

APPENDIX 2

SELECTIVE LICENSING WITHIN GATESHEAD

CENTRAL BENSAM – PHASE 2 Redesignation

THE AVENUES Phase 1, 2 and 3

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The Private Rented Sector (PRS) in Gateshead plays an important role in the provision of housing within the borough and has grown significantly over the last decade. In 2004 the PRS made up approximately 4% of housing stock in Gateshead. The sector then grew by 70% between 2001 and 2011 (much higher than the growth of the national average) from 7.6% to 13.4%. Between 2011 and 2017 the private rented sector has continued to increase to almost 16%, but at a slower rate to over 14,500 households, owned by an estimated 5500 landlords. This upward trend is expected to continue. Growth of the sector has been largely through the activities of 'buy to let' investors, and landlords have replaced owner occupiers in many streets and neighbourhoods.

Gateshead has for many years been at the forefront of tackling poor standards in the private rented sector. In September 2007 the Council introduced one of the first Selective Landlord Licensing Schemes (SLL) in the country. This followed extensive campaigning from Council members to introduce landlord licensing as a tool to tackle problems associated with the private rented sector. A further three schemes were introduced in January 2010 (Chopwell River Streets), May 2012 (Central Bensham Phase 1) and April 2013 (Swalwell).

Why is further Selective Landlord Licensing being considered?

Many landlords in Gateshead operate within the law and offer a significant amount of high quality accommodation, managed effectively at an affordable price. Within the Borough there are concentrations of private rented accommodation (up to 70% in some areas), traditionally in areas of deprivation, where the private rented sector is commonly below standard in terms of property condition and tenancy management, and the Council continue to deal with complaints and demand concerning landlords and properties. In these concentrated areas house and rental prices are lower than average and when properties do come up for sale they may be bought up by landlords because of the low price and lack of demand from owner occupiers. These properties tend to house vulnerable tenants and low income families, are statistically more likely to be in fuel poverty, and are subject to the effects of crime and antisocial behaviour.

Problems such as fly tipping and refuse, excessive noise and antisocial behaviour (ASB), poor property conditions and overcrowding are disproportionately linked to private rented accommodation. A wide proportion of tenants are in receipt of housing benefit and their financial circumstances mean they have a limited choice over the quality of accommodation they can access. For many tenants, there is the perception that there is little control over living conditions and they subsequently are less likely to complain to their landlord or Local Authority.

While many landlords take their responsibility seriously and provide much needed housing within the borough, there are also negligent or criminal landlords who exploit vulnerable tenants by letting out cramped, unsuitable and in some cases dangerous properties, and fail to manage these tenancies and properties effectively. With this and the growth of the sector in mind, there is a need to ensure effective management of these properties in concentrated areas to prevent rogue landlord activity, maintain good standards and ensure a thriving sector and well managed stock for future years to come.

Some UK Local Authorities have chosen to licence all landlords within their area. To date Gateshead Council have not adopted this approach and have targeted resources where there is most need by choosing to licence landlords in neighbourhoods with high proportions of private rented properties which demonstrate indicators of low housing demand (low rental/property prices/high number of empty properties, high turnover of occupiers) and where there are also problems of antisocial behaviour.

The Council has both a strategic role and statutory responsibilities to tackle poor housing and ASB and thousands of complaints are received each year from residents requesting help. Areas of housing where complaint levels are high tend also to have the lowest property values, highest turnover of occupiers, concentrations of poorly managed rented homes and increasing numbers of problematic empty properties. This negatively affects neighbourhood confidence and can compromise the success of other public sector or private regeneration investment.

Selective Landlord Licensing (SLL) includes the provision of intensive support and education to landlords, tenants and residents in affected neighbourhoods. SLL results in improvements to property standards, management practices and reductions in ASB, demonstrating that Licensing can be an effective approach to providing support to an area suffering from low demand. **See Learning From Existing Schemes pg. 45.**

Evaluation reports confirming the performance and outcomes of former and expired schemes have been provided to Cabinet previously.

Gateshead Council's Private Sector Housing Team (PSHT) continues to deal with poor standards of management and rented homes that are in a poor condition. In line with available resources the team is becoming increasingly focused on tackling those landlords whose poor practices result in the most numerous complaints and impact sometimes on the most vulnerable residents. Alongside the advice and guidance that is provided to tenants and landlords, enforcement activity is being targeted in an effort to change the behaviour of those who repeatedly fail in their responsibility to provide safe and well managed housing. Particular neighbourhoods can become vulnerable to investment from unscrupulous landlords as a result of lower than average property value, and concentrations of poorly managed homes become evident. These in turn cause an increase in the number of properties left empty, prevalence of anti-social behaviour and crime, and a high turnover of tenants, sometimes referred to as low demand. .

In 2015 Gateshead as an area, was ranked as the 73rd most deprived out of 326 other Authorities in England. Gateshead is divided into 26 Lower Super Output Areas (LSOA's) and 15 of these 126 LSOA's are among the 10% most deprived in the country, with 33 falling in the 20% most deprived. Nearly 25% of Gateshead residents live in the 20% most deprived areas in England. One of the LSOA's in the top 10% most deprived areas in England is situated within one of the proposed landlord licensing areas, with many of the surrounding areas in the 20% most deprived category.

Within the Borough, one in five children live in poverty, over 10,000 people struggle to heat their homes, life expectancy is less than the English average and earnings are well below the national average. It has long been recognised that housing is a key determinant of health and that the availability of affordable quality homes in pleasant, safe and sustainable communities is key to tackling these issues and encouraging people to stay in the area.

It is considered that the introduction of landlord licensing and the continuation of a redefined area previously subject to landlord licensing is necessary to continue the work to reduce the likelihood of and existing low housing demand in areas still showing signs of the problems associated with housing market weakness.

The Councils Ambition

The Council has recently revisited its core purpose and has pledged to focus on 'Making Gateshead A Place with People Thrive'. Tackling inequalities is key to this pledge. It is no coincidence that one of the key problems that licensing will aim to tackle is deprivation. Licensing will contribute to the range of objectives which the Council and its partners are seeking to deliver in order to achieve a more inclusive and prosperous borough with higher levels of employment, greater educational attainment and a healthier and happier population. **See Strategic Context – Page 13**

The reduction of crime and ASB remains a key priority area for the statutory Community Safety Partnership within Gateshead. This is articulated in both Vision 2030 and the latest Community Safety Partnership Plan. A licensing scheme can make a significant contribution to this objective by addressing problems being encountered with and around private sector homes, **see Alternative Ways of Working In Future Schemes page 54.**

Gateshead Context

Gateshead Council has been at the forefront of tackling poor standards in the private rented sector for many years, using Selective Landlord Licensing (SLL) Schemes to proactively address problems within the sector since 2007. In September 2007 the Council introduced one of the first SLL schemes in the country in the Sunderland Road area. This followed extensive campaigning from staff and members to introduce schemes as a tool to tackle problems associated with the private rented sector. A further three schemes have been introduced since then (in January 2010 Chopwell 'River Streets', in May 2012 Central Bensham Phase 1 and in April 2013 in Swalwell). Schemes last for a five year period.

The private rented sector in Gateshead plays an important role in the provision of housing within the borough and has grown significantly over the last decade. In 2004 the private rented sector made up approximately 4% of housing stock in Gateshead. The sector then grew by 70% between 2001 and 2011 (much higher than the national average) from 7.6% to 13.4%. Between 2011 and 2017 the private rented sector has continued to increase to almost 16%, but at a slower rate to over 14,500 households, owned by an estimated 5500 landlords. This upward trend is expected to continue. Growth of the sector has been largely through the activities of 'buy to let' investors, and landlords have replaced owner occupiers in many streets and neighbourhoods.

The Gateshead Borough average for private rented properties indicates that a Borough wide licensing scheme is not a priority at this time, however there are concentrations of private rented properties of up to 70% in some areas.

The tenure split for housing within Gateshead (April 17) can be seen below.

Table 1 – Borough of Gateshead Tenure Split (April 2017)

	Number	% of stock
All dwelling stock	93,292	100%
Owner Occupied	53,898	57.8%
Social Registered	5,221	5.6%
Private Rented	14,617	15.7%
Council owned stock	19,556	20.9%

The almost 16% borough average of private rented homes is currently less than the national average of 19/20%. Owner occupation remains the most significant tenure within the Borough.

The location of private rented stock is predominantly within Central Gateshead (up to 70% in some locations) due to the nature and type of housing construction and the services and amenities available locally, including links to Newcastle City Centre.

Housing is a basic human need and good quality homes are essential to ensure that residents have the best physical and mental health possible. A warm, dry home, that is safe, and has sufficient space, is a positive contributor to health and wellbeing.

The relationship between poor housing and ill health is very clear. Evidence suggests that living in poor housing can lead to an increased risk of cardiovascular and respiratory disease, including death, as well as mental health problems such as anxiety and depression. Problems such as damp, excess cold, disrepair and structural defects, can present serious hazards to health.

Factors influencing the ability of individuals and households to access and sustain a good quality home, suitable to their needs include: affordability, choice and security of tenure.

Factors that impact on the quality and suitability of homes include: good property maintenance and management; energy efficiency of properties (linked also to fuel poverty); a positive relationship with landlords and neighbours; design and space standards that helps meet the requirements of those with specialist needs; and the location and infrastructure of the neighbourhood. The Building Research Establishment has calculated that overall, poor housing costs the NHS at least £600 million per year.

With the sector continuing to grow it is increasingly important that Gateshead Council continues to champion a well-managed private rented sector, provides support to those affected by the impact of private rented accommodation, and targets vital resources towards those areas in most need of support.

Monitoring and analysis of certain indicators are key to this. Low demand (high number of empty properties, low rental/sales values, high occupant turnover, higher levels of ASB, crime and housing complaints) have been analysed across Gateshead to understand the areas that are most affected. Further in depth data gathering and analysis of key data in the resulting proposed areas has then been undertaken to ensure the legal criteria for landlord licensing has been met – **See Summary of Area Evidence Base & Rationale Pages 19-36.**

It is proposed to designate the following two locations for landlord licensing for a maximum of five years:

- **Central Bensham Phase 2 (Redesignated Area) (From April 2018)** a smaller redefined area of a previous landlord licensing scheme (page 10)
- **The Avenues (From October 2018)** (see pg. 11)

General Approval (by Cabinet/Council)

Applicable legislation requires Local Authorities to obtain confirmation from the Secretary of State for a selective licensing scheme which would cover more than 20% of their geographical area or would affect more than 20% of privately rented houses in the local authority area. If this is not the case then schemes can be agreed locally by Cabinet and full Council – known as General Approval. The legal tests however must still be met (**page 17**)

Table 2 – Proposed Areas – Area (m²) and Private Rented Stock (%).

	The Avenues	Central Bensham Phase 2	Gateshead Borough
Number of homes	1300	317	93,292
Number of private rented	901	229	14,617
Area (m ²)	136,080	33,518	144,079,858
Total of borough PRS	6.27%	1.56%	
Area	0.094%	0.0015%	

The proposed areas combined account for 7.83% of Gateshead's private rented stock. The areas combined account for less than 1% of the area of Gateshead – 0.0955%.

Consent from the Secretary of State is therefore not required for this proposal.

Area Background

In 2004, Government funding was approved for the Bridging Newcastle Gateshead (BNG) Housing Market Renewal Pathfinder. Both proposed areas fall within the identified BNG Pathfinder area, and within the Bensham and Saltwell Neighbourhood Action Plan (NAP) Area. The aim of the BNG Pathfinder and the NAPs was to bring about the sustainable renewal of areas that were suffering from problems associated with weak housing markets and low housing demand.

The Bensham and Saltwell NAP has benefited from substantial investment since Pathfinder status was awarded, and the implementation of a licensing scheme will complement the work already carried out, so helping to deliver the long term renewal objectives. **See Strategic Context, pg. 13 and Actions Already Undertaken pg. 38.**

The designation of the former landlord licensing scheme operating in Central Gateshead, in addition to those schemes in Chopwell and Sunderland Road area have resulted in significant improvements to Gateshead particularly in relation to the private rented sector. **See Impact of Previous SLL in Gateshead pg. 45..**

Phased Introduction of Schemes

It is proposed that in line with the expiry dates of an existing licensing scheme, a further and phased licensing programme be introduced, based on the continuation of current revenue resources. The schemes will generate a fee income stream which will be fully dedicated to supporting the cost of delivery. **Fees and Costs, Pages 49.**

AREA 1

Redesignation of parts of Central Bensham Phase 1 Licensing Scheme

Designation of a smaller redefined area within an expired licensing scheme in Central Gateshead (Map 1) will allow continued close working with landlords, residents and tenants where there is a potential likelihood that without the ongoing regulation of licensing, standards are likely to return to pre-licensing practices. It is proposed that that this scheme would commence in Spring 2018. **Detailed evidence to support this proposal, referred to as 'the redesignated area' can be found on pages 29 and Appendix A.**

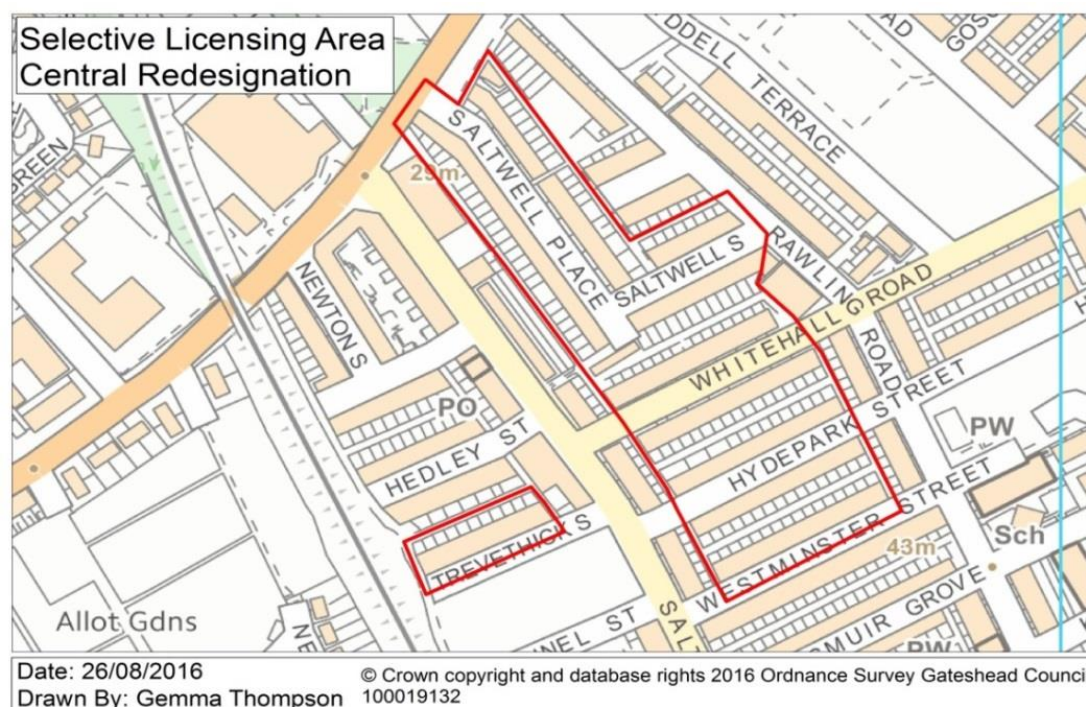
Scheme commencement – April 2018 (for maximum five years)

Number of homes: 320

Number of homes to be licensed - 224

Proportion privately rented: approx. 70%

MAP 1 Selective Licensing Area Central Redesignation



A list of streets included can be found in **Appendix B**.

AREA 2

The Avenues

A new designated area, introduced over three phases, commencing October 2018. **Detailed evidence to support this proposal, referred to as 'The Avenues' can be found on pages 21 and Appendix 3.**

A list of streets included can be found in **Appendix B**.

Proportion privately rented: approximately 65%
Approx. 1300 homes- approx. 850 to be licensed

Scheme Commencement: Phased introduction over three years

Phase 1 (October 2018)

Phase 2 (October 2019)

Phase 3 (March 2020) (and subject to ongoing consultation).

MAP 2 Proposed Licensing Areas 1-3



Monitoring of the key indicators in relation to low demand (turnover rates, numbers of empty properties, sales values, rental values etc.) will be undertaken throughout the lifetime of the schemes. Should there be significant improvements to the wider proposed area achieved and pre-set objectives and outcomes met prior to the proposed implementation date of Phase 3, the requirement for Phase 3 to commence will be reconsidered.

SUMMARY OF LEGAL TESTS/CRITERIA

In order for Cabinet/Council to approve a scheme they must

- Be satisfied that the appropriate legal tests and statutory grounds to introduce selective licensing have been met (Pages 21-37) and Appendix A and C.
- Consider that reasonable steps to consult persons likely to be affected by a designation have been undertaken and any representations considered (Pages 70-77)
- Ensure that any exercise of the power is consistent with the authority's overall housing strategy (Pages 13-17)
- Seek to adopt a co-ordinated approach in connection with dealing with homelessness, empty properties and anti-social behaviour both as combining selective licensing with other courses of action available to them and measures taken by other persons, and must not make a designation unless (Pages 65-69)
- That consideration has been given whether there are any other courses of action available to them that might provide an effective method of achieving the objectives that the designation would intend to achieve (Pages 79) and Appendix N.
- They consider that making the designation will significantly assist them to achieve that/those objectives.

The remainder of this report presents information and evidence to confirm that the above have been considered and undertaken to enable Cabinet/Council to approve the schemes.

THE STRATEGIC CASE FOR LANDLORD LICENSING

Any designation made is required to be consistent with the Council's Housing Strategy.

Selective licensing is not a stand-alone response to the perceived problems in the proposed areas, but is an integral component of a strategic, Borough wide approach to poor housing conditions, poorly managed properties and low housing demand. Selective licensing supports Gateshead Council's Borough wide Housing Strategy and complementary policies on private sector housing renewal, regeneration, empty homes, homelessness and community safety.

Gateshead's Long Term Sustainable Community Strategy – Vision 2030 and the Corporate Plan

The proposals referred to in this report support Gateshead's long-term Sustainable Community Strategy: Vision 2030 and the Corporate Plan.

The long-term ambitious vision for Gateshead, Vision 2030 is:

“Local people realising their full potential, enjoying the best quality of life in a healthy, equal, safe, prosperous and sustainable Gateshead.”

The Strategy sets out the Borough's challenge for the future and plans up until 2030. The biggest challenge Gateshead faces is that of inequality.

The Core Strategy and Urban Core Plan for Gateshead (2010-2030)

The promotion of sustainable neighbourhoods to provide quality areas to live and work is a key priority within the Core Strategy and Urban Core Plan for Gateshead (2010-2030). Policy CS9 Existing Communities aims to ensure that communities will be sustainable places of quality and choice and within this strategy, Selective Licensing is recognised as a tool to improve homes within the private rented sector to manage and secure improvements in areas in low demand and related social problems.

Housing Strategy

The proposal aligns with two objectives within the Housing Strategy 2013-18 to support delivery of the Corporate Plan. The Housing Strategy 2013-18 provides a single reference document for all of the Council's housing-related activity and provides a programme of actions that will maximise the contribution of housing to wider economic growth, personal health and wellbeing.

Key objectives contained within the strategy, which are consistent with the implementation of Selective Licensing include:

- **Support** – to help residents access and sustain a home which promotes their wellbeing.

- **Standards** – to improve quality, condition and management of housing in the private rented sector so that all residents benefit from safe, healthy and well managed homes.
- **Supply** - To ensure use of existing stock and supply of new housing best meets current and future needs and aspirations.

Licensing will facilitate greater interaction with private sector landlords and lead to an improved understanding of the current private rented market. Licence conditions and the support that is provided to landlords and tenants will help to ensure properties are effectively managed and prevent long term problems associated with antisocial behaviour caused by private tenants. The associated inspection of property standards will ensure that poor property conditions and inadequate energy efficiency are identified and acted upon, which will serve to improve living standards for tenants.

The Bensham and Saltwell Neighbourhood Action Plan.

The introduction of SLL into the proposed areas also compliments the objectives of the Bensham and Saltwell Neighbourhood Action Plan.

In 2004, Government funding was approved for the Bridging Newcastle Gateshead (BNG) Housing Market Renewal Pathfinder. Both proposed licensing areas fall within the identified BNG Pathfinder area, and within the Bensham and Saltwell Neighbourhood Action Plan (NAP) Area. The NAP was initially developed in partnership with consultants GVA Grimley in 2006, subject to extensive public consultation. The resulting plan outlined the basis of what regeneration work would happen and where. The aim of the BNG Pathfinder and the NAPs was to bring about the sustainable renewal of areas that were suffering from problems associated from weak housing markets and low housing demand.

The plan focused on the improvement of both existing housing stock and the general environment, as well as the development of new quality housing in the area, to improve area reputation and attractiveness to families. The plan projected that the proposed licensing areas could benefit from both property/environmental improvements (later fulfilled by the Block Improvement Schemes) and also Neighbourhood Management Interventions such as landlord licensing. **Appendix E.**

The Bensham and Saltwell NAP has benefited from substantial investment since Pathfinder status was awarded, and the implementation of a licensing scheme will complement the work already carried out, so helping to deliver the long term renewal objectives and further sustaining the legacy of BNG by working with partners to place shape and improve neighbourhoods to provide a good quality of life and place.

Empty Properties

Long term empty homes that are detrimental to the surrounding areas or attract ASB are generally a cause of concern to residents. The Council adopts a co-ordinated approach in relation to empty properties. Interventions include a focus on bringing empty properties back into use, which often includes provision of advice and guidance to the owners of homes that have become vacant as a result of withdrawal from the private rented market. This should protect against premises remaining vacant for prolonged periods of time which may attract ASB. It would also ensure that valuable housing resources are not wasted

Licensing will allow us to gain a better understanding and knowledge of Gateshead's private rented sector and will assist the Council to identify the locations of empty dwellings in the areas so that targeted action can be taken to bring them back to use and maximise opportunities to meet housing need

A co-ordinated approach working alongside the Councils dedicated Empty Property Officer with referrals for properties eligible to participate in the Councils Empty Property Leasing scheme will also be undertaken.

Housing & Health – Current Joint Strategic Needs Assessment.

Housing is a key determinant of health and wellbeing. Good quality homes are essential to ensuring that residents have the best physical and mental health possible. A warm, dry home, that is safe, and has sufficient space, is a positive contributor to health and wellbeing.

The relationship between poor housing and ill health is very clear. Evidence suggests that living in poor housing can lead to an increased risk of cardiovascular and respiratory disease, including death, as well as mental health problems such as anxiety and depression. Poor housing also contributes to additional pressures on health and social care budgets through admissions to hospital and associated aftercare.

Gateshead's current Joint Strategic Needs Assessment (JSNA) recognises the impact that housing can have upon health and wellbeing, and the link between poor health and poor housing. This was robustly evidenced in the Building Research Establishment (BRE) 2015 publication 'The Cost of Poor Housing to Health'.

The JSNA confirms that private rented properties in Gateshead are more likely to fail the legal minimum standard, which is likely to disproportionately affect vulnerable households. In 2012 the Gateshead Resident Satisfaction Survey reported that levels of satisfaction with home quality were low in Central Gateshead, areas where concentrations of private rented stock are high.

Landlord licensing is referenced in the JSNA as a tool that the Council will continue to utilise (subject to resources) to help meet the strategic housing priority of improving and maintaining housing standards.

Housing & Public Health

The most recently released 2017 Public Health Report for Gateshead focuses on the health inequalities that those born in Gateshead face compared to other parts of the Country, and the differences in equality within different parts of the Borough itself. The report confirms that poor health outcomes are significantly more prevalent in communities that experience other hardships (e.g. poverty) and that the Council needs to target resources to the individuals and communities most in need. Licensing is an example of how this can be undertaken.

The burden of ill health falls hardest and fastest on those from low income households, of which there are a higher than average number within the proposed licensing areas. Health inequalities can range from gender, where you live, your local environment, your employment status, your lifestyle and what kind of house you live in.

Licensing will aim to help tackle inequalities by ensuring that all private tenants, many of which are categorised as vulnerable, live in safe, warm and well maintained homes, as well as looking to improve the local environment by tackling ASB and crime.

Anti-Social Behaviour – The Community Safety Board Partnership Plan

Combatting ASB is one of the key strategic priorities of the Gateshead Community Safety Board. Although this proposal does not set out to designate the proposed areas on the legal test in relation to ASB, the evidence collated highlights higher than average crime and ASB problems in those neighbourhoods. The data also shows a correlation between the incidents reported to the Council and Northumbria Police and private rented homes.

Licensing of private rented properties will help to achieve this key priority by ensuring that landlords take reasonable steps to prevent ASB occurring e.g. tenant vetting's and regular property visits, as well as dealing with ASB problems effectively and proportionally when they arise, with the support of Council officers. Increased effort will also be taken with residents and tenants to ensure they understand their responsibilities as members of the community.

Given the strategic context above, the use of selective licensing is clearly consistent with the Councils overall strategic approach to housing and its approach to a number of key priorities for the Borough. Licensing, by aiming to address and improve the problems which are evidenced later in this report, will help to achieve a number of positive outcomes in terms of regeneration, health and wellbeing and community safety.

The Housing Act 2004 introduced Selective Landlord Licensing, and continues to require that Councils ensure that certain legal criteria are met when designating a scheme. Data and evidence gathering, including consultation have sought to establish the position in relation to these.

The legal requirement which Cabinet has to consider before authorising the designation of landlord licensing are set out below.

Criterion 1

That the area **is, or is likely to become, an area of low housing demand** and making the designation will, when combined with other measures taken in the area by the local housing authority, or by other persons together with the local housing authority, contribute to the improvement of the social or economic conditions in the area; **and/or**

Criterion 2

That the area **is experiencing a significant and persistent problem caused by anti-social behaviour** and that some or all of the private sector landlords who have let premises in the area are failing to take action to combat the problem that it would be appropriate for them to take and that making the designation will, when combined with other measures taken in the area by the local authority, or by other persons together with the local authority, lead to a reduction in, or the elimination of, the problem. In other words, due to significant and persistent anti-social behaviour and a lack of appropriate action by private sector landlords;

Additional conditions

On 27th March 2015, the Selective Licensing of Houses (Additional Conditions) Order 2015 came into force. The Order imposes a number of additional conditions which a local housing authority must consider are satisfied in relation to the area before making a selective licensing designation under this provision. The additional conditions introduced by this Order are detailed as follows:

High proportion of properties in the private rented sector

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 and that one or more of the sets of conditions below (i) to (iv) is satisfied:

(i) That there is evidence of poor conditions in the sector and that making a designation will, combined with other measures, contribute towards an improvement in general housing conditions.

(ii)(a) That the area has high levels of migration and a significant number of properties in the sector are occupied by those migrants; and

(ii)(b) that making a designation will with other measures, contribute to the preservation or improvement of the social or economic conditions in the area and ensuring that properties are properly managed, and in particular, that overcrowding is prevented

(iii)(a) That the area is suffering from a high level of deprivation, which affects a significant number of the occupiers of relevant properties; and

(iii)(b) that making a designation, will with other measures, contribute to a reduction in the level of deprivation in the area.

(iv)(a) That the area suffers from high levels of crime and criminal activity affects those living in relevant properties or other households and businesses in the area; and

(iv)(b) that making a designation will, with other measures taken in the area contribute to a reduction in the levels of crime in the area, for the benefit of those living in the area.

Gateshead's Evidence Base

The evidence presented and collated supports a designation based on the following grounds:

Table 3 – Summary of Designation Criteria

Proposed Area	Grounds
The Avenues	<p>Is or is likely to become an area of LOW HOUSING DEMAND</p> <p>Additional Conditions</p> <ul style="list-style-type: none"> - <i>High proportions of private rented stock</i> - <i>Poor property conditions</i> - <i>High levels of deprivation</i> - <i>High levels of crime</i>
The Redesignation (Central Bensham Phase 2)	<p>Is or is likely to become an area of LOW HOUSING DEMAND</p> <p>Additional Conditions</p> <ul style="list-style-type: none"> - <i>High proportions of private rented stock</i> - <i>High levels of deprivation</i> - <i>High levels of crime</i>
N.B. Both schemes are underpinned by the prevalence of ASB problems	

The previous section outlines the statutory grounds that have to be met in order for selective licensing to be considered. This section of the proposal outlines a summary of the evidence to support the introduction of the schemes. Detailed evidence can be found in Appendix A for The Redesignated Area and for The Avenues, Appendix C.

An analysis of several data sets and bodies of research was undertaken to determine whether the evidence meets the legal criteria. Where possible analysis was at Lower Super output Area (LSOA) level.

In addition the public consultation provided an opportunity to collate qualitative data in relation to the sector and to gather the views from those likely to be affected by the proposal, as further evidence to support the proposal. **See page 70-77 and Appendix M for details and outcomes of the consultation.**

Summary of Research

Initial research was conducted by an analysis of all of the indicators in relation to low demand (turnover, property values, number of empty properties, periods of vacancy, sale values etc.), as well as data in relation to ASB and crime for the whole of Gateshead. Data was collected from a variety of sources internal and external to the Council.

The 126 LSOA's that cover Gateshead were subsequently ranked with weightings given to the differing low demand, ASB and crime indicators including the complaints and requests for service made to the Council in relation to private tenants living in poor property conditions, ineffective landlord practices, noise, ASB, empty properties and refuse. There was a positive correlation between these and areas with higher concentrations of privately rented stock.

There are three LSOA's covering the proposed Avenues area. The overall ranking in line with the above indicators placed all three in the top ten of highest scoring areas – 1st, 4th and 10th ranking out of 126. There are four LSOA's covering the proposed Redesignated area. These ranked 1st, 2nd, 8th and 10th out of 126 in the top ten highest scoring areas. The areas are highlighted in yellow on the following table.

Table 4

Low Demand Area Analysis – Gateshead Wide
Top Ten Combined Ranking Areas.

Lower Super Output Areas	Overall Rank	Private rented properties	Sold property rank	Property transaction rank	Rank long term voids	Multiple turnover rank	Youth ASB 14-15 rank - Police	ASB Rank 14-15 Police	Criminal damage rank- Police	Private Housing Complaints 2103-16	Rank totals
Bensham South	1	15.9	11.0	3.3	10.6	13.3	0.8	1.7	3.6	16.7	76.8
Kelvin Grove	2	16.7	11.2	3.7	8.2	11.7	1.9	1.8	3.3	11.8	70.3
Swalwell/Metro Centre	3	14.8	10.9	3.1	13.6	8.3	1.1	2.2	5.5	9.2	68.9
The Avenues	4	15.4	10.4	2.6	7.8	12.8	0.9	1.2	3.1	13.0	67.3
Birtley/Birtley Industrial	5	13.5	10.4	3.3	9.0	6.9	5.6	3.0	5.6	8.9	66.0
Sunderland Road	6	16.5	9.0	3.3	8.3	10.1	1.3	2.2	4.1	9.8	64.7
Chopwell North	7	10.6	12.5	2.4	11.9	5.8	1.3	1.0	3.9	15.1	64.6
Bensham South (2)	8	13.5	10.7	3.6	8.9	10.8	1.0	1.2	2.7	11.8	64.1
Shipcote	9	13.7	11.0	3.5	5.6	10.5	1.4	2.2	3.1	12.5	63.6
Bensham Central	10	11.4	9.6	3.1	4.4	11.6	2.0	2.1	2.9	11.3	58.3

Summary of Evidence Base for The Avenues

Appendix C provides a detailed overview of the evidence to demonstrate that legal criteria and conditions for the Avenues areas has been met. The below provides a summary:

There are high concentrations of private rented homes

The Saltwell ward contains the highest private rented sector in Gateshead. The proposed Avenues licensing area has more than three times the national average of private rented homes:

Table 5 – Private Rented Tenure % - The Avenues

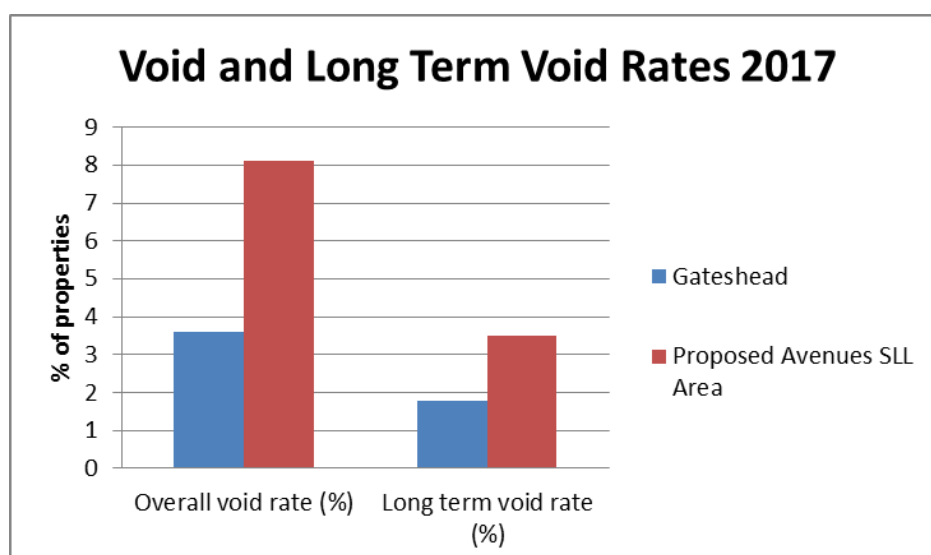
	Number	%
England	4.5 million/22.8 million	19.5%
Gateshead	14,617/93,292	15.7%
The Avenues	901/1306	69%

Is or is likely to become an area of low housing demand

Empty Properties

- The proposed area has a void rate of 8.1%. This is more than double the rate for the rest of Gateshead – 3.6%
- 3.5% of properties in the area have been vacant for longer than 6 months which is almost double the Borough long term void rate of 1.8%
- Some of the vacant properties have been empty since 2004 despite several attempts to engage with owners and encourage to bring the properties back into use or sell.
- This tells us that there are more long term empties in the proposed area compared to elsewhere in Gateshead and that these properties are staying empty for longer periods of time

Figure 1 – Void and Long Term Void Rates 2017 – The Avenues



Sale Values

An initial review of house prices and market performance has been undertaken to set the context for this proposal. It is recognised that the financial crisis had significant and ongoing negative impact on housing market confidence and resulted in reduced house prices across the country.

- The quarterly average price for all residential transactions from December 2010 to December 2015 in Gateshead have been consistently lower than the Tyne & Wear average and the North East region. In addition, the average price is substantially below the national average for England and Wales. As average prices have started to increase across the country from the end of 2013 onwards, prices in Gateshead have remained the same.
- The proposed Avenues SLL area is situated within NE8 (shown in red in Figure 2), which has consistently exhibited a lower price comparable to other parts (including NE11 and NE17 which have concentrations of similar housing stock) of the Borough

Figure 2 – Gateshead Sale Values by Postcode 2005-2016

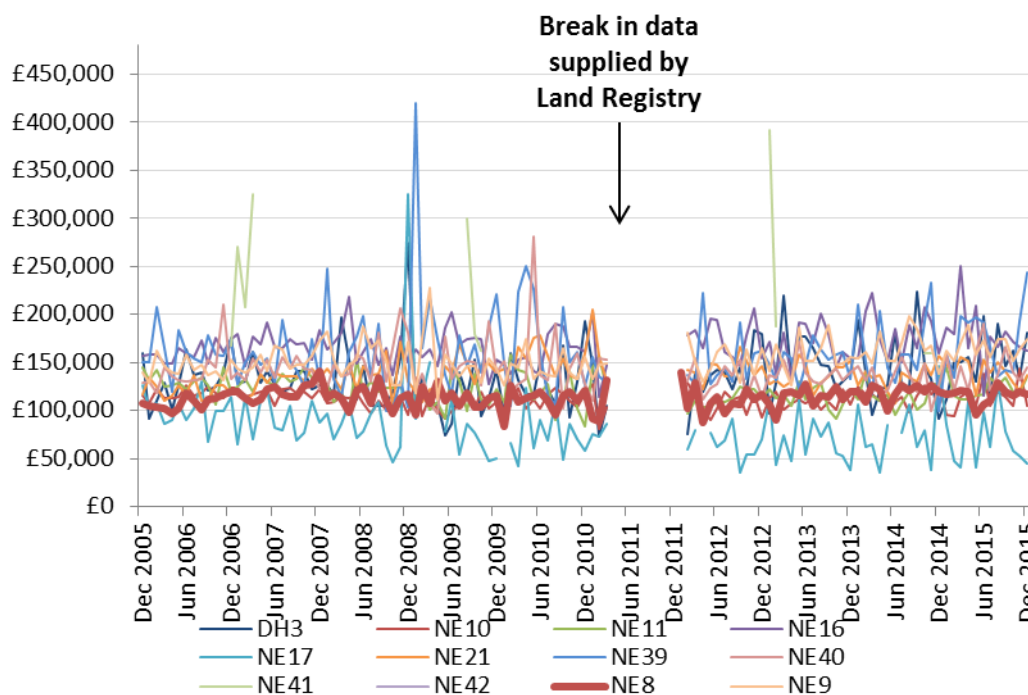
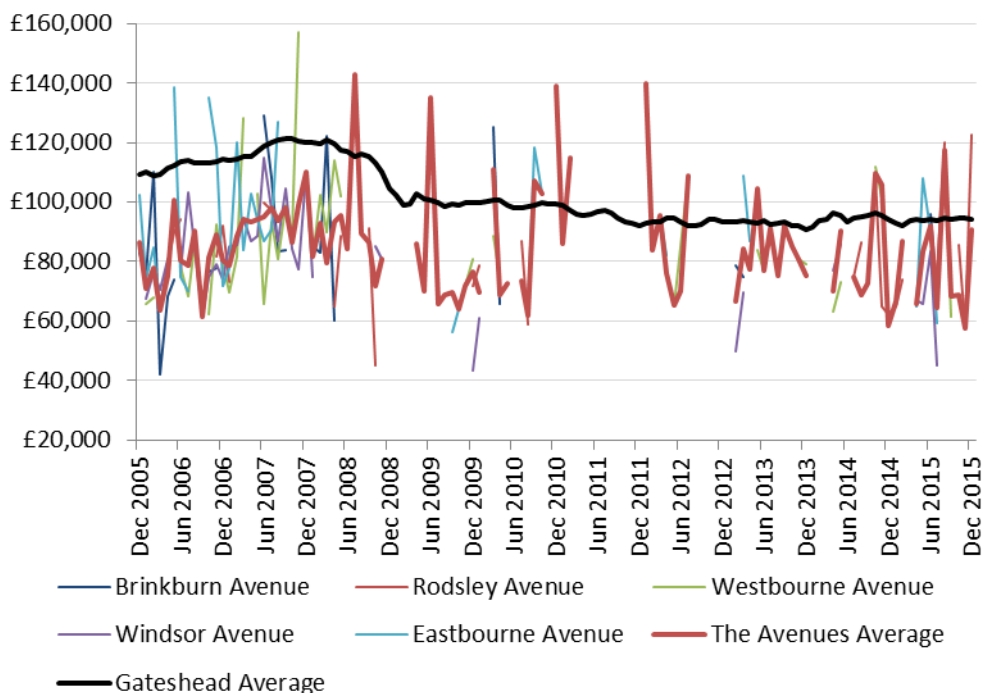


Figure 3 below goes on to demonstrate the year on year difference between those streets within the proposed SLL area and other areas in Gateshead. A substantial number of properties in the streets yielded a lower price than the rest of Gateshead.

Figure 3 – Sales Values – Proposed Avenues SLL Streets 2005-16



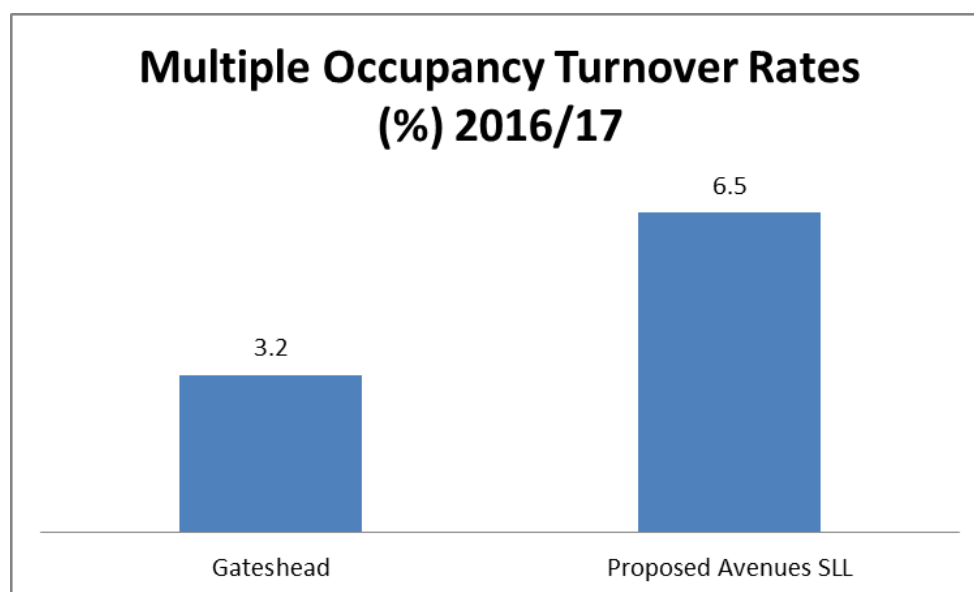
At the time of writing 53 properties were currently for sale on the open market in the proposed Avenues area. The marketed prices ranged from £180,000 for a three bedroomed terraced house to £35,000 for a two bedroom ground floor flat. (Source Rightmove 14th November 2017). This demonstrates the wide variation of property prices and market uncertainty within the proposed area, clearly indicating that sub markets are present which can indicate low demand.

Resident Turnover

An additional or alternative indicator to house transactions to gauge turnover is to analyse the number of properties where liability for Council Tax has changed more than once during the year. This method has the advantage of highlighting where private rented tenancies have changed, which would not be reflected in Land Registry sales information.

- Turnover of occupancy within the Avenues is higher than other parts of Gateshead and properties change hands more often.
- Nearly 7% of properties in the area had a different council tax payer on more than one occasion in 2016. This is more than double the 2017 Gateshead Borough average of 3.2%. Some of these have even changed over more than twice in that time.
- This can be a problem because it doesn't give time for a community and its residents to settle. It also may indicate dissatisfaction with the neighbourhood.

Figure 4 – Multiple Turnover Rates – The Avenues



- In contrast to the other 123 LSOA'S that cover the rest of Gateshead, which cover similar numbers of the population to allow for comparison, the three LSOA covering the proposed Avenues area rank 3rd, 4th and 6th highest for multiple turnover in the Borough. Areas with higher turnover were Gateshead town centre and the Baltic Business quarter where there are a number of commercial units and rates of private rented properties are far less.
- This level of liability change indicates an instability in the housing market when compared with the rest of the Borough.

Significant and Persistent Problems of Anti-Social Behaviour (ASB)

Gateshead Council does not propose to seek to support a designation in this area on the grounds of anti-social behaviour. This area is however disproportionately affected by ASB and support will be targeted as part of the proposed scheme to help reduce these problems.

Gateshead Council data and that provided by Northumbria Police and Local Environmental Services in relation to refuse and fly tipping both show problems of anti-social behaviour in the proposed areas. With the high numbers of privately rented properties in these areas this inevitably indicates a correlation between the number of complaints received and their relative prevalence in these areas of large numbers of privately rented properties, for example from 2014-2017

- 86% of noise and ASB complaints received by the Council in the Avenues were in relation to private rented property.
- 82% of reported ASB and crime incidents to Northumbria Police from within the Avenues were in relation to private rented homes. A similar

number of incidents were reported for owner occupied properties (7%) and social providers (8%) combined. 4% of incidents were in relation to properties where the tenure is not currently known, but are expected to be owner occupiers.

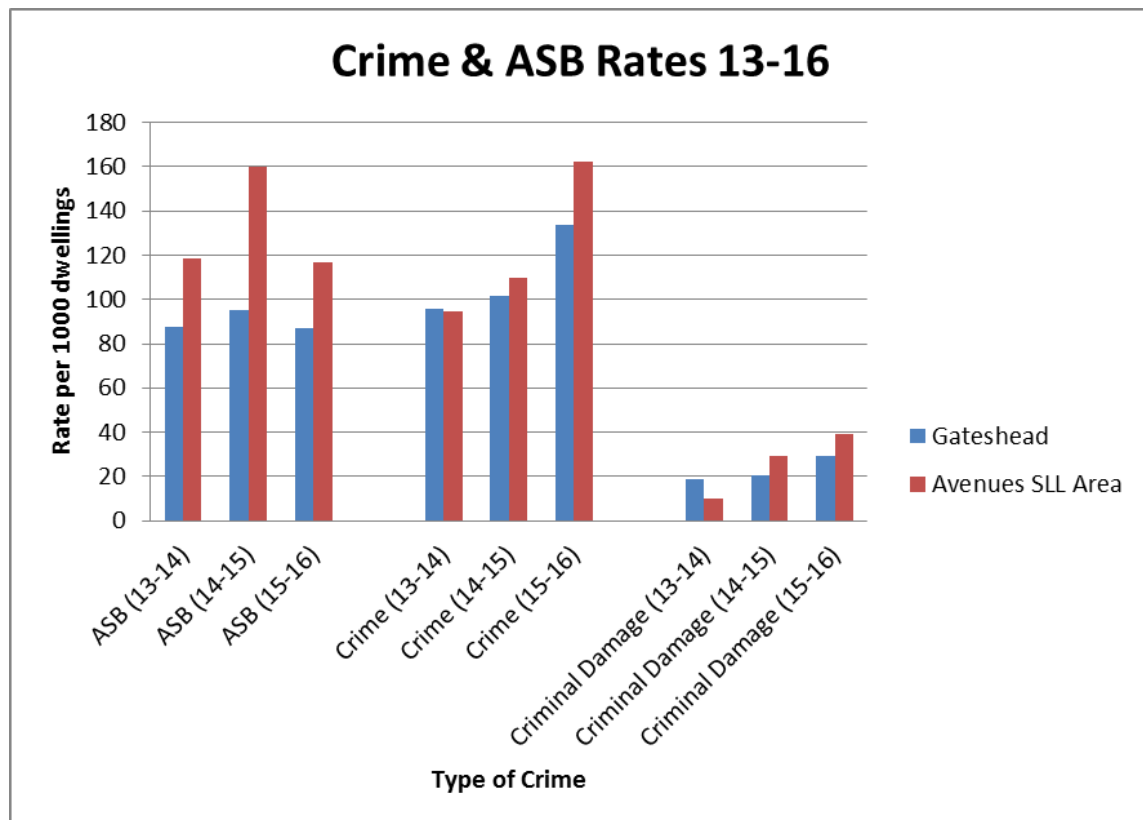
This data supports that there is a strong correlation between ASB/Crime and private rented homes within the proposed area

Northumbria Police have advised that more than 40% of known offenders in Central Gateshead live in the proposed Avenues area and the wards feature 4th and 5th highest in the borough across all types of crime and ASB. Wards with higher levels are where the number of private rented homes are a lot less.

Crime and criminal damage rates in Gateshead have increased each year since 2013. Rates in the proposed area have also increased year on year and at a rate that is higher than the Gateshead rate.

The total ASB and crime in the proposed area was higher than the Gateshead average over a three year period, apart from one instance in 13-14 when criminal damage was slightly lower than the borough average. (Figure 5). In particular ASB rates in the proposed area have been particularly higher than the borough average year on year.

Figure 5 – Crime and ASB Rates – Gateshead and The Avenues 2013-16



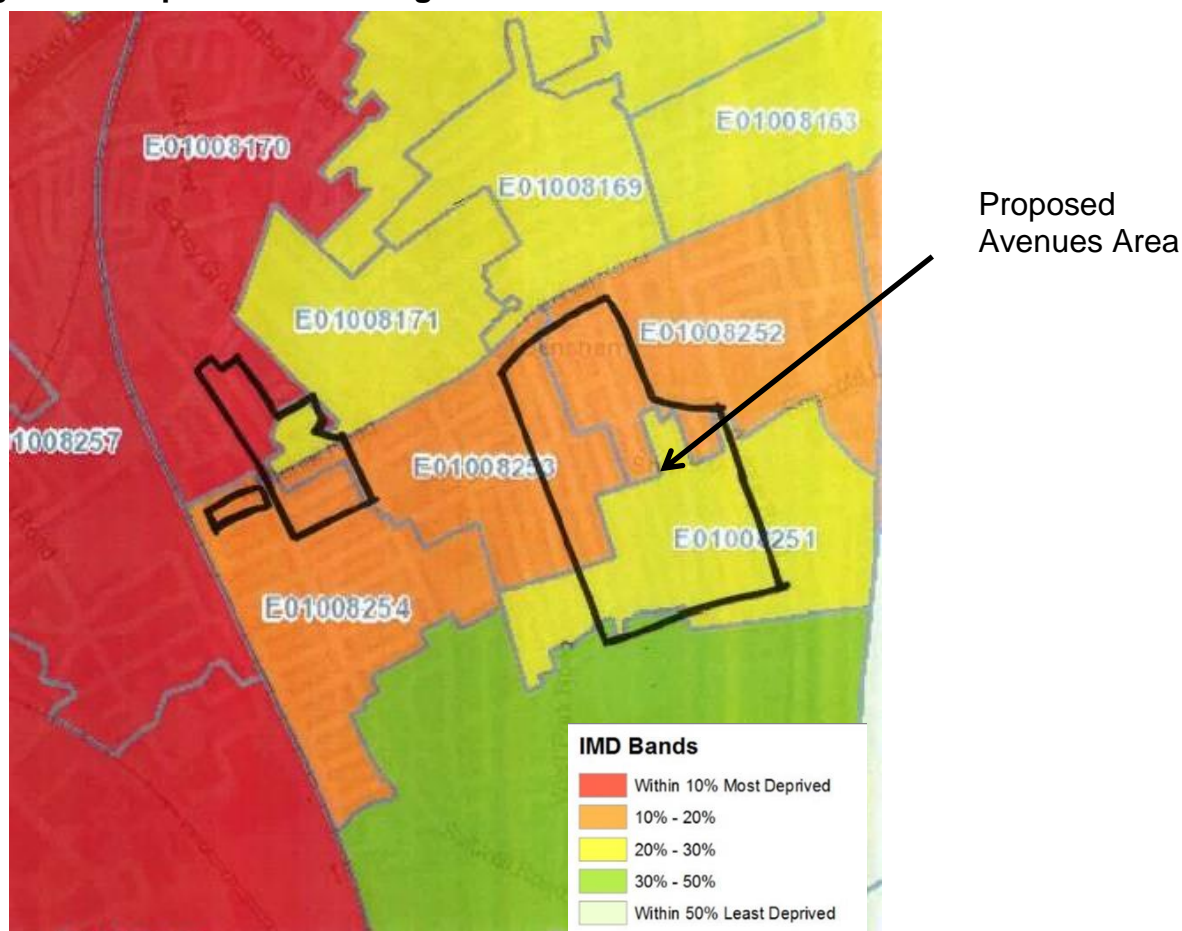
- The public consultation also confirmed the ASB and crime problems within the proposed area. 71% of responding residents advised they had experienced problems with a neighbouring property or residents within the area. There were also a noticeable number of stakeholders who recognised and reported that many problems they had experienced were from private sector homes and tenants.
- The team receive and respond to complaints of noise and antisocial behaviour occurring at private properties. Over a three year period from 2014-17, 136 complaints were received from residents in the proposed area, with the majority of these being in relation to neighbour noise. These complaints amounted to 6% of the complaints received across the Borough for only 1.4% of the total number of properties borough wide.
- Of the complaints received in the proposed area from April 2014 to March 2017, 86% were in relation to issues concerning private rented accommodation. 61% of complaints were received from occupiers of private rented properties, confirming that private tenants are also affected as well as being perpetrators. Interestingly a small proportion of complainants lived outside of the proposed area and in the surrounding neighbourhood, indicating the further reaching impact of noise and ASB from within the area,

ADDITIONAL CONDITIONS

High Levels of Deprivation

- In 2015 Gateshead was ranked 73rd most deprived out of 326 Local Authorities
- The highest levels of deprivation in Gateshead are concentrated within the Central Area where levels of private rented stock are high.
- There are 15 Lower Super Output areas (LSOA's) within Gateshead that fall within the 10% most deprived areas in England.
- The proposed Avenues licensing area covers three of these smaller lower super output areas;
 - o Two of these areas fall within 10-20% of the most deprived areas in the country
 - o One area falls within 20-30% most deprived.
 - o One neighbouring area, to be included in a further proposed licensing scheme falls within the top 10% most deprived.
- Further analysis of this data would suggest that barriers to housing and services (the physical and financial accessibility of housing and local services e.g. affordability, overcrowding and homelessness), and housing quality rank highly.

Figure 6 – Deprivation Banding 2015 - The Avenues



How has licensing helped so far and how will continuing it help further?

Gateshead Council has a wide ranging strategic approach to tackle deprivation in the borough. It is based on the principal of trying to address inequalities both within the borough and compared with other areas in England. Gateshead Council's long term Sustainable Community Strategy: Vision 2030 is based around six big ideas to improve the economy, wellbeing and quality of opportunity for everyone in Gateshead so that all residents and business can fulfil their potential. Vision 2030 recognises that inequalities is one of our biggest challenges in relation to poverty and deprivation, the quality of the physical and natural environment and health. The promotion of sustainable neighbourhoods to provide quality places to live and work is also a key priority within the Core Strategy and Urban Core Plan for Gateshead 2010-2030. Licensing parts of the boroughs private rented stock in vulnerable areas has become a key part of that strategy as it is recognised as a tool to improve private rented homes and to manage and secure improvements in areas of low demand and related social problems.

High levels of deprivation in the proposed area are driven to a large extent by crime and housing. Licensing can make a direct and tangible difference to both of these factors e.g. enforcement action against landlords who illegally overcrowd or rent out homes in a poor condition are one of the key aims of the licensing scheme and will help to alleviate housing and health deprivation in the licensing areas. The information gathered through licensing will also

help to inform future joint operations with the police and other agencies to crack down on crime, again helping to mitigate deprivation.

Socio Economic Status

- The Rate per 100 properties in the proposed Avenues area on out of work benefits (41) is more than double the Gateshead rate (16.8)
- The biggest contributor is the number of households claiming employment support allowance and incapacity benefit due to sickness and/or disability
- There are also nearly three times more households claiming Job Seekers Allowance compared to the rest of Gateshead.
- 37% of households in the Saltwell ward are on a low income which is significantly higher than the England average of 22%.
- The burden of ill health falls hardest and fastest on those from low income households.

Poor Housing Conditions

In 2013 the Building Research Establishment (BRE) were procured to undertake a review of housing conditions across Gateshead.

- The model produced by the BRE predicts the proposed Avenues area to have a higher percentage of properties which contain at least one category one (12%) hazard than the Gateshead average of 10%. Disrepair in the area is also a significant contributor to properties failing the decent homes standard. Falls on stairs and Excess Cold are the most common hazards due to the age and construction type of the properties.

The BRE Model results also included the following:

For all housing stock in Saltwell

- The Saltwell ward in which the proposed Avenues area is located has a higher percentage of low income households (37%) than the England average of 30%
- The Saltwell ward has a higher percentage homes in fuel poverty when compared to the Gateshead average of 25%.
- 12% of properties in the Saltwell Ward are in disrepair. This is double the Gateshead and England average of 6%. Disrepair is a significant contributor to properties failing the decent homes standard.

For private sector stock in Saltwell

- A higher percentage (35%) of low income households compared to the rest of Gateshead (30%) and England (22%).
- Double the amount of properties in disrepair (12%), compared to the rest of Gateshead (6%) and England (6%).
- A higher percentage of homes in fuel poverty (27%) compared to the rest of Gateshead (23%) and England (18%).

Requests for help by residents to the Council

- The biggest proportion of requests for help from tenants for property disrepair to the PSH Team are received from Central Gateshead. These are despite PSH Team activity to drive up property standards through the block improvement schemes and property accreditation.
- The number of accredited properties have reduced from 250 to 20 despite encouragement to private landlords to maintain the standard
- In the Saltwell ward there is a concentration of demand in relation to housing disrepair requests for help from tenants in the proposed Avenues area, compared to others parts of the Ward.

Summary of Evidence Base for Central Bensham Phase 2 (The Redesignated Area)

The former and wider Central Bensham Phase 1 Licensing Scheme expired in May 2017. A full evaluation confirming the outcomes and achievements of the scheme have been provided to Cabinet in August 2017.

Appendix A to this report provides a detailed overview of the evidence to demonstrate that legal criteria and conditions for the Redesignated area have been met. The below provides a summary:

High Concentration of Privately Rented Properties

The proposed Redesignated licensing area has more than three times the national average of private rented homes and more than four times the Gateshead average:

Table 6 – Private Rented Tenure % - The Avenues

	Number	%
England	4.5 million/22.8 million	19.5%
Gateshead	14,617/93,292	15.7%
Redesignated Area	229/317	72%

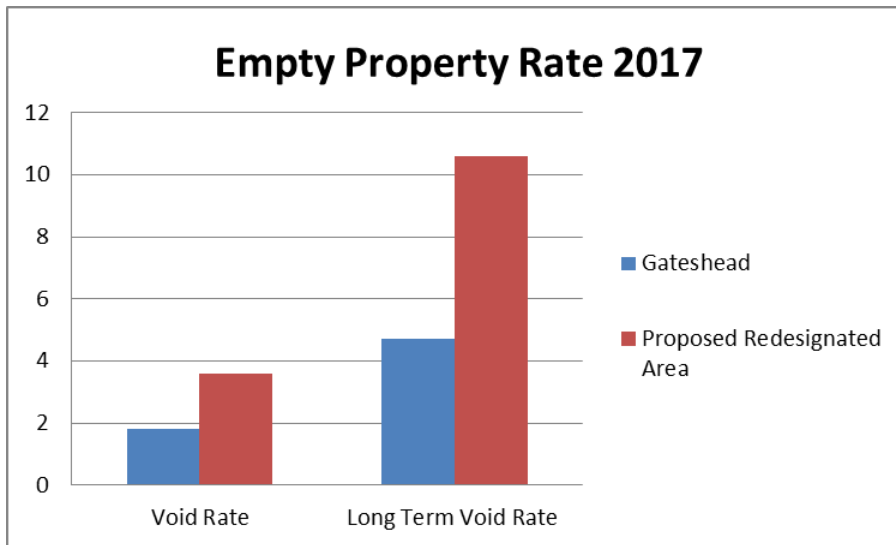
Is or is likely to become an area of low housing demand

Empty Properties

- The proposed area has a void rate of 10.6%. This is almost three times the rate for the rest of Gateshead – 3.6% and is despite 75 properties being brought back into use during the previous licensing scheme.

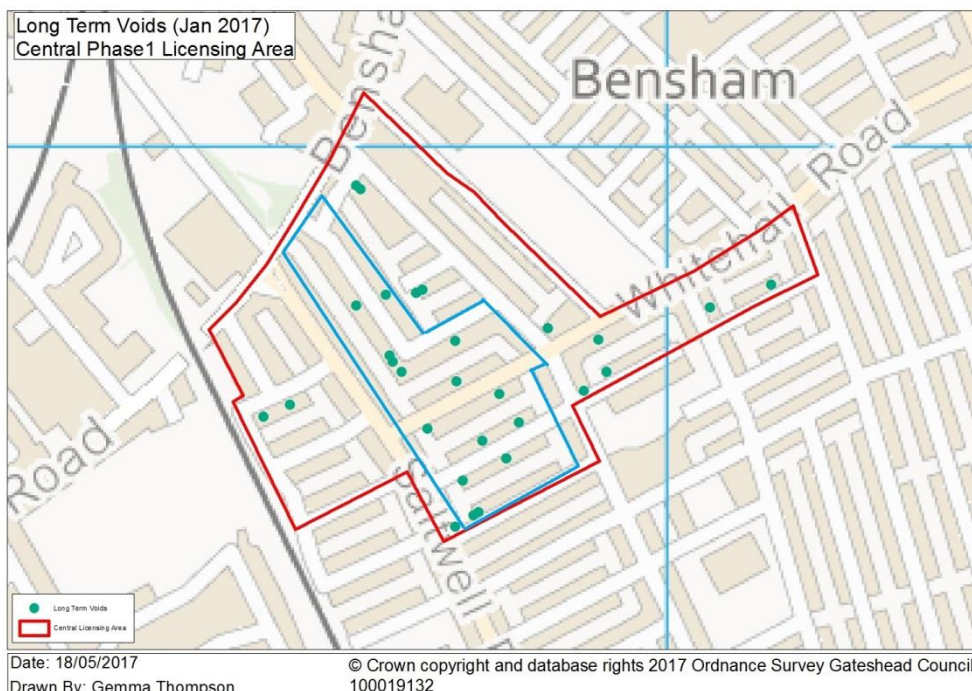
- 4.7% of properties in the area have been vacant for longer than 6 months which is more than double the Borough long term void rate of 1.8%
- Some of the vacant properties have been empty for more than five years despite several attempts to engage with owners and encourage to bring the properties back into use or sell.
- This tells us that there are more long term empties in the proposed area compared to elsewhere in Gateshead and that these properties are staying empty for longer periods of time

Figure 7 – Empty Property Rate 2017 Redesignated Area & Gateshead



It is normally considered that 4% of the stock being empty is a healthy sign within the housing market to allow for a changing population and demand.

Figure 8 below shows the spread of remaining long term empty homes in the wider former licensing area (red) and the proposed redesignated area (blue). Of the long term vacant, several have been empty for longer than five years.



Property Sales Values

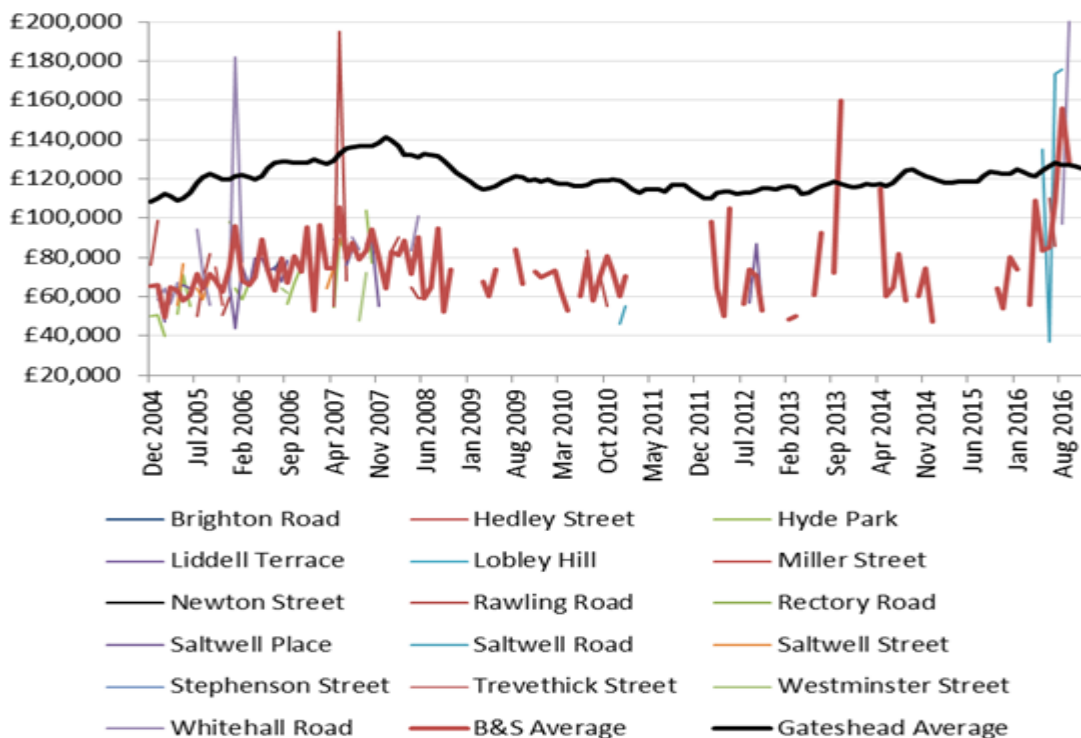
An initial review of house prices and market performance has been undertaken to set the context for this proposal. It is recognised that the financial crisis had significant and ongoing negative impact on housing market confidence and resulted in reduced house prices across the country.

Some of the same data sets as outlined on pages 21/22 for the Avenues have been used and considered and the below provides a summary:

- Quarterly prices in Gateshead have been consistently lower than the Tyne & Wear average and the North East region. In addition, the average price is substantially below the national average for England and Wales. As average prices have started to increase across the country from the end of 2013 onwards, prices in Gateshead have remained the same.
- The proposed SLL area (both The Avenues and the Redesignated area) are situated within NE8 (shown in red), which has consistently exhibited a lower average price than other parts of the Borough.

Data analysis has been possible at street level. Figure 9 below demonstrates the year on year difference between streets within the proposed redesignated area and other areas in Gateshead, as well as the Bensham and Saltwell average. It can be seen that prices in Bensham and Saltwell are substantially lower than the rest of Gateshead and prices on some of the streets in the proposed licensing area are lower again.

FIGURE 9 - Property Sale Prices 2005-2015 Gateshead Postcodes



Rental Values

Average rental values have increased slightly since SLL was introduced in the wider area in 2012 from £97.40 per week to £99.91 per week. This information has been gathered from the tenancy agreements produced for landlords operating in the area by the PSH Team up until June 2016. This new value however remained lower than the Gateshead rental average of £108.60 per week.

What does this data tell us?

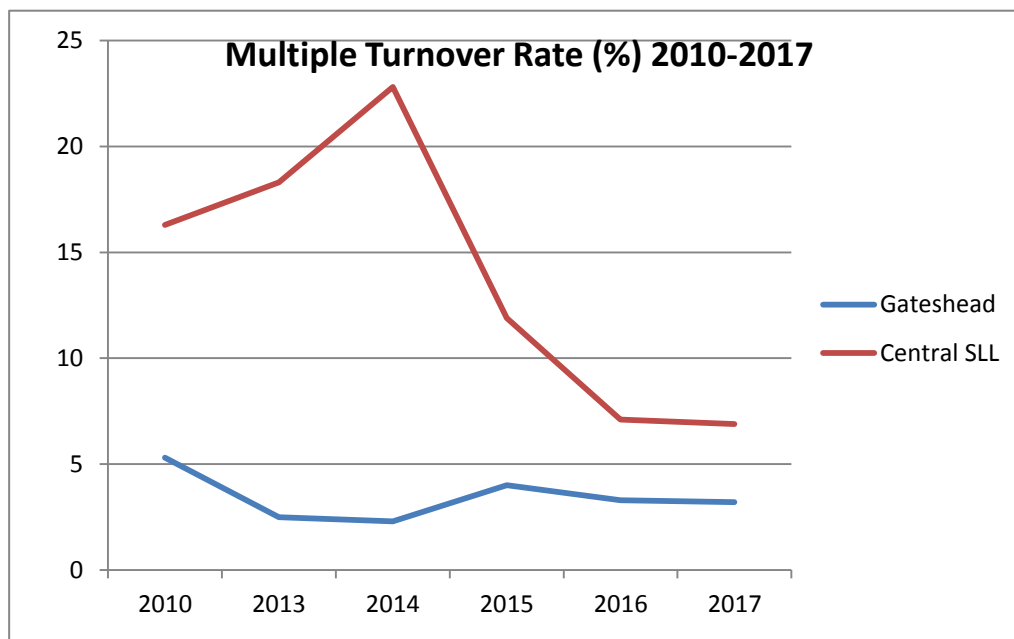
Property values have remained steady since SLL was introduced in the former area, whilst there has been an upward trend nationally. Gateshead has a lower than average property price value than the Tyne and Wear average and substantially lower than the average price for England and Wales. Property price within the existing and proposed SLL area is lower than the Borough and surrounding ward average. Lower than average prices (sales and rental value) is indicative of low demand.

Multiple Occupant Resident Turnover

The multiple turnover of residents in the former Licensing area decreased substantially over the five year licensing period from 16.3% (based on number of dwellings in the area) to 6.9% in Spring 2017, which represents a 56% reduction. However the reduced rate remains more than double the Borough average of 3.2%, however the difference between the two is now substantially less.

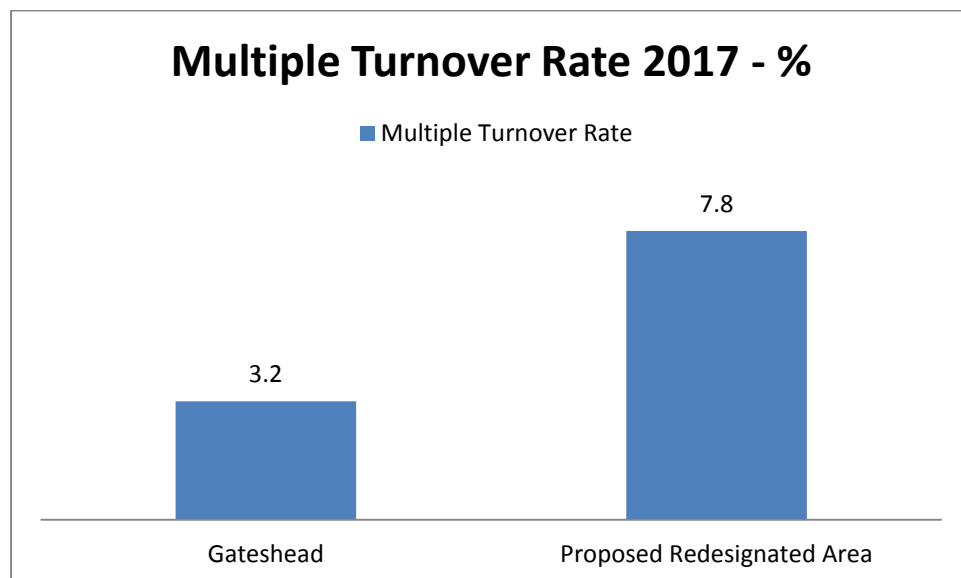
Slightly higher rates of turnover are to be expected as more than 60% of the private properties are rented compared to the borough average of 16%.

FIGURE 10 – Turnover rates 2010-17- Former SLL Area



The 2017 multiple turnover rate for the proposed redesignated area is 7.8% which is higher than the former wider licensing area and more than double the Gateshead rate of 3.2%

Figure 11 – Multiple Turnover Rate 2107-Gateshead and Redesignated Area



From February 2016 to January 2017 the postcode with the highest single turnover rate relative to the number of properties within that location was NE8 4QY – Saltwell Place (45%) and NE8 4XP – Trevethick Street.

During the same period the postcode with the highest multiple turnover relative to the number of properties within that location was NE8 4TH (17-109 Saltwell Rd and NE8 4QB (1-64 Hyde Park Street) at 13.3%.

What does this data tell us?

Turnover rates in the area have decreased by 56% since 2014, indicating that when people move into the area, they are moving on less often and staying for longer periods of time. However as a whole the area continues to have a turnover rate double that of the borough average.

There are certain locations within the existing area that are experiencing higher turnover than others and some of these locations are proposed for the continuation of licensing for a further five years to ensure ongoing regulation will help to ensure the continuation of the downward trend.

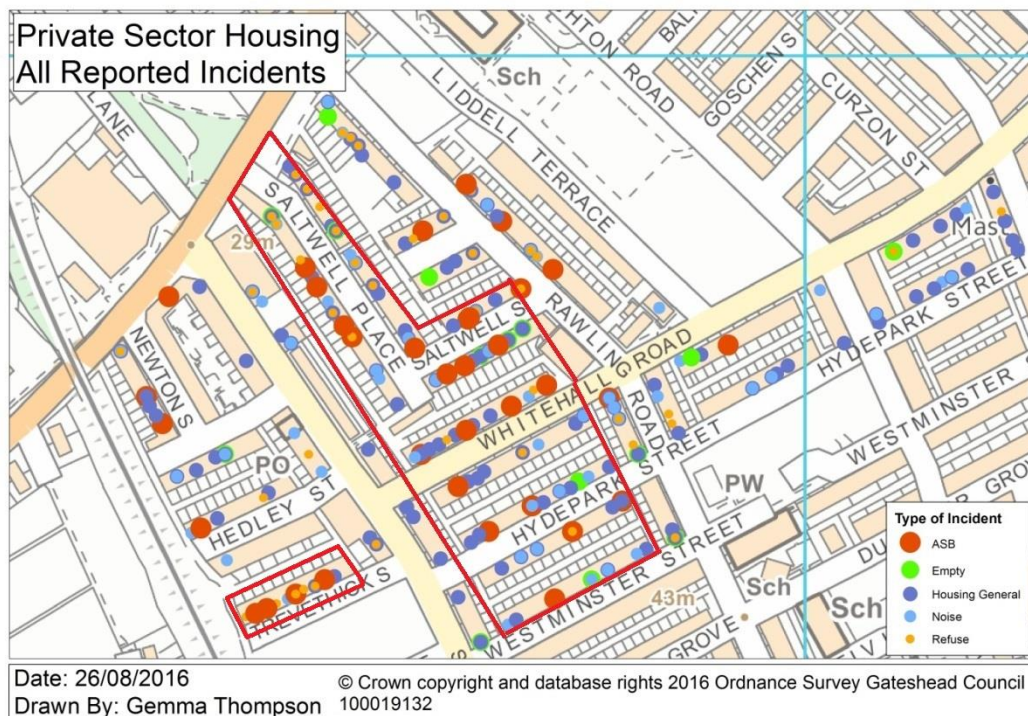
Private Sector Housing Complaints

The Private Sector Housing Team respond to and investigate a wide range of requests for help from those living and operating within the former licensing area, covering complaints of anti-social behaviour and noise, accumulations of refuse, empty properties and also from tenants who may have concerns over the condition of their rented home.

- The number of complaints overall received by PSH reduced over the five year licensing scheme with a significant reduction in the number of requests for help concerning private sector housing condition. Licensing has contributed towards this reduction through accreditation, programmed property inspections by Officers and landlord training.
- The number of accredited properties in the proposed area remains high which is why the Council are not looking to designate the smaller area on the condition of poor housing conditions.
- Of the noise and ASB complaints received in the proposed redesignated area from April 2014 to March 2017, 84% were in relation to issues concerning private rented accommodation. 52% of complaints were received from occupiers of private rented properties, confirming that private tenants are also affected as well as being perpetrators

Despite these reductions, the number of complaints received from within the area remains high. As a means to work out the spread and location of the demand on council services, all complaints received from May 2012 to August 2016 have been plotted on the map below. The map show an obvious concentration of complaint demand in the proposed redesignated area.

Figure 12 - PSH reported incidents 12-16 Proposed Scheme



What does this data tell us?

Despite reductions the number of complaints continued to be received remain higher than average. This analysis of this data and experience reveals that such issues are recurring in specific streets. Continued targeted work is required in these hotspot streets both with landlords and tenants to prevent and resolve these issues and SLL will allow this take place.

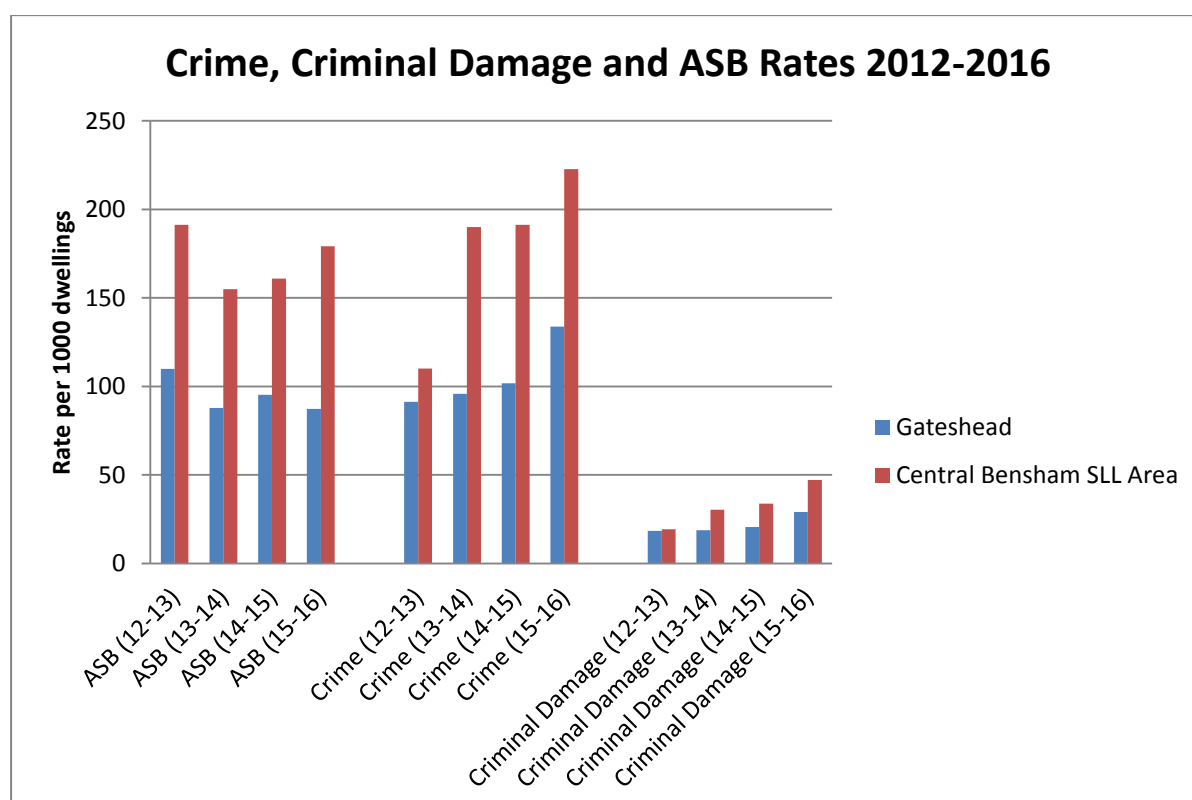
ADDITIONAL CONDITIONS

High Levels of Crime

Crime and ASB reported to Northumbria Police

Reported Crime and ASB to Northumbria Police within the SLL area remains higher than the borough average. This relates to criminal incidents outside the scope of private rented housing, but does include some neighbour dispute incidents.

FIGURE 13 – Crime and ASB Rates 12-17 Central Phase 1 SLL (Source Northumbria Police)



- The majority of incidents are linked to adults; only a small proportion (6%) are classed as youth-related disorder. Alcohol was deemed to be a factor in one in 10 incidents.
- In the last three years, more than eight in 10 incidents were classed as neighbour-related disputes or rowdy and inconsiderate behaviour.
- Recorded crime incidents have increased. Violence against the person accounts for the highest proportion of recorded crime in this locality; three in 10 offences are linked to violence against the person.
- Criminal damage also features highly, and accounts for 18% of all crimes reported in this locality in the last three years. More than half of the criminal damage offences reported are classed as damage to dwelling, with the other offences a mixture of threats to damage and damage to other property (e.g. vehicles).

Specifically in the redesignated area of the 279 incidents reported for crime and ASB in the redesignated area from May 2014 to May 2017, 240 – 85% of these were in relation to private rented homes

What does the data tell us?

The number of complaints of ASB and crime to both the Council and the police indicate that the area is still experiencing ongoing issues. Further analysis of this data would suggest that a large majority of these incidents are reported in greater numbers from certain streets within the area and are linked to adults (a large proportion being tenants of private rented property) rather than youths. Ongoing intensive work with, landlords and tenants is required to prevent and manage this issue, including closer working with the police and other agencies such as immigration, and drug and alcohol support agencies.

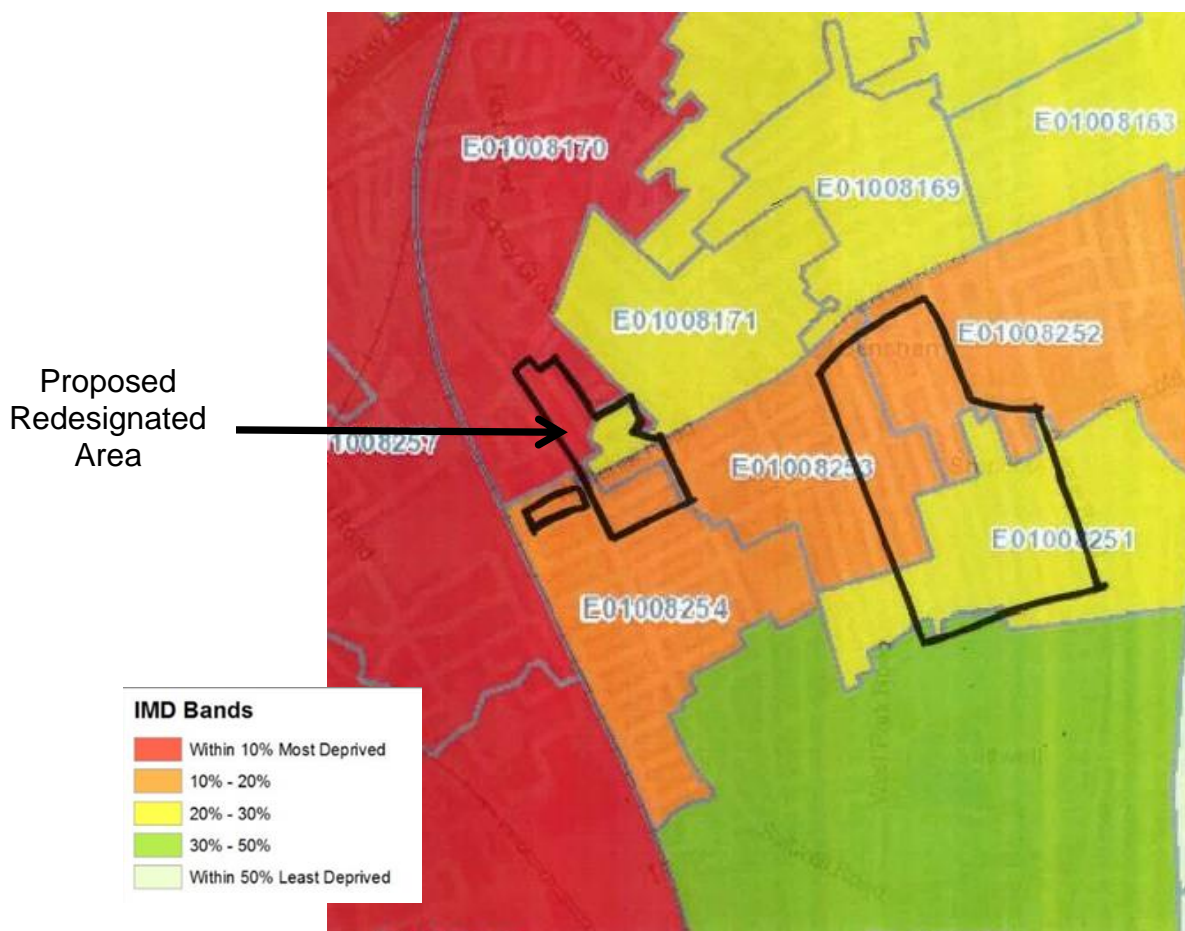
High Levels of Deprivation

The data set for this condition is very similar to that used for the Avenues proposal due to the close proximity of both areas.

- In 2015 Gateshead was ranked 73rd most deprived out of 326 Local Authorities
- The highest levels of deprivation in Gateshead are concentrated within the Central Area where levels of private rented stock are high.
- There are 15 Lower Super Output areas (LSOA's) within Gateshead that fall within the 10% most deprived areas in England.
- The proposed licensing area falls within four LSOA's. 2015 data confirms that;
 - - **One of the areas is in the top 10% of the most deprived in England,**
 - Two fall in the top 20% of the most deprived in England, and
 - One falls in the top 30% most deprived in England.
- Further analysis of this data would suggest that barriers to housing and services (the physical and financial accessibility of housing and local services e.g. affordability, overcrowding and homelessness), and housing quality rank highly.

In 2010 before the introduction of licensing three of the areas were in the top 10% and one in the top 20% most deprived in England. This positive change confirms that the areas have improved relative to others in the UK from 2010-2015, in relation to levels of deprivation.

Figure 14 – Deprivation Banding 2015 – Redesignated Area



The map on page 97 shows the overall spread of deprivation within Gateshead. The map confirms that the highest levels of deprivation are concentrated within central Gateshead, with a few other hotspots in Birtley and High Fell where the concentrations of private rented properties are not as high.

Socio Economic Status

- 45% of households in the Lobley Hill and Bensham Ward are on a low income which is higher than the Gateshead average of 42% and considerably higher than the England average of 30%, indicating increased vulnerability of households.
- Specifically in the private rented sector, the number of households on a low income is 32% which is lower than the Gateshead average but higher than the national average.
- The average household income (not disposable income) in the proposed redesignated area is £21,610, whereas for Gateshead this is £30,781.
- The burden of ill health falls hardest and fastest on those from low income households.

ACTIONS & INTERVENTIONS ALREADY IN PLACE & UNDERTAKEN

In order to tackle problems associated with the private housing sector, the PSH Team and other partners actively engage with landlords, agents, tenants and other property owners to provide advice, support and guidance on any environmental health, safety and housing related matters. In addition formal action has been taken where necessary where both landlords and tenants have failed to improve conditions.

The section below outlines all of the interventions and actions previously and currently being undertaken by the Council to try and improve conditions and communities within the proposed areas.

Clearance and New Housing Development

The wider area in which the proposed schemes are located have benefitted from Housing Market Renewal (HMR) Pathfinder funding in recent years to assist with problems of low demand, to bring about the sustainable renewal of areas with weak housing markets and to transform neighbourhoods into thriving, cohesive communities, where people will choose to live and stay.

Neighbouring streets and areas to both proposed SLL schemes have been subject to property acquisition, demolition and ongoing property redevelopment. Old and often poorly maintained terraced Tyneside flats, houses and commercial properties are and have been replaced by new, high quality family housing to provide the mix and balance of housing that is required.

Reduced concentrations of flatted accommodation and increased choice via the building of new homes of a different size and type, however estate agents report that areas of remaining housing continue to be most attractive to investors for the purpose of private renting.

Financial assistance for owners and landlords towards property improvements

Using the HMR funding, properties in the proposed areas benefited from Area Renewal Assistance via The Block Improvement Scheme (BIS) Programme. The aim of the BIS programme was to improve housing market confidence through improvements to the visual appearance of terraces. In total £10.85 million of funding was used across thirteen phases and included;

- New boundary walls with railings
- Front step replacement to remedy cracking and unevenness
- New handrails to steps to match railings
- Garden treatments, introduction of increased greenery
- Neutral painting of front elevation stonework
- Renewal of front doors, replacement of windows and rainwater pipes.

435 properties within the wider former central licensing area participated in the programme, with 259 of these being privately rented. 313 properties within the proposed Avenues scheme were improved, 157 of which were private rented. Participants were required to make a 20% contribution to the works and costs and participating landlords were requested to ensure their properties reached and maintained the Gateshead Private Landlords Association Accreditation Standard.

Landlords were also provided with financial help towards the cost of meeting this Accreditation Standard; up to 50% of eligible works up to a maximum of £500 within the HMR area, in former licensing areas and the Central Phase 1 former area.

The Private Rented Property Accreditation Scheme

The Accreditation Scheme encouraged private landlords who were GPLA members to improve properties up to the minimum legal housing standard and above. Available resources shaped the remit of accreditation to GPLA members where achievement of the scheme formed part of the Code of Conduct. The Council promoted a number of incentives to encourage landlords to accredit their property, these include;

- Approval for the funding for BIS as described above (up until 2010)
- A discount from the SLL fee in designated areas
- Financial assistance to bring the property up to the accreditation standard (up until December 2011)
- The provision of a detailed schedule of works to help landlords understand what works were required
- Accelerated advertising on the Gateshead Private Landlords Association weekly property list and GPLA website (up until June 2016).

The uptake of accreditation in the Avenues became significant at the time of the availability of funding to landlords via the BIS initiative. More than 250 properties were improved to the accredited standard which lasted for a maximum of five years. Unfortunately since this time, despite encouragement to private landlords to reaccredit their properties, the number of accredited properties in the Avenues proposed scheme has fallen to 20.

In the former Central Area Phase 1 licensing area the maintenance of accreditation has remained at a higher level as it remains a condition of a landlord's licence to do so for the duration of the five year licensing scheme. There are currently 326 properties accredited in the original larger Central Bensham SLL scheme, 146 of these are in the new smaller proposed area.

With the proposed discounts from the licensing fee of 18% for an accredited property it is envisaged, therefore, that the introduction and redesignation of selective licensing will greatly improve the uptake of accreditation and as such property standards. One of the conditions of licences granted under the proposed licensing scheme would require all licence holders to maintain the accredited standard once achieved for the duration of the licensing scheme to benefit from the discount.

Landlord Liaison and Support – Landlord Association Membership

At every opportunity/interaction that the team have with landlords, landlords are encouraged to utilise the services of a local or nationally recognised landlords association to facilitate effective tenancy and property management.

The Gateshead Landlords Association (GPLA) was set up with the Council over fifteen years ago. Paying members signed up to a code of conduct and in return the Council provided a range of services from tenant vetting, production of tenancy agreements and property advertisements. Landlords were also provided with advice and support to improve management practices, and regular training courses were provided.

Experience has shown that this support is welcomed and well used by those seeking to manage their properties effectively, but has less impact on the most unscrupulous. Such schemes rely on the willingness of landlords to sign up to it, meaning that conscientious landlords will continue to participate, and 'rogue' landlords will remain difficult to identify, will avoid joining the scheme, preferring instead to operate with the minimum of regulation 'under the radar'.

Membership to the GPLA grew substantially, particularly since landlord licensing was first introduced in 2007, with there being more than 600 members at one stage. Membership levels peaked when two licensing areas were introduced. This was in part due to the discounts available from licence fees for being a member and the requirement to remain a member for the duration of the licensing scheme. Membership levels have reduced year on year since the requirement for licensing in former areas has expired and since many of the services available to landlords are no longer administered by the Council.

In June 2016 the administration of the GPLA from within the PSH Team ceased, with the Association now operating independently. Membership numbers recently provided were 326, representing approximately 5% of landlords borough wide. Details of GPLA representation of landlords within proposed areas are not available as the Association does not record this information.

Landlord Engagement

Regular training for landlords to assist them in understanding their obligations and to aid compliance with the conditions of a licence would take place within the proposed areas, with support available from the PSH Team to assist landlords to deal with problem tenants and anti-social behaviour. The team provides practical support and information to both landlords and tenants. Experience has shown that this support is welcomed and well used by those seeking to manage their properties effectively, but has less impact on and less take up by the most unscrupulous.

Dedicated Empty Property Officer (EPO)

An EPO continues to be employed by the Council in order for the objectives of the Housing Strategy/Urban Core Plan can be addressed. Both proactive and enforcement methods continue to be used to encourage owners to bring empty properties back into use.

Since 2012 the Private Sector Housing Team in partnership with the Gateshead Housing Company have also introduced the Empty Property Private Leasing Scheme (EPLS). For properties that have been empty for longer than six months, Gateshead Council would lease the property from the owner for five years and undertake any necessary works and improvements to bring it up to a decent rentable standard. The property would then be managed by the Council and let at an affordable rent (80% of Market rent) to people in housing need. Any costs to improve the property would be retrieved through the rental income over the five year period.

The uptake of the scheme has been low despite the scheme being extensively promoted. All owners of long term empty properties in proposed licensing area have been contacted on multiple occasions to encourage participation within the EPLS. In the proposed redesignated area three long term vacant properties have now been leased and improved and are subsequently managed by Gateshead Council. In relation to these properties £30,236.12 has been spent through the EPLS to improve the properties to a lettable standard. There has been no uptake of the EPLS in the proposed Avenues area.

Council interventions such as that described above however will only tackle empty homes and not the wider issues of the private rented sector.

Community Safety Partnership

The Community Safety Board is the local multi-agency partnership that has been established to tackle community safety issues within Gateshead. Along with other supporting partner agencies, some of the key organisations that make up the Community Safety Board include:

- Gateshead Council
- Representatives from the Voluntary and Community Sector
- Northumbria Police
- Tyne and Wear Fire and Rescue Service
- NHS Newcastle Gateshead Clinical Commissioning Group
- Northumbria Community Rehabilitation Company
- National Probation Service
- The Gateshead Housing Company

Additional members of the wider Safer Gateshead partnership include a range of public, private, voluntary and community sector organisations. By working together, the partners in Safer Gateshead can have a greater impact on

reducing crime, disorder, drug abuse, alcohol-related problems and anti-social behaviour across the borough.

Safer Gateshead has a statutory duty to address:

- crime and disorder
- anti-social behaviour
- behaviour adversely affecting the environment
- substance misuse in their local area
- reducing re-offending

A range of powers and tools are available to Councils to deal with ASB or nuisance caused by private tenants or their visitors. There are specific powers contained within the ASB Crime and Policing Act 2014, which are used in conjunction with partners to resolve nuisance behaviour from residents of private homes or those responsible for management of such premises. These powers include but are not limited to:

- Community Protection Notices
- Closure Notices/Orders
- Civil Injunctions
- Criminal Behaviour Orders
- Public Spaces Protection Orders

The Council also manages the monthly MARAC (Multi-Agency Risk Assessment Conference) and ASB Panels, both of which can address issues concerning the occupants of privately rented homes as well as other accommodation. The panels allow for a multi-agency, problem-solving approach to the cases reviewed.

Effective though these powers and the multi-agency approach is, their use is often reactive rather than pro-active, compounded in areas where expectations are low and residents may be unwilling to complain. They are not generally used to identify widespread or chronic neighbourhood problems associated with high density private rented homes, but are used by Gateshead Council to tackle the anti-social behaviour of individuals when problems arise.

Action under Part 1 of Housing Act 2004 (the Act)

The Council's PSH Team are able to take formal action under Part 1 of the Act when serious disrepair or Category 1 hazards assessed under the Housing Health and Safety Rating System (HHSRS) are identified. The type of action that can be taken includes serving Improvement Notices, Hazard Awareness Notices, Prohibition Orders or taking emergency remedial action. These powers are an effective tool to tackle hazards and improve standards in individual privately rented property, but do not operate in a strategic way over a distinct area. The Council only become aware of such problems when the tenants make a complaint. It is widely acknowledged that the majority of

vulnerable tenants living in the worst housing simply do not complain due to a lack of awareness of the standard they should expect and for fear of retaliatory eviction by their landlord.

It is likely that the requests for help received from tenants by Gateshead Council under represent the scale of disrepair problems in rented homes in the proposed areas. The introduction of selective licensing will enable the Council to carry out routine inspections of all properties within the proposed areas, ensuring that poor or unsafe housing conditions are identified and remedied, thereby raising the standard of accommodation.

Licensing will also ensure that the Council is made aware of the person responsible for managing the property, thereby reducing the time taken to track down the liable party. Presently, this can be problematic and costly in terms of both time and resources, especially in the case of absent landlords. It is anticipated that the introduction of licensing will result in an increase in enforcement activity within the proposed areas, and the number of Enforcement Officers available to deal with these matters will be increased.

Use of Part1 powers will continue in designated areas in line with the Council's overall Enforcement Policy and the proposed Licensing Enforcement Policy which will outline timescales and actions for severe deficiencies in licensed properties.

Dealing with Statutory Nuisance and Noise

The PSH Team currently investigates complaints of statutory nuisance under the Environmental Protection Act 1990 and allegation of anti-social behaviour as discussed above.

Nuisance complaints often relate to noisy or anti-social neighbours. Whilst the Council has powers under the 1990 Act to prosecute offenders or, in some cases, to encourage parties to participate in mediation to resolve ongoing issues, the resolution of noise and anti-social behaviour problems are most effective when the Council and landlords work together.

Selective licensing will, by making licences subject to conditions, compel landlords to take greater responsibility for the management of their properties and the behaviour of their tenants. This can encourage landlords to work with the PSH Team to help to resolve problems in a timely manner and be more proactive in preventing ASB before it occurs.

Tenant vetting service for GPLA members.

Up until 2016 the team were undertaking an average of 580 individual vetting's per year, with one third of these being unsatisfactory (due to rent arrears, affordability or poor housing history/ASB problems).

From July 2016-May 2017 72 tenant references had been undertaken by GPLA members which is a substantial reduction from previous years. This may represent a genuine decrease in the number of landlords offering

accommodation within Gateshead undertaking checks now that the service is no longer undertaken by the Council. Landlords may also be using other providers for tenant referencing or doing their own. It is planned to resurrect and trial the tenants vetting's service for licence holders within proposed areas should licensing be introduced.

Why consider landlord licensing?

There are landlords who have not responded to the support previously provided or who have chosen not to participate the afore mentioned voluntary interventions that would have helped them to improve their property standards and tenancy management arrangements.

The importance of effective property management has always been a key part of tackling the full range of issues in the area, recognised by the original Neighbourhood Plan for Bensham and Saltwell in 2006, created in conjunction with landlords and residents at that time. Previous remedies and interventions have led to improvements in the appearance of the area but have not been sufficient to tackle the full range of issues. Licensing allows the Council to target support and action to tackle poor property management and the anti-social behaviour (ASB) that is affecting the area.

The outcomes from previous licensing schemes confirm that licensing can be an effective tool to improving neighbourhoods and reduce decline. Whilst much has already been done and continues to be done to improve housing market sustainability of the proposed SLL area and the surrounding neighbourhoods, it is considered that licensing is still an additional and necessary intervention to complement the above interventions and ensure sustained and long term improvement is achieved. The actions and interventions undertaken to date have not individually or collectively provided a solution to stem complaints in relation to private sector homes.

Without the specific type of intervention that can be delivered through landlord licensing, the areas could be at risk of remaining one of low housing demand and undermining the long term suitability of the wider Neighbourhood.

Impact of Licensing since 2007

Gateshead have implemented landlord licensing as a tool to improve communities since 2007. There have been four schemes introduced to date, with three having now expired and one running in parts of Swalwell until April 2018. The table below provides a summary of key outcomes and activity to date.

- 1498 licenses issued to date
- 88 licenses varied
- 850 properties inspected/improved to minimum legal standard
- 792 properties improved beyond the legal minimum, standard to become accredited
- 14 landlords prosecuted/9 rent repayment orders

Support and Work in Former/Existing Licensing Areas

Areas that have been subject to SLL have benefited from intensive and concentrated support from Council Officers as follows;

- Inspections of all rented properties to ensure good standards – safety certificates in relation to gas and electric are checked
- Training in fair and good management practices of licence holders to ensure they fulfil their responsibilities
- Advice to tenants to ensure tenants understand their rights and responsibilities
- Demonstration by licence holders that adequate management practices are in place for dealing with anti-social behaviour (ASB) by their tenants
- Mediation between neighbours to prevent the escalation of ASB problems
- Close partnership working with Northumbria Police and other agencies to ensure that ASB concerns are addressed as quickly and effectively as possible
- Vetting checks on prospective tenants to ensure that landlords can make an informed choice as to who they offer a tenancy to
- Campaigns to tackle what matters to local people e.g. refuse, fly tipping and overgrown gardens
- Enforcement action to tackle landlords failing in their duties to manage their property effectively
- Intensive communications with landlords and residents with signposting to other services if required.
- Support to bring empty properties back into use
- Reduction in demand for other services such as noise and ASB complaints and housing disrepair complaints from tenants

This intensive support to landlords, tenants and residents has resulted in improvement to property standards, management practices and reductions in ASB. The evaluation of licensing schemes that have come to an end demonstrates that SLL can be an effective approach to providing support to areas suffering from low demand.

Evidence of Success in Expired Schemes

All expired schemes have ran for the full five year period. A full evaluation of all schemes has been undertaken before expiry to examine the impact of licensing by comparing the low demand and ASB indicators from before and after the scheme was introduced. Evaluation also allowed for performance against intended outcomes to be assessed. The following outcomes have applied to each area where licensing has been in place:

- A reduction in resident turnover (residents are moving from property to property or in and out of the area less and are staying for longer periods of time)
- A reduction in the number of long term empty properties
- Less complaints being received in relation to empty properties
- Large reductions in the number of complaints made to the PSHT in relation to property conditions from tenants, noise and ASB (resulting in less demand on council services)
- Reduction in ASB rates to Northumbria Police
- A substantial improvement in the condition of private rented homes via property accreditation and programmed inspections
- Improved management practices of landlords via licensing conditions, education, support and advice

Full evaluation documents for each scheme can be found at www.gateshead.gov.uk/landlordlicensing

Scheme Improvement and Developments

Since the initial designations the PSHT has continued to manage and develop the schemes, to ensure their success within existing resources. Schemes and their implementation, including procedures have regularly been reviewed. Stakeholders have also been consulted at regular intervals to ensure that the implementation of the schemes aims to tackle problems affecting the community, in addition to trying to understand the impact that licensing has within an area.

Changes made to the administration of schemes over the last ten years have included:

- An administration fee to cover the cost of incomplete applications submitted
- Drop in sessions to assist landlords in the completion of their applications
- Development and provision of free licence holder training ran by PSH Officers to assist with compliance of licence conditions

- The introduction of a payment plan for licence holders to spread the cost of a licence
- Lean review of internal application procedures to make them more streamlined
- Increased proactive community campaigns to respond to common neighbourhood issues and concerns

Implementation & Scheme Requirements

What will a landlord need to do?

A Landlord Licensing Service Standard and Enforcement Policy have been created, and are included at Appendix J which outline the provisions of the scheme, what a landlord needs to do and the service they will receive. The Enforcement Policy outlines the approach to be adopted by Officers under differing circumstances e.g. failure to apply and breach of licence conditions.

It is proposed that the schemes will run for the maximum five year period. The schemes will be reviewed on a regular basis and if it is deemed that the designation is successful and the problems associated with low demand have been resolved, the designation may be revised or revoked.

The schemes are expected to run in line with the following summary of provisions:

- A landlord will need to apply for a licence for every flat/house they own in the designated area (unless certain exemption criteria apply).
- Applications and payments will be administered by Senior Support Assistants, freeing up time for other Officers to be on the ground in the neighbourhoods. Late or absent applications, or breaches of licence mid scheme will be escalated to a licensing Officer who would consider appropriate formal action if required,
- The applicant will be required to demonstrate they are 'fit and proper' to hold a licence which means that any previous history such as criminal convictions or failure to comply with landlord and tenant duties will be considered. A full explanation of the fit and proper person criteria can be found in **Appendix K**.
- There will be conditions attached to each licence (See Appendix I) for proposed conditions). Some conditions are mandatory and required within legislation, others can be set by the Council. The conditions proposed are mandatory, or have been used effectively in previous schemes. There are also new conditions proposed that respond to neighbourhood issues such as refuse problems. The majority of conditions relate to the management, use and occupation of the property. The conditions provide a framework to a licence holder for the effective management of the property and the tenancy.
- Letting a property without a licence in a designated area is a criminal offence, liable to an unlimited fine. Failure to comply with the conditions of a licence is also an offence liable to a fine of up to £5000 per condition breach. Officers will endeavour to encourage applications are made in a timely manner. Legal action has had to be undertaken in previous schemes against a handful of landlords to secure compliance.
- Each property will be the subject of a thorough inspection to ensure compliance with the scheme standards (with the Police and

Immigration if required). The new methods of working to be adopted in future schemes can be found in Alternative Ways of Working for Future Schemes pages 47.

- Landlords will be provided with advice and guidance on how to rectify hazards in the quickest and most cost effective way. Those properties reaching the accreditation standard/already accredited will benefit from a fee discount. Further inspections will be undertaken to ensure standards are achieved and also maintained during the licensing period.
- At the time of the property inspection an in-depth tenant meeting will also be undertaken. Time will be spent by Officers getting to know the Community and its residents so that all are aware of their responsibilities as a tenant and also as a local resident.
- Before a licence is issued, applicants will be invited to meet with Officers to outline the expectations and responsibilities of them as a licence holder. The licence conditions will be explained in detail and the applicant will be required to demonstrate an understanding of this before a licence will be issued.
- Licence holders will be provided with online support and information to assist compliance with licence conditions, offered free training, and will be contacted on a regular basis to request evidence that demonstrates compliance with the conditions of their licence,
- Officers will work very closely with other partners and agencies such as Northumbria Police, Housing Options, Immigration, as well as the voluntary sector to provide package of support for tenants in the area.
- The scheme will operate with a 'lighter touch' approach for compliant landlords, with targeted work and enforcement action taken earlier for those landlords who are evasive and non-compliant with the requirements of the scheme.

LICENCE FEES

S63(3) of The Housing Act 2004 permits a Local Authority to require that any application for a licence, be accompanied by a fee. There is no cap provided by Central Government on the fee, however the calculated fee is required to take into account the cost of running the scheme over its lifetime. Local Authorities are not permitted to seek a financial profit from licensing fees.

A fee structure is required to be fair and transparent, reflecting the actual costs of licensing and Local Authorities have the discretion to decide if fee discounts will be applied e.g. for accredited landlords with a recognised scheme.

Calculation of Licence Fee

The proposed fee structure has been benchmarked against other Authorities. The costs of landlord licensing in other Authorities range considerably from £450-£1500.

Fees have been calculated in line with the costs the Authority is likely to incur in relation to the development, implementation and delivery of the scheme. A Local Government Cost calculator and guidance assists Authorities in determining fees and charges.

The Council has made a commitment to licensing and recognises that it would be inappropriate to set fees that are disproportionate or prohibitive. Consideration has also been given to the existing fee structure for the remaining schemes within the Borough.

Licensing is property specific. The fees have been calculated based on the amount of time/Officer grade at each stage of application, administration and implementation of the scheme per property, for the full five year period. A cost breakdown of the fee can be found in Appendix L.

Based on experience from the four previous schemes delivered, it is possible to anticipate the likely rate of applications. It has been projected that there will be 90% of applications received, with the potential for this to change due to fluctuations in the housing market and legislative changes. It is projected that 50% of applications will benefit from the early discount and the range of other discounts available. The remainder will fall into the higher fee structure. It is believed that landlords are also able to offset the licence fee against tax.

To date a charge for applicants to undertake a DBS (Disclosure and Barring Service) to check to establish if they are fit and proper has not been applied to keep costs to a minimum. Landlords will be asked to sign a declaration to confirm this status. This cost may need to be added into the provision of the scheme at a later date if a DBS becomes a legal requirement to confirm fit and proper status.

Fee Discounts

Due to the success of the inclusion of fee discounts and following on from consultation feedback, these have again been included within the proposed schemes. These will be offered to landlords who

- have or who are prepared to bring their properties up to the Accreditation Standard, and
- for landlords whose competency and knowledge is verified via attending a Landlord foundation/accreditation course (to be provided by PSH Team members) and then becoming members of a nationally recognised landlords association for the duration of the scheme.

Where discounts are applicable they will be applied both at the point of application and also at the expiry of the scheme.

Fees & Charges

A full list of the proposed fees and charges can be found in Appendix F, the table below provides a summary of these.

Specific charges have also been applied to reflect the extra administration involved in processing paper applications, incorrect/incomplete applications and providing a copy of the public register.

Table 8 – Summary of Proposed Fees and Charges

Early Application Fee	£550
Standard Fee	£750
Standard Fee Plus	£850
Late Application Fee	£1000
Discounts	
Accredited property	£100 (£50 at scheme commencement/£50 scheme expiry)
Accredited member of National Landlords Association (or equivalent)	£165 (£100 at scheme commencement/£65 at scheme expiry)
Multiple Properties	£10 per property
Charges	
Incomplete/deficient application submitted	£25
Charge for provision of and receipt of a paper application (for applications received after online system becomes available)	£50
Provision of a paper copy of the Public Register	£50
Charge per property to phase/spread licence payments	£25

Graded Fee Structure

It is proposed that responsible landlords who are diligent and prompt in seeking to licence their properties will pay a lower fee than those who aren't. The proposed fee for those landlords will be the same as it has for the previous five years (before discounts). A standard fee will then be charged to those seeking to licence their properties after the scheme commences. This approach was supported during the consultation process.

Experience from former schemes shows that an unprecedented amount of time is spent chasing landlords that may disagree with the scheme or who may be reluctant to share their information. The costs of any extra chasing, the sending of warning communications and unannounced property inspections etc. have been incorporated into the setting of fees. In effect, the longer a landlord waits or if reminders or pursue is required, the licence fee will increase.

Phased Payments

Landlords will not be required to pay their fee on an annual basis. Fees will be required at the point of application with the option to spread payments over an agreed timescale (which is a maximum of six months). The ability to spread

payments was a common request received from landlords during the consultation process. Recent case law also has determined that the cost of a licence must also be staged. Six months will be the maximum period to pay for a licence. This approach ensures that the fee income is received per licence is received within its first year. If landlords wish, they can chose to pay their fee in full.

The schemes will generate income from fees which will be received mainly in the first year of each scheme/phase. This income will be used to fund the delivery of the scheme over the full five year period. This requires cost accounting procedures to be set up for the schemes, including the setting up of separate budget codes to ensure that income and expenditure is transparent and accountable and can be rolled over into future years.

Officers have been working closely with colleagues in Finance when setting fees and developing the above approach.

Staffing/Required Resources.

On approval, licenses will be issued and managed in accordance with the above criteria and following the requirements of The Housing Act 2004.

The Schemes will be managed and delivered by the Councils Private Sector Housing Team. The Team is responsible for ensuring improvements to the private rented sector across the Borough and has managed and delivered all landlord licensing schemes approved in Gateshead to date. The Team will continue to work with partners with whom well defined links have been established.

Fees have been set to ensure that the costs of delivering the scheme are partly recovered and without placing an excessive financial burden on landlords.

The costs of implementing and delivering the scheme(s) are predominately associated with providing staff. These costs will be met via a combination of income from the licensing fees and existing staff budgets. The Selective Landlord Licensing Team currently consists of 8 staff (7.3 Full time equivalents)

- One Senior Environmental Health Officer who manages and coordinates the delivery of the scheme.
- Two Environmental Health Officers and three Technical Officers who have been actively involved in the delivery of former and existing schemes alongside existing/former initiatives e.g. Accreditation
- Two Senior Support Assistants to provide administrative support in landlord licensing.

Table 9 – Required Staffing Requirements

Staffing Levels (FTE)	Existing	Additional Staff
1.0 Senior Env Health Officer	1.0	
1.8 Env Health Officer	0.8	1.0
1.75 Senior Support Assistant	0.75	1.0
2.75 Technical Officer	0.75	2.00
	3.3 FTE	4 FTE

The Team will be funded from existing mainstream budget (existing –see above) and the income generated from fees will allow additional staffing to be dedicated to the schemes to deliver improvements on the ground and improving landlord management practice.

The financial cost of implementing the licensing schemes is borne both by Gateshead Council and licence holders, making a direct and intensive investment in the proposed areas. Annual reviews of income and expenditure will be undertaken.

Further consideration has been given to ongoing scheme development and improvement whilst undertaking this proposal and also following the suggestions provided during the consultation period. Further details of suggestions raised during the consultation and how they have been considered can be found in Appendix E.

The following work areas and approaches are to be incorporated into the delivery of future schemes,

Landlord Licensing Enforcement Policy

A comprehensive policy to make it clear to licence holders from the onset of application what their responsibilities are in relation to being a licence holder and the enforcement procedure and timescales for any deviations from fulfilment of licence conditions and the requirements of the licensing scheme. The policy will make it clear what action will be taken and when a licence holder fails to engage with the Council or demonstrate compliance with licence conditions. The policy will allow implementation of a lighter touch for compliant licence holders, and a pre agreed enforcement approach for those evading their responsibilities. The policy will be discussed at length with a licence holder to ensure understanding before a licence is issued.

The policy will be aimed at increasing enforcement activity at the beginning of a scheme with a focus on unlicensed houses, followed by a programme of both random and intelligence led inspections of licensed premises thereafter.

Graded fee structure

It is proposed that responsible landlords who are prompt and diligent in seeking to licence properties will pay a lower fee than those who don't. Experience from former schemes shows that a lot of time is spent chasing landlords that may disagree with the scheme or may be reluctant to share their information. This occurs in the early stages of a scheme and also midterm. This will be incorporated into the setting of fees. The longer a landlord waits the more expensive it becomes, and if the Council are required to pursue and application, then a higher fee will be paid to reflect the additional time that is taken to chase and encourage an application. Proposed Fees and Charges can be viewed in Appendix F. .

Licence Holder application meeting

An increased amount of time will be spent with applicants at the application stage to go through the licence conditions, meet the applicant in person and to discuss and outline expectations and responsibilities as a licence holder. The proposed 'Enforcement Policy' can also be discussed at this stage. There have been an unprecedented number of cases where a licence holder has forgotten or chosen to ignore the responsibilities contained within their licence conditions when asked to demonstrate compliance.

A 'licence holder application meeting' will now be factored into the application process and the applicant will be required to demonstrate understanding of their responsibilities before a licence is granted.

Model standards

The legislation requires that a landlord must demonstrate satisfactory management procedures to hold a licence, including those that deal with anti-social behaviour issues and property complaints. Experience from existing and former schemes has demonstrated that many landlords have effective procedures in place for responding reasonably and proportionately to issues relating to poor property conditions and complaints concerning their tenants. However this is not the case for all. Landlords who are unable to demonstrate effective procedures and use of them will be asked to sign up to model standards set by the Council to ensure such issues such as ASB are dealt with effectively. The standards will be discussed in depth and agreed at the 'licence application meeting' as well as in licence holder training sessions. Proposed model standards can be found in Appendix G.

Property inspection at start of scheme

Licensing has been used to substantially improve housing standards in designated areas. In Gateshead this has been achieved via landlords choosing to improve properties to the accredited standard and in turn receiving a discount from the licence fee, or via inspections of the remaining properties to ensure standards meet the basic legal minimum. In previous schemes landlords wishing to accredit properties have been given priority in terms of inspection so that the necessary works required to meet the standard were known before making a decision to undertake them and benefit from the fee discount. This meant that those properties where landlords choose not to accredit them were not inspected until a later point in time throughout the scheme and after a licence had been issued.

The legislation does not require that a property is inspected prior to a licence being issued, although the requirements of a designation in relation to housing conditions require that having carried out a review of housing conditions, the Council feel it appropriate for a significant number of properties to be inspected to determine if Category 1 and 2 hazards exist, that the LA intends to carry out such inspections with a view to carrying out enforcement action, and that the designation including any conditions imposed will contribute towards an improvement in the general housing conditions in the area. The outcome of the most recent housing condition survey from 2013 and the reduction of accredited properties in the proposed Avenues area would support justification for inspection.

Learning from previous application of property inspection it is clear that the properties most likely to be in the poorest condition are those where the landlord chooses not to apply for a licence or does not agree to accredit. Priority will therefore be given to inspect these properties first, and an overall aim to inspect all properties prior to issuing a licence.

Unannounced Property Inspections

Where a property is found to be unlicensed, unannounced property visits with both the Police and Immigration to establish if the property is being occupied legally, is overcrowded and is to an acceptable standard will be carried out. If a breach of licensing conditions is suspected, unannounced property visits will also be undertaken. Such action will be incorporated into the Enforcement Policy – Appendix H. .

Penalty charges for unlicensed properties

The Housing and Planning Act 2016 has introduced the provision for the issuing of a civil financial penalty charge as an alternative to prosecution. This approach will be dependent upon the circumstances of each individual case but the use of these powers is welcomed and will be incorporated into the Enforcement Policy.

Revised licence conditions

In addition to the mandatory conditions set by The Housing Act 2004, the Council has the power to include other discretionary conditions within a licence which are considered appropriate for tackling issues that negatively affect the private rented sector in the borough. In addition to the model standards described above, further discretionary conditions have been included to help manage and improve the following;

- Refuse management, storage and disposal
- Management of empty properties and reducing periods of vacancy
- Regular property inspections by the licence holder
- The keeping of records and provision of information in relation to the property/licence
- Visibility and contact of the licence holder with tenants and neighbours.
- Upkeep of external property condition (overgrown gardens, graffiti and vandalism etc.)

A list of the proposed conditions of a licence can be found in Appendix I.

Development of an online application platform

The licence application process involves submitting a large amount of supporting documentation as well as the completion of a lengthy application form.

For existing licence holders in the area proposed to be redesignated this process will be simplified using the information already on record (as long as there have been no relevant changes). Many of the safety certificates in relation to gas and electric may still be valid and so duplication of such documents will not be requested.

Work has commenced on the development of an online application form, with a downloading mechanism for supporting documentation, including the ability to pay for a licence online. The online application portal will be available in April 2018. For those landlords wishing to apply for a licence early, paper application forms will be available.

Closer working with tenants

The Council recognise that a tenant's behaviour and conduct is as equally as important as a landlords in securing neighbourhood improvements. The Council intend to work with tenants much more closely in future licensing schemes to ensure that tenants understand their responsibilities as a tenant and as a local resident.

Licensing Officers will have an increased physical presence within the designated areas to get to know residents and build up relationships to allow for increased sharing of information and identification of issues and concerns. At the time of the property inspection, a 'tenants meeting' will also be undertaken (with the landlord present if required) with the occupants of a property to discuss licensing and landlord responsibilities, but with a strong emphasis on outlining expected behaviour as a tenant in terms of their responsibilities within the tenancy agreement, reporting repairs, property maintenance, expected behaviours, how to be a considerate neighbour, acceptable refuse storage and disposal, and to draw in support from any known agencies which may help the tenant to maintain their tenancy,

Tenants will be advised of the potential enforcement action that may be undertaken both from their landlord and the Council should there be any breach of tenancy or behaviour that negatively affects the local community.

Closer agency working

Closer working relationships will be created between the Council, Immigration and the Police for the purposes of intelligence sharing and joint property visits. The creation of such relationships and agreed ways of joint working incur an extensive amount of work.

We have been able to secure increased police activity in the proposed areas to help to identify potential problems and those who are likely to commit ASB and undertake criminal activity, working alongside Council officers. The Police have confirmed that a high percentage of their known offenders are currently located within the proposed licensing areas. Further information on how licensing will form part of a wider strategy to address crime in the proposed areas is discussed in the Partnership Working chapter.

Increased presence on the ground

To be able to fulfil the above we will be restructuring responsibilities within the licensing team and increasing resources proportionally to be able to deliver an effective licensing scheme. This will allow an increased presence of Officers on the ground in the areas, inspecting properties, identifying problems, their causes and reacting accordingly. This will allow us to take relevant enforcement action sooner rather than later and increase the support to landlords to help them deal with problem tenants.

Provision of a tenant vetting/reference service

Troublesome tenants are a problem for both landlords and residents. The problems of ASB and crime affecting both proposed areas indicates that more needs to be done in the prevention of problems in the area as well as dealing with issues effectively when they do arise. For landlords tenant checks can

reduce the risks of missed rental payments and other problems during the tenancy such as complaints of ASB and nuisance. Robust tenant referencing is a crucial step to contributing towards the improvements within licensing areas.

To be able to support landlords comply with licensing conditions and to contribute towards area improvements the PSH Team will be re-establishing the former vetting's service to licence holders for potential tenancies that they are considering granting within the licensing area. This will follow a similar format to the former vetting's service and is not included within the licence fee. Restructure of responsibilities within the team will allow the necessary resource for this to be undertaken. Communications are in place with Northumbria Police to ensure that a 'police check' forms part of this service.

Continuation of the Phased Payment Plan for Licence Fees.

The ability to spread the cost of a licence was introduced for the Chopwell, Central Bensham and Swalwell schemes. This was aimed at landlords with more than one application to submit and with larger portfolios. Agreements were made with licence holders at the time of application that fees would be made over a six month period. In the main this worked well, however was abused by a number of landlords, resulting in a large amount of chasing by Officers and the threat of enforcement action in some cases. As such the service was not made available as part of the initial proposal.

During the consultation several potential licence holders advised they would like to see this service continue. Feedback also suggested that the service would be of equal benefit to landlords with one property as well as those with larger portfolios. Having considered the feedback received and developed methods to reduce the likelihood of later/missing payments, this service will form part of the final proposal. This approach also ensures that the Council are in compliance with the payment of licence fees as per the Hemmings versus Westminster Council case law ruling. Licence holders will still be given the option to pay their fees up front if they wish to do so however the Council will not insist on this.

Licence Holder Steering Group

Consideration is being given to the establishment of a steering group of key representatives involved in landlord licensing if the schemes are permitted and at a time when the majority of licenses have been issued. The purpose of the meetings will be to discuss scheme implementation, obtain feedback, and share information on scheme delivery and development.

Ongoing Development and Promotion of the Schemes

The scheme has been promoted to residents and stakeholders (including landlords and agents) as an investment by the Local Authority in partnership with landlords, with the long term view of creating a more sustainable neighbourhood for people to live in.

The outcomes to be delivered through the making of a scheme and the taking of other measures are required to be assessed.

It is considered that the proposed areas are experiencing low housing demand and that by making a designation, when combined with other measures proposed as a Council or in conjunction with others, it will contribute to an improvement in the social and economic conditions in the areas.

The main aims for both proposed schemes is to reduce low housing demand by raising standards within the private rented sector leading to improvements in the overall social and economic conditions in the area to create a strong, healthy and vibrant neighbourhood. It is also considered that the designation will assist in the reduction of anti-social behaviour in the area.

In order to achieve these aims, a number of key outcomes over the period of designation have been identified:

- To reduce the turnover of occupants to create stable communities
- To reduce the number of empty properties and the length of time they remain unoccupied
- To reduce levels of anti-social behaviour linked to tenants in the private rented sector.
- To improve private rented property conditions and increase the number of accredited homes
- To reduce problems with private rented housing that contribute to high levels of deprivation via improving housing conditions
- To improve the management of properties in the area
- To increase the number of tenants who manage their tenancy well
- To stabilise/increase rental values of private rented properties
- To stabilise/increase the value of residential premises
- To support the private rented sector in its provision of well managed properties and tenancies and assist those seeking to live and currently living in private rented accommodation.

How will a licensing scheme assist in meeting these objectives?

These objectives respond to the issues faced within the proposed Areas, as set out previously including low demand, anti-social behaviour, property values and poor property conditions/deprivation. It is considered that the implementation will assist in delivering these outcomes and stabilise the residential market in the area by ensuring:

- Landlords and agents will be more accountable for property management.

- Clear explicit standards for landlords, agents and tenants in a properly regulated sector.
- Landlords and agents operating in the area are fit and proper and have the ability to manage property.
- More effective control of monitoring properties
- The provision of a framework for support, education and guidance services for landlords and tenants.
- Landlords and agents will be more accountable for the tenants who reside in their property.
- Landlords and agents will become more visible.
- Tenants will become more aware of their responsibilities for maintaining their tenancy
- Tenants will become more aware that they must act in a responsible manner and not be associated with anti-social behaviour.
- Tenants will be made aware that failure to conform to standards will lead to eviction.
- Tenants are reference checked prior to occupation of property in the area.
- A positive impact on tenants' behaviour, following an awareness of the difficulty in acquiring further accommodation coupled with improved standards of accommodation.
- Tenants will benefit from a guarantee of safe, healthy and well managed housing.
- Landlords and agents will benefit from a properly regulated sector, good public image and confidence in housing management.
- Bad landlords and agents will be forced to improve or will be forced out of the area.
- Exclusion of a licensee where there is evidence of harassment and illegal eviction.
- The profile and public image of the area and the sector is raised encouraging tenants into the market and reputable investment.
- The Authority will have more options to tackle problems within the area.
- Residents will have an additional means of reporting a problem or issues associated with a private rented property.
- The interests of owners who live in the same area are protected.

How will landlord licensing help with Deprivation?

High levels of deprivation in the proposed area are driven to a large extent by crime and housing. Licensing can make a direct and tangible difference to both of these factors. Enforcement action against landlords who illegally overcrowd or rent out homes in a poor condition are key aims of the licensing scheme and will help to alleviate housing deprivation in the licensing areas.

Conditions of a licence will also ensure properties are managed properly and can contribute to an improvement in the well-being of occupants and the wider community, including improving the health of households. The information gathered through licensing will also help to inform future joint operations with

the police and other agencies to crack down on crime, again helping to mitigate deprivation.

How will landlord licensing help with property conditions?

Licensing has been proven to improve housing standards in the growing private rented sector and helps both landlords and tenants manage rented properties to a higher standard. Standards will be improved via accreditation inspections and also the programmed property inspection regime undertaken in every licensing area to ensure that every property meets the minimum legal housing standard. Holding information of the licence holder, owner and agent also allows the Council to bring issues to the attention of those controlling the property at the earliest opportunity.

Licensing will also help to tackle certain environmental issues associated with rented homes. Waste accumulations in yards and incidents of fly-tipping in the lanes that surround homes in the proposed areas cause problems for local residents and have a negative impact on the attractiveness and desirability of the area. The property inspection and contact with tenants that occurs within the licensing area will help to identify the source of problems, to provide tenants with advice about their responsibilities, waste disposal services available and to ensure that action is taken where needed. Schemes will also provide an opportunity for the PSH Team to influence Council policy and procedures in relation to waste collection and street cleansing.

SCHEME RISKS

What are the proposed risks and how have these been considered, prevented or managed?

Consideration must be given to any potential negative economic impacts that licensing may have on an area, particularly the risk of increased costs to responsible landlords. The Council has given consideration to the potential impact that the introduction of licensing may have within a designated area,. The following table details a number of risks that have been identified, the residual likelihood of the risks occurring, the residual impact and the likely remedial action that could be taken to minimise the risk.

Table 10 – Risk Management Analysis

RISK MANAGEMENT			
Risk	Residual Likelihood	Residual Impact	Remedial Action
Lack of financial resources to implement scheme	Low	High	Regular monitoring of project. Efficient fee collection process..
Lack of staff resources	Medium	High	Ensure staffing allocation is commensurate with Scheme priority. Regular staff achievement and development appraisals carried out to maximise retention
Negative impact/reputation of designated area	Medium	High	Positive promotion of the scheme as a partnership between landlords and the Council. Effective communication with landlords to address concerns and encourage responsible landlords to remain in the PRS. Team ensures effective implementation of Selective Licensing
Changes in housing market	High	High	Conditions to be monitored by the Team, and appropriate response determined
Management of Private Rented sector does not improve	Low	High	Team ensures effective implementation of Selective Licensing
Displacement of	Medium	Medium	Use by landlords of competent agents to manage property.

ineffective/unscrupulous landlords			<p>Ineffective/unscrupulous landlords choose not to manage property at all.</p> <p>Work of Team with landlords to improve management skills.</p> <p>Use of other tools including Interim Management Orders (IMOs), where appropriate.</p> <p>Support and assistance from the Team is also available outside of proposed area to mitigate the impact.</p> <p>Neighbouring LA's are currently operating similar schemes and have been consulted.</p>
Increase in homelessness in area	Low	Medium	<p>Advice given during licensing process to both tenants and landlords in relation to their rights and responsibilities in relation to tenancies.</p> <p>Satisfactory arrangements with partner organisations to help prevent homelessness; CAB, Housing Options, PSH Team.</p> <p>Mediation between tenants and landlords.</p> <p>Existing schemes in place to help individuals find suitable accommodation, should they become homeless</p> <p>Satisfactory arrangements in place with partner organisations (e.g. Homelessness Team) to consider cases, which become homeless.</p> <p>Use of IMOs where appropriate.</p> <p>Use of appropriate legislation to take action if landlords are found to have unlawfully evicted tenants.</p>
Displacement of problem households	Medium	Medium	<p>Multi-agency response to tackle issues.</p> <p>Implementation of the graded response to anti-social behaviour to minimise displacement.</p> <p>Promotion of intensive intervention where appropriate, to prevent eviction.</p> <p>Effective signposting of problem households to relevant support agencies, where landlords choose to evict.</p> <p>Neighbouring LA's currently</p>

			operating similar schemes and have been consulted.
Increase in vacant properties	Low	High	Partnership working with Empty Property Officer and consideration of Empty Property Strategy. Support and advice provided to home owners to prevent vacancy and to bring properties back into use within shorter timescales.
Increase in rental charges	Low	High	Licence fees will be kept as low as possible and a package of discounts will be made available. No evidence of rental increases for this reason in former licensing areas..
Increase in costs for complaint landlords	Medium	Medium	Licence fees will be kept as low as possible and a package of discounts will be made available, specifically aimed at landlords with existing good standards and practices. Early application fee available. Lighter enforcement approach for compliant landlords.

An initial screening equalities impact assessment has been completed on the basis of perceived impacts in relation to protected characteristics under The Equality Act 2010, **Appendix J**

How we will work together with others to eliminate/mitigate the area problems identified?

ASB & Crime

The evidence gathered has shown a link between Council complaints/police incidents and private rented homes. Licensing of private rented homes will support the approach to tackling ASB in a practical way by using existing powers and those made available through licensing itself.

Allegations of anti-social behaviour occurring in the area will be investigated by Officers. The solutions to resolve ASB are often complex and the team will draw in expertise from a range of disciplines including the Police, adult and children's services, drug and alcohol support, mental health or domestic violence support, benefits and debt advice and housing options services. Mediation will be undertaken and use of legal powers where this is appropriate. Landlords will also be notified of problems too and required to participate in helping to resolve the problem.

Several of the proposed licensing conditions will help to assist in the prevention of ASB as well as dealing with issues effectively as and when they arise. It is a condition of a landlord's licence that they respond reasonably and proportionally to any complaint. Landlords are provided with advice and support to undertake the most appropriate action. Model standards in dealing with ASB and tenant problems effectively will be provided to licence holders if during the application process, the Council are not satisfied with the current arrangements in place.

Licensing also places a legal requirement on landlords to undertake reference checks on tenants prior to offering a tenancy. By doing so a licence holder will then be able to make an informed choice as to whether a prospective tenant is suitable for both the property and the neighbourhood. Experience has shown that such a condition deters tenants with a poor housing history from trying to access accommodation within licensing areas.

Landlords are provided with training and guidance as to what constitutes an acceptable reference/check. Uncovering a history of poor tenancy management, anti-social behaviour or criminality should indicate that a prospective tenant may not be suitable for the property and a tenancy should not be granted under those circumstances. If a tenancy is granted without adequate checks being undertaken, and there are subsequent problems with tenant behaviour that affects the community, this will be deemed as a breach of licence conditions for which enforcement action against the licence holder can be considered.

These requirements have contributed to decreases in the number of ASB complaints made to the Council in former and existing licensing areas that have occurred over the five year licensing period.

Tenant Vetting Service for Tenancies within the Proposed Areas

As part of scheme implementation, there will be the provision of a tenant referencing/vetting service for potential tenancies within the proposed areas, to assist licence holders in fulfilling their licensing obligations. This will be of a similar format to the former vetting's process;

- Tenant meeting with Council officers and completion of an 'informed consent form' providing personal details, identification and previous five years housing history
- Police check (via the Safer Estates Agreement)
- References from previous housing providers
- Checks with internal council record systems for any adverse history
- Checks with housing benefit to ensure affordability (if benefit is payable)

The team will also work closely with partner agencies to try and reduce crime and ASB. Regular meetings are held with Northumbria Police, the Fire Authority, the Youth Offending Team and enforcement officers from other housing providers, when a joint approach is required to resolve neighbourhood or specific issues. Where required work with HMRC, the Gangmaster Labour Abuse Authority and Immigration enforcement is also undertaken to tackle housing crime, including unannounced visits to properties

Partnership with Northumbria Police

Licensing will assist Northumbria Police in the implementation of their Police and Crime Plan 2017-21. Two of the main objectives of the plan are to cut crime and reduce ASB.

In reducing ASB the Police are committed to working with partner organisations to effectively tackle ASB, and neighbourhood policing teams and community safety partnerships will engage with victims.

Proactive partnership working between Northumbria Police and PSH Officers is currently being developed to improve information sharing, responsiveness and the potential for action to be taken against criminal and anti-social activity within the area.

Licensing Officers will carry out a tenant meeting with every resident within a privately rented home within the area, and the preparation for this meeting will include information gathering in relation to what and who Officers may encounter such as

- Who is likely to be residing in the property?

- Are there live ASB complaints?
- Are we going to encounter someone with convictions/suspected of current crime/ASB?
- Are we going to encounter someone out on licence/not attending their probation appointments?
- Is the property owned by someone we suspect may be complicit in cannabis farming/brothels/connected with labour abuse offences?
- Have the tenants been involved with or have failed to attend appointments with supporting agencies
- Have they had action taken against them in relation to ASB at the current or previous home

The purpose of the information gathering is to enable best use of the contact with the resident and to uncover what is taking place at the home which may be leading to issues in the community and possible vulnerability. Referrals for additional support and drawing in other agencies (drug and alcohol misuse dependency) can then also be undertaken.

Current working arrangements with the Police in relation to tackling ASB using existing legislation is working well, however the dedicated police resource allocated to the licensing areas will enable investigations to be undertaken and action to be taken in a timely manner to reduce the impact on ASB on the community. Support will also be provided by the Police to accompany Officers on visits to unlicensed properties and their investigation.

Licensing will encourage agencies, the Police and the landlord to come together to try and resolve any ASB problems and ensure that any vulnerable tenants or their families are supported.

Community Engagement

Northumbria Police are currently working with Newcastle University Urban Studies School to understand the impact of crime and ASB on communities, the reasons why communities are often unwilling to get involved and the implementation of an emerging method of increasing community engagement. The Police propose to support the licensing team using this method to help to increase community interest and participation in tackling crime and ASB. This will include training of licensing staff and support to facilitate residents meetings and other methods of engagement such as the use of social media, provided by Police Officers that have used this method elsewhere in the force area.

The Police have created an ongoing legacy of community involvement in the areas where this has been used.

Homelessness Prevention

The Council's Housing Strategy satisfies the requirement for the Council to produce a Homelessness Prevention Strategy.

Preventing homelessness and reducing the number of homeless households is a key objective of the Strategy by the provision of effective housing support.

The designation of a selective licensing scheme would provide additional protection for assured short-hold tenants in unlicensed Part 3 houses. It would, for example, preclude a landlord from serving a notice under section 21 of the Housing Act 1988 (notice requiring possession) so long as the property remains unlicensed; and would help to mitigate the risk of unlawful eviction by improving the management practices of landlords.

It is recognised that the designation of a selective licensing scheme might result in a small number of houses being taken out of the rental market by reluctant landlords, leading to a potential increase in homeless households. In the discharge of its homelessness functions, however, in particular its homelessness prevention duty, the Council provides those threatened with homelessness with housing options and advice. Accordingly, if households find themselves displaced or threatened with homelessness because of the licensing designation, the local authority will help them to explore the accommodation options available to them with a view to securing alternative and affordable housing.

The PSH Team has established links, and referral pathways, with the Housing Options Team of the Council's Housing Company. Team members regularly attend working groups to ensure effective co-ordination of case work, particularly in relation to ASB and homelessness.

Meetings with Housing Options and Homeless team have been undertaken in preparation for this proposal and future ways of working together and the sharing information etc. agreed. Additional work and preparation is being done to ensure that the Council is in a position to respond to the new requirements of the Homelessness Prevention Act 2017. In particular, considering how we focus on prevention work rather than regulation and reactive work.

Baseline figures for homelessness and its cause within the areas have been collated pre designation to be able to monitor trends throughout the lifetime of the scheme. The following information sharing and actions have been agreed:

- Housing Options officers educated in the legislation in relation to licensing and the restrictions on the use of s21 notices if a licence is not in place.
- Housing options to make PSH Officers aware when a private tenant within the areas presents themselves as homeless and the reasons for this presentation

- PSHT Officers to explore if any breach of licensing condition of other legislation and upskill/educate landlord if so/take enforcement action if required
- PSHT Officers to mediate between landlord and tenant if required to encourage sustainable tenancies and homelessness prevention.
- Consideration being given to the provision of a virtual bond scheme for properties within the licensing area for those in housing need (property must be accredited and landlord compliant)

The Homelessness Prevention Act 2017 is expected to go live on 3rd April 2018. The council is developing an Intervention Plan to identify steps required to be taken in preparation.

Working with The Gateshead Housing Company (Council Housing Stock)

There are small numbers of Council owned properties within the proposed areas. TGHC Tenancy and Estate Officers will work alongside PSH Officers to report any issues affecting their tenants from private rented homes and to take reasonable action when their own tenants are causing problems. Regular updates and meeting will be held between Officers to ensure a coordinated and consistent approach regardless of tenure.

Working with other social housing providers

There are small numbers of properties owned by other social housing providers within both proposed areas. A similar partnership approach to that described above for council owned stock will be undertaken.

In January 2017, Cabinet Members approved a report seeking permission based on relevant evidence and data initially gathered, for a consultation to be undertaken in line with s80(9) of The Housing Act 2004 and relevant guidance, in relation to the proposal to designate further areas within Gateshead for selective landlord licensing.

Section 80(9) of the Act states that when considering making a designation for selective licensing the local housing authority must :

- a) Take reasonable steps to consult persons who are likely to be affected by the designation; and
- b) Consider any representations made in accordance with the consultation and not withdrawn.

The minimum consultation period required for the designation to fall within the *Housing Act 2004: Licensing of Houses in Multiple Occupation and Selective Licensing of other residential accommodation (England) General Approval 2015* is ten weeks.

A thirteen week period for consultation about the proposal to designate further areas for selective licensing was adopted. The consultation ran from 20 March – 18 June 2017.

The aim of the consultation was to provide local residents, landlords/managing and letting agents and local businesses known to operating in the area and likely to be affected by the proposals with an opportunity to provide their views about the proposals to introduce further selective licensing schemes in the areas.

The following means of consultation were used:

- Gateshead Council website, including an online landlord and resident questionnaire for both proposed areas:
www.gateshead.gov.uk/bensham for residents and businesses
www.gateshead.gov.uk/landlords for landlords
- Gateshead Council Facebook page;
- Gateshead Council's Twitter feed;
- Notice in Spring 2017 edition of Council News magazine delivered to every home in the borough;
- Direct mail-out to landlords and managing/letting agents in the borough and surrounding areas;
- Mail drop with paper questionnaire to every property and business or service in the borough and surrounding areas, who are likely to be affected by the designation;

- Direct mail and email to local community groups;
- Direct mail to neighbouring Local Authorities
- Letter to partner and agencies such as The Police, Housing Options, Shelter, Local Charities, Youth Offending Team, Adult and Children Services, BME groups
- Press release to BBC Newcastle
- Posters in streets, libraries, businesses and other public areas in the proposed areas.
- Landlord and resident drop in consultation sessions held in April and May 2017 in the Civic Centre and community facilities in the proposed areas. The May session for landlords included a proposal presentation.

The following groups were also sent information in relation to the proposal and requested to advise their members of the consultation, provide feedback via the online questionnaire and were invited to attend a consultation event:

- Landlords associations, including:
 - National Landlords Association
 - Residential Landlords Association
 - Gateshead Private Landlords Association
- Residents associations
- Local managing agents and the Association of Residential Managing Agents
- Local estate agents and the National Association of Estate Agents
- Local businesses, service providers and residents
- Neighbouring local authorities
- Northumbria Police
- Tyne and Wear Fire Authority
- Shelter
- Youth Offending Team
- Social housing providers e.g. The Gateshead Housing Company
- Internal departments e.g. Adult & Children Services, Housing Options/Homelessness, Community Safety and Economic Development.

Consultation responses

The volume of response to the consultation was as follows;

- 317 responses to the online and hard copy questionnaires
- The Avenues – 50 responses from landlords and agents (10% of known landlords/agents)
- 161 responses from households/residents (12.5% of total households)
- Redesignation Area – 21 responses from licence holders/agents (9% of existing licence holders)
- 69 responses from households/agents (22% of total households)
- A full breakdown of the tenure of responding households can be found in the main report.

- 9 individual letters/emails (responses provided)
- Written response from National Landlords Association

A full and executive summary report detailing the outcomes of the consultation was created and presented to Housing & Economy Portfolio members in November 2017.

Advice and guidance from representative in Legal Services has been obtained to ensure that the consultation approach was in accordance with the Act and associated guidance, as well as the analysis and consideration of all views, objections and suggestions raised.

Response Summary

Support for Landlord Licensing

- The Proposed Avenues Area

A clear majority (81%) of responding residents (mainly owner occupiers and private tenants) agreed that there is a need to licence private landlords in the Avenues. Only 8% of residents responded that they did not think there was a need for licensing. If the no responses were removed from the calculations, 91% of residents that did respond to this question agreed there was a need for landlord licensing in the area and 9% did not.

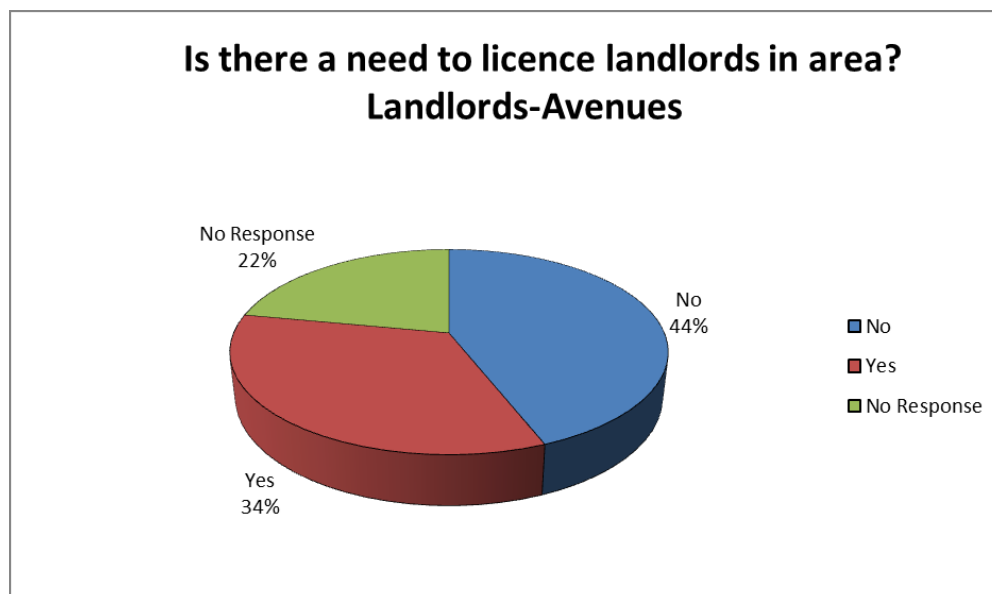
Figure 14



In contrast 44% of responding landlords and agents responded that they felt landlord licensing was not required, with 34% responding that they did think there was a need for landlord licensing. The number of landlords/agents responding that they felt licensing was required was more than expected. There was a significant 22% of landlords/agents who did not provide a response. Again if the

no responses were removed, 56% responded no and 44% of landlords/agents responded yes.

Figure 15



In the main opposition to the Avenues proposal from landlords was:

- The area does not suffer from the problems outlined
- Way for the Council to make money
- Penalises the good landlords and should only apply to the bad
- Too costly, a tax for landlords
- Previous schemes have not improved areas

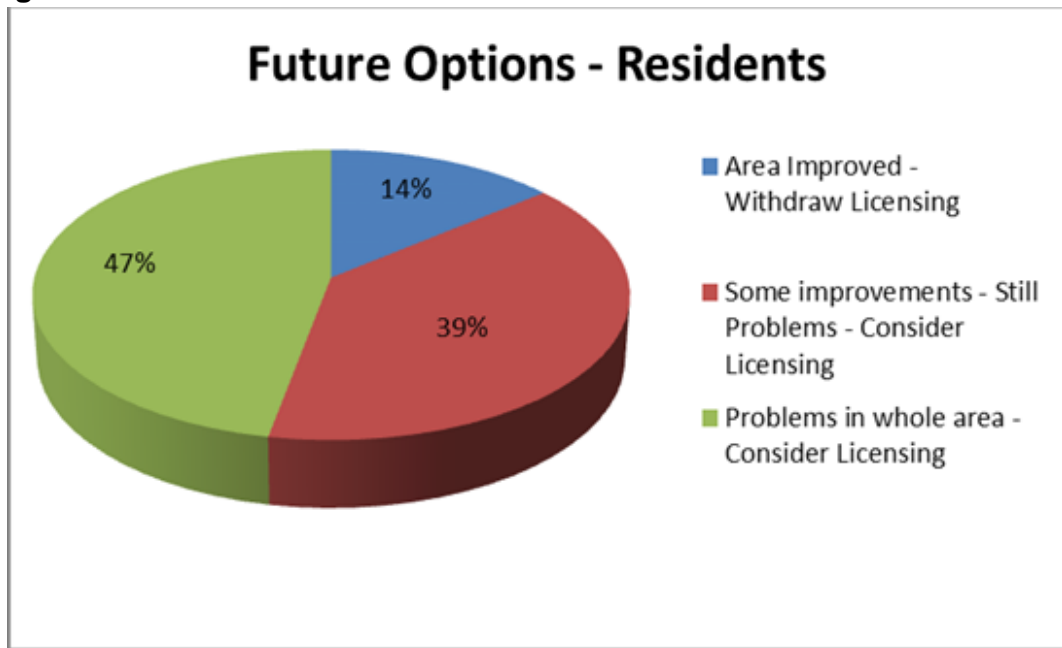
For those landlords in favour of licensing, some of the common responses included:

- Licensing is a good idea to increase landlord responsibility
- In support as many landlords aren't keeping their properties to an acceptable standard
- It will set a standard to adhere to and bring in more revenue to spend in the area
- Irresponsible landlords have led to area decline (anti-social tenants, noise, drugs and refuse issues). Any intervention to make landlords more accountable can only be a positive for the area
- To help sustain communities and provide a better service for tenants and all residents

Redesignated Area (Central Bensham Phase 2)

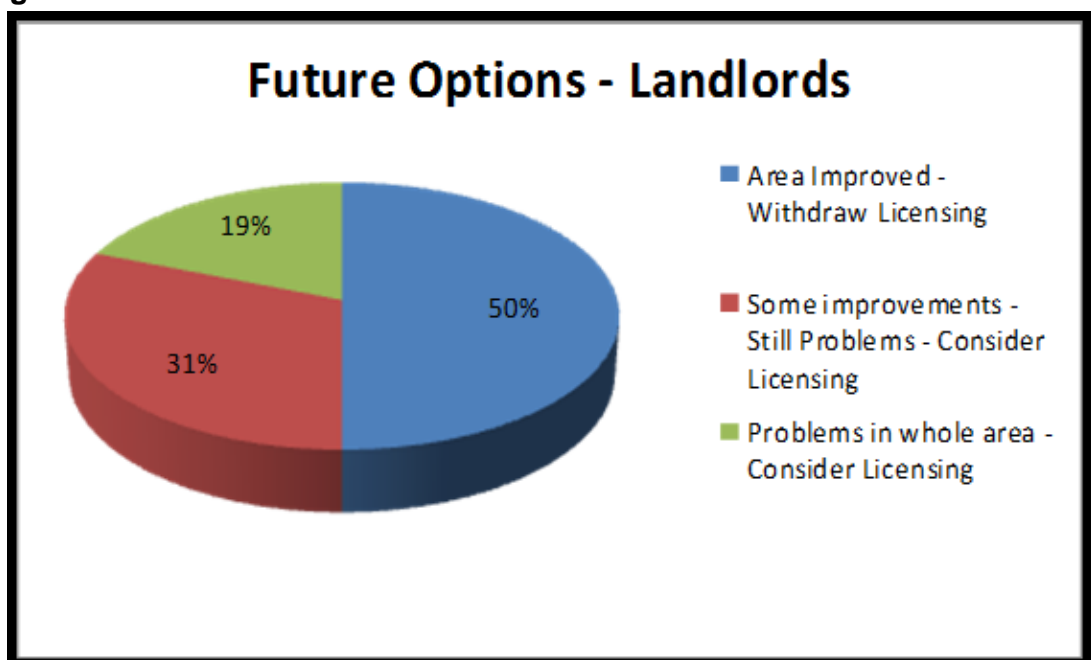
During February 2017 an evaluation consultation exercise was undertaken in the former Central Phase 1 licensing area. Stakeholders were advised that the licensing scheme at that time was within its final year. They were then asked to consider three possible proposed future options and asked to advise which option they felt best described the current position within the area. The majority, 86% of responding residents told us that landlord licensing should continue either across the whole area or in parts of it.

Figure 16



50% of responding landlords also agreed that certain problems remain in the area and that continued licensing should be considered, with 50% responding that the area had improved to the point where licensing should be withdrawn.

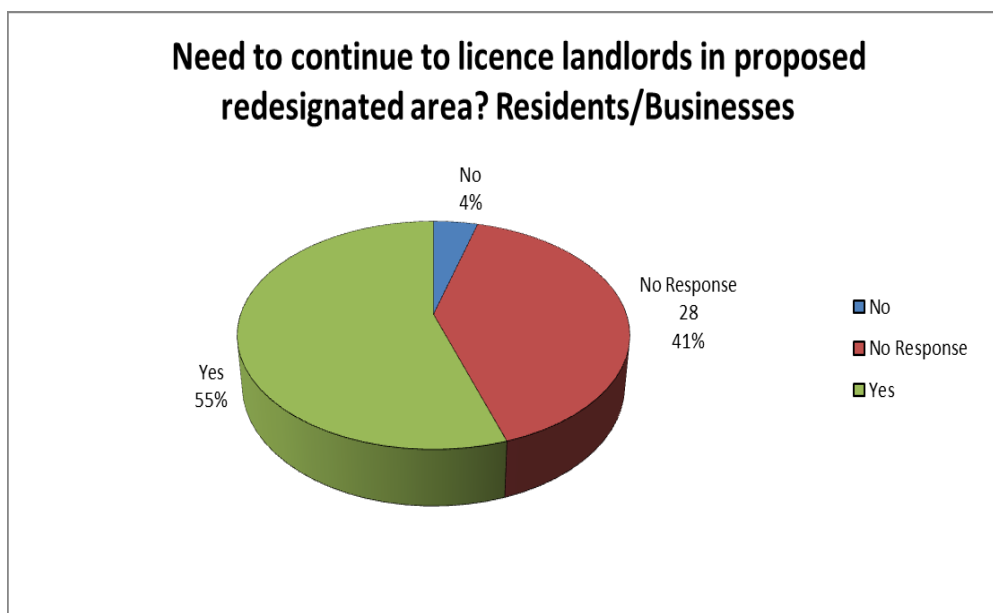
Figure 17



Stakeholders were asked a similar question within the March-June 2017 survey. This was following the provision of information in relation to what licensing entails and why the Council were looking to reintroduce it.

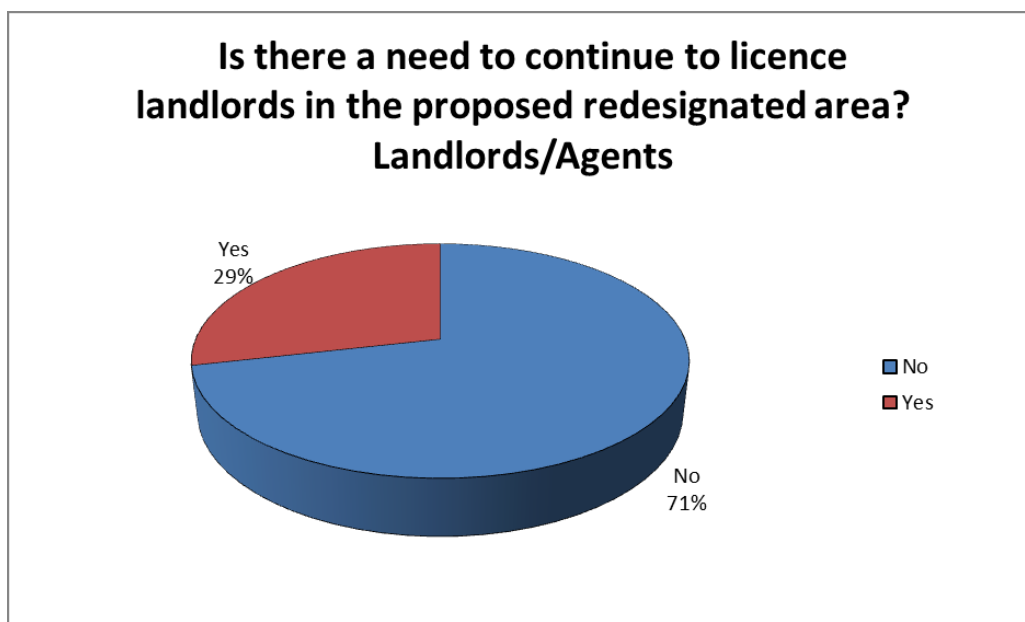
55% of residents responded that they thought there was the continued need to licence private landlords in the area and 4% did not. Interestingly 41% of respondents did not answer this question. If the no responses are removed, the values would change to 92% of those who did respond to this question agreed that landlords should continue to be licensed in the proposed area and 8% did not agree

Figure 18



For landlords and agents far fewer were in agreement (71%) with 29% agreeing that landlord licensing should continue in the proposed redesignated area.

Figure 19



For those residents in favour of continued landlord licensing, the below summarises some of the common responses as to why:

- ASB, Fly tipping and dog fouling are ongoing problems
- All rented housing should be licensed
- All tenants should be vetted
- Landlords are absent and have no interest in the area
- Area is likely to slip back if not renewed
- Backlanes a mess, houses/flats neglected
- Gateshead Council has solved many problems with landlord licensing – the area will revert back if the scheme is removed.
- Landlord more visible and reactive since licensing was introduced.

For those residents not in favour, the following comments were received;

- It is a tax on property rental – the Council has had five years
- Will push up prices, bad tenants need educating and not thrown out

For those landlords/agents not in favour for continued landlord licensing, the below summarises some of the common responses as to why:

- Seen no benefit
- Do not wish to pay further fees
- Why should good landlords pay for the bad. Target the bad ones
- Landlord issues are no longer the key problem in the area – re licensing landlords is not the solution-use exiting powers to tackle bad landlords, poor tenants and poor properties.
- Work with landlords instead
- Reductions in property prices and less attractive area.
- For those landlords/agents in favour for continued landlord licensing, the below summarises some of the responses as to why:
- Licensing had had a positive effect on the area along with the block improvement schemes
- The great thing about licensing is that it forces all irresponsible landlords into improving their property which has a positive effect.
- It benefits both parties and the area as a whole
- Yes-there are numerous problems throughout the Bensham area
- Yes-good idea for the reasons you have stated

There were no responses received from landlords/agents in relation to the actual proposed boundaries of the redesignated area. For residents/businesses the most common responses received were as follows:

- All of Gateshead
- The whole of Saltwell, Bensham and Shipcote

A full summary of the suggestions, views and feedback received can be found in Appendix M.

Full consideration has been given to many of the suggestions raised and many of these have been acted upon, resulting in revisions to the final proposal and administration of the scheme. Appendix E.

An appraisal for any alternative options suggested during the consultation period has also been undertaken-Appendix N.

Some of the common questions raised during consultation and the Councils response can be found in Appendix O.

POST CONSULTATION COMMUNICATIONS

The Gateshead Private Landlords Association

A local association for private landlords representing an estimated 5% of landlords borough wide and approximately 10-12% of landlords in the proposed licensing areas.

Following the end of the consultation period, GPLA committee members have attended member surgeries in the proposed areas as well as emailing members outlining their proposal concerns. A formal response from the GPLA as an organisation was not received during the consultation period. Submissions were received and responded to from a couple of members but these did not confirm that they were on behalf of the GPLA. These submissions and their content have been considered in the consultation summary report.

Regular meetings with Committee members from the GPLA were suggested by Council Officers following the end of the consultation period in order to keep them up to date with ongoing revisions to the proposal and to seek their views on these. During these meetings the following themes were commonly raised by the GPLA representatives

- *Consultation summary document is contradictory.*
The detail of many of the responses have been shared with the GPLA and in some cases respondents did provide some views that can be interpreted as contradictory e.g. they are satisfied with their area on the whole but then later confirmed concerns about community problems such as ASB and refuse and the standard or management of privately rented homes.
- *Dispute some of the evidence demonstrating problems in the proposed areas*
The Committee have been invited to provide information or evidence to support their concerns

- *Former schemes have not been successful/the Council have had five years.*
Full evaluations have been undertaken on all expired schemes and initially agreed aims and objectives have been mostly achieved. These evaluations have been shared with GPLA members.
- *Penalises the good – target resources at the bad.*
A comprehensive whole area approach is required to make an impact. Those landlords who have properties to a good standard and keen to development themselves and management practices will benefit from financial discounts. They will also benefit from increased intervention to tackle problems within neighbouring properties which may have had an impact on the satisfaction of their own tenants with their home and neighbourhood. It is anticipated that this will encourage good tenants to stay, reduce turnover and reduce the overheads to landlords during periods of vacancy.
- *SLL negatively affects the reputation of an area and results in mortgage arrangement difficulties for investors*
Contact has been made with Officers during the period of former licensing schemes from prospective buyers who have been attracted to the area due to a scheme being in place. They have described the support being directed into the area has made it a desirable private rented prospect. Research has been undertaken into the perceived reluctance by lenders to provide mortgages for privately rented homes in licensing areas. Evidence of this has not been identified on any significant scale. It is important to note that this only has an impact on the privately rented market but not on those looking to move into the area and reside in the property themselves.

As such there is no available evidence to support the GPLA's fear that licensing can have a negative impact on the reputation of an area.

A number of issues the outside the scope of landlord licensing have also been discussed e.g. housing. benefit payments, tax issues, housing company letting practices and waste permits for landlords. Some of these issues and concerns have subsequently been communicated to other services within the Council for their consideration.

The Committee submitted some recommendations based on questions asked by officers – however it is not possible to know if this is representative of members. These recommendations have been considered. The GPLA Committee is keen for the high level of scrutiny of the evidence base of selective licensing.

UPDATE – 16th January 2018

The GPLA were requested to submit submissions in relation to the proposals by 14th January 2018. A 36 page submission was received after the deadline on the 16th January 2018 and was sent to Cabinet Members directly. Due to the very short time scale from the late receipt of the submissions to the date

of Cabinet, efforts have been made as reasonably as possible to consider the content of the submissions provided. Appendix P.

ALTERNATIVE OPTIONS CONSIDERED



Before adopting a scheme of selective licensing, the Council is required to consider whether there are any other courses of action available to them (of whatever nature) that might provide an effective method in dealing with the problem or problems in question. As described in Actions & Interventions In Place and Undertaken Section page 38,, the Council has operated and implemented a range of schemes and initiatives to improve property conditions and management of the private rented sector for a number of years.

Alternative approaches in tackling the causes and symptoms of low demand and ASB have been considered and appraised. A detailed appraisal of the options is given in Appendix N. Some of these options were also put forward during the consultation process. Assessing projects in isolation however would be less effective than pursuing a coordinated approach that is joining a range of tools, agencies and services together, which is what landlord licensing enables us to do.

It is considered that there is no practical and beneficial alternative to the designation that would achieve the same aims and outcomes. The encompassing approach intended for licensing across many different disciplines, along with partnership working will significantly assist in achieving aims and objectives.

DESIGNATION REVIEW



Whilst the designations are intended to last for five years, Section 84 of the Act requires the Local Housing Authority to review the operation of the designation from time to time. If following a review, it is considered appropriate to do so, the designation may be revoked. This could occur if the findings of a review of the operation of the designation before the end of the five years found that the set objectives of reducing ASB in the area, improving the management and conditions of the privately rented sector and the wider community of the area had been achieved.

Area/Phase 3 of the proposed Avenues designation will be subject to ongoing consultation and analysis of relevant data. If through the implementation of

Phase 1 and 2, the aims and outcomes of this proposal are achieved for the area as a whole, Phase 3 may not require licensing.

Alternatively, if the designation is not in fact tackling the issues identified by the Council, the Council may consider that the designation should be revoked and take alternative measures to address the issues.

PRS licensing, such as selective licensing, is however a long-term remedy and is unlikely to yield instant results. Accordingly, if, in the initial phases of the designation, there has been little improvement in the PRS, this will not necessarily mean that the designation has failed in its objectives.

The evidence provided in this report has confirmed that the legal criteria that are required for an area to be designated for landlord licensing exist, and have been demonstrated. Both proposed areas are exhibiting key indicators of low housing demand and improvements to the management of the private rented stock are required to prevent further decline and to sustain the improvements that have already been secured over the last five year licensing scheme. The implementation of landlord licensing by the Council, with the participation of residents, landlords and stakeholders will help to promote community cohesion and stimulate long term neighbourhood sustainability, improve housing market conditions, reduce low housing demand and anti-social behaviour.

The importance of effective property management has always been a key part of tackling the full range of issues affecting vulnerable areas, recognised by the Neighbourhood Plan for Bensham and Saltwell in 2006, created in conjunction with landlords and residents at that time. The implementation of licensing also aligns entirely with several key and existing Council strategies and plans. Visions 2030 sets out the overall vision of 'Local people realising their full potential, enjoying the best quality of life in a healthy, safe prosperous and sustainable Gateshead. Licensing can play a major role in helping to achieve this and in achieving the recently revised aspiration of the Council: to ensure Gateshead is a place where residents can thrive. Safe, well managed and warm homes are key to this, as well as a safe, responsible and thriving local community.

Previous remedies and interventions have led to improvements in the appearance of the areas but have not been sufficient to tackle the full range of issues. Licensing allows the Council to target support and action to tackle poor property management and the anti-social behaviour (ASB) that continues to affect the proposed areas.

The size of the private rented sector in Gateshead has doubled over the last decade and continues to increase. It is important that the Council continues to champion a well-managed private rented sector to ensure that the housing needs of residents are met. A Selective Landlord Licensing designation focusses and targets resources to areas most in need and tackles those landlords whose poor practices impact upon the most vulnerable residents.

The outcomes from previous licensing schemes confirm that licensing has a positive impact and can be an effective tool in improving neighbourhoods and reducing decline. Whilst much has already been done and continues to be done to improve housing market sustainability of the proposed SLL areas and the surrounding neighbourhoods, it is considered that licensing is still an additional and necessary intervention to complement the above interventions and sustain their legacy. Particularly in the proposed redesignated area, the data gathered suggests that the ongoing intervention of licensing is still

required to ensure improvements already achieved are sustained and to direct resources to the streets most in need of ongoing support.

It is acknowledged that selective licensing is not a 'solve all problems' solution. It needs to be used in tandem with a number of other tools and partners to increase the likelihood of achieving improvements. The way in which this will be undertaken has been outlined in this report.

Selective licensing is an investment by both the Council and private landlords who have properties in an area, which benefits the whole neighbourhood and community. Without this investment there is concern that the area may continue to suffer the problems associated with low housing demand, empty properties, high property turnover and lower property values.

Selective landlord licensing is the correct approach as the evidence and results from the consultation demonstrate it is needed, the implementation will help to tackle the problems that the evidence reveals and significantly help the Council achieve its objectives; it is a wholly complementary tool to use alongside other regeneration and neighbourhood shaping activities already undertaken to achieve better neighbourhoods and the improvements achieved via former and expired schemes demonstrate what licensing can achieve.

Without the specific type of intervention that can be delivered through landlord licensing, the areas could be at risk of remaining one of low housing demand and could undermine the long term sustainability of the wider Neighbourhoods.

APPENDIX A

DETAILED EVIDENCE TO SUPPORT THE INTRODUCTION OF LANDLORD LICENSING IN CENTRAL BENSHAM PHASE 2 (THE REDESIGNATED AREA)

Impact of former scheme-Central Bensham Phase 1

The former scheme had a positive impact on problems of anti-social behaviour and poor property management.

Recently consultation with licence holders, residents and stakeholders from within the scheme revealed their views and provided feedback. An analysis has also been undertaken to compare data on low demand indicators (empty properties, occupant turnover, rental/property values, demand for council services) and anti-social behaviour from pre licensing to date. The following pages provide a summary of this analysis and provide information as to why consideration is being given to redesignating part of the existing licensing area.

When asked which of three options best described the current situation in the former licensing area a massive 86% of responding residents told us that landlord licensing should continue either across the whole area or in parts of it, Figure 1. 50% of responding landlords also agreed that certain problems remain in the area and that continued licensing should be considered, with the remaining 50% responding that the area has improved to the stage where licensing is no longer required, Figure 2.

Figure 1

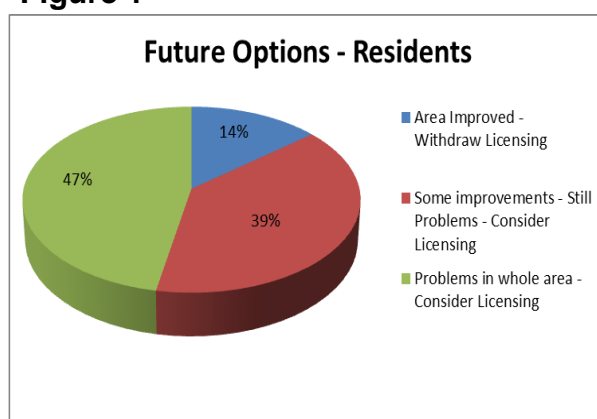
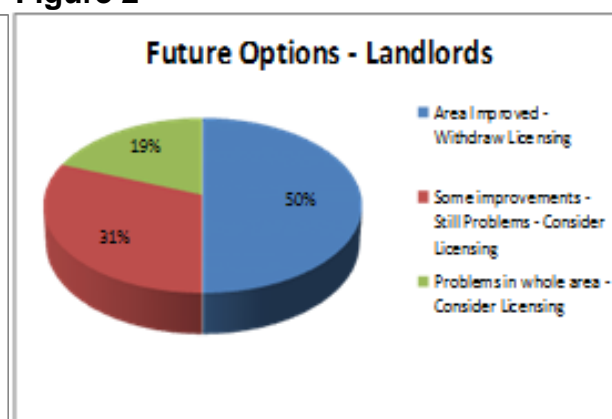


Figure 2



In the comments regarding ongoing issues and problems affecting the neighbourhood there were common responses which included anti-social behaviour and drug use, refuse, problem tenants and dog fouling. Residents were also concerned about the condition of rented homes with many feeling that the area would revert to previous standards should licensing end.

The initial analysis of the wider data indicates that there have been great improvements in the area in the last five years with a reduction in occupant turnover, reported ASB/crime and an increase in the number of homes meeting the legal minimum standard. Problem landlords have been excluded from the scheme and have been deterred from investing in the area and existing licence holders have been given advice, support and training to understand the expectations of good management standards.

The data also reveals, in conjunction with the continuing demand on Council services, that there are certain hotspots/streets within the existing licensing area that would benefit from the ongoing support of licensing. The area continues to demonstrate some key indicators of low demand despite reductions in trends since licensing was introduced, and there remains some ineffective management by some landlords.

Due to an in-depth understanding of the area gathered from targeted work in the last five years and close working with landlords it is possible to identify those streets that require ongoing intervention and those that could be managed independently. The area will continue to be monitored closely to ensure standards do not slip. There remains a number of landlords whose standards without ongoing regulation are likely to return to pre-licensing practices, compromising the neighbourhood improvements made.

It is proposed to seek to redesignate parts of the existing scheme to allow further time for improved management practices to be embedded. This will include an increased focussed on the area that continues to cause problems. The proposed area continues to demonstrate some indicators of low housing demand and contains a high proportion (approx. 72%) of privately rented properties.

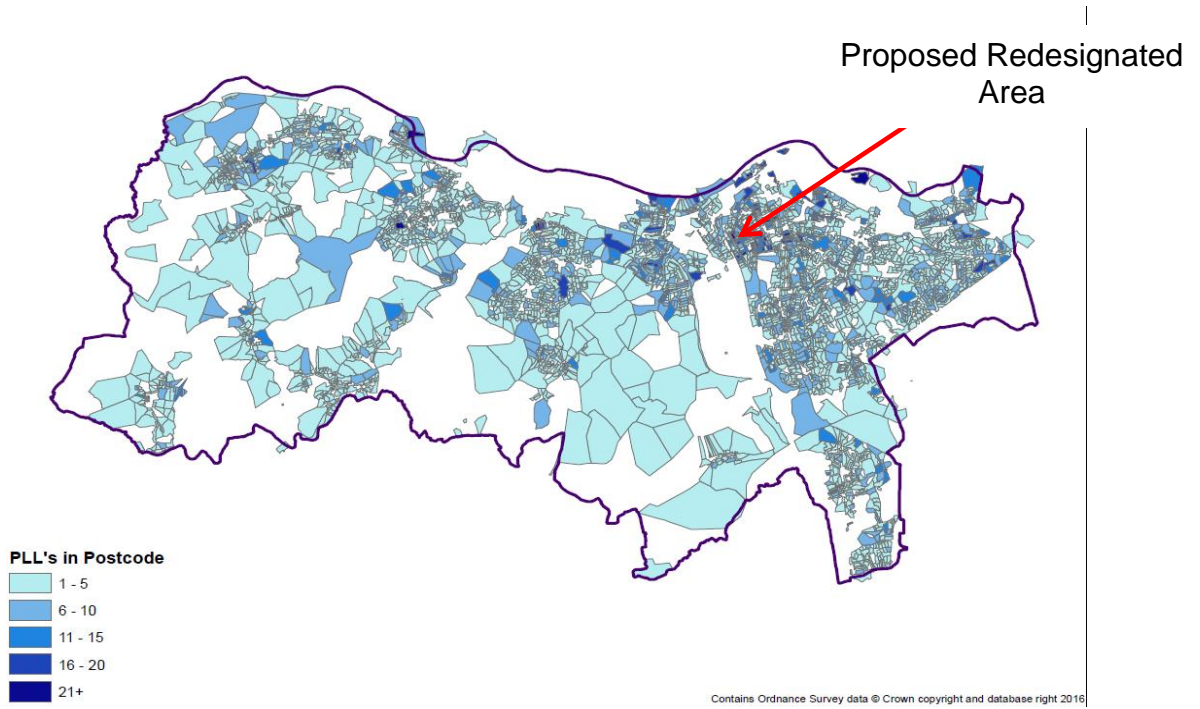
An analysis of some of the key indicators of low housing demand have been undertaken and are provided below with an explanation as to why consideration of licensing is being considered following this analysis.

High Proportions of Private Rented Property

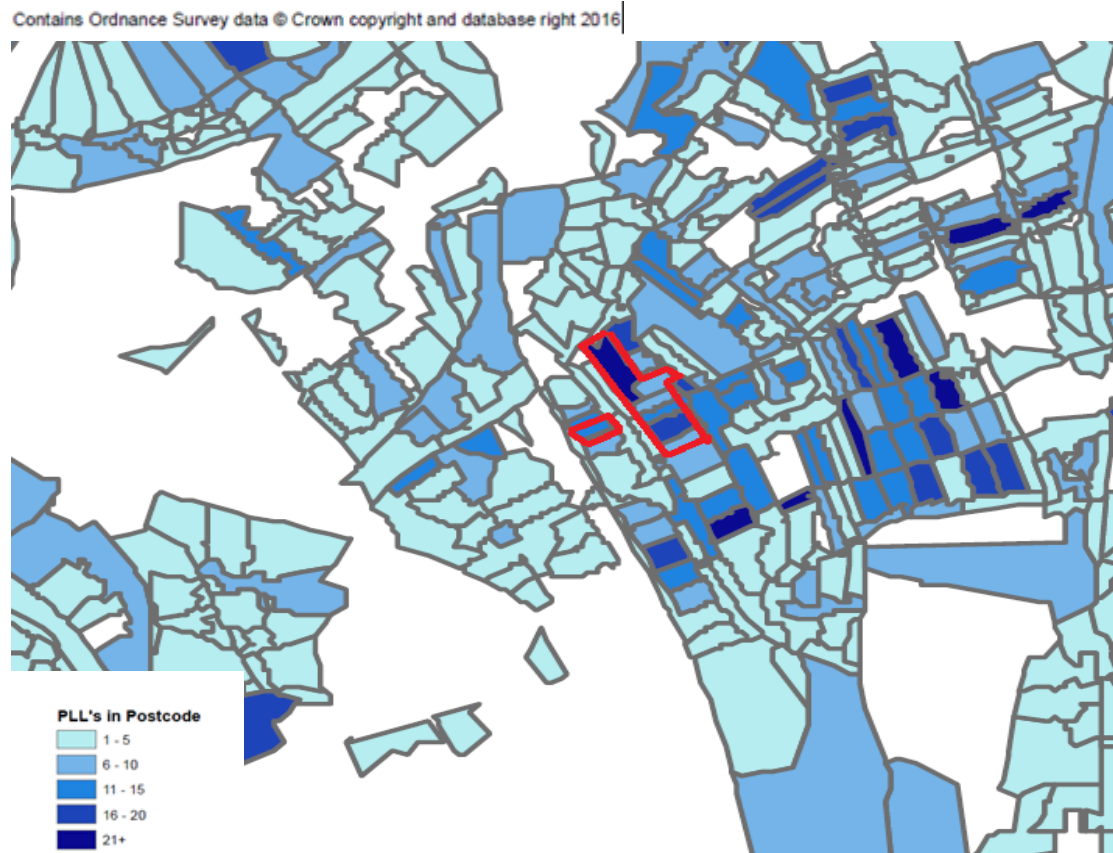
The proposed area consists of 317 dwellings with approximately 229 of these being privately rented. The levels of private rented property in the area are 72%, which substantially exceeds the Borough average of 16% and the UK average of 19%. Geographically the area is very small (0.0015% of the borough yet) covers 1.6% of the Boroughs total private rented housing.

Redesignated area – Central Bensham Phase 2

The location and proportion of private rented homes was based on LSOA breakdown using Council Tax data, as well as data from the BRE Stock Model and tenure figures from 2013. Figures were also matched against local land and property gazetteer as well as internal databases.



An enlarged view of the proposed area shows postcode areas. The predominance of darker blue shading confirms higher concentrations of private rented properties in comparison to other areas.



Tenure % - Proposed redesignated SLL Area

Tenure	Total	Percentage
Privately Rented	229	72%
Empty Properties	37	12%
Owner Occupied	44	14%
Gateshead Housing Company and Registered Social Landlords	5	1.5%
Commercial Premises	2	0.5%
Community Facilities	0	0%
Total	317	100%

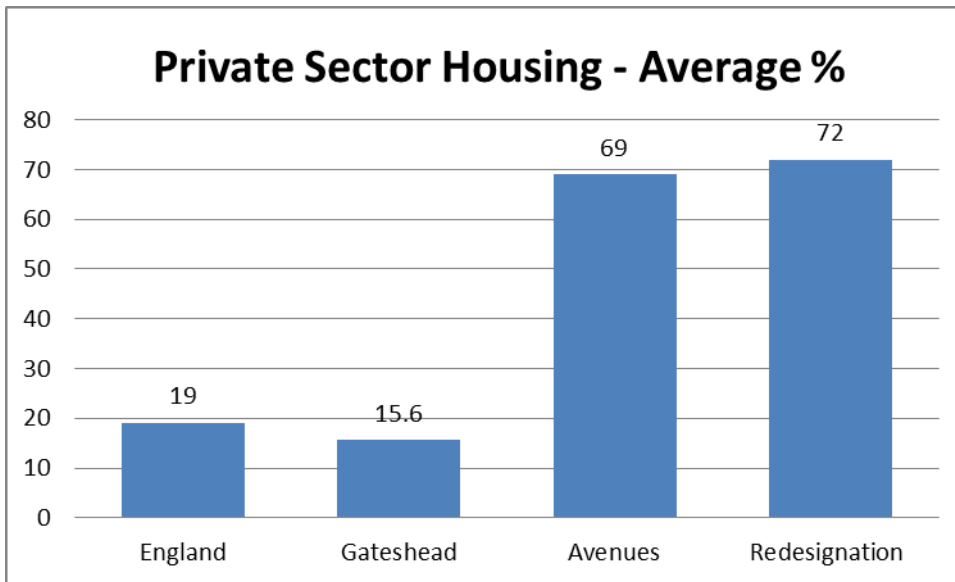
Using former data from the expired scheme, there are 229 private rented properties out of the 317 that fall within the proposed redesignated area – 72% private rented. The four statutory conditions which allow for selective licensing (as specified in The Selective Licensing of Houses (Additional Conditions)(England)Order 2015), those being housing conditions, migration, deprivation and crime, can only be considered where:

- The area contains a high proportion of properties in the PRS in relation to the number of properties in the area and
- Those properties are occupied under either assured tenancies or licenses to occupy.

There is no statutory definition of what constitutes a 'high proportion' and it is therefore open to the Council to make its own reasonable determination having regard to guidance.

'Nationally the private rented sector currently makes up 19% of the total housing stock in England. The actual number of privately rented properties in a given area may be more or less than this, and if it is more than 19%, the area can be considered as having a high proportion of privately rented properties. 19% is the figure as of March 2014. This figure will vary from time to time, so local authorities are strongly advised to consult the latest available English Housing Survey when considering whether an area has a high proportion of privately rented properties.' (Selective licensing in the private rented sector - A Guide for local authorities)

The most recent 2015-16 English Housing Survey confirms the current national figure to be between 19 and 20%. As the proposed redesignated licensing area has more than three times the national average, it is satisfied that the area has a high proportion of property in the private rented sector.



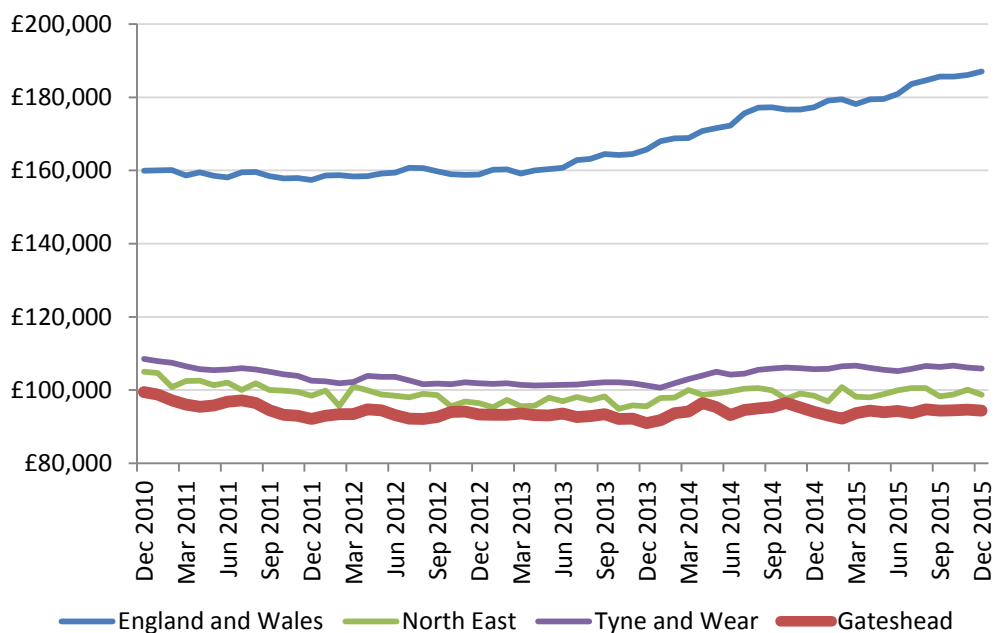
INDICATORS OF LOW HOUSING DEMAND

Property Sales Values

An initial review of house prices and market performance has been undertaken to set the context for this proposal. It is recognised that the financial crisis had significant and ongoing negative impact on housing market confidence and resulted in reduced house prices across the country.

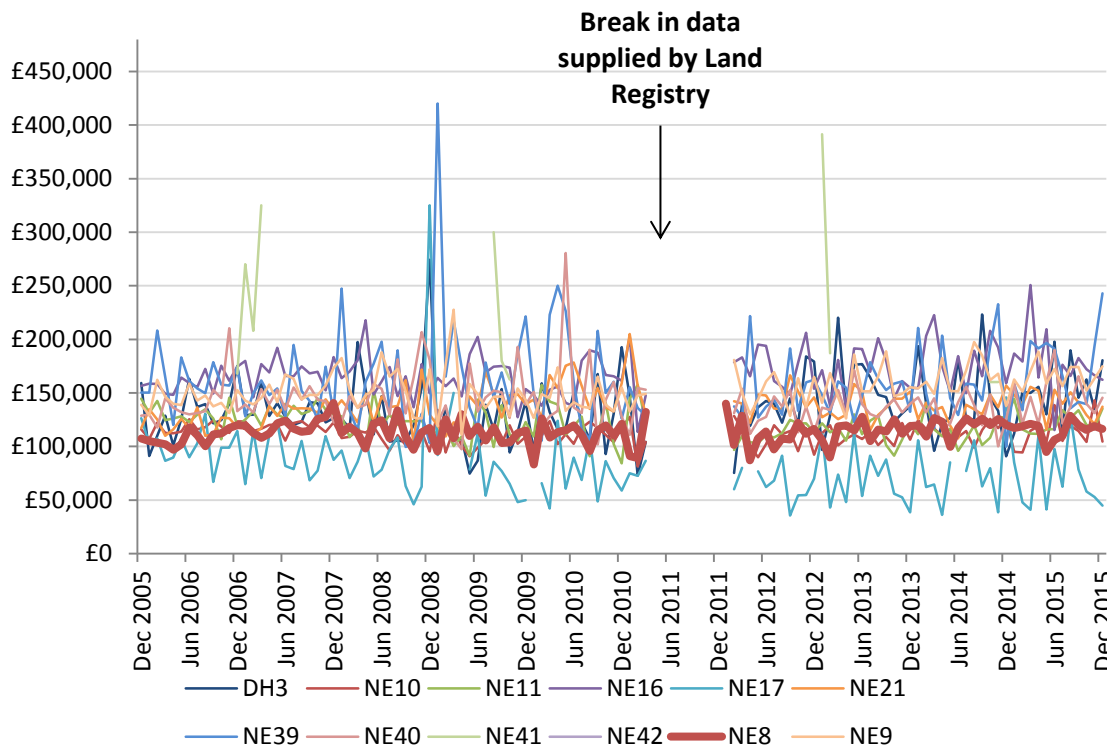
Quarterly average prices (Figure XX below) for all residential transactions from December 2010 to December 2015 show that prices in Gateshead have been consistently lower than the Tyne & Wear average and the North East region. In addition, the average price is substantially below the national average for England and Wales. As average prices have started to increase across the country from the end of 2013 onwards, prices in Gateshead have remained the same.

Residential Transaction 2010-15, England, Northeast and Gateshead

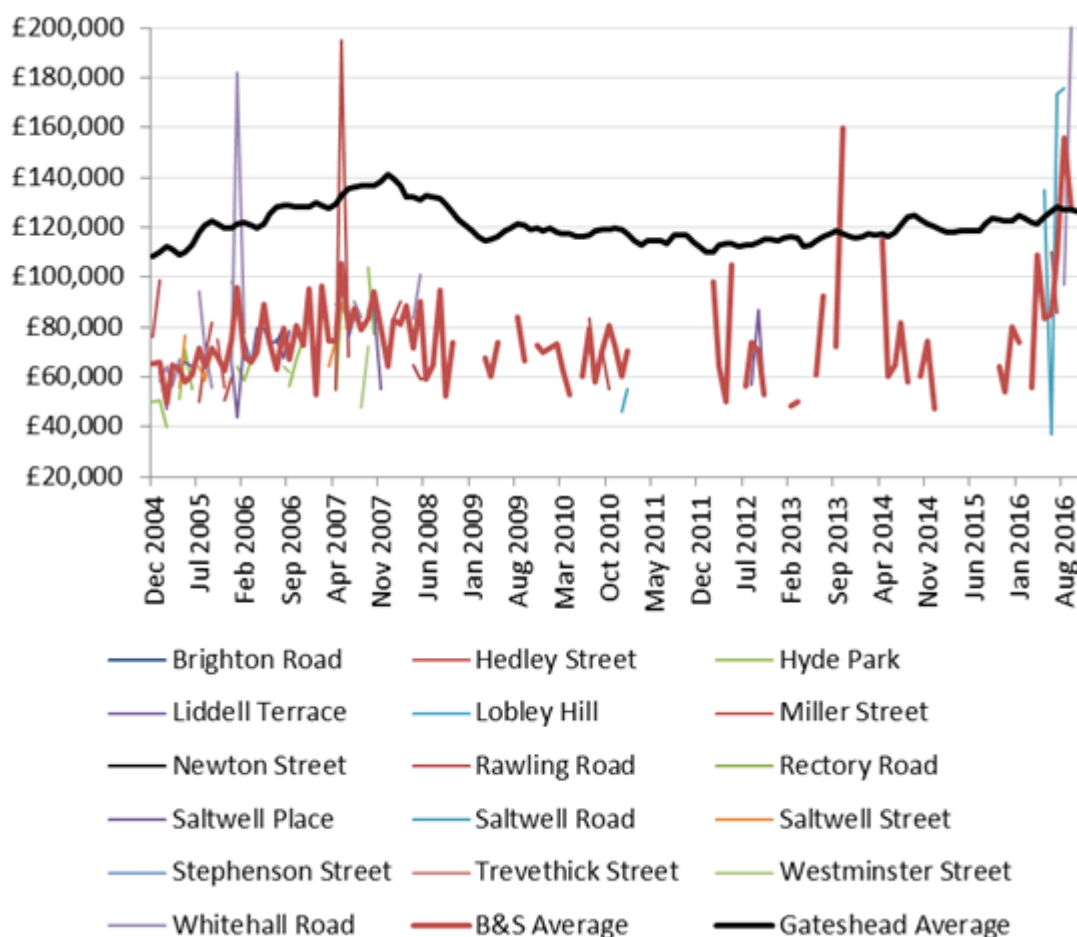


The graph below shows a time series plot of average prices between December 2005 and December 2010 by postcode sector in Gateshead. The proposed SLL area (both The Avenues and the Redesignated area) are situated within NE8 (shown in red), which has consistently exhibited a lower average price than other parts of the Borough, except for NE17. NE17 includes the rural area of Chopwell, an area with historical lower than average house prices and an area that has previously subject to SLL.

Property Sale Prices 2005-2015 Gateshead Postcodes



Analysis of sale prices has also been possible at street level. Figure XX below demonstrates the year on year difference of streets the proposed redesignated area, compared to the Bensham and Saltwell average, as well as the rest of Gateshead. It can be seen that the majority of properties yielded a lower price compared to the Gateshead average, with some yielding a lower price than the Bensham and Saltwell average.



In addition to the above closer analysis of up to date sold prices from Land Registry records confirm that property prices remain lower than Gateshead and the Saltwell Ward

- Gateshead Borough £126,171
- Saltwell £124,582
- Lobley Hill & Bensham £116,568
- Proposed redesignated scheme area(NE8) £75,250

Rental Values

Average rental values have increased slightly since SLL was introduced in 2012 from £97.40 per week to £99.91 per week. This information has been gathered from the tenancy agreements produced for landlords operating in the area by the PSH Team up until June 2016. This new value however remains lower than the Gateshead rental average of £108.60 per week.

What does this data tell us?

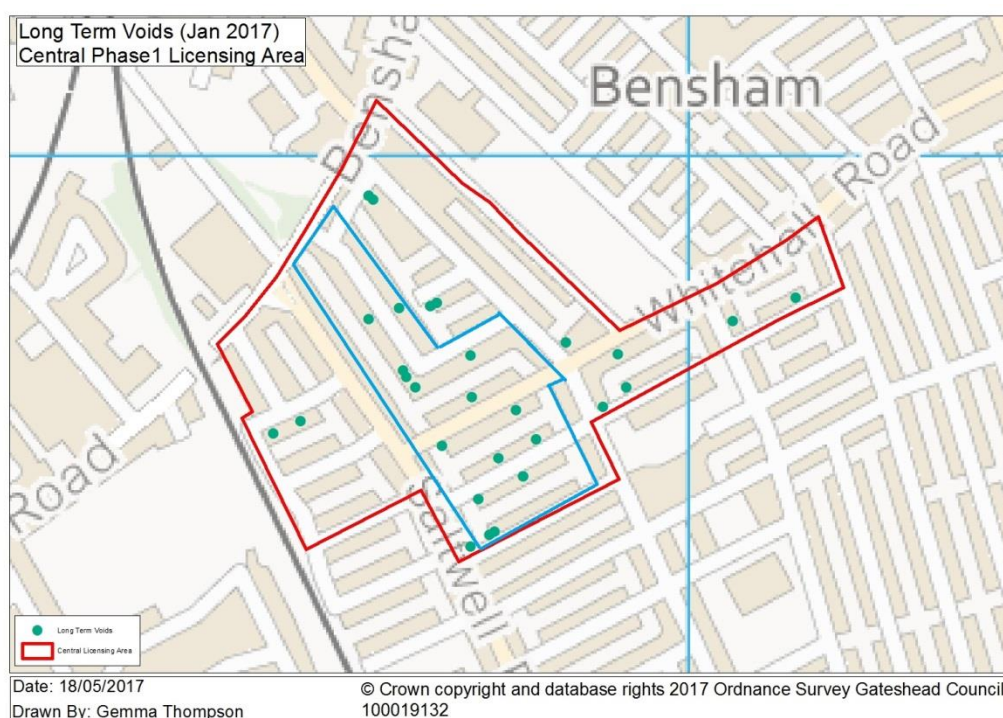
Property values have remained steady since SLL was introduced, whilst there has been an upward trend nationally. Gateshead has a lower than average property price value than the Tyne and Wear average and substantially lower

than the average price for England and Wales. Property price within the existing and proposed SLL area is lower than the Borough and surrounding ward average. Lower than average prices is indicative of low demand.

Empty Properties

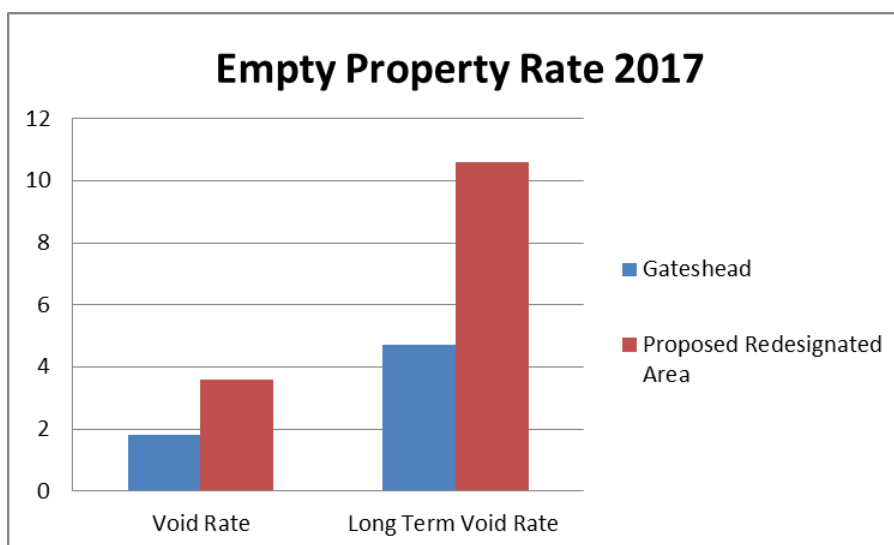
The former licensing scheme that was in the area up until May 2017 contributed towards the reduction in long term empty homes over the five years.

The map below shows the spread of remaining long term empty homes in the wider former licensing area (red) and the proposed redesignated area (blue).



- The proposed area has a void rate of 10.6%. This is almost three times the rate for the rest of Gateshead – 3.6% and is despite 75 properties being brought back into use during the previous licensing scheme.
- 4.7% of properties in the area have been vacant for longer than 6 months which is more than double the Borough long term void rate of 1.8%
- Some of the vacant properties have been empty for more than five years despite several attempts to engage with owners and encourage to bring the properties back into use or sell.
- This tells us that there are more long term empties in the proposed area compared to elsewhere in Gateshead and that these properties are staying empty for longer periods of time

Empty Property Rate 2017 Redesignated Area & Gateshead



It is normally considered that 4% of the stock being empty is a healthy sign within the housing market to allow for a changing population and demand

Multiple Occupant Turnover

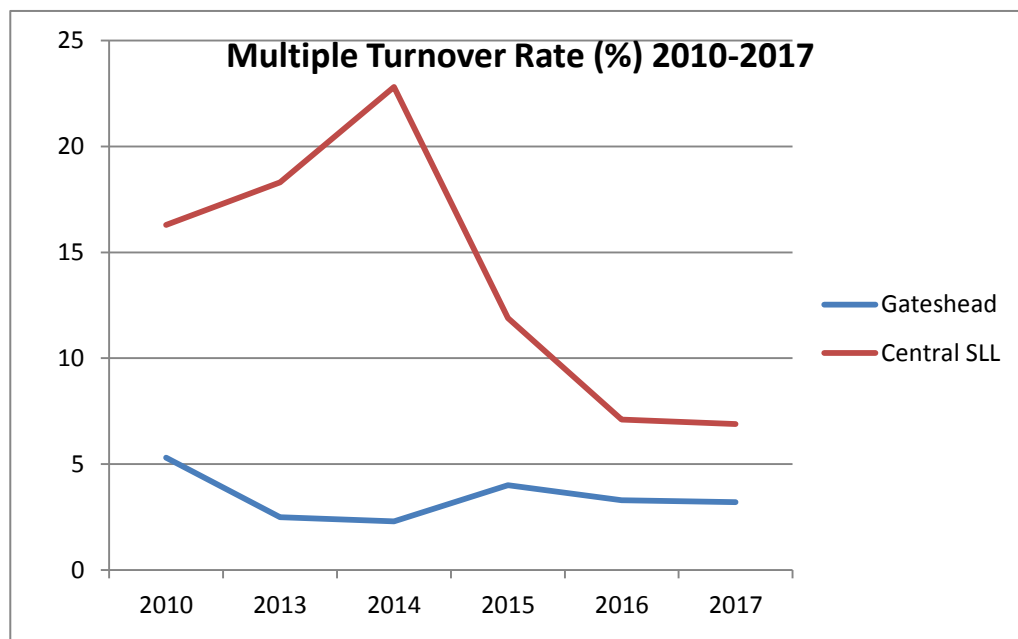
The turnover of residents in the former Licensing area has decreased substantially over the five year period.

In the years leading up to designation (2009/2010), liability changeover rate in the area reflected the instability in the housing market when compared with the rest of the Borough. At the time multiple changes of liability in council tax (2 or more) was 16.3% (based on number of dwellings in the area) compared with 5.3% across the Borough.

Throughout the scheme period (2012-17), the rate has fluctuated, with the rate in February 2014 increasing to 22.8%, and since this time it has decreased year on year. More recent figures (Jan 2017) report a reduction in turnover in the licensing area to 6.9% which is more than half the initial 2009/10 rate (a 56% reduction)

Despite this large reduction, multiple turnover rates remain more than double the Borough average of 3.2%, however the difference between the two is now substantially less. Slightly higher rates of turnover are to be expected as more than 60% of the private properties are rented compared to the borough average of 16%.

Turnover rates 2010-17- Former SLL Area



The Borough rate has also followed a similar decreasing trend from 5.3% in 09/10 to 3.2, which is a much slower rate than that within the licensing area (39% reduction overall)

Examination of this data more closely reveals which streets within the area continue to demonstrate the highest turnover of occupants. From February 2016 to January 2017 the postcode with the highest single turnover rate relative to the number of properties within that location was NE8 4QY – Saltwell Place (45%) and NE8 4XP – Trevethick Street.

During the same period the postcode with the highest multiple turnover relative to the number of properties within that location was NE8 4TH (17-109 Saltwell Rd- a large proportion of which are Gateshead Housing Company stock)), where 16.7% of properties in that postcode had more than two changes reported to council tax liability. Followed by NE8 4QB (1-64 Hyde Park Street) at 13.3%.

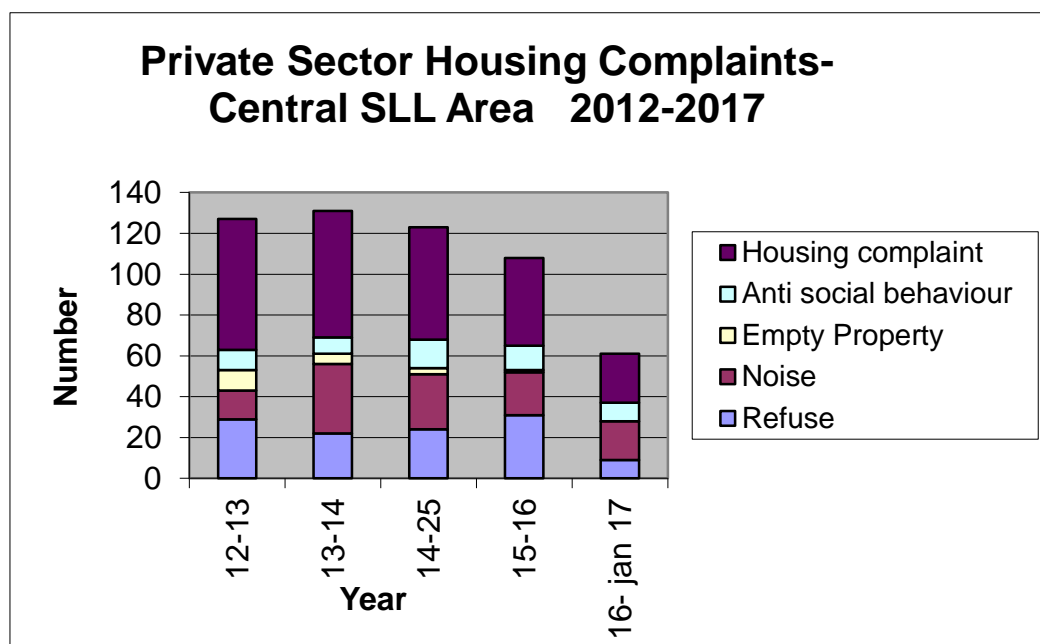
What does this data tell us?

Turnover rates in the area have decreased by 56% since 2014. This would indicate that when people move into the area, they are moving on less often and staying for longer periods of time since 2012 and the introduction of licensing. This may be due to increased satisfaction with the property, the local neighbourhood and access to local services. However as a whole the area continues to have a turnover rate double that of the borough average.

There are certain locations within the existing area that are experiencing higher turnover than others and some of these locations are proposed for the continuation of licensing for a further five years to ensure ongoing regulation will help to ensure the continuation of the downward trend.

Private Sector Housing Complaints

The Private Sector Housing Team respond to and investigate a wide range of requests for help from those living and operating within the licensing area, covering complaints of anti-social behaviour and noise, accumulations of refuse, empty properties and also from tenants who may have concerns over the condition of their rented home. The complaints received in the former licensing area from 2012 to January 2017 can be seen below. N.B PSH stopped reporting refuse incidents from Summer 2015 due to a change in responsibility for refuse investigation.



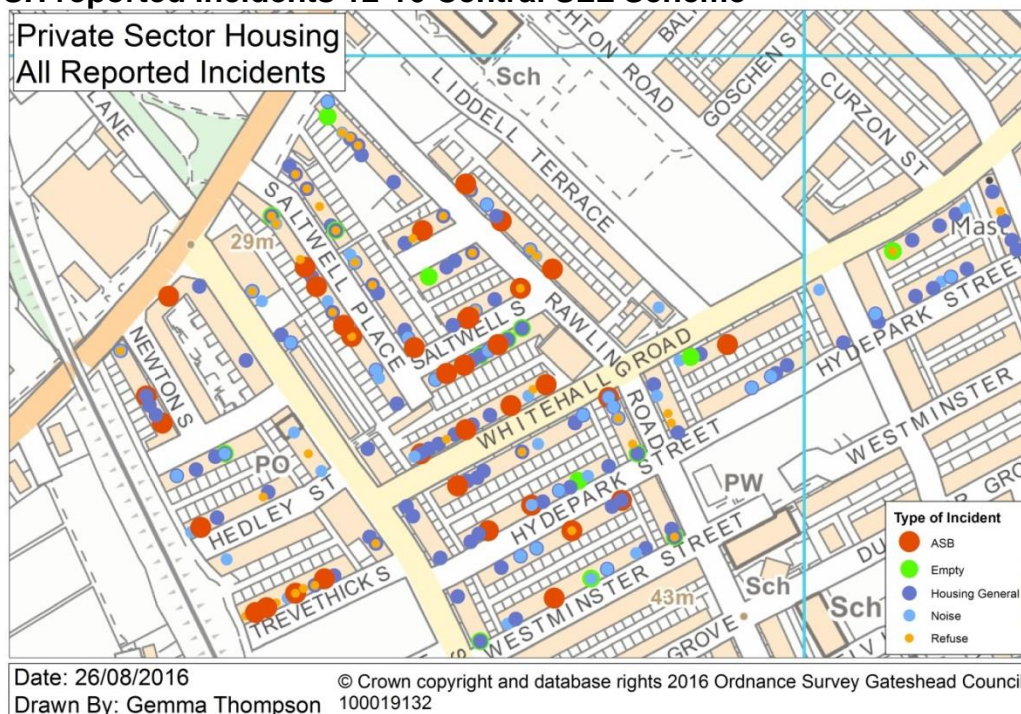
The number of complaints overall received by PSH has reduced over the five year licensing scheme with a significant reduction in the number of requests for help concerning private sector housing condition. Licensing has contributed towards this reduction through accreditation, programmed property inspections by Officers and landlord training. The number of accredited properties in the proposed area remains high which is why the Council are not looking to designate on the condition of poor housing conditions. The former licensing scheme has dramatically improved the condition of private rented homes in the area.

Of the noise and ASB complaints received in the proposed redesignated area from April 2014 to March 2017, 84% were in relation to issues concerning private rented accommodation. 52% of complaints were received from occupiers of private rented properties, confirming that private tenants are also affected as well as being perpetrators

Reductions in the number of complaints concerning empty properties have also occurred. Of the current 32 long term empty properties in the proposed area (March 17), five have been brought back into use under the Council's Leasing Scheme. This is despite exhaustive efforts to engage owners and encourage participation within the scheme.

Despite these reductions, the number of complaints received from within the area remains high. As a means to work out the spread and location of the demand on council services, all complaints received from May 2012 to August 2016 have been plotted on the map below.

PSH reported incidents 12-16 Central SLL Scheme



What does this data tell us?

There has been a reduction in housing related complaints made to the Council over the five year period of licensing. The number of complaints continued to be received remain higher than average. This analysis of this data and experience reveals that such issues are recurring in specific streets. Continued targeted work is required in these hotspot streets both with landlords and tenants to prevent and resolve these issues and SLL will allow this take place.

The resulting map indicates particular hot spot areas within the existing area where higher numbers of complaints are received. The middle section of the area covering Saltwell Place, Saltwell Street, the bottom end of Whitehall Road, Hyde Park Street and Westminster Street are particularly concentrated areas. Trevethick Street also is particularly concentrated for ASB and refuse issues.

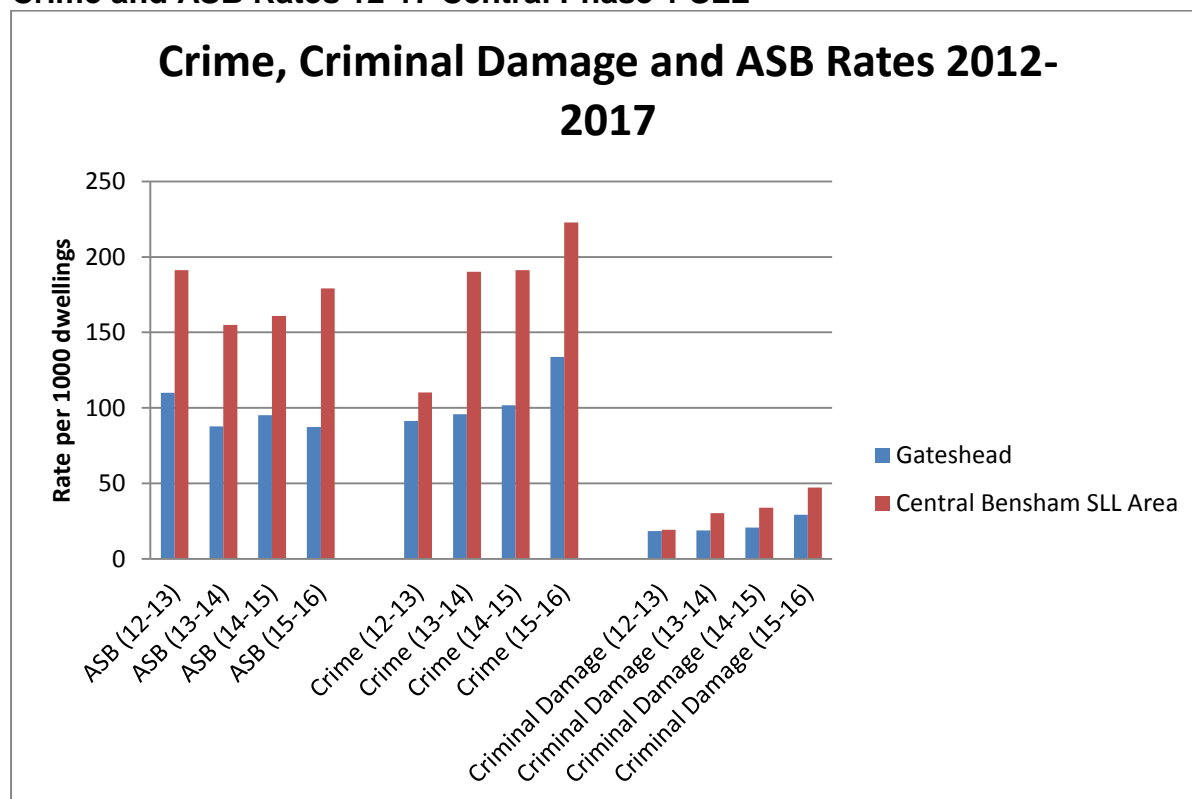
ADDITIONAL CONDITIONS

High Levels of Crime

Crime and ASB reported to Northumbria Police

Reported Crime and ASB to Northumbria Police within the SLL area remains higher than the borough average. This relates to criminal incidents outside the scope of PSH, but does include some neighbour dispute incidents

Crime and ASB Rates 12-17 Central Phase 1 SLL



The Police have advised that in the last three years the vast majority of incidents are linked to adults; only a small proportion of incidents (6%) are classed as youth-related disorder. Alcohol was deemed to be a factor in one in 10 incidents.

In the last three years, more than eight in 10 incidents were classed as neighbour-related disputes or rowdy and inconsiderate behaviour.

Recorded crime incidents have increased. Violence against the person accounts for the highest proportion of recorded crime in this locality; three in 10 offences are linked to violence against the person. In 2013/14, a fifth of offences were classed as violence against the person and by 2015/16 this increased to almost four in 10 offences.

However, in the last 12 months, Gateshead as a whole has experienced a rise in the number of crimes recorded by Northumbria Police. These increases are directly attributed to national changes in the way in which crime is now recorded by Police Forces; similarly, increased confidence in victims to come forward has resulted in an upturn in certain crime categories; while, greater emphasis to address vulnerability has resulted in changes to the way in which Community Safety partners operate.

Criminal damage also features highly, and accounts for 18% of all crimes reported in this locality in the last three years. More than half of the criminal damage offences reported are classed as damage to dwelling, with the other offences a mixture of threats to damage and damage to other property (e.g. vehicles).

What does the data tell us?

Since SLL was introduced there has been a reduction in the overall number of complaints made to the council concerning housing conditions, however complaints of ASB and crime to both the Council and the police indicate that the area is still experiencing ongoing issues. Further analysis of this data would suggest that a large majority of these incidents are reported in greater numbers from certain streets within the area and are linked to adults (a large proportion being tenants of private rented property) rather than youths. Ongoing intensive work with, landlords and tenants is required to prevent and manage this issue, including closer working with the police and other agencies such as immigration, and drug and alcohol support agencies.

High Levels of Deprivation

The Indices of Multiple Deprivation measures deprivation based on a number of factors including income, employment, health, housing, crime plus others. In 2015 the Indices of Multiple Deprivation found Gateshead to be the 73rd most deprived Local Authority area out of 326 Local Authorities.

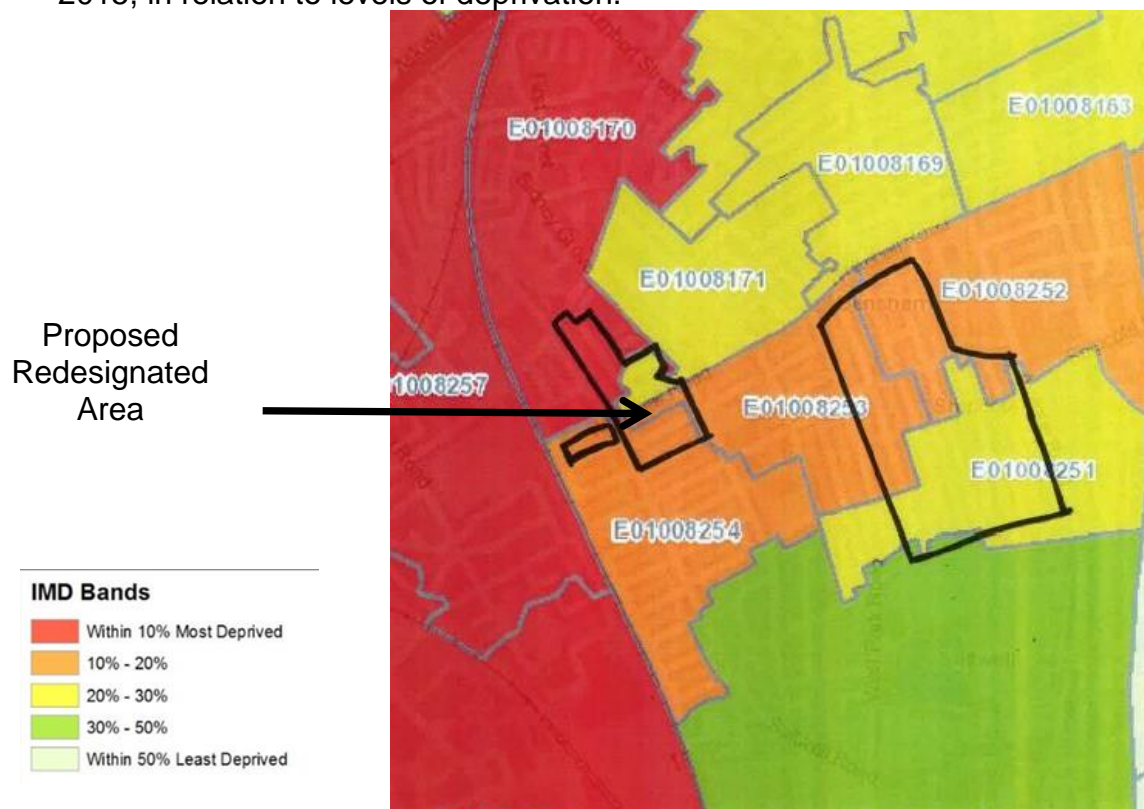
Lower super output areas

Within Gateshead there are 126 smaller areas known as Lower Layer Super Output Areas (LSOAs), each designed to be of the same population size. 15 of these areas fall within the 10% most deprived areas in England.

The licensing area falls within four LSOA's. 2015 data confirms that;

- One of the areas is in the top 10% of the most deprived in England,
- Two fall in the top 20% of the most deprived in England, and
- One falls in the top 30% most deprived in England.

In 2010 before the introduction of licensing three of the areas were in the top 10% and one in the top 20% most deprived in England. This positive change confirms that the areas have improved relative to others in the UK from 2010-2015, in relation to levels of deprivation.



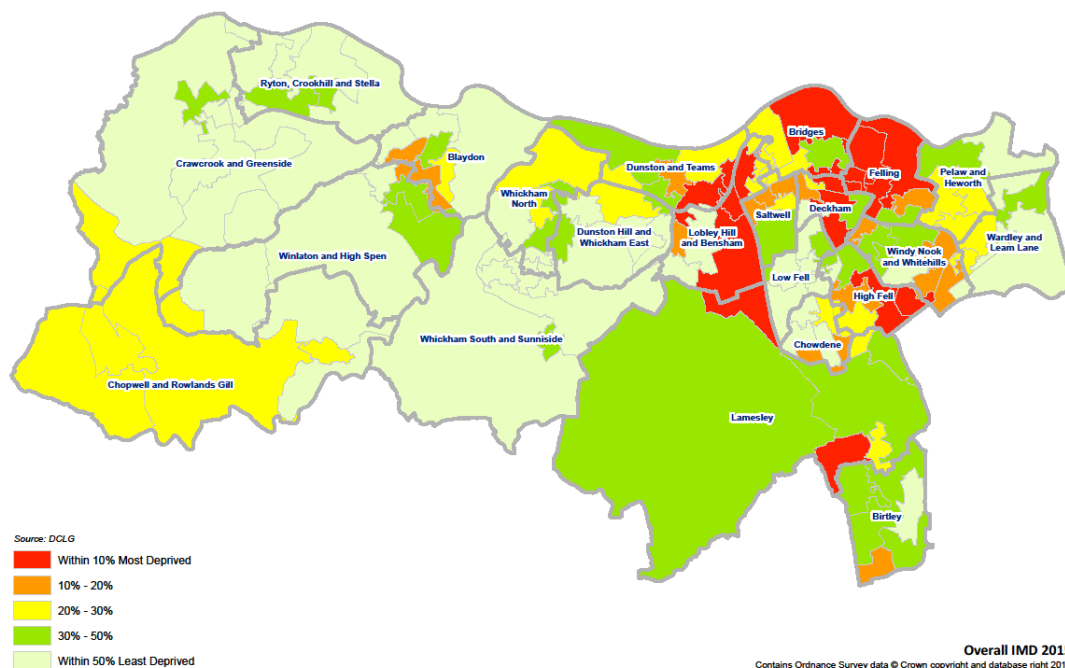
The LSOA's in the top 10% and 20% most deprived area covers the majority of the proposed redesignated area.

Further analysis of this data would suggest that barriers to housing and services (the physical and financial accessibility of housing and local services e.g. affordability, overcrowding and homelessness), and housing quality rank highly.

High levels of deprivation in the proposed area are driven to a large extent by crime and housing. Licensing can make a direct and tangible difference to both of these factors e.g. enforcement action against landlords who illegally overcrowd or rent out homes in a poor condition are one of the key aims of the licensing scheme and will help to alleviate housing and health deprivation in the licensing areas. The information gathered through licensing will also help to inform future joint operations with the police and other agencies to crack down on crime, again helping to mitigate deprivation.

The map below shows the overall spread of deprivation within Gateshead. The map confirms that the highest levels of deprivation are concentrated within central Gateshead, with a few other hotspots in Birtley and High Fell where the concentrations of private rented properties are not as high.

Multiple Deprivation in Gateshead, Index of Multiple Deprivation 2015.



Socio Economic Status

- 45% of households in the Lobley Hill and Bensham Ward are on a low income which is higher than the Gateshead average of 42% and considerably higher than the England average of 30%, indicating increased vulnerability of households.
- Specifically in the private rented sector, the number of households on a low income is 32% which is lower than the Gateshead average but higher than the national average.

APPENDIX B

Proposed Street Lists

Central Bensham Phase 2 – Redesignated Area
Streets Included

Hyde Park Street 1-63 odd and 2-64 even
Saltwell Place – ALL
Saltwell Street – ALL
Trevethick Street – ALL
Westminster Street – 1-63 odd
Whitehall Road - 275-343 odd 274-340 even

The Avenues
Streets Included

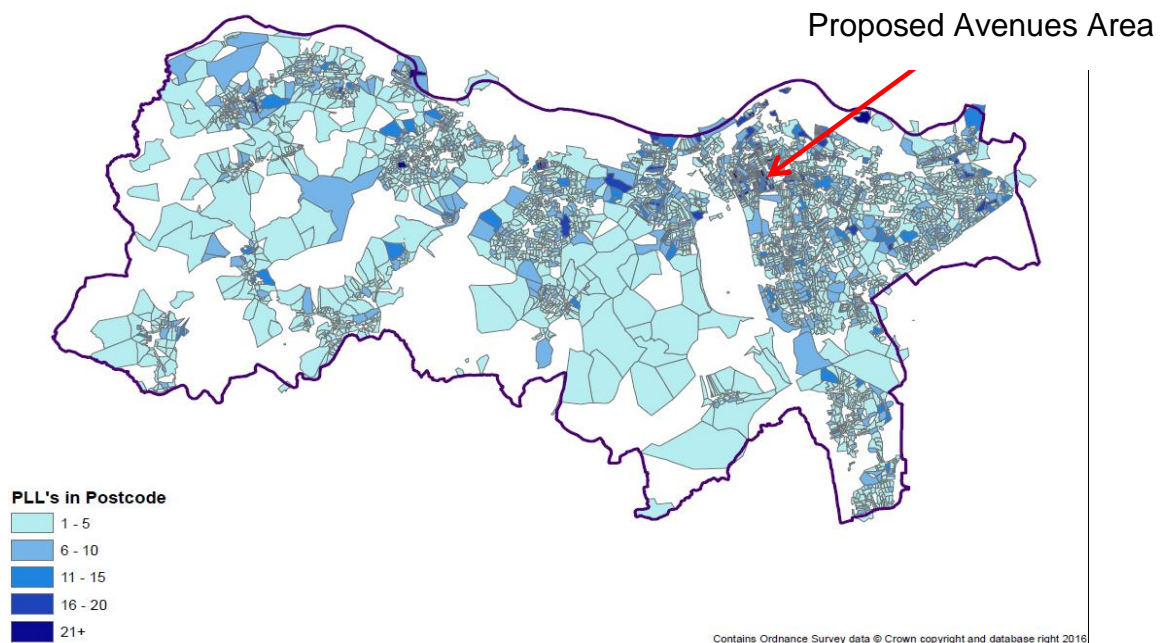
Phase 1	Phase 2	Phase 3
Rectory Road 137-279	Rectory Road 281-339	Rectory Road 341-371
Windsor Ave 2-156 1-157	Windsor Ave 158-222 159-221	Windsor Ave 226-276 223-281
Westbourne Ave 2-176 1-157	Westbourne Ave 178-240 159-221	Westbourne Ave 242-300 223-285
Eastbourne Ave 2-158 1-161	Eastbourne Ave 162-224 163-225	Eastbourne Ave 226-268 227-291
Brinkburn Ave 2-64 1-67	Brinkburn Ave 66-128 73-131	Brinkburn Ave 130-198 133-211
Rodsley Ave 154-194 153-199	Rodsley Ave 86-152 85-149	Rodsley Ave 2-84 1-83
Westfield Terrace 1-11		

APPENDIX C

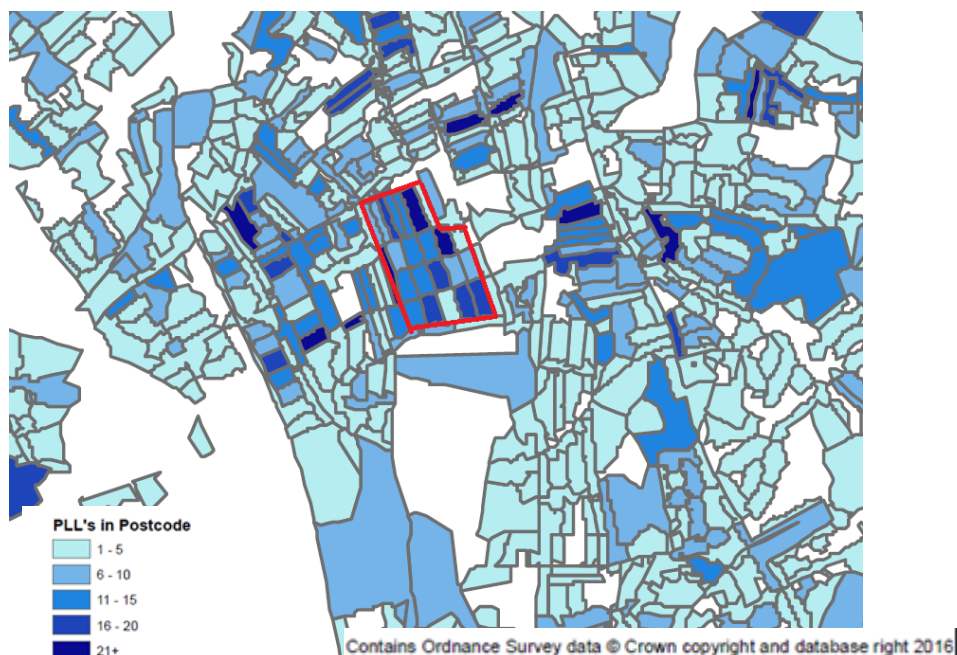
DETAILED EVIDENCE TO SUPPORT THE INTRODUCTION OF LANDLORD LICENSING IN THE AVENUES (Phases 1-3)

High Proportion of Property in the Private Rented Sector

The location and proportion of private rented homes was based on LSOA breakdown using Council Tax data, as well as data from the BRE Stock Model and tenure figures from 2013. Figures were also matched against local land and property gazetteer as well as internal databases.



An enlarged view of the proposed area shows postcode areas. The predominance of darker blue shading confirms higher concentrations of private rented properties in comparison to other areas.



The baseline tenure split for Gateshead is as follows:

Tenure	Number	%
Owner Occupied	53,898	57.8
Social Rented	24,777	26.5
Private Rented	14,617	15.7
Total	93,292	
The Avenues	901/1306	69%

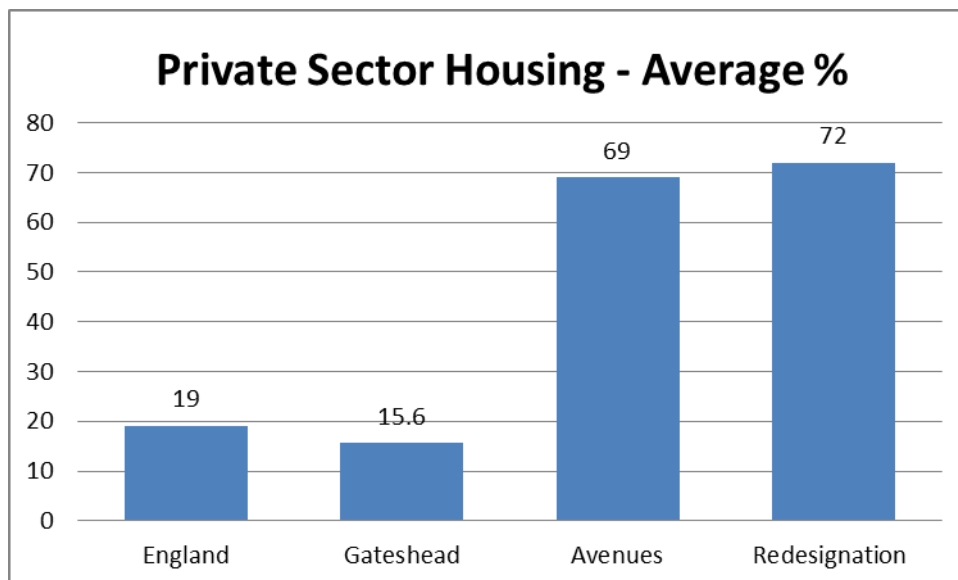
There are an estimated 901 private rented properties out of the 1306 that fall within the proposed Avenues designated area – 69% private rented. The four statutory conditions which allow for selective licensing (as specified in The Selective Licensing of Houses (Additional Conditions)(England)Order 2015), those being housing conditions, migration, deprivation and crime, can only be considered where:

- The area contains a high proportion of properties in the PRS in relation to the number of properties in the area and
- Those properties are occupied under either assured tenancies or licenses to occupy.

There is no statutory definition of what constitutes a ‘high proportion’ and it is therefore open to the Council to make its own reasonable determination having regard to guidance.

‘Nationally the private rented sector currently makes up 19% of the total housing stock in England. The actual number of privately rented properties in a given area may be more or less than this, and if it is more than 19%, the area can be considered as having a high proportion of privately rented properties. 19% is the figure as of March 2014. This figure will vary from time to time, so local authorities are strongly advised to consult the latest available English Housing Survey when considering whether an area has a high proportion of privately rented properties.’ (Selective licensing in the private rented sector - A Guide for local authorities)

The most recent 2015-16 English Housing Survey confirms the current national figure to be between 19 and 20%. As the proposed Avenues licensing area has more than three times the national average, it is satisfied that the area has a high proportion of property in the private rented sector.



Assured Shorthold and Regulated Tenancies

Assured shorthold tenancies (AST) are the most common form of contract in the PRS, and along with properties let under licence, are licensable under a selective licensing scheme.

The main documented alternative to AST's and licenses are regulated tenancies; tenancies which were established prior to 1991 and which have not been relet since, whereby they would default to an AST.

Valuation Office records at November 2017 showed 14 properties within the proposed Avenues area were let by private providers/individuals on regulated tenancies, the equivalent to 1.5% of the private rented stock in the area. This indicates that 98.5% of the private rented property in the proposed area will be let subject to a tenancy agreement or licence compatible with SLL.

THE AVENUES (Phases 1-3)

The Avenues is situated within the Saltwell Ward. Parts of the ward are densely populated and include a large number of traditional terraces, including very high numbers of Tyneside flats in the north of the ward (the proposed licensing area). The ward contains the highest private rented sector in Gateshead. Saltwell has a diverse population including black and minority ethnic communities and a significant proportion of the orthodox Jewish community. In 2014 the population of the Ward stood at 10401 with 64% of the population being aged 16-64 and 3.7% of the population being black and minority ethnic.

The proposed area covers less than 1% of Gateshead's total geographical area, yet contains almost 6% of the private rented stock. Using council tax

data and information provided by residents, the total estimated number of private rented homes is 69% (901 homes).

Low Housing Demand

In identifying if an area is suffering from, or likely to become, an area of low housing demand, it is recommended that local authorities consider the following factors;

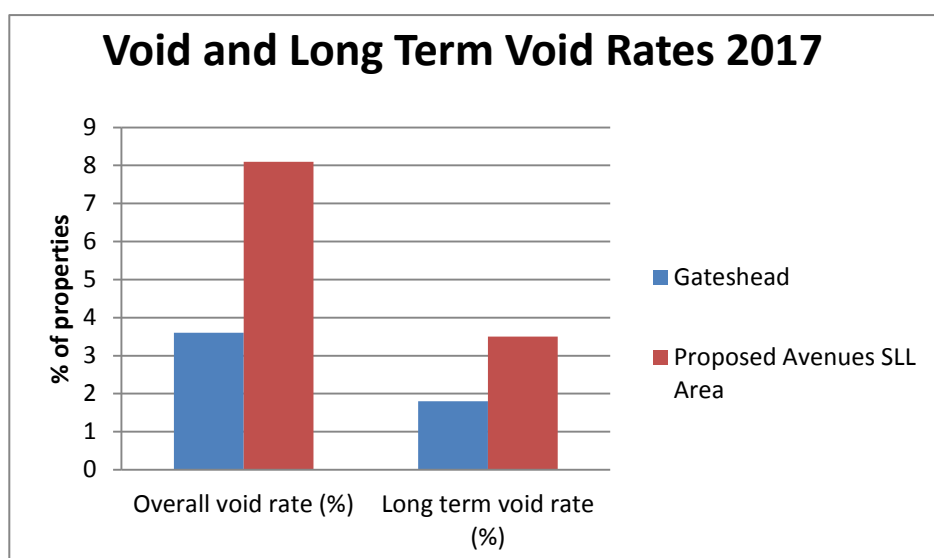
- The value of residential premises in the area, in comparison to the value of similar properties in other comparable areas;
- The turnover of occupiers of residential premises (both rented and owner-occupied);
- The number of residential premises which are available to rent or buy, and the length of time they have remained unoccupied; and
- The general appearance of the locality and the number of boarded up shops and properties.

An analysis of the above has confirmed that the area is currently demonstrating some key indicators of low housing demand:

Empty Properties

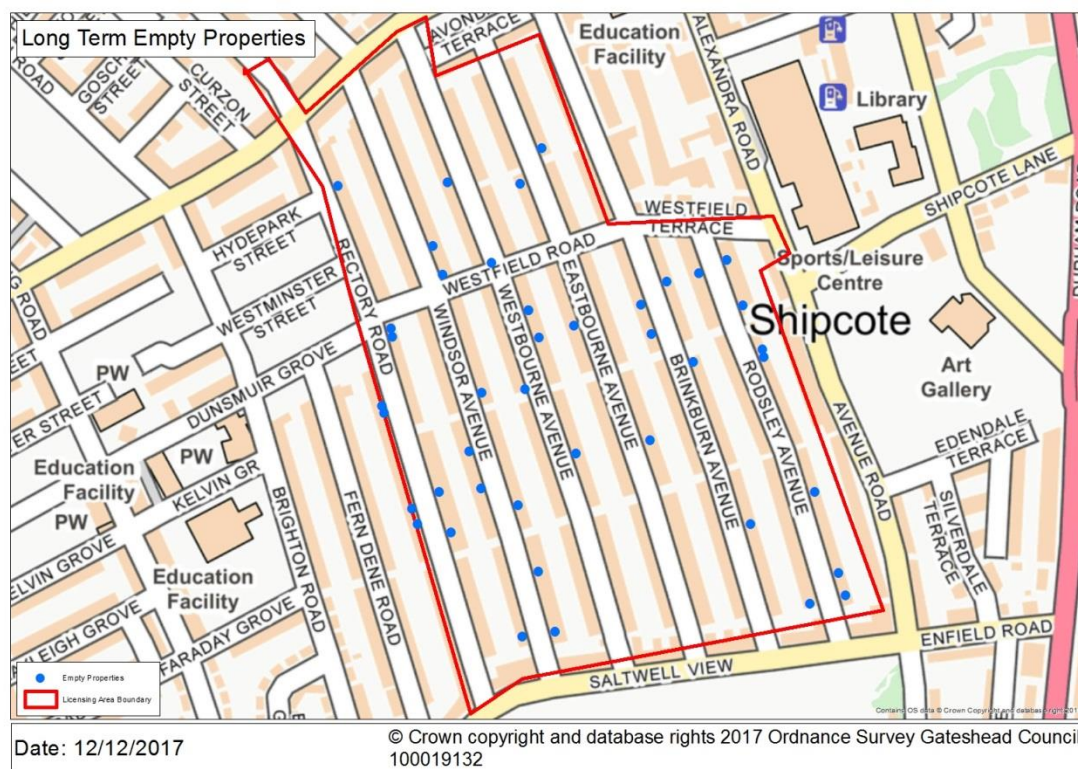
There are just over 1300 properties covering the proposed Avenues licensing area. In January 2017, 8.1% of homes in the area were empty, more than double the average to the rest of the Borough of 3.6%.

3.5% of those properties that are empty have been vacant for longer than 6 months. An analysis of the long term empty properties indicates that some have been vacant for several years. There are properties within the area that have been vacant since 2004 and this is despite several attempts to engage with owners and encouragement to bring the properties back into use or sale. The Borough average for long term empty properties is 1.8% which tells us that there are more long term empties in the proposed area compared to elsewhere in Gateshead and that these properties are staying empty for longer periods of time.



Void and Long Term Void Rates 2017 – Gateshead and Proposed Avenues SLL area.

Of the 42 long term empty properties in the proposed area (March 17), only one has been brought back into use under the Council's Leasing Scheme. This is despite exhaustive efforts to engage owners and encourage participation within the scheme.



Specifically in the proposed areas owners have advised that their properties are empty for the following reasons;

- Property is in negative equity so unable to sell
- Lack of finances to bring property up to a lettable standard or maintain condition
- Property is in probate

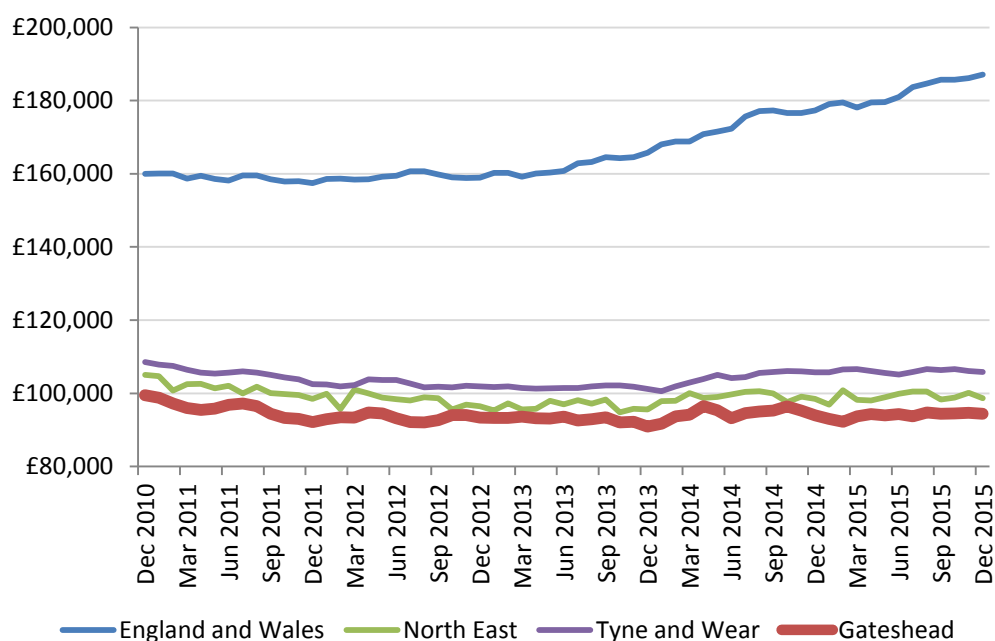
The number of long term empty properties continues to be a problem affecting the sustainability of the proposed SLL area. Properties that are left empty for long periods of time can have a number of negative effects such as

- They can attract ASB including vandalism, litter and sometimes arson
- Market values are often reduced as neighbours move away and confidence is reduced
- They are a wasted resource both financially and in terms of potential housing or community use
- The reduced spending power of the local area impacts on local businesses and the general economic stability of the area.

Residential Property Value

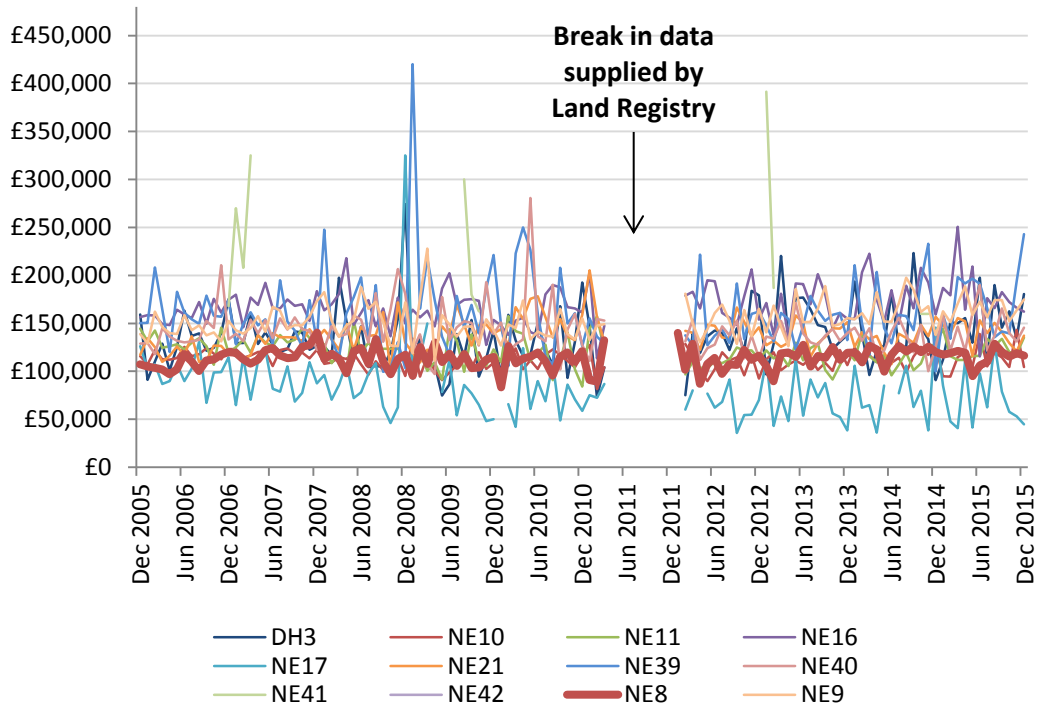
An initial review of house prices and market performance has been undertaken to set the context for this proposal. It is recognised that the financial crisis had significant and ongoing negative impact on housing market confidence and resulted in reduced house prices across the country.

The quarterly average price (see below) for all residential transactions from December 2010 to December 2015 in Gateshead have been consistently lower than the Tyne & Wear average and the North East region. In addition, the average price is substantially below the national average for England and Wales. As average prices have started to increase across the country from the end of 2013 onwards, prices in Gateshead have remained the same.



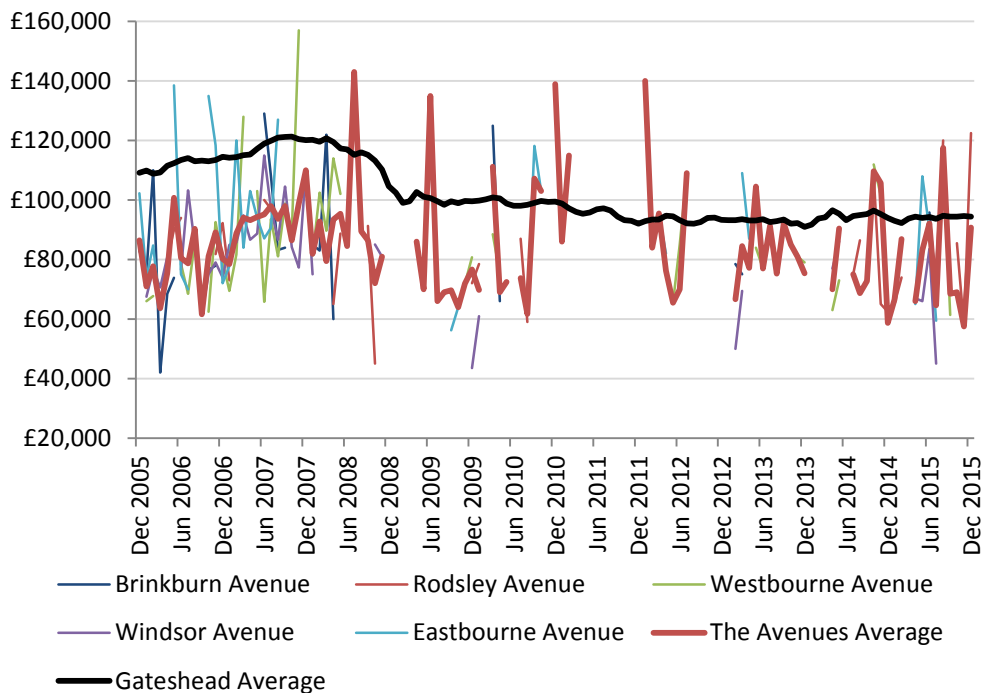
Residential Transaction 2010-15, England, Northeast and Gateshead

Below shows a time series plot of prices between December 2005 and December 2015 by postcode sector in Gateshead. The proposed Avenues SLL area is situated within NE8 (shown in red), which has consistently exhibited a lower price comparable to other parts (including NE11 and NE17 which have concentrations of similar housing stock) of the Borough, except for NE17. NE17 includes the rural area of Chopwell, an area with historical lower than average house prices and an area that has previously subject to SLL



Property Sale Prices 2005-2015 Gateshead Postcode

Below goes on the demonstrate the year on year difference between those streets within the proposed SLL area and other areas in Gateshead. A substantial number of properties in the streets yielded a lower price than the Gateshead average.



Property Sale Prices 2005-2015 Proposed Area Streets

Latest Housing Market Evidence - Rightmove

At the time of writing 53 properties were currently for sale on the open market in the proposed Avenues area. The marketed prices ranged from £180,000 for a three bedroomed terraced house to £35,000 for a two bedroom ground floor flat. (Source Rightmove 14th November 2017). This demonstrates the wide variation of property prices and market uncertainty within the proposed area, clearly indicating that sub markets are present which can indicate low demand.

Information from local Estate Agents

Agents operating in the proposed area and marketing properties for sale have been contacted to provide an insight into current market conditions. Agents confirmed that there is a notable difference in market conditions from one end of the proposed area to another. The area closer to Saltwell Park (Phase 3) is operating much closer to normal market conditions than the parts of the area closer to Whitehall Road (Phases 1 and 2). Properties in Phase 3 are kept to a higher standard and are well presented compared to those in Phases 1 and 2. There is also more interest from first time buyers in Phase 3. Sale prices are also significantly less in Phase 1 and 2 compared to Phase 3. One agent quoted differences of £20,000 between Phase 1 compared to Phase 3 for properties of the same size and layout and finished to the same standard.

Agents confirmed that Phases 1 and 2 are very much an investors market, where properties are purchased to privately rent. The amount of time properties are on the market for sale can vary considerably. Properties being sold by an investors to an investor usually sell a lot quicker and for a lower price. Properties that are not being sold by an investor, where an owner is aiming to get a reusable price, can take longer to sell. One agent advised they had been marketing a property for sale in the proposed area since October 2015 with little interest, with the knowledge that if the owner considerably lowered the price, there would be more interest and most likely by an investor. Other agents advised that the area is very price sensitive, and did not experience too much difference in sale times, but that this was heavily influenced by pricing.

Whilst there have always been variations in property values between specific parts of the Borough, the prices in the proposed area are dampened by the reputation of the area for a minimum investment for a higher yield.

Demand for properties in the area is often from families and couples in receipt of housing benefit, or those out of work or on a low income who are looking for properties with cheaper rents.

This insight into the market and the difference from one end of the proposed area to other supports this proposal and again demonstrates the wide variation of property prices and market uncertainty, clearly indicating that sub markets are present which can indicate low demand. The information also supports the proposal in the planned phased introduction of licensing. It has always been proposed that the introduction of Phase 3 for landlord licensing

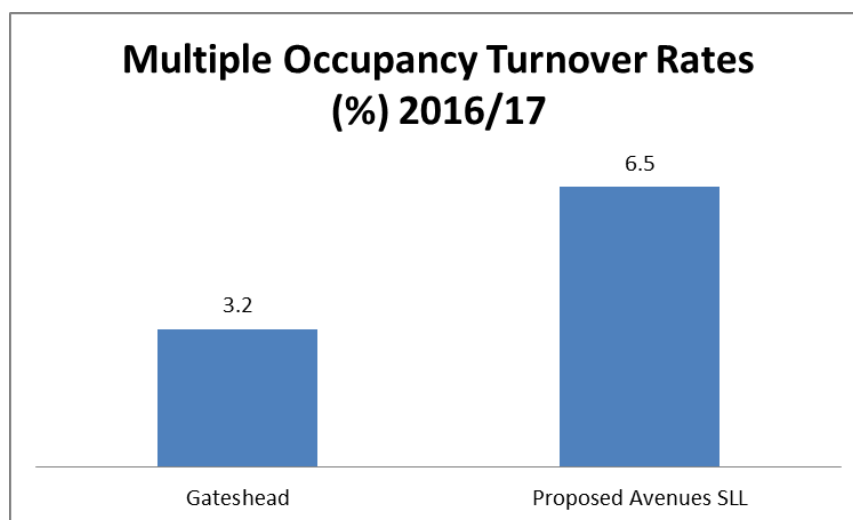
will be subject to ongoing consultation and monitoring of the necessary data to ensure at the point of introduction the legal tests continue to be met.

Occupancy Turnover

An additional or alternative indicator to house transactions to gauge turnover is to analyse the number of properties where liability for Council Tax has changed more than once during the year. This method has the advantage of highlighting where private rented tenancies have changed, which would not be reflected in Land Registry sales information.

Analysis of this data has confirmed that the turnover (churn) of occupancy within the proposed area is higher than other parts of the Borough and properties change hands more often. Nearly 7% of properties in the area had a different council tax payer on more than one occasion in 2016. This is more than double the 2017 Gateshead Borough average of 3.2%. Some of these have even changed over more than twice in that time.

This indicates that turnover is higher in the area and properties change hands more often than in other parts of Gateshead. This can be a problem because it doesn't give time for a community and its residents to settle. It also may indicate dissatisfaction with the neighbourhood.



In contrast to the other 123 LSOA'S that cover the rest of Gateshead, which cover similar numbers of the population to allow for comparison, the three LSOA covering the proposed Avenues area rank 3rd, 4th and 6th highest for multiple turnover in the Borough. Area with higher turnover were Gateshead town centre and the Baltic Business quarter where there are a number of commercial units and rates of private rented properties are far less.

Due to the nature and concentrations of rented properties in the area, slightly raised values of turnover are to be expected, however rates are currently double the Gateshead average. Similar to previous areas designated for

licensing, this level of liability change indicates an instability in the housing market when compared with the rest of the Borough.

Significant and Persistent Problems of Anti-Social Behaviour (ASB)

Gateshead Council does not propose to seek to support a designation in this area on the grounds of anti-social behaviour. This area is however disproportionately affected by ASB and support will be targeted as part of the proposed scheme to help reduce these problems.

The guidance in terms of meeting the legal condition relating to anti-social behaviour has however still be considered for the purposes of data analysis and to obtain an insight into ASB and crime affecting the area so that the proposal can be developed accordingly.

Government guidance advises that the following must be met to satisfy the ASB condition:

- (a) that the area is experiencing a significant and persistent problem caused by anti-social behaviour;
- (b) that some or all of the private sector landlords who have let premises in the area (whether under leases or licences) are failing to take action to combat the problem that it would be appropriate for them to take; and
- (c) that making a designation will, when combined with other measures taken in the area by the local housing authority, or by other persons together with the local housing authority, lead to a reduction in, or the elimination of, the problem.

Antisocial behaviour is not exclusively but can include acts of;

- Verbal abuse, intimidation or harassment behaviour of tenants or neighbours;
- Noise, rowdy and nuisance behaviour affecting persons living in or visiting the vicinity;
- Animal related problems;
- Vehicle related nuisance;
- Anti-social drinking or prostitution;
- Illegal drug taking or dealing;
- Graffiti and fly posting; and
- Litter and waste within the curtilage of the property.

A landlord has responsibility to ensure that her/his tenants do not cause annoyance or nuisance to other persons living, working or visiting the immediate neighbourhood. If anti-social behaviour is being carried out within the immediate vicinity of the property, and is being caused by the occupiers of it, then it would be reasonable to expect a landlord to ensure that those persons are not conducting themselves in such a way that is adversely impacting on the local community. This applies equally to visitors to the property.

Anti-social behaviour is defined by Housing Act 2004 as:

1. “Conduct on the part of occupiers of, or visitors to, residential premises;
 - a) which causes or is likely to cause a nuisance or annoyance to persons residing, visiting or otherwise engaged in lawful activities in the vicinity of such premises, or
 - b) which involves or is likely to involve the use of such premises for illegal purposes”.

Guidance issued by Department for Communities and Local Government, titled “*Approval steps for additional and selective licensing designations in England*” (February 2010) gives further explanation of the definition of anti-social behaviour. Whilst it should be noted that the guidance referred to is now dated and may not necessarily reflect current advice, it indicates that an area can be deemed to be suffering from significant and persistent anti-social behaviour if it suffers from;

- **Crime:** Tenants not respecting the property in which they live and engaging in vandalism, criminal damage, burglary, robbery/theft and car crime;
- **Nuisance Neighbours:** Intimidation and harassment, noise, rowdy and nuisance behaviour, animal related problems, vehicle related nuisance. Tenants engaged in begging, anti-social drinking, street prostitution and kerb crawling, street drugs market within the curtilage of the property; or
- **Environmental Crime:** Tenants engaged in graffiti and fly posting, fly tipping, litter and waste, nuisance vehicles, drugs paraphernalia, fireworks misuse in/around the curtilage of the property.

Gateshead Council data and that provided by Northumbria Police and Local Environmental Services in relation to refuse and fly tipping both show problems of anti-social behaviour in the proposed areas. With the high numbers of privately rented properties in these areas this inevitably indicates a correlation between the number of complaints received and their relative prevalence in these areas of large numbers of privately rented properties for example from 2014-2017, 86% of noise and ASB complaints received by the Council in the Avenues were in relation to private rented property. Further data analysis of Crime and ASB is provided below.

ADDITIONAL CONDITIONS

High Levels of Crime (also including ASB)

In considering whether an area suffers from a high level of crime, the authority should consider;

- Whether the area has displayed a noticeable increase in crime over a relatively short period of time, e.g. 12 months;
- Whether the crime rate is significantly higher than in other parts of the local authority area, or it is higher than the national average; and

- Whether the impact of crime in the area affects the local community and the extent to which a selective licensing scheme can address the problems.

The licensing scheme must be part of a wider strategy to address crime in the designated area.

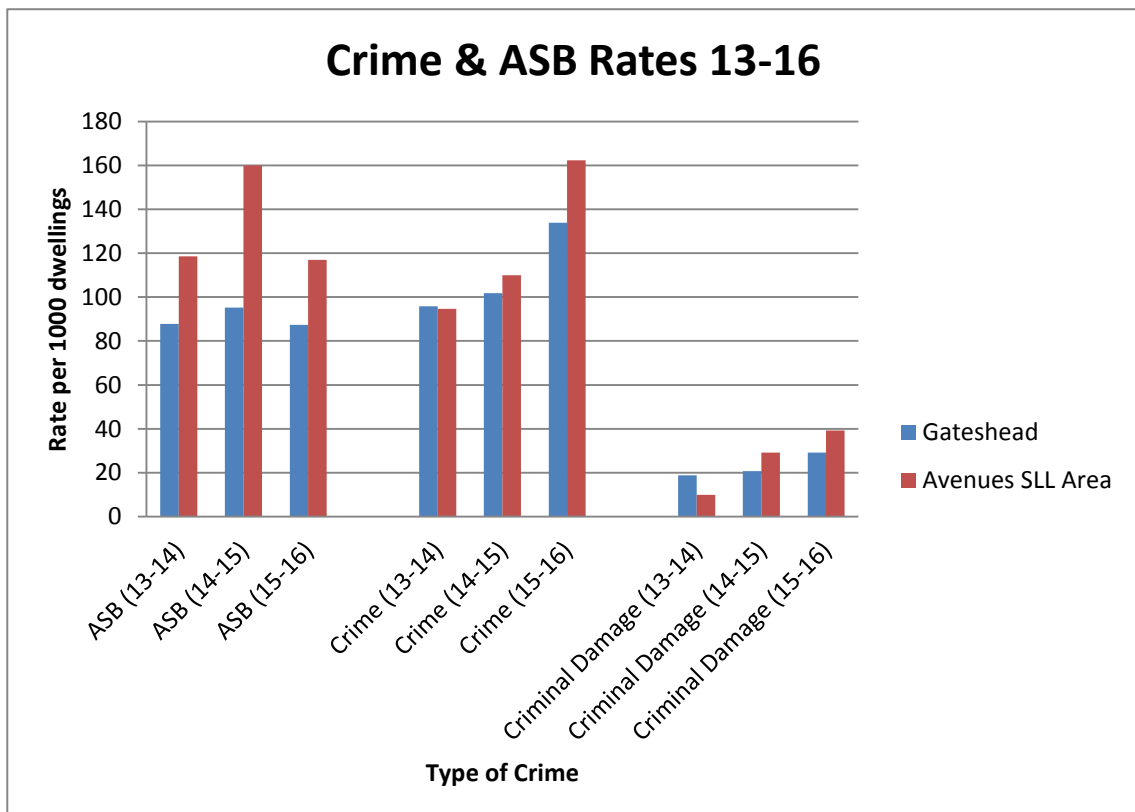
The graphs below shows figures obtained from Northumbria Police regarding levels of crime and ASB within the proposed Avenues area covering from 2013 to the end of 2016. The area is compared to the Gateshead average.

Northumbria Police have advised that more than 40% of known offenders in Central Gateshead live in the proposed Avenues area and the wards feature 4th and 5th highest in the borough across all types of crime and ASB. Wards with higher levels are where the town centre and Metro Centre are located, and where levels of private rented homes are a lot less.

Crime and criminal damage rates in Gateshead have increased each year since 2013. Rates in the proposed area have also increased year on year and at a rate that is higher than the Gateshead rate.

The total ASB and crime in the proposed area was higher than the Gateshead average over a three year period, apart from one instance in 13-14 when criminal damage was slightly lower than the borough average. (Figure 5). In particular ASB rates in the proposed area have been particularly higher than the borough average year on year.

FIGURE 5 - Crime and ASB Rates 13-16, Gateshead and Proposed Avenues Area



There is a correlation between Police reported incidents and the Private Rented Sector

Further analysis of the incidents reported to Northumbria Police from April 2016- end of March 2017 from within the Avenues from has been undertaken. Reported incidents in relation to vehicle collisions, adult/child concerns etc. have been removed prior to analysis. Incidents below are in relation ASB (including noise) and crime.

Count of Street1 IN SCHEME	Tenure						Grand Total
	Street1	LAN	OOC	SOCIAL	TGHC	UNKNOWN	
YES	BRINKBURN	79	11				90
	EASTBOURNE	230	12			4	246
	RECTORY	108	2				110
	RODSLEY	96	5		24	29	154
	WESTBOURNE	111	24	24		1	160
	WESTFIELD	2					2
	WINDSOR	115	10	19		1	145
Grand Total		741	64	43	24	35	907
Grand Total		82%	7%	5%	3%	4%	100%

82% of reported ASB and crime incidents to Northumbria Police from within the Avenues were in relation to private rented homes. A similar number of incidents were reported for owner occupied properties (7%) and social providers (8%) combined. 4% of incidents were in relation to properties where the tenure is not currently known, but are expected to be owner occupiers. This data supports that there is a strong correlation between ASB/Crime and private rented homes within the proposed area.

Consultation feedback

Residents were asked for comments in relation to the problems of ASB and crime within the Avenue during the consultation period. 71% of responding residents advised they had experienced problems with a neighbouring property or residents within the area. There were also a noticeable number of stakeholders who recognised and reported that many problems they had experienced were from private sector homes and tenants.

Private Sector Housing Complaints

The team receive and respond to complaints of noise and antisocial behaviour occurring at private properties. Over a three year period from 2014-17, 136 complaints were received from residents in the proposed area, with the majority of these being in relation to neighbour noise. These complaints amounted to 6% of the complaints received across the Borough for only 1.4% of the total number of properties borough wide.

Correlation between Council reported incidents and the Private Rented Sector

Of the complaints received in the proposed area from April 2014 to March 2017, 86% were in relation to issues concerning private rented

accommodation. 61% of complaints were received from occupiers of private rented properties, confirming that private tenants are also affected as well as being perpetrators. Interestingly a small proportion of complainants lived outside of the proposed area and in the surrounding neighbourhood, indicating the further reaching impact of noise and ASB from within the area,

High Levels of Deprivation

For an area to be designated under this condition, the conditions are;

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

(b) That making a designation will, when combined with other measures taken in the area 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.

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 households;
- (c) the health of households;
- (d) the availability and ease of access to education, training and other services for households;
- (e) housing conditions;
- (f) the physical environment; and
- (g) levels of crime.

English Indices of Deprivation 2015

The term deprivation covers a wide range of issues and refers to unmet needs caused by a lack of resources of all kinds, not just financial. The English Indices of Deprivation attempt to measure multiple deprivations by taking into account a range of factors.

The Indices of Deprivation 2015 provide a set of relative measures of deprivation for small areas (Lower-layer Super Output Areas) across England, based on seven domains of deprivation. The domains were combined using the following weights to produce the overall Index of Multiple Deprivation (IMD);

- Income Deprivation (22.5%)
- Employment Deprivation (22.5%)
- Education, Skills and Training Deprivation (13.5%)
- Health Deprivation and Disability (13.5%)
- Crime (9.3%)
- Barriers to Housing and Services (9.3%)
- Living Environment Deprivation (9.3%)

LSOAs (Lower-layer Super Output Areas) are small areas designed to be of a similar population size, with an average of approximately 1,500 residents or 650 households. There are 32,844 Lower-layer Super Output Areas (LSOAs)

in England. They were produced by the Office for National Statistics for the reporting of small area statistics.

A range of summary measures are available for higher-level geographies including local authority districts and upper-tier local authorities, local enterprise partnerships, and clinical commissioning groups.

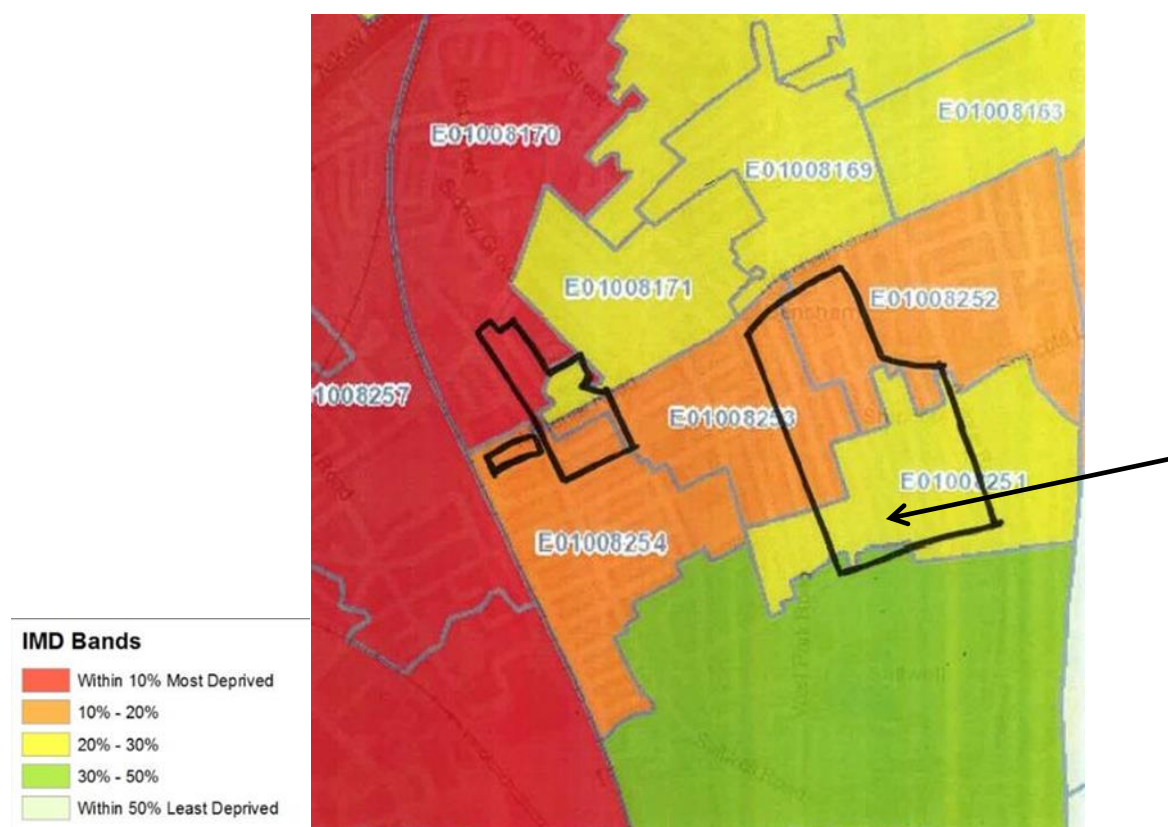
Deprivation In Gateshead & The Proposed Avenues SLL Area

In 2015 the Indices of Multiple Deprivation found Gateshead to be the 73rd most deprived Local Authority area out of 326 Local Authorities.

Lower super output areas

Within Gateshead there are 126 smaller areas known as Lower Layer Super Output Areas (LSOAs), 15 of these areas fall within the 10% most deprived areas in England. The proposed Avenues licensing area covers three of these smaller lower super output areas;

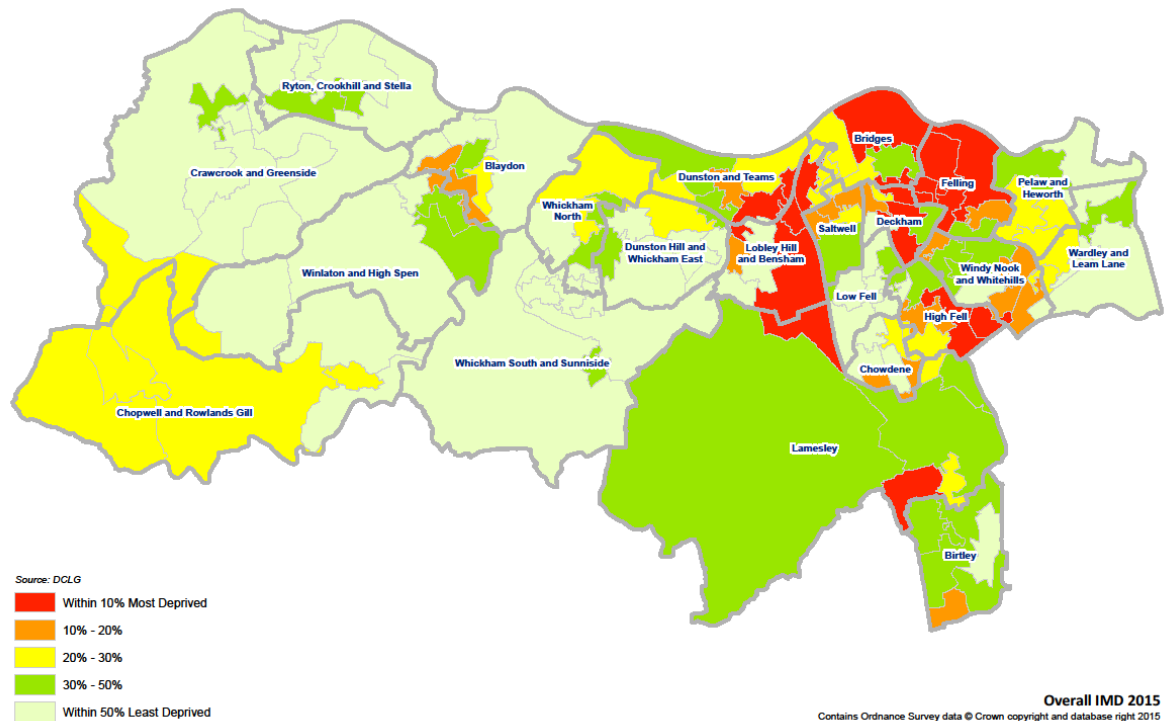
- Two of these areas fall within 10-20% of the most deprived areas in the country
- One area falls within 20-30% most deprived.
- One neighbouring area, to be included in a further proposed licensing scheme falls within the top 10% most deprived.



Further analysis of this data would suggest that barriers to housing and services (the physical and financial accessibility of housing and local services e.g. affordability, overcrowding and homelessness), and housing quality rank highly.

Map 3 below shows the spread of deprivation within Gateshead. The map shows that the highest levels of deprivation are concentrated within Central Gateshead, with a few other hotspots in Birtley and High Fell where the concentrations of private rented properties are not as high.

MAP 3 - Multiple Deprivation in Gateshead, Index of Multiple Deprivation 2015.



Socio Economic Status

The socio economic analysis within the proposed Avenues area is detailed below.

	Gateshead 93790	Proposed SLL Area 1306	Rate difference
Job seekers Allowance Claimants	2900	155	
JSA Claimants rate per 100 properties	3.09	11.9	8.81
Employment Support Allowance and Incapacity Benefit	10770	330	
ESA & IB claimants rate per 100 properties	11.4	25.3	13.9
Lone Parent Claimants	1730	45	
Lone parent claimants rate per 100 properties	1.8	3.44	1.64
Other on income related benefit	380	5	
Other on income related benefit rate per 100 properties	0.4	0.38	+0.02
Total out of work benefits	15780	535	
Total out of work benefits rate per 100 properties.	16.8	41.0	24.2

Source – DWP 2015 data

Poor Housing Conditions

Review of Local Housing Conditions

The quality and condition of properties in the proposed area reflects the predominance of pre 1919 Victorian Tyneside flats, (estimated 99%). Gateshead Council procured the BRE (Building Research Establishment) Housing Stock Projection Model in 2013 to provide estimates of the local housing conditions at the level of the authority, ward and census output areas. The estimates are based on models developed by BRE which combine national data from the English House Condition Survey, with local census data and social economic data on income.

The model produced by the BRE predicts the proposed Avenues area to have a higher percentage of properties which contain at least one category one (12%) hazard than the Gateshead average of 10%. Disrepair in the area is also a significant contributor to properties failing the decent homes standard. Falls on stairs and Excess Cold are the most common hazards due to the age and construction type of the properties.

The BRE Model results also included the following:

For all housing stock in Saltwell

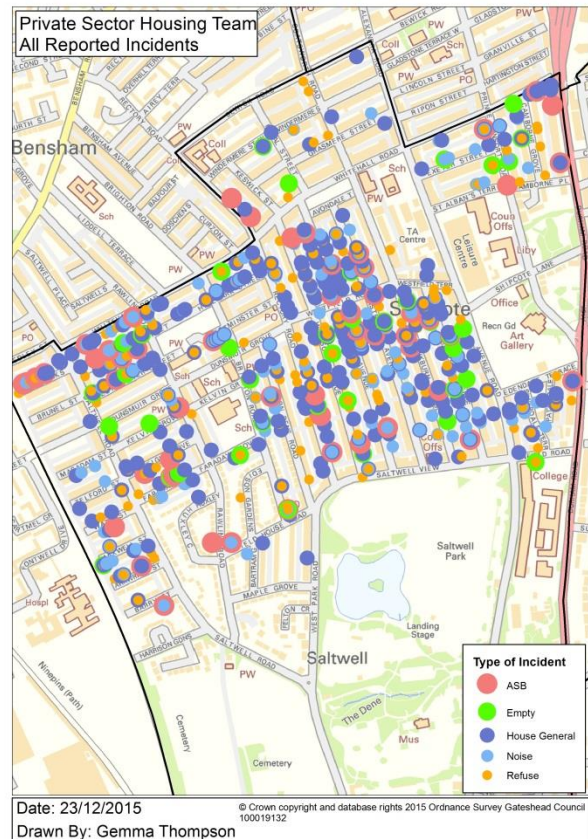
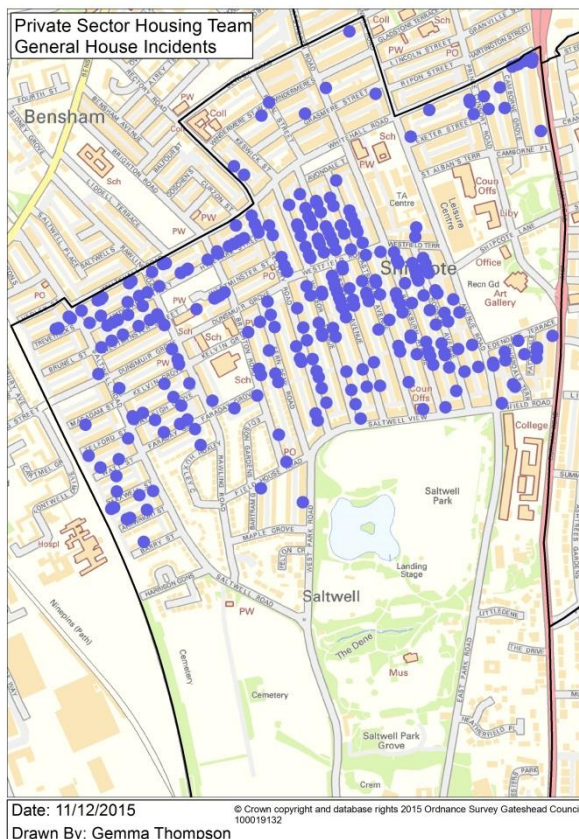
- The Saltwell ward in which the proposed Avenues area is located has a higher percentage of low income households (37%) than the England average of 30%
- The Saltwell ward has a higher percentage homes in fuel poverty when compared to the Gateshead average of 25%.
- 12% of properties in the Saltwell Ward are in disrepair. This is double the Gateshead and England average of 6%. Disrepair is a significant contributor to properties failing the decent homes standard.

For private sector stock in Saltwell

- A higher percentage (35%) of low income households compared to the rest of Gateshead (30%) and England (22%).
- Double the amount of properties in disrepair (12%), compared to the rest of Gateshead (5%) and England (6%).
- A higher percentage of homes in fuel poverty (27%) compared to the rest of Gateshead (23%) and England (18%).

PROPERTY DISREPAIR COMPALINTS & REQUESTS FOR HELP

The biggest proportion of requests for help to the PSH Team are received from central Gateshead. Map 4 demonstrates the spread of all reported incidents to the PSH Team from 2013 to the end of 2016 in the proposed area. The maps shows the incidents specifically in relation to housing disrepair. Both maps show a concentration of demand in the both of the proposed areas.



Reported incidents are despite PSH team activity to drive up property standards by encouraging compliance with the GPLA Accreditation Standard, which resulted in huge improvements to the private sector housing stock in the proposed area during the block improvement scheme initiative. More than 250 properties were improved to the accredited standard and resulted in many Category 1 hazards being removed. Unfortunately since this time, despite encouragement to private landlords to reaccredit their properties, the number of accredited properties in the Avenues proposed scheme is currently just 20.

Licensing will increasingly allow Local housing authorities to be targeted in addressing poor property conditions through their powers under Part 1 of the Housing Act, which are extensive. A local housing authority should not use its Part 3 powers (Selective Licensing) where it is appropriate to tackle small numbers of properties which are in poor condition and are adversely affecting the character of the area and/or the health and safety of their occupants. The local authority may consider it appropriate to make a Selective Licensing Scheme as part of a wider strategy to tackle housing conditions so it can prioritise enforcement action under Part 1 of the Act, whilst ensuring that properties are properly managed through licence conditions under Part 3 to prevent further deterioration.

Levels of Migration

The Council currently does not have full evidence on migration within the Saltwell ward. The absence of this evidence means that the Council are unable to consider this condition as an indicator of need for SLL. Work is progressing to improve data gathering in relation to this.

APPENDIX D

BENSHAM AND SALTWELL PREFERRED PLAN

DECEMBER 2005

-  Potential Clearance and Redevelopment
-  Neighbourhood Centre Improvements
-  Property/Environmental Improvements
-  Areas for Potential Future Investment
-  Neighbourhood Management
-  Community Facilities Schools, Churches etc.
-  Green Space Improvements
-  Key Movement Corridors
-  Rail Links

- A. Cricket & Rugby Club
- B. Windmill Hills Primary School
- C. St Joseph RC Primary School
- D. Health Centre
- E. Alexandra Road Infants School
- F. Kingdom Hall
- G. Hotel
- H. Christ Church
- I. Gateshead Jewish Boys School
- J. Bewick Centre
- K. Synagogue
- L. Brighton Avenue Primary School
- M. Caedmon Community Infant School
- N. Caedmon Community Primary School
- O. Medical Centre
- P. Muslim Community Centre
- Q. Nursery
- R. Library
- S. Leisure Centre
- T. Bensham Clinic
- U. Medical Centre
- V. Shirley Art Gallery
- W. St Chads
- X. Corpus Christi Church
- Y. Corpus Christi RC Primary School
- Z. Kelvin Grove Primary School



APPENDIX E

Consultation Suggestions/Considerations/Proposal Revisions

Suggestion for Scheme Admin/Implementation	Response/Consideration Given/Action Taken	Why/Reasons
Reintroduce tenant/referencing/vetting's	<p>Work is underway to resurrect the tenant vetting's service. This service is proposed to be available within licensing areas only and will follow a similar format to that undertaken previously e.g. 5 years housing history and police check. Service will be available at no extra cost. Reconsidered and to be reintroduced.</p>	<p>Outside the scope of the decision on the introduction of licensing. Not viable in isolation to landlord licensing as concentrates on ASB aspect and not property conditions and tenancy management. To be used as a supplementary tool rather than instead of.</p>
Phased payment plan	<p>The financial impact of licence fees, especially for landlords with larger portfolios is recognised. This approach has been abused in former licensing schemes. Extra steps in place to make the collection process more streamlined e.g. if one payment missed, full outstanding balance required in full. Likely to be a shorter period for smaller portfolios and a larger repayment period for larger portfolios. Reconsidered and accepted</p>	<p>Outside the scope of the decision on the introduction of licensing. Plan does not detract from the positive impact SLL can bring to an area. To be used as a supporting measure for licence holders.</p>
Apply any discounts at end of scheme	<p>Awaiting to see if this is legal in line with the Hemmings v Westminster Council ruling. This is a good idea to reduce the costs of chasing membership and upkeep of property accreditation mid scheme. Will put the responsibility on the licence holder to confirm year on year. Considered and accepted (pending legal permission).</p>	<p>Outside the scope of the decision on the introduction of licensing. To be used as a supporting measure for licence holders</p>
Discount for LL membership	<p>Initially removed due to the amount of chasing mid scheme and abuse of this previously by some licence holders. Previously this became a form filling exercise with no level of competence required. Many landlords also did not utilise the services available to them via membership to assist with condition compliance e.g. training. Many also</p>	<p>Outside the scope of the decision on the introduction of licensing.</p> <p>To be used as recognition for compliant/professional landlords operating within proposed areas.</p>

	<p>joined for one year and did not renew as required. Consideration to membership to a nationally recognised body where there is a system of verification prior to membership and throughout. The NLA offer an accredited membership. To become accredited a landlord is required to attend a one day course and pass an assessment, therefore demonstrating a level of competence and responsibility. Council to facilitate courses in house to keeps costs to a minimum Must ensure that the cost of course attendance is in line with the discounts proposed. Discounts now proposed for membership to the NL;A following feedback received during consultation and comparison of association services and benefits. Initial discount to be awarded on application and then a further discount at end of licence term if association membership and property accreditation standards have been maintained throughout the scheme. Reconsidered and accepted.</p>	
<p>Increase tenant responsibility in respect of refuse</p>	<p>New scheme approach will include greater working with local residents and tenants. All properties to be inspected prior to a licence being granted and in depth discussion with tenant in terms of refuse responsibilities. Licence conditions also updated to include more responsibilities for landlords in relation to provision of bins and waste disposal in between tenancies. Enforcement action to be considered for residents as well as property owners. Already proposed,.</p>	<p>Outside the scope of the decision on the introduction of licensing. Not viable in isolation to landlord licensing as concentrates on ASB aspect and not property conditions and tenancy management. To be used as a supplementary tool rather than instead of</p>
<p>Prevetted tenants service/green card system rather than licensing</p>	<p>Onus to vet transferred to the Council. Status only valid for the day of decision May arise in unnecessary work – if a tenant doesn't access housing in the area or finds another property Open to misuse for outside the area as well as fake use/copy of cards Increased costs to produce cards, monitor dates of expiry. System</p>	<p>Outside the scope of the decision on the introduction of licensing. Not viable in isolation to landlord licensing as concentrates on ASB aspect and not property conditions and tenancy management.</p>

<p>Consider applying a fee discount for landlords who become accredited members of the NLA</p> <p>Reduced fee for varying a licence to an existing licence holder.</p> <p>Revoke a licence if on inspection a property does not meet the legal required standard.</p>	<p>concentrates on aspects of behaviour only and would not contribute towards improving property conditions, landlord management practices and other community issues etc. that landlord licensing aims to achieve. Considered and not accepted.</p> <p>Considered – as above under Discount for Landlord Membership. Considered and accepted.</p> <p>Recognition that if the owner of the property remains the same and the licence holder is an agent that then changes to another (who is known already to the Council as fit and proper), the amending of the licence can be an administrative task rather than requesting a full and new application. This is balanced against ensuring the Council are made aware of changes to those involved in the management of the property. In the past new agents have been evasive in telling us they are involved to avoid paying the full application fee. Fee to issue a new licence will be will be an administrative charge for the cost of doing so- £50 Considered and accepted.</p> <p>There is clear guidance within the Housing Act as to when a licence can be revoked. These are if the property is no longer licensable or if there are repeated and serious breaches of licensing conditions. A graded approach would be adopted in line with the SLL Enforcement/Service Enforcement Policy. Officers will work closely with licence holders to upskill and duplicate and ensure properties are improve using an informal and formal approach if required. Considered and accepted in part-response will be proportional and in line with the Enforcement Policy.</p>	<p>Outside the scope of the decision on the introduction of licensing</p> <p>Outside the scope of the decision on the introduction of licensing</p>
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<p>Provide clear outline of when and why unannounced property inspections will be undertaken</p>	<p>There will be clear guidance provided in the Enforcement Policy as to the circumstances when these will be undertaken. Considered and accepted.</p>	<p>Outside the scope of the decision on the introduction of licensing</p>
<p>Reduced fee for multiple applications</p>	<p>There is no substantial cost saving to the Council in terms of multiple property applications. All properties require the same amount of time in terms of proposing to issue and granting a licence. All require an inspection and all will be monitored the same during the lifetime of the scheme. The only time saving is in relation to the fit and proper person criteria which will only be assessed once for an applicant with multiple properties. £10 saving per subsequent property has been added to the fees and charges. Considered and accepted</p>	<p>Outside the scope of the decision on the introduction of licensing</p>
<p>Make the status of a licence application very clear online</p>	<p>The Council must keep a public register of licenses issued. It is proposed to have an online and interactive register on the Councils webpages where users can search by property address, landlord name to find out if a property is licensed or to report an unlicensed property. It is proposed to have a status for applications pending. Considered and accepted.</p>	<p>Outside the scope of the decision on the introduction of licensing</p>
<p>Discount if landlord has only one or very few properties in the area</p>	<p>Cost of scheme and fees has been worked out on numbers of properties to be licensed. Each property requires a licence and monitoring over the lifetime of the scheme, resulting in costs. Discounts have been proposed for commitment to the sector via national landlord association membership and property accreditation. Landlords with few properties will be able to spread the cost of their licence/s. Considered and accepted in part.</p>	<p>Outside the scope of the decision on the introduction of licensing</p>
<p>Exemption from fee if</p>	<p>See above. Early bird discounts available for landlords who are</p>	<p>Outside the scope of the decision on the introduction</p>

<p>landlords are members of a recognised association/are accredited and there have been no previous complaints from tenants</p>	<p>timely and forthcoming with their applications. Discounts also available via property and landlord accreditation. Charges proposed for those who fail to return or are late in returning requested information during the scheme. Considered and not accepted.</p>	<p>of licensing. To be used as recognition for compliant/professional landlords operating within proposed areas.</p>
<p>Discount for compliance throughout the scheme</p>	<p>See 'Reduced fee for multiple properties above' Fee is worked out on a per property basis. Discounts now proposed for both property accreditation and membership to a national landlords association following feedback received during consultation. Initial discount to be awarded on application and then a further discount at end of licence term if association membership and property accreditation standards have been maintained throughout the scheme. Considered and accepted.</p>	<p>Outside the scope of the decision on the introduction of licensing. To be used as recognition for compliant/professional landlords operating within proposed areas.</p>
<p>Higher fee for additional properties</p>	<p>There is no increase in costs to the Council in terms of multiple property applications. All properties require the same amount of time in terms of proposing to issue and granting a licence. All require an inspection and all will be monitored the same during the lifetime of the scheme. There is a cost saving based on the fit and proper person check element of an application which will be incorporated into the proposed fees and charges. Higher fees for additional properties not a consideration. Considered and not accepted.</p>	<p>Outside the scope of the decision on the introduction of licensing.</p>
<p>Ensure that overcrowding and the illegal use of properties are targeted</p>	<p>Plans to work closely with partner agencies such as the Police and Immigration are proposed. Licensing results in inspections of the properties being undertaken to identify any issues and appropriate action will be taken if required. Unannounced property inspections will be undertaken if criminality or breach of conditions are suspected. Considered and accepted.</p>	<p>Outside the scope of the decision on the introduction of licensing.</p>

Limits on how many properties a landlord can have	This is not within the scope of the scheme.	Outside the scope of the decision on the introduction of licensing.
Increased responsibility for landlords for external property appearance and maintenance	To be incorporated into updated licence conditions. Considered and accepted.	Outside the scope of the decision on the introduction of licensing. To be used in addition.
Increased monitoring of tenant behaviour	See increase tenants responsibility above. There will be ongoing sharing of information and partnership working/joint visits with appropriate agencies such as the police, internal council services and immigration. Tenants will be provided with advice and support. Plans to set up a residents group with officers to share information. Trends and patterns identified to be dealt with using existing powers e.g. ASB legislation. Considered and accepted.	Outside the scope of the decision on the introduction of licensing.
Appoint a landlord representative	Working/steering group comprising of key landlord/agent representatives to be established if scheme agreed. Considered and accepted	Outside the scope of the decision on the introduction of licensing.
Parking permits for residents	This is not within the scope of the scheme.	Outside the scope of the decision on the introduction of licensing.
Helpline for residents to report ASB.	Reporting mechanisms already in place. Residents to be advised of these during tenants meeting and letter drops. Officers to have specific streets within area to cover and to build a rapport with residents so as to create another avenue for reporting. Plans in place for mechanisms to increase community engagement and empowerment – e.g. resident/multi agency meetings. Considered in part and accepted.	Outside the scope of the decision on the introduction of licensing.

APPENDIX F

PROPOSED FEES **Selective Landlord Licensing 2018**

Early Application Fee	£550 (complete application received prior to scheme live date, or before licensable property is purchased/managed mid scheme)
Standard Fee	£750 (complete application received within 28 days of becoming licensable)
Standard Fee Plus	£850 (complete application received more than 28 days of property becoming licensable and reminder sent)
Late Application Fee	£1000 (complete application received more than 28 days of becoming licensable and application had to be pursued on multiple occasions)
Discounts	
Accredited property (paid at expiry of licence)	£100 (18% discount from early application fee) Unaccredited on application – discount repaid if property accredited within agreed timescales and property meets standard for full licence duration Accredited at time of application - £50 upfront discount for properties already accredited and £50 paid at licence expiry if standard maintained)
Accredited member of a National Landlords Association (or equivalent)	£100 up front discount for current accredited members/licence holder commits to and attends foundation course £65 additional discount at end of scheme (repaid if membership maintained for full licence duration)
Multiple Properties (discount on the fit and proper element of a licence after the first application)	£10 per subsequent application

Licence Variations	
Change of address details of existing licence holder, manager, owner, mortgagee, freeholder, leaseholder etc.	No fee
Change of mortgage provider, freeholder and leaseholder (unless they are also the licence holder or manager)	No fee
Variation of Licence instigated by the Council	No Fee
Change of licence holder	Application fee
Change of manager (if not the licence holder), Change of manager (if the new manager is the most appropriate to be the licence holder and the property owner remains the same)	No fee £50 administration fee
Charges	
Charge for provision of and receipt of a paper application (for applications received after online system becomes available)	£50
Charge for each incomplete/deficient application received	£25 (added to fee) (if application is returned or missing information needs to be pursued)
Phased payment plan (per property)	£25 per property (to be added to final invoice amount)
Charge for failing to return requested property/licence information mid scheme	£25 per additional request
Caution issue (as an alternative to prosecution)	£300 (staff time, caution issue)
Public register – request for paper copy	£50

Action	Applicable Fee
Revocation of licence	No fee
Application to licence following revocation of licence	Application fee
Application refused by the Council	Application fee with no refund
Application withdrawn by the applicant	Application fee with no refund
Application made in error e.g. duplicate/ property not required to be licensed	No fee, refund will be made
Properties that cease to be licensable	Application fee with no refund

during the licensing process	
Enforcement action under Part 1 of The Housing Act 2004 relating to a licensed property (charged under s49 of The Housing Act 2004)	£350 per legal Notice served (under review) NB Once an invoice is issued, this charge becomes a local land charge on the property.

An NLA accredited LL with an accredited property can pay £400 upfront (if application is submitted early)
This amounts to £1.53 a week for the licence over a five year term and does not include the discounts that may be awarded at scheme expiry (£1.10 a week)

Early application fee – no chasing for application or missing information, properties less likely to need regular intervention during lifetime of scheme , reward for landlords being timely and forthcoming.

Standard fee – landlords do not submit application in a timely manner and additional communications required to ensure application is submitted within 28 days. Period of time passes where offence committed as no application received before property became licensable. Landlord, property and tenancy may require additional support and intervention during scheme.

Standard fee plus – no application received before scheme or during first 28 days despite notifications, further communications and one formal reminder being sent. LH requires additional support/training and property may require increased intervention during the scheme period.

Late application fee - no application received before scheme or during first 28 days despite notifications, multiple communications and multiple reminders sent. Unannounced property inspection undertaken. Property more likely to require increased intervention during the scheme. LH requires additional support and training.

Discounts

Property Accreditation = property condition assessed as being over and beyond the legal minimum housing standard – less likelihood of complaints from tenants and neighbours, commitment to the provision of a safe and well maintained property.

Accredited Landlord – landlord undertaken days foundation training course on roles and responsibilities of being a landlord and has shown a level of knowledge and competence. Access to services to maintain knowledge and competence and to assist with compliance with of licensing conditions – less likelihood of non-compliance and subsequent action.

Subsequent/multiple applications - discount on the fit and proper element of a licence after the first application

APPENDIX G

Model Standard Example

Procedure for Licence Holders and Managing Agents to Respond To Disrepair

Commencing a Tenancy

Prior to the start of any tenancy it is essential the property is free of any obvious hazards and must be in a good state of overall repair both internally and externally. The property must have a heating system capable of heating all parts of the dwelling and providing the tenants with a supply of hot water.

It is recommended the Licence Holder/and or his manager carryout a full inventory and this is to be signed by both parties at the beginning of a new tenancy (or as soon as practicable afterwards) and to give the tenant the opportunity both to carry out a joint inventory inspection at the outset and to discuss the inventory at the end of the tenancy. At the start of a new tenancy the licence holder must provide their tenants with information on how to report repairs.

Periodic Inspections

The Licence Holder and/or his manager are required to make regular visits to the property, (at least every six months) to ensure that the property is maintained, secure and has not been abandoned. It is essential the tenant is given 24 hours' notice prior to any visit (except in emergencies).

During such a pre-arranged visit the property would be inspected internally to determine it was in a good state of repair and was being maintained in a clean, tidy and safe condition. Furthermore, the exterior of the property should be checked to ensure any yards, forecourts and gardens surrounding the house must be maintained and kept in a clean, tidy and safe condition and free from accumulations of refuse.

If any furniture was supplied at the start of a tenancy it must be in a safe and good condition and well maintained or replaced as necessary. Such items remain the responsibility of the Licence Holder throughout the tenancy (unless specified otherwise in the Tenancy Agreement).

It must be noted if the tenant refuses the landlord access to the property they cannot just enter the property uninvited (further advice can be provided by the Private Sector Housing Team).

Repairs and Complaints

Landlords should ensure that they have an appropriate programme of inspection in place for their properties to ensure they are free from disrepair. There should be procedures in place for dealing with repairs.

Tenants should be advised of any planned programmes of repairs which should be carried out with due regard to the convenience of the tenant. Landlords should respond promptly whenever notified by their tenants that a repair is needed to the property and carry out repairs within a time period appropriate to the severity of the problem. The landlord must respond to a complaint within 14 days beginning with the day on which the complaint was given.

The Licence Holder must provide the occupiers of the house and the occupiers of any adjoining properties, with details of the following:

- Name of the licence holder or managing agent;
- A contact address and daytime telephone number;
- An emergency contact telephone number.
- This information must be supplied within 28 days. An emergency contact telephone number for the Licence Holder and/or management agency shall also be available and notified to the authority.

Tenants must receive written confirmation detailing arrangements in place to deal with repair issues and emergencies should they arise. The responsibility for repairs should be set out clearly in the Tenancy Agreement.

Guide to Timescales

All timescales to complete maintenance work should be proportionate to the severity of the disrepair, keeping as far as is practicable to the guide timescales below:

- **Emergency Repairs**

Those that are required in order to avoid danger to health, risk to the safety of residents, or serious damage to buildings or internal contents. Emergency repairs should be addressed within 24 hours of being reported. In circumstances where this is not possible best temporary arrangements must be carried out. Examples of emergency repairs would include burst water pipes, faulty electricity installation or a structural repair that poses a risk to the tenant or the public. In circumstances where this is not possible best temporary arrangements will be carried out.

- **Urgent Repairs**

Repairs to defects which materially affect the comfort or convenience of the residents should be completed as soon as possible and as a maximum within five working days of report. Such repairs would include leaking roof, partial loss of electrical power or blocked drain.

- **Non-Urgent Repairs**

Repairs not falling within the above categories –should be completed within 28 working days of being reported by the tenant. Such repairs include enforcing tenancy conditions where appropriate and minor disrepair such as plaster repairs, or sticking doors and windows. This will include enforcing tenancy conditions where appropriate.

APPENDIX H

Enforcement Policy **Selective Landlord Licensing**

Introduction

Selective licensing is a regulatory tool under Part 3 of the Housing Act 2004 which provides a discretionary power for Local Authorities to introduce selective landlord licensing of privately rented homes within a designated area. This is based on specific indicators of low housing demand, problems with anti-social behaviour, including concerns with one or more of the following - levels of crime, deprivation, migration and housing conditions. .

Selective licensing contributes to confidence in the private rented sector, and encourages landlords to increase accountability for the management of their property and tenants. Generally, good responsible landlords will benefit from the additional support with unscrupulous landlords finding it a less appealing proposition.

The policy sets out the broad principles and processes which Officers within Private Sector Housing will follow when delivering landlord licensing in line with the requirements of The Housing Act 2004, and other appropriate housing legislation to ensure the approach is fair and consistent and that it will stand up to scrutiny.

This enforcement policy helps to promote efficient and effective approaches to regulatory inspection and enforcement of licensing schemes, which improve regulatory outcomes without imposing unnecessary burdens. Enforcement in the context of this policy is not limited to formal enforcement action such as serving notices or prosecution, but includes, the inspection of premises to check for compliance with legislation and the provision of advice, support and guidance. It sets out what owners, landlords, and their agents and tenants of private sector properties can expect from Gateshead Council and the types of enforcement action that can be taken and considered.

Overall Enforcement Policy

The Private Sector Housing Team endeavours to work with landlords to provide support and guidance to improve housing standards and practices within the private rented sector. Any enforcement action considered will be based on risk and we must also have full regard to any statutory duty. Assessment of risk will be based on current legislation and specific guidance.

Our Agreed Principles for Effective Enforcement

In response to the enforcement concordat the Private Sector Housing Team consider the following principles as the basis for undertaking fair and balanced enforcement.

OPENNESS

- We will provide information to the public in plain language and if possible, avoid any jargon.
- We are open and honest about how we do our work and in particular how we set our charges for enforcement.
- We will always discuss general issues, specific failures or problems with anyone who we have enforced against.
- We will try to ensure that people understand what is expected from them as well as making them aware of what they can expect from us.

HELPFULNESS

- Our staff will provide a courteous, efficient and helpful service.
- All staff visiting properties will identify themselves by name and carry identification cards.
- We will provide a contact point and telephone number for further dealings with Officers.

PROPORTIONALITY

- Where possible, we will endeavor to minimise the costs of compliance with notices by ensuring the action we take is proportionate to the risks.
- We will work with those required to take action so that they can meet their legal obligations without unnecessary expense.
- Similarly, any sanctions we impose will take account of the seriousness of the offence.

CONSISTENCY AND FAIRNESS

- Officers will carry out their duties in a fair and consistent manner. To achieve this, we will develop and put in place procedures for the range of enforcement activities we carry out and ensure that Officers follow such procedures.
- Although Officers have to exercise judgment in individual cases, we will ensure that procedures wherever possible are the same and people are treated equitably. It must be stressed that as a rule we believe in gaining the desired result through effective engagement with the parties involved, however we will take enforcement action if the criteria of the enforcement policy has been satisfied.

SERVICE COMPLAINTS

- The Council has a corporate complaints system that enables the public to provide their views on our services. Details of the procedure can be found at the Civic Centre, Regent Street, Gateshead, Tyne and Wear, NE8 1HH or by visiting the Council's website at

www.gateshead.gov.uk. We respond promptly and positively to complaints received about the service.

PRINCIPLES OF ENFORCEMENT & ENFORCEMENT DECISIONS

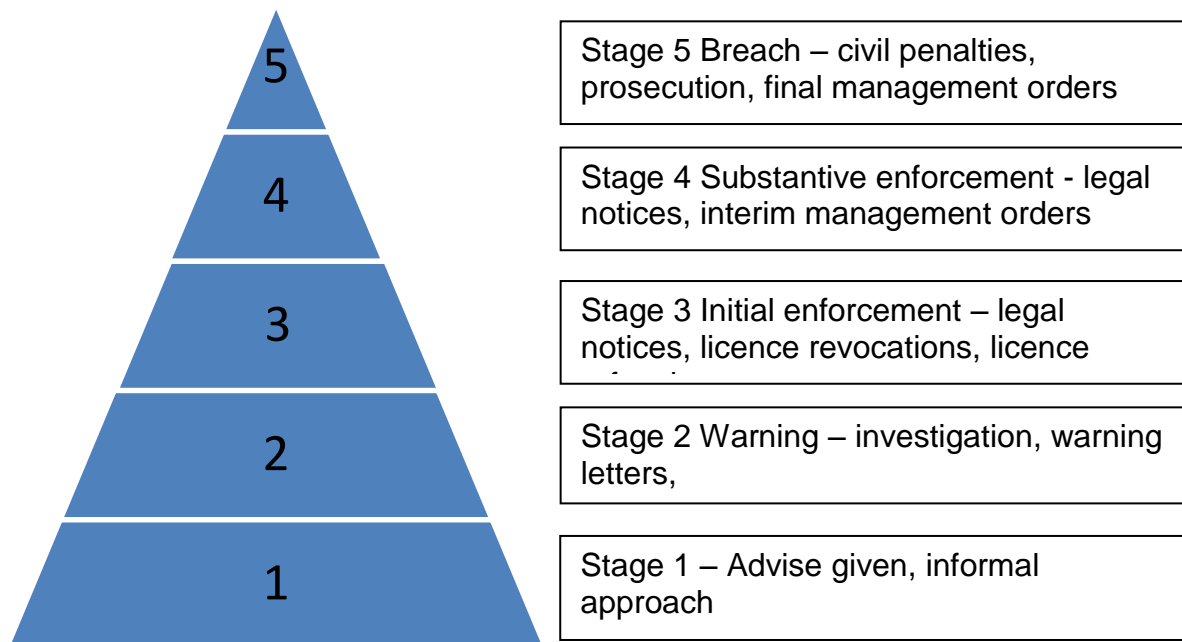
- When discharging its duties in relation to Private Sector Housing, the Council will follow the principles of good enforcement and ensure that enforcement decisions are made and actions taken in line with the provisions of the following legislation:
 - The Human Rights Act 1998
 - Regulators Compliance Code
 - Criminal Procedures and Investigations Act 1996
 - Regulation of Investigatory Powers Act 2000
 - The Crime and Disorder Act 1996
 - The Police and Criminal Evidence Act 1984 (as amended)
 - Civil penalties under the Housing and Planning Act 2016 - Guidance for Local Housing Authorities

PARTNERSHIP WORKING

- We engage We engage in partnership working with other enforcement agencies where there is a shared enforcement role, or where it is in the public interest to share matters concerning non-compliance with enforcement actions taken. For example liaising with; the Police, the Health and Safety Executive and other Council Services.

Graded Response to Enforcement Action

The pyramid detailed below provides an overview of the graded response to enforcement action. If a landlord engages with the Local Authority in the first instance they will be supported following an informal approach. However, if a landlord does not comply with the informal request, the local authority will take the graded approach to ensure compliance. Enforcement action will be based on risk and we must also have full regard to any statutory duty. Assessment of risk will be based on current legislation and specific guidance. As and when necessary, the council will seek to ensure it recovers appropriate costs from those landlords who are not being proactive in managing or letting properties.



Actions available broadly divided into two categories:

- **Informal action**
- **Formal action**

Once we have established that action needs to be taken to resolve an issue, wherever possible an informal approach will be adopted having regard to either the Code or the Concordat. However, in certain cases there will be no alternative but to take formal action.

Consideration will be given to:

- The impact of interventions on economic progress, especially small businesses,
- Whether benefits justify the costs and poses the minimum burden to achieve the objective,
- Whether informal action may compromise the objective or whether there is a serious breach of legislation. For example, where an imminent risk to public health exists and removal of the risk is only guaranteed through a formal approach.
- Any relevant history in relation to the case. In particular, officers will consider whether any formal action has been taken in the past, the recipient's response and the ability and willingness of the recipient to keep to agreed timetables of work.
- Whether an act or omission is serious enough to warrant formal action, or whilst there is no infringement of legislation, a positive benefit from informal action can be derived.

The initial decision to take informal or formal action will be made by the enforcement officer. The decision will be agreed with the relevant line manager, however, overall responsibility for officers' actions rests with the Service Director of Development, Transport and Public Protection.

Informal Action (Stages 1 & 2)

Informal action includes;

- Issuing verbal advice or instruction,
- Working in partnership with key agencies,
- The provision of advisory written information; examples are schedules of work in relation to required property repairs and informal warning/reminder letters to submit a licence application/information.
- Guidance, information and advice to licence holders advising them of their responsibilities, including an online document library and landlord support pages.

Formal Action (Stages 3 - 5)

If informal engagement fails, or it is not appropriate to adopt an informal approach as certain circumstances require immediate formal action, formal action may be taken.

Authorisation of officers

By exercising its powers of delegation, the Council has authorised officers within the Team to carry out enforcement action. Only officers who the Council have determined as competent will be authorised to take enforcement action. Any enforcement action is initiated by suitably qualified and experienced enforcement officers.

Officers will also have sufficient training and understanding of this enforcement policy and in their area of work to ensure a consistent approach to their duties. We undertake to monitor officers' actions to ensure they are always in accordance with our policies.

All officers carry identification and an authorisation to show what legislation they are able to enforce. They are required to show these if asked.

All officers are required to carry out their duties in accordance with set procedures and protocols. These procedures vary depending on the area of work involved.

Delegation of Authority

Delegations of authority have been made to the Service Director and to the Environmental Health & Trading Standards Manager in respect to enforcement activity.

Licence Holder

Licence holders must ensure their properties are well managed, safe and comply with all of the licence conditions attached to the selective landlord licence.

If the Council receive concerns about a particular property, licence holder, manager or breach to licence conditions they will investigate to determine the best course of action. The Council may take into consideration the following factors when determining the most appropriate course of action:

- The number of properties in the licence holders portfolio
- The length of time the person has been a landlord, manager, licence holder

- Their willingness to engage and address issues at their properties
- Confidence in the management to tackle the issues raised by the Council

Offences under Selective Licensing

There are criminal offences under selective licensing relating to failure to comply with the licensing requirements:

- It is a criminal offence to manage or have control of a property which is required to be licensed under Part 3 and is not so licensed. On summary conviction, a person found guilty of such an offence may be given an unlimited fine.
- Where a licence holder, or person who has agreed to be bound by the licence, then breaches a condition of a licence without a reasonable excuse.
- A person commits an offence if s/he knowingly supplies any information in respect of Part 3 licensing, to the Council or another person which is false or misleading or is reckless as to whether it is false or misleading. On summary conviction, a person found guilty of such an offence may receive an unlimited fine.

Unlicensed Properties

It is an offence for a landlord to rent a property in a designated area without applying for a selective licence. The local authority will investigate and take enforcement action if/ or when necessary, and this will be carried out in accordance with this Policy and the Council's Enforcement Concordat. The Council is the prosecuting authority for such offences and proceedings are taken in the relevant Court.

After promotion of the scheme it is expected landlords will make an application for a licence in a timely manner. Where applications are not made or where properties are found to be unlicensed mid scheme, the Council will investigate those properties which there is reason to believe should be licensed but are not. Landlords who are timely and diligent in making an application will pay a reduced fee than those who do not – See Fees and Charges.

An *unannounced property inspection* (with the Police/Immigration) will be undertaken to all properties where no licence application is received to determine the standard and use of accommodation. The council would view the offence of failing to ensure that a rented home was licensed under its selective licensing scheme as a significant issue, meaning that the tenants and wider community are not protected by the additional regulatory controls afforded by licensing. It may also affect any decision regarding existing or future licenses both in Gateshead and within other local authorities.

Other actions may be taken if there are concerns about the property revealed during the investigation, e.g. a safety inspection under part 1 of the Housing Act 2004, to deal with category 1 or 2 hazards that have been identified at the

inspection, therefore improving property conditions. Action may also be taken against the tenant in relation to the tenant regarding anti-social behaviour or refuse concerns. Currently the council charges where it has to serve statutory notices under this legislation such as improvement notices, or prohibition orders (see fees and charges for details). Any such action may impact on decisions regarding suitability to hold a licence in the future.

Unlicensed properties may result in one or more of the following:

- A caution
- The application of a civil penalty charge as an alternative to prosecution.
- A prosecution against the landlord/agent being considered,

The following will be taken into consideration in determining which method of action to undertake:

- There must be evidence of guilt sufficient to give a realistic prospect of conviction;
- Is this the first time this landlords property has been uncovered as operating without a licence, are their previous similar offences
- How long has the potential offence being committed
- Have there been complaints in relation to the property/landlord that have impacted the tenants or local community
- Is the landlord new to the area, an existing licence holder, known to PSH Team and for what reason, their history of compliance, willingness to comply.
- Is there evidence of intentional noncompliance, neglect, recklessness or ignorance.
- Does the owner/landlord have a reasonable excuse for failing to apply
- Is it in the public interest to pursue a prosecution
- Landlord/owner confidence, experience, training
- What would be the outcome/impact of a prosecution versus a civil penalty/caution
(this is not an exhaustive list)

Failure to Comply with and Provide Information to Confirm Licence Condition Compliance

All Licence Holders renting out properties within the designated licensing area are expected to comply with the conditions of their licence under part 3 of the Housing Act 2004 (see appendix 1 (licence conditions)). Any licence holder found to be in breach of their licence will be investigated by the Private Sector Housing Team. There are many different examples that could be deemed as a licence holder breaching the terms of their licence (this list is not exhaustive) but includes:

- Failing to carry out repairs to property, as instructed by the Local Authority (this breach may result in the serving of an improvement notice under part 1 of the Housing Act)

- Failing to return a completed annual review within the specified time scale of 28 days
- Failure to provide requested information e.g. valid gas safety certificate and a satisfactory electrical installation condition report with the annual review or at any other time when requested.
- Failing (when requested by the Council) to provide other information on request such as copies of tenancy agreements or evidence of reference checks for new tenant's or proof of correspondence regarding issues of anti-social behaviour.

The Council will work to support licence holders who breach their licence for minor offences, they will provide support, education and guidance to help them comply with the licence conditions. However, the Council will consider revoking a licence from a licence holder who is found to be in breach of their licence on more than one occasion.

Any licence holder who fails to comply with the terms of their licence could experience difficulties in securing future landlord licenses both in Gateshead and with other local authorities. It is a criminal offence to breach the conditions of a selective landlord licence. On conviction the licence holder could face a fine of up to £5,000 for non-compliance with licence conditions.

Every effort will be made by the Council to prevent a licence holder from breaching any of the conditions of their licence. However, it is the licence holder's responsibility to ensure the property is being managed effectively in accordance with the licence. Consideration will be given to a formal prosecution and/or the issue of a civil penalty charge for repeated breaches of licence conditions.

Investigating an Offence

If the requested information is not received and/or the Council believe there has been an offence the licence holder or landlord/agent will be invited to attend a formal interview under caution under the Police and Criminal Evidence Act 1984 (PACE).

PACE interviews are conducted under caution and are recorded, suspects have the opportunity to have legal representation present. The record of interview is admissible as evidence in any subsequent prosecution. Copies of the recorded interview are provided to the suspect at the end of the interview or as soon as practicable afterwards. The Council will use the information provided by suspects in the PACE interview to help consider if further action will be required, and what the course of action might be.

Simple Cautions

Under certain circumstances, a simple caution may be used as an alternative to prosecution and will usually be considered before making a decision to prosecute.

A caution is a serious matter. It may be used to influence any decision whether or not to prosecute should the individual, organisation or business offend again and it may be referred to in any subsequent court proceedings. Simple cautions remain on record for a period of 3 years.

Cautions are intended to:-

- Deal quickly and simply with certain, less serious offences;
- Avoid unnecessary appearance in criminal courts;
- Reduce the chance of offenders re-offending.

Before issuing a caution the following matters will be taken into account when deciding whether a caution is appropriate:-

- There must be evidence of guilt sufficient to give a realistic prospect of conviction;
- The offender must understand the significance of the formal caution and admit the offence by signing a declaration;
- The seriousness of the offence, as a caution is not suitable for serious offences.

Decisions to issue a caution will be notified to all known interested bodies, including tenants, managers, freeholders, leaseholders and mortgagees. Where an individual chooses not to accept a formal caution the Council will consider other options such as a civil penalty or a prosecution. Simple cautions are viewed as valuable enforcement tools because they can be cited in court if the same person or organisation, within three years of the original offence, commits similar offences and typically both save officer time and reduce the burden placed upon the court system.

Prosecution

The Council will use discretion in deciding whether to bring a prosecution and generally will only commence proceedings when it is considered to be in the public interest. The decision to prosecute lies with the Service Director for Development, Transport and Public Protection, in conjunction with advice from Legal Services..

Before deciding to prosecute there must be sufficient evidence for a realistic prospect of conviction, taking account of any defence that may be available. In certain circumstances prosecution without prior warning may take place.

The decision to prosecute will always take into account the criteria laid down in the Code for Crown Prosecutors issued by the Crown Prosecution Service. The Evidential Test and Public Interest Test will be considered at this stage.

Each case that we deal with is unique and must be considered on its own facts. In deciding whether to issue a formal caution or proceed with a prosecution, the initial decision will be made by the enforcement officer in consultation with the line manager and team leader. Having collected and collated evidence, officers will consult with the Head of Service and ultimately Legal and Corporate Services to consider and review the merit of the proposed action.

Civil Penalties

As an alternative to prosecution a civil penalty can be issued for the offences committed under Part 3 of the Housing Act 2004 (section 95). The power to impose a civil penalty as an alternative to prosecution for these offences was introduced by section 126 and Schedule 9 of the Housing and Planning Act 2016 and came into force on 6 April 2016. In the first instance, local authorities must have sufficient evidence to initiate a prosecution but the liable person can be issued with a civil penalty of up to £30,000 as an alternative.

The liable person has a right to appeal to the First-Tier Tribunal (Residential Property Tribunal). Any enforcement action would be taken in accordance with the Housing Enforcement Policy and each case will be judged on its own merit.

Other Sanctions Available to the Local Authority

In addition to the above, there are other enforcement options and sanctions which the Council have at their disposal, including but not limited to:

The Housing Health and Safety Rating System

The Government's approach to the evaluation of the potential risks to health and safety from any deficiencies identified in dwellings. The underlying principle of the HHSRS is that any residential premises should provide a safe and healthy environment for any potential occupier or visitor.

For the purposes of the HHSRS, it must be pointed out that the assessment is solely about the risks to health and safety. The feasibility, cost or extent of any remedial action is irrelevant to the assessment. For example some deficiencies, such as a broken stair tread or a leaking pipe, may be quickly, easily and cheaply remedied, but while such deficiencies are present, the threat to health or safety can be considerable.

The Council has a duty under the Act to take action if we discover a Category 1 hazard in a property, and we have the power to take action to deal with a Category 2 hazard.

The first step will be to approach the landlord (or agent) informally, however the amount of leeway allowed to a landlord (or agent) informally will be at our discretion. We will have consideration to the requirements of the Regulators' Compliance Code and the Enforcement Concordat, whichever one is applicable.

If the landlord does not respond within a reasonable time, we are most likely to move onto formal action, which may include any of the following:

- Serve an **Improvement Notice** (requires that the hazard is removed within a set time)
- Make a **Prohibition Order** (prohibits the use of all or part of the dwelling)
- Serve a **Hazard Awareness Notice** (for minor hazards, the notice simply advises and does not require that owners do anything)
- Take **Emergency Remedial Action** or make an **Emergency Prohibition Order** (if a category 1 hazard exists and is so serious that it represents an 'imminent risk of serious harm' to the occupants. Such a notice allows the Council to enter the premises and take urgent action to deal with the hazard. We can charge owners for the costs of this work but the owners have a right of appeal against the notice and the costs involved).
- Make a **Demolition Order**.
- Declare a **Clearance Area**.

Even without using emergency powers, we can, with or without the agreement of the owner, carry out the works required in a notice and charge accordingly.

Alternatively the owners can be prosecuted or issued with a civil penalty charge for failing to comply with an Improvement Notice or Prohibition Order. The Act gives us the power to charge to recover the costs of any enforcement action: any such charge must be reasonable and can only cover the Council's costs. The Housing Act 2004 allows for local authorities to make a charge in respect of the service of notices in order to recover their costs.)

Statutory Notices

A wide range of legislation contains provisions for the use of statutory notices, which legally require the execution of works, the removal of statutory nuisances or the protection of public health and/or safety. Only officers specifically authorised are permitted to serve statutory notices.

All notices contain notes that explain the effect of the notice and the recipient's right of appeal.

We will always be willing to discuss the works specified in the notice, as well as timescales given and the reason for the service of the notice. In emergency circumstances we are authorised to carry out works without the service of a notice; normally when this would cause an undue delay.

In other situations, there is a presumption that notices will be served if the criteria set down in the legislation are met. However, this presumption can be rebutted depending on the circumstances of the case. As cases vary so much it is difficult to be prescriptive about when we will not serve notices. Each case is looked at individually and the following factors taken into account:

- informal action has not achieved the desired effect,
- there is a lack of confidence that the individual/company will respond to an informal approach,
- there is a history of non-compliance with informal action,
- standards are generally poor with little management awareness of statutory requirements,
- the consequences of non-compliance could be potentially serious to the health and safety of the public

If the recipient fails to comply with the notice, the Council has various sanctions it can impose including: carrying works in default, prosecution, caution or the use of emergency powers.

Statutory notices may also be served in conjunction with prosecutions.

Having regard to statutory powers, and where the law allows, a charge will apply to statutory notices. All charges will be levied on the person upon whom the notice is served and will be made at a level fixed within the Council's agreed charges having regard to a written record assessing costs reasonably incurred. In all cases the Council will instigate debt recovery action.

Where a notice is not complied with by the expiry date, a prosecution or the issue of a civil penalty charge maybe considered appropriate. In these

circumstances a report, in accordance with the Constitution, will be made to decide what further enforcement action is appropriate.

Works in Default

In some circumstances, failure to comply with a notice may result in the Council arranging for the necessary works to be carried out (works in default). The cost to the owner will usually be more than if the owner carries out the works themselves as they will be charged for officer time on visits, carrying out schedules of work and any other reasonable costs incurred by the local authority.

In determining whether carrying out works in default is the most appropriate course of action, we will consider the following:

- The effects of not carrying out the work on the health and safety of the residents concerned
- The reason for the work not being carried out in the first place.
- Whether benefits justify the costs and poses the minimum burden to achieve the objective,

It should be noted that carrying out works in default does not necessarily exclude us from either issuing a formal caution or prosecuting the offender. We are legally entitled to ensure that the work is carried out and we will also consider if it is appropriate to take further action.

The Council will actively pursue debts incurred. Enforced sale of empty properties will be considered where appropriate in line with The Law of Property Act 1925 where a debt has been incurred for example following works undertaken to an empty home in the owners default. Until the debt is cleared it will remain registered with the local Land Charges Registry as a financial charge. Once it is registered the charge will accrue compound interest.

Rent Repayment Orders

Rent repayment orders (RROs) are a mechanism under the Housing Act 2004 by which rent or Housing Benefit can be recovered from landlords found to be renting a property without a licence where one is needed.

The Council can apply to the First Tier Tribunal – Residential Property Tribunal to recover Housing Benefit paid in respect of a property during any period when it ought to have been licensed, but was not. The maximum that an authority may claim is twelve months Housing Benefit, during any period that a dwelling was not licensed.

In addition, an occupier (or former occupier) may also be able to apply for a rent repayment order in respect of rent paid (less any Housing Benefit). To make an application for a rent repayment order, a tenant only needs to submit a claim to the First Tier Tribunal which sets out the reasons for the claim and the dates to which it relates and includes:

- the offence relates to housing that was occupied by the tenant at the time of the offence; and
- the application for a rent repayment order is made within 12 months of the date that the offence has been committed.

Rent repayment orders have now been extended through the Housing and Planning Act 2016 to cover a much wider range of offences, described below:

- Failure to comply with an Improvement Notice (section 30 of the Housing Act 2004)
- Failure to comply with a Prohibition Order (section 32 of the Housing Act 2004)
- Breach of a banning order made under section 21 of the Housing and Planning Act 2016
- Using violence to secure entry to a property (section 6 of the Criminal Law Act 1977)
- Illegal eviction or harassment of the occupiers of a property (section 1 of the Protection from Eviction Act 1977)

A rent repayment order can be made against a landlord who has received a civil penalty in respect of an offence, but only at a time when there is no prospect of the landlord appealing against that penalty.

The Council must consider a rent repayment order after a person is the subject of a successful civil penalty and in most cases the Council will subsequently make an application for a rent repayment order to recover monies paid through Housing Benefit or through the housing element of Universal Credit.

Restrictions on Terminating Tenancies under Section 21 of the Housing Act 1988:

Selective licensing requirements can restrict the termination of assured shorthold tenancies. Under Section 21 of the Housing Act 1988, a landlord may serve a notice (known as a Section 21 notice) on an assured shorthold tenant, giving two months' minimum notice that the landlord intends to apply for possession. Provided that the statutory requirements are met, a court must make an order granting possession to the landlord. No element of tenant default is required.

However, a landlord may not give a Section 21 notice to a tenant of a property that is required to be licensed under a selective licensing scheme, but that is not so licensed.

Interim and Final Management Orders

Where a licence has not been obtained, or where the licence conditions have not been complied with, the Council may, at its discretion, apply to take over the management of the property for an appropriate period of time, or use a managing agent. This provision is detailed under Part 4 of the Housing Act 2004.

Interim Management Orders (IMO)

An interim management order is made for the purpose of securing any action that the Council considers necessary, to protect the health, safety and welfare of the occupants. There are specific circumstances when the Council has a statutory duty to make an IMO on a licensable property (under Part 2 or Part 3 of the Act) including:

- Where a property that should be licensed but is not so licensed, and there is no reasonable prospect of it becoming licensed in the near future;
- When a property that should be licensed but is not so licensed, there are serious health, safety or welfare concerns that cannot be dealt with adequately by using the statutory powers available under Part 1 of the Act (e.g. Improvement Notices);
- When the Council have revoked the licence from a licensable property and there will be no reasonable prospect of it becoming licensed again in the near future;
- When the Council have revoked the licence on a property and there will be (on the revocation date) serious health, safety or welfare concerns that cannot be dealt with adequately by using the statutory powers available under Part 1 of the Act (e.g. Improvement Notices).

Discretionary Power to make an IMO

There are prescribed circumstances in which the Council has the discretionary power to make an IMO. However, this discretionary power is only exercisable with approval from the Residential Property Tribunal. The circumstances are:

- When, in respect of an HMO that is not required to be licensed, there are serious health, safety or welfare concerns;
- When, in respect of a privately rented dwelling or a building containing such dwellings (unless subject to a statutory exemption), there are serious health, safety or welfare concerns and the further conditions set out within the Housing (Interim Management Orders) (Prescribed Circumstances) (England) Order 2006 (SI 2006/369) have been satisfied. These further conditions are that the area in which the property is situated is experiencing a significant and persistent problem caused by anti-social behaviour, that the problem is attributable, in whole or in part to an occupier of the property, that the landlord is a private sector landlord and that he is failing to take action that it would be appropriate for him to take to combat the problem.

Final Management Orders (FMO)

Final management orders (FMOs) are orders which may only be made after the making of an IMO. FMOs are similar to IMOs, but provide for a longer-term solution and can be in place for up to five years. An FMO must include a "management scheme" that sets out how the Council would manage the property while the FMO is in place. A management scheme must be in two parts, including:

- Part 1 of the scheme must contain a plan giving details of the way in which the Council proposes to manage the house.

- Part 2 must describe, in general terms, how the Council intends to address the matters which caused them to make the FMO. Under an FMO, the Council has the power to issue assured shorthold tenancies without obtaining permission from the landlord.

Mandatory Duty to make a Final Management Order

If the Council has made an IMO in respect of a property that is required to be licensed under Parts 2 or 3 of the Act (HMO and selective licensing) and it is of the opinion that on the expiry of the IMO there would be no prospect of it being able to grant a licence, it must make an FMO to replace the IMO upon its expiry.

If the above conditions were to apply again upon the expiry of the first FMO, the Council would be obliged to make a further FMO.

Discretionary Power to make a Final Management Order

If the Council has made an IMO in respect of a property that is not required to be licensed under Parts 2 or 3 of the Act (HMO and selective licensing), but it is of the opinion that there is a longer-term need to protect the health, safety and welfare of residents and neighbours, it may make an FMO to replace the IMO upon its expiry.

If the above conditions were to apply again upon the expiry of the first FMO, the Council would have the discretionary power to make a further FMO.

Anti-Social Behavioural (ASB)

Anti-social behaviour is defined as acting in a way that is capable of causing nuisance or annoyance to anyone. There are many issues which can affect a person within their own homes and can be categorised as anti-social behaviour including:

- Loud noise from neighbours
- Harassment behaviour such as verbal abuse or threats
- Vandalism, property damage and graffiti
- Fly-tipping, dumping rubbish and abandoned cars
- Animal nuisance including persistent dog barking and dog faeces

Anti-Social Behaviour Powers

The Anti-Social Crime and Policing Act 2014 provides for a new absolute ground for possession by private landlords where a tenant or member of their household or visitor has met one of the following conditions:

- Is convicted of a serious criminal offence
- Is found by a court to have breached Injunction to Prevent Nuisance or Annoyance (IPNA)
- Is convicted of breach of a Community Behaviour Order (CBO)
- Is convicted for breach of a Noise Abatement Notice
- Tenants property closed under a Closure Order

If a landlord applies to the court after serving the relevant notice then the court MUST grant possession provided the correct procedures have been followed.

The courts discretion to suspend possession is restricted to 14 days or 6 weeks in exceptional circumstances.

Partnership Working to Tackle ASB

The Council's Private Sector Housing Team will take a lead role in improving partnership working by providing education and support for landlords in the management of tenants who cause anti-social behaviour. The Council will work in partnership with other agencies as well as the Police to tackle issues of ASB including supporting landlords through the eviction process should it become necessary to seek possession.

If a landlord suspects criminal activity he/she immediately must notify the appropriate authorities, including the private sector housing officer, anti-social behaviour officer or the police. The landlord must also participate in any case conferences or multi agency meetings that take place to address ASB associated with their property as detailed in the licence conditions.

Powers of Entry

The Housing Act 2004 gives us, on production of our authority, the power to enter premises at any reasonable time. These far reaching powers of entry allow access to ascertain whether or not a statutory nuisance exists; or for the purpose of taking any action, or executing any work, authorised or required by law. This may include inspections or the taking of samples, photographs, and recordings.

Notice of entry is not required to be given in cases where the Council consider that the premises are unlicensed and should be licensed, or where there is a suspected breach of licensing conditions.

If entry is obstructed or refused the Housing Act 2004 allows us to obtain a warrant from a magistrate. This warrant permits us to enter at any time (by force if need be) in order to ascertain whether there is a contravention of the relevant act or to carry out remedial action.

Missing/Late payments – Fee Payment Plan

Licence holders will not be required to pay their fee on an annual basis. Fees will be required at the point of application with the option to spread payments over an agreed timescale (which is a maximum of six months). If landlords wish, they can chose to pay their fee in full.

A phased payment plan will be set up at the time of application and agreed between the Council and Licence Holder. The Licence Holder will be provided with a full break down of the payments required and the payment dates. The licence holder is responsible for ensuring that correct payments are received on the agreed dates .

Any missed or late payments will result in the outstanding balance to be requested in full and payable immediately.

Revocation of a Licence

A licence can be varied or revoked by the Council.

The council can revoke an application on its own initiative, on further application from the licence holder or other relevant person where an

application to do so is made by the licence holder or any relevant person, or where the council consider that:

- The licence holder has seriously breached a condition of the licence, or repeatedly breaches a condition of the licence
- The licence holder is no longer a fit and proper person
- The management of the house is being carried on by someone who is not a fit and proper person
- The property ceases to be one that requires a licence
- The property is granted a licence as an HMO (under part two of the Housing Act 2004)

Incomplete licence applications

Where an application is missing information that is required as part of the application process, one opportunity will be offered to supply the correct information (administration charge payable). Where information is still not supplied as required to comply with the requirements of an application the applicant will be returned. The applicant will be deemed to have not made a valid application and may be at risk of further investigation for failing to licence the property.

This policy will be reviewed on an annual basis to maintain accuracy, in order to secure the level of service given to the public.

For any queries please contact the Private Sector Housing Team, Communities and Environment, Gateshead Council, Civic Centre, Regent Street, Gateshead, Tyne & Wear, NE8 1HH. (Telephone number 0191 4333000), Email privatelandlords@gateshead.gov.uk or via the Council website www.gateshead.gov.uk

APPENDIX I

CONDITIONS OF THIS LICENCE:

In these conditions, “house” is meant to refer to the building or part of a building, which is licensed under Part 3 of the Housing Act 2004 (The Act). The “Authority” is meant to refer to the local housing authority, namely Gateshead Council.

1. MANDATORY LICENCE CONDITIONS

- a) The licence holder must provide a valid gas safety certificate (if gas is supplied to the property), on an annual basis. A copy must be submitted to the local authority on request and to the tenant within 14 days of issue.
- b) The licence holder must ensure that all furniture supplied by the landlord complies with the Furniture and Furnishings (Fire) (Safety) Regulations 1988 (as amended), and that there are arrangements for the inspection of all items provided by the landlord to ensure they are maintained in a satisfactory & safe condition.
- c) The licence holder must ensure that there are either hard wired or 10 year battery operated smoke alarms installed on each storey of the house on which there is a room used wholly or partly as living accommodation (including a bathroom, lavatory, hall or landing). Smoke alarms must be kept in proper working order and tested on the day the tenancy commences with further testing on a regular basis. Evidence of testing must be made available to the Authority upon request.
- d) The licence holder must ensure that a carbon monoxide alarm is installed in any room in the house which is used wholly or partly as living accommodation and contains a solid fuel burning combustion appliance, and to keep any such alarm in proper working order and to supply to the Council, on request, with a declaration by him as to the condition and positioning of any such alarm.
- e) The licence holder must supply to the occupiers of the house a written, signed statement of the terms in which they occupy it, (e.g. a tenancy agreement). Information provided to the tenant must include the following:
 - The name and address of licence holder or managing agent
 - A contact address and daytime telephone number
 - An emergency telephone number
 - A copy of the landlord licence including the conditions
 - Where a bond has been taken; the deposit amount and information where the deposit is protected.

This should be submitted to the Authority on request.

- f) The licence holder must obtain valid references in relation to potential tenants, in order to make an informed decision regarding their occupancy of the property, before the tenancy commences. References should include details of previous and recent housing history. Evidence of these references and checks must be made available to the Authority upon request.

OTHER CONDITIONS

2. Electrical Safety

- a) The licence holder must provide a satisfactory Electrical Installation Condition Report (EICR) on the electrical installation at the property for the duration of the licence period. This must have been carried out by a 'competent person' who is a member of one of the government approved schemes i.e. NICEIC, NAPIT, ELECSA, BRE or registered to undertake electrical works in accordance with Part P of the Building Regulations. This report must be no more than 5 years old (unless a new installation certificate) and deem the electrical installation to be in at least a satisfactory condition.
- b) The licence holder must ensure that all portable electrical appliances supplied (as part of the tenancy) are in a safe condition, and in good working order. Any portable appliances provided must be tested on an annual basis and a (PAT) certificate must be submitted if requested by the local authority.

3. Managing Anti-Social Behaviour

- a) If asked for a reference for an existing or former tenant, a licence holder must state whether or not they are aware of any allegations of anti-social behaviour made against the tenant. If allegations have been made they must give details to the best of their knowledge, of whether the allegations have been admitted or have been found proven in any court or tribunal.
- b) The licence holder and/or the manager are required to provide information regarding the full names and dates of birth of each occupant, when asked by the local authority.
- c) The licence holder must ensure occupants of the house are aware of how they can report nuisance and ASB to the local authority.
- d) The licence holder must take reasonable and practicable steps following advice or recommendations from the Council following receipt of a complaint or to prevent or reduce anti-social behaviour by persons occupying or visiting the property. Evidence of such must be available to the Authority upon request.
- e) The licence holder must take reasonable and practical steps, should it be found that the property is being used for illegal or immoral use. Evidence of such must be available to the Authority upon request.

- f) Where the licence holder is specifically invited they shall attend any case conferences or multi agency meetings arranged by the local authority or the police to reduce or prevent ASB in relation to their tenant or property.

4. Property Management

- a) On commencement of a new tenancy, the licence holder must compile a detailed inventory of all items, included within the tenancy and provide a copy to the tenant. This should be available to the Authority on request.
- b) The licence holder must ensure the property is adequately managed and as such have satisfactory maintenance arrangements in place.
- c) Regular prearranged visits (at least every 6 months) by the licence holder to the property must be undertaken to determine effective tenancy and property management by the tenant.. As a minimum the record must contain a log of who carried out the inspection, the date, the time and any issues found and action undertaken. Evidence of these visits/checks shall be made available to the Authority upon request
- d) All repairs to the property or any installations, facilities or equipment within it are to be carried out by competent and reputable persons, and that they are completed to a reasonable standard.
- e) The licence holder must ensure the property is kept in a good state of repair and free of category 1 hazards that could affect the health and safety of tenants, occupiers and visitors to the property as prescribed under Part 1 of the aforementioned Act.
- f) The licence holder must inform the local authority within 5 working days if there is a change in the managing agent, to allow the Council adequate time to carry out fit and proper person checks and vary the licence accordingly. A signed copy of the management agent contract must be submitted within 14 days of the instruction of a new managing agent.
- g) The licence holder must provide the occupiers of the house and the occupiers of any neighbouring properties, with the following details:
- Name of the licence holder or managing agent
 - A contact address and daytime telephone number
 - An emergency telephone number
- h) At the beginning of a new tenancy the licence holder must provide tenants with information that explains how they can make a complaint about the property and the arrangements in place to deal with emergency and other repairs.
- i) The licence holder shall indicate to the occupiers how they intend to respond to any complaint including timescales for the steps they intend to take. Complaints must be responded to within a reasonable timescale.

- j) The licence holder must ensure that the property is occupied accordingly in relation to the number of occupiers, the number of habitable rooms, the space available and the amenities provided.
- k) The licence holder must inform the local authority of any change in circumstances which may affect the suitability to remain as licensee, including any change to the fit and proper person criteria or change in property ownership. This must be done within 5 working days of the changes taking place.
- l) The licence holder must inform the local authority of any change in circumstances which may result in the variation of the licence being required including change of address, surname or contact details. This must be done within 5 working days of the changes taking place.
- m) The licence holder must ensure that within 28 working days of the property becoming vacant the Authorities Licensing Officer is notified. He/she must ensure that all reasonable measures are taken to ensure that the property and curtilage are kept secure from unauthorised entry during periods when the property is unoccupied.
- n) The licence holder must reside in the UK.
- o) The licence holder must improve and maintain their knowledge and competency by keeping up to date with current housing issues and regulation to enable the effective management of their property and tenants. It is expected that licence holders will complete at least five hours training per year. Evidence of this must be available to the Authority upon request and could include attendance at:
 - Training courses in relation to housing related matters
 - Landlord Forums
 - Presentations in relation to housing related matters
 - Landlord Association meetings
 - On-line training courses

5. Tenancy Management

- a) Prior to offering a tenancy, a licence holder must undertake Right to Rent checks on every prospective occupier to establish the correct right to rent status. Evidence of this must be available to the Authority upon request.
- b) The licence holder must abide by the conditions and responsibilities contained within the tenancy agreement and carry out all landlord functions as laid down in the agreement.
- c) On commencement of a new tenancy which started on or was renewed after 1st October 2015 the licence holder must provide the following to their tenant:

- Energy performance certificate
- Valid gas safety certificate
- Copy of the 'How to rent' tenants booklet

6. Energy Performance

- a) The Licence Holder must provide each occupier of the house with an Energy Performance Certificate at the start of each new tenancy. The licence holder shall provide a copy of the said certificate to the Authority on demand. Please note that the letting of properties from April 2018 are required to have a minimum EPC rating of E.

7. Managing Refuse and Waste

- a) At the start of any new tenancy the licence holder must ensure there is no refuse or waste left inside the property or within the curtilage from the previous tenant.
- b) The licence holder must ensure at the start of any new tenancy there is a green domestic waste bin and a blue recycling bin provided at the property. Both bins must be clearly marked with the number/street of the property.
- c) The licence holder must outline to the occupiers of the property in writing their responsibilities regarding storage and disposal of waste prior to the start of a new tenancy. Specific information should include details such as the day/week on which recycling/general waste and household waste is to be collected and how a tenant should dispose of bulky items such as furniture.
- d) At all times any gardens, yards and other external areas within the curtilage of the licensed property are kept in reasonably clean and tidy condition and free from rodent infestation. The tenancy agreement must set out who is responsible for maintaining the gardens and other external areas within the curtilage of the property.
- e) The exterior of the property and all boundary walls, fences and gates must be kept free from vandalism and/or graffiti.
- f) The licence holder must inform occupants on the correct disposal arrangements for accumulations and bulky waste items, including the penalties for fly tipping and the prolonged storage of waste within the front and rear gardens/yard and any outbuilding of the property.
- g) Licence holders must respond reasonably and effectively if there are complaints concerning accumulations of waste and refuse at the property. Any waste removal must be removed lawfully, and either collected by a registered waste carrier with the appropriate permit or disposed of at the council's waste disposal facility.

8. Additional Licence Conditions

- a) As agreed with the relevant officer, the property must have attained the – property accreditation standard within 3 months from the date that the licence is issued. The property must fulfil the accreditation standard for the full duration of the licence. An agreed discount will be awarded for continued attainment of the accredited standard in-line with the fee structure at the expiry of the licence.
- b) The Licence holder must remain an accredited member of the National Landlord Association or another equivalent membership to a recognised landlord/agent association for the full duration of the licensing scheme. Proof of membership must be provided on an annual basis or when requested. An agreed discount will be awarded for continued membership in-line with the fee structure at the expiry of the licence.
- c) It is the responsibility of the licence holder to retain copies of all certificates and records in relation to the property (conditions 1a, 1c, 1f, 2a, 2b, 3d, 3e, 4a, 4m, 5a and 6a) for the duration of the licence and provide these to the local authority on request.
- d) The licence holder must complete and return (within the requested timescales and with all requested information/documents), the annual review of their licence. Late or incomplete returns will be subject to an administrative charge.
- e) The licence holder is required to pay the full fee for the licence in the manner and timescales agreed with the local authority

N.B

The requirement for a licence holder to provide a bin at the start of a tenancy is in response to the problems of flytipping and waste accumulations affecting the proposed areas. This condition is also based on the same principle outlined in the recent government response in Houses in Multiple Occupation and residential property licensing reforms – December 2017. Specifically in relation to refuse disposal facilities in licensed properties (HMO's), the government response acknowledges that whilst tenants are responsible for properly disposing of their rubbish, they need adequate and accessible receptacles to do so. It is accepted that the issue of rubbish collection is not within the control of the landlord and there is no intention to require landlords to perform functions which are the responsibility of the local waste authority. However securing the provision of suitable facilities for the disposal and storage of refuse is, in the Government's opinion, a fair and proper responsibility for the manager of an HMO. The Government are therefore proposing to include a mandatory condition in all HMO licenses relating to the provision of suitable facilities for refuse storage and disposal.

**APPENDIX J
EQUALITIES IMPACT ASSESSMENT**



**Equality Impact Assessment Initial Screening Pro-forma
(Stage 1)**

Group: Communities and Environment	Service: Development & Public Protection	Section: Private Sector Housing	Officer responsible for assessment: R Crosby /Christine Oates
Support officers: Rachel Crosby/Christine Oates			
Completion date: 1/11/17			
Review date: 12 months from scheme start (if agreed)			
(1) Name & purpose of the policy, strategy, function or budget proposal: Briefly describe the aims, objectives and purpose of the policy/function or budget proposal	<p>The introduction of the Selective Licensing of Private Landlords within two areas of the Borough, (over a maximum 5-year period) including the re-designation of parts of Central Bensham and the designation of The Avenues (phased introduction over a three year period).</p> <p>Part 3 of the Housing Act 2004 sets out the scheme for licensing private rented properties in a local housing authority area. Under section 80 of the Act a local housing authority can designate the whole or any part or parts of its area as subject to selective licensing. The proposed designated areas are required to have high proportions of private rented properties which demonstrate indicators of low housing demand and issues with anti-social behaviour. The area must also be suffering from one of the following, high levels of migration, poor property conditions, high levels of deprivation and high levels of crime.</p>		
(2) Is this new or existing?	There are two schemes proposed (one a redesignation of a former licensing area (Central Bensham Phase 2) and a new area (The Avenues)).		

(3) Who are the main customer groups affected by this policy, strategy, function or budget proposal and has there been prior consultation undertaken?

Once an area is designated for selective licensing any private landlord wishing to operate within the designated area must apply for a licence for every tenanted house within that area.

The power does not permit local housing authorities to require licensing of houses that have been made exempt under the Selective Licensing of Houses (Specific Exemptions) (England) Order 2006 (such as business tenancies, tenancies with a term over 21 years, holiday lettings etc), or any properties that are subject to a tenancy or licence granted by a body which is registered as a social landlord under Part 1 of the Housing Act 1996.

The main customer groups affected by the policy include: landlords who rent properties within the proposed area they will be expected to maintain their properties and educate their tenants. Private tenants who will benefit from improved quality accommodation and in turn this will strengthen and benefit the local neighbourhood and local communities. Residents within the local neighborhood of all tenures will also be positively affected by the improved management of the private rented sector.

Prior to designation a consultation must be undertaken. The consultation approach was primarily governed by the provisions within the Housing Act 2004 and the DCLG guidance. The consultation ran for 13 weeks from 20th March 2017 to 18th June 2017, (an additional week was included due to an unexpected 48hr shut down of the Councils online webpages).

The Council used many different means of consulting with persons who were likely to be effected by the proposed designation, including:

- Information on the Gateshead Council website
- Online questionnaire for proposed areas:
 - www.gateshead.gov.uk/bensham for residents and businesses
 - www.gateshead.gov.uk/landlords
- Social media sources including Facebook and Twitter
- Direct mail, email, mail drops, letters, paper questionnaires, posters in public areas, press release,

Additionally, the Council arranged drop-in sessions throughout the consultation period at various venues across the borough. All known landlords and letting agents were invited to provide feedback and comment on the proposal.

(4) Using the table below please consider the impact of the policy, strategy, function or budget proposal on the protected characteristics as identified in the Equality Act 2010. If you have identified negative impact then a full EIA will need to be completed. Please note Question 5 should be answered in relation to impact on employees.															
Protected Characteristics	Assessment of Potential Impact (delete as appropriate)	Reason for this Assessment	Are there any mitigating circumstances?												
Age	Positive	<p>There is a large age range of tenants residing within the designated areas. According to the data on the Public Health England website collated by the Office of National Statistics the population of Saltwell and central Bensham ranged in age from:</p> <table border="0"> <tr> <td>Saltwell</td> <td>Bensham</td> </tr> <tr> <td>21.4% under 16</td> <td>17.6% under 16</td> </tr> <tr> <td>17.3% aged 16-24</td> <td>10.1% aged 16-24</td> </tr> <tr> <td>51.5% aged 25-64</td> <td>54.9% aged 25-64</td> </tr> <tr> <td>8.6% aged 65-84</td> <td>14.9% aged 65-84</td> </tr> <tr> <td>1.2% aged 85 and over</td> <td>2.6% aged 85 and over</td> </tr> </table> <p>It is expected there will be a greater impact on young families (often with children) as many are limited to the private rented sector and sometimes struggle to access social housing.</p> <p>Improving housing conditions will have a positive effect on the health (physical and emotional) of tenant's regardless of age.</p> <p>The application of the scheme will apply to all rented homes within the proposed designated areas.</p>	Saltwell	Bensham	21.4% under 16	17.6% under 16	17.3% aged 16-24	10.1% aged 16-24	51.5% aged 25-64	54.9% aged 25-64	8.6% aged 65-84	14.9% aged 65-84	1.2% aged 85 and over	2.6% aged 85 and over	Private Sector Housing will monitor during the implementation of Selective Licensing and will continue to monitor throughout the mid-term evaluation. They will be mindful of any evidence that would indicate if any person with a protected characteristic in that community was being affected.
Saltwell	Bensham														
21.4% under 16	17.6% under 16														
17.3% aged 16-24	10.1% aged 16-24														
51.5% aged 25-64	54.9% aged 25-64														
8.6% aged 65-84	14.9% aged 65-84														
1.2% aged 85 and over	2.6% aged 85 and over														
Disability	Positive	<p>The representation of households with a disability in the PRS is no more than that for the total population but the effect of licensing will be positive for these households.</p>	Private Sector Housing will monitor during the implementation of Selective Licensing and will continue to monitor												

		The increased communications and interactions with occupants and residents will ensure that any necessary support or referrals to partner agencies are undertaken.	throughout the mid-term evaluation. They will be mindful of any evidence that would indicate if any person with a protected characteristic in that community was being affected.
Race	Neutral	Both proposed areas have a diverse population of both residents and landlords, including black and minority ethnic communities as well as a concentration of members of the Orthodox Jewish Community. The Private Sector Housing Team will be mindful of any evidence that would indicate any racial group or vulnerable group in that community that was being affected.	Private Sector Housing will monitor during the implementation of Selective Licensing and will continue to monitor throughout the mid-term evaluation. They will be mindful of any evidence that would indicate if any person with a protected characteristic in that community was being affected.
Gender (includes gender reassignment)	Neutral	There is no evidence that the representation of transgender households in the PRS is no more than that for the total population but the effect of licensing will be positive for these households.	Private Sector Housing will monitor during the implementation of Selective Licensing and will continue to monitor throughout the mid-term evaluation. They will be

			mindful of any evidence that would indicate if any person with a protected characteristic in that community was being affected.
Pregnancy & Maternity	Positive	There will probably be a significant number of expectant mothers living in the PRS and the effect of licensing for these households would be positive.	Private Sector Housing will monitor during the implementation of Selective Licensing and will continue to monitor throughout the mid-term evaluation. They will be mindful of any evidence that would indicate if any person with a protected characteristic in that community was being affected.
Sexuality	Neutral	There is no evidence that the representation of gay and/or bisexual households in the PRS is no more than that for the total population but the effect of licensing will be positive for these households.	Private Sector Housing will monitor during the implementation of Selective Licensing and

			will continue to monitor throughout the mid-term evaluation. They will be mindful of any evidence that would indicate if any person with a protected characteristic in that community was being affected.
Religion or belief	Neutral	<p>Both proposed areas have a diverse population of individuals including black and minority ethnic communities as well as a high concentration of members of the Orthodox Jewish Community.</p> <p>Gateshead faith group representation in the 2011 Census was as follows for Saltwell and Bensham 74% of residents are Christian, 0.2% Buddhist, 0.3% Muslim, 7% were part of another religious group, 19% stated no religion.</p>	<p>Private Sector Housing will monitor during the implementation of Selective Licensing and will continue to monitor throughout the mid-term evaluation. They will be mindful of any evidence that would indicate if any person with a protected characteristic in that community was being affected.</p>
Marriage & civil partnership	Neutral	<p>Marriage is defined as a 'union between a man and a woman'. Same-sex couples can have their relationships legally recognised as 'civil partnerships'. Civil partners must be treated the same as married couples on a wide range of legal matters.</p> <p>According to the 2011 Census the household composition for</p>	<p>Private Sector Housing will monitor during the implementation of Selective Licensing and will continue to monitor throughout the mid-term evaluation. They will be</p>

		Bensham consists of 35% of the population are married and for Saltwell 27% of the population are married.	mindful of any evidence that would indicate if any person with a protected characteristic in that community was being affected.
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(5) Impact on Council Employees

Please indicate which of the protected characteristics your assessment has identified as being of relevance:

Age Disability Race Gender (inc. gender reassignment)

Pregnancy & Maternity Sexuality Religion or belief Marriage & civil partnership

None

Reason:

(6) Evidence and Engagement

Please use this section to detail the information that you have considered to assess the service for its relevance to equality eg data, research, engagement etc.

In 2015 the indices of Multiple Deprivation found Gateshead to be 73rd most deprived Local Authority area out of 326 Local Authorities. Specifically, within Gateshead, there are 126 smaller areas known as Lower Layer Super Output Areas (LSOAs), 15 of these areas fall within the 10% most deprived areas in England. Within the Borough there are concentrations of private rented accommodation, traditionally in areas of deprivation, where the private rented sector is commonly below standard in terms of property condition and tenancy management, and the Council continue to deal with complaints concerning landlords and properties. In these concentrated areas house and rental prices are lower than average and when properties do come up for sale they may be bought up by landlords because of the low price and lack of demand from owner occupiers.


Monitoring and analysis of certain indicators have identified within the areas identified, low demand (high number of empty properties, low rental/sales values, high occupant turnover, and higher levels of ASB, crime and housing complaints).

The proposal report for the consultation included the redesignation of Central Bensham. This is to enable the close working with landlords, residents and tenants to continue as there is a strong likelihood that without the ongoing regulation of licensing, standards are at a risk of returning to pre-licensing practices. Also, monitoring and analysis indicates there are other areas within central Gateshead specifically Saltwell/The Avenues that is demonstrating indicators of low demand and would benefit from the intervention of selective licensing.


The Private Sector Housing Team has adopted a partnership approach with landlords within the proposed areas. The local authority has to take reasonable steps to consult persons who are likely to be affected by the designation. A full public consultation was undertaken in accordance with the requirements of The Housing Act 2004 and associated government guidance. The aim of the consultation was to provide all relevant stakeholders likely to be affected by the proposals with an opportunity to provide their views, opinions and suggestions. The methods of consultation used included:

- a) Consultation survey – available online and delivered to every property/business in the proposed areas.
- b) Letter/email to every known landlord/agent operating in the proposed area – with a link to online information and an invite to consultation event
- c) Online information consultation report – providing the evidence base and rationale to the proposal and details of consultation events.
- d) Letters to local and national landlords associations, neighbouring Local Authorities, Northumbria Police, Fire Authority, charities, community groups, local social housing providers with an invite to consultation events
- e) 4 consultation events – two for landlords and two for residents/businesses – one being a presentation, held in the Civic Centre and community buildings in the proposed areas.


<p>(7) Should this policy, strategy, function, or budget proposal proceed to a Stage Two EIA?</p>	<p>Yes / <u>No</u></p> <p>If yes is this because:</p> <ol style="list-style-type: none"> 1. Negative impact identified 2. Need better monitoring data 3. Need other information 4. Possibility to promote equal opportunities and good inter-group relations. 	<p>Date Stage Two EIA to commence:</p> <p>Not required</p> <p>Target date for completion of Stage Two EIA:</p>
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SIGNED:  12.12.17.

Completing Officer

SIGNED: 

Service Director

SIGNED: 

Strategic Director

APPENDIX K

Fit and Proper Person Criteria

The Proposed Licence Holder must be a 'Fit and Proper Person'.

The local authority "must have regard (among other things) to" evidence which shows that the proposed licence holder or any person associated or formerly associated whether personally or on a work basis with the proposed licence holder, provided it is relevant to whether that person is fit and proper, has:

- (a) Committed any offence involving fraud or other dishonesty, or violence or drugs, or any offence listed in Schedule 3 to the Sexual Offences Act 2003;
- (b) Practiced unlawful discrimination on the grounds of sex, colour, race, ethnic or national origins or disability in, or in connection with, the carrying on of any business.
- (c) Contravened any provision of the law relating to housing, public health, environmental health, or of landlord and tenant law which led to civil or criminal proceedings resulting in a judgement being made against you e.g. failing to comply with a Housing Act notice or have had works in default carried out by the Local Authority on a property'.
- (d) Been refused a licence or had a licence revoked for any property in relation to HMO, additional or selective licensing under the Housing Act 2004.
- (e) Been, or is, the owner or manager of a property which has had complaints from tenants or other sources regarding serious or repeated breaches of the conditions of a licence; in relation to HMO, additional or selective licensing under the Housing Act 2004.
- (f) Been, or is, the owner or manager of any property that has been the subject of an interim or final management order or a special interim management order under the Housing Act 2004.
- (g) Demonstrated any conduct or business practices which are considered by Gateshead Council to indicate unsuitability to be a licence holder or manager of a licensed property.

APPENDIX L

LICENCE FEE COST BREAKDOWN

Selective Licensing costs				
	Rates include oncosts and are calculated on assumed productivity - 89%			
Cost Breakdown (per licence and based on a complete application)				
	Time Taken Hours	Officer Grade	Hourly Grade	Cost
APP record created, N&A of landlord/agent linked, SLL template created	00:10:00	SSA	16.27	2.71
Send designation notification to all owners/landlords/agents	00:10:00	SSA	16.27	2.71
Advice in reception/over the phone - assist with application completion, general communications	00:20:00	SSA,TO,EHO	25.87	8.62 average
Application received, update APP	00:05:00	SSA	16.27	1.55
One reminder letter sent	00:10:00	SSA	16.27	2.71
Send out acknowledgement letter	00:10:00	SSA	16.27	2.71
Check application details/information	00:15:00	SSA	16.27	4.06
Check enclosures:	00:45:00	SSA	16.27	12.20
Gas Safety certificate				
Electrical Installation Condition Report				
Energy Performance Certificate				
PA Test & Fire Safety test where applicable				
Tenancy Agreement & ASB/Repair procedures				
Management Contract				
Proof of Address				
Photographs				
Fit and Proper Person Check:- (only charged for the first application on multiple properties)	00:45:00	SSA	16.27	12.20
Check self declaration				
Check Rev & Bens				
Check housing enforcement records (PSH)				
Check ASB system				
Check agent redress membership				
Check LA prosecution database/banning orders/rogue landlord database				
Payment of licence fee:-				
If cheque included with application - notification, take to cashiers	00:15:00	SSA	16.27	4.06
If payment to be made using CC/DC	00:10:00	SSA	16.27	2.71
34 Send out acknowledgment letter/receipt	00:10:00	SSA	16.27	2.71
35 Log on system and APP	00:10:00	SSA	16.27	2.71
36 If paying by instalments - raise invoice/set up customer account	00:30:00	SSA	16.27	8.13
37 Monthly audit of payments received (x6)	00:30:00	SEHO	35.88	17.94
38				
39 Preparation for licence application site visit	00:15:00	EHO/TO	30.67	7.66
40 Travel time	00:15:00	EHO/TO	30.67	7.66
41 Property visit/inspection/tenants meeting	00:50:00	EHO/TO	30.67	25.55 average
42 Post visit feedback to proposed licence holder	00:15:00	EHO/TO	30.67	7.66 average
43 Update APP	00:05:00	EHO/TO	30.67	2.55 average
44 Produce schedule of works	00:50:00	EHO/TO	30.67	25.55 average
45 Communicate over progress/arrange revisit	00:20:00	EHO/TO	30.67	10.22 average
46 Property revisit	00:20:00	EHO/TO	30.67	10.22
47				
48 Prepare notice to propose to grant licence and letter for LH and all 3rd parties	00:45:00	SSA	16.27	12.20
49 Update details on APP	00:10:00	SSA	16.27	2.71
50 Consider any representations received	00:20:00	SEHO	35.88	11.96
51 Prepare final notice to grant and letters for LH and all 3rd parties	00:45:00	SSA	16.27	12.20
52 Check licence - Senior EHO to check	00:10:00	SEHO/EHO	34.54	5.75 Average
53 Licence holder meeting/licence issue	01:10:00	EHO/TO	30.67	35.78 Average
54 Enter details on public register	00:05:00	SSA	16.27	1.35
55				
56 Ongoing administration/monitoring of designation/tenure checks/condition monitoring(5years):-	01:30:00	SSA	16.27	24.40
57 General and unforeseen correspondence/enquiries during lifetime of licence - variation/revocation/refusal	00:45:00	EHO/TO	30.67	23.00
58 Potential to deal with any appeals made for the granting/refusing to grant/specific conditions EHO and management	01:00:00	EHO/SEHO	34.54	35.54
59 Visits to area - proactive campaigns/visits to property (per property)	01:00:00	EHO/TO	30.67	30.67
60 Annual licence review (years 2,3, 4 and 5) - Update APP	03:00:00	SSA	16.27	48.81
61				
62 Landlord training/preparation for (per average number of attendees)	00:20:00	EHO/TO	30.67	10.22
63 Ongoing review of scheme (average time per licence)	00:20:00	SEHO/EHO	34.54	11.51
64 Updates/communications to LH during scheme	00:45:00	EHO/TO	30.67	23
65 Dealing with complaints, tenancy and property matters during scheme	00:40:00	EHO/TO	30.67	20.44
66 Central costs - ICT, finance, facilities, HR, customer services, telephony, equipment, legal services				£262
Additional expenses - postage (average number of letters expected to be sent - standard application), Land Registry Search, set up costs (above costs are for a typical application which is complete and has not had to be pursued, or unannounced visit undertaken or additional support throughout scheme needed)				£20
	20.05			£751 without phas
				£776 with phas

APPENDIX M

SELECTIVE LICENSING PROPOSAL CONSULTATION: REPORT OF FINDINGS

Please visit

<http://www.gateshead.gov.uk/DocumentLibrary/housing/Private/Appendix-2-Consultation-Summary-Executive-Summary.pdf> for an executive summary of the consultation findings.

APPENDIX N

SLL – OTHER OPTION APPRAISAL

Option	Outcome	Barriers	Risks	Resource Implications
Housing Act 2004 Enforcement	Repair of individual privately rented houses. An effective tool for dealing with health or safety hazards.	<p>An effective tool, but does not go far enough to tackle the scale of problems across distinct areas.</p> <p>Not all problems are reported to the Council. If tenants do report problems there is a risk of retaliatory eviction or harassment by their landlord.</p> <p>Only responsive to individual complaints and not carried out on a proactive area basis.</p> <p>Does not tackle anti-social behaviour by tenants or management standards.</p>	<p>Resource intensive.</p> <p>Taking action to tackle hazards is complicated and can be slow.</p> <p>Landlords can be obstructive and dealing with the worst problems can mean the Council taking action through the courts which is time consuming and resource intensive .</p>	Can only achieve widespread impact in improving property conditions by a major increase in Council resources.

<p>Housing and Planning Act 2016 enforcement</p>	<p>Alternative and additional penalties for non compliance with Housing Act requirements – an alternative to prosecution.</p>	<p>Strengthens existing licensing and HA04 powers but does not replace them.</p> <p>Not all problems are reported to the Council. If tenants do report problems there is a risk of retaliatory eviction or harassment by their landlord.</p> <p>Only responsive to individual complaints and not carried out on a proactive area basis.</p> <p>Does not tackle anti-social behaviour by tenants and its root cause or management standards.</p> <p>Quicker process than prosecution for breach of housing act requirements and potentially less costly to the LA.</p>	<p>Resource intensive.</p> <p>Powers very much in their infancy and all not yet available to use by LA's.</p> <p>Taking action to tackle hazards is complicated and can be slow.</p> <p>Provisions allow for LA's to avoid court action and to impose a civil penalty.</p> <p>Fine/banning order offences guidance yet to be released by the Government</p> <p>Provisions seek to ban landlords rather than educate</p>	<p>Can only achieve widespread impact in improving property conditions by a major increase in Council resources</p>
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Special Interim Management Orders	Allows a local authority to take on the day to day management of a private sector tenancy where certain prescribed conditions are met relating to anti-social behaviour and protection of the health, safety and welfare of persons.	Process requires considerable resources, gathering of detailed evidence and authorisation by the Residential Property Tribunal. Considerable resources from the Council to engage and supervise a tenancy and property management services.	A short term solution to management failings of the landlord resulting in anti-social behaviour affecting the health, safety and welfare of persons. Landlords may see the process as too draconian a solution.	Resource intensive. Even retention of the full rental income may be inadequate to properly manage and maintain a tenancy. Any additional costs would have to be borne from within the Council budget putting other services at risk.
Borough wide scheme with a lower fee	Registration requirement for all landlords operating in Gateshead	Legal criteria for the introduction of licensing prevents Gateshead from doing this e.g. lower than average e private rented stock borough wide.		
Tenant registration scheme/Green card system	Tenants pre vetted and ready to rent when sourcing property in the area	May arise in unnecessary work – if a tenant doesn't access housing in the area or finds another property Open to misuse for outside the area as well	Status only valid for the day of decision. Of limited impact on the problems an area is affected by. Huge amount of	Onus to vet transferred to the Council which is a landlord responsibility. Increased costs to administer , no current funding available.

		<p>as fake use/copy of cards</p> <p>System concentrates on aspects of behaviour only and would not contribute towards improving property conditions, landlord management practices and other community issues etc</p>	<p>resource to tackle limited range of problems.</p>	
<p>Voluntary accreditation scheme</p>	<p>Provides an opportunity to differentiate between those landlords who operate acceptable management standards and those that don't.</p>	<p>The majority of accreditation schemes have operated on the basis of specific incentives for participating landlords, e.g. access to property improvement grants, however with the current economic situation the Council is unlikely to be able to offer financial</p>	<p>Only the better motivated landlords will be willing to participate.</p> <p>Unscrupulous landlords will try to remain under the radar</p> <p>Does not impact on those landlords who do not maintain or manage their properties properly</p>	<p>Reasonable level of resource input required for uncertain returns. Council funding contribution is expected/required.</p>

		<p>incentives. Accreditation levels increase when SLL introduced due to fee discounts available.</p> <p>Previously implemented and experience to date shows only limited support by landlords for accreditation outside of areas unless incentives available or under contract.</p>		
Town & Country Planning Act s215	Discretionary council power to tackle derelict land or property adversely affecting the visual amenity of an area.	Can only be used to tackle the external fabric of a building in an area where the majority of the properties are in good condition. No formal action can be used for internal works or management standards.	Makes no impact on management of tenancies or condition of internal housing standards..	Valuable tool for tackling derelict land or individual properties, but mostly not applicable to poor property conditions or management.
Education Programme – Tenants/Landlords	Same as voluntary accreditation above.			

APPENDIX O

Consultation-Frequently asked Questions and Answers

Why are the complaint landlords being asked to reapply and pay again for a further five years? And It is unfair to target good landlords for the irresponsible actions of the minority – especially in the redesignated area.

We recognise that there are landlords in both proposed areas who let their properties responsibly. There are also previous licence holders who effectively complied with the conditions of their former licence/s. There have been some major improvements in the former licensing area over the last five years, residents turnover has more than halved, complaints to the Council have decreased, there are fewer long term empty homes etc. The evidence gathered confirms that there are ongoing problems affecting the proposed redesignated area in relation to ongoing low demand in that despite the improvements, rates remain higher than other parts of Gateshead. There are also issues with deprivation and crime. Intelligence has resulted in a smaller and redefined area to be established where problems remain. The remaining former wider licensing area is being left to manage itself in the hope that the support and advice provided over the last five years will result in effective private rented sector management. For those streets where problems still exist, a further five years of intervention is required. This will also help to ensure that the improvements so far can be sustained and in-depth work with landlords and tenants can be undertaken.. A licence scheme is funded via a partnership from both private landlords and the Council. Compliant, diligent and prompt landlords will be offered several discounts on application to reduce costs. For such a landlord the licence can be calculated at just over a pound a week for the five year period. Compliant landlords will receive a much lighter touch approach from the Council in the schemes delivery, compared to those landlords who are evasive or have problem properties/tenants. Landlords investments will be protected as the improvements to the area through licensing are sustained.

ASB of tenants is not the landlords fault/problem

Landlords are ideally positioned to assist in preventing and try to minimise problems with ASB in the community. This can be achieved by undertaking robust checks on tenants prior to offering a tenancy and reacting reasonably and proportionately to any problems. Licensing will ensure that these responsibilities are fulfilled. Residents have every right to expect landlords to take action if their tenants are being anti-social. Landlord have the ability to influence behaviour with the power of their tenancy agreement. The fact that some landlords do not recognised this responsibility is evidence that action and further support is required in the areas. Further support to landlords and tenants will be a key feature of the scheme.

The scheme will cost too much – the cost will be passed onto tenants.

Licensing is centered around a successful partnership between the Council and landlords. The Council proposes to set the fee at a level that ensures

partial cost recovery for the scheme and is a balance between a reasonable costs for landlords, whilst also seeking to ensure the scheme is successful, properly funded and appropriately resourced. The Council are prohibited from making a profit. Both landlords and The Council are making a financial contribution towards the costs of running the scheme.

A discounted fee for a licence made in advance of a property becoming licensable is £550 per property.. A graded fee structure will then be applied in line with how long an application takes to be submitted and if the Council are required to pursue an application. The standard fees have been calculated as the amount required based on the number of likely properties affected to ensure the scheme is successful, funded and resourced. The enhanced fees have been calculated based on the cost of additional costs in Officer time and resources for chasing and pursuing an application. Discounts can be applied to fees for accredited landlords and where properties have been assessed as being at an acceptable condition.

The costs of the scheme for landlords over the five year period who take advantage of the discounts available including the early application saver will be £1.09 a week or £4.72 a month. Our understanding of the local property market, market rent values, and typical buy to let mortgage rates, suggests that the majority of landlords will be able to absorb this cost without increasing rent levels. Rental values are also very much controlled by locally set housing allowance rates. Landlords who set their rents too high possible face increased periods of vacancy or tenants who fall into arrears leading to increased costs and overheads.

The maximum amount payable for a landlord whose application has to be pursued and who does not take advantage of any of the discounts available is £16.66 a month - £1000 per licence. It is estimated that a very small minority of landlords will be charged the £1000 fee as the team will work hard to secure an application at the earliest opportunity.

It will cost too much to bring homes up to the required standard

It is important to clarify that all private rented properties should already meet legal standards. For those that aren't we will allow time and provide support to help landlords to understand and implement any required improvements.

Whilst we appreciate that the accreditation standard is slightly above the legal minimum, experience has told us that commonly requested repairs to meet this standard are in relation to decoration and fixtures and fittings rather than hugely expensive and structural/physical works.

The scheme will reflect poorly on Central Gateshead, reduce mortgage availability and lead to more empty homes.

There has been no presentation of conclusive evidence of this in the three former licensing areas. The requirements of the scheme means that unscrupulous landlords or those who are not fit and proper are prevented from holding a licence.

Licensing is an intensive care package for an area – where the Council will direct more resource to improving the neighbourhood. This has been and should be viewed as a positive rather than a negative. Officers have heard

from landlords looking to buy properties in licensing areas specifically because the council is directing resource into the neighbourhood. Landlords who would be put off by this are more likely to be the ones who do not undertake their responsibilities effectively and see licensing as a burden.

Former schemes have operated effectively and met many of the originally set outcomes and objectives. Former areas subject to licensing have also not experienced an increase in empty homes. If landlords do choose to sell then this may provide opportunities for owner occupation to help balance out tenure proportions in the area. We will work alongside our dedicated Empty Property Officer to ensure support and advice are given to try and bring empty properties back into use and reduce periods of vacancy. We will monitor the number of empty homes carefully, which can sometimes result from poor financial planning and management by landlords (e.g. income from properties is spent without making allowance for the costs of repairs). We will intervene where appropriate if properties left empty are in poor repair or attracting ASB and fly tipping. Exploration of other options will also be considered such as the empty property leasing scheme or management orders.

Research has been undertaken into the perceived reluctance by lenders to provide mortgages for privately rented homes in licensing areas. Evidence of this has not been identified on any significant scale. It is important to note that this only has an impact on the privately rented market but not on those looking to move into the area and reside in the property themselves.

APPENDIX P

SUBMISSION BY THE GPLA-RECEIVED 16th JANUARY 2018



GC PRS by GPLA
Response - Final