

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