where all occupiers will be able to view the said documents.</p> <p>If providing utilities to the property, set reasonable market rates for all utility supplies.</p> <p>Undertake a detailed inventory in agreement with each occupant upon commencement of their occupation of the house. The inventory must be initialled on all pages by both parties and signed and dated by them on the last page.</p> <p>All terms and conditions of occupancy must be made available in a language /form they can understand.</p> <p>Ensure that only rooms available for sleeping are being used for the same and undertake an internal inspection of the property at least once every six months. Ensure that the property does not become overcrowded in accordance with self-certification of room sizes.</p> <p>Where one month’s rental payment has been missed and no contact has been offered; a visit must be made to the property the following month. Where the property is found to be abandoned- secure the property and inform BMBC. Ensure a notice is attached to the front of the property with the landlords / managing agents contact details.</p> <p>Not to discriminate against prospective tenants/ occupiers of the house on the grounds of age, disability, gender re- assignment, pregnancy and maternity, race, religion or belief, sex or sexual orientation.</p> <p>In the event that rooms are being shared by single persons. Consideration must</p>
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	<p>be given to prohibit the sharing of persons with different faiths and/or Ethnicities.</p> <p>To ensure an emergency contact number and management arrangements in place for occupiers of the property, displayed in a prominent place, in the event of the Licence Holders absence.</p> <p>Reason: To safeguard health and wellbeing and ensure sustainable tenancies.</p> <p>From October 2015 Landlords must provide the following information to tenants wishing to rent.</p> <p>https://www.gov.uk/government/publications/how-to-rent</p>
11.	<p>Property Repairs</p> <p>The Licence Holder must:-</p> <p>Occupants of the house receive written confirmation detailing the arrangements and contact numbers in place to deal with repair issues and emergencies, should they arise.</p> <p>To ensure all repairs are carried out by competent persons and within a reasonable time frame. Where those repairs evidence a category 1 hazard. Work must be undertaken immediately or supplementary provision put in place to ensure the mitigation of the hazard to an acceptable level within 24 hours.</p> <p>Water supply and drainage system serving the property to be maintained in good, clean working order</p> <p>The Gas or Electricity supply to the property is not unreasonably interrupted.</p> <p>Any windowsill that is at floor level, access to lofts or balconies- ensure that bars or other such safeguards are fitted to protect occupants from falling. See Building Regulations Approved documents Part K, (4) Glass and Glazing.</p> <p>http://webarchive.nationalarchives.gov.uk/20151113141044/http://www.planningportal.gov.uk/uploads/br/br_pdf_ad_k_2013.pdf</p> <p>All common parts and fixtures are maintained and in safe condition including handrails, windows, stair coverings, fixtures, fittings and appliances.</p> <p>Where any works are to be carried out to the house, the appropriate consent from Building control at BMBC is obtained and tenants advised prior to works commencing. Where major work is to be carried out to the property, alternative</p>

	<p>accommodation must be provided for the period during which the work is being carried out. All work to be carried out in accordance with Building Regulations Approved Documents 2010.</p> <p>User manuals or copies are to be provided to the tenant for any equipment which is for the exclusive use of the tenancy.</p> <p>Reason: To ensure the safety, health and wellbeing of the occupants.</p> <p>Follow the link for information relating to retaliatory eviction for requests to carry out repairs from tenants.</p> <p>http://www.legislation.gov.uk/ukpga/1988/50/schedule/2</p>
12.	<p>Energy Efficiency</p> <p>The Licence holder is required upon request by BMBC to provide a copy of an up to date Energy Performance Certificate (EPC). This should be in place prior to the start of tenancy and a copy provided to the incoming tenant. From the 1st April 2018. All new lets and renewals will be required to have an EPC with a minimum rating of E on an EPC.</p> <p>Information can be sought from the Housing and Energy team and Better Homes Barnsley.</p> <p>Reason: To safeguard the health and wellbeing of the occupants with regard to the reduction of fuel poverty and national energy efficiency measures.</p>
13.	<p>Number of Occupiers</p> <p>The Licence Holder must ensure that:-</p> <p>The number of person residing in the property at any one time shall not exceed the maximum number of occupants stated on the licence.</p> <p>The use and level of occupancy of each unit of accommodation is not changed without prior written approval by BMBC.</p> <p>Rooms other than bedrooms are not used for sleeping purposes. The standard meaning of 'bedroom' applies in accordance with HHSRS and national guidelines.</p> <p>The House is not overcrowded. If the licence holder becomes aware of overcrowding at the property, they must take all reasonable steps to deal with the issue and advise the authority of any actions taken.</p> <p>Reason: To comply with space standards (Housing Act 1985 & Management of Houses in Multiple Occupation 2006) to safeguard the wellbeing of occupants, persons visiting the premises and persons in the immediate locality.</p>

14.	<p>External Areas.</p> <p>The Licence Holder must ensure that:-</p> <p>The exterior of the house is maintained in a reasonable repair.</p> <p>All outbuilding, yards, forecourts and gardens surrounding the house are maintained, in repair and kept clean, tidy and free from infestations.</p> <p>At the beginning of each letting, the garden and external areas of the property must be free of refuse, litter and excess vegetation.</p> <p>The rear boundary and boundary treatments are designed, constructed and maintained to offer of the property security and a deterrent for fly tipping. Where appropriate the tenants are given keys or combinations to any locking mechanism used to secure the rear of the property and curtilage.</p> <p>Reason: To ensure the safety of persons occupying the property and any person visiting the property. To actively prevent intruders and to ensure the domestic hygiene and condition of the property are maintained in accordance with licence conditions. Finally, to reduce the risks of Anti- social behaviour being perpetrated against the property.</p>
15.	<p>Refuse and Waste</p> <p>The Licence Holder must ensure that:-</p> <p>Suitable and adequate refuse receptacles are to be provided for the sole use of the occupants in accordance with BMBC refuse collection policy. To include adequate recycling boxes for the numbers of persons habiting the property.</p> <p>At the start of each new tenancy, all occupiers are advised of the current collection process and usual day of collection in a language / form they understand. This must include how to present their waste and their duty to collect receptacles to within the curtilage of the property after collection.</p> <p>The Licence holder must retain a copy of the information signed by the tenant to acknowledge receipt and produce this on request to the authority. Note: Copies of refuse collection, bulky and large items collections can be obtained in several languages from :</p> <p>Reason: To ensure the gardens and areas around the property are free from harbourage provided for infestations to occur; and to ensure welfare and safety of occupier or those visiting the property.</p> <p>https://www.barnsley.gov.uk/services/bins-rubbish-and-recycling/</p>

16.	<p>Management of Anti- social behaviour</p> <p>The Licence Holder must take all reasonable and practical steps for preventing and dealing effectively with anti-social behaviour by persons occupying or visiting the house and the use of premises for illegal purposes.</p> <p>The Licence Holder must:</p> <p>Obtain valid pre-let references for persons wishing to occupy the house. References should include details of previous occupier history including conduct of the tenancy. Credit references in isolation are not adequate. And provide an accurate reference relating to existing or past tenants.</p> <p>To respond within reasonable timeframes to reference requests and provide an honest and accurate reference relating to existing or past tenants.</p> <p>Ensure that all written statement of terms and conditions on which the house is occupied includes a clause holding the occupants responsible for any antisocial behaviour by themselves and/or their visitors. <i>The Licence Holder must ensure that all occupants are aware of the existence of this clause by advising them upon taking up residence and initialling the tenancy agreement.</i></p> <p>Undertake an investigations of any complaints which have been made either directly to them, or via the Local Authority, regarding alleged actions of their occupiers or their visitors, which is likely to cause alarm, distress, nuisance or annoyance to other occupiers of the house, to anyone visiting or persons using any communal areas, including persons residing in, visiting or working in the locality of the house.</p> <p>Cooperate with Barnsley MBC, the police or any other agency involved with investigation of antisocial behaviour relating to the property or tenants of the property. This may include providing supporting information or evidence to remedy the anti- social behaviour.</p> <p>Reason: To reduce the risk of incidences directly or indirectly affecting occupants of the property or within the immediate locality of exposure to Anti-social behaviour.</p> <p>Housing Act 1988, Grounds 13 or 14 of Schedule 2.</p> <p>https://www.gov.uk/government/publications/how-to-rent/how-to-rent-the-checklist-for-renting-in-england</p>
17.	<p>Notification 'Fit and Proper Person'</p> <p>The Licence Holder or managing agent/s must disclose on application and inform Barnsley MBC within 10 working days of any changes in their circumstances as follows:</p>

	<ul style="list-style-type: none"> ▪ Give details of any unspent convictions not previously disclosed to Barnsley Council that may be relevant to the Licence Holders and or property manager status. In particular such convictions in respect to any offence involving fraud, dishonesty, violence, drugs or any offence listed in Schedule 3 to the Sexual Offences Act 2003; ▪ Under the Counter Terrorism and Security Act 2015 the Landlord / Owner has a duty to have due regard to the need to prevent tenants from being drawn into terrorism or entering into any suspected acts thereof at this tenancy whilst occupying the property. The Landlord /Owner will be required to take appropriate measures in relation to their tenants to assist with this duty to the extent that any suspected incident or occurrence is brought to the attention of the Police. ▪ Details of any finding by a court or tribunal against the licence holder or manager, that he / she has practiced unlawful discrimination on the grounds of sex, colour, race ethnic or national origin or disability in, or in connection with carrying out the aforementioned business. ▪ Details of any contravention on the part of the Licence Holder or manager of any provision of any enactment relating to housing, public health, environmental health or landlord tenant law which led to civil or criminal proceeding resulting in a judgement or finding being made against him/her; ▪ Information about any property the Licence Holder or manager owns or manages or has owned or managed for which the Local Authority has refused to grant a licence under Parts 2 or 3 of the Act, or has revoked a licence in consequence of the Licence Holder breaching the conditions of his/ her licence; ▪ Information about the property the Licence Holder or manager owns or manages or has owned or managed that has been the subject of an interim or final management order under the Housing Act 2004 or other enforcement action appropriate as described in section 5 (2) of the Act; ▪ Notification of possession/foreclosure. ▪ Successful claims against the Licence Holder for default of tenancy deposits. ▪ The property becoming empty. ▪ Advertising the property for sale or taking steps to sell ▪ Advising the local authority of any works, flood, fire or disaster which renders the tenants temporarily homeless. ▪ Change of managing agent or instruction of a managing agent. ▪ Change of address of Licence Holder or Landlord. <p>Reason: To safeguard the health safety and wellbeing of the occupiers in the event of changes during the period of the licence.</p>
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18.	<p>Compliance and Cooperation with the Authority</p> <p>The Licence Holder must :</p> <p>Allow officers of this authority, upon production of identification, to access the house for the purposes of carrying out inspections of the house at all reasonable times. Council Officers will give the Licence holder 24 hour notice of these checks.</p> <p>Cooperate with Council staff in circumstances where complaints of alleged breaches of the licence conditions have been made in respect of the licenced property.</p> <p>Ensure all monies in respect of the licence fee are paid to the Council by the required due date.</p> <p>Reason: To ensure the property complies with the Housing Act 2004 and licensing conditions.</p>
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Outline Selective licensing proposal incorporating proposals from interested parties.

Several proposals have been put forward in connection with the Selective licensing proposal. Having given consideration to the proposals put forward, the following option is being considered:

Cabinet approve Selective Licensing in all areas under consideration with the licence conditions (as consulted upon) during the consultation. All landlords who rent properties in those areas must apply to one of the approved accreditation schemes and apply for a licence to the local authority for each property they rent. The accreditation scheme providers will be required to show landlords whom they accredit are of 'fit and proper status' with no pending convictions or spent convictions. For example: common assault, offences of sexual nature or financial fraud.

The Accreditation schemes available are:

BMBC

BRLA

GLR (NLCE)

All landlords who are in one of the approved accreditation schemes will pay a licence fee of £115.00 per property they own and rent, in addition to the fees associated with accreditation scheme chosen. All licence applications will be required via the online portal. A landlord who remains unaccredited within the designations will be required to join the BMBC Selective Licensing scheme at a fee of £530 per property.

The accreditation scheme providers will certify that their members' properties are suitable to rent with an absence of category 1 hazards or an accumulation of category 2 hazards. Accreditation scheme providers must ensure that landlords meet the above and licence conditions and hold current gas, EPC and electrical certificates.

Notes to accreditation providers: Care must be taken not to accredit poor landlords into their schemes as this may result in their scheme being removed if it is evidenced that this is a consistent issue.

Enforcement action:

Where properties have been accredited by the above schemes, BMBC considers that the scheme providers are professional and have checked the suitable certificates (subject to the full licence fee being paid) the Licence will be issued. Following this, BMBC officers will visit the property to undertake an inspection within 6 months of issue. Where properties are licensed but are found to have category 1 hazards, BMBC will pursue the civil penalties route with the landlord who will be removed from the accreditation scheme and moved to the full licence scheme under BMBC.

Where those members fail to achieve the standard required, they will be removed from accreditation scheme provider and transferred to the BMBC selective licensing scheme and pay the full licence fee £530 per property and remain under BMBC

licensing scheme for the duration of the licence term. We believe this to be just as the accreditation schemes providers have been the guarantor of the standards. There is also enough information available to advise landlords how to operate their business to a good standard. In addition, BMBC will undertake inspections without a requirement to serve a section 239 for entry throughout the scheme term.

Accountability:

An officer from the SNS will meet with the heads of Accreditation schemes every six weeks. BMBC will require an up to date list of all landlords within their scheme and the properties they own and rent, in addition to a list of all landlords who have applied to their scheme for accreditation and have been refused, including the reason for their refusal. Accreditation Scheme providers must also include any landlords who are non-compliant and any who have been withdrawn from the scheme or withdrawn themselves. The accreditation schemes managers must also list pending works to be completed per property including reasonable completion dates. BMBC must be made aware of any properties which are currently not meeting the standard and any deviation from the agreed programme of works and anticipated date of completion of those works. Accreditation scheme providers are required to outline the standards required. Where landlords are found to be in breach, they will be required to pay the full fee of £530 to BMBC (less their initial licence fee). They will also be removed from the accreditation provider.

Landlords can only be a member of one scheme.

The meeting will offer an opportunity to discuss issues, known problems including tenancy issues. Where a landlord has been removed from an accreditation scheme, this should be advised in writing to BMBC within 5 working days to pursue the landlord for full payment. Landlords cannot switch between scheme providers where there are outstanding works or ongoing complaints, investigations, or within the term of the scheme.

BMBC are keen to work with the accreditation scheme providers, to engage, offer information and pursue criminal activities/landlords and tenants who are non-compliant.

All accreditation schemes will be required to take up a minimum of 25 new landlords per year, in order to abate accusations of a 'closed shop' within the licence designated areas.

Training will be provided by BMBC Strategic Development regarding changes to housing standards and legislation. We would also like the accreditation scheme providers to be part of policy shaping and reform in the private rented sector.

All landlords are required to be in one of the schemes or BMBC Selective Licensing scheme after the seventh month of the commencement of the licensing scheme. Failure to licence will result in prosecution under the Housing Act, in addition to the landlord paying the full fee without being offered the accreditation scheme option.

Any complaints raised about the property, landlord or tenant will be dealt with by the accreditation scheme initially. However, those complaints will be advised to BMBC by email at the start of the complaints process (to BMBC PSHmed priority) and entered onto the Civica system. Where these complaints have not been advised to us, but directly by the tenant, we will direct them back to the accreditation scheme provider to deal with and allow 10 days before the complaint is followed up. Where such a complaints results in potential evictions - BMBC will mediate with the landlord/ tenant. Eviction of tenants due to raising complaints will not be tolerated.

The Landlord will be given the opportunity to discuss this action at monthly meeting with the SNS officer and the accreditation scheme representatives. Until this time the tenant will remain in situ. Where consideration of eviction has been given due to rent arrears, we will include in the meeting housing options staff, council tax, tenants and the landlord (not representative).

Alternate fee calculation for Accredited landlord properties.

Barnsley Selective Licensing - Index of Fees and Discounts.

	Time sheets - How times for individual jobs have been calculated	
	Wage costs - these are identified at technical officer level.	
	Disbursements - the on costs for completion of the licensing process	
	The fee calculation	

	Action	Licensing Officer time in Hours and Minutes.
1	Application received Via online system. Printed documents scanned onto the computer system.	0:30
2	Examine gas safe certificates, Electrical certificates, and property declaration form. Add to system.	0:30
3	Send out letters to all relevant parties, to advise the property is being considered for a licence.	1:00
4	Issue licence letter and certificate.	0.30
	Total	2:30
Disbursements and preparation costs per application		
Land Registry search	Undertaken on each application	£4.00
Postage costs	Average 5x first class postage @ 37p	£1.85
Chasing application	2x letters and/or phone call to accreditation scheme and/or landlord.	£3.00
Total disbursements/ application costs		£8.85

Selective Licence fee breakdown calculations per property.	
Total time charged to complete a standard application	2 hrs 30 minutes
Officer Rate	£39.11
General charge to complete and administer a standard application (2.5 Hrs * £39.11)	£97.75
Disbursement – fees	£8.85
Total cost of completed application	£106.62
Total 6% inflation over the 5 year application life (2% Equates to 0.5% increase per year at current inflation rate + 4% staff pay increase @ 1% per year).	£6.39
Total	£113.01
Selective Licence fee (Rounded up to the nearest £5)	£ 115.00

Scheme	Costs	Additional Discounts / Charges/ conditions
BMBC Accrediation scheme	£50 annually per landlord of 3 or more properties. No fees for landlords with less than three properties.	Certain grant funding may be available subject to satisfied criteria.
BRLA	<i>£25 initial joining fee and Annually £50.</i>	Each landlord must attend four BRLA meetings per year.
NLCE National Landlords Code of Excellence. (GLR option).	<i>£150 for a training course + cost of independent HHSRS inspection per property.</i>	Training provided re HHSRS.
This is a discretionary fee which may be required by the LA subject to information received. Where required by the authority the landlord must provide an up to date DBS check at his own expense. (Landlords may choose to undertake their own DBS check and forward the original document to this office for attention provided it is dated after any suspected breach.)		£70

Adjustments & Changes to former Cabinet Report (Cab. 28.6.2017/7)

Licence Conditions

See amendment to Licence condition number 11 EPC to remove the requirement for an energy efficient questionnaire. (See appendix 4)

The GLR group

In response to several options offered prior to the Selective licensing scheme consultation beginning. Cabinet report 461 (section 5.10) quoted several meetings which had taken place specifically to discuss selective licensing with the GLR group. The number of these meetings has been disputed by GLR as two directly with GLR and one with groups of landlords in Goldthorpe, not six as stated in the report. The GLR group requested this was amended within the body of the Cabinet report CR461. Unfortunately reports, once approved, cannot be amended.

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Legal Framework

By exercising the powers conferred by section 80(7) & (8) and 250 (1), (2) and (6) of the Housing Act 2004 (a) makes the following Order.

3 –(1) In accordance with the following conditions, specified as additional conditions for the purpose of section 80 (2)(b) of the 2004 Act, which the local housing authority must consider are satisfied in relation to the areas before making a selective licensing designation under this provision-

The designations are proposed on the basis of *Anti-social behaviour, Crime and Deprivation*.

The Housing Act 2004 Part 3, allows Local Authorities to introduce selective licensing for a period of five years where certain conditions apply and can be evidenced.

These are:

- (a) The area is one which is experiencing (or likely to experience) low housing demand and /or;
- (b) The area is experiencing a significant and persistent problem caused by anti-social behaviour;
- (c) That some or all of the private sector landlords who have let properties in the area (whether under a lease or licence) are failing to take appropriate action to combat the problem; and

That making a designation will, when combined with other measures taken in the area by the local housing authority, lead to a reduction in, or elimination of, the problems.

Pre- qualifying criteria 3 (1) (a)(b)

- (a) That the area contains a high proportion of properties in the private rented sector, in relation to the total number of properties in the area.
- (b) That some or all private sector landlords have let properties in the area (whether under lease or licences)
- (c) That one or more of the sets of conditions (4-7) is satisfied.
 - Poor property conditions, and
 - Migrant worker concentrations.
 - Deprivation.
 - Crime

Secondary Conditions in respect of Housing

4. The first set of conditions are –

(a) That having carried out a review of housing conditions under 3(1) of the 2004 Act, the local housing authority considers it would be appropriate for a significant number of properties referred to in article 3(1)(a) to be inspected, with a view to determining whether category 1 or category 2 hazards exist on the premises.

(b) that the local housing authority intends to carry out such inspections as referred to in sub paragraph (a), with a view to carrying out any necessary enforcement action; and

(c) and that making a designation will when combined with other measures taken in the area by the local housing authority, or by persons together with the local housing authority, including any licence conditions imposed under section 90 of the 2004 Act, contribute to an improvement in general housing conditions in the area.

Secondary Conditions in relation to Migration

5. The second set of conditions are –

(a) that the area has recently experienced or is experiencing an influx of migration into it;

(b) that a significant number of properties referred to in article 3(1)(a) are occupied by those migrants referred to in sub-paragraph (a); and

(c) that making the designation will, when combined with other measures taken in the area by the local housing authority, contribute to:-

(i) the preservation and improvement of the social or economic conditions in the area; and

(ii) ensure that the properties referred to in article 3(1)(a) are properly managed, and in particular, that overcrowding is prevented.

Secondary Conditions in relation to Deprivation

6. (1) the third set of conditions

(a) that the area is suffering from a high level of deprivation, which affects a significant number of occupiers of properties referred to in article 3(1)(a); and

(b) the making of the designation when combined with other measures taken by the local housing authority, or by other persons together with the local housing authority, contribute to a reduction in the level of deprivation in the area.

(2) In determining whether an area is suffering from a high level of deprivation, the local housing authority may have regard to the following factors in relation to the area-

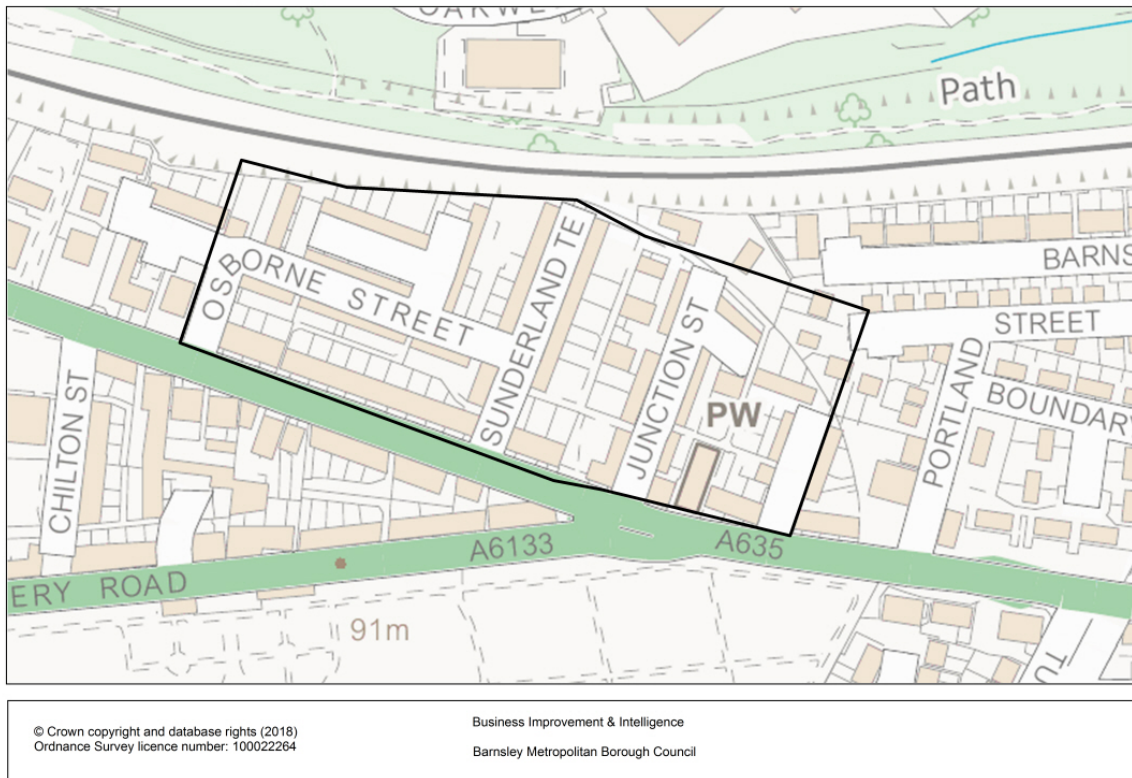
- (a) the employment status of adults;
- (b) the average income of household;
- (c) the health of households;
- (d) the availability and access to education, training and other services for households;
- (e) housing conditions;
- (f) the physical environment; and
- (g) levels of crime.

Secondary Conditions in relation to Crime

7. The fourth set of conditions are-

- (a) that the area suffers from high levels of crime;
- (b) That the criminal activity affects those living in the properties referred to in article 3(1)(a), or the household and businesses in the area; and
- (a) That making a designation will, when combined with other measures taken in the area by the local housing authority, with the other persons together with the local housing authority or by the police, contribute to a reduction in the levels of crime in the area, for the benefit of those living in the area.

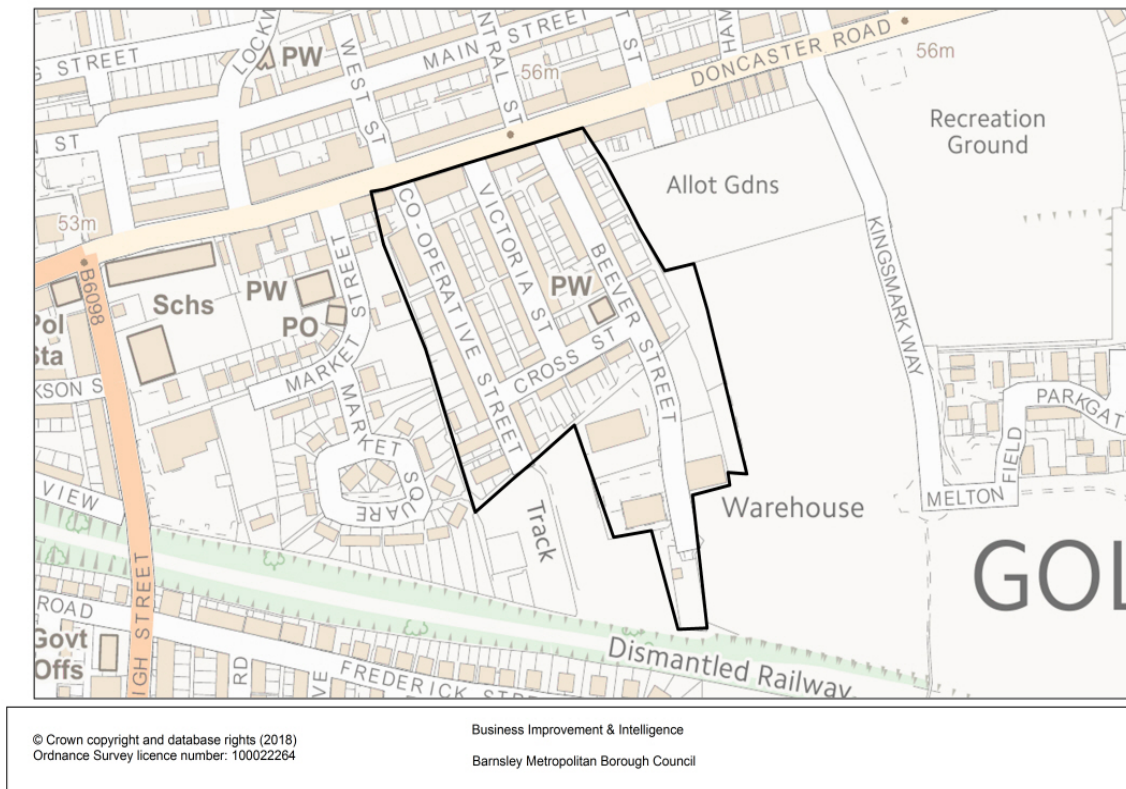
Measbrough Dyke



- **Measborough Dyke** - Pindar Street, Sunderland Terrace, Seth Terrace, Osbourne Street, Evelyn Terrace, Ivy Terrace, Burton Terrace, Junction Street and Terrace, Jubilee Terrace, Victor Terrace, Doncaster Road (174-278) and King Georges Terrace.

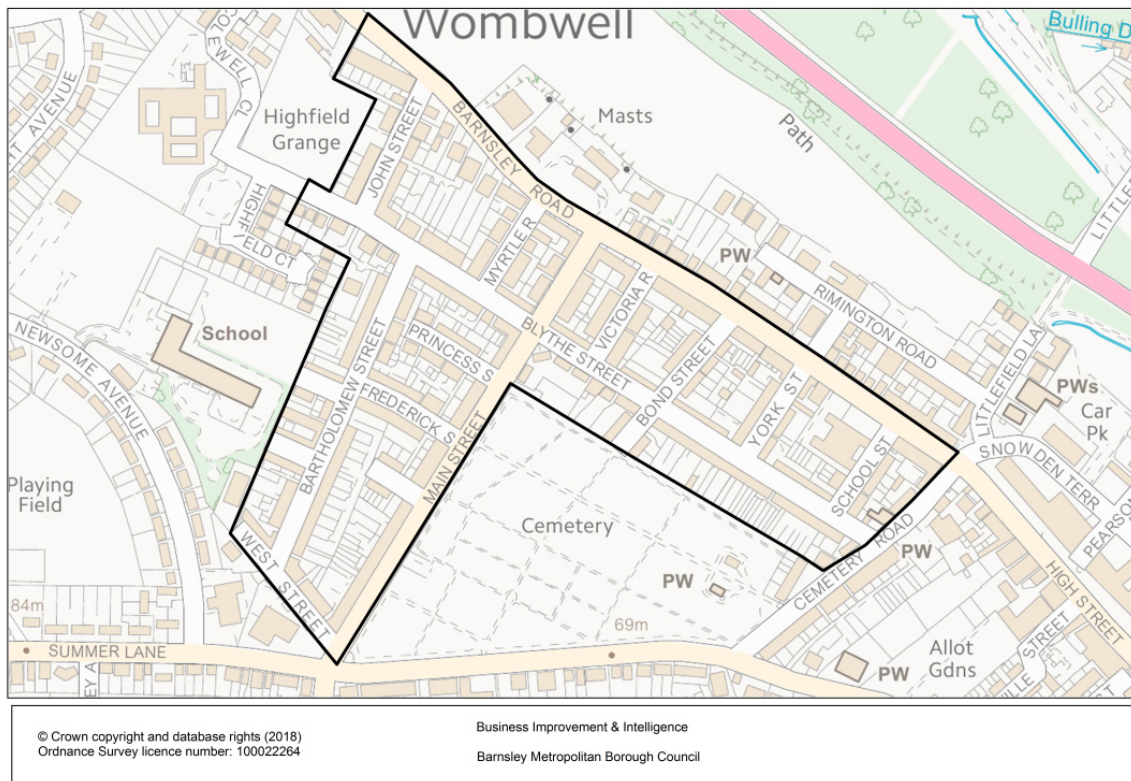
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Goldthorpe



- **Goldthorpe** - Beaver Street, Victoria Street, Cross Street, Cooperative Street and Claycliffe Terrace.

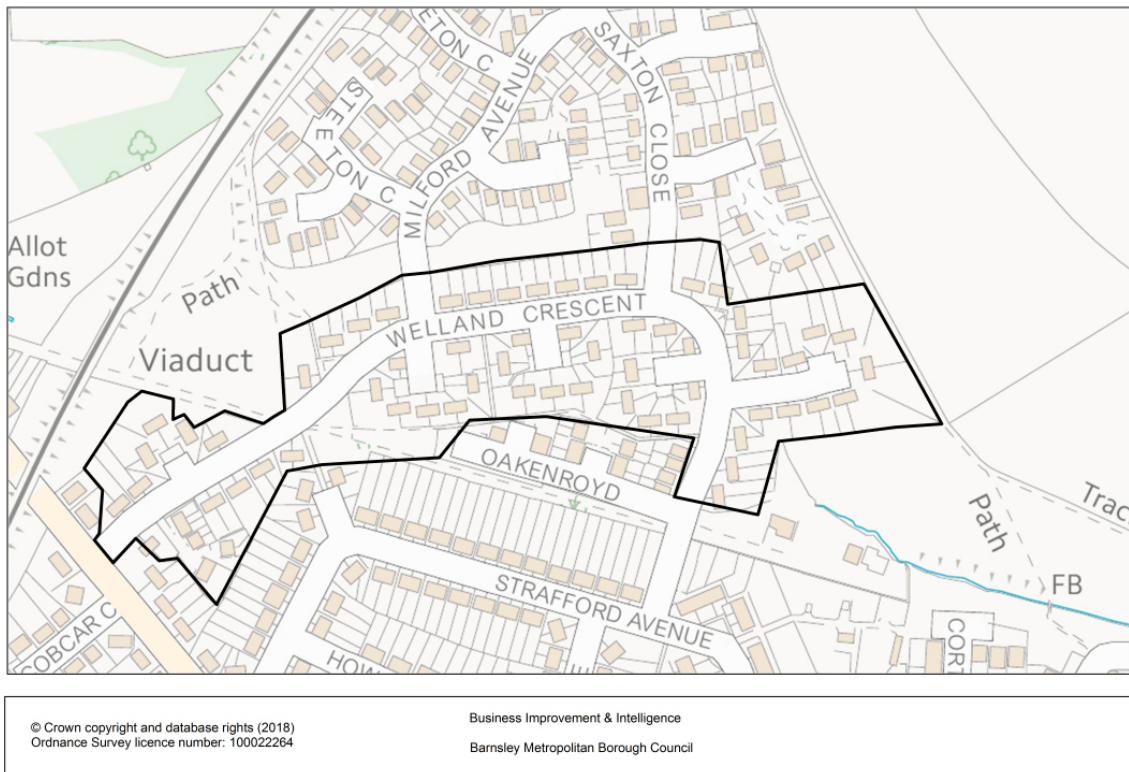
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Wombwell

- **Wombwell** - John Street, Mount Terrace and William Street, Blythe Street, Main Street, Bond Street, Myrtle Road, Victoria Road, York Street, Frederick Street, Princess Street, Bartholomew Street, Barnsley Road (1-99), West Street, Western Terrace and School Street.

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Elsecar - Welland Crescent



- **Elsecar - Welland Crescent.**

The rationale for implementing the schemes post consultation is as follows:

Primarily, the scheme has been consulted upon to address issues of antisocial behaviour, crime and deprivation affecting some of our most vulnerable residents in Barnsley. These areas have more than twice the national average private rented property concentrations in the geographical designation. (Currently the National Average is 19%).

Antisocial behaviour (ASB)

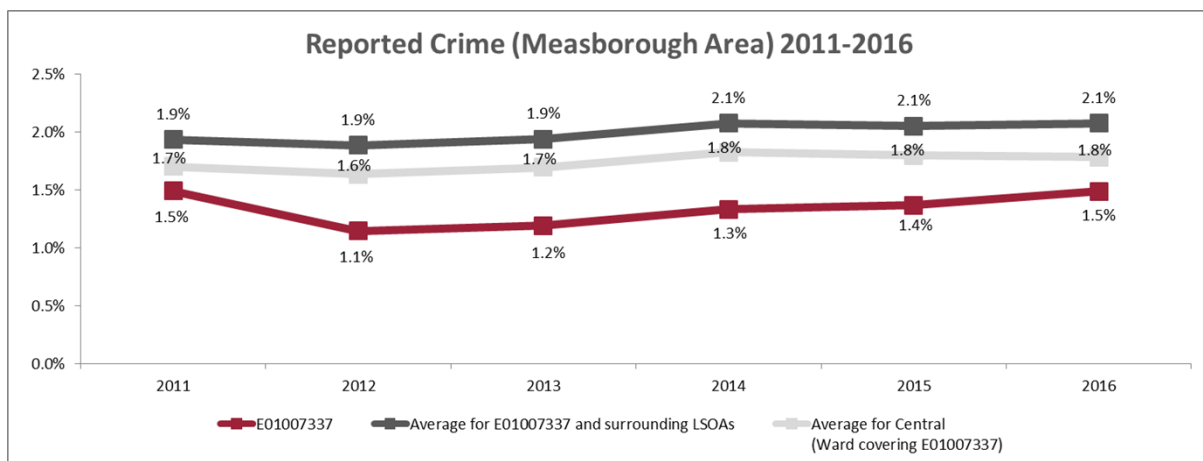
The criteria for ASB is outlined above in Primary condition and takes account of Police recorded ASB and BMBC antisocial behaviour, which includes such issues as fly tipping, waste presentation, noise nuisance and neighbour issues.

Deprivation

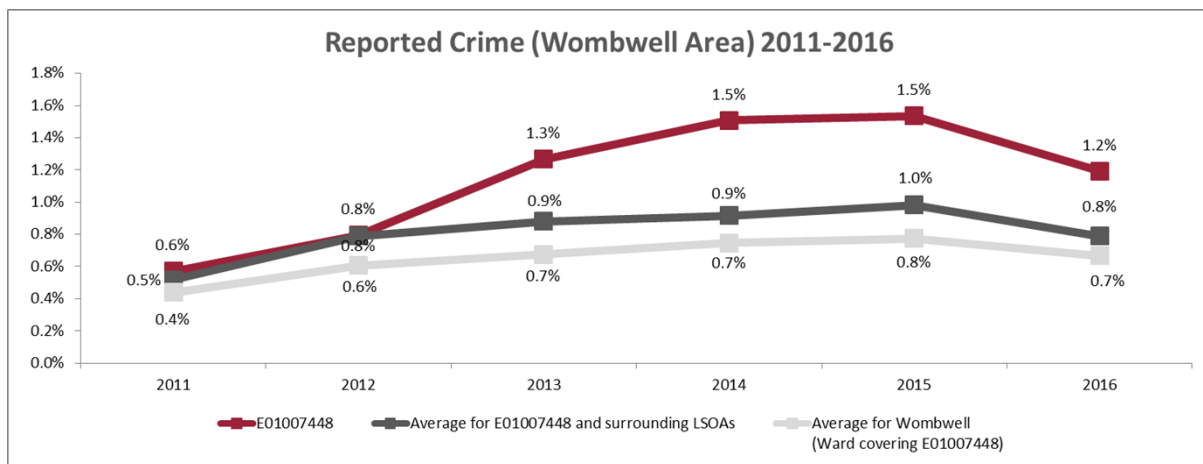
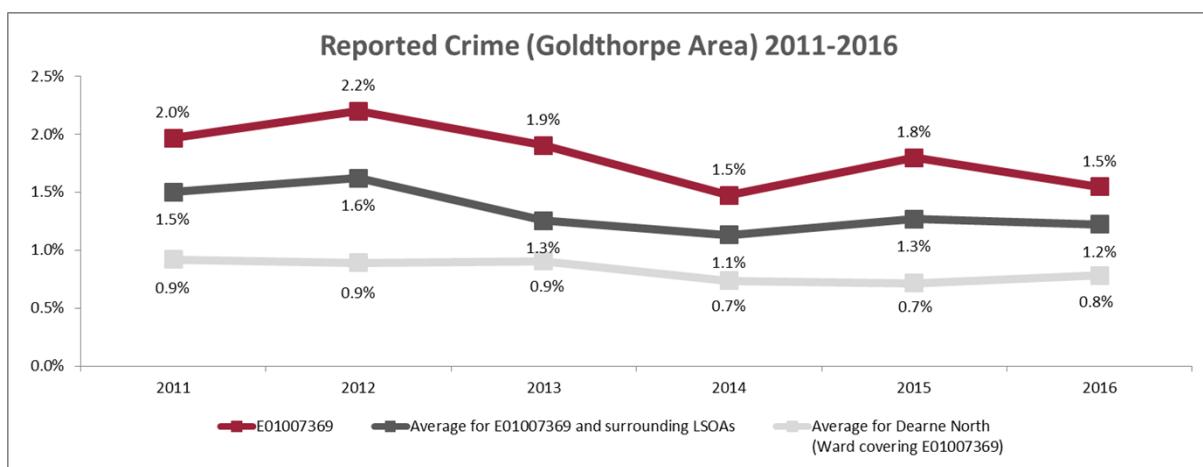
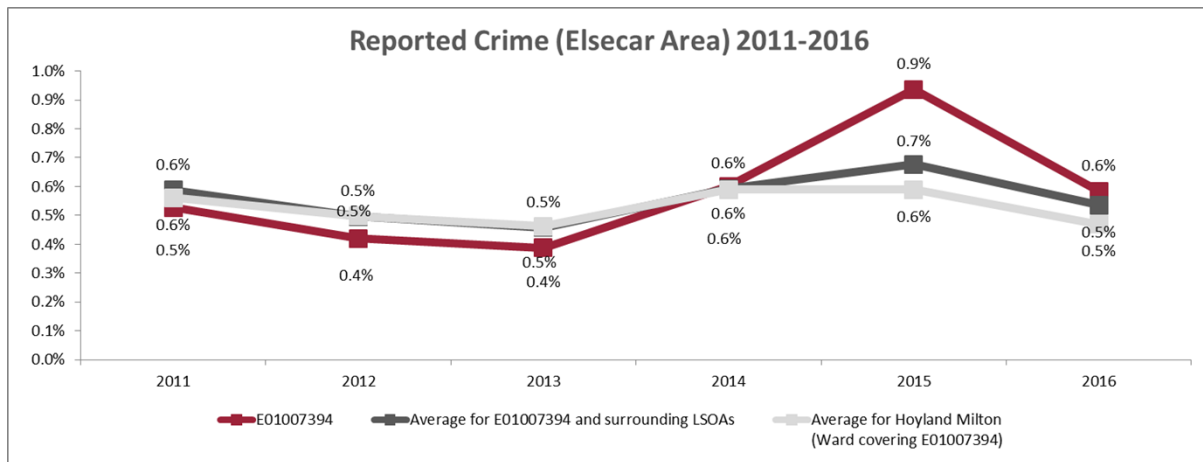
Deprivation is commonly geographically represented within a Lower Super Output Area (LSOA's) relating to how relatively deprived the area is by giving it a percentile banding. For example: Goldthorpe is within the 2.2% most deprived of LSOAs and therefore falls within the lowest 10%. Likewise; Elsecar Area E01007394 and Wombwell E01007448 are both within the 20% most deprived area and Measborough Area E01007337 is within the lower 30% most deprived areas of England.

Crime

The crime percentages provided in the original consultation document were later re-evaluated. Ward level averages were re-calculated to reflect the number of crimes in the ward in question as a percentage of overall crime for Barnsley. This is reflected in the following graphs.



To Note: It is recognised that reported crime in E01007337 is lower than the average for E01007337 and the LSOAs that surround it and the average for Central ward. This is to be expected as LSOAs which surround E01007337 include the town centre and transport interchange which have higher volumes of crime.



Post consultation several objections and data enquiries were received. All of these have been investigated and where appropriate measured against the initial criteria for selection. Whilst overall some minor amendments have been made to reflect information received or recalculations of data, the areas originally consulted upon still meet the criteria to implement a selective licensing scheme.

In order to address some of the wider issues raised by landlords, BMBC have recognised the need to reflect better management practices by some landlords. The implementation of an accreditation scheme which runs within the Selective licensing scheme acknowledges this. Therefore making the designation will, when combined with the accredited landlord option, contribute towards reductions in ASB, deprivation and crime in the area designations.

Equality Impact Assessment Summary

Selective Licensing

Responsible Officer: Gail Hancock

Introduction

A brief introduction to the project, work to be undertaken, scheme, service and/or intended changes.

Why is it needed, who is it for?

Barnsley MBC has been considering various measures to improve the conditions and management of the Private Rented Sector (PRS) stock. Many areas of Barnsley also have increasing numbers of poor quality, low value housing stock in quite densely populated streets and neighbourhoods. For many these properties are the domain of choice simply because of availability and affordability.

An evaluation of the impact of poor private sector housing on health also found that these types of accommodation were pre-disposed to be in areas which aligned with Anti-Social Behaviour (ASB) and low housing demand in the PRS. In order to address issues emerging from these areas, the council is considering implementing Selective licensing and/or Additional licensing scheme.

The individuals affected by the implementation of the scheme will be likely to include; All residents, tenants, landlords, Accredited landlords and managing agents in each area.

It is anticipated that the scheme in combination with other enforcement and coordinated consultation approaches will act a tool to educate landlords and their tenants regarding how to act in the private rented sector . By providing this approach and where appropriate enforcement work to achieve the standards within PR properties, it will support better living conditions for those currently living in and entering the PRS. It is anticipated that it will assist in halting neighbourhood decline.

Important equality considerations;

What is known about the likely impact on certain sections of the community – is the impact negative/positive?

How has the likely impact influenced the decision making process for this project?

This document seeks to address issues highlighted at the initial outset of the consultation. However, this document is live and will address other concerns or issues which also arise during the consultation and where appropriate after the implementation of the scheme enabling a broader understanding of the impact of the whole scheme in due course.

Previous targeted work has been undertaken in 2014-2015 by the 'Our streets project'. The information garnered acted as a pre cursor to the foundations of forming areas where the environmental, housing conditions and decline in demand highlighted the need for action to address issues for all in the community. The scheme highlighted interventions which were taken forward to adopt a dedicated area council officer for areas to be the initial point of contact where issues were identified or arose in specified areas.

The scheme will have the largest impact on the landlords operating and residents and tenants living with the designated areas We are aware that such areas have a higher prevalence of socially excluded, low income and those in receipt of benefits.

Populated in and among these areas are also high in numbers of economic migrants. Consideration has been given to communicating the Council's intentions regarding the scheme and this is outlined below. However, no formal demographic information has been evidenced.

The extent of any potentially negative impacts, following the implementation of either scheme, cannot be fully understood at this point. In order to understand this, a robust monitoring mechanism and feedback process will be needed in order to better understand the actual impact. For example, there may be an increased risk of homelessness for some residents, displacement of landlords and tenants to other areas, issues with affordability for some people on lower incomes and a lowering of demand for residency in that area, creating a further decline in the area's prosperity. Monitoring this, along with local demographic and equality information will give a clearer picture of the actual impact and will allow for mitigating actions to be considered and implemented as appropriate. This will need to be regularly reviewed and part of the administration of the scheme as well as part of the role of the officers working within the community (gathering both subjective and objective information). However, current resources available through housing options to assist with money management and landlord and tenant mediation issues are available and will continue to be available.

There is a requirement for a period of statutory consultation to be undertaken before a decision can be taken. It is important for the consultation to be both accessible and engaging with those likely to be affected (either positively or negatively). It is therefore the intention to undertake both an online consultation (for those who have access to the internet) and some targeted consultation, with the affected groups, for this purpose. Considerations around the accessibility of the consultation will be needed, taking into account the demographics of the local community. It must also consider the communication needs of those living within the designated area (i.e. larger BME population), and ensure that they have access to translation services as required.

This EIA has highlighted the need for;

- Further community and stakeholder consultation to better understand the issues/barriers/concerns;
- Further work within the community to better understand their concerns, worries and fears. This will enable us to address these whilst looking to foster better relationships within the community itself (promoting community cohesion).
- Monitoring of equality information – to better understand the issues faced within the community, to enable us to ensure there is a fair and consistent approach, to mitigate against any discrimination and to ensure that the reporting mechanisms and information around the scheme is accessible to all.
- Monitoring the impact that the scheme is having on the community to reduce the likelihood of any disproportionately negative impacts on those with protected characteristics; including further community consultation as a way to gather this information.

It is important to note that this is an evolving document and will be adjusted throughout the approval at cabinet to implement the scheme. The ongoing consultation process and finally, implementation.

Post consultation

At the close of the consultation 4 alternative proposals were received and these have been evaluated together with the initial parameters of the SL Scheme. A Hybrid scheme is being proposed working with landlords to certify the properties via an accreditation scheme environment with the council retaining the licence requirements. Those properties which are accepted onto the scheme must have an absence of category 1 (the most serious).

In the event that the scheme is approved. Consideration has been given to the access and communication needs of BME tenants. To that end: We are proposing documents in languages specific to the dominant demographic in the proposed areas together with information guides for landlords and Tenants. Please note: where other forms of communication and languages are requested. The council will offer the most economic means of delivering this assistance.

Next Steps

To improve you knowledge about the equality impact . . .

Actions could include: community engagement with affected groups, analysis of performance data, improve equality monitoring, stakeholder focus group etc.

Action taken so far:	Lead Officer	Completion date
We are undertaking a consultation plan to review how we can contact those affected. Ways of creating and including (POSTING) updates of dialogue regarding question and answer sessions raised by those affected as a blog??	Gail Hancock	Complete
Action we will take:	Lead Officer	Completion date
Consult with local stakeholders and landlords regarding the scheme proposals	Gail Hancock	Completed
Full consultation including letter drops to all those in the scheme. Proposal/ scheme documents, maps and charges for the scheme. Information can be obtained in several different languages upon request. Drop in sessions have been organised for each area with an additional drop in at the Town Hall for all to access information. Two separate landlord events have also been set up at either end of the consultation period.		Completed
Meetings on district with the Local Landlords Associations. TARA. Several third party providers. For example Mind, Salvation army.		Completed

To improve or mitigate the equality impact . . .

Actions could include: altering the policy to protect affected group, limiting scope of service change, reviewing actual impact in future, phasing-in changes over period of time etc.

Action taken so far:	Lead Officer	Completion date
Currently, the Community Safety's service is being restructured to align it service to community requirements. To that end; the Housing options team will be joining the department to assist with tenancy issues and offer advocacy advice, deal with disputes and benefits in local landlord and tenant relationships and reduce disputes and friction in the sector. It will also assist environmental health and housing advice to foster better		Completed

relationships with those in the sector.		
Area officers are currently in post to assist with issues relating to the scheme area. These will be moved into area specific designations.		Completed
Action we will take:	Lead Officer	Completion date
Actions will be considered pre and post consultation as per Communications plan. This will highlight areas and mediums to achieve a bespoke communications plan to address demographics and relevant to the stage of planning / implementation.	Coms/ G Hancock	Completed
No formal demographic profile can be obtained in order to determine if any specific groups are directly affected. Therefore, generic information will be produced in the interim. This working document will be amended to address specific demographic issues which may arise and address any issues presented.		On going
Letters in two known participant's language were added to our web pages including questionnaires in the two dominant languages. Letter drops were initiated in areas known to have higher concentrations of this demographic in their language. This was garnered from up to date intelligence received.		Completed
Alternative methods of providing information by officer visits and in this case ERDU speaking officers to translate the SL message and questionnaire were also offered.		Completed
During the consultation it was noted that we did not receive many completed questionnaires from migrant groups. We therefore re convened to issue letters in the two main demographics (Polish and Latvian) The responses to these were reviewed and these letters were further posted on the Latvian and Polish face book pages to garner more support and understanding in each area. A SNS employee with Polish, Russian and other language skills has assisted with the consultation, information and advice process.		Completed - Reviewed during the consultation period after completing a straw poll of some of the consultation responses.
Staff from the Safer Neighbourhood Service (SNS) also visited a local event where it was		

<p>advised we would be able to engage with affected demographics. This had extremely limited uptake.</p> <p>Upon reflection. We feel that it may be better to engage ESOL and community representatives/ church reps etc. within specific communities to outline the outcomes of the scheme. In addition to letters and face book notifications.</p>		<p>Post consultation outcomes. Ongoing where identified.</p>
<p>The Council has successfully bid to the 'Controlling Migration Fund' and a dedicated Housing and Migration Team has subsequently been appointed to.</p> <p>The stated outcome of the funded project is to 'reduce negative experiences and perceptions of overseas migration into Barnsley'</p> <p>The project will focus specifically on the lived environment and will adopt an intelligence-led approach driven by the concerns of the resident communities together with identifying and addressing barriers to integration from the perspective of non-UK communities.</p>		<p>This is a two year programme 2017 -2019 and has commenced.</p>

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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