



**Committee: CABINET**

**Date: TUESDAY, 20 MARCH 2018**

**Venue: MORECAMBE TOWN HALL**

**Time: 6.00 P.M.**

## **A G E N D A**

1. **Apologies**

2. **Minutes**

To receive as a correct record the minutes of Cabinet held on Tuesday, 13<sup>th</sup> February 2018 (previously circulated).

3. **Items of Urgent Business Authorised by the Leader**

To consider any such items authorised by the Leader and to consider where in the agenda the item(s) are to be considered.

4. **Declarations of Interest**

To receive declarations by Members of interests in respect of items on this Agenda.

Members are reminded that, in accordance with the Localism Act 2011, they are required to declare any disclosable pecuniary interests which have not already been declared in the Council's Register of Interests. (It is a criminal offence not to declare a disclosable pecuniary interest either in the Register or at the meeting).

Whilst not a legal requirement, in accordance with Council Procedure Rule 9 and in the interests of clarity and transparency, Members should declare any disclosable pecuniary interests which they have already declared in the Register, at this point in the meeting.

In accordance with Part B Section 2 of the Code Of Conduct, Members are required to declare the existence and nature of any other interests as defined in paragraphs 8(1) or 9(2) of the Code of Conduct.

5. **Public Speaking**

To consider any such requests received in accordance with the approved procedure.

Reports from Overview and Scrutiny

None

Reports

6. **Changes to Council Housing Tenancy Agreement (Pages 1 - 29)**  
**(Cabinet Member with Special Responsibility Councillor Warriner)**  
Report of Chief Officer (Health & Housing)
7. **Review of Housing Allocation Policy (Pages 30 - 74)**  
**(Cabinet Member with Special Responsibility Councillor Warriner)**  
Report of Chief Officer (Health & Housing)
8. **Review of the Consultation on the Implementation of Additional and Selective Licensing in a defined area of the West End of Morecambe (Pages 75 - 174)**  
**(Cabinet Member with Special Responsibility Councillor Warriner)**  
Report of Chief Officer (Health & Housing)
9. **2017-18 Performance Monitoring Quarter 3 (Pages 175 - 182)**  
**(Cabinet Member with Special Responsibility Councillor Blamire)**  
Report of (Chief Executive)

## **ADMINISTRATIVE ARRANGEMENTS**

### **(i) Membership**

Councillors Eileen Blamire (Chairman), Janice Hanson (Vice-Chairman), Darren Clifford, Brendan Hughes, James Leyshon, Margaret Pattison, Andrew Warriner and Anne Whitehead

### **(ii) Queries regarding this Agenda**

Please contact Liz Bateson, Democratic Services - telephone (01524) 582047 or email [ebateson@lancaster.gov.uk](mailto:ebateson@lancaster.gov.uk).

### **(iii) Apologies**

Please contact Democratic Support, telephone 582170, or alternatively email [democraticsupport@lancaster.gov.uk](mailto:democraticsupport@lancaster.gov.uk).

SUSAN PARSONAGE,  
CHIEF EXECUTIVE,  
TOWN HALL,  
DALTON SQUARE,  
LANCASTER, LA1 1PJ

Published on Thursday, 8<sup>th</sup> March , 2018.

**CABINET**

## Changes to Council Housing Tenancy Agreement 20 March 2018

### Report of Chief Officer (Health and Housing)

PURPOSE OF REPORT				
The purpose of the report is to seek approval from Cabinet to make changes to the Council Housing Tenancy Agreement relating to secure and introductory tenants and consult with tenants on these proposed changes.				
<b>Key Decision</b>	<b>X</b>	<b>Non-Key Decision</b>	<b>Referral from Cabinet Member</b>	
<b>Date of notice of forthcoming key decision</b>	19 February 2018			
<b>This report is public.</b>				

#### RECOMMENDATIONS OF COUNCILLOR ANDREW WARRINER

- (1) That Cabinet approve the proposed changes to the Tenancy Agreement.
- (2) That the Principal Housing Manager be authorised to consult with tenants regarding the proposed changes to the Tenancy Agreement and to serve the necessary preliminary notice of variation.
- (3) That a further report be brought to Members following the completion of the consultation process

#### 1.0 Introduction

- 1.1 The Tenancy Agreement was last reviewed in 2008. It is best practice to review the tenancy agreement on a regular basis. Through the business planning process it was agreed that the Tenancy Agreement would be reviewed during 2017/18.
- 1.2 The existing tenancy agreement has been reviewed in conjunction with Legal Service, and preliminary consultations have taken place through the District-wide Tenants' Forum.
- 1.3 Any material change to services to tenants and / or the tenancy agreement require consultation with all secure and introductory tenants, in accordance with the Housing Act 1985.
- 1.4 The current Tenancy Agreement with the proposed variations is attached at Appendix 1 together with a summary of the variations.

**2.0 Proposal Details**

2.1 It is proposed that Cabinet approve the changes to the Tenancy Agreement and authorises the Principal Housing Manager to consult with tenants regarding the proposed changes to the Tenancy Agreement and to serve the necessary preliminary notice of variation.

**3.0 Details of Consultation**

3.1 Sections 102 and 103 of the Housing Act 1985 give the Council the power to vary the terms of the tenancy agreement by serving a notice of variation on the tenant. A Preliminary Notice of Variation has to be served and tenants should be given a minimum of 28 days in which to make any written representations.

3.2 The consultation will include;

- An article in our quarterly tenant newsletter House Calls setting out the proposed areas for change and why they are being proposed, the consultation process including a timetable of events and the associated benefits
- A letter to all tenants (Preliminary Notice of Variation) including;
  - The current version of the Tenancy Agreement
  - The proposed new Tenancy Agreement
  - A summary of changes to the Tenancy Agreement
  - A short questionnaire for tenants to let us know their views and comments (with entry to a Free Prize Draw on completion)
- An online version of the consultation, FAQ's and questionnaire on the Council's Website

3.3 Any comments received from tenants will be reported for consideration by Cabinet, and where appropriate will be incorporated or reviewed within the draft tenancy agreement. Once Cabinet approves the tenancy agreement a 28 day Notice of the Variations will be served upon tenants together with a copy of their new tenancy agreement.

3.4 An indicative consultation timetable is set out below:

<b>Action</b>	<b>Date</b>
Cabinet Approval to serve preliminary notice of variation and start consultation with tenants	February or March 2018
Consultation Commences	April 2018
Consultation Ends	May 2018
Report to Cabinet on outcome of Consultation and approval to serve final notice of variation	June 2018
Final Notice of Variation served	July 2018



New Tenancy Agreement comes into force	September 2018
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**4.0 Options and Options Analysis (including risk assessment)**

	<b>Option 1:</b> Do nothing – continue with the existing tenancy agreement	<b>Option 2:</b> Cabinet approves the proposal to revise the tenancy agreement
Advantages	Simplicity of continuation. Marginal cost savings	The tenancy agreement is updated to ensure that it meets current standards and requirements, and it fit for purpose.  The tenancy agreement remains an effective management tool.
Disadvantages	The existing tenancy agreement does not reflect current standards and requirements.	Marginal costs of implementation.
Risks	The tenancy agreement will not be wholly fit for purpose as an effective management tool.	The Office of Fair Trading publication on unfair terms in tenancy agreements has been referred to throughout this process. This approach will help minimise risk relating to the robustness of the content of the new agreement.

**5.0 Officer Preferred Option (and comments)**

5.1 The Officer preferred option is Option 2 for the reasons set out above.

**6.0 Conclusion**

6.1 The need has been identified for the Council to review its tenancy agreement to ensure that the agreement remains fit for purpose and can be used as an effective management tool. The agreement has also been updated to ensure that it meets tenant expectations in terms of clarity and understanding.

**RELATIONSHIP TO POLICY FRAMEWORK**

Corporate Plan – the proposal supports the Council’s objectives: to deliver value for money, customer focussed services; to support sustainable communities; to continue to improve the Council.

Service Business Plan – the proposal is contained within the Services agreed service business plan for 2017/2018.

**CONCLUSION OF IMPACT ASSESSMENT**

**(including Health & Safety, Equality & Diversity, Human Rights, Community Safety, HR, Sustainability and Rural Proofing):**

Impact assessments have been undertaken and no issues have been identified.

**LEGAL IMPLICATIONS**

Sections 102 and 103 of the Housing Act 1985 give the Council the power to vary the terms of the tenancy agreement by serving a notice of variation on the tenant. Before serving a notice of variation the Council has to give preliminary notice and the tenant has to be invited to make comment on the proposed changes. The Council is required to consider the comments made.

Legal Service have also been consulted at an early stage in the drafting of the varied terms of the agreement and having made recommendations of the terms these have been incorporated into the revised tenancy agreement that was sent to all tenants for consultation.

**FINANCIAL IMPLICATIONS**

The costs involved in the issuing of the Preliminary Notice and new Tenancy Agreement are estimated at £5,000. This will be met from within existing resources across 2017/18 and 2018/19 as appropriate.

**OTHER RESOURCE IMPLICATIONS, such as Human Resources, Information Services, Property, Open Spaces:**

None.

**SECTION 151 OFFICER'S COMMENTS**

The Section 151 Officer has been consulted and has no comments.

**MONITORING OFFICER'S COMMENTS**

The Deputy Monitoring Officer has been consulted and has no further comments.





**BACKGROUND PAPERS**


None


**Contact Officer:** Chris Hanna, Principal Housing Manager  
**Telephone:** 01524 582516  
**E-mail:** channa@lancaster.gov.uk  
**Ref:** C142

## Appendix 1 (Proposed revised tenancy agreement and summary of the variations)

PROPOSED REVISED TENANCY AGREEMENT	SUMMARY OF THE VARIATIONS
<b>LANCASTER CITY COUNCIL TENANCY AGREEMENT</b>	
<b>ABOUT YOUR TENANCY</b>	
<b>1 YOUR TENANCY AGREEMENT</b>	
<b>2 YOUR RENT &amp; OTHER CHARGES</b>	
<b>3 REPAIRS &amp; IMPROVEMENTS</b>	
<b>4 COMMUNITY RESPONSIBILITIES</b>	
<b>5 USING YOUR HOME</b>	
<b>6 TENANT INVOLVEMENT</b>	
<b>7 MOVING HOUSE</b>	
<b>8 ENDING YOUR TENANCY</b>	
<b>DO NOT DESTROY THIS DOCUMENT</b>	
This document is important. It sets out your rights and responsibilities. You are advised to read it before agreeing to it. It should be kept for the lifetime of your tenancy. You may need to refer to it in the future.	<i>No change</i>
Please be aware that you should read and understand this tenancy agreement in its entirety.	<i>New clause Reinforces advice above</i>
Further information and advice is available from your Housing Office, local Citizens Advice Bureau, your local housing advice	<i>No change</i>

centre, a law centre, or the Council's website (www.lancaster.gov.uk).	
<b>NATIONAL FRAUD INITIATIVE</b>	
Lancaster City Council has a legal duty to protect the public money it administers. As part of this duty the Council is taking part in the National Fraud Initiative, a nationwide drive to reduce the amount of public money lost each year due to fraud. As a result information you provide on this form may be shared with other bodies responsible for auditing or administering public funds. For further information, see the Council's website or contact Customer Services on 01524 582000 or email:nfi@lancaster.gov.uk	<i>No change</i>
<b>ABOUT YOUR TENANCY</b>	
This tenancy agreement contains terms that only apply to an introductory tenancy, a secure tenancy, or a demoted tenancy. To make the tenancy agreement easier to understand, symbols have been used where these apply:	<i>No change</i>
Introductory tenancy 	
Secure tenancy 	
Demoted tenancy 	
<b>Introductory Tenancy</b> 	
An introductory tenancy is for a trial period during which you have no security of tenure. You must show us that you are responsible enough to keep your Council home.	<i>No change</i>
An introductory tenancy usually lasts for 12 months but the Council can extend it for a further six months if you have not complied with this agreement. You have a right to ask for a review of that decision. An introductory tenancy will automatically become a secure tenancy after 12 months, unless it has been extended or court proceedings for possession of your home have been started.	<i>No change</i>
If, during your introductory tenancy, you break any of the tenancy conditions we may take action to end your tenancy.	<i>No change</i>
The Council must give you at least four weeks' written notice that they are going to ask the court to evict you and explain the reasons why. Get advice immediately if this happens. You have the right to ask the Council to review their decision, but only if you do so within 14 days of receiving the notice. If you miss this deadline, the Council can apply to the court for an eviction order. The court will have no choice but to grant the eviction order if the Council has followed the correct procedure.	<i>No change</i>

As an introductory tenant you do not have the right to:	<i>No change</i>
· Buy your home (although the introductory tenancy period will count towards any discount allowed under the right to buy in future applications)	<i>No change</i>
· Sub-let all or part of your home	<i>No change</i>
· Exchange your home with another tenant	<i>No change</i>
· Carry out improvements to your home	<i>No change</i>
· Claim compensation for improvements	<i>No change</i>
· Take in lodgers	<i>No change</i>
An introductory tenancy cannot usually be assigned (i.e. transfer it to someone else during your lifetime) without an order from the court allowing an assignment to take place. An assignment may also be agreed if the assignee would have succeeded to the tenancy immediately before the assignment is to take place.	<i>No change</i>
Introductory tenants do have the right to one statutory succession for a husband, wife, partner, or other family members upon the death of the tenant.	<i>No change</i>
Any successor to the tenancy will become an introductory tenant for the remaining time left on the original tenancy.	<i>No change</i>
<b>Secure Tenancy</b> 	
If you are an introductory tenant you will automatically become a secure tenant after 12 months, provided you don't breach the conditions of your tenancy.	<i>No change</i>
As a secure tenant you have the right, subject to meeting any applicable criteria or gaining any necessary approval, to:	<i>No change</i>
· Live in your home for the rest of your life as long as you continue to comply with the requirements of your tenancy agreement	<i>No change</i>
· Buy your home at a discount, after a qualifying period	<i>No change</i>
· Pass on your home to someone in your family living with you when you die, provided that you yourself had not succeeded the tenancy (subject to certain conditions)	<i>No change</i>
· Take in lodgers and sub-let part of your home (although you should note that this may affect any housing benefits that you are receiving)	<i>No change</i>
· Have your home repaired (some repairs are the responsibility of the tenant while others are the responsibility of the Council)	<i>No change</i>
· Carry out improvements to your home (subject to written consent from your council)	<i>No change</i>
· Be compensated for certain improvements you have made if you move home	<i>No change</i>
· Take on the management of your estate	<i>No change</i>
· Exchange your home with another tenant	<i>No change</i>
· Be consulted on housing management matters	<i>No change</i>

· Be given information about how the Council runs the homes that it owns	<i>No change</i>
You have the right to live in your home indefinitely, as long as the Council does not start legal proceedings to evict you. The Council can only evict you by following the correct procedure and getting a court order. The Council has to give you written notice, and prove a legal reason why you should be evicted before they can get a court order.	<i>No change</i>
If tenancy enforcement action is taken against you due to anti-social behaviour, this may lead to your secure tenancy being demoted by the court. This would reduce your rights as a tenant.	<i>No change</i>
<b>Demoted Tenancy</b> 	
A secure tenancy can be downgraded to a demoted tenancy. A demoted tenancy is very similar to an introductory tenancy. You have more limited rights and less protection from eviction than a secure tenancy. The Council has to get a court order if they want to downgrade your tenancy in this way.	<i>No change</i>
The court can demote your tenancy if you (or someone who lives with you, or visits you regularly) have behaved anti-socially or caused nuisance in the area, threatened to do so, or used your home for illegal activities such as drug dealing.	<i>No change</i>
A demotion order will normally last for one year, unless:	<i>No change</i>
· The Council starts possession proceedings against you	<i>No change</i>
· You leave your home (in which case you will lose the tenancy)	<i>No change</i>
· The court overturns the order (for example if the judge believes that it should not have been made in the first place)	<i>No change</i>
· You die and no one is entitled to take on the tenancy	<i>No change</i>
If you do not cause nuisance or break your tenancy agreement in other ways, you should automatically become a secure tenant again after 12 months. If the Council starts court action during the 12 months, you can be evicted more easily than a secure tenant.	<i>No change</i>
Demoted tenancies can be ended much more easily than secure tenancies. The Council does not have to prove a legal reason in court but they have to follow the correct procedure to evict you.	<i>No change</i>
The Council must give you at least four weeks' written notice that they are going to ask the court to evict you and explain the reasons why. Get advice immediately if this happens. You have the right to ask the Council to review their decision, but only if you do so within 14 days of receiving the notice. If you miss this deadline, the Council can apply to the court for an eviction order. The court will	<i>No change</i>

have no choice but to grant the eviction order if the Council has followed the correct procedure.	
The right to buy will be suspended until your tenancy becomes secure again. The time you spent as a demoted tenant will not count towards your discount.	<i>No change</i>
You do not normally have the right to take in a lodger or sublet part of your home while your tenancy is demoted. If you do so without written permission from the Council, you can be evicted more easily than a secure tenant.	<i>No change</i>
You will not normally be able to exchange your home or get a transfer while your tenancy is demoted. Once your tenancy becomes secure, you will be able to apply.	<i>No change</i>
You cannot pass on a demoted tenancy by assignment (i.e. transfer it to someone else during your lifetime) unless it is done as part of a divorce or other family proceedings. You will be able to do so once your tenancy becomes secure again.	<i>No change</i>
<b>Under 18s</b>	<i>New clause</i>
The Council will only give a tenancy agreement to someone under the age of 18 if a responsible person signs this agreement on their behalf as trustee. That person accepts that any notices or demands for payment served under this agreement can be served on the trustee	<i>New clause Clarifies existing legal position directly within the tenancy agreement</i>
<b>Tenancy Agreement</b>	
A tenancy agreement means that:	<i>No change</i>
You cannot be evicted without a court order, unless you abandon the premises	<i>No change</i>
If you are an introductory or a demoted tenant, before a court will make an eviction order, the Council will have to show that it has served you notice, and where you have requested, it has reviewed the decision to terminate your tenancy	<i>No change</i>
If you are a secure tenant, before a court will make an eviction order, the Council will have to show that either:	<i>Deleted clause</i>
If you are a secure tenant, before a court will make an eviction order, the Council will have to show that a ground for possession, as provided for by Schedule 2 of the Housing Act 1985, is made out and that in relation to certain grounds that it is reasonable to evict. These grounds include:	<i>Amended clause Provides more information of the Council's responsibilities and powers</i>
you have broken the contract and it is reasonable to evict you, or	<i>No change</i>

your landlord needs to move you, suitable alternative accommodation is available, and it is reasonable to evict you	<i>No change</i>
You have important rights as to how you use your home, although some of these require the consent of the Council	<i>No change</i>
You are responsible for the behaviour of everyone who lives in, and visits, your home	<i>No change</i>
If you break any condition in this agreement the Council may take legal action against you, for example by obtaining a possession order, anti-social behaviour order, injunction, extending an introductory tenancy, demotion order or an order suspending your right to buy your home.	<i>No change</i>
If tenancy enforcement action is taken against you due to a breach of your tenancy agreement, this could lead not only to the loss of your home but may also exclude you from obtaining Council accommodation in the future. You also may be required to pay the costs of any action taken by the Council.	<i>No change</i>
Any notice (whether in proceedings or otherwise) may be served on the Lancaster City Council by sending or delivering it to:	<i>No change</i>
The Chief Officer (Health and Housing),	<i>No change</i>
PO Box 4, Town Hall, Lancaster, LA1 1QR	<i>No change</i>
<b>WORDS AND PHRASES</b>	
The following list explains some of the words and phrases we have used in this tenancy agreement:	<i>No change</i>
<b>Communal area</b>	
The parts of the building which all tenants can use, for example, halls, stairways, entrances, landings, shared gardens, lawns and landscaped areas.	<i>No change</i>
<b>Flat</b>	
A home which forms part of a building.	<i>No change</i>
<b>Garden</b>	
Lawns, hedges, flowerbeds, trees, shrubs, outside walls, fences, paths and yards.	<i>No change</i>
<b>Home</b>	
A house, bedsit, flat, maisonette or bungalow.	<i>No change</i>
<b>Housing office</b>	
Health and Housing Services, Lancaster Town Hall, Dalton Square, Lancaster, LA1 1PJ.	<i>No change</i>
<b>Locality</b>	






The whole of the estate that the property is on including privately-owned or housing association properties or businesses and all other council estates in the district of Lancaster City Council.	<i>No change</i>
<b>Maisonette</b>	
A flat with more than one floor.	<i>No change</i>
<b>Partner</b>	
A husband, wife, or someone who lives with you as husband or wife, or in a same sex relationship.	<i>No change</i>
<b>Property</b>	
The home that you live in, including any garden, outbuilding, and shared areas.	<i>No change</i>
<b>Rent</b>	
Your rent may include charges for services e.g. caretaking, concierge, support, heating, concessionary TV licences, scheme managers and other goods and services where provided by us.	<i>No change</i>
<b>Vehicle</b>	
A car, bus, lorry, motorbike, bike, boat and so on.	<i>No change</i>
<b>Visitor</b>	
People temporarily staying at the property, or a person present in your home.	<i>No change</i>
<b>We, us, our</b>	
Lancaster City Council, the landlord.	<i>No change</i>
<b>Written permission</b>	
A letter from us giving you permission to do certain things.	<i>No change</i>
<b>You</b>	
The tenant, and in the case of joint tenants, any one or all of the joint tenants.	<i>No change</i>
<b>1 YOUR TENANCY AGREEMENT</b>	
1.1 This agreement makes you a tenant of Lancaster City Council.	<i>No change</i>
1.2 Your tenancy is weekly and runs from Monday, 12 noon to Monday, 12 noon.	<i>No change</i>
1.3 If we want to make any changes to your tenancy agreement (other than increasing the rent or other payments) then we will consult with you. We will ask your views about any planned changes to the tenancy agreement and full consideration will be given to any comments received. The Council will then give you at least four weeks' written notice before bringing them into effect.	<i>Deleted clause</i>
1.3 If we want to make any changes to your tenancy agreement (other than increasing the rent or other payments) then we will consult with you. We will ask you for your views about any planned changes to the tenancy agreement and full consideration will be given to any comments received. The Council will then give you at least four weeks' written notice before bringing them into effect.	<i>Amended clause Clarifies existing legal position directly within the tenancy agreement</i>

<p>Any notice that the Council may wish to serve on you shall be validly served upon you if they are left at or sent by post to your usual or last known address.</p>	
<p>1.4 You may be liable to pay any costs incurred by the Council if you are taken to court for breaking this agreement.</p>	<p><i>Deleted clause Duplication – see 2.4</i></p>
<p>1.5 This agreement does not give any rights or remedies to any person except the landlord and the tenant and their respective successors and permitted assignees of the tenant.</p>	<p><i>No change</i></p>
<p><b>2 YOUR RENT &amp; OTHER CHARGES</b></p>	
<p><b>Former tenancy arrears. (This paragraph is applicable only if it has been completed by us.)</b></p> <p>If this paragraph is completed it means that this is an exceptional case and the Council has granted you a tenancy of this property even though you still have arrears from another property and/or a previous tenancy, which you must now pay.</p> <p>You must pay us the debt of £..... at the rate of £..... per week in addition to the rent for your home as stated in this agreement.</p> <p>The amount and period of instalments may be varied from time to time by agreement between you and the Council.</p> <p>The payment of this debt will discharge your liability for rent arrears, charges and/or other debts incurred by you at your previous home/tenancy.</p> <p>Signed (tenant 1) .....</p> <p>Signed (tenant 2) .....</p> <p>Signed (authorised officer) .....</p>	<p><i>New clause - personal clause to be used in authorised exceptional circumstances</i></p>
<p><b>Council's Responsibilities</b></p>	
<p>2.1 We may increase or decrease the rent and charges at any time but we must give you not less than four weeks' written notice of the change.</p>	<p><i>Deleted clause</i></p>
<p>2.1 We may change your rent and/or service charges at any time. We will tell you of any change in rent at least 28 days before the change. Any notice that the Council may wish to serve on you shall be validly served upon you if they are left at or sent by post to your usual or last known address, but we reserve the right to change your rent even if you do not receive this notice.</p>	<p><i>Amended clause Clarifies legal position directly within the tenancy agreement</i></p>

2.2 If you put your tenancy at risk due to non-payment of rent we reserve the right to refer you for specialist debt and welfare benefits advice without your prior consent.	<i>New clause Provides consent to make a referral</i>
<b>Tenant's Responsibilities</b>	
2.2 Your rent and charges are due on Monday of each week and you must pay them on time. If you wish to pay your rent over longer periods – for example, monthly or fortnightly - then you must pay your rent in advance. There are occasional "no collection" weeks where no rent is due and these are identified on the rent card (although people with rent owing - called "arrears" - should make payments in these weeks to reduce the arrears owing). The rent is inclusive of the property rent and all the other charges that are noted on your rent card.	<i>Deleted clause</i>
2.3 Your rent and charges are due in advance and you must pay your rent and charges every week on or before the Monday they are due. If you wish to pay your rent and charges over longer periods – for example, monthly or fortnightly - then you must pay your rent and charges in advance. The rent is inclusive of the property rent and all the other charges. There are occasional "no collection" weeks where no rent is due. If you are in arrears you should make payments in these weeks to reduce the arrears owing	<i>Amended clause Updated to reflect that a traditional rent card is not issued</i>
2.3 If you do not pay your rent the Council can go to court to get legal permission to evict you from your home. If you have any difficulty paying your rent you should contact the housing office immediately.	<i>Deleted clause</i>
2.4 If you do not pay your rent, we may go to court and ask for a possession order to evict you from your home and or a money judgement order to recover your debts. We will ask the court to award the costs of taking you to court against you. You must pay this charge in accordance with the court order. We may refer debts to a debt collection agency. If you have any difficulty paying your rent you should contact the housing office immediately.	<i>Amended clause Provides additional clarity</i>
2.5 If you are joint tenants you are each responsible for all the rent and for any rent arrears. The Council can recover all rent arrears owed for your home from any individual joint tenant. So if one joint tenant leaves, the remaining tenant or tenants are responsible for any rent that may still be owed.	<i>No change</i>
2.6 If you use any welfare benefit as a method of payment to pay part or all of your rent, you must tell the Department of Work and Pensions and the Benefit Service and a housing officer immediately of any changes which may affect your entitlement to welfare benefits.	<i>New clause Provides a requirement to keep the Council informed of any changes which may affect entitlement to welfare benefits</i>
2.7 If your welfare benefit payment made directly to us does not cover the full rent or you are receiving less than your award due to a direct deduction from your housing benefit to pay another debt (known as a shortfall) you must make the shortfall payments to us weekly in advance using another payment method.	<i>New clause Reinforces responsibility to pay rent remains</i>

<p>2.8 You must repay in full any costs or liabilities incurred by the Council resulting from your breach or failure to perform any part of this agreement.</p> <p>Among other things, the Council could charge for:</p> <ul style="list-style-type: none"> <li>• putting right any work to your home that you have carried out without first having sought written permission from the Council;</li> <li>• putting right damage caused by you not complying with your tenant responsibilities including your failure to maintain your own equipment;</li> <li>• changing the locks of your home and otherwise securing it if it is abandoned by you;</li> <li>• your misuse of the emergency repair service for non-emergency repairs;</li> <li>• misuse of emergency alarm equipment;</li> <li>• replacing missing or broken keys; and</li> <li>• tree and garden works and garden clearance.</li> </ul> <p>Please note that the Council incurs costs if we call at your home on a pre-arranged appointment and therefore may charge for any missed appointments.</p>	<p><i>New clause Provides further explanation of financial obligations</i></p>
<p>2.9 You must make and keep to an arrangement to repay other costs and liabilities such as rechargeable repairs, court costs, recoverable welfare benefit and support charges.</p>	<p><i>New clause Provides further explanation of financial obligations</i></p>
<p><b>3 REPAIRS &amp; MAINTENANCE</b></p>	
<p><b>Council's Responsibilities</b></p>	
<p>3.1 We will repair and maintain:</p>	<p><i>Deleted clause</i></p>
<p>3.1 We will keep in repair:</p> <ul style="list-style-type: none"> <li>· The structure and exterior of the building - roofs, walls, floors, ceilings, window frames, external doors drains, gutters and outside pipes</li> <li>· Kitchen and bathroom fixtures - basins, sinks, toilets and baths</li> <li>· Electrical wiring, gas and water pipes</li> <li>· Heating equipment and water heating equipment</li> <li>· Any communal areas around your home - stairs, lifts, landings, lighting, entrance halls, paving, open spaces, parking areas and rubbish chutes</li> </ul>	<p><i>Amended clause A simplification of the clause</i></p>
<p>3.2 We will, where necessary, paint the outside of your home at regular intervals.</p>	<p><i>Deleted clause All repair obligations are covered in 3.1</i></p>
<p>3.2 We will do repairs within a reasonable time as detailed in the booklet "Reporting Your Repairs".</p>	<p><i>No change</i></p>

3.3 We will protect your property whilst repairs are being carried out, and will tidy up when the work is finished; removing rubbish and debris arising from the work.	<i>No change</i>
3.4 We may award a decoration allowance where the decoration of a room is damaged by repair work. If you are elderly or disabled, we may also provide additional help. Ask the housing office about the details of these schemes.	<i>No change</i>
3.5 When repairs are going to involve major disruption we will arrange with you convenient dates for the work to be carried out.	<i>No change</i>
3.6 We will give you, or send you, written confirmation of your request for a repair. Keep this confirmation in case you want to make an enquiry later.	<i>No change</i>
3.7 We will send you written confirmation when an order for a repair has been issued to a contractor. Keep this confirmation in case you wish to make an enquiry or complaint later.	<i>No change</i>
3.8 We may carry out any works or repairs needed because of a failure by you to comply with your repair obligations. We may charge you for any reasonable costs incurred in carrying out such works or repairs.	<i>No change</i>
<b>Tenant's Responsibilities</b>	
3.9 You must report any repairs, faults or damage immediately to the Council. Make sure that you get or are sent a written confirmation saying that we have received your request for a repair.	<i>No change</i>
3.10 You must pay for repair or replacement if you (or anyone living with you or visiting your home) cause damage deliberately. You must also pay for repair or replacement if damage is caused by your own neglect. The cost of such repairs will be recharged to you and an account will be issued.	<i>No change</i>
3.11 You must do small repairs like unblocking sinks or replacing tap washers or internal door handles. Council Housing Services will do many of these jobs for you if you are elderly or disabled.	<i>No change</i>
3.12 You are responsible for repairing and maintaining your own equipment such as cookers or washing machines and any improvement that you have carried out yourself (unless you have a written agreement for us to repair and maintain it).	<i>No change</i>
3.13 You are responsible for keeping your home clean and in a state of reasonable decorative order.	<i>No change</i>
3.14 You must not decorate the outside of your home without the Council's agreement in writing.	<i>No change</i>
3.15 You must not apply Artex, ceramic tiles, polystyrene tiles or any similar materials to the walls or ceilings unless you have our permission in writing. We may give you permission to use these materials, but you must not carry out any work without the Council's agreement in writing.	<i>No change</i>
3.16 You must, where there is an open fireplace, have the chimney swept at least every 12 months.	<i>No change</i>
3.17 You must only burn approved solid fuels if your home has a solid fuel heating appliance.	<i>No change</i>



3.18 You must not remove walls or take out any other part of your home without the Council's agreement in writing.	<i>No change</i>
3.19 You must not alter or add any fixture to your home, including a satellite dish, TV or CB aerial without the Council's agreement in writing. You may also need to obtain planning approval.	<i>Delete clause</i>
3.19 You must not alter or add any fixture to your home, including: cabling and wiring; cable TV; a satellite dish; radio, TV, or CB aerial without the Council's agreement in writing. You may also need to obtain planning approval.	<i>Amended clause Clarifies further the circumstances where approval is required</i>
3.20 If you make an improvement or alteration to your home without our written agreement we may tell you to return the property to how it was before. You will be charged for any work that the Council has to carry out to return the property to how it was before.	<i>No change</i>
3.21 You must obtain written permission before you carry out any gas or electrical work. There is no charge for seeking this permission. Any gas or electrical work must be carried out by a qualified and competent contractor.	<i>No change</i>
3.22 You must, on the removal of any gas appliance, ensure that the gas pipes are capped off by a Corgi registered contractor. You will be charged for any work the Council has to carry out to ensure that the gas pipes are safe.	<i>No change</i>
3.23 You should take all reasonable precautions to prevent damage occurring to any pipes or other installations to the property that may be caused by cold weather.	<i>No change</i>
3.24 You must allow officers of the Council or any other person authorised by the Council into your home on reasonable notice to inspect its condition and do any repairs and improvements.	<i>No change</i>
3.25 You must allow officers of the Council or any other person authorised by the Council to enter the premises to inspect the state of repairs and carry out necessary repairs and essential annual servicing of gas appliances and solid fuel appliances (as required by legislation AND FOR YOUR SAFETY)	<i>No change</i>
3.26 You are advised to obtain a household insurance policy to ensure that your internal decoration to your home and your possessions are adequately covered in case of loss. The Council insures the building and the Council's fixtures, but your own goods are not covered.	<i>No change</i>
<b>Tenant's Rights</b>	
<b><i>Right to repair (Introductory  and Secure Tenants) </i></b>	
3.28 You have the right to get repairs done on time. In some cases you have a legal "right to repair". Ask the housing office for more information.	<i>No change</i>
<b><i>Right to improve (Secure Tenants) </i></b>	

3.29 You have the right to carry out your own improvements such as installing central heating, a shower or a gas fire. You must get the Council's agreement in writing before doing any work like this. We will not refuse permission unless there is a good reason. (You may also need planning and building regulation approval.) If you make an approved improvement you can ask us to repair and maintain it for you.	<i>No change</i>
<b>4 COMMUNITY RESPONSIBILITIES</b>	
<b>Council's Responsibilities</b>	
4.1 We will ensure that Council employees, agents, contractors or Councillors are polite, courteous, and treat people with respect.	<i>No change</i>
4.2 We will look into your complaints and decide what action to take, and we will give you advice and help.	<i>No change</i>
<b>Tenant's Responsibilities</b>	
<b>Personal behaviour</b>	
4.3 You are responsible for the behaviour of every person (including children) living in or visiting your home. You are responsible for them in your home, on surrounding land, in communal areas (stairs, lifts, landings, entrance halls, paving, shared gardens, parking areas) and in the locality around your home.	<i>No change</i>
4.4 You or anyone else living with you or visiting your home must not cause a nuisance, annoyance or disturbance to any other person. Examples of nuisance, annoyance or disturbance include: loud music; persistent shouting, persistent arguing and door slamming; dog barking and fouling; offensive behaviour; rubbish dumping; playing ball games close to someone else's property.	<i>No change</i>
4.5 You or anyone else living with you or visiting your home must not harass any other person. Examples of harassment include: racist behaviour or language; using or threatening to use violence; using abusive or insulting words or behaviour; damaging or threatening to damage another person's property or possessions; writing threatening, abusive or insulting graffiti; doing anything that interferes with the peace, comfort or convenience of other people; discrimination against minority groups.	<i>No change</i>
4.6 You or anyone else living with you or visiting your home must not inflict or threaten violence against any other person in the household. You, and they, must not harass or use mental, emotional or sexual abuse to make anyone who lives in the household leave the home.	<i>No change</i>
4.7 You or anyone else living with you or visiting your home must not inflict or threaten domestic violence. Domestic violence can be considered grounds for eviction. Evidence of domestic violence for eviction purposes does not need to rely on a criminal charge.	<i>Deleted clause</i>
4.7 You or anyone else living with you or visiting your home must not inflict or threaten domestic abuse. Domestic abuse can	<i>Amended clause Reflects current law</i>



be considered grounds for eviction. Evidence of domestic abuse for eviction purposes does not need to rely on a criminal charge.	
4.8 You or anyone else living with you or visiting your home must not use your home, any communal area or locality for any illegal activity such as selling drugs.	<i>No change</i>
4.9 You or anyone else living with you or visiting your home must not at any time subject Council employees, agents, contractors or Councillors in the course of their duty, to any physical or verbal abuse. Examples of physical abuse include any actual or threatened assault, attack, violent act, or aggression. Examples of verbal abuse include any unreasonable and/or unlawful verbal attack which causes or is likely to cause alarm, distress or intimidate.	<i>No change</i>
<b>5 USING YOUR HOME</b>	
<b>Council's Responsibilities</b>	
<b><i>Right of access</i></b>	
5.1 The Council or any of their agents has the right of access to the premises at all reasonable times for the purpose of inspecting the property or to carry out any works which the Council think are necessary either to the premises or adjoining premises upon giving at least 24 hours' notice in writing (except in an emergency).	<i>No change</i>
5.2 In an emergency officers of the Council or any other person authorised by the Council may enter your home, to inspect equipment or to carry out any works required either to the premises or adjoining premises, whether you are at home or not, using any means necessary; but upon completion of their work or inspection your home will be properly secured and repaired if necessary. An emergency in these circumstances is when either property or a person's safety is deemed to be at risk.	<i>No change</i>
5.3 If your home is part of a sheltered housing scheme, the Scheme Manager has a key and may enter your home at any time in an emergency. An emergency in these circumstances is when either property or a person's safety is deemed to be at risk.	<i>No change</i>
<b>Tenant's Responsibilities</b>	
<b><i>Occupying your home</i></b>	
5.4 You must use your council property as your main home.	<i>No change</i>
5.5 You must tell the housing office if you will be away from home for more than a month.	<i>No change</i>
5.6 You must not have more people living in your home than the maximum number allowed. The number (permitted number) is shown in this agreement.	<i>No change</i>
5.7 If you want someone, who was not part of your household when you first moved in, to stay (temporarily or permanently), you must get our written permission first. This includes children, relatives, friends, and guests. We will not refuse permission unless there is good reason.	<i>No change</i>




<b>Right to take in lodgers (Secure Tenants)</b> 	
5.8 You have the right to take in lodgers. A lodger is someone who lives in your home but does not have exclusive right to any one part of it. They will get some sort of service from you such as cooking or cleaning.	<i>Delete clause</i>
5.8 You have the right to take in lodgers. A lodger is someone who lives in your home but does not have exclusive right to any one part of it. They will get some sort of service from you such as cooking or cleaning. You are required to carry out a "Right to rent" in accordance with Government guidance at <a href="https://www.gov.uk">https://www.gov.uk</a> . Evidence that a "Right to rent" check has been carried out should be supplied to the Council within 7 days of any request from the Council.	<i>Amended clause Reflects changes in legislative requirements</i>
<b>Right to sublet part of your home (Secure Tenants)</b> 	
5.9 You have the right to sub-let, but you must get the Council's agreement in writing first. Sub-letting means that someone pays you to have exclusive right to part of your home. They will usually do their own cooking and cleaning. You cannot sub-let the whole of the property.	<i>Delete clause</i>
5.9 You have the right to sub-let, but you must get the Council's agreement in writing first. Sub-letting means that someone pays you to have exclusive right to part of your home. They will usually do their own cooking and cleaning. You cannot sub-let the whole of the property. You are required to carry out a "Right to rent" in accordance with Government guidance at <a href="https://www.gov.uk">https://www.gov.uk</a> . Evidence that a "Right to rent" check has been carried out should be supplied to the Council within 7 days of any request from the Council.	<i>Amended clause Reflects changes in legislative requirements</i>
<b>Businesses</b>	
5.10 You or anyone else living with you or visiting your home must not run a business from your home without the Council's agreement in writing. We will not normally refuse permission unless the business would cause a nuisance or might damage the property. (You may also need planning and building regulation approval.)	<i>Delete clause</i>
5.10 You or anyone else living with you or visiting your home must not run a business from your home without the Council's agreement in writing. This includes, if you are involved in the scrap metal business, not using your garden for the storage or sorting of scrap metal. We will not normally refuse permission unless the business would cause a nuisance or might damage the property. (You may also need planning and building regulation approval.)	<i>Amended clause Highlights an example of a business that for which approval would not be given</i>
5.11 You or anyone else living with you or visiting your home must not place exhibit any notice board or notice visible from the outside of the premises advertising any profession, trade, or business, or any good, or services.	<i>No change</i>






<b>Gardens</b>	
5.12 You must keep your garden tidy. You must cut any grass regularly in the growing season and weed the borders.	<i>No change</i>
5.13 If you do not comply with these requirements the Council may undertake whatever work is necessary to put your garden in a proper state and charge you for that work. The Council, or its agents may enter your garden, on giving 24 hours' notice, at any reasonable time for this purpose.	<i>No change</i>
5.14 You or anyone else living with you or visiting your home should not put up or take down any fence or wall without the written consent of the Council.	<i>No change</i>
5.15 You or anyone else living with you or visiting your home must not attach any barbed wire, broken glass or other material to your home which may cause personal injury.	<i>No change</i>
5.16 You or anyone else living with you or visiting your home must not put up structures such as sheds, garages or pigeon lofts anywhere on your property without the Council's agreement in writing. (You may also need planning and building regulation approval.)	<i>No change</i>
<b>Care of the property</b>	
5.17 You or anyone else living with you or visiting your home must not damage, deface or put graffiti on Council property or any property in the locality. You may be charged for the cost of removal of the graffiti, or for any repair or replacement necessary.	<i>No change</i>
5.18 You or anyone else living with you or visiting your home must not keep mopeds or motorbikes inside your home or in indoor communal areas (entrance halls, stairs, and landings).	<i>No change</i>
5.19 You or anyone else living with you or visiting your home must not keep or use bottled gas, paraffin, petrol or any other dangerous material in your home or in communal areas.	<i>No change</i>
5.20 You or anyone else living with you or visiting your home must not tamper with the supply of gas, electricity or water, any other services, meters, smoke detectors or any community alarm equipment that has been installed in your home or at the property.	<i>No change</i>
<b>Pets</b>	
5.21 You may keep domestic pets, such as one dog, one cat, caged birds, fish, or small mammals if they are well cared for and kept under proper control. You must obtain the permission of the Council before keeping any other animals.	<i>No change</i>
5.22 Your pet or pets must not annoy, cause nuisance or frighten other people.	<i>No change</i>
5.23 You must not breed animals or birds at the property without the Council's agreement in writing.	<i>No change</i>
5.24 You or anyone else living with you or visiting your home must not keep any animal that the Council decides is unsuitable for your home. If you are in any doubt at all ask the housing office.	<i>No change</i>

5.25 If you live in a flat, maisonette or bedsit where you share any entrance with another household you may not keep a pet without the Council's agreement in writing.	<i>No change</i>
<b>Vehicles</b>	
5.26 You or anyone else living with you or visiting your home must not park a vehicle anywhere on your property except on a driveway or paved area intended for parking. You must not park a commercial vehicle, caravan or motor home on the garden, driveway, paved area around your home or on any communal parking areas without the Council's agreement in writing. You and your visitors must not park anywhere that would obstruct emergency services.	<i>No change</i>
5.27 You or anyone else living with you or visiting your home must not carry out major vehicle repairs or park an unroadworthy vehicle on your property, on the land around your home, or on the road.	<i>No change</i>
5.28 You or anyone else living with you or visiting your home must not allow anyone to sleep in a caravan or other vehicle parked outside your home.	<i>No change</i>
<b>Communal areas</b>	
5.29 You or anyone else living with you or visiting your home must co-operate with the Council and your neighbours to keep any communal areas clean, tidy and clear of obstruction.	<i>No change</i>
5.30 You or anyone else living with you or visiting your home must not store or charge mobility scooters in any internal communal area.	<i>No change</i>
5.31 You or anyone else living with you or visiting your home must not interfere with security and safety equipment in communal blocks - doors should not be jammed open and strangers should not be let in without identification.	<i>No change</i>
5.32 You or anyone else living with you or visiting your home are prohibited from smoking in any internal communal area.	<i>No change</i>
<b>Flats, maisonettes, and bedsits</b>	
5.33 If you live in a flat, maisonette, or bedsit you must keep all your floors, including hallways and stairs, covered with carpet and a good quality underlay or with a suitable alternative floor covering that has similar noise reducing qualities. You must not use any hard surface flooring materials. Examples of hard surface flooring materials include laminate flooring, and ceramic tiles. This does not apply to kitchens and bathrooms where floor coverings have been supplied by the Council.	<i>No change</i>
<b>6 TENANT INVOLVEMENT</b>	
<b>Council's Responsibilities</b>	
<b><i>Right to be consulted</i></b>	

6.1 We must ask your views about any of the Council's housing plans if they substantially affect you - for example we will consult you about modernisation or improvement work that is planned for your home or your area. We will involve you or your tenants' group in local housing issues.	<i>No change</i>
6.2 We must ask your views about any planned changes to the tenancy agreement. You will be told in writing if these changes are to go ahead.	<i>No change</i>
6.3 We will send you a housing report every year that describes our work and performance. It will tell you how the service is paid for and how your money is spent.	<i>No change</i>
6.4 We must deal with your complaints efficiently and effectively. If you need to make a complaint the housing office will tell you what you have to do.	<i>No change</i>
<b>Tenant's Rights</b>	
<b><i>Right to information</i></b>	<i>Delete Section</i>
6.5 You have the right to see information we have about you, your partner or your family. (In certain circumstances you will not be able to see everything - for example details about other tenants.) You can get copies of the information but you may have to pay. Ask the housing office how to do this.	<i>Now covered by wider data protection and information/subject access law outside housing law</i>
<b><i>Tenants' Groups</i></b>	
6.6 You have the right to join a local tenants' group. Ask the housing office for information about groups in your area or about how to start one.	<i>No change</i>
<b><i>Right to Manage</i></b>	
6.7 The Housing (Right to Manage) Regulations 2012 allow tenants' or residents' organisations to set up Tenant Management Organisations (TMOs) and to take on the responsibility for the day-to-day management of their estates.	<i>No change</i>
6.8 To use the Right to Manage, tenants need to have a representative organisation for the estate or area. There are a number of phases to go through before management responsibilities can be transferred to a tenant management organisation. Before deciding to manage their estate, tenants will need to make sure it is the best option for them and their neighbours.	<i>No change</i>
<b><i>Right to Transfer</i></b>	<i>New clause</i>
6.9 A Tenant Group can serve notice under The Housing (Right to Transfer from a Local Authority Landlord) (England) Regulations 2013 proposing the transfer of their estates to a resident-controlled community landlord.	<i>New clause Reflects current legislation and legal right</i>
6.10 To use the Right to Transfer, tenants need to have a representative organisation for the estate or area. There are a number of phases to go through before management	<i>New clause</i>

responsibilities can be transferred to a tenant management organisation. Before deciding to manage their estate, tenants will need to make sure it is the best option for them and their neighbours.	<i>Reflects current legislation and legal right</i>
<b>7 MOVING HOUSE</b>	
<b>Tenant's Rights</b>	
7.1 You have the right to apply to move to another council home. You will have to go on the rehousing waiting list. An offer of a new home depends on the urgency of your housing need, how long you have been waiting and what accommodation is available. You may not be allowed to transfer to another council home if:	<i>Delete clause</i>
7.1 You have the right to apply to move to another council home. You will have to go on the rehousing waiting list. The right to apply for rehousing does not imply or guarantee that you will be rehoused. An offer of a new home depends on the urgency of your housing need, how long you have been waiting and what accommodation is available. You may not be allowed to transfer to another council home if:	<i>Amended clause Provides greater explanation</i>
· You owe any rent	<i>No change</i>
· Your property and garden are in poor condition	<i>No change</i>
· You have made improvements or alterations without our written agreement (we may tell you to return the home to how it was before)	<i>No change</i>
7.2 You have the right to see our rules for deciding who gets offered a council home. You also have the right to a free copy of a short summary of these rules. Ask at the housing office.	<i>No change</i>
<b><i>Right to Exchange (Secure Tenants)</i></b> 	
7.3 You have the right to swap your home (called a "mutual exchange") with another tenant of the Council, a housing association or another local council. You must get the Council's agreement in writing first. We cannot refuse permission unless:	<i>No change</i>
· One of the homes would be overcrowded - the housing office will tell you the maximum number of people allowed	<i>No change</i>
· The Council is taking legal action to get possession of the home of any of the tenants involved	<i>No change</i>
· The exchange would mean that a home designated for special needs, e.g. for elderly or disabled people would have no-one living there who had those special needs	<i>No change</i>
· The exchange would mean that a home with design features for the physically disabled would have non-one living there with physical disability	<i>No change</i>
· One of the homes would be obviously too large for the new tenants	<i>No change</i>
7.4 We also set certain conditions that you must meet before the exchange can go ahead:	<i>No change</i>
· You must not owe any rent	<i>No change</i>
· Your property and garden must be in good condition	<i>No change</i>

· If you have made improvements or alterations without our written agreement you must return the home to how it was before	<i>No change</i>
7.5 If you do exchange without our written agreement we will take legal action to evict you. You will not be able to return to your original home and may not be offered alternative housing.	<i>No change</i>
<b>8 ENDING YOUR TENANCY</b>	
<b>Council's Responsibilities</b>	
<b><i>Service of notice</i></b>	
8.1 Any notice that the Council may wish to serve on you shall be validly served if addressed and posted or delivered to you at the property.	<i>Deleted clause</i>
8.1 Any notice that the Council may wish to serve on you shall be validly served upon you if they are left at or sent by post to your usual or last known address.	<i>Amended clause Reflects current law</i>
<b>Tenant's Responsibilities</b>	
<b><i>Tenancy Termination</i></b>	
8.2 You must notify the housing office in writing at least four weeks before you want to leave your home. The notice must end on a Monday.	<i>No change</i>
8.3 You must pay rent until the tenancy is terminated.	<i>No change</i>
8.4 Upon receiving at least 24 hours' notice you must allow the Council accompanying a prospective tenant access to view the property during normal working hours.	<i>No change</i>
8.5 You must return all keys to the housing office by 12 noon on the day your notice expires to end the tenancy. The keys must be handed to a housing officer. If you hand the keys in after this time the Council reserves the right to charge for use and occupation of the property.	<i>No change</i>
8.6 If you do not hand all the keys in on termination of the tenancy the Council will recharge you with the cost of replacing the keys or, where necessary, the cost of changing the locks.	<i>No change</i>
8.7 You must leave the property, the fixtures and any furnishings we have provided in good condition when you go.	<i>No change</i>
8.8 You must not leave any of your own items in the property. If items are left in the property the Council will dispose of them and you will be responsible for all reasonable costs of disposal including removal and/or storage charges.	<i>No change</i>
8.9 You must pay for repair or replacement if damage has been caused deliberately or by your own neglect (including decoration). You will not have to pay for normal wear and tear.	<i>No change</i>
8.10 You must not leave anybody else living in your home when you move out.	<i>No change</i>
8.11 If you are joint tenants any one of you can end the tenancy by giving us four weeks' notice. The notice will end the whole tenancy.	<i>No change</i>

<b><i>Pass on (assign) the tenancy</i></b>	
8.12 You cannot pass on (assign) the tenancy to somebody else unless:	<i>No change</i>
· You are ordered to do so by a court in family law or civil partnership proceedings	<i>No change</i>
· Under the right to exchange, but only with the written agreement of the Council (Secure Tenants) 	<i>No change</i>
· It is to a person who would be legally entitled to succeed to the tenancy, but only with the written agreement of the Council. The Council will not agree to the passing on of the tenancy where your home would be under-occupied. (Introductory  and Secure Tenants) 	<i>No change</i>
<b>Tenant's Rights</b>	
<b><i>Right to compensation for improvements (Secure Tenants)</i></b> 	
8.13 You have the right to compensation for certain improvements you may have made to your home. The details of the Right to Compensation are available from the housing office. You should make a claim when you give the Council notice that you are leaving your home.	<i>No change</i>
<b><i>Rights to succession</i></b> 	
8.14 If you have a joint tenancy, the other joint tenant will automatically take over the tenancy when you die. But if you are the only tenant, there are rules about who the tenancy can be passed on to. The legal process is called succession.	<i>No change</i>
8.15 Your tenancy can be passed on to your spouse or civil partner, as long as s/he has been living in your home at the time of your death. If you are not married or registered as a civil partner, your partner or another member of your family may be able to take over the tenancy instead, providing s/he has been living with you for at least one year.	<i>Existing clause: Views are being sought on whether or not succession rights should be the minimum discretionary statutory succession rights</i>
<b>Option – Succession limited to the discretionary statutory right:</b> 8.15 If you die, a secure tenancy can be passed to your husband, wife, partner or civil partner. This is called a statutory succession under the terms of the Housing Act 1985 as amended by the Localism Act 2011. A secure tenancy can only be passed on once to either your husband, wife, partner or civil partner. For the sake of clarity, this means that your secure tenancy cannot be passed on for a second time.	<i>Amended clause</i>
8.16 If you do not have a spouse, the tenancy may pass on to a close relative who must have been living with you for a period of twelve months before your death, and who occupied the house as his/her only or main home at the time of your death. A close relative is defined as parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew, niece. (It also includes common law husband/wife and step relative.)	<i>Dependent on 8.15</i>

<p>8.17 If more than one person qualifies equally and they cannot agree between themselves, then the Council will decide who should take over the tenancy. The tenancy can only be legally transferred once, so when a member of your family has taken over the tenancy, there is no further right. However, the Council will consider further applications sympathetically.</p>	<p><i>Clause dependent on 8.15</i></p>
<p>8.18 If the tenancy passes to a close relative, and the property is bigger than they need, then the Council may offer them alternative property. Where a partner has succeeded to the tenancy they will be able to stay in the property.</p>	<p><i>Clause dependent on 8.15</i></p>
<p><b>Other successions</b></p>	
<p>8.19 If you die and no one in your household has the legal right to succeed to the tenancy, the Council will consider sympathetically an application for the tenancy from a member of the household who had a long term commitment to the home prior to your death. The Council may offer them alternative accommodation where the property is bigger than they need.</p>	<p><i>Clause dependent on 8.15</i></p>
<p><b>DO NOT DESTROY THIS DOCUMENT</b></p>	
<p>This document is important. It sets out your rights and responsibilities. You are advised to read it before agreeing to it. It should be kept for the lifetime of your tenancy. You may need to refer to it in the future.</p>	<p><i>No change</i></p>
<p>Further information and advice is available from your Housing Office, local Citizens Advice Bureau, your local housing advice centre, a law centre, or the Council's website (<a href="http://www.lancaster.gov.uk">www.lancaster.gov.uk</a>).</p>	<p><i>No change</i></p>
<p>Further information and advice is available from your Housing Office, local Citizens Advice Bureau, your local housing advice centre, a law centre, or the Council's website (<a href="http://www.lancaster.gov.uk">www.lancaster.gov.uk</a>).</p>	<p><i>No change</i></p>



# Equality Impact Assessment

This **online** equality impact assessment should:

An equality impact assessment should take place when considering doing something in a new way. Please submit your completed EIA as an appendix to your committee report. Please remember that this will be a public document – do not use jargon or abbreviations.

**Service**

**Title of policy, service, function, project or strategy**

**Type of policy, service, function, project or strategy:** Existing  New/Proposed

**Lead Officer**

**People involved with completing the EIA**

## Step 1.1: Make sure you have clear aims and objectives

Q1. What is the aim of your policy, service, function, project or strategy?

Q2.

Who is intended to benefit? Who will it have a detrimental effect on and how?

## Step 1.2: Collecting your information

Q3. Using existing data (if available) and thinking about each group below, does, or could, the policy, service, function, project or strategy have a negative impact on the groups below?

Group	Negative	Positive/No Impact	Unclear
Age	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Disability	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Faith, religion or belief	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gender including marriage, pregnancy and maternity	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gender reassignment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Race	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sexual orientation including civic partnerships	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other socially excluded groups such as carers, areas of deprivation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rural communities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## Step 1.3 – Is there a need to consult!

Q4. Who have you consulted with? If you haven't consulted yet please list who you are going to consult with? Please give examples of how you have or are going to consult with specific groups of communities

## Equality Impact Assessment

Preliminary consultation with District-wide Tenants' Forum. All tenants will be consulted. Sections 102 and 103 of the Housing Act 1985 give the Council the power to vary the terms of the tenancy agreement by serving a notice of variation on the tenant. A Preliminary Notice of Variation has to be served and tenants should be given a minimum of 28 days in which to make any written representations.

### Step 1.4 – Assessing the impact

Q5. Using the existing data and the assessment in questions 3 what does it tell you, is there an impact on some groups in the community?

<b>Age:</b> There is no evidence that this will impact on any specific person based on their age.
<b>Disability:</b> There is no evidence that this will impact on any specific person based on their disability.
<b>Faith, Religion or Belief:</b> There is no evidence that this will impact on any specific person based on their beliefs or religion.
<b>Gender including Marriage, Pregnancy and Maternity:</b> There is no evidence that this will impact on any specific person based on gender
<b>Gender Reassignment:</b> There is no evidence that this will impact on any specific person based on gender reassignment
<b>Race:</b> There is no evidence that this will impact on any specific person based on race.
<b>Sexual Orientation including Civic Partnership:</b> There is no evidence that this will impact on any specific person based on sexual orientation
<b>Rural Communities:</b> There is no evidence that this will impact on rural communities

### Step 1.5 – What are the differences?

Q6. If you are either directly or indirectly discriminating, how are you going to change this or mitigate the negative impact?

No perceived direct or indirect discrimination arising.

Q7. Do you need any more information/evidence eg statistic, consultation. If so how do you plan to address this?

None required.

### Step 1.6 – Make a recommendation based on steps 1.1 to 1.5

Q8. If you are in a position to make a recommendation to change or introduce the policy, service, function, project or strategy, clearly show how it was decided on.

Not applicable. Final decision will be based on a review of comments received during the statutory consultation.

Q9. If you are not in a position to go ahead, what actions are you going to take?

Not applicable. Final decision will be based on a review of comments received during the statutory consultation by Cabinet

Q10. How do you plan to monitor the impact and effectiveness of this change or decision?

# Equality Impact Assessment

Ongoing feedback on service satisfaction levels from customers regarding service delivery including Biannual Tenant Satisfaction Survey.

**CABINET**

**Review of Housing Allocation Policy**

**20 March 2018**

**Report of the Chief Officer (Health & Housing)**

<b>PURPOSE OF REPORT</b>			
To request members approve the revised Housing Allocation Policy.			
<b>Key Decision</b>	<b>X</b>	<b>Non-Key Decision</b>	<b>Referral from Cabinet Member</b>
<b>Date of notice of forthcoming key decision</b>	19 February 2018		
<b>This report is public.</b>			

**RECOMMENDATIONS OF COUNCILLOR ANDREW WARRINER:**

- (1) That Cabinet approve the revised Housing Allocation Policy.

**1.0 Introduction**

**1.1** The Housing Act 1996 introduced a new regime for the allocation of social housing by local authorities. Cabinet approved the introduction of the Choice Based Letting System (CBL) and the new banding and Allocation Policy in March 2010. Since the introduction of the Housing Act 1996 the Act has been amended a number of times most recently by the Localism Act 2011. The Localism Act in 2011 gave councils the power to change their housing allocation schemes which are aimed to help local authorities to better manage their waiting lists to suit local housing needs. Over recent years the Local Government Ombudsman has seen a 13% increase in complaints relating to housing allocations policies of which the Ombudsman upheld 42% of cases where it carried out a detailed investigation.

**1.2** Section 166A of the Act provides that every local housing authority in England must have an allocation policy which sets out the criteria and procedure for the allocation of social housing and nominations for housing to housing associations in the District. The council will only admit those applicants for housing who meet the necessary eligibility criteria and who qualify on to its housing register.

**1.3** There are a limited number of social housing units available each year and

the demand outweighs supply. The Policy facilitates the council's overriding objectives of putting residents first. The key features of the Policy are summarised as follows:

- Provides a fair and transparent system by which people are prioritised for social housing.
- Helps those most in need of housing including homeless households.
- Makes better use of the council's housing stock.
- Promotes the development of sustainable mixed communities.

**1.4** Section 166A (3) of the Act imposes a mandatory requirement on local authorities to ensure that their allocation schemes are framed so as to secure that reasonable preference is given to the following categories of persons:

- Applicants who are homeless or who are owed re-housing duties under the homeless legislation. This includes applicants who are intentionally homeless.
- Applicants occupying insanitary overcrowded housing or who otherwise live in unsatisfactory conditions.
- Applicants who need to move on medical or welfare grounds.

**1.5** Our existing policy has not been reviewed for over 3 years and it has been more than 7 years since the implementation of Choice Based Lettings. We are required to update the Housing Allocation Policy to ensure we meet statutory guidance that the Policy still reflects local priorities and is "fit for purpose". For this reason we have taken the decision to review the Policy in light of recent case law, changes in welfare benefits and impending changes to the homeless legislation coming in to force in April 2018 to ensure the policy is lawful and is meeting the housing needs of those most vulnerable.

**1.6** In April 2018 the new Homeless Reduction Act will come in to force placing additional statutory duties to prevent homelessness. New duties under the Act have also made it necessary to review the Policy to reflect these changes.

## **2.0 Proposal Details**

### **2.1 Changes to the Local Connection Criteria (exceptions)**

Under the terms of the current Policy only persons with a local connection and with at least 3 years continuous residence in the District or has an adult parent or sibling with 5 years continuous residency as a rule will qualify to join the housing register. The proposed revised policy will have a number of exceptions to this which are set out in the new Policy (Appendix 1 section 3.3.1).

These are:

- Social housing tenants who have a need to move to the Lancaster district to avoid hardship.
- Applicants from the travelling community who do not have a local connection to another local authority area.

- Victims of domestic abuse who have fled to the Lancaster district and applicants who have moved to the Lancaster district to escape violence or harm.
- Asylum seekers who are granted refugee status or other form of leave (exceptional leave to remain, humanitarian protection & discretionary leave) and were living in Home Office accommodation in the Lancaster District at the time their Asylum was determined.
- Young people leaving care who have been looked after by Lancashire County Council and after care duties still apply under s23C of the Children Act 1989.
- Care leavers looked after by another local authority area who is placed into residential accommodation in the Lancaster District for at least 2 years, including some time before they turned 16.

## **2.2 Changes to Qualification Criteria for Owner Occupiers**

Minor changes to include disposal of property for applicants who have owned or had an interest or signed over property in the previous 5 years will no longer qualify to apply to the housing register. There are exceptions to this which are detailed in the draft Policy (Appendix 1 section 3.3.3).

## **2.3 Private & Social Housing with existing or previous rent arrears**

There are also minor changes for social and private sector tenants with rent arrears to reflect the issues tenants are now facing with the full rollout of the Universal Credit payments system and the delays in payments being received by claimants. Detailed information on these changes can also be found in the draft revised Policy (Appendix 1 section 3.3.5).

## **2.4 Changes to bedroom allocation**

If an applicant is 28 weeks pregnant they can now bid on 2 bedroom properties which is a change from our existing policy of only allowing bids being placed on 1 bedroom properties. We have high demand for 1 bedroom properties and low demand for 2 bedroom properties. This is the only change to the bedroom allocation criteria. (Appendix1 section 3.14)

## **3.0 Details of Consultation**

**3.1** We have carried out a consultation event with key stakeholders, including Private Registered Providers of Social Housing, tenants and members of the public. This provided the opportunity to discuss what our Housing Allocation Policy should look like including qualification criteria, local connection and local priorities, whilst at the same time considering the guidance, current and impending legislation.

**3.2** We have subsequently circulated draft copies of the draft revised Housing Allocation Policy and carried out a formal consultation period with our partner Private Registered Providers of Social Housing and local stakeholders.

#### 4.0 Options and Options Analysis (including risk assessment)

	<b>Option 1:</b> Do not approve the revised Housing Allocation Policy.	<b>Option 2:</b> Approve the revised Housing Allocation Policy.
Advantages	No notable advantages.	Compliant with current legislation and good practice. Reduce homelessness and will give young people and people fleeing domestic abuse from outside the District the opportunity to apply to the housing register.
Disadvantages	Not able to carry out our statutory duties to prevent homelessness and assist those who fall outside the current local connection criteria, for example, Lancashire Care leavers and those fleeing violence from other areas not being able to apply to the housing register. Increased statutory homeless applications.	Increase in applications from other Districts or Counties which will increase the administration of applications and potentially reduce the number of available properties.
Risks	Increased complaints and legal challenge.	The revised allocation policy has been reviewed in line with current up to date guidance to avoid risks associated with legal challenge.

#### 5.0 Officer Preferred Option (and comments)

5.1 As described in the report the officer preferred option is Option 2 to approve the revised Housing Allocation Policy see (Appendix 1).

#### 6.0 Conclusion

6.1 Adoption of the revised Housing Allocation Policy will ensure the policy is “fit for purpose” for those in the greatest housing need. Ensuring we are compliant with current law and guidance relating to the impending Homeless Reduction Act new duties from April 2018. The revised Policy will also ensure that residents who apply to the council for housing will continue to be treated fairly and in accordance with the law. The proposals provide clarity that applicants falling within the statutory reasonable preference groups will have access to the housing register whilst continuing to recognise good practice.

#### **RELATIONSHIP TO POLICY FRAMEWORK**

The allocation of social housing directly contributes to the Health & Wellbeing corporate priority by improving access to good quality affordable housing.

**CONCLUSION OF IMPACT ASSESSMENT**

**(including Health & Safety, Equality & Diversity, Human Rights, Community Safety, HR, Sustainability and Rural Proofing)**

There is no clear and discernible impact which through the implementation of any of the proposals would see a negative and disproportionate impact on any individual group. The proposals will create a firmer basis upon which decisions on housing allocations can be made and will directly benefit residents who are often considered to be the most vulnerable.

**LEGAL IMPLICATIONS**

The legal implications are set out in the body of the report. Legal Services have no further comments to make.

**FINANCIAL IMPLICATIONS**

It is not expected that there will be any additional financial implications arising as costs associated with the preparation of the Revised Housing Policy, including review, drafting and public consultation, etc. have been contained within existing resources.

There is always the risk of additional unexpected costs arising, potentially through increased complaints from those affected and legal challenge, however, implementation of the revised policy is more likely to significantly reduce the likelihood of such occurrences.

However, should any additional costs or staff resource implications arise as a result of increased complaints and/or legal challenge, then this will be reported and dealt with as appropriate through formal corporate monitoring and the annual budget process in the usual way.

**OTHER RESOURCE IMPLICATIONS****Human Resources:**

N/A

**Information Services:**

N/A

**Property:**

N/A

**Open Spaces:**

N/A

**SECTION 151 OFFICER'S COMMENTS**

The Section 151 Officer has been consulted and has no comments.

**MONITORING OFFICER'S COMMENTS**

The Deputy Monitoring Officer has been consulted and has no comments.

**BACKGROUND PAPERS**

Draft revised Housing Allocation Policy

**Contact Officer:** Sharon Parkinson

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**E-mail:** saparkinson@lancaster.gov.uk

**Ref:** C141



LANCASTER  
CITY COUNCIL

*Promoting City, Coast & Countryside*

LANCASTER CITY COUNCIL  
HOUSING ALLOCATION POLICY

JANUARY 2018

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Draft

# LANCASTER CITY COUNCIL ALLOCATION POLICY

## 1. Introduction and Background

### 1. 1 INTRODUCTION

Lancaster City Council has to provide a policy on how we allocate residential accommodation from our own stock and from Private Registered Providers of Social Housing (PRPSH) whom we work in partnership with.

This document sets out the Lancaster City Council's Allocation Policy. Lancaster City Council operates a district wide Choice Based Lettings Scheme which is called Ideal Choice Homes. Ideal Choice Homes is the main route into accessing social housing in the Lancaster district.

This Allocation Policy has taken into account relevant legislation laid down by UK Parliament, statutory guidance published by the UK Government, regulatory guidance issued by Homes and Communities Agency, judgments made in the English Court and decisions made by the Local Government Ombudsman. Statute consulted includes:

- Housing Act 1996, Part 6
- Allocation of Accommodation: Guidance for Local Housing Authorities in England (2012)
- Providing social housing for local people: Statutory guidance on social housing allocations for local authorities in England (2013)
- Right to Move: Statutory guidance on social housing allocations for local authorities in England (2015)
- Allocation of Housing (Procedure) Regulations 1997
- Allocation of Housing and Homelessness (Review Procedures) Regulations 1999
- Allocation of Housing (England) Regulations 2002
- The Immigration (European Economic Area) Regulations 2006
- Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006
- Allocation of Housing and Homelessness (Miscellaneous Provisions) (England) Regulations 2006
- Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012
- Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012
- Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015
- Homelessness Reduction Act 2017 (*Not yet in force*)

# LANCASTER CITY COUNCIL ALLOCATION POLICY

A summary version of this policy is available on request. This policy will be reviewed on an annual basis by the Housing Allocation Review Steering Group to monitor its effectiveness.

## 1.2 AIMS AND OBJECTIVES

- To promote balanced and sustainable communities
- To meet the legal requirements for the allocation of social housing
- To make the best use of social housing stock in the district
- To tackle under-occupancy in social housing
- To improve the availability of accommodation for applicants with a local connection to move-on from supported housing schemes in the district
- To reduce and prevent homelessness in the district
- To provide a Choice Based Lettings scheme that allows choice, is accessible to all and is fair, transparent and accountable.

## 1.3 EQUAL OPPORTUNITIES

Lancaster City Council is committed to promoting equality, combating discrimination and promoting balanced communities. We will ensure that discrimination does not take place in the allocation of properties and the service we provide.

Lancaster City Council is committed to:

- Make sure our services and how they are delivered meet the diverse needs of the local people
- Make sure our buildings are as accessible as possible
- Provide information about our services in accessible formats
- Promote balanced communities
- Challenge unfairness and discrimination
- Engage with all local communities to ensure their needs are identified and met
- Value the important contribution the community and voluntary sector make to the Lancaster district.
- Work in partnership to share good practice and promote a consistent approach
- Actively seek feedback to continually develop and improve our approach

Lancaster City Council will regularly review its practices, policies, staff training and monitoring arrangements to ensure that applicants are treated fairly regardless of their gender, age, ethnicity, disability, religion or belief or sexual orientation and that they can access what they need.

# LANCASTER CITY COUNCIL ALLOCATION POLICY

Lancaster City Council is subject to the Disability Equality Duty of the Disability Discrimination Act 2005. When formulating this policy (and associated procedures and protocols) the following arrangements will be considered for each individual application and property:

1. Accessible advertising
2. A property's accessible features being advertised
3. A mechanism to identify the requirements of disabled applicants
4. A mechanism to allow extra time for disabled applicants if they need it
5. A mechanism for providing support in making applications

This policy has been subject to an Equality Impact Assessment

## 1.4 DATA PROTECTION AND INFORMATION SHARING

Lancaster City Council is registered under the Data Protection Act 1988. Accordingly all the data provided on the application form will be held (primarily) for the purpose of allocating housing. Lancaster City Council has a legal duty to protect the public money it administers. As part of this duty we take part in a National Fraud Initiative, a nationwide drive to reduce the amount of public money lost each year due to fraud. As a result, information applicants provide on their application may be shared with other bodies responsible for auditing or administering public funds. For further information see the Lancaster City Council's website or contact Customer Services on (01524) 582000 or email [nfi@lancaster.gov.uk](mailto:nfi@lancaster.gov.uk)

Applicants can request a copy of all the information held about them, to which the Data Protection Act applies. Any request should be made in writing to Lancaster City Council, Dalton Square, Lancaster, LA1 1PJ.

There are a number of PRPSH who are partners in the Ideal Choice Homes scheme. If you bid or are nominated for a property that is owned by one of our PRPSH partners, then they can be provided with a copy of your application and we will share any relevant information regarding your application with them.

Confidential information held about applicants will not be disclosed to third parties apart from:

- Where the individual has consented to the disclosure
- Where we are required by law to make such a disclosure
- Where disclosure is made in accordance with a recognised Information Sharing Protocol or for reasons of public protection.

# LANCASTER CITY COUNCIL ALLOCATION POLICY

Lancaster City Council is subject to the information disclosure requirements of the Data Protection Act 1998. The administration of this Policy will ensure compliance with this legislation. For further information please reference Lancaster City Council's Data Protection Policy. Applicants will be advised of their right to make a complaint to the Office of the Information Commissioner (IOC) if they believe Lancaster City Council has failed to fulfil its obligations and responsibilities under the Data Protection Act 1998. Concerns can be reported by telephoning the IOC's helpline on 0303 123 1113 or online at <https://ico.org.uk/concerns/>

## 1.5 EXCEPTIONAL CIRCUMSTANCES

In exceptional circumstances Lancaster City Council reserves the right to depart from any aspect of this policy. The exercise of such discretion will be monitored to ensure that it is properly exercised within extremely limited bounds. Discretion will be exercised only by senior officers. A separate document (Exercising discretion when making lettings decisions) details the procedures for exercising discretion which is available on request.

Draft



# LANCASTER CITY COUNCIL ALLOCATION POLICY

## 2. Applying to join Ideal Choice Homes

### 2.1 MAKING AN APPLICATION

Applicants need to complete an Ideal Choice Homes application to join the Lancaster Housing Register. The form can be completed online at [www.idealchoicehomes.co.uk](http://www.idealchoicehomes.co.uk)

If an applicant is unable to complete an online form or requires assistance, they should contact the Ideal Choice Homes team by telephoning (01524) 582005 or in person at Lancaster or Morecambe Town Hall. We can provide bespoke assistance to applicants who are unable to complete an online form or require help to do so. There are computers with internet access available at Lancaster and Morecambe Town Hall that applicants can use to make an application. Applicants can also access the internet for free at libraries throughout the Lancaster district.

All applicants who complete an application will have to agree to a declaration to:

- Confirm that all the information given is correct and that they will notify Ideal Choice Homes of any changes to their circumstances
- Give consent to allow enquiries to be made concerning eligibility for housing or priority. This may include checks with the Home Office, Land Registry, Police, Probation Services, Social Services and other council departments.
- Give consent to allow their information to be provided to another partner PRPSH in the scheme.
- Give consent to contact their current or previous landlord(s) to provide information relating to their tenancy conduct.

Once an application is received along with all the supporting documentation, an assessment will be made to see if an applicant is eligible and qualifies to join the Lancaster Housing Register.

Applications will be processed within a reasonable period of time. If progress to consider an application is unduly slow, an applicant will be entitled to make a complaint using Lancaster City Council's complaint procedure. If this proves unsatisfactory an applicant may seek the help of the Housing Ombudsman Service. Complaints to them can be made by telephoning 0300 111 3000 or online at [www.housing-ombudsman.org.uk](http://www.housing-ombudsman.org.uk)

### 2.2 WHAT IS A HOUSEHOLD

A household is defined as "any other person who normally resides with the applicants as a member of his/her family or any other person who might reasonably be expected to reside with the applicant." (Housing Act 1996).

# LANCASTER CITY COUNCIL ALLOCATION POLICY

If we receive a request to add a person to an application we will usually require documentary evidence to confirm that they are or could reasonably be expected to be a permanent member of that household. We would normally expect that they have resided with the applicant for a minimum 12 month period to be an established household, unless there are reasons why a shorter timeframe should be considered.

If an applicant wishes to include a child on their application, that they do not have parental responsibility for, they will need to provide documentation which demonstrates that the child is expected to reside with them on a permanent basis e.g. residency order, special guardianship order. We may contact Social Services to verify any information provided.

A person can only be included on one application. You cannot be included as a member of a household on more than one application.

## 2.3 GIVING FALSE INFORMATION

It is a criminal offence for anyone applying for housing, from a housing authority, to knowingly give false information or to withhold information which is relevant to their application. An offence is also committed if an applicant allows a third party to provide false information on their behalf.

Ground 5 in Schedule 2 of the Housing Act 1985 (as amended by s.146 of the 1996 Act) enables a housing authority to seek possession of a tenancy granted as a result of a false statement by the tenant or a person acting at the tenant's instigations.

Applicants who knowingly withhold information or mislead the local authority when making their application the Council's intention will be to prosecute applicants under the Fraud Act 2006 and/or Forgery and Counterfeiting Act 1981.

# LANCASTER CITY COUNCIL ALLOCATION POLICY

## 3. Assessing Applications

### 3.1 ASSESSING APPLICATIONS TO JOIN THE LANCASTER HOUSING REGISTER

Lancaster City Council will consider all applications that we receive. When considering applications we will ascertain whether:

- The applicant is eligible for an allocation of accommodation, and
- If they qualify for an allocation of accommodation

### 3.2 ELIGIBILITY TO JOIN THE LANCASTER HOUSING REGISTER

All applications will first be assessed to see if they are eligible for an allocation of accommodation and therefore able to join the Housing Register.

Generally access to our accommodation is open to all, but there are a few groups we will not be able to offer accommodation to:

- A household or person from abroad and have been classed by the Secretary of State for Communities and Local Government as ineligible for housing.
- Households excluded by law from holding a tenancy.
- Households that do not meet the “Right to Rent” requirements under Sec 22 of the Immigration Act 2014.
- Applicants who are not habitually resident in the UK.

If we are uncertain about an applicant’s immigration status we will confirm this with the Immigration Checking and Enquiry Services.

### 3.3 QUALIFYING TO JOIN THE LANCASTER HOUSING REGISTER

If an applicant is eligible to join the Lancaster Housing register they will also need to qualify to join. The following qualification criteria will not apply to applicants who are accepted by the Local Authority as homeless and who we have a statutory duty to rehouse.

If an applicant makes a joint application, both parties to the joint tenancy must individually qualify to join Ideal Choice Homes and be eligible for an offer, or to bid for a property. If a joint tenancy is refused, a clear reason will be provided to the applicants in writing. Applicants can request a review of the decision if required.

In certain circumstances joint tenancies may be granted to more than two people.

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At the point of application, checks will be made to ascertain whether an applicant meets the qualification criteria. Once an application is included on the housing register additional checks may be made to ensure that they continue to meet the qualification criteria. In addition if an applicant is made an offer of accommodation additional checks may be undertaken by the social housing provider to ensure that they satisfy the qualification criteria.

### 3.3.1 Local connection

If an applicant does not have a local connection to the Lancaster district, then they will not qualify to join the Housing Register. This will apply to all applicants on the housing register and may mean that existing applicants on the housing register will no longer qualify to remain on the housing register.

A local connection means that one or more of the following statements applies to the applicant

- Lived continuously in the Lancaster district for the previous three years.
  - Residence in a hospital, prison, residential schools, student accommodations (where it is not their principal home), Approved Premises, residential rehabilitation facilities and recovery housing does not gain a local connection.
- Worked or provided a community contribution in the Lancaster district for the previous three years (See section 3.34 and 3.35).
- Is serving in the Armed Forces or has served in the previous five years.
- Is a bereaved spouse or civil partner of a member of the Armed Forces and is having to leave Services Family Accommodation.
- Is an existing or former member of the reserve forces who are suffering from a serious injury, illness or disability which is wholly or partly attributable to their service.
- Is a social housing tenant in another Local Authority area who is needing to move to the Lancaster district to take up employment or apprenticeship opportunity within the district.
- Is a social housing tenant who has a need to move to the Lancaster district to avoid hardship
- Close family (i.e. mother, father, adult sibling or adult child), who currently live in the Lancaster district and have done so for the previous five years. If this is the only local connection criterion that applies, then the applicant will be placed in Band E, regardless of whether any other factors in a higher band apply.
- They have moved to the Lancaster district to escape violence or harm
- They are a victim of domestic abuse who has fled to the Lancaster district.
- Applicants from the travelling community who do not have a local connection to another local authority area

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- Asylum seekers who are granted refugee status or other form of leave (Exceptional leave to remain, humanitarian protection and discretionary leave) and were living in Home Office accommodation in the Lancaster district at the time their asylum claim was determined.
- They are a care leaver who has been looked after by Lancashire County Council and after care duties still apply under s23C of the Children Act 1989
- They are a care leaver aged under 21 who reside in the Lancaster district and have done so for at least 2 years, including some time before they turned 16.

*The only exception to this will be applicants who wish to move into and are eligible for, Category Two Sheltered Accommodation (flatted accommodation only), where they will be placed in Band E and only be able to bid on this type of accommodation. See Appendix A for the local lettings plan for sheltered accommodation, which includes eligibility criteria.*

The Council may, in certain circumstances, agree some reciprocal arrangements with neighbouring authorities which may involve local lettings plans being entered into that will define an area outside the district boundary. This will only apply in limited circumstances, to meet local need and under duty to co-operate arrangements with other district councils.

### **3.3.2 Financial resources**

If the applicant has sufficient financial resources to rent privately or purchase a suitable property in the Lancaster district, then they will not qualify to join the Housing Register. If an applicant's circumstances change then they can make a new application and a new assessment can be made.

Any applicant who has over £30,000 in savings will not be eligible to join the Housing Register.

If an applicant(s) needs one bedroom and has a gross household income of over £40,000 (excluding any benefits or tax credits), then they will not qualify to join the Housing Register.

If an applicant(s) needs two bedrooms and has a gross household income of over £50,000 (excluding any benefits or tax credits), then they will not qualify to join the Housing Register.

If an applicant(s) needs three or more bedrooms and has a household income of over £60,000 (excluding any benefits or tax credits), then they will not qualify to join the Housing Register.

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*The only exceptions to this will be applicants who require specialist fully adapted accommodation or Category Two Sheltered Accommodation (flatted accommodation only). These applications will be assessed on a case by case basis by the Choice Based Lettings Manager.*

### **3.3.3 Owner-occupiers**

If an applicant owns, has an interest in a property or has signed over a property to someone else or sold a property in the previous five years, then they will not qualify to join the Housing Register.

This will apply to properties owned or previously owned both within and outside the United Kingdom.

*The only exceptions to this will be:*

- *Where the applicant is requiring Category Two Sheltered Accommodation (flatted accommodation only).*
- *Where the applicant has a high medical award (25 or more points) and it is unreasonable for them to remain in their current accommodation on medical grounds and/or their housing problem cannot be resolved by adapting their present home or by selling it and purchasing or renting a more suitable home.*
- *Where the applicant is facing repossession as they are unable to pay the mortgage and there is no equity in the property. All avenues to remain in the property will need to have been exhausted and a possession order granted, for this exception to apply.*
- *Applicants who have had their property repossessed or sold within the previous five years (due to their property being unaffordable) and they have been left with less than £26,000 in capital from the sale of the property.*
- *Applicants whose name has been removed from a property as part of a separation or divorce settlement and they have less than £26,000 in capital from any financial arrangement.*

### **3.3.4 Unsuitable behaviour**

If an applicant, or member of their household has behaved in a way that would make them unsuitable to become a social housing tenant, then they will not qualify to join the Housing Register.

Examples of unsuitable behaviour may include, but not be limited to:

- Applicants whose own actions, or actions of a member of their household, have led to a previous landlord taking action against their tenancy.

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- Applicants or members of their household, who have unspent convictions that would make them unsuitable tenants.
- Applicants or members of their household, who have damaged or neglected a current or previous property.
- Applicants or members of their household, who have committed domestic abuse.
- Applicants or members of their household, who have used a former or current home(s) for immoral or illegal purposes.
- Applicants or members of their household, who have caused nuisance, alarm, distress or annoyance to their neighbours or local community.

Before a decision is made on whether they qualify to join the Housing Register under this criteria, applicants will be contacted and advised to provide further information in relation to this unsuitable behaviour and details of any mitigating circumstances. Applicants will be given eight weeks to provide this information and it is their responsibility to provide this. If no information is provided by the applicant, then a decision will be made based on the information (however limited) that we have.

Applicants who do not qualify to join the Housing Register under this criteria will be written to and advised what they need to do to enable them to qualify to join the Housing Register in the future.

To qualify to join the Housing Register, applicants will need to demonstrate that they have taken steps to address their behaviour and would now make a suitable tenant. Prior to any offer being made, further checks will be made to ascertain that there have been no further incidents of unsuitable behaviour.

### **3.3.5 Rent arrears and housing related debt**

If an applicant has a current tenancy or previous tenancy (within five years) with a private landlord and has rent arrears of more than eight weeks or have consistently not paid any shortfall for an eight week period, then they may not qualify to join the Housing Register.

Before a decision is made on whether they qualify to join the Housing Register under this criteria, applicants will be contacted and advised to provide further information in relation to this. This will include details of the rent due, payments made, income and benefits received and details of any mitigating circumstances.

Applicants will be given eight weeks to provide this information and it is their responsibility to provide this. If no information is provided by the applicant then a decision will be made based on the information (however limited) that we have.



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Applicants who do not qualify to join the Housing Register under this criteria will be written to and advised what they need to do to enable them to qualify to join the Housing Register.

To qualify to join the Housing Register, applicants will need to demonstrate that they have set up a repayment schedule, which has been agreed with their current or previous landlord and kept to this for a twelve month period, unless a shorter time period is deemed suitable. Prior to any offer being made, further checks will be made to ascertain that the repayment schedule has been adhered to.

If the applicant has had a previous tenancy with Lancaster City Council or one of our partner PRPSH within the previous five years and owe more than £1000 in arrears and/or housing related debt, then they will not qualify to join the Housing Register.

If the applicant has had a previous tenancy with Lancaster City Council or one of our partner related PRPSH within the previous five years and owe more than £250 but under £1000 in arrears and/or housing related debt but have made an agreement to repay the debt and has kept to it for a minimum six month period, then they will qualify to join the Housing Register. Applicants will need to continue to repay the debt in line with the agreement and checks will be made at offer stage to ensure that the agreement has been adhered to. If applicants have not adhered to the agreement, then they will no longer qualify to remain on the Housing Register and any provisional offer will be withdrawn. In order to requalify they will need to have made a new agreement and adhered to it for a minimum three month period.

### **3.3.6 Deliberate worsening of circumstances**

Applicants who have deliberately worsened their circumstances, will not qualify to join the Housing Register.

Examples of this include but is not limited to:

- Selling a property that was affordable and suitable for their needs.
- Moving into insecure and/or overcrowded accommodation, where there was no good reason to do so.
- Transferring or gifting a property to another family member within the last five years. This will include social housing tenants who have assigned their tenancy to someone else.
- Where there is evidence that applicants have dispersed or deprived themselves of assets which could have reasonably been used to secure housing within the last five years from the date of application.



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- Where an applicant has moved additional family or friends into their property resulting in overcrowded conditions, when suitable accommodation was available for them elsewhere.
- Moving into a property that was not affordable based on their income at the time of signing the tenancy.

Before a decision is made on whether they do not qualify to join the Housing Register under this criteria, applicants will be contacted and advised to provide further information and details of any mitigating circumstances. Applicants will be given eight weeks to provide this information and it is their responsibility to provide this. If no information is provided by the applicant then a decision will be made based on the information (however limited) that we have.

Applicants who do not qualify to join the Housing Register under this criteria, will be advised of this in writing and will be able to make a new application twelve months from the date the decision was made.

### **3.3.7 Applicants who provide false or misleading information**

Applicants who have provided false or misleading information on their application, will not qualify to join the Housing Register.

- Examples of providing false or misleading information will include but not be limited to:
  - Missing out tenancies or addresses from their application form.
  - Using a different surname from a previous application and not declaring this.
  - Not declaring a property that is owned or previously owned in the UK or abroad.
  - Not declaring any unsuitable behaviour listed in section 3.20.4.
  - Not declaring rent arrears and any housing related debt listed in section 3.20.5.

Before a decision is made on whether they do not qualify to join the Housing Register under this criteria, applicants will be contacted and advised to provide further information and details of any mitigating circumstances. Applicants will be given eight weeks to provide this information and it is their responsibility to provide this. If no information is provided by the applicant then a decision will be made based on the information (however limited) that we have.

Applicants who do not qualify to join the Housing Register under this criteria, will be advised of this in writing and will be able to make a new application twelve months from the date the decision was made.

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### 3.3.8 Current Lancaster City Council tenants and other social housing tenants

If an applicant has been allocated a social housing tenancy in the previous twelve months, then they will not qualify to join the Housing Register. This applies to both introductory tenants and tenants with security of tenure.

This does not apply to moves that took place as a result of a mutual exchange, where the applicant has security of tenure.

The only exception to this will be an applicant who has been awarded exceptional needs status. See section 4.11 for further information.

If an applicant is a Lancaster City Council tenant or other social housing tenant then a reference may be sought from their Landlord. If they do not meet the qualification criteria, then they will not be eligible to join the Housing Register.

If a Lancaster City Council tenant or other social housing tenant has rent arrears or any related housing debt then their application will be deferred until these arrears or housing related debt is cleared. The only exception to this would be if there is an exceptional need to move and their landlord agrees to their tenant moving with outstanding rent arrears and/or other housing related debt.

If a Lancaster City Council tenant or other social housing tenant has rent arrears, which relate to them being unable to pay the rent due to under-occupying the property, then their application will not be automatically deferred. If the arrears are under £500 and the applicant has been taking all possible steps to address them and their Landlord supports this, then they will be permitted to have an active application.

### 3.4 WHAT APPLICATION CHECKS ARE MADE?

When an application is received, if the applicant meets the qualification criteria, they will need to provide the following documentary evidence:

- Proof that they are eligible for social housing if they are a person from abroad (e.g. proof of immigration status, proof that they are exercising a treaty right).
- Proof that they are habitually resident in the UK.
- Proof of identification for all household members (e.g. passport, driving licence, medical card).
- Proof of address for all adult household members (e.g. driving licence, recent utility bill, recent benefit award letter).
- Proof that any children included on their application reside with them on a permanent basis (e.g. benefit letter relating to the children, residence order).
- Proof of their household income and any savings.

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- Proof of no rent arrears or confirmation of the amount of arrears (if applicable)

Applicants may also be required to provide further documentation relating to their application which will be detailed in the relevant sections.

Without documentary evidence, applicants will not be able to be fully assessed and will therefore be unable to bid on properties until this documentation is provided. If the applicant is unable to provide the documentation requested they should contact a member of the Ideal Choice Homes team to agree other acceptable forms of documentation.

As detailed in section 2.1, checks may also be made with an applicant's current or previous landlord, Police, Probation Services, Social Services, Benefits Agency, Home Office or other council department.

If the applicant is successful in bidding on a property, we may carry out additional applicant checks to ensure that they still qualify for an offer of accommodation, that their circumstances have not changed and that they are placed in the correct band. This may include requesting a landlord reference.

### 3.5 AFFORDABILITY CHECKS

In addition if an applicant is successful in bidding on a property the housing provider may require an affordability assessment. This will ensure that the tenancy is sustainable and the applicant can afford to pay the rent taking into account their other outgoings. The housing provider will normally require some payment as rent in advance.

### 3.6 WHEN WILL A HOME VISIT BE REQUIRED?

In certain circumstances it may be necessary to carry out a home visit to check the housing circumstances are as described on the application form. Applicants are expected to allow Council officers access to all parts of their home.

An appointment will be made before a home visit is arranged and all Council officers will carry photographic identification. If the appointment is not convenient, the applicant can request one at a more suitable time.

Before an offer of accommodation is made, a home visit may be required to verify an applicant's circumstances and ensure that they are as described on their housing application.

If the applicant does not allow a home visit to take place this may affect their banding or lead to a property not being offered to them, that they have been successful in bidding for.

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## 3.7 WHEN ARE APPLICATIONS REVIEWED?

All applications will normally be reviewed on an annual basis. Applicants will have to state that they wish to re-register and confirm that there have been no changes in their circumstances. If an applicant does not respond to this review request, then their application will be closed. If an applicant is on the assisted bidding list or has additional support needs that are identified on their housing application, then we will make every effort to make contact with them before cancelling their application.

## 3.8 WHEN ARE APPLICATIONS CLOSED?

An application will be closed from the Housing Register under the following circumstances:

- I. If the applicant requests this
- II. If the applicant is no longer eligible for an offer of accommodation
- III. If the applicant no longer qualifies for an offer of accommodation
- IV. When an applicant is housed through Ideal Choice Homes
- V. When an applicant completes a mutual exchange
- VI. When an applicant fails to comply with the review process
- VII. When an applicant moves and fails to update their application with this information
- VIII. When the applicant does not respond to a request for further information within 28 days from a reminder letter being sent

In circumstances (II) and (III), the applicant will be notified in writing and informed of the reason why their application has been cancelled and of their right to request a review of that decision.

Should an applicant whose application is cancelled in circumstances (I), (VI), (VII) and (VIII) wish to re-join the Housing Register they will need to complete a new application, using their previous application number and they will be given a new effective date. However, if an applicant contacts Lancaster City Council within 3 months of their application being closed and the applicant still qualifies to join the Lancaster Housing Register, the applicant can be reinstated without the loss of their waiting time.

## 3.9 CHANGES IN CIRCUMSTANCES

It is the applicant's responsibility to notify the Ideal Choice Homes team at Lancaster City Council of any changes in their circumstances which could affect whether they qualify or are eligible to join the Housing Register or their priority for rehousing.

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## 3.10 IDEAL CHOICE HOMES BANDING SCHEME

All applicants who qualify to join the Housing Register will have their applications assessed under the Banding Scheme set out below. There are five bands and these reflect the applicant's housing need.

Band A – Emergency Housing Need

Band B – High Housing Need

Band C – Medium Housing Need

Band D – Low Housing Need

Band E – Very Low or No Housing Need

Band F - Social and Supported Housing Tenants Moving to Make the Best Use of the Social Housing Stock

Within each band there are a number of factors. Ideal Choice Homes will consider the facts of your application against each of these factors. If several factors apply to your case you will be placed in the band containing the highest ranking factors within Band A to F.

### **Band A – Emergency Housing Need**

- You have been assessed by Lancaster City Council as being homeless and in priority need.
- You have been assessed as having an emergency medical need
- Your home is in emergency disrepair and a prohibition order has been served on your property
- You are escaping violence or threats of violence of a traumatic event, where there is an immediate and serious risk to the household
- You have another emergency housing need due to exceptional circumstances as identified by the Local Authority, Police, Health Authority or Social Services

### **Band B – High Housing Need**

- You have a high need for rehousing on social or welfare grounds – this is assessed in conjunction with information from another public agency e.g. Police or Social Services
- You have been assessed as having a high medical need for rehousing
- You need two or more bedrooms than you currently have
- You need to move because of a serious injury, medical condition or disability sustained as a result of your service in the Armed Forces. This will apply up to five years following discharge.

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- Your home is in high disrepair
- You have been assessed as being homeless but not in a priority need category
- You have been assessed by the council as being intentionally homeless. This will not override the qualification criteria.
- You have been assessed by the council as being threatened with homelessness within 56 days
- You have been served with a valid section 21 notice that expires in 56 days or less

## **Band C – Medium Housing Need**

- You have a medium need for rehousing on social or welfare grounds – this is assessed in conjunction with information from another public agency e.g. Police or Social Services
- You have been assessed as having a medium medical need for rehousing
- You have two people of different sexes included on your application who are not living together as partners both aged over 10 who are sharing a bedroom.
- You need rehousing and have served or are serving in the Armed Forces
- You need to move nearer to someone to provide or receive support

## **Band D – Low Housing Need**

- You are sharing facilities (i.e. bathroom, kitchen, toilet) with family or people you are not related to
- You have been assessed as having a low medical need for rehousing
- You live in private rented accommodation
- You live in a mobile home, caravan or boat
- You live in tied accommodation
- You have a licence to occupy your current accommodation
- You live in an above ground floor flat and have child(ren) aged under 16

## **Band E - No Housing Need**

- You are an owner-occupier who is moving into Category Two Sheltered Accommodation (flatted accommodation only)
- You do not have a local connection but wish to move into Category Two Sheltered Accommodation (flatted accommodation only)
- You are an owner-occupier who is facing repossession, are unable to pay your mortgage and have no equity in your home
- You are a social housing tenant who is adequately housed
- You have served or are serving in the Armed Forces and are adequately housed

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## Band F – Social and Supported Housing Tenants Moving to Make the Best Use of the Social Housing Stock

- You are a Lancaster City Council tenant or tenant of one of our partner PRPSH who advertise all their vacancies via the Ideal Choice Homes Scheme and have one or more bedrooms than you currently need. You will need to be affected by the changes to the size criteria for this to apply
- You are a Lancaster City Council tenant or tenant of one of our partner PRPSH who advertise all their vacancies via the Ideal Choice Homes Scheme and have succeeded to a property that is too large or unsuitable for your needs
- You are a social housing tenant in the Lancaster district who is moving into sheltered accommodation from a general needs property
- You are a social housing tenant in the Lancaster district who lives in a high demand adapted property that you no longer require
- You are a Lancaster City Council tenant or tenant of one of our partner PRPSH who advertise all their vacancies via the Ideal Choice Homes Scheme and you live in a property that we have high demand for or urgent use for.
- You have successfully completed your stay in supported accommodation and you now need to move into general needs accommodation. This will need to be a supported accommodation scheme who we have a current Service Level Agreement (SLA) with and you will need to have been assessed under the SLA as being ready to move into general needs accommodation. This will not override the local connection qualification criteria.

### 3.11 PRIORITISING APPLICATIONS WITHIN BANDS

The banding scheme prioritises applicants by putting those in similar housing need in the same band. Within each band, applications are listed in date order. The “effective” date is the date of the first application, or the date which the applicant moved into a higher band. The “registration” date is the date the initial application was received.

Priority within each of the bands will be determined by the effective date. Where applicants in the same band bid for a property, the applicant with the earlier effective date has greater priority. If these applicants have the same effective date, the one with the earlier registration date has priority.

### 3.12 MOVEMENT WITHIN BANDS

Applicants can move between bands if:

- Their circumstances change



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- Additional information is received about medical or welfare issues which upon assessment by Lancaster City Council, leads to a higher or lower band being awarded to the applicant

If an applicant moves to a higher band, then their effective date will be replaced by the date they moved into that band. If an applicant moves into a lower band, then their effective date will remain the same.

### 3.13 ASSESSING MEDICAL PRIORITY

Medical priority will be awarded by the Council's District Medical Officer. If an applicant feels that there are medical reasons why they need to be rehoused they should complete the medical section on their application form, submit medical information by completing a Medical Self-Assessment Form or by providing information from a medical professional. This will then be assessed by the District Medical Officer who will award priority as follows:

#### **Band A: Emergency Housing Need 26-30 medical points**

*The current accommodation is so completely unsuitable that should the applicant remain or return to it the effect on their health would be critical. This can only be averted by a move to alternative accommodation in the shortest time possible.*

#### **Band B: High Housing Need 21-25 medical points**

*The housing situation is so severely affecting the applicant's health and wellbeing that it is resulting in them being completely housebound, at risk of injury, relapse or unable to live independently.*

*Alternative housing is required within a reasonable time frame to prevent serious risks to their health and wellbeing.*

#### **Band C: Medium Housing Need 11-20 medical points**

*The housing situation is seriously affecting the applicant's health and wellbeing and is having an unacceptable impact on their ability to live independently.*

*Alternative housing is required to prevent a significant and serious deterioration to their health and wellbeing in the short/ medium term (within 2 years).*

#### **Band D: Low Housing Need 5-10 medical points**

*The housing situation is having a negative impact on the applicant's wellbeing but it is not causing any significant deterioration to their health or ability to live independently*



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## Band E: 0 medical points

*Whilst it is recognised that there may be a health and wellbeing issue, this is not affected by the current accommodation. The applicant's health and wellbeing would not be improved by a move to alternative accommodation. Therefore no housing need actually exists.*

### 3.14 ASSESSING PROPERTY SIZE NEEDED

Applications will be assessed to determine the size of property their household needs. A household is defined as any other person who normally resides with the applicant as a member of his/her family or any other person who might reasonably be expected to reside with the applicant. See section 2.2 for further information.

If an applicant is an approved foster carer or has had a child placed with them prior to adoption then we can include them on their household. This will not increase their property size by more than one bedroom regardless of how many children they foster. Documentary confirmation of this will be required from Social Services.

If an applicant has children who are in the Armed Forces but continue to live with their parents when they are not away on operations, they can be included when assessing the size of property a household needs. We will require a letter from the adult child's chain of command to confirm that they are away on operations.

Bedroom requirements are based on assumptions that a bedroom is suitable for:

- each adult couple
- any other person aged 16 or over
- two children of the same sex aged under 16
- two children, regardless of sex, aged under 10
- any other child
- a disabled child or adult who needs their own bedroom on medical grounds
- a carer, or team of carers, who has a home elsewhere, who uses a bedroom on a regular basis to stay overnight because an adult member of the household requires overnight care

If an applicant has been assessed as requiring a one bedroom property and they are pregnant, we will amend their application so they can bid on two bedroom properties from 12 weeks prior to their due date. This will be subject to an affordability assessment.

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We do not make exceptions to this which means that:

- if an applicant shares care of their own child, the child will only be taken into account of calculating the property size needed for the designated “main carer” – if care is shared exactly equally, the main carer will be the parent that receives the child benefit
- applicants whose children visit but are not part of the household are not assessed as needing an extra bedroom
- applicants living together as a couple, who currently sleep in separate bedrooms for personal reasons will only be allocated one bedroom. If there is a medical need for a separate bedroom this will be authorised by our medical officer. If an additional bedroom is sanctioned under medical grounds an affordability assessment may be required. This See 3.14.1.

We aim to make the best use of the social housing stock in the Lancaster district. Some of our three and four bedroom houses have additional living rooms that can be utilised as a bedroom, effectively making them a four or five bedroom house. When these properties are advertised, applicants who require the extra room to be used as a bedroom will be eligible to bid for them. These applicants are given priority within each band over those who don't require the extra room.

We may under-occupy properties where there is low demand. Low demand is classed as where we have advertised for a minimum one week period and no suitable bids have been placed. Priority will be given to applicants who have access to children.

### **3.14.1 Requiring an additional bedroom on medical grounds**

If a separate bedroom is required for a disabled child, disabled adult or a carer they will need to provide supporting documentation regarding this. This will be submitted to our medical officer and they will make a decision as to whether this is required on medical grounds.

### **3.15 ASSESSING DISREPAIR**

We work closely with Lancaster City Council's Housing Standards team when an applicant has stated that their current rented accommodation is in disrepair.

It will be expected that an applicant has already raised the problem with their Landlord in writing before a Lancaster City Council officer visits. This will give the Landlord the opportunity to carry out the necessary works before involving Lancaster City Council and possible enforcement action.

Applicants will be made fully aware that if a Lancaster City Council officer visits and identifies serious defects with the property that they are under a statutory duty to take appropriate steps to remedy the defects and this will involve contacting the Landlord and/or agent.

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If an applicant is living in accommodation where the conditions pose an ongoing and serious threat to health and safety of the residents and where there are Band A, Category 1 hazard(s) that have been found following an assessment by the Council's Housing Standards team can not be resolved by the landlord, the applicant will be placed in Band B.

If an applicant's home is in emergency disrepair and a prohibition order has been served on the property, the applicant will be placed in Band A.

### 3.16 ASSESSING SOCIAL AND WELFARE PRIORITY

If an applicant's household includes someone with a particular need for settled accommodation and who cannot be expected to find/afford suitable accommodation in the future then they will be awarded priority under social and welfare.

The band you will be placed in will depend on whether this is assessed as being an urgent, high or medium need. We will usually require information from another public agency such as the police or social services before awarding social and welfare priority. This priority is decided by the Choice Based Lettings Manager.

### 3.17 EMPLOYMENT

In the Lancaster district there are some social housing providers who have local lettings policies where certain properties are allocated to applicants in employment. We do not give additional priority to applicants in employment but we do capture this information. This is to ensure only applicants in employment to bid on these properties.

To be eligible for these properties an applicant or member of their household needs to be in permanent employment. Permanent employment will include self-employment and temporary contracts but not casual employment. This will include part-time employment but it will need to be for a minimum of 16 hours per week or 70 hours per calendar month.

If an applicant is on a zero hours contract but can demonstrate that on average (over a minimum three month period) that they have been employed for a minimum 16 hours per week or 70 hours per calendar month) then they will be classed as being in employment.

The applicant will need to provide documentary confirmation of this.

This does not override the qualification criteria for local connection and income.

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## 4. How the Scheme Operates

### 4.1 WHICH PROPERTIES ARE INCLUDED IN THE CHOICE BASED LETTINGS SCHEME?

Lancaster City Council properties and PRPSH Landlord properties to which we have nomination rights will be advertised to let through Ideal Choice Homes. This will include:

- General needs housing
- Sheltered accommodation
- The majority of properties with minor adaptations e.g. wet room, level access.

Customers with active applications will be able to exercise choice by registering an interest on the property by “bidding” on them.

There will be some exceptions to this, these will include:

- Extra Care sheltered accommodation

Nominations to these will be provided by Social Services

- Highly Adapted properties

These will usually be offered to a household with matching needs. These properties may be assessed by an Occupational Therapist who will assess their suitability before a formal offer is made.

- Management lets

These will be when we need to use a property for specific management purpose and the qualifying applicant will normally receive one reasonable offer of accommodation.

### 4.2 ARE THERE ANY LETTINGS NOT COVERED BY THIS POLICY?

The following are examples of lettings not covered by, or specifically excluded from the allocation scheme, under the provisions of the Housing Act 1996

- Offers of non-secure tenancies to homeless persons pursuant to any duty under Part 7 of the Housing Act 1996
- The conversion of introductory tenancies into secure tenancies
- The conversion of secure tenancies into demoted tenancies
- Offers of tied accommodation made to council employees (service tenancies)

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- Offers of or nominations to accommodation made at the council's own instigation rather than in response to an application, for example offers to tenants being decanted from their homes to allow major works to take place
- Assignments of, and successions to social housing tenancies
- Mutual exchanges
- Transfers of tenancies made by Court Order under the Matrimonial Causes Act 1973 or other family legislation
- Vesting or disposal of tenancies by order of a Court

## 4.3 HOUSES IN THE LANCASTER DISTRICT

Priority for two bedroom houses will be given to applicants with children aged under 16. This is because within the social housing stock in the Lancaster district, there are two bedroom flats that are suitable for applicants with no children in their household. Applicants without children who need two bedrooms will be eligible to apply for two bedroom houses but those with children aged under 16 will take priority.

This will only apply to two bedroom houses. Other sized properties will be let in accordance with their bedroom and housing need.

## 4.4 LOW DEMAND PROPERTIES

If there is no demand for a property we may re-advertise it to applicants who do not normally qualify for this size or type of property.

For example a two bedroom property may be re-advertised to enable applicants with a one-bedroom need to apply.

When this occurs, any local lettings policy in place will still apply. With retirement properties, preference will be given to social housing tenants who are freeing up a high demand property.

Before any offer of accommodation is made, a financial assessment may be undertaken to ascertain whether or not the applicant will be able to financially sustain the tenancy.

## 4.5 ADVERTISING VACANCIES

All Lancaster vacancies will be advertised through the Choice Based Lettings Scheme (known as Ideal Choice Homes), except those detailed in section 4.1. Each week a new list of current vacancies will be available.

The property adverts will contain information about, amongst other things, rent, number of bedrooms, heating type, suitable household size and whether pets are accepted, as well as

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giving information on local services and amenities. The advert will also indicate the priority band of applicant that preference will be given to. The advert will also state who the Landlord of that vacancy is.

Properties may be advertised during the notice period given by the outgoing tenant. If the notice is withdrawn by the tenant during this period the property will therefore be unavailable to be let.

## 4.6 QUOTA SYSTEM

To allow applicants in lower priority bands access to housing, a quota system will be used. This allows a proportion of vacancies to be advertised with priority to those applicants in a specific band. The system will be monitored to ensure that it does not operate to the detriment of those with a higher need for housing.

It is important that Lancaster City Council supports sustainable and balanced communities. This means that properties will be advertised on a percentage basis to each band to ensure that applicants in all bands will have the opportunity to access social housing. The percentages used for the quota system will be reviewed on an annual basis. We will aim to prioritise 20% of properties to applicants in Band F for the better management of the social housing stock within the Lancaster district.

Where a sensitive let or a particular balance is required in an area, a vacancy may be advertised as limited to specific types of household. The advert will include details of who can apply to ensure transparency and openness.

## 4.7 LOCAL LETTINGS

Partners in the Choice Based Lettings Scheme may draw up local lettings policies and plans for an area, scheme or estate to meet the specific needs of that local community. Local lettings policies may be used to tackle particular management problems and or to address imbalances in the community. Local lettings schemes will be publicised to ensure openness and transparency in the lettings process.

Lancaster City Council should be consulted by the PRPSH if they are considering implementing a new local lettings policy.

Lancaster City Council local lettings plans can be found in the appendices.

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## 4.8 RURAL VILLAGE AND MARKET TOWN CONNECTIONS

There is a severe shortage of social housing in rural villages and we aim to preserve rural communities. Therefore we give additional priority to applicants who have a rural connection to a village or the market town of Carnforth.

A rural connection means that the applicant has either:-

- Lived in that village for at least six out of the past twelve months or three out of the past five years
- Previously lived in that village for at least 5 years
- Has permanent employment in a village
- Has close family who live in the village. Close family includes parents, adult children and adult siblings.

Additional rural connection priority is given to applicants within bands but not between bands. This means that if we advertise a property to a given band, for example Band C, an applicant in Band C with a rural connection will be given priority over an applicant in Band C with no rural connection.

We will state in the advert if additional priority will be given to an applicant with a local connection. Before selecting which band to use for the property will look at which applicants on the housing register have a rural connection to that the village and choose an appropriate band, based on housing need and demand.

Under the Planning Act some developments are subject to Section 106. This requires those properties to be let to customers with a local connection, which can be more demanding than the rural connection Lancaster City Council applies. Where this applies, only those applicants meeting the requirement of the Section 106 will be eligible for an offer of property. The advert will state if this applies to the property and provide details of the connection required.

In order for an applicant to have a rural connection, they will need to provide documentary evidence of this.

If there is limited or no social housing in the village to which an applicant has a rural connection, a rural connection will be given to the next surrounding village(s).

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## 4.9 BIDDING PROCESS

Applicants can bid for up to two properties per cycle that they meet the property criteria for.

Applicants can bid through the website, over the phone and in person at Lancaster and Morecambe Town Halls. Access to the Ideal Choice Homes website is available for applicants at Lancaster and Morecambe Town Hall.

For those applicants who are unable to bid for themselves and who do not have any family, friends or advocates who can bid on their behalf we do have an assisted bidding scheme for vulnerable customers. This will mean that bids are placed on those applicant's behalf based on the preferences they express.

By bidding an applicant is simply expressing an interest in a property, and telling us that they wish to be considered for it. Their position on the shortlist may change over the course of the bidding cycle. If an applicant comes top of a shortlist there is no guarantee that they will be successful in being offered this property.

Further checks are made to ensure that they meet the criteria for the property and that the information supplied on their application form is still correct.

If an applicant is not offered this property a reason will be provided and the applicant will be able to see this on their online account.

## 4.10 SHORTLISTING AND OFFERS

The Choice Based Lettings Scheme will identify applicants who have placed a bid on each vacancy. It will generate an ordered list based on band and the applicant's length of time on the waiting list.

Prior to an offer being made additional verification checks will be undertaken of the applicant's eligibility and priority. An applicant's current landlord will normally be contacted to request a reference. The applicant at the top of the list will normally be offered the property subject to these checks and to meeting any additional criteria included in the advert.

If an applicant is a tenant of Lancaster City Council or one of our partner PRPSH, then a check will be made with them, before any provisional offer of accommodation is confirmed.

Tenancy checks will be made to ensure that they meet the qualification criteria, that they have a clear rent account, can give vacant possession of the property, have no other housing related debt, have not caused any damage to the property or made any unauthorised alterations and have conducted their tenancy in a satisfactory manner.



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If the council or a partner PRPSH does not agree to the offer being confirmed due to unsatisfactory tenancy checks, then the provisional offer will be withdrawn. If the tenancy checks highlight any issues with the tenancy, this may result in them no longer qualifying to be on the Housing Register.

See section 3.3.8 for more information on rent arrears and social housing tenants.

Should the offer not be made to the applicant at the top of the list following the additional checks, or should it be refused, the offer is made the next eligible applicant on the shortlist. This process continues down the list until an offer of accommodation is accepted.

## 4.11 HOMELESSNESS

If an applicant advises that they are homeless or threatened with homelessness they will be encouraged to make a Housing Options appointment.

If an applicant has been assessed as homeless, has a priority need for rehousing and they have not made themselves intentionally homeless they will be placed in Band A. This may override the qualifying criteria.

If an applicant has been assessed as homeless but there is no priority need for rehousing and they have not made themselves intentionally homeless they will be placed in Band B. This will not override the qualifying criteria.

If an applicant has been assessed as intentionally homeless they will be placed in Band B. This however does not override the qualifying criteria.

An applicant will not be awarded homeless priority, unless they have had this assessed by a member of the Housing Options team.

If we have a statutory duty to rehouse an applicant because they are unintentionally homeless and in priority need they will be placed in Band A for two weeks. They will be advised that they have to bid for suitable properties when they become available and how to bid. If they have not bid for properties or have been unsuccessful in bidding on properties, then they will receive a direct offer of suitable accommodation when one becomes available.

The applicant has a right to review this offer and will be provided with details of how to do this when an offer is made. If their appeal is successful another direct offer of accommodation will be made.

# LANCASTER CITY COUNCIL ALLOCATION POLICY

## 4.12 EXCEPTIONAL NEEDS AWARDS

If Council Housing tenants are placed in Band A because they have an emergency need for rehousing as identified by the Council Housing Services awarding them Exceptional Needs status, they will be placed in Band A for two weeks. They will be advised that they have to bid for properties when they become available and how to bid. If they have not bid for properties or have been unsuccessful in bidding on properties, then they will receive a direct offer of suitable accommodation when one becomes available.

If they do not feel that the property they are offered is suitable for them they have 21 days from the date they are offered the property to request a review of the offer. This will be reviewed by the Choice Based Lettings Manager and advice will be sought from the Principal Management Officer before a final decision is made.

If it is decided that the property was not suitable another direct offer of a suitable property will be made. If the applicant rejects this offer there will not be any further offers of property made and the applicant will be removed from Band A. Their application will be reassessed and they will be placed in the appropriate band.

## 4.13 BAND A APPLICANTS WHO ARE NOT HOMELESS OR GIVEN EXCEPTIONAL NEEDS STATUS

If applicants have been placed in Band A due to other emergency housing needs they will either have the option to bid on properties for a two week period before receiving a direct offer or they may just receive one direct offer of suitable accommodation. This will be explained to the applicant in writing when they are placed in this Band.

# LANCASTER CITY COUNCIL ALLOCATION POLICY

## 5. Review Process

An applicant has a right to request a review if:

- They have not been accepted onto the Lancaster City Council Housing Register
- Their application has been removed from the Lancaster City Council Housing Register
- They disagree with how their application has been assessed and/or the band they have been placed into.

To request a review the applicant will need to put this in writing within 21 days of receiving our written decision. The applicant will need to give the reasons why they believe an incorrect decision has been made. If an applicant is unable to put their point across in writing, they can request a meeting with a senior officer.

The review will be undertaken by a senior officer who was not involved in making the original decision and will take account of information provided by the applicant. They will notify the applicant of the decision within 56 days of receiving the request. If the applicant is not happy with this decision, they can make a formal complaint using the complaints procedure.

# LANCASTER CITY COUNCIL ALLOCATION POLICY

## Appendix A

### LOCAL LETTINGS PLAN – SHELTERED ACCOMMODATION

#### BACKGROUND

We have a number of properties which are currently designated as sheltered accommodation schemes. Sheltered accommodation, is housing with support, it enables older people to live independently in flats or bungalows within a supporting environment designed to suit their needs.

#### ALLOCATION CRITERIA

To be eligible for an allocation of one of these properties applicants will need to meet the following criteria:

- The applicant or their partner will need to be aged over 55 and be able to demonstrate that they would benefit from the key aspects of sheltered accommodation. They will need to complete an additional application form, which will assess their need and suitability for the service.
- If a member of the household has a history of anti-social behaviour or unspent convictions then they may be rejected if there is concern that their activities will affect other residents in the scheme.
- If a member of the household has support needs they will only be accepted with a recognised support package and they will need a history of previous positive engagement.
- Applicants will need to be able to live independently and not have a requirement for specialist health services, personal or nursing care which cannot be met in a community-based setting.

Please note, where necessary, supporting information for applicants will be sought from a wider range of agencies/sources than usual.

Normal exclusion criteria will still apply as outlined in the allocation policy.

#### UNDER OCCUPATION

Under occupation for these properties may be considered where there are no suitable applicants who meet the additional criteria. In these circumstances we may refer the applicant(s) for a financial assessment to ensure the tenancy is affordable.

# LANCASTER CITY COUNCIL ALLOCATION POLICY

## REVIEW OF POLICY

This policy will be reviewed on an annual basis by the Housing Allocation Review Steering Group to monitor its effectiveness.

Draft

# LANCASTER CITY COUNCIL ALLOCATION POLICY

## Appendix B

### LOCAL LETTINGS PLAN – SENSITIVE LETTINGS

#### BACKGROUND

We occasionally have properties where there is a need for a sensitive let. This can be for a number of reasons such as a history of serious anti-social behaviour in property or due to the location of the property. These can be approved by the Principal Housing Manager and are closely monitored.

#### ALLOCATION CRITERIA

To be eligible for an allocation of one of these properties applicants will need to meet the following criteria:

- The main applicant will need to be over the age of 30 (unless they are in full time (minimum 35 hours per week) employment)
- No member of the household can have a history of heavy drug or alcohol over the previous 12 months
- If a member of the household has a history of anti-social behaviour or unspent convictions then they may be rejected if there is concern that their activities will affect the local neighbourhood.
- If a member of the household has support needs they will only be accepted with a recognised support package and will need a history of previous positive engagement
- Applicants will need to provide two appropriate tenancy references.

Please note, where necessary, supporting information for applicants will be sought from a wider range of agencies/sources than usual for previous anti-social behaviour, arrears etc;

Normal exclusion criteria will still apply as outlined in the allocation policy.

#### UNDER OCCUPATION

Under occupation for these properties may be considered where there are no suitable applicants who meet the additional criteria. A financial assessment will be undertaken to ensure that the tenancy is affordable for the tenant.

#### REVIEW OF POLICY

This policy will be reviewed on an annual basis by the Housing Allocation Review Steering Group to monitor its effectiveness.

# Equality Impact Assessment

This **online** equality impact assessment should:

An equality impact assessment should take place when considering doing something in a new way. Please submit your completed EIA as an appendix to your committee report. Please remember that this will be a public document – do not use jargon or abbreviations.

**Service**

**Title of policy, service, function, project or strategy**

**Type of policy, service, function, project or strategy:** Existing  New/Proposed

**Lead Officer**

**People involved with completing the EIA**

## Step 1.1: Make sure you have clear aims and objectives

Q1. What is the aim of your policy, service, function, project or strategy?

Q2. Who is intended to benefit? Who will it have a detrimental effect on and how?

## Step 1.2: Collecting your information

Q3. Using existing data (if available) and thinking about each group below, does, or could, the policy, service, function, project or strategy have a negative impact on the groups below?

Group	Negative	Positive/No Impact	Unclear
Age	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Disability	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Faith, religion or belief	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gender including marriage, pregnancy and maternity	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gender reassignment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Race	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sexual orientation including civic partnerships	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other socially excluded groups such as carers, areas of deprivation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rural communities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## Step 1.3 – Is there a need to consult!

Q4. Who have you consulted with? If you haven't consulted yet please list who you are going to consult with? Please give examples of how you have or are going to consult with specific groups of communities

# Equality Impact Assessment

## Step 1.4 – Assessing the impact

Q5. Using the existing data and the assessment in questions 3 what does it tell you, is there an impact on some groups in the community?

Age: No negative impact
Disability: No Impact
Faith, Religion or Belief: No negative Impact
Gender including Marriage, Pregnancy and Maternity: No negative Impact
Gender Reassignment: No negative Impact
Race: No negative impact
Sexual Orientation including Civic Partnership: No negative Impact
Rural Communities: No negative Impact

## Step 1.5 – What are the differences?

Q6. If you are either directly or indirectly discriminating, how are you going to change this or mitigate the negative impact?

Not applicable

Q7. Do you need any more information/evidence eg statistic, consultation. If so how do you plan to address this?

Not applicable

## Step 1.6 – Make a recommendation based on steps 1.1 to 1.5

Q8. If you are in a position to make a recommendation to change or introduce the policy, service, function, project or strategy, clearly show how it was decided on.

Not applicable

Q9. If you are not in a position to go ahead, what actions are you going to take?

Not applicable

Q10. How do you plan to monitor the impact and effectiveness of this change or decision?

Not applicable



**CABINET**

**Review of the Consultation on the Implementation of  
Additional and Selective Licensing in a defined area of  
the West End of Morecambe**

**20 March 2018**

**Report of Chief Officer (Health & Housing)**

<b>PURPOSE OF REPORT</b>			
To review the outcome of the public consultation on the introduction of licensing in a defined area in the West End of Morecambe and make a decision an enforcement approach.			
Key Decision	<b>X</b>	Non-Key Decision	Referral from Cabinet Member
Date of notice of forthcoming key decision	19 February 2018		
This report is public.			

**RECOMMENDATIONS OF COUNCILLOR WARRINER**

- (1) Note the outcome of the public consultation on the possible introduction of licensing in a defined area in the West End of Morecambe.
- (2) Based on the feedback from the consultation, agree to trial an alternative approach to additional and selective licensing as outlined in this report which involves targeted enforcement of those landlords who are failing to meet and maintain standards.
- (3) Approve the designation of the area referred to in this report and defined in the map set out in Appendix 1 as being subject to the targeted enforcement programme.
- (4) Approve that the trial referred to in (3) should be implemented for a period of not more than 18 months (using existing Transformational Challenge Award grant) and that a report be brought back to Cabinet following this, with an evaluation of the alternative approach, to enable Cabinet to consider its effectiveness and whether there is still a case for considering the introduction of additional and selective licensing.

## **1.0 Introduction**

- 1.1 In 2016/17, a feasibility study was carried out identifying an area in the West End of Morecambe that would benefit from housing enforcement intervention.
- 1.2 In August 2017, Cabinet approved the commencement of a public consultation exercise on the designation of a selective and additional licensing scheme in a defined area in the West End of Morecambe.
- 1.3 Selective and Additional Licensing were introduced in the Housing Act 2004 to give local authorities a discretionary power to require all private rented sector (PRS) landlords in a defined geographical area to be licensed under particular circumstances. The purpose of licensing is to regulate standards of property management in the private rented sector.
- 1.4 The West End of Morecambe has the highest level of private rented properties in the district at approximately 29-33%, with some areas having as much as 80% PRS, compared with a district average of 13% and a national average of 9%. Because of the housing market failure leading to low housing demand, and the high levels of renting and anti-social behaviour, it was considered that the scheme would complement other regeneration efforts.

## **2.0 Background**

- 2.1 Most landlords provide decent, well-managed accommodation and follow good management practices. However, in some circumstances poor management of properties can severely impact on the community of that area because of their general condition and the anti-social behaviour of some tenants.
- 2.2 Selective and Additional licensing requires landlords within the boundaries of a designated area to obtain a licence for every property they own and to meet specified criteria laid down by the council. If they fail to obtain a licence or meet acceptable management standards, the authority can take enforcement action. Licences are valid for up to five years. Typical licence conditions are attached as appendix 2. All licence holders must be deemed a fit and proper person in accordance with the Council's fit and proper person policy.
- 2.3 Implementation is subject to consultation with all persons who are likely to be affected by the designation. This consultation took place between the 9<sup>th</sup> October and 15<sup>th</sup> December 2017 (see appendix 3). Landlords, tenants, homeowners, business owners and all other stakeholders who might be affected by the designation were encouraged to come forward with their views of the proposals.
- 2.4 A selective licensing designation may be made if the area to which it relates satisfies one or more of the following conditions:
  - Low housing demand
  - A significant and persistent problem caused by anti-social behaviour

- Poor property conditions
- High levels of migration
- High levels of deprivation
- High levels of crime

A designation may only be made where the local housing authority has:

- Demonstrated that the area has a high proportion of property in the private rented sector.
- Identified the objective or objectives that a designation will help it achieve.
- Considered whether there are any other courses of action available to it that would achieve the same objective/s as the proposed scheme without the need for the designation to be made.

2.5 An additional licensing designation may be made if the authority considers that a significant proportion of the houses in multiple occupation (HMOs) in the area are being managed sufficiently ineffectively as to give rise, or to be likely to give rise, to one or more particular problems either for those occupying the HMOs or for members of the public.

2.6 Licensing is designed to be self-financing and cost neutral to the Council and so the fee would need to cover the council's costs of implementation and administration of the scheme, including enforcing the licensing conditions. It should be noted that the fee cannot be used for enforcement of the removal of hazards, however, as that is a statutory responsibility of the Council.

### **3.0 Details of Consultation**

3.1. The evaluation of the consultation is attached as appendix 3. The majority of respondents recognised that there were specific issues in the defined area, in particular around deprivation, poorly managed properties, anti-social behaviour (ASB) and crime. There was clear support for action but there was a conflicting position on whether licensing was the most appropriate tool.

3.2. The perceived risks of introducing a licensing scheme were:

- It would not target the 'rogue' landlords who would continue to operate under the radar but that too much time and resource would be spent on identifying and licensing the good landlords.
- It was unfair to target good landlords for the irresponsible actions of the minority. Some landlords gave examples of good practice.
- The cost of applying and complying with the licence would be passed on to tenants leading to increased rents.
- There was a lack of evidence of the link between landlords and ASB. Many landlords said that they did not feel responsible for any of the ASB caused by their tenants and that there was nothing they could do about it but that others should deal with it. Landlords wanted support in dealing with incidents of ASB.

- There is evidence that mortgage lenders were refusing to advance money to landlords with homes in areas covered by licensing schemes, thereby potentially having a negative impact the property market and housing provision.
- An increase in homelessness as housing some tenants becomes too much of a risk in case it negatively impacts on the licence.
- The licence fees, along with perception of an area being deemed as bad, would drive out good landlords, making it more difficult to secure mortgages, re-mortgage or loans to invest in properties.
- Concerns were raised about the need to take up references for new tenants. Specifically, how useful they were.

### 3.3 The perceived benefits of introducing a licensing scheme were:

- Extensive knowledge of private renting will enable targeting of enforcement action, and to better understand the root of the problems the area faces
- Bad landlords will be forced to improve their practices or leave the market. Landlords who have not engaged in previous schemes will be forced to engage with the Council.
- More professional landlords should improve the quality and management of property.
- Increasing housing demand and reducing ASB will improve problem areas, making these safer, more desirable places to live. May result in higher rental income as areas improve and an improvement in the reputation of private landlords
- Protection for vulnerable tenants from the worst housing conditions and from bad landlords.

### 3.4 Local authority's response to consultation

- 3.4.1 One objective of a licensing scheme is to bring improvements to the whole area and to professionalise the sector which would benefit all landlords and residents. Intelligence gathered for introduction of the scheme would identify all privately rented accommodation and highlight problem properties. Better knowledge of the private rented sector would allow targeted support and information exchange with landlords. The costs to compliant landlords over the 5 year lifetime of the scheme are low, and it is important to clarify that all properties being rented out should already meet legal standards, so this should create no extra cost. Property conditions and management would be improved.
- 3.4.2 However, several key risks were identified. The possibility of rent rises and an increase in homelessness as some tenants become too much of a risk for licensed landlords mean the scheme has the potential to negatively impact upon those residents it is designed to benefit. Universal Credit (UC) is being rolled out across the district, and evidence is that the move to UC has already led to increases in rent arrears.
- 3.4.3 Stigmatisation of the area is a concern, and examples were cited of banks/building societies not lending to investors in areas where selective licensing was introduced. Landlords felt licensing was punitive, and showed a

lack of support by the Council for their continuing investment in the area. This highlights a key risk of discouraging investment where it is needed.

- 3.4.4 Any loss of support and collaboration with good and well intentioned landlords would be a disadvantage, particularly when the private rented sector is an increasingly important source of accommodation.
- 3.4.5 Fears were expressed that the bureaucracy involved in introducing a licensing scheme would distract from dealing with the minority of bad landlords.

#### **4.0 Proposal Details**

##### **An Alternative approach to licensing.**

- 4.1 It is possible to consider an alternative approach to licensing by using an intelligence led targeted approach to enforcement. The additional capacity would allow for a two prong approach based on building collaborative relationships with responsible landlords by providing support and education for those wishing to improve, alongside robust enforcement against those whose standards fall below what is expected and required by the Council. Dedicating additional resources to the West End will allow enforcement officers to have a small, caseload concentrated on achieving improvements to the minority of properties that cause persistent problems.
- 4.2 Introduction of a targeted approach would address some of the concerns and risks identified by the consultation while delivering the same objectives. All privately rented properties in the defined area would be identified and all landlords renting property in the defined area advised of their responsibilities in relation to housing conditions. The resources are not currently available to do this. In addition the benefits of joining an accreditation scheme would be highlighted and promoted. Landlords not prepared to co-operate and where any hazards and or failures in relation to management practices are found will be remedied through the use of enforcement powers, with appropriate costs being recharged directly to the landlord.
- 4.3 This proposal is possible because of a number of developments since licensing was originally proposed.
  - 4.3.1 The council has established an anti-social behaviour team, which has already had measurable successes. Responses to the consultation showed that landlords needed support to deal with ASB incidents. The introduction of the ASB team has created an avenue of support for landlords to deal with ASB issues before they escalate. This would be a more sustainable approach that would support landlords to manage ASB when it arises and help tenants to maintain their tenancy, without the issue resulting in eviction and possible homelessness.
  - 4.3.2 Additional enforcement powers are being passed on to councils in the form of civil penalties, banning orders for rogue landlords and rent repayment orders meaning tenants can reclaim rental income where landlords do not comply with specified offences. Mandatory licensing of HMOs is being extended to some smaller HMOs.

4.3.3 Information has been made available to Councils from tenancy deposit schemes as an additional way of identifying private rented accommodation.

4.3.4 Lancaster City Council and Lancashire County Council are working in partnership using the Transformation Challenge Award to promote innovative and sustainable ways of building the resilience of people and communities. A more collaborative way of working with partners is being developed, including statutory services, non-statutory services, the voluntary, community and faith sector to increase community resilience. Strengthening community assets is a priority in order to maximize resources and to make any improvements sustainable beyond the project. This is recognised as a priority to deliver the corporate strategy for Lancashire County Council.

4.4 Research has been undertaken on licensing schemes in other local authorities, particularly those covering coastal towns. It appears that licensing was quite prevalent a few years ago with Blackpool Council introducing it in 2012, covering a small area of the town, and extending it in 2014 and 2016 to include another two areas having evaluated it as a success. Thanet Council extended a five year selective licensing scheme for a further 5 years in Margate and Cliftonville, and Hastings Borough Council introduced a scheme in 2015. However, more recently in 2016, North Somerset Council rejected the introduction of licensing in Weston-Super-Mare but instead investigated an Action Area approach. Bournemouth Council similarly rejected licensing in November 2017 in favour of a targeted enforcement approach. There does appear to be a trend now to exhausting all possible alternative approaches before resorting to licensing.

4.5 Resourcing an alternative approach.

Lancaster City Council and Lancashire County Council were successful in obtaining funding under the Transformational Challenge Award Fund (TCA). The TCA is funded by central government to promote sustainable and transformative ways of working for local government. The aim of the bid was to co-ordinate the work of multiple agencies to provide early intervention to improve the health and well-being of persons identified as having needing help through the work of the housing enforcement officers. There is sufficient money in the bid remaining to fund two full-time housing enforcement officers for an 18 month period dedicated to working in the defined area of the West End of Morecambe, any related project work and associated additional irrecoverable legal costs (should they arise) at a total cost of around £150K. Costs recouped through enforcement (e.g. civil penalties) would be re-invested into the enforcement team in accordance with the legislation. There should be no additional cost arising for the Council, therefore.

## 5.0 Options and Options Analysis (including risk assessment)

	<b>Option 1:</b>	<b>Option 2:</b>	<b>Option 3:</b>
	Do Nothing	Use TCA funds to introduce a trial scheme of intelligence led, targeted approach to enforcement in a defined area of the West End of Morecambe	Introduce a licensing scheme in a defined area of the West End of Morecambe
<b>Advantages</b>	<p>The council operates a minimum service to meet its statutory obligation.</p> <p>No additional costs</p>	<p>Intelligence gathering will identify the majority of private rented properties.</p> <p>Not restricted by licensing legislation</p> <p>Targets the bad landlords not the good ones.</p> <p>Avoids risk of additional costs being passed onto tenants</p> <p>Avoids risk of stigmatising the area</p> <p>Consistent with enforcement outside the defined boundary where a landlord owns properties elsewhere in the district.</p> <p>Takes into account the feedback from the consultation</p> <p>Takes into account new enforcement powers including banning orders and rent repayments orders and civil penalties.</p> <p>Builds links and collaboration with responsible landlords</p>	<p>Intelligence gathering will identify all privately rented properties.</p> <p>The need for a licence holder will identify a responsible person for each property.</p> <p>All licence holders will have to meet a fit and proper person test</p> <p>A properly administered licensing scheme should be cost neutral to the council but deliver positive benefits to the housing stock and local area.</p> <p>Residents, potential residents and investors will be reassured of the council's commitment to making improvements to the private rented sector.</p> <p>A licensing scheme would complement existing regeneration programmes.</p>

		<p>Potential for increased goodwill from landlords</p> <p>Cost neutral as funded from TCA</p> <p>No risks of costs from challenge and judicial review</p> <p>It would complement existing regeneration schemes.</p> <p>If this approach doesn't work, it is a clear indication that licensing is needed.</p>	
<b>Disadvantages</b>	<p>The council is not taking advantage of all statutory tools available to it to improve conditions in the private rented sector.</p> <p>The council is not maximising the funding offered by the TCA grant.</p> <p>Investors interested in Morecambe may not be reassured of the council's commitment to improvement of the area as a whole.</p> <p>Problems continue to increase.</p>	<p>Requires alternative resourcing, as no license fees</p> <p>No mandatory requirement to identify a responsible person.</p> <p>No mandatory requirement to be a fit and proper person to be a landlord.</p> <p>No mandatory requirement to register.</p>	<p>The scheme is restricted to one area. The boundary is not flexible.</p> <p>Licensing is restricted to five years.</p> <p>Large bureaucratic burden of legal paperwork.</p> <p>Targets all landlords irrespective of their history of compliance, so time will be spent licensing good landlords.</p>
<b>Risks</b>	<p>Failure to meet the corporate priority of improvements to the private rental sector.</p> <p>Failure to meet outcomes for TCA grant.</p> <p>Issues escalate and there is no additional resource to tackle them.</p>	<p>Relies on collaboration with good landlords.</p> <p>No register of landlords.</p> <p>Level of enforcement is difficult to predict and could result in an additional cost burden to the</p>	<p>Restrictions on the use of fee income: enforcement requirements are difficult to predict and could result in additional cost burden to the Council.</p> <p>Landlord and other opposition could make it difficult to deliver the scheme and to therefore</p>



		<p>Council, although this could happen anyway.</p>	<p>meet objectives.</p> <p>Problems identified in the proposal could displace elsewhere with no specific resource available to address this.</p> <p>Complaints from landlords about increased regulation.</p> <p>The possibility of rent rises with additional costs being passed on to tenants.</p> <p>Increase in homelessness as some tenants become 'too risky'.</p> <p>Stigmatisation of the area.</p> <p>Discouragement of investment in the defined area.</p> <p>Costs to defend a scheme if faced with judicial review</p>
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**6.0 Officer Preferred Option (and comments)**

**Option 2:**

- Use TCA funds to introduce a trial scheme of intelligence led, targeted approach to enforcement in a defined area of the West End of Morecambe.

**7.0 Conclusion**

The conclusion from the public consultation on the introduction of licensing welcomed the fact that the council were looking to introduce an initiative to address some of the underlying issues with the private rented sector in the West End. It was not clear that there was support for the introduction of a licensing scheme, however, a number of significant risks were identified.

To take account of the outcome of the consultation and address some of these risks, it is recommended that a targeted enforcement approach be introduced in the West End of Morecambe for a defined period of time. This approach would aim to build a sustainable, collaborative approach with responsible landlords, while targeting those who don't co-operate. It would

avoid the risk of additional costs from licensing being passed on to tenants and avoid the high volume paperwork required to administer a licensing scheme. It would offer a different approach to improving conditions in an area by targeting rogue landlords, so it is likely to be supported by good and well intentioned landlords and would complement the work of the newly established anti-social behaviour team and the approach being developed by work on the Transformation Challenge Award. Targets will be developed to assess the impact of this approach to be fed into an evaluation in 18 months. If this approach were to fail, it would be a clear indication and build a stronger case that the council should pursue licensing in the future.

**RELATIONSHIP TO POLICY FRAMEWORK**

Improvements in the private rented sector and housing renewal in the West End of Morecambe have been identified as priorities in the 2016 -2020 Corporate Plan to support positive improvements in the health and wellbeing of residents in the district. Completion of a feasibility study was one of the success measures to the outcome of improving the health and wellbeing of our citizens.

**CONCLUSION OF IMPACT ASSESSMENT**

**(including Health & Safety, Equality & Diversity, Human Rights, Community Safety, HR, Sustainability and Rural Proofing):**

Diversity – There is a risk that the designation of a licensing scheme would have an adverse impact on people on low income and with insecure housing tenure. This may still be the case with a targeted enforcement approach, but the impact would be reduced.

Human Rights – There will be no impact if the implementation is undertaken correctly.

Community Safety – The proposed approach should have a positive impact on community safety.

Sustainability – None.

Rural proofing – None.

**LEGAL IMPLICATIONS**

Any enforcement should be taken in line with existing enforcement policies and, where necessary, input from legal services.

**FINANCIAL IMPLICATIONS**

It is not expected that there will be any additional / significant financial implications arising for the Council from the preferred option (2), i.e. to implement a targeted enforcement approach in a defined area of the West End of Morecambe. Overall the trial is expected to cost around £150K to employ 2 Housing Enforcement Officers, fund any related project work and also includes an allowance for additional legal costs arising which might not be able to be recouped through enforcement. This can be met from existing TCA grant and is line with the outputs expected from the original bid submission.

It should be noted that there are already 2 vacant TCA funded posts on the Council's establishment and so continuation of these posts will not create any additional liability at this stage in terms of future redundancy costs due to the proposed trial being for no more than 18 months.

Similarly, should Members opt to implement option 3 either now or following the targeted

approach trial period, then as the Selective Licensing scheme is designed to be self-financing through its fees, it is not expected that there will be any additional costs arising for the Council, if implemented. A further report would need to be brought back to Members clearly setting out the full costs / financial implications, etc. in order for Members to approve the necessary fee structure (i.e. based on full cost recovery), prior to such a scheme being implemented. Fees would then need to be reviewed thereafter on an annual basis in line with relevant legislation and the Council's Fees and Charges Policy, where appropriate.

**OTHER RESOURCE IMPLICATIONS, such as Human Resources, Information Services, Property, Open Spaces:**

Introduction of the approach will see the employment of two full time enforcement officers on grade 4. The posts will be funded by the TCA.

**SECTION 151 OFFICER'S COMMENTS**

The Section 151 Officer has been consulted and has no further comments.

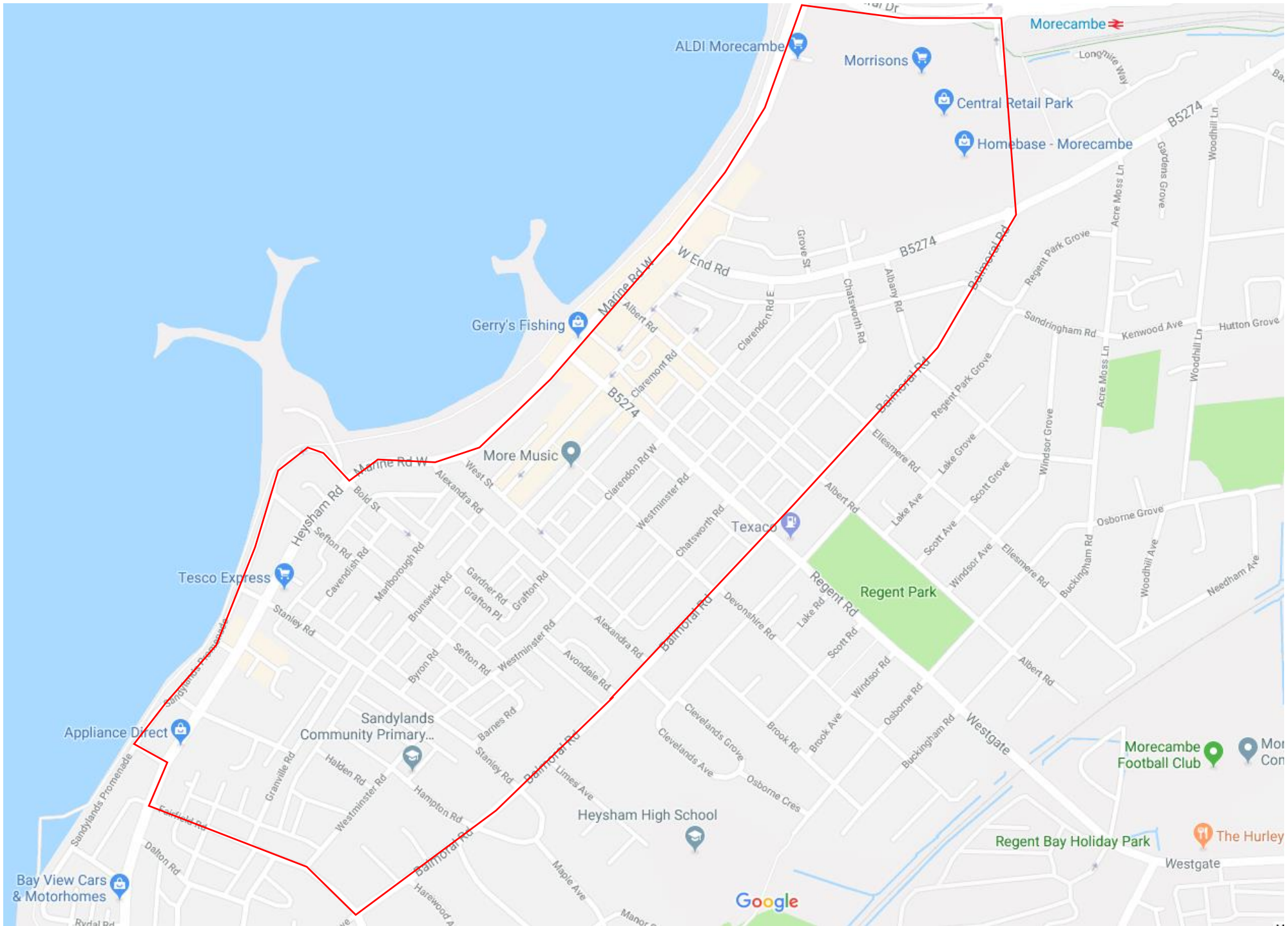
**MONITORING OFFICER'S COMMENTS**

The Monitoring Officer has been consulted and has no further comments.

**BACKGROUND PAPERS**

- Feasibility Study
- Consultation evaluation report
- Proposed licence conditions
- Proposed area for designation

**Contact Officer:** Fiona Macleod  
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**Ref:** C143



APPENDIX 2

**LANCASTER CITY COUNCIL**

**Lancaster City Council**

**Selective Licensing Conditions  
(Housing Act 2004)**

**In these conditions 'house' refers to the building or part of a building which is licensed in accordance with Part 3 of the Housing Act 2004.**

**1. Mandatory Conditions: Schedule 4 of the Housing Act 2004**

**1.1 Gas Supply**

If gas is supplied to the house the licence holder must provide to Lancaster City Council a gas safety certificate issued by a Gas Safe Registered engineer, within the previous 12 months at the time of the application and thereafter annually or on demand.

**1.2 Electrical Appliances:**

The Licence Holder must keep all electrical appliances and furniture supplied in a safe condition and must provide a declaration as to their safety at the time of application and thereafter on demand.

**1.3 Furniture and Furnishings**

The Licence Holder must ensure that furniture and furnishings supplied by them are compliant with the Furniture and Furnishings (Fire)(Safety) Regulations 1988 (as amended 1989 and 1993) and must provide a declaration as to their safety at the time of application and thereafter on demand.

**1.4 Smoke Alarms**

The Licence Holder must ensure that smoke alarms are installed in the property and kept in proper working order and provide a declaration as to their condition and positioning to Lancaster City Council on demand.

**1.5 Tenant References**

The Licence Holder must demand references from persons who wish to occupy the house and must provide evidence of pre-let reference checks undertaken to the Council upon request.

**1.6 Terms of Occupation**

The Licence Holder must supply to the occupiers of the house a written statement of the terms on which they occupy the property. A copy of the terms will be provided to the Council on demand.

**Additional Conditions of Licence Imposed by Lancaster City Council.**

**The Licence Holder must ensure that the premises fully comply with the conditions set out below unless notified otherwise.**

**2 Notification/Consultation of Changes**

The licence holder shall:

- inform Lancaster City Council (The Authority) if they no longer reside at the address given and provide The Authority with new address details within 21 days of a change.
- inform The Authority if there is a change in managing agent, within 21 days of such a change.
- If the licence holder is a managing agent they must inform The Authority if the person who is specified as the main contact ceases to be employed by them and inform the authority of a new contact, within 21 days of such a change.
- If the licence holder is a managing agent they must inform The Authority if they cease to have an interest in the property, within 21 days of such a change.

**Fit and proper person**

The licence holder shall:

- inform The Authority if since becoming the licence holder he contravenes any of the below sections 2.3(a) – (d). This must be done within 21 days of such a contravention.

The following are the criteria by which The Authority assessed whether the licence holder or manager is a fit and proper person.

- a) Committed an offence involving
  - I. Fraud
  - II. Dishonesty
  - III. Violence
  - IV. Drugs
  - V. Sexual Offences Act Schedule 3
- b) Practised unlawful discrimination on grounds of sex, colour, race, ethnic or national origins or disability in connection with a business.
- c) Contravened any provision of housing or landlord and tenant law. In particular:
  - I. subject to proceedings by a local authority
  - II. where the local authority has had to carry out works in default
  - III. subject to a management order under the Housing Act 2004
  - IV. Or been refused a licence or breached conditions of a licence.
- d) Acted in contravention of any Approved Code of Practice.

### **3 Management of the property**

#### **3.1 General**

The licence holder shall:

- ensure that arrangements are in place for regular inspection of the premises to ensure that fire escapes and fire alarm systems are in good order and that common areas including external yard and garden areas are clean and tidy.
- Ensure that all repairs to the house or any installations, facilities or equipment within it are carried out by competent and reputable persons
- Ensure that if accommodation is provided on a furnished basis and includes electrical appliance, copies of user manuals or equipment provided as part of the agreement for occupation of the house are provided.
- Ensure that all occupiers are made aware of the licence and conditions.

#### **3.2 Occupancy**

The licence holder shall:

- Ensure that rooms other than bedrooms are not used for sleeping purposes
- not allow occupancy levels to exceed those set by The Authority and indicated on the licence.
- If the property is a house in multiple occupation (HMO), ensure that the house is compliant with Lancaster City Council's approved standards for Houses in Multiple Occupation. These standards will be reviewed periodically to ensure that they remain appropriate to the type of multi occupied housing within the Council's area and needs of residents. Copies can be obtained from Private Housing Services.

#### **3.3 Safety**

The licence holder shall:

- ensure that the installation of the automatic fire detection system and emergency lighting is in accordance with standards set by The Authority in consultation with the Fire Authority and appropriate to the design of the property.
- inform the authority of any changes to the positioning or type of some alarm fitted in the property.
- ensure that all means of escape from fire in the house and all apparatus, systems and other things provided by way of fire precautions are in and are maintained in good order and repair and are kept free from obstruction.
- 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 the authority, on demand, with a declaration by him as to the condition and positioning of any such alarm.

- keep electrical appliances (supplied by him to the occupier) in a safe condition and supply to the authority at the time of application and thereafter on demand, with a declaration by him as to the safety of such appliances. This should be in the form of a test certificate from a competent electrician, a copy of which must be available for inspection by the tenants.
- supply to the authority at the time of application and thereafter on demand, a copy of a periodical electrical safety certificate for the electrical installation. This should be carried out by a competent electrician and a copy of this must be available for inspection by the tenants.

### **3.4 External areas, refuse and waste**

The Licence Holder shall:

Ensure that the:

- a) the exterior of the property is maintained in a reasonable decorative order and state of repair and does not adversely affect the amenity or character of the area
- b) At all times any gardens, yards and other external areas within the curtilage of the house are kept in a reasonably clean and tidy condition and free from rodent infestation, and
- c) Suitable and adequate provision is made for storage of refuse generated in the property and that arrangements for storage, recycling and collection of refuse are as required to ensure compliance with local authority arrangements in that area, that occupants are made aware of those arrangements and that failure to comply with them is made a breach of the terms of their tenancy or licence.
- d) Access is available at all times to adequate, external, refuse storage.

### **3.5 Security.**

The Licence Holder shall:

Ensure that the security provisions for the access to the dwelling (including but not limited to locks, latches, deadbolts and entry systems) must be maintained in good working order at all times.

- ensure that where window locks are fitted, keys are provided to the relevant occupant.
- ensure that where a burglar alarm is fitted to the house the occupant is informed in writing the details on how the code for the alarm can be changed and under what circumstances, and provide details when required on how this can be arranged.
- ensure that where previous occupants have not surrendered keys arrange for a lock change to be undertaken, prior to new occupants moving in.
- ensure that where alley gates are installed to the rear of the licensed property, take responsibility for holding a key and make satisfactory arrangements for the occupiers access.



### **3.5 Management of Anti-social behavior**

The licence holder shall ensure that all steps as are reasonable and practical are taken to prevent either the existence of the house or the behaviour of the occupants from adversely affecting the amenity or character of the area in which it is situated, and use of the premises for illegal purposes.

### **3.5 Information to be displayed**

The licence holder shall:

- ensure that his/her name, address and telephone number or that of his manager are displayed in the property and in the case of an HMO in the common parts.
- have in place suitable emergency and other management arrangements in the event of their absence
- ensure that tenants are given clear advice on what action is to be taken in the event of an emergency and given contact details
- ensure that tenants are given clear advice on management arrangements in the event of their absence,

## Evaluation of the Consultation on the Licensing of the Private Sector in the West End of Morecambe

### 1. Introduction

- 1.1. Lancaster City Council held a public consultation regarding proposals for a scheme for Selective and Additional Licensing between 9<sup>th</sup> October and 15<sup>th</sup> December. The consultation was undertaken jointly by officers from Lancashire County Council and Lancaster City Council. Landlords, tenants, homeowners, business owners and all other stakeholders were encouraged to come forward with their views of proposals.
- 1.2. The consultation activities and the preparation of this report were undertaken by Fiona Macleod and Jared Williamson. Additional support was provided by Public health administration staff at Lancashire County Council.
- 1.3. We would like to thank all those who took part in the consultation by completing the survey, by attending drop-in sessions or by contacting officers directly. We are grateful to everybody who gave up time, or made special arrangements in order to be able to take part. In addition, we would like to thank all members of staff from Lancaster City Council, Lancashire County Council and members of the following organisations, for helping to facilitate the consultation process:

More Music  
West End Impact  
Stanley's Youth and Community Centre

- 1.4. This report reviews the methods used to consult all those with an interest into Lancaster City Council's proposals for Selective Licensing and summarises the outcome of the of the consultation exercise. The report will cover the results of the survey, feedback from drop-in sessions and includes individual submissions from landlords and Landlord Associations. All responses have been anonymised, including references to specific individuals or council officers. Finally, conclusions will be made into the scope of the consultation and the key issues that emerged. These issues will also be considered in the Cabinet Report, for consideration by councillors.

### 2. Background

#### 2.1. *The Private Rented Sector (PRS) in Morecambe*

- 2.1.1. The West End of Morecambe has the highest level of private rented properties in the district at approximately 29-33%, with some areas having as much as 80% PRS, compared with a district average of 13% and a national average of 9%.
- 2.1.2. Most landlords provide decent, well-managed accommodation and follow good management practices. However, in some circumstances poor management of properties can severely impact on the community of that area because of their general condition and the anti-social behaviour of some tenants.

#### 2.2. *Licensing the PRS*

- 2.2.1. Selective and Additional licensing requires landlords within the boundaries of a designated area to obtain a licence for every property they own and to meet specified

criteria laid down by the Council. If they fail to obtain a licence or meet acceptable management standards, the authority can take enforcement action. Licences are valid for up to five years.

- 2.2.2. Implementation is subject to consultation with all persons who are likely to be affected by the designation. Government guidance suggests that this consultation should include: tenants, landlords and managing agents, other members of the community who live or operate businesses or services in the proposed designated area; and local residents and businesses in the surrounding area who will be affected.
- 2.2.3. There are certain mandatory conditions which must be included in a licence, and the council also has the power to set additional conditions relating to anti-social behaviour and general management of the property. In confirming that satisfactory management arrangements are in place, the Council must have regard to a range of factors including: the competence of the manager; management structures; and soundness of the financial arrangements.
- 2.2.4. The legislation also states that the landlord must be a fit and proper person as defined by legislation. The council must have regard to any previous convictions and must be assured that the person to whom the licence is granted is the most 'appropriate' person – for example, taking into account whether they are locally resident and have management responsibility. This is designed to ensure that unfit landlords cannot apply for licenses using a third party.
- 2.2.5. If a landlord has breached licence conditions the council can issue a fine of up to £5,000 for each offence. Operating a property without a licence in a designated area can attract a fine of up to £20,000. The council is obliged to take reasonable steps to ensure that applications are made for all licensable properties.
- 2.3. **Lancaster City Council's proposals for Licensing the PRS**
- 2.3.1. Lancaster City Council have proposed to introduce Additional and Selective Licensing to a designated area within the Harbour and Heysham North wards (Appendix 3a). As stated previously, the area has the highest proportion of PRS housing, with some Census Output Areas (COAs) having as much as 80% PRS Housing.
- 2.3.2. The licensing conditions and the proposed fees can be found in appendices 3b and 3c. The proposals were set out in a report to Cabinet in August 2017, and had the following objectives:
- Improving general housing conditions by eliminating poor standards of management in the PRS
  - Obtaining a named individual, responsible for properties
  - Reducing ASB within the designated area
  - Targeting rogue landlords
- 2.3.3. In addition to these objectives, Lancaster City Council believe the following outcomes will be achieved through licensing:
- Comprehensive database of PRS property

- Improve the health and wellbeing of tenants
- Reduction in the number of complaints associated with PRS housing
- A level playing field for landlords operating in the area, with clear standards
- Assist in the Council's wider housing related strategy
- Complement the council's Empty Homes Strategy

## 2.4. **Public Consultation**

- 2.4.1. Lancaster City Council launched the public consultation on October 9<sup>th</sup> 2017 and sought the views of all those affected, including landlords, tenants, homeowners and business owners in the area. The consultation was launched with a press release in the Morecambe Visitor and Lancaster Guardian newspapers. In addition, the consultation was publicised on Twitter and Facebook.
- 2.4.2. Information was made available on the Council's website ([www.lancaster.gov.uk/rented](http://www.lancaster.gov.uk/rented)), including the following:
- **The Case for Selective Licensing in Morecambe** – study into which areas met the conditions for Selective and Additional Licensing
  - Proposed fees
  - Proposed Licensing Conditions
  - Proposed Licensing Area map
  - Postcode checker
  - Cabinet Report
- 2.4.3. A telephone number and email address were provided for queries and hard copies of all the consultation documents were available, on request. A link was provided to an online version of the licensing questionnaire.
- 2.4.4. Paper copies of the questionnaire were sent to over 6000 postal addresses, every address in Harbour and Heysham North wards. In addition, over 400 letters were sent directly to landlords. The questionnaire was intentionally sent to an area wider than the designated area, as we believed that licensing would have an impact on the whole area.
- 2.4.5. All stakeholders were invited to a series of five drop-in events, held in different locations in the West End of Morecambe. The drop-in events were held at different times, and on different days, including the weekend to enable as many people as possible to attend. A further five drop-ins were added later in the consultation period.

## 3. **Information regarding the Licensing questionnaire**

### 3.1. **Format of the Questionnaire**

- 3.1.1. Two versions of the questionnaire were produced, one for landlords and managing agents specifically and the other for residents and all other stakeholders. Questions 2-11 of each questionnaire were identical. However, questions 12-16 of the landlord questionnaire had questions specific to a landlord. Questions 12-13 of the Residents questionnaire were specific to current private tenants only.

3.1.2. The majority of the questions were multiple choice, however questions 6, 8, 11 and 14 invited respondents to share their views. In each case, this gave the respondent the opportunity to elaborate on their selections for the previous question, or to add further comments. Paper copies were sent to every address in Harbour and Heysham North wards, with pre-paid envelopes enclosed to encourage participation.

3.1.3. Respondents were asked to look at the detail of the proposals at [www.lancaster.gov.uk/rented](http://www.lancaster.gov.uk/rented) before completing the questionnaire. Hard copies of the proposals were made available on request.

**3.2. Respondents**

3.2.1. The questionnaire was sent to 6790 addresses in Harbour and Heysham North and to 401 individual landlords. Responses have been categorised in two broad categories – Landlords and Residents. The landlord category is made up of landlords and managing agents, whilst the resident category is predominantly made up of private tenants and homeowners.

- 3.2.2. There were 711 responses in total:
- 515 paper responses
  - 84 online responses
  - 71 landlord responses
  - 640 responses by residents and other stakeholders
  - 201 were returned undelivered

3.2.3. A small number of blank responses, mainly online, were also submitted, but have not been counted in the number of respondents.

3.2.4. In terms of participation, 9% of residents responded to the postal and online surveys, with 18% of landlords responding.

3.2.5. Respondents fell into the two main categories – landlords and residents. Within these two main categories were several other categories. Below is a breakdown of the number of respondents:

Landlords	Landlords	53	8%
	Managing Agents	6	1%
	Both	12	2%
Residents	Private Tenant	189	27%
	Homeowner	372	52%
	Social tenant	31	5%
	Business owner	30	4%
	other	18	3%

Approximately half of all responses came from homeowners, double that of private tenants.

3.2.6. Of the 711 respondents, 649 provided data regarding gender - 341 (48%) respondents were male, 308 (43%) respondents were female, with 9% preferring not to say.

3.2.7. The same number of respondents provided data about age:

Age range	Landlords	Residents
18 or below	0.0%	0.0%
19-24	0.0%	0.5%
25-34	4.2%	4.9%
35-44	18.3%	9.2%
45-54	22.5%	16.9%
55-64	14.1%	21.7%
65 or above	21.1%	40.3%
prefer not to say	19.7%	6.4%

3.2.8. Respondents were asked which ethnic group they belonged to:

- 93% identified as White
- 5% preferred not to say
- The remaining 2% of respondents (13) was made up of the other ethnic categories (Asian/ Asian British, Chinese, Mixed/ Multiple Ethnic, Other)

3.2.9. The overwhelming proportion of responses in the 'White' category generally reflects the population of Harbour and Heysham North wards. The 2011 census states that 96% of residents in those wards are of 'White' ethnicity. However, if the 'White' category had been broken down into sub-categories, such as 'White-British', 'White-Irish' or 'White-Other' it is possible that there would have been a greater breakdown of responses.

### 3.3. *Information from landlords*

3.3.1. The Landlord copy of the questionnaire asked for information about their business, such as how long they had operated for and how many properties.

3.3.2. The majority of landlords (35%) had between 2-5 properties. The next most represented size was 6-10 properties (22%). Of the landlords who responded, 16 had more than 11 properties, with 2 having more than 50.

3.3.3. 64% of landlords had more than 10 years' experience in the trade.

3.3.4. 39% of landlords were attached to a nationally recognised landlord accreditation scheme or other type of scheme.

## 4. Summary of the Licensing Questionnaire results

### 4.1. *Introduction*

4.1.1. The following section considers the results from survey. Following the format of the questionnaire, each question is summarised in sequence. Most questions had a multiple-choice format, and the data for each is summarised, with trends and discrepancies highlighted.

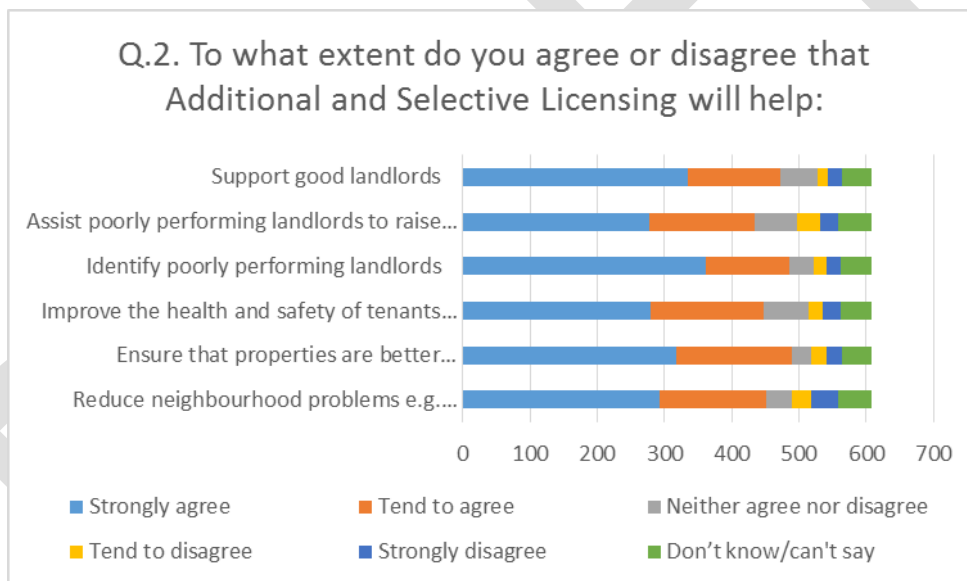
4.1.2. On a number of the paper responses, there were incomplete questions, where the respondent had ticked one or two of the statements, but left the others blank. Where

this was the case, rather than disregard the response, we have selected 'don't know/can't say', to ensure that where an opinion has been made, it has been counted.

- 4.1.3. For several of the multiple choice questions, respondents were invited to elaborate, or share their views regarding the question. Where this is the case, a selection of comments have been added. In some cases, comments were made that refer to other licensing proposals. Where this is the case, we have inserted comments relevant to the question. We believe that inserting a selection of free text responses alongside the multiple-choice questions provides better context for the free text responses.
- 4.1.4. Questions 2-11 draw comparison between responses from all respondent categories. However, as the questionnaires differed for residents and landlords after question 12, the results for these questions are considered in separate sections.
- 4.1.5. Due to the high proportion of responses from residents, overall results and the residents results are considered together.
- 4.1.6. The full list of responses can be found in the full licensing compilation spreadsheet, available at [www.lancaster.gov.uk/rented](http://www.lancaster.gov.uk/rented)
- 4.2. **Question 2: Impact of licensing on management and maintenance of properties**
  - 4.2.1. The first multiple choice question considered the impact of licensing on standards of management and maintenance of housing in the PRS. Specifically, it asked to what extent respondents believed Licensing would help:
    - Reduce neighbourhood problems e.g. noise, nuisance and rubbish
    - Ensure that properties are better maintained and managed
    - Improve the health and safety of tenants living in properties
    - Identify poorly performing landlords
    - Assist poorly performing landlords to raise their standards
    - Support good landlords
  - 4.2.2. The following tables show the responses for this question by each respondent type:
  - 4.2.3. **Q2.Table 1: Overall**



4.2.4. Q2.Table 2: Residents

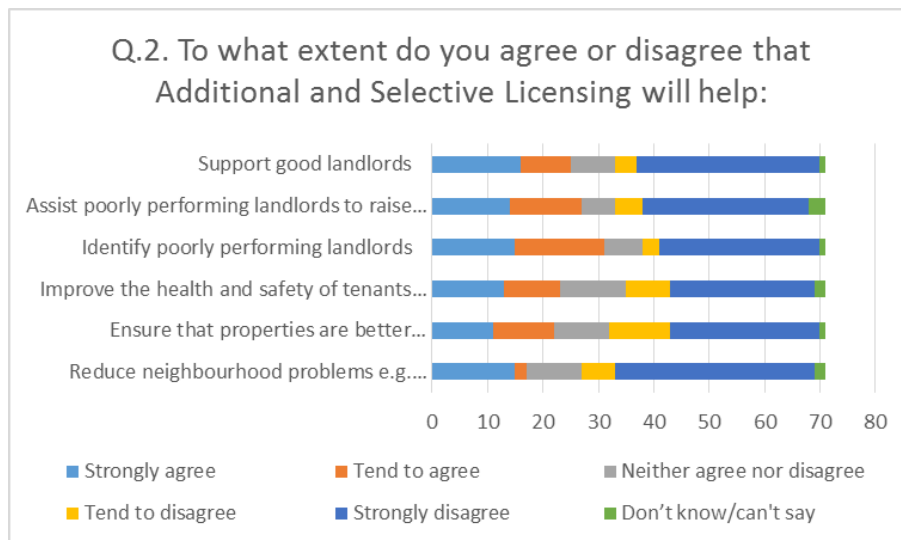


4.2.5. In both instances, there is a general trend in support of the view that licensing would help improve the management of tenancies in the manner stated. On average 69% of overall respondents agreed to some extent with the statements made. This rose to 76% for residents only. In particular, there is strong agreement that licensing would help ensure that properties are better maintained and managed, and that it would help identify poorly performing landlords.

4.2.6. When responses are filtered by resident type, there is a slight distinction between those from private tenants and homeowners. 61% of private tenants are in agreement, whereas this rises to 80% for homeowners. This suggests that tenants are slightly less optimistic than homeowners on the impact of licensing, perhaps based on their own experiences.



#### 4.2.7. Q2. Table 3: Landlords



4.2.8. By contrast, landlords disagreed that licensing would have a positive impact on standards. On average, 51% of respondents disagreed with the statements. In particular, 59% felt that licensing would have no impact on reducing neighbourhood problems, such as noise and rubbish.

4.2.9. Whilst there is a clear majority of landlords who disagree with the statements, there are a number who agree with some of the statements. 44% of landlords felt that licensing would help identify poor landlords, and 38% felt it would help poor landlords to raise standards. Therefore, there appears to be some recognition from landlords for the effectiveness of licensing. However, this doesn't state in any way that they would agree with the method of its implementation.

#### 4.3. Question 3

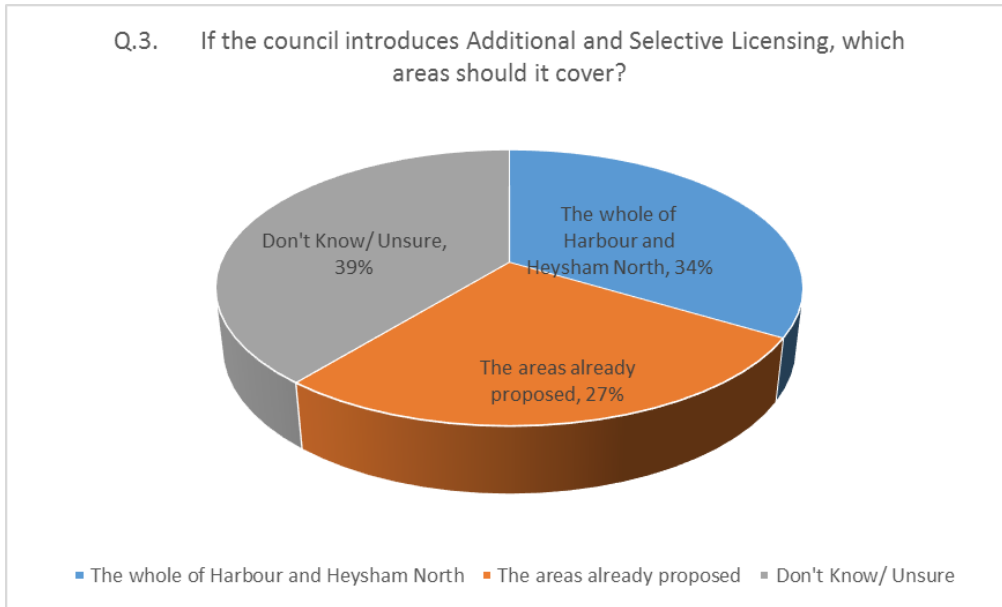
4.3.1. Question 3 asked for respondents views of the proposed licensing area. Copies of a map of the proposed area were included with the questionnaire when posted to residents and landlords. A copy was also added to the website for online respondents. In addition, a postcode finder was attached to the website, so respondents could check if their address, or one of their properties, was included in the proposed licensing area.

4.3.2. The question that appeared in the questionnaire specifically asked respondents whether they thought licensing should cover:

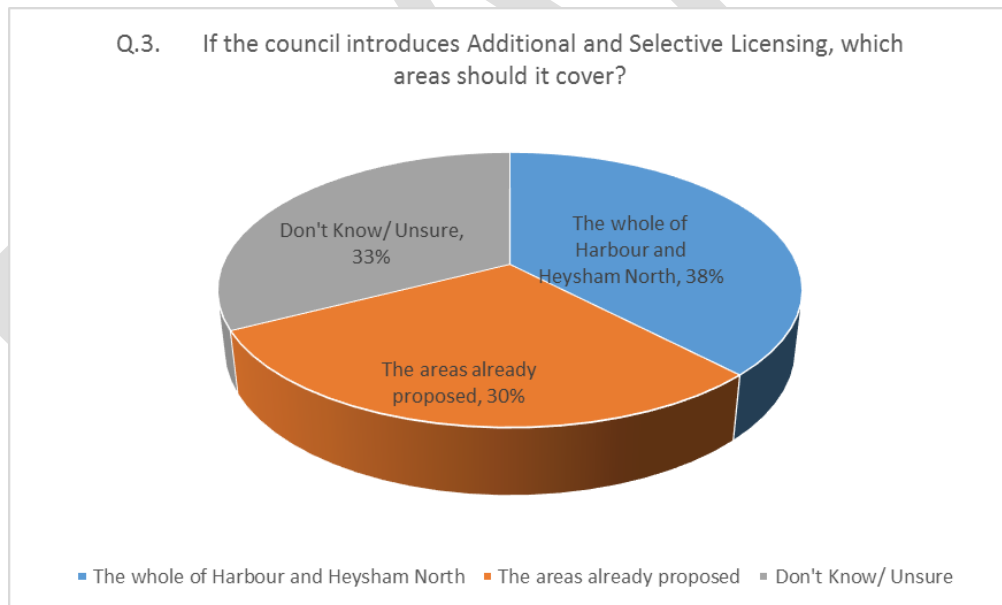
- The whole of Harbour and Heysham North
- The areas already proposed

4.3.3. Don't Know/ Unsure

#### 4.3.4. Q3. Table 1: Overall

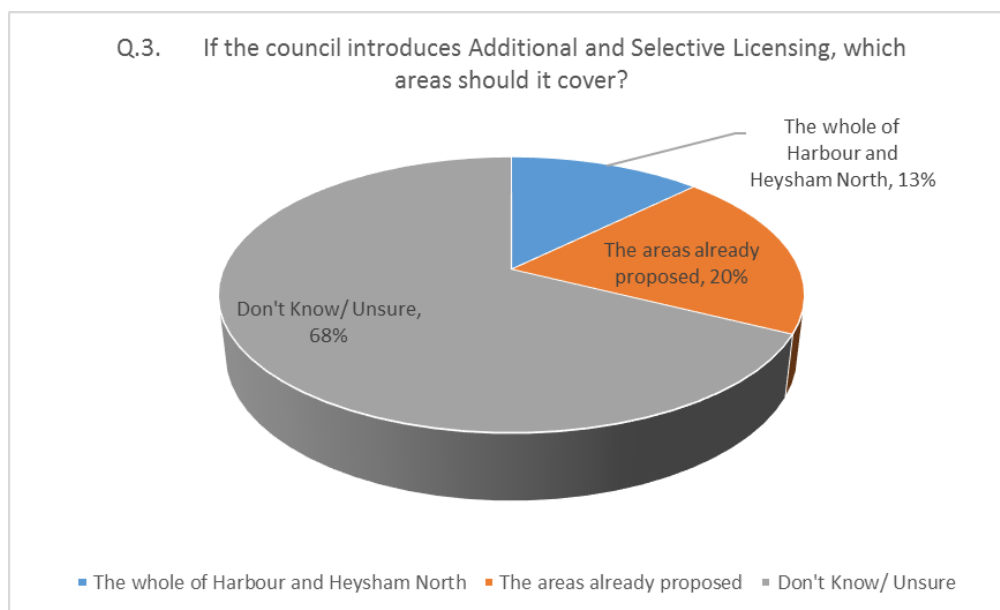


**4.3.5. Q3. Table 2: Residents**



4.3.6. The results for this question show that there isn't a clear opinion for where licensing should be applied. This is partly demonstrated by the number who chose 'don't know/unsure'. However, as the choices were limited to three responses, it is likely that in the absence of their desired response, a number of respondents chose 'don't know/unsure'.

**4.3.7. Q3. Table 3: Landlords**



4.3.8. The response from landlords also suggests that they would have preferred further options for this question. A number of landlords did not complete this question, or wrote comments instead of answering the multiple choice. The effect of this was that where landlords had completed the multiple choice it misrepresented the general view of landlords and suggested stronger support for options 1 and 2 of the question than there was. To try and counter this, where no answer was given, we have selected 'don't know/unsure', to correctly weight the level of response.

4.3.9. The overwhelming response of 'don't know/unsure' reflects the large number of landlords who didn't complete this question. Only 33% of landlords felt that licensing should cover either the designated area, or the whole of Harbour and Heysham North.

#### **4.3.10. Question 3: Comments on proposed licensing area**

Comments from residents for this question provide further clarification:

*'I feel that the whole Morecambe/ Heysham area should be covered by the scheme, or Landlords just buy properties in areas outside the scheme and the problems just move outwards.'* (R0195)

*'All of Morecambe should be done.'* (R0129)

*'Anti-Social behaviour by youths in the proposed areas is gradually spreading into other neighbouring areas. This is a major concern.'* (R0276)

4.3.11. These responses show that a number of respondents felt that the scheme had to cover a larger area than that proposed, as they felt that tackling one area would lead to problems spilling out into neighbouring areas.

4.3.12. The comments from landlords for this question queried the proposed geography of the scheme:

*'Why is it just covering a selected area? Shouldn't it be covering the whole of the Lancaster City Council's area? It's not fair to put a scheme in place for just a selected few houses in the area.'* (L0014)

*'If you already have a licence, another one is unnecessary, but Lancaster should also be licenced'* (L0003)

4.3.13. A number of landlords wrote 'none' in response to this question.

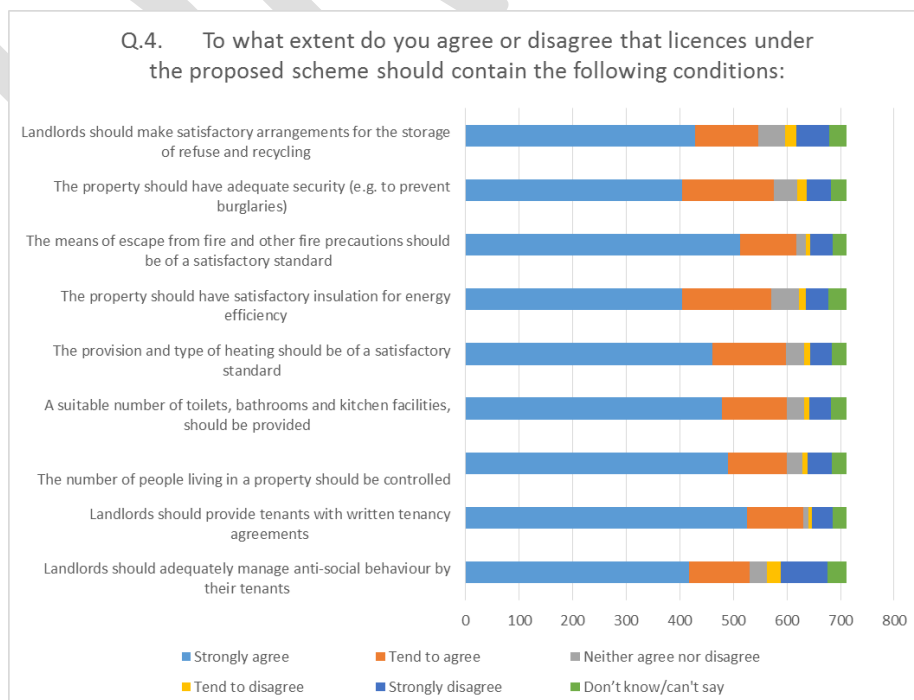
**4.4. Question 4: Licensing Conditions**

4.4.1. Selective Licensing has a list of mandatory conditions with which landlords must comply, such as providing gas safety certificates and requesting tenant references. In addition to the mandatory conditions, local authorities can add other conditions with which licence holders must also comply. Respondents were asked for their views on whether licences under the proposed scheme should contain the following conditions:

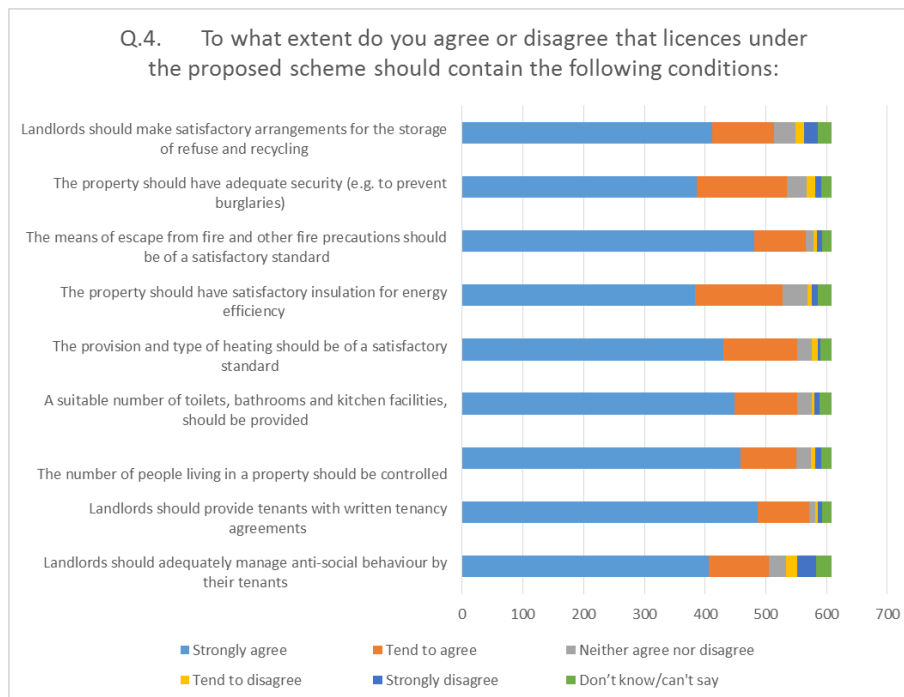
- Landlords should adequately manage anti-social behaviour by their tenants
- Landlords should provide tenants with written tenancy agreements
- The number of people living in a property should be controlled
- A suitable number of toilets, bathrooms and kitchen facilities, should be provided
- The provision and type of heating should be of a satisfactory standard
- The property should have satisfactory insulation for energy efficiency
- The means of escape from fire and other fire precautions should be of a satisfactory standard
- The property should have adequate security (e.g. to prevent burglaries)
- Landlords should make satisfactory arrangements for the storage of refuse and recycling

Responses were multiple choice, and the results are summarised below:

**4.4.2. Q4. Table 1: Overall**



#### 4.4.3. Q4. Table 2: Residents



4.4.4. Overall, there was strong agreement that licences should contain the conditions listed. 82% of respondents agreed to some extent with the inclusion of the conditions. For residents, this increased to 89%. Of the conditions listed, there was very strong agreement with the inclusion of written tenancy agreements (overall 89%, residents 94%) and for satisfactory means of escape in the event of fire (overall 87%, residents 93%). Although there was strong support, in general, for making landlords responsible for anti-social behaviour by their tenants (overall 75%, residents 83%), there were more respondents who didn't agree with this condition than for others.

4.4.5. When broken down to the various resident types, homeowners showed more enthusiasm for the proposed conditions than private tenants. The table below summarises this:

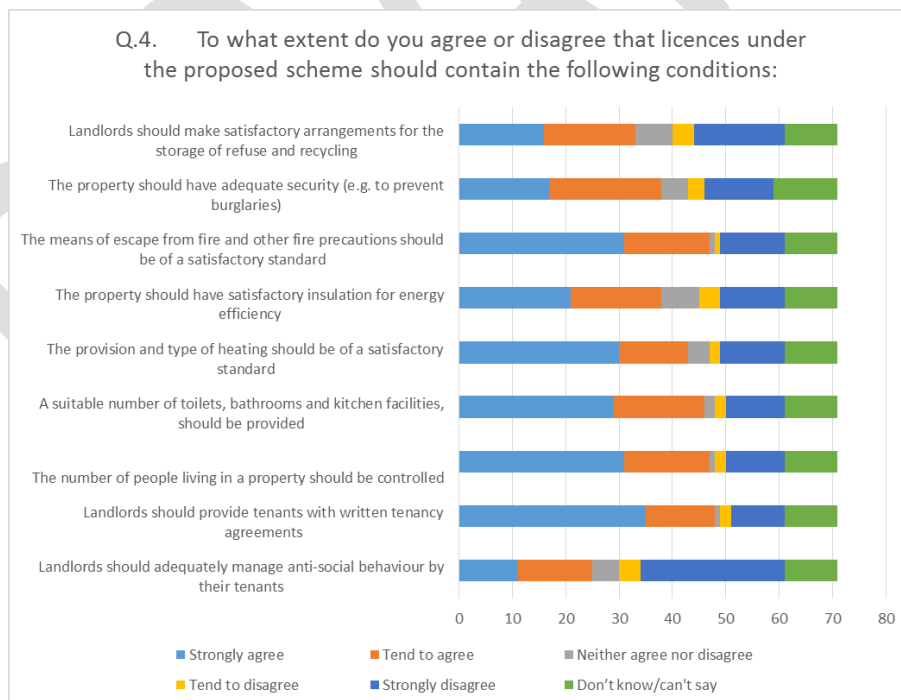
Condition	Homeowners		Private Tenants	
	Strongly agree	Tend to agree	Strongly agree	Tend to agree
Landlords should adequately manage anti-social behaviour by their tenants	73%	16%	54%	14%
Landlords should provide tenants with written tenancy agreements	85%	10%	66%	18%
The number of people living in a property should be controlled	85%	11%	54%	19%
A suitable number of toilets, bathrooms and kitchen facilities, should be provided	79%	14%	57%	18%
The provision and type of heating should be of a satisfactory standard	74%	19%	59%	19%
The property should have satisfactory insulation for energy efficiency	63%	24%	60%	20%
The means of escape from fire and other fire precautions should be of a satisfactory standard	83%	12%	67%	14%

The property should have adequate security (e.g. to prevent burglaries)	65%	24%	59%	20%
Landlords should make satisfactory arrangements for the storage of refuse and recycling	77%	14%	46%	20%

4.4.6. Although there was strong support for all of the proposed conditions from residents, there are a couple of conditions which were comparatively less popular. Private Tenants, in particular, were less supportive of landlords being responsible for managing ASB (68%) and providing satisfactory storage for refuse and recycling (66%).

4.4.7. Landlords were broadly in favour of most of the proposed conditions listed, though not to the extent of residents:

**4.4.8. Q4. Table 3: Landlords**



4.4.9. On average, 57% of landlords agreed with the proposed conditions. Landlords were most in agreement with providing written tenancy agreements (68%), requiring satisfactory means of escape from fire (67%) and controlling the number of people living in a property (66%).

4.4.10. On average, there was a lot more resistance to the proposed conditions from landlords (23%) than residents (4%). In particular, there was a distinct split in views on the inclusion of the condition requiring landlords adequately manage anti-social behaviour, with 44% (38% strongly disapproved) disagreeing with its inclusion. However, 35% of landlords agreed to some extent with its inclusion.

4.4.11. A significant number of landlords disagreed with the inclusion of some of the other conditions:

- Landlords should make satisfactory arrangements for the storage of refuse and recycling – 30%
- The property should have adequate security (e.g. to prevent burglaries) – 23%
- The property should have satisfactory insulation for energy efficiency – 23%

**4.4.12. Question 4: Comments on specific licence conditions**

4.4.13. The majority of comments for this question were concerns about anti-social behaviour (ASB). Some residents expressed concerns about the level of anti-social behaviour in the area and felt that landlords needed to do more to tackle ASB:

*'I live in the West End and have suffered anti-social behaviour and have been attacked by 5 youths, all of which were renters... landlord does nothing' (R0475)*

*'Being a home owner and living within an area with a sizeable amount of rented properties, I have witnessed anti-social behaviour from rented properties and feel that tighter restrictions on licensing can only improve the quality of life, for local residents.'* (R0585)

*'...Things need to change for the better, which I believe it can only help if the landlords are made aware and responsible for their tenants behaviour whilst living in their property.'* (R0602)

*'Anti-social behaviour is not a council's problem. Yes, if it is being caused by tenants of rented property, the council should be tackling it by targeting the landlords.'* (R0446)

*'I live next door to a rented accommodation where we have to live with noise, anti-social behaviour & drug dealers, the landlord has no interest in what happens in his rented house, he is only interested in the money.'*(R0545)

4.4.14. One homeowner felt that although the landlord should be responsible for managing ASB, this should be in conjunction with others:

*'I think the landlord should be responsible for reporting unsociable behaviour by their tenants to the proper authorities rather than deal with certain circumstances themselves which could be a risk to them or their families.'* (R0593)

4.4.15. There was recognition from some that ASB wasn't the fault of the landlord and others bore some responsibility:

*'It is unfair to put all the blame for anti-social behaviour on landlords. What about Police?'* (R0206)

*'...also the council in conjunction with the police should be more visible in tracking unsociable behaviour and burglary not just issuing memos and figures and not acting.'* (R0247)

*'Landlords should make it easier for landlords to get rid of bad tenants. Landlord cannot be expected to act as police. A clear and better system to help landlords to check against people with anti-social behaviour then people will behave better. No one wants to end up in the streets.'* (R0447)

- 4.4.16. Comments from landlords reflected the results of the survey, with a large number questioning whether managing ASB was the responsibility of the landlord:

*'Anti-social behaviour is not a landlord problem but society landlords can't fix the world's problems with no support!'* (L0008)

*'Please advise how on earth you expect landlords to control the behaviour of their tenants?? This is a societal problem - landlords don't want vandalism or anti-social behaviour - It's very harmful - but we have no way of controlling it and it's entirely unreasonable and unrealistic to suppose we can do anything about it. Cases of anti-social behaviour should be dealt with by the police irrespective of where they live or who is the landlord...'* (L0016)

*'The Police should manage anti-social behaviour. They are the law not landlords the council already have the power.'* (L0021)

- 4.4.17. Some landlords stated that the problem was that the law does not enable them to take effective action:

*'It is nearly impossible to manage anti-social behaviour of your tenants. Law is on tenant's side & there are hardly any consequences for this behaviour that a landlord can impose. None are mandatory grounds for eviction, so you are unable to manage.'* (L0019)

*'Landlords cannot tackle anti-social behaviour in the way you believe we can. In the past the council has been against landlords trying to control tenants' behaviour.'* (L0038)

*'Landlords do not have the laws behind them to tackle anti-social behaviour. All good landlords do the necessary checks but once a tenant is in, it is difficult to control how an individual lives. All it takes is for a new partner to come along and it can all change.'* (L0043)

*'How can a landlord manage the anti-social nature of a tenant. The only power they have is eviction which is surely a negative'* (L0028)

- 4.4.18. One landlord showed their support for the proposed conditions:

*'It is a good idea, it should help to improve the behaviour of tenants in the West End'* (L0005)

- 4.4.19. Although the majority of comments regarding the conditions were about ASB, there were a few relating to the other proposed conditions. A number of resident comments focussed on the issue of refuse and littering:



*'Improved facilities for rubbish collection are essential landlord must make sure tenants know rubbish collections are that all tenants have access to a wheelie bin or correct plastic bags.'* (R0024)

*'Landlords should pay for excessive rubbish dump by tenants i.e. back of Euston Grove and the pathway to Morrison's from West End Road should have a camera. (fly-tipping) council estate!!'* (R0107)

*'All landlords should be responsible for the disgusting amount of rubbish tenants throw in the back alleys.'* (R0121)

*'Landlords should be responsible for cleanliness of back street behind their terraces some areas are atrocious and must be rat infested and unhygienic.'* (R0208)

4.4.20. There was also recognition of the role of tenants in maintaining standards:

*'It is equally up to tenants to maintain standards of community and individual cleanliness in the area + house / flat in which they live. Not just landlords.'* (R0247)

*'Tenants should be educated in the appropriate methods of refuse disposal, not fly tipping, which is a constant problem, certainly in the West End area.'* (R0390)

*'Tenants need to take blame as well for rubbish and up keep of the area.'* (R0145)

4.4.21. Other resident comments referred to some of the other proposed conditions:

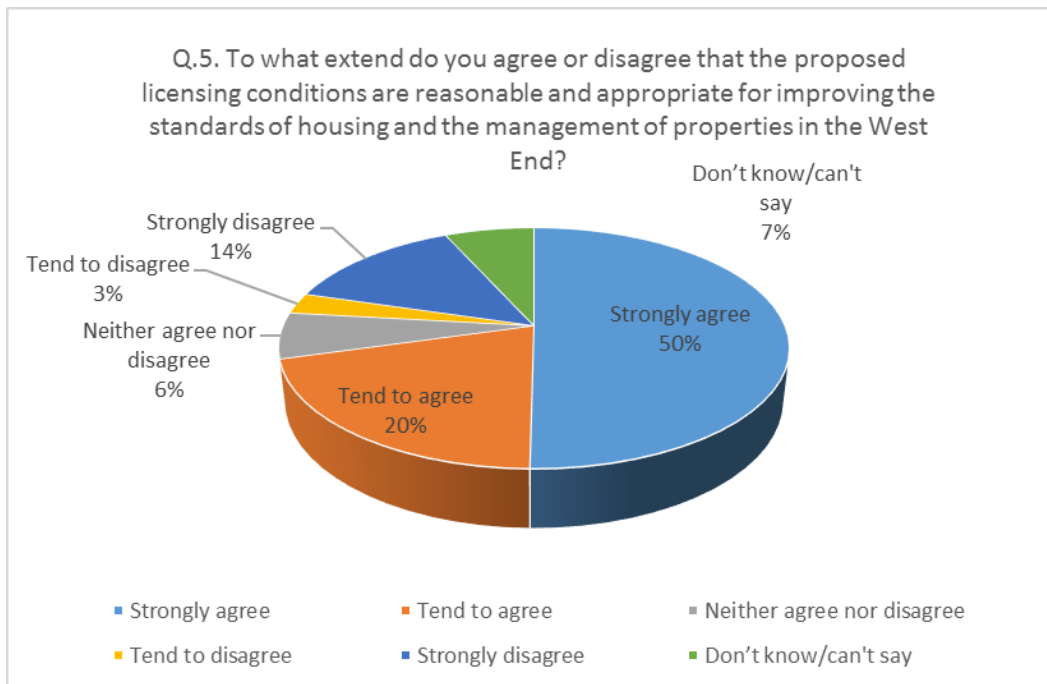
*'My heating in my home is inadequate, have complained to landlord but doesn't care or not interested in sorting it.'* (R0013)

*'Information on tenants' rights, support and housing rented conditions in law. Given to tenant by landlord. A written rent book given where payments signed and recorded.'* (R0224)

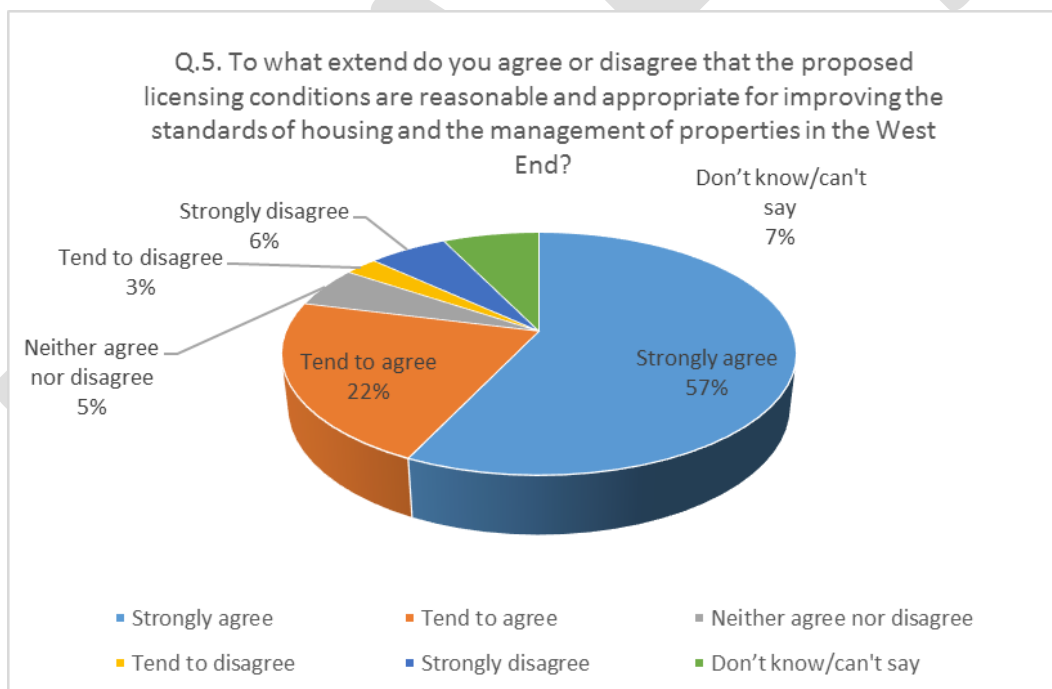
#### **4.5. Question 5-6: Opinion of Licensing Conditions**

4.5.1. Question 5 asked to what extent respondents agreed or disagreed that the licensing conditions were reasonable and proportionate for improving the standards of housing and management in the West End. Question 6 provided an opportunity for respondents to add further comments on the proposed conditions.

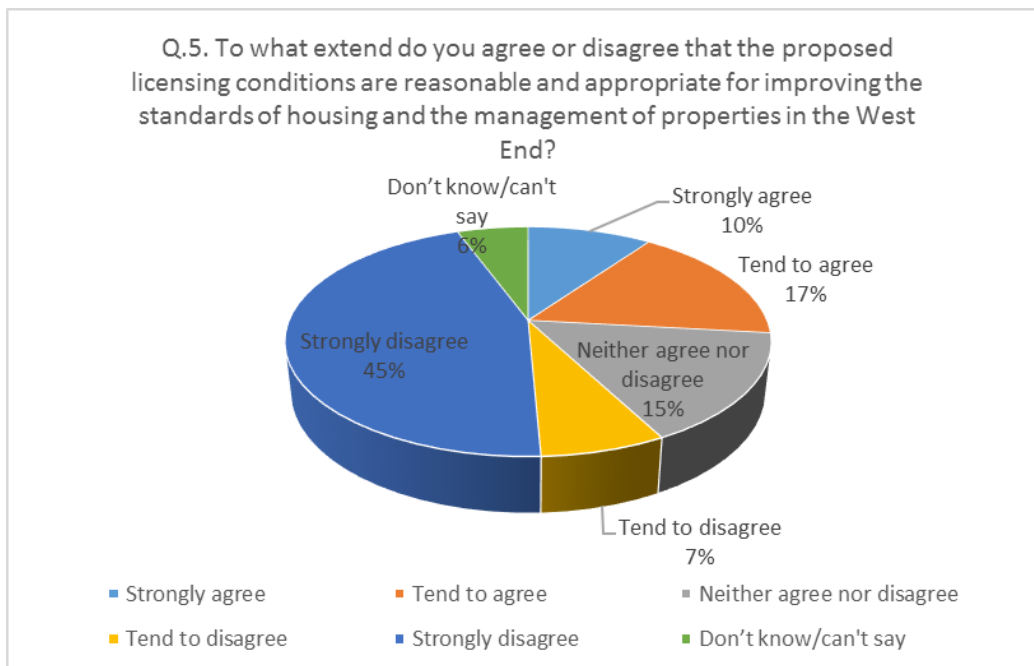
#### **4.5.2. Q5. Table 1: Overall**



**4.5.3. Q5. Table 2: Residents**



#### 4.5.4. Q5. Table 3: Landlords



4.5.5. The results showed that the majority of respondents (70%) agreed that the proposals were reasonable and proportionate. Of the residents, 79% agreed that the proposals were reasonable and proportionate.

4.5.6. By comparison, a majority of landlords (52%) disagreed with the view that the proposals were reasonable and proportionate. However, it should be noted that the response of landlords wasn't overwhelmingly against the proposed conditions, with 27% agreeing to some extent that the proposed conditions were reasonable and proportionate.

#### 4.5.7. Q.6. Comments on proposed licence conditions

4.5.8. A lot of the comments for this section were concerning specific conditions, but a number of comments were about the principle or the practicalities of imposing licensing conditions. Whilst agreeing in principle, a number of responses from residents questioned the council's ability to monitor the licence conditions:

*'Yes, as long as they are strongly enforced.'* (R0018)

*'The proposals are a good idea as long as it is made to work'* (R0605)

*'My main area of concern is the ability to enforce/maintain the effectiveness of the Licence.'* (R0203)

*'The proposals are great in theory but what would be the cost of enforcing them (if that was possible) and who would have to pay them? Some private households have to pay for their own standards and shouldn't have to pay towards tenants or landlords maintaining reasonable standards...'* (R0048)

*'How will the licensing scheme be reviewed for individual landlords? Will it be an annual review to ensure compliance and review of changes of circumstances such as a move or less flats in a single property? How will the licensing conditions be policed?' (R0308)*

- 4.5.9. One respondent felt that rather than imposing and monitoring conditions, energy should be placed elsewhere:

*'There are already regulations covering fire, safety, heating, energy efficiency etc. You would have more compliance through education e.g. if landlords had to pass an accredited landlord scheme exam...'* (R0603)

- 4.5.10. As seen previously, most comments from landlords were concerning ASB. However, a couple of landlords did provide comments on the proposals overall. One stated that some of the proposed conditions were already being done:

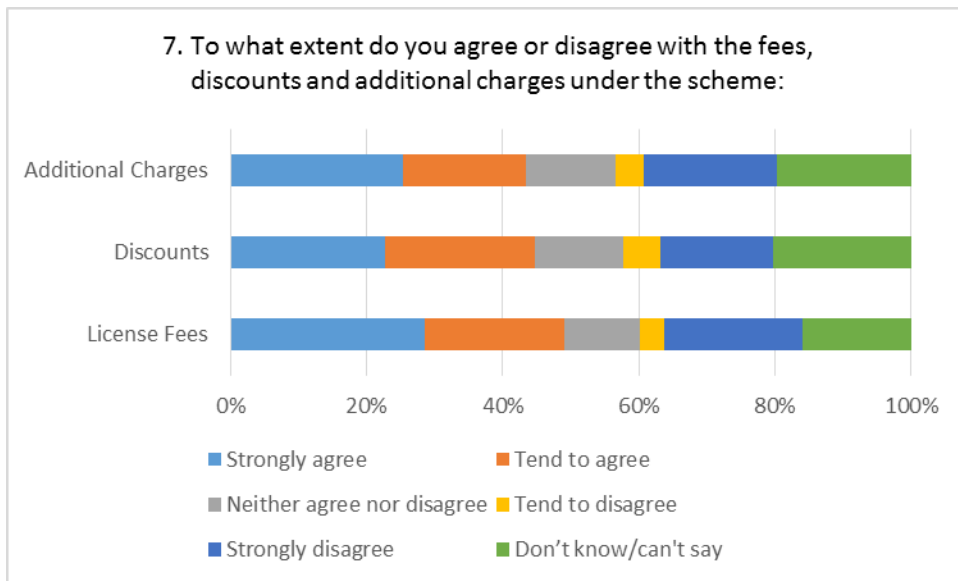
*'The number of people, suitability of toilets, heating and kitchen facilities are already controlled. The fire service inspects all safety systems. This area is home to families of low economic status who will bear the brunt of the costs. The council should provide bins and places to store them.'* (L0046)

- 4.5.11. This comment may suggest why there was some support from landlords for the proposed conditions. Landlords who already manage their properties effectively would apply a number of these conditions, so, in principle, agree with the proposed conditions. However, this doesn't imply agreement with the implementation of the scheme, as a whole.

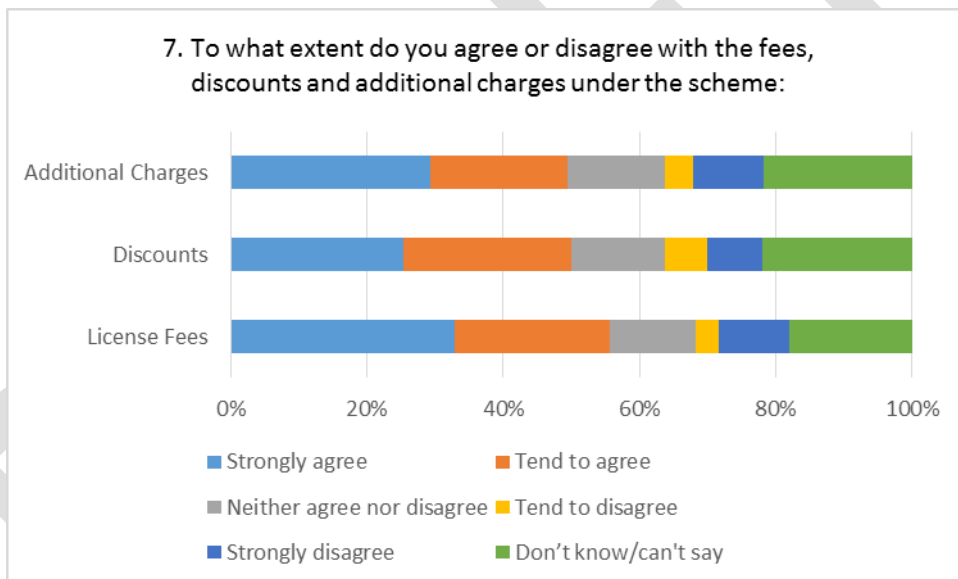
#### **4.6. Question 7-8: Licence fees, Discounts and Additional Charges**

- 4.6.1. Respondents were asked to what extent they agreed with the proposed licence fees, discounts and additional charges. A breakdown of the fees, discounts and charges was included in the introduction to the question. The fees were separated out into the cost for a licence for Additional Licensing and for Selective Licensing. For each, the proposed discounts for 'early bird' and accredited landlords were listed. Question 8 invited respondents to share their views of the proposed fees, discounts and additional charges.

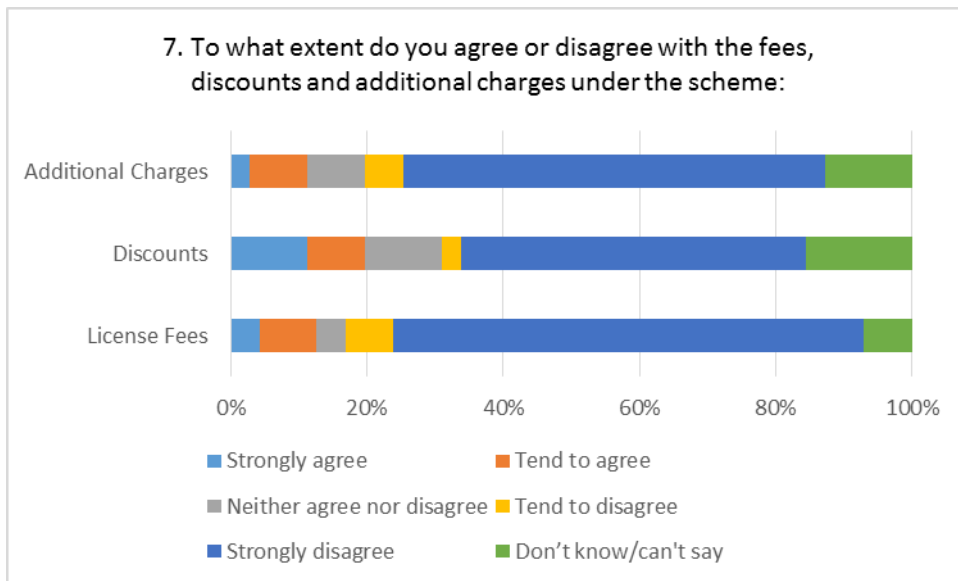
##### **4.6.2. Q7. Table 1: Overall**



4.6.3. Q7. Table 2: Residents



4.6.4. Q7. Table 3: Landlords

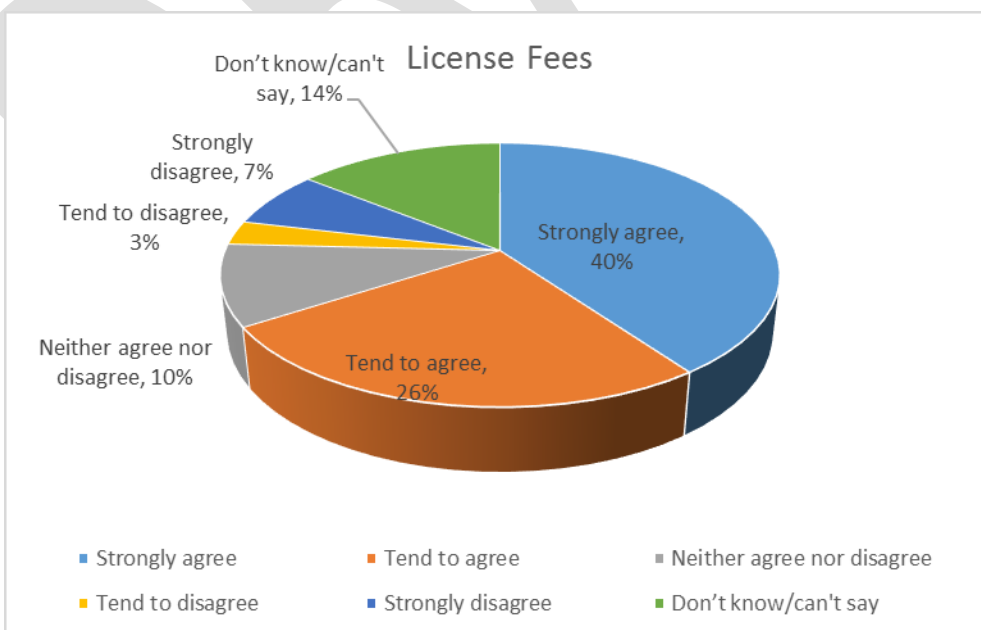


4.6.5. Overall, 49% of respondents agreed to some extent with the proposed fees, 45% agreed with the discounts and 43% agreed with the additional charges.

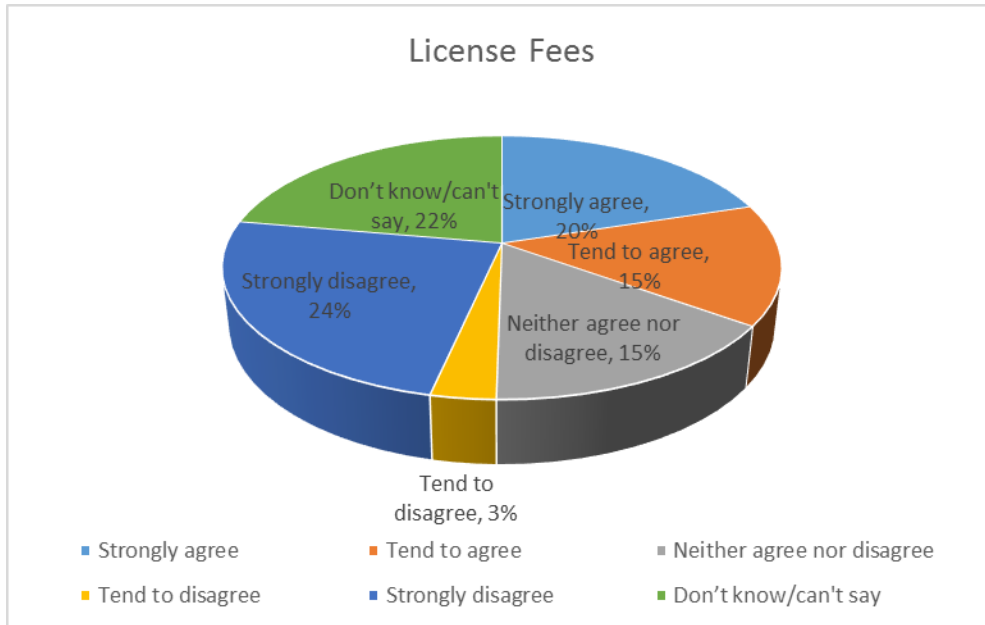
4.6.6. Residents were generally positive about the proposals, with 56% supporting the fees, and 50% supporting both the discounts and additional charges. Only 14% of all residents disagreed with the proposed fee structure. However, a lot of residents either didn't express a view either way or couldn't say (33%).

4.6.7. The main two resident types expressed differing views on the licence fee proposals, particularly regarding the fees:

**4.6.8. Q7. Table 4: Homeowners views on licence fees**

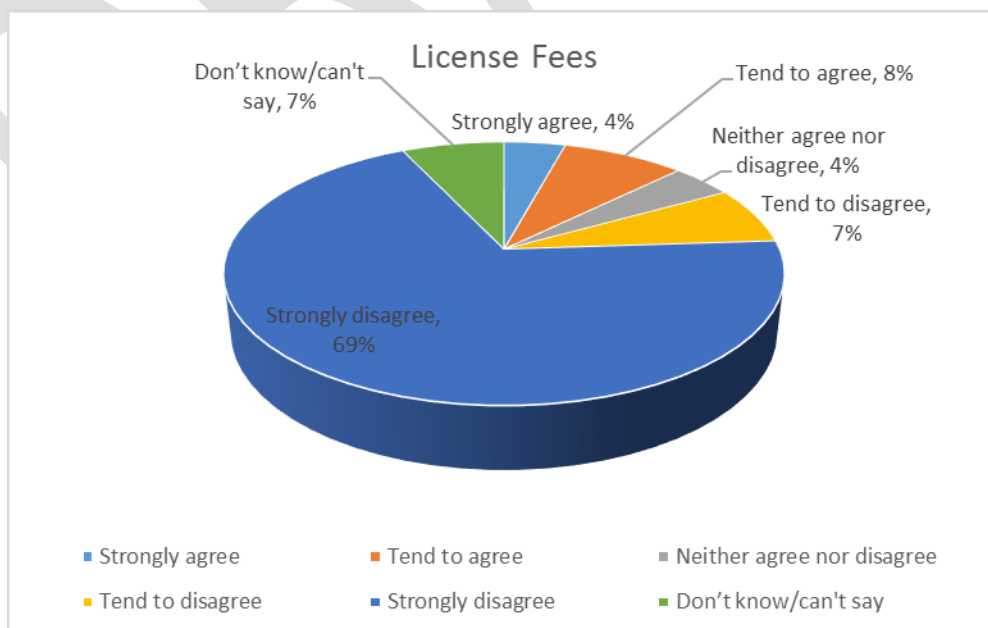


**4.6.9. Q7. Table 5: Private Tenants views on licence fees**



4.6.10. 66% of homeowners agreed to some extent with the licence proposed fee, however, only 35% private tenants agreed. 27% of private tenants disagreed with the fees. A lot of private tenants either couldn't decide (22%) or didn't express a view (15%). The greater variety of views by tenants may be due to consideration of the potential impact of charging a fee to landlords. As will be seen in the comments for this section, a number of tenants feared that the impact of imposing a licence fee would be an increase in their rent, or the reduction in maintenance spent on the property by landlords, seeking to off-set the cost of the licence.

**4.6.11. Q7. Table 6: Landlords views on licence fees**



4.6.12. Landlords were consistent in their views on the licence fee structure. In particular, 76% of landlords disagreed with the proposed licence fee, with 69% strongly disagreeing. Only 12% of landlords agreed to any extent with the proposed licence fee.

**4.6.13. Q8: Comments on licence fees, discounts and additional charges**

4.6.14. As expected, there were a lot of comments for this section. Many respondents chose to comment on the costs involved, specifically the licence fee. Quite a few responses from residents saw the positives of imposing a licence fee:

*'Landlords should not be allowed to get away with none compliance and the fees mean they are held to count for their properties and all rented properties should come under this new scheme.'* (R0581)

*'I agree with the fee, however if any landlord drops their standards at providing for their tenants they should be subject to fines until they put those problems right and raise their standards to the recognised levels again.'* (R0369)

*'Licenses should be higher and no discounts if landlords don't register fine should be at least £500.'* (R0014)

*'This will discourage people from renting out inappropriate and stop them not taking being a landlord seriously.'* (R0018)

4.6.15. A number of the responses from residents commented on the discounts, with some agreeing with them, but others questioning whether discounts should be offered:

*'Could offer a larger discount in the first year of scheme to get people signed up. Could offer early adopters/ first year registrations a permanent or 5 years discount to encourage signing up.'* (R0159)

*'While the concept of Early Bird discounts encourages rapid uptake amongst the good landlords, they are not the problem. The worst landlords will try to stay under the radar for as long as possible, so the charges for failure to register should be much higher.'* (R0570)

*'I do not agree with the level of discount available if you want a license you should have to pay for it, full stop.'* (R0412)

4.6.16. A number of respondents commented on the finder's fee, thinking that the fee wasn't enough:

*'The finder's fee seems low to me...I imagine it might be very difficult in some cases to track down owners of some properties. Maybe a sliding scale? Could there be some incentive for landlords registered in the UK for tax purposes, or disincentive to those registered in off-shore tax havens?'* (R0589)

*'Finder's fee should be much higher eg £2000+ 1) to act as a deterrent 2) to recompense LCC for the effort involved. Perhaps the landlord should be billed for the amount LCC has spent.'* (R0063)



*'Finder's fee- should be £1000 minimum £200 in my opinion won't be a reason to some people!' (R0183)*

*'I feel finder's fee should be higher, as council costs will be more than £200 to perform this, therefore it will impact on council tax payers.' (R0195)*

- 4.6.17. There were a large number of negative responses from residents regarding the fees. The majority were concerned that the fees had the potential to increase rents. Some of the views expressed demonstrated the strength of feeling for the subject:

*'All these charges - who gets the money from them? This will then force landlords to put up prices more and then this will make more problems for low income tenants.' (R0247)*

*'Just concerned about the cost of renting a property and worried that landlords may increase rent to cover these costs.' (R0250)*

*'I feel licences should be transferable. I also fear that this cost is going to be passed onto the tenants.' (R0278)*

*'My reason for disagreeing is that fees will be factored into rents by private landlords making renting more expensive. You might end up in effect taxing the tenant as a council.' (R0285)*

*'Too expensive. Will end up raising rents which clients will not be able to afford' (R0307)*

*'These charges are outrageous, the only people to pay in the long term is Morecambe residents in higher rents, in these times of austerity are we not being squeezed hard enough?' (R0547)*

- 4.6.18. There was also the perception that due to the level of the proposed fees, the scheme was a money-making exercise:

*'These fees just take money out of the West End with no benefit to anyone apart from the council's bank account.' (R0613)*

*'Excessive financial burdens on landlords will increase rents paid by tenants. Landlords should not have to pay for extra bureaucracy.' (R0104)*

*'Another council money making scam. The service should go ahead free of charge...' (R0121)*

*'Just another expense which will be passed on to the tenant by the landlord. Major income for local authority where will it be spent?' (R0137)*

- 4.6.19. There was also the feeling that good landlords would pay the fees and bad one wouldn't, with the effect of the good paying for the bad:

*'Abysmal- again the good landlords who already meet the conditions are being charged to meet the cost of poor landlords- DISGUSTING!!' (R0403)*

*'...No incentive or even discount suggested for good landlords. Why should they suffer due to the bad ones? (R0206)*

- 4.6.20. A lot of the concerns raised by residents were also raised by landlords. Quite a few questioned the level of the licence fee, and how it was calculated:

*'...why charge landlords so much, as the council will profit millions. But this is money taken out of the West End.' (L0035)*

*'How have these amounts been decided and how will my money be used' (L0039)*

*'These fees are unreasonable. You haven't thought about small landlords' affordability for this.' (L0045)*

- 4.6.21. Some questioned how they were expected to be able to afford the proposed licence fee, in conjunction with other cost pressures such as rent arrears and changes to taxation:

*'Landlords are facing huge financial challenges from tax increase due to the abolition of mortgage interest tax relief and removal of 10% F & F wear allowance. There are also stamp duty and CGT cost increases. The charges are too high and would be better spread over 3 years.' (L0069)*

*'Another cost to swallow up. Going to make a lot of people homeless, because there's a small profit margin already, especially in these areas where some of the tenants are not the best, with hygiene etc, costing the landlord with unnecessary repairs.' (L0030)*

*'Financial burden is unsustainable. Rental incomes from those on benefits & universal credit is shrinking. Non-payment of rent and absentees are increasing. Housing schemes tend to involve many additional costs to the landlord and to charge a fee on top makes it economically unsustainable. You are going to end up with more empty properties and fewer repairs. We need help!!' (L0016)*

*'A few will take money away from frontline for maintenance and improvements. The gov't phased in section 24 tax again takes money, pushing the most vulnerable to pay and lose out. Rental properties will be sold off to first time buyers, reducing supply.' (L0036)*

*'Fees are too high. I cannot afford this and maintain my properties. I have done my sums and the council will benefit millions, yet the West End will not benefit at all.' (L0041)*

*'The fees are too high. Not all landlords are loaded. Should be £50 per property. This would cover the council's costs, and is fair to all landlords.' (L0044)*

- 4.6.22. Other landlords raised the issue that the fees would discourage further investment in the area:

*'The buy-to-let housing market is on its knees due to "initiatives" implemented by central government including stamp duty and removal of mortgage relief. These fees will only further discourage investment and make rental properties even more expensive for tenants. It will have the opposite effect of the intent. Reputable landlords will always provide their tenants with secure, clean and well-maintained accommodation and this is just another charge that will drive more out. Disreputable landlords will cut more corners and squeeze tenants even further. More regulation, and what looks like a huge money-making scheme if you are only employing two inspectors, is not the answer - never has been. You should be encouraging investment, not discouraging it.'* (L0055)

*'These fees are too high and will only take money out of the area. Rents will rise as a result. There are no discounts for multiple selective licenses. There has been no thought of the affordability of this what so ever. If you take so much money out of peoples businesses, with such little notice, how do you expect investment to continue in the area?'* (L0067)

- 4.6.23. Landlords also shared the view that the fees were a tax on good landlords, to pay for enforcement on bad landlords, questioning the fairness of the approach:

*'I think it is grossly unfair for Landlords that have a good reputation and look after their properties and tenants to a satisfactory standard to be burdened with this 'additional tax' from the council. Especially at a time when were already having to increase rents to try to cover the costs of section 24 of the finance act and the soon to be lost income from up-front costs. Unfortunately it will have to be passed on to tenants in the form of rent increases over the coming years and that's not something I'm looking forward to and I'm sure my tenants won't either.'* (L0066)

*'I am a responsible landlord that rents a house in the area - this house is way above the local standard with modern kitchen, bathroom, gas central heating & double glazing. My tenant is happy there & I deal with any maintenance issues straight away & have all safety certificates. So now you propose I have to pay for a licence to rent this house! Penalising me because there are bad landlords out there - great!'* (L0019)

- 4.6.24. Some landlords questioned what they were getting for the expense:

*'What will we get for paying for a license?'* (L0014)

*'We are responsible landlords with high quality accommodation why do we need to be licensed, what use is it to us. Just money for the council!'* (L0020)

- 4.6.25. Although the comments from landlords was overwhelmingly against the proposed fees, one did show support for the fees:

*'The landlord should be licensed, then his/her properties registered under that licence. Fee for landlord and fee per property - joint ownership, one licence.'* (L0031)

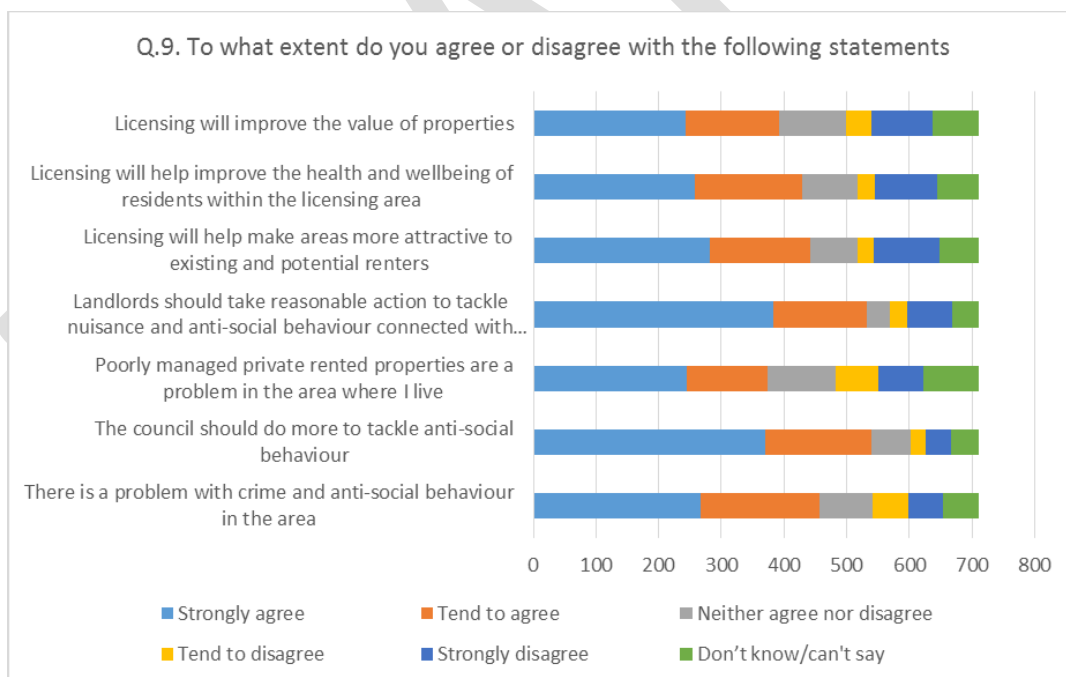
**4.7. Question 9: The Local Area**

4.7.1. Question 9 asked respondents for their views about the area where they lived, or where they had properties. Specifically people were asked whether they agreed or disagreed with the following:

- There is a problem with crime and anti-social behaviour in the area
- The council should do more to tackle anti-social behaviour
- Poorly managed private rented properties are a problem in the area where I live
- Landlords should take reasonable action to tackle nuisance and anti-social behaviour connected with their property
- Licensing will help make areas more attractive to existing and potential renters
- Licensing will help improve the health and wellbeing of residents within the licensing area
- Licensing will improve the value of properties

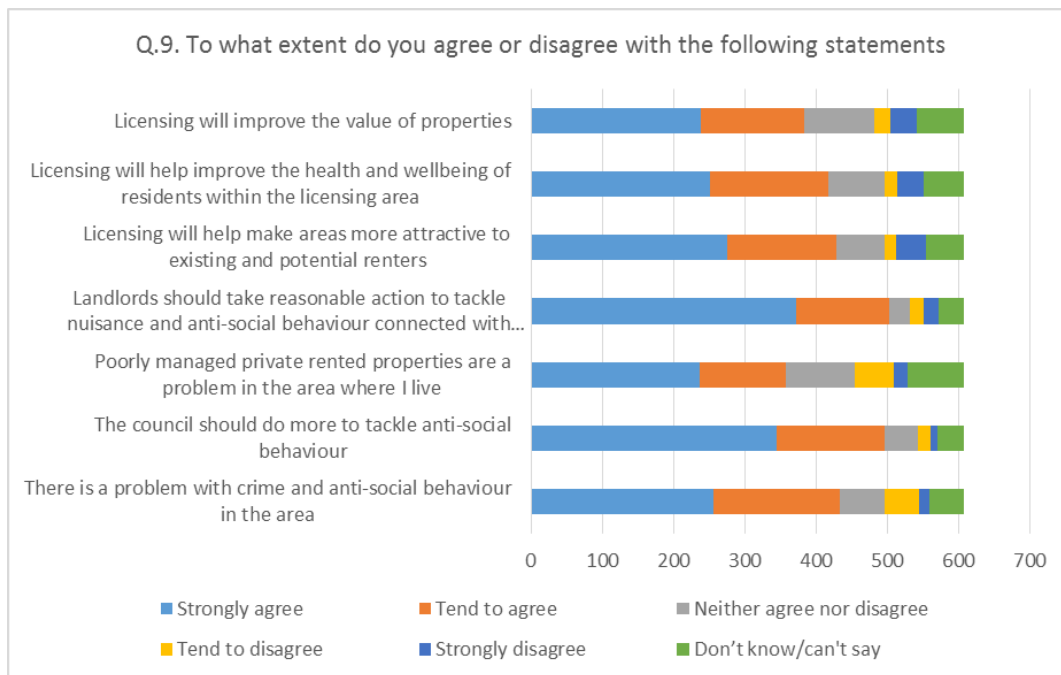
4.7.2. Although each of the statements addressed the area where licensing would likely be implemented, it is acknowledged that the phrasing of the third statement could have been misleading, especially for landlords who may live outside the specified area.

**4.7.3. Q9. Table 1: Overall**



4.7.4. Overall, respondents showed fairly strong agreement with the statements made in this question. On average, 64% of respondents agreed to some extent with the statements made. In particular, a lot of respondents agreed that the council (76%) and landlords (75%) should do more to tackle ASB. 64% of respondents believed that there was a problem with ASB in the area.

## 4.7.5. Q9. Table 2: Residents



4.7.6. On average, 71% of residents agreed to some extent with the statements made. There was very strong support for the view that the council (82%) and landlords (83%) should be responsible for tackling ASB.

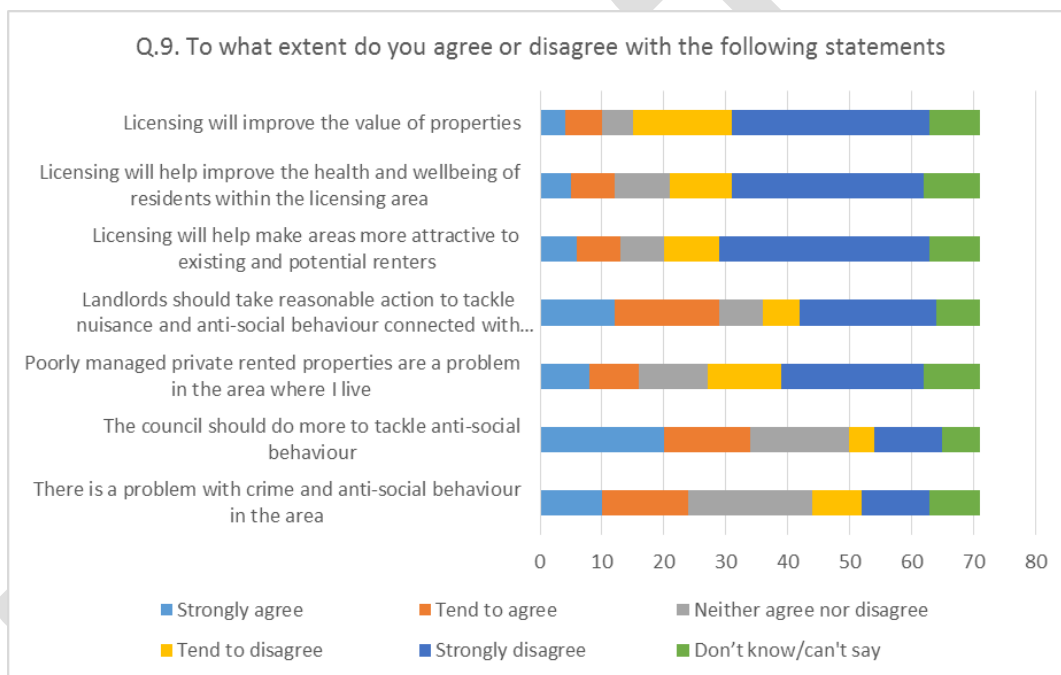
4.7.7. A comparison of the views of homeowners and private tenants shows contrasting views on some of the statements:

statement	Homeowners		Private tenants	
	Agree (to some extent)	Disagree (to some extent)	Agree (to some extent)	Disagree (to some extent)
There is a problem with crime and anti-social behaviour in the area	78%	6%	53%	29%
The council should do more to tackle anti-social behaviour	85%	3%	69%	17%
Poorly managed private rented properties are a problem in the area where I live	65%	7%	45%	33%
Landlords should take reasonable action to tackle nuisance and anti-social behaviour connected with their property	89%	4%	66%	23%
Licensing will help make areas more attractive to existing and potential renters	78%	6%	56%	26%
Licensing will help improve the health and wellbeing of residents within the licensing area	76%	5%	52%	28%
Licensing will improve the value of properties	70%	6%	48%	26%

4.7.8. The difference between the responses from homeowners in this question suggests a difference in perception of the issues in the West End. In particular, homeowners felt that there was a much bigger problem with ASB (78%, compared with 53% for Private Tenants) and poorly managed properties (65%, compared with 45% for Private Tenants).

4.7.9. Homeowners also felt that licensing would be more effective in attracting potential renters (78%), improving the health and wellbeing of residents (76%) and improving the value of properties (70%). In general, private tenants were more likely to disagree with the statements than homeowners. On average, 26% of private tenants disagreed with the statements, compared with only 5% of homeowners, playing down the impact of licensing.

**4.7.10. Q9. Table 3: Landlords**



4.7.11. Landlord responses for this question tended to have strong views on the potential impact of licensing, but a mixture of views on some of the other statements. Landlords disagreed with the view that licensing would improve property values (68%), improve health and wellbeing of residents (58%) or would make the area more attractive (61%).

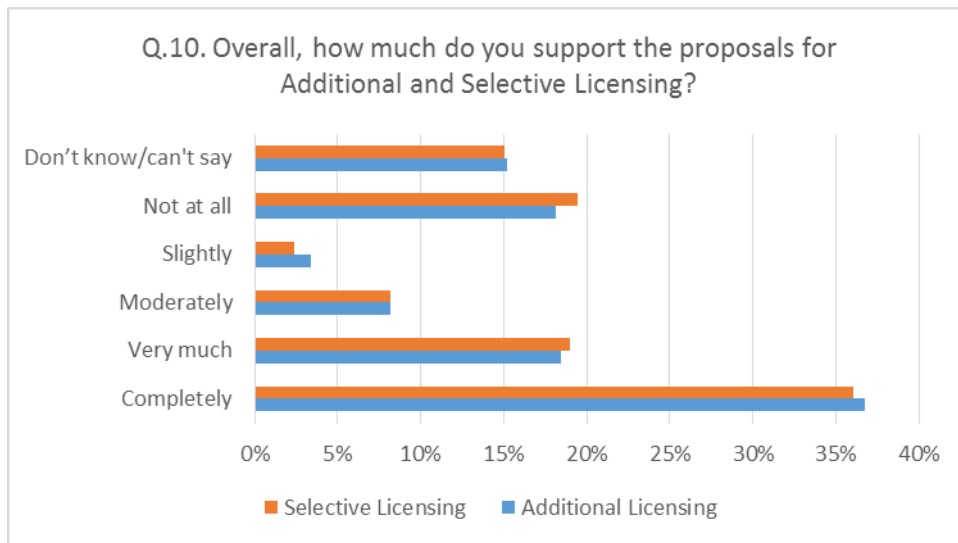
4.7.12. Regarding crime and ASB, there wasn't a definitive view on whether there was a problem. Only 34% of landlords felt there was a problem and 26% didn't think there was a problem. More landlords either couldn't say or didn't agree either way that there was a problem (38%). 48% of landlords felt that the council needed to do more to tackle ASB and 41% agreed that landlords should take reasonable action to deal with ASB connected to their properties – 39% disagreed.

**4.8. Question 10-11: Overall level of support for licensing**

4.8.1. Question 10 asked respondents to say, overall, how much they supported the proposals for Selective and Additional Licensing on a sliding scale from 'Completely' to

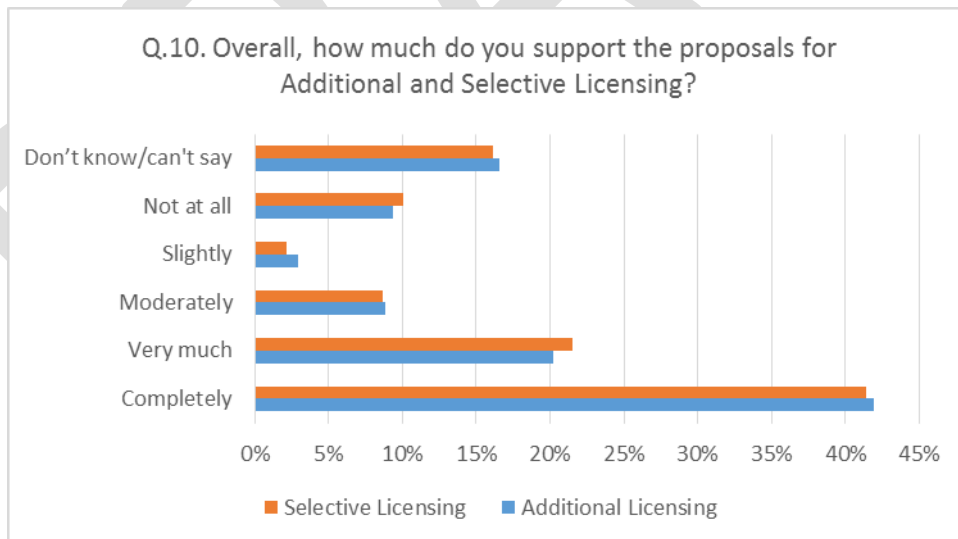
'Not at All'. Respondents were also invited to share their views in question 11's free text box.

**4.8.2. Q10. Table 1: Overall**



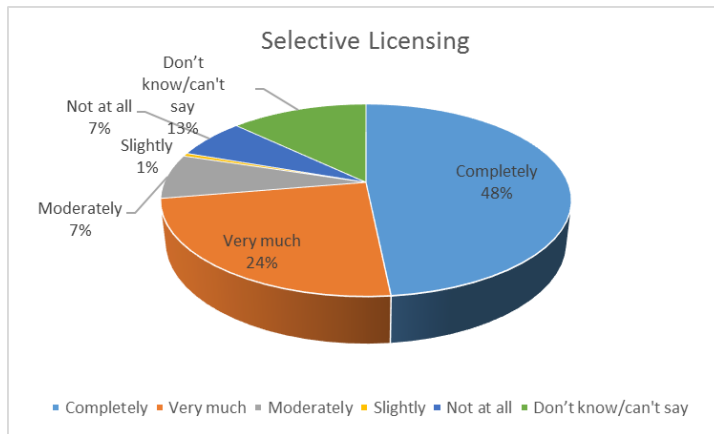
4.8.3. Overall, 55% of respondents supported both schemes completely or very much. 18% of all respondents didn't support additional licensing at all and 19% showed no support for selective licensing.

**4.8.4. Q10. Table 2: Residents**

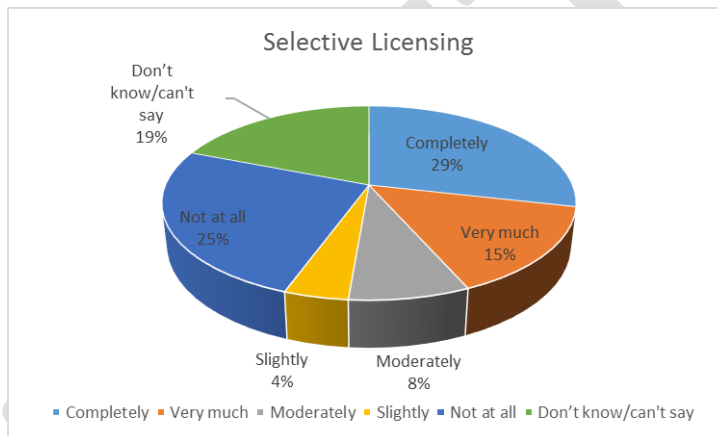


4.8.5. A large number of residents supported additional licensing (62%) or selective licensing (63%) completely or very much. 9% of residents showed no support for additional licensing, whilst 10% showed no support for selective licensing. When the two main resident groups are separated out it is possible to get a more accurate view from residents for the schemes. As there is little difference in views of selective and additional Licensing, the following charts focus on selective licensing:

4.8.6. Q10. Table 3: Homeowners views of selective licensing

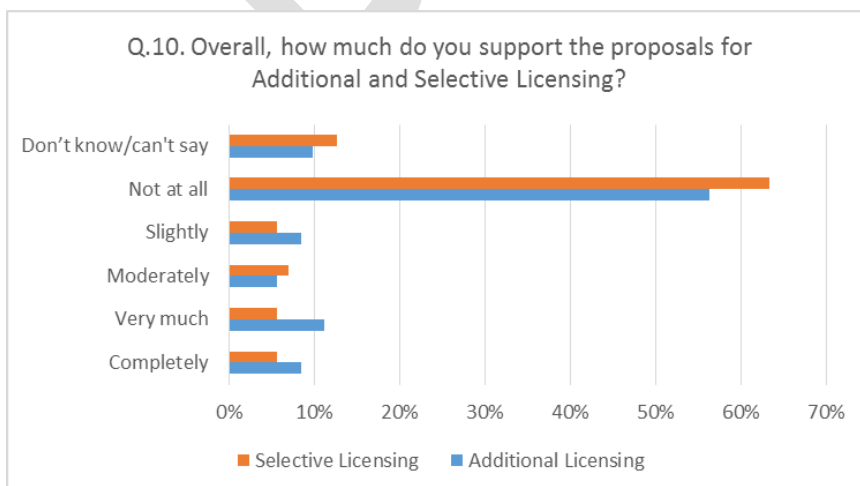


4.8.7. Q10. Table 4: Private tenants views of selective licensing



4.8.8. The two charts show quite a difference in opinion between homeowners and private tenants. 72% of homeowners either completely or very much support selective licensing. For private tenants, this drops to 44%, with 25% showing no support. The perception of the impact of licensing appears to be a lot more positive from homeowners than it is from private tenants.

4.8.9. Q10. Table 5: Landlords views of licensing





- 4.8.10. Landlords were generally against the proposals for licensing, with 56% showing no support for additional licensing and 63% showing no support for selective licensing. . Where there was support, it was more for additional licensing, with 19% completely or very much supporting the proposals, whereas, the figure was 12% selective licensing.

**4.8.11. Q11: Comments on the proposals overall**

- 4.8.12. Several residents spoke of their support for the proposed schemes:

*'Hope it works to improve rented properties.'* (R0363)

*'It is about time the landlords were brought under control, they have got away with shoddy dilapidated property management for too long. I strongly feel that this should be mandatory for all rented properties and the landlords, too many do not care.'* (R0581)

*'Selected licensing should protect vulnerable people renting flats & houses as well as disabled...'* (R0452)

*'I live next door to a rented accommodation where we have to live with noise, anti-social behaviour & drug dealers. The landlord has no interest in what happens in his rented house, he is only interested in the money. I have complained to the landlord, police & the council over the years to no avail. It would be nice if this scheme would help improve the consideration of landlords to residents.'* (R0545)

*'I think the area has been targeted by slum lords and would be happy to see this being addressed.'* (R0567)

- 4.8.13. Others thought the schemes looked good in theory, but questioned whether they would work in practice:

*'It's good in theory if it gets neighbours sorted for nuisance or repairs to property, but getting it put into action is a long, drawn-out process, and should be quicker.'* (R0515)

*'It all sounds good in theory but I am not convinced it will actually work in practice as well as you think it will. Bad landlords will find ways round the rules and tenants will keep quiet for fear of massive rent increases or eviction. The suspicion cannot be dismissed that this is being proposed mainly as a way for the council to get even more money out of people.'* (R0408)

- 4.8.14. Residents who were opposed to the scheme expressed concerns about cost or how effective the scheme would be. There was also concern for the knock-on effects:

*'Total money grabbing scheme. You are targeting landlords when you should be targeting the perpetrators directly. Where are you going to house these people? You are not helping, just spiralling people into further poverty and then evictions will be at an epic level. This is a complete disaster based on no fact on pure fantasy and nothing more than a disaster waiting to happen.'* (R0544)

*'Landlords will find ways around everything...'* (R0580)

*'The proposals will make the area more attractive to potential renters? Are you being serious here?? Making landlords pay an extra charge will make them put the rents up and make the area LESS attractive to potential renters. Renters want cheap rents, not expensive rents. The person who dreamt up these proposals has obviously never been a renter on a budget. Tenants want LOW rents, not increased ones.'* (R0586)

*'This scheme will not target the bad landlords but will put rent up for those it is trying to protect.'* (R0624)

- 4.8.15. Landlords showed their disapproval for the proposed scheme, highlighting that targeted enforcement should be prioritised, and that the council already has powers to tackle bad landlords:

*'The council already has the powers they need to tackle the bad landlords, so why penalise the good ones. This will stop investment in the area.'* (L035)

*'Blanket licenses over selected areas is the wrong premise. Bad landlords whose properties are in disrepair (structural) that makes property unfit for habitation should be targeted. Leave those of us doing our best to provide housing for those at the bottom of the ladder to get on with it. Select problem properties individually rather than using a hammer to crack a nut...'* (L0016)

- 4.8.16. A number of landlords highlighted the economic impact as an issue, but also felt that the good landlords would pay for the bad:

*'I think its going to be a the final nail in the coffin for many good local landlords in the area and the rogue Landlords will carry on as normal due to a lack of good quality rental properties/landlords in the area once the good ones have sold up. With homeless people on the rise throughout the country due to changes to the benefit system and lack of affordable housing with many Landlords already selling up due to section 24 of the finance act is it a good idea to increase costs for landlords even further? I don't think so, however I strongly agree that more should be done by the council to tackle poor performing landlords/agents/properties just not at the expense of the ones the rest of us.'* (L0066)

*'This is a bad scheme that has not been thought through with the benefit of the area in mind. Too much money would be taken away from the landlord which would prevent maintenance/investment in the area. If the council takes £600 from landlords, that's £600 that landlords can't spend on the property. It hasn't been working in other areas and there has been no justification of the fees at all. The west End has been improving over the years and this will set it in reverse.'* L0044)

*'This area is already improving. This scheme will restrict investment and money being spent in the area.'* (L0043)

*'My mortgage company already stated they would not renew if this went ahead.'* (L0047)

*'This proposal is a complete waste of time. The Council are expecting landlords to do the job the council should already be doing and expect landlords to pay. There is no benefit in this scheme other than raising money for the council. Tenants will suffer. Properties will devalue. Investment will cease. Properties will remain empty resulting in less revenue for Council.'* (L0068)

4.8.17. One landlord had some views on how the scheme could be administered:

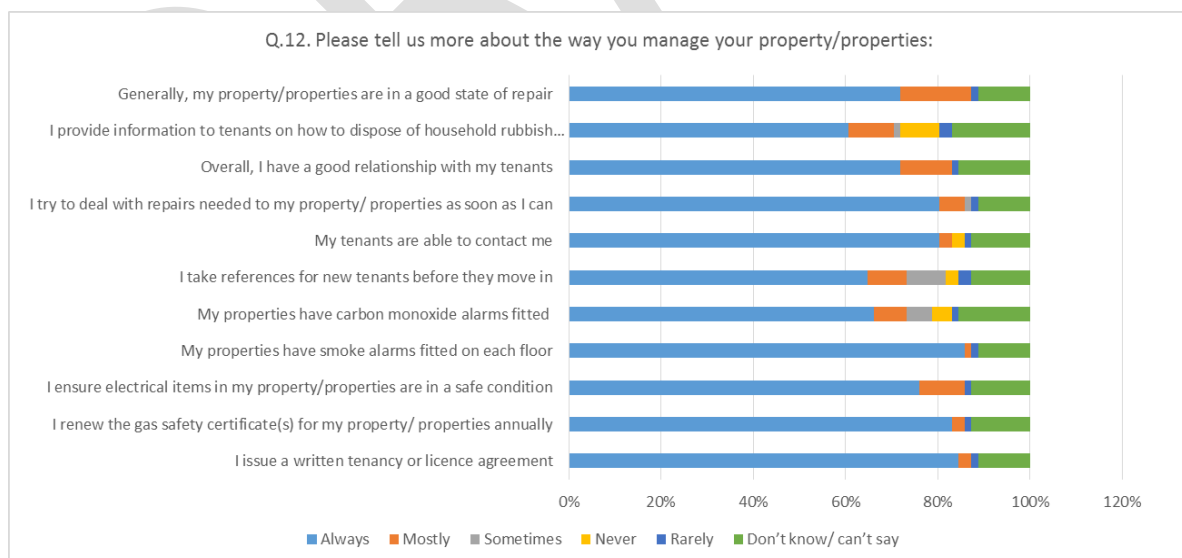
*‘Should be an incentive for good landlords with proven track record of quality. How will it be policed, will there be a dedicated team within the council? How will the council deal with potential conflicts between raising standard of PRS, whilst still discharging homelessness responsibilities through the PRS? If implemented, will council consider discounts for renewal of scheme if landlord/property has met all conditions? How about a sliding scale of fees - gold/silver/bronze to reward good landlords who are providing a quality accommodation service to tenants.’ (L0054)*

**4.9. Question 12 (Landlords): How properties are managed**

4.9.1. This question asked landlords for details of how they managed their properties. Respondents were asked whether and how often they did the following:

- issue a written tenancy or licence agreement
- renew the gas safety certificate(s) for my property/ properties annually
- ensure electrical items in my property/properties are in a safe condition
- properties have smoke alarms fitted on each floor
- properties have carbon monoxide alarms fitted
- take references for new tenants before they move in
- tenants are able to contact landlord
- deal with repairs needed to my property/ properties as soon as I can
- have a good relationship with my tenants
- provide information to tenants on how to dispose of household rubbish and large bulky items
- generally, property/properties are in a good state of repair

**4.9.2. Q12 (Landlords only). Table 1**



4.9.3. On average, 75% of landlords always ensured the stated activities took place. Some of the activities took more priority than others. For instance, 86% of landlords ensured smoke alarms were always fitted on each floor and 85% issued written tenancy agreements. Some of the activities seemed to be prioritised less, such as always

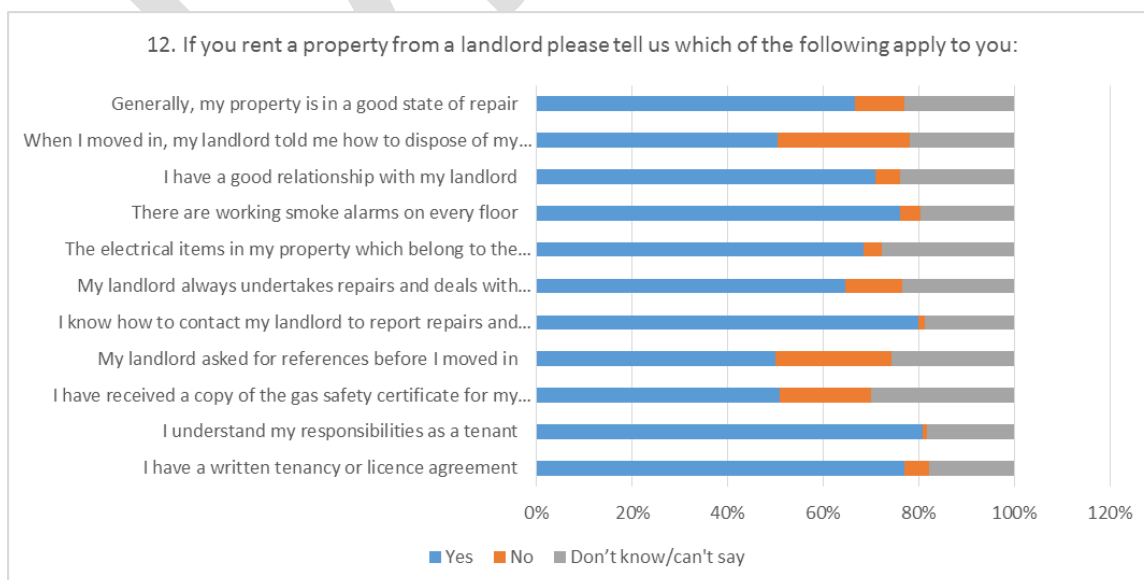
providing tenants with information on how to dispose of household waste and bulky items (61%) and taking references from new tenants when they moved in. A couple of landlords who attended drop-in sessions stated that they didn't request references as quite often other landlords would give good references to move on bad tenants. In addition, they stated that quite often it isn't the named tenant who is the issue, but new partners or friends, which the reference won't address.

4.10. **Question 12 (Private tenants only): How properties are managed**

4.10.1. Question 12 on the Residents questionnaire was addressed specifically to those living in private rented accommodation, although some other residents chose to partake in this question, possibly due to their personal experience of living in private rented accommodation. The question, similar to the question asked to landlords, asked tenants whether their landlord did the following:

- I have a written tenancy or licence agreement
- I understand my responsibilities as a tenant
- I have received a copy of the gas safety certificate for my property in the last 12 months
- My landlord asked for references before I moved in
- I know how to contact my landlord to report repairs and problems
- My landlord always undertakes repairs and deals with problems I tell him/ her about
- The electrical items in my property which belong to the landlord are in a safe condition
- There are working smoke alarms on every floor
- I have a good relationship with my landlord
- When I moved in, my landlord told me how to dispose of my household waste and large bulky items
- Generally, my property is in a good state of repair

4.10.2. **Q12 (Private tenants). Table 2: How properties are managed:**



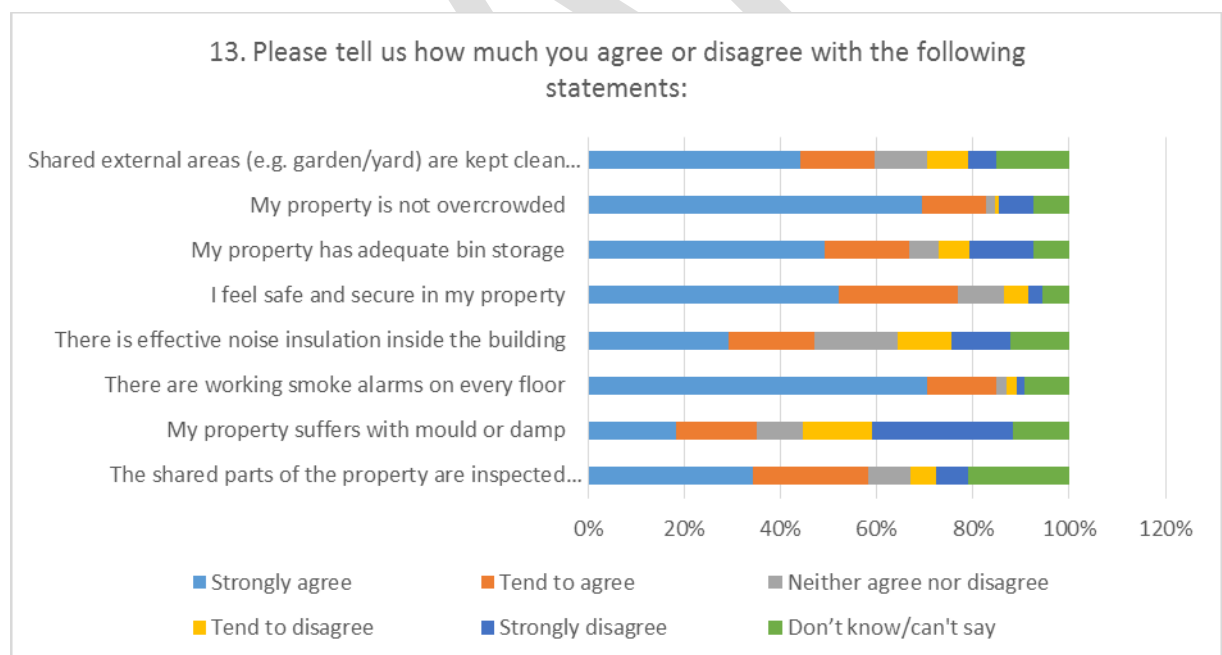
4.10.3. Of the examples listed in the question, 81% of tenants understood their responsibilities as a tenant, 80% knew how to contact their landlord for repairs and 77% said that they had a written tenancy agreement. 51% of tenants said that they had received copies of gas safety certificates, however 30% couldn't say whether they had or not. Similar to the response from landlords, only 50% of tenants had been asked for references when moving in.

4.11. **Question 13 (Private tenants only): Condition of properties**

4.11.1. Private tenants were asked for their views on the condition of the property in which they lived. Specifically, tenants were asked how much they agreed with the following statements:

- The shared parts of the property are inspected regularly and well managed
- My property suffers with mould or damp
- There are working smoke alarms on every floor
- There is effective noise insulation inside the building
- I feel safe and secure in my property
- My property has adequate bin storage
- My property is not overcrowded
- Shared external areas (e.g. garden/yard) are kept clean and tidy

4.11.2. Q13. Table 1: Conditions of property



4.11.3. There was a lot of agreement from tenants that there were working smoke alarms throughout their properties (85%) and that they weren't overcrowded (83%). 77% of residents felt safe and secure in their property. Some of the responses suggested there was room for improvement on some of the property conditions. Only 47% of tenants thought that there was effective noise insulation where they lived and 35% of tenants agreed to some extent that their property suffered with mould or damp.

4.12. **Question 14: Comments on private rented accommodation in the West End (residents only)**

4.12.1. Residents were invited to provide comments about private rented accommodation. Below is a selection of some of these comments:

*'The newly refurbished block of houses on Chatsowrth Road have already lifted the area to an acceptable standard and the tenants seem decent people. It would improve the whole look of the West End if run down properties were brought up to the same standard, as the West End is a convenient and nice place to live.'* (R0015)

*'The area where bins are located are always getting fly tipped on either by local shops or people dumping household items, beds, mattresses, couches, chairs etc.'* (R0059)

*'I think properties left empty for a long period, possibly 5 years, should be taken off the owner by the council and put back into rental market...'* (R0181)

*'General poor appearance and condition of buildings, the tenants don't appear to have any pride or interest in where they live. It's such a shame, beautiful old buildings just being left to go to rack and ruin. The landlords do not seem to care as long as they get their money.'* (R0225)

*'I feel overall the area is improving but feel there should be more family homes and no flats / multi occupancy buildings.'* (R0250)

*'The common perception is that the west end is a dumping ground for drug users etc. some mechanism to encourage a greater mix of residential and rental properties might be considered as private dwellings usually lead to improvements not only in the general area but in rental living standards.'* R0285)

*'I used to live in a very damp flat but I am now in a very good flat. I feel a lot healthier. I have seen more houses/ flats being repaired in the area. Could do with gates on the front of the houses being replaced more neighbourhood watch areas please, more police walking about streets need better quality doors and windows and back gates.'* (R0331)

*'I wish there was a register of reputable private landlords easily available. I wish more DHS tenants were taken on a personal basis rather than assume all DHS tenants are bad news. We aren't all bad!!!'* (R0369)

*'Generally good housing stock, some problem landlords but these can be addressed by housing inspectors, not by charging good landlords. Set the standards then inspect? And penalise non-compliance and use funds to realise problem landlords.'* R0476)

4.13. **Question 16 (Landlords only): Suggestions for how Lancaster City Council can help landlords manage properties**

4.13.1. Landlords were invited to share their views of how the council could support them to manage their properties. A lot of landlords commented that the best way for the council to help them was to not introduce the proposed schemes:

*'This scheme will impact the area in a negative way. Banks have refused to lend money in other areas where these schemes are in place, stopping investment dead. Landlords have no powers over anti-social behaviour. Values will drop. I already know landlords who have pulled out of buying properties in the area. The best thing the Council can do is look at the department and the powers it already has and make it more efficient / effective' (L0035)*

*'Leave me to manage my properties as I have been doing for years. Focus your efforts on bad landlords, but don't charge good ones, especially without an explanation on how the money will be used.'* (L0039)

*'We could be more effective in our management of rented homes by not being charged up to £500 per property...'* (L0054)

*'Yes. Leave me alone. Stop trying to take money off me. Pay universal credit directly to landlord. Don't do this licensing scheme as it will stop investment in the area and push up rental prices for tenants'* (L0044)

- 4.13.2. Some landlords took the opportunity to make some suggestions for how the council could help them manage more effectively:

*'If schemes go ahead then they must be supported by certificates and publicity that gives the scheme maximum credibility - recognition that houses reach council approved standards.'* (L0069)

*'There is little help available when people are really behind with their rent and are not obeying the rules of the house, so we don't have to ring solicitors.'* (L0005)

*'Offer proper support for people with mental health issues. Offer support with regard to universal credit, tenants are not coping, landlords don't get paid.'* (L0008)

*'Provide a database of bad tenants.'* (L0043)

*'A register of rogue tenants would be very handy.'* (L0066)

*'Hold landlord meetings. Have a proper redress system...'* (L0047)

## **5. Conclusion**

- 5.1. The fact that the council were looking to introduce an initiative to address some of the underlying issues in the West End was clearly welcomed. Overall, there was quite a lot of support for the proposed schemes from residents, with slightly more support for Additional Licensing than for Selective Licensing. Homeowners were, overall, more enthusiastic about the licensing proposals. This may have been borne out of a desire for something to happen to change the status quo. It could, therefore, be argued that the proposal of an alternative initiative would have met with similar support.

- 5.2. Tenants, whilst being largely in favour of proposals that sought to improve housing conditions and more secure tenure, nevertheless expressed some caution about the impact. There was broad support for licensing conditions, but less so for the licence fees,

with only 35% of tenants showing support for the proposed fee structure. It is possible that the fear of increased rents lead to tenants being less supportive of the fee structure.

- 5.3. Landlords were overwhelmingly against the introduction of the licensing schemes. That is not to say that there wasn't any support for licensing. In principle, most landlords approved of the conditions, wanting every landlord to attain the same standard. However, there was such disapproval for the introduction of a fee per property, and the level of those fees, that lead landlords to reject the schemes overall. Some landlords stated that they could understand if they had to obtain a licence, with some also suggesting that landlords should be subject to the Disclosure and Barring Service. However, the cost per property was perceived as a money-making activity.
- 5.4. Although fewer landlords completed the survey than residents, there was a much greater level of participation by landlords in the drop-in events, to the extent that more drop-in sessions were offered. In addition to their participation at the drop-ins, a number of landlords made individual representations to the consultation team. These have been included in Appendices 4-6.
- 5.5. A number of themes emerged from the consultation, raised by landlords, residents and other stakeholders. The themes consisted of issues, currently existing in the area, or the perceived benefits or risks involved with implementing the licensing schemes. Residents' responses tended to focus on issues that currently existed in the West End of Morecambe and the benefits they perceived the scheme bringing, whereas landlords tended to highlight risks associated with implementing the schemes. It should be added that although these types of responses were typical from the two main respondent types, they were by no means exclusive. This section will consider the some of the most common issues that were currently prevalent in the area:
- 5.5.1. **Crime and Anti-Social Behaviour** – From the survey, 71% of residents felt that there was an issue with ASB in the area. Many chose to comment on how it had impacted on their lives. Homeowners in particular (78%) were concerned about the impact on their health and wellbeing and on the value of their property. Residents generally felt that landlords weren't solely responsible for dealing with crime and ASB – the Council and Police also bore responsibility, however the individuals responsible for ASB should face stiffer penalties. Although landlords were opposed to the proposed scheme, a number did recognise the issue of crime and ASB, but expressed concern that they were being left to deal with manage the issue alone.
- 5.5.2. **Refuse and fly-tipping** – During the consultation period, many residents shared their frustrations regarding the state of the back alleys, in particular. Responses to the questionnaire suggest that landlords could do more to provide for the storage of refuse and recycling. However, a number blamed other residents for the state of gardens and alleyways.
- 5.5.3. **Housing Conditions** – Homeowners tended to comment on the state of disrepair of neighbouring properties. Responses to the survey by homeowners suggested that they hoped licensing would improve the condition of properties.



5.6. The majority of residents felt that licensing would benefit the area. For most, licensing was seen as a way to improve the underlying conditions prevalent in the area. Homeowners, in general, were more positive about the impact and the benefits of licensing. Consistently, throughout the survey, homeowners agreed with the proposals in greater proportion than tenants. This was also evident from the residents who attended the drop-in sessions. There seemed to be more enthusiasm for the scheme from homeowners – tenants tended to be positive about the principle of the scheme, however, were more likely to question whether it would work in practice:

5.6.1. **Reducing neighbourhood problems** – responses to the questionnaire showed that residents felt that licensing would help reduce issues such as ASB and rubbish, with 74% agreeing that it would. 83% of residents felt that landlords being responsible for ASB should be a condition of the licence.

5.6.2. **Housing conditions and property maintenance** – 80% of residents felt that licensing would ensure properties were better maintained and managed. 78% of homeowners felt licensing would make the area more attractive and 70% felt that it would increase house values.

5.6.3. **Landlords** – Most respondents felt that licensing would help identify (73%) and tackle poorly performing landlords (65%). They also felt it would support good landlords to do their job (70%). Despite their overall opposition to the proposed scheme, a significant number of landlords who responded felt the scheme would identify poor landlords (44%).

5.6.4. **Health, Safety and Wellbeing** – Overall, 66% felt that licensing would improve resident's health and safety. There was a lot of support for the inclusion of conditions which required landlords to provide adequate security for properties (81%) and fire precautions/means of escape (87%). The majority of respondents felt that licensing would have a positive outcome on the health and wellbeing of residents (60%). In particular, 76% of homeowners thought licensing would have a positive effect.

5.7. As stated previously, there was a lot of concern about the impact of licensing on the area. In general, landlords were more likely to highlight risk, consistent with landlords overall rejection of the licensing proposals. However, a lot of residents, homeowners and tenants, perceived risks in implementing the schemes. When considering whether to introduce licensing or not, consideration must be made of the following risks that were raised:

5.7.1. **Rent increases** – Almost every landlord who attended the drop-in events stated that as a direct result of the imposition of licence fees, they would have to raise rents. On the questionnaire, a large number of landlords stated that they would have to raise rents to compensate. Landlords were not alone in highlighting this risk, a number of tenants and homeowners feared that a direct result of the licence fee would be a rise in rents.

5.7.2. **Universal Credit** – The roll-out of Universal Credit, where housing element has been paid directly to tenants, has led to an increase in tenants having rent arrears. Landlords raised concerns that the full roll-out of the system would lead to more tenants being in rent arrears. A group of landlords shared information regarding their current levels of

rent arrears (Appendix 6). Landlords felt this would have a serious impact on their income. Perception is that an extra cost at this time would compound the issue.

- 5.7.3. **Increase in homelessness** – landlords stated that they would have to seriously consider who they rented property to. Tenants who posed a risk for rent arrears may have their tenancies terminated. One landlord, in particular, drafted a letter (Appendix 4) to warn their tenants that a result of the licence fee would be that he would have to terminate some of their tenancies.
- 5.7.4. **Investment in the area** – Landlords expressed concern that the implementation of the area would not only stigmatise the area, but would affect investment. There was a fear that banks would not lend to landlords for properties within the designated licensing area. Some stated that they were already struggling to sell houses, as the prospect of the property being licensed was putting off interested buyers.
- 5.7.5. **Reduced investment in properties** – As the cost of licensing and other financial worries add up, landlords would not be able to afford, or choose not to pay for the maintenance of their properties. Landlords stated that rather than improve housing conditions, licensing risked conditions getting worse.
- 5.7.6. **The good pay for the bad** – Landlords stated that if a scheme came in, the good landlords would pay for the licences but the rogue landlords would continue to evade enforcement and not pay to license properties. In effect, those who already met the required standards would pay for enforcement against those who caused all the issues, with some viewing it as a tax on good landlords. A number of landlords asked what they would get for their licence fees, considering they already did everything required of them.
- 5.8. We are satisfied that the consultation offered opportunity for everybody in the area to participate and share their views, concerns and ideas. Lancaster City Council sought the opinions of those directly affected and the wider community. We have endeavoured to include views that are representative and reflect the general feeling of people who live and work in the West End of Morecambe.

Appendix 1: Licensing Private Rented Housing in the West End of Morecambe (Residents)

**Licensing Private Rented Housing in the West End of Morecambe**

**Introduction**

Lancaster City Council is proposing to introduce two licensing schemes to improve the standards and management of housing in the private rented sector (PRS) in the District and we want to know your views. You can do this by completing this questionnaire. The two schemes are:

**Additional Licensing**

Lancaster City Council currently operates a mandatory licensing scheme across the district as required by law for particular types of house in multiple occupation (HMOs). Additional licensing broadens the definition of a HMO, bringing more properties under the remit of HMO licensing.

**Selective Licensing**

Selective Licensing is a scheme which allows a local authority to introduce licensing conditions to all other private rented housing within a designated area.

This questionnaire is organised in 3 sections:

Section 1: Licensing for privately rented properties

Section 2: Your views about private rented housing

Section 3: About you

**If you are a homeowner or do not rent property in Morecambe you will not need to complete questions 12 and 13.**

Your responses will be completely anonymous. However, if you wish Lancaster City Council to follow up on any of your answers, please provide us with your contact details at the end of the questionnaire. All information collected in this questionnaire will be treated in accordance with the Data Protection Act 1998.

The survey should only take about 10 minutes to complete. Please return this questionnaire by Friday 15<sup>th</sup> December 2017, using the prepaid envelope supplied. **If you prefer, this questionnaire will be available online until Friday 15<sup>th</sup> December at [www.lancaster.gov.uk/rented](http://www.lancaster.gov.uk/rented).**

Full details of the licensing proposals, the licensing conditions and the fees can also be found on the website.

If you require help or have any questions about the proposals or the content of this questionnaire, you can contact us in the following ways:

**Email:** [licensingconsultation@lancaster.gov.uk](mailto:licensingconsultation@lancaster.gov.uk)

**Telephone:** 01524 582257

If you require paper copies of the proposals or the map, please let us know using the contact details above.

**1. Please select one of the following to proceed:**

- I am a private tenant in Morecambe
- I rent my home from the council or a housing association
- I own my own home (individually or shared, with or without a mortgage)
- I am a business owner and I rent/own a property in the area
- None of the above (please specify)

**Section 1: Licensing Proposals for privately rented properties**

**2. To what extent do you agree or disagree that Additional and Selective Licensing will help:**

Please tick one option for each line <input checked="" type="checkbox"/>	Strongly agree	Tend to agree	Neither agree nor disagree	Tend to disagree	Strongly disagree	Don't know/ can't say
Reduce neighbourhood problems e.g. noise, nuisance and rubbish	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Ensure that properties are better maintained and managed	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Improve the health and safety of tenants living in properties	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Identify poorly performing landlords	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Assist poorly performing landlords to raise their standards	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Support good landlords	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**3. If the council introduces Additional and Selective Licensing, which areas should it cover?**

Please go to [www.lancaster.gov.uk/rented](http://www.lancaster.gov.uk/rented) to find a map of the proposed licensing area.

- The whole of Harbour and Heysham North
- The areas already proposed
- Don't know/unsure

## Section 1: Licensing proposals for privately rented properties – Licensing Conditions

Question 3 contains some of the proposed licensing conditions for privately rented accommodation. A full list of the proposals can be found at [www.lancaster.gov.uk/rented](http://www.lancaster.gov.uk/rented)

### 4. To what extent do you agree or disagree that licences under the proposed scheme should contain the following conditions:

Please tick one option for each line <input checked="" type="checkbox"/>	Strongly agree	Tend to agree	Neither agree nor disagree	Tend to disagree	Strongly disagree	Don't know/ can't say
Landlords should adequately manage anti-social behaviour by their tenants	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Landlords should provide tenants with written tenancy agreements	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The number of people living in a property should be controlled	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
A suitable number of toilets, bathrooms and kitchen facilities, should be provided	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The provision and type of heating should be of a satisfactory standard	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The property should have satisfactory insulation for energy efficiency	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The means of escape from fire and other fire precautions should be of a satisfactory standard	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The property should have adequate security (e.g. to prevent burglaries)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Landlords should make satisfactory arrangements for the storage of refuse and recycling	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

### 5. To what extent do you agree or disagree that the proposed licensing conditions are reasonable and appropriate for improving the standards of housing and the management of properties in the West End?

- strongly agree
- tend to agree
- neither agree nor disagree
- tend to disagree
- strongly disagree
- don't know/ can't say

### 6. If you have any further comments about the proposals for Additional and Selective Licensing, please use the box below





**10. Overall, how much do you support the proposals for Additional and Selective Licensing?**

Please tick one option for each line <input checked="" type="checkbox"/>	Completely	Very much	Moderately	Slightly	Not at all	Don't know/ can't say
Additional Licensing of HMOs	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Selective Licensing of all private rented properties	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**11. If you have any other comments about the proposals for licensing, please use the box below****Section 3: About you - Tenants\***

\*Please complete **Q.12/13** if you currently live in a rented property, whether it is from a private landlord or the property is managed by the council or a housing association. If not, please continue to **Q.14**.

**12. If you rent a property from a landlord please tell us which of the following apply to you:**

Please tick one option for each line. Please leave blank if not applicable <input checked="" type="checkbox"/>	Yes	No	Don't know/ can't say
I have a written tenancy or licence agreement	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I understand my responsibilities as a tenant	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I have received a copy of the gas safety certificate for my property in the last 12 months	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
My landlord asked for references before I moved in	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I know how to contact my landlord to report repairs and problems	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
My landlord always undertakes repairs and deals with problems I tell him/her about	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The electrical items in my property which belong to the landlord are in a safe condition	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
There are working smoke alarms on every floor	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I have a good relationship with my landlord	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
When I moved in, my landlord told me how to dispose of my household waste and large bulky items	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Generally, my property is in a good state of repair	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>



**13. Thinking about the property you live in, please tell us how much you agree or disagree with the following statements.**

Please tick one option for each line <input checked="" type="checkbox"/>	Strongly agree	Tend to agree	Neither agree nor disagree	Tend to disagree	Strongly disagree	Don't know/ can't say
The shared parts of the property are inspected regularly and well managed	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
My property suffers with mould or damp	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
There are working smoke alarms on every floor	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
There is effective noise insulation inside the building	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I feel safe and secure in my property	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
My property has adequate bin storage	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
My property is not overcrowded	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Shared external areas (e.g. garden, yards) are kept clean, tidy and safe	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**14. If you have any comments about private rented accommodation in the West End, please use the box below:**

### Section 3: About you

The following questions will help us to analyse and understand the questionnaire responses to ensure that they are representative of the local area. The information you provide will be kept confidential and only be used for this purpose. Combined results will be made available in reports, individuals will never be identified.

**15. Please tell us your residential postcode excluding the last letter (you will remain anonymous if you leave out the last letter of your postcode)**

**16. If you would like to be provided with feedback from the consultation, please provide your email address below. Your details will not be shared with any other third party and will be treated in the strictest confidence in accordance with the Data Protection Act 1998.**

- No, I do not agree to provide my email address
- Yes (please specify below)



**17. Are you?**

- Male
- Female
- Prefer not to say

**18. Age**

- 18 or below
- 19-24
- 25-34
- 35-44
- 45-54
- 55-64
- 65 or above
- Prefer not to say

**19. Do you have a health problem or disability which limits your day-to-day activities, which has lasted, or is expected to last, at least 12 months?**

- Yes, limited a lot
- Yes, limited a little
- No

**20. Which ethnic group do you consider you belong to:**

- White
- Asian/ Asian British
- Black/African/Caribbean/ Black British
- Chinese
- Mixed/multiple ethnic background
- Prefer not to say
- Other (please specify)



Thank you for completing this survey. Please return using the prepaid envelope provided by Friday 15<sup>th</sup> December. We will compile your responses and publish the results of the survey at the end of the consultation. The results will be available soon after at

[www.lancaster.gov.uk/rented](http://www.lancaster.gov.uk/rented)

**If you would like us to contact you regarding any of your answers, please leave your details below. All data shared with us will be kept strictly confidential**

<b>Name:</b>	
<b>Telephone number:</b>	
<b>Address:</b>	

Appendix 2: Licensing Private Rented Housing in the West End of Morecambe (Landlords)

**Licensing Private Rented Housing in the West End of Morecambe**

**Introduction**

Lancaster City Council is proposing to introduce two licensing schemes to improve the standards and management of housing in the private rented sector (PRS) in the District and we want to know your views. You can do this by completing this questionnaire. The two schemes are:

**Additional Licensing**

Lancaster City Council currently operates a mandatory licensing scheme across the district as required by law for particular types of house in multiple occupation (HMOs). Additional licensing broadens the definition of a HMO, bringing more properties under the remit of HMO licensing.

**Selective Licensing**

Selective Licensing is a scheme which allows a local authority to introduce licensing conditions to all other private rented housing within a designated area.

This questionnaire is organised in 3 sections:

Section 1: Licensing for privately rented properties

Section 2: Your views about Private Rented housing

Section 3: About you

Your responses will be completely anonymous. However, if you wish Lancaster City Council to follow up on any of your answers, please provide us with your contact details at the end of the questionnaire. All information collected in this questionnaire will be treated in accordance with the Data Protection Act 1998.

The survey should only take about 10 minutes to complete. Please return this questionnaire by Friday 15<sup>th</sup> December 2017, using the prepaid envelope supplied. **If you prefer, this questionnaire will be available online until Friday 15<sup>th</sup> December at [www.lancaster.gov.uk/rented](http://www.lancaster.gov.uk/rented).**

Full details of the licensing proposals, the licensing conditions and the fees can also be found on the website.

If you require help or have any questions about the proposals or the content of this questionnaire, you can contact us in the following ways:

**Telephone:** 01524 582257

**Email:** [licensingconsultation@lancaster.gov.uk](mailto:licensingconsultation@lancaster.gov.uk)

If you require paper copies of the proposals or the map, please let us know using the contact details above.

**1. Please select one of the following to proceed:**

- I am a landlord of a property (or properties) in Morecambe
- I am a managing agent of a property (or properties) in Morecambe
- I am both a landlord and a managing agent of a property (or properties) in Morecambe
- None of the above (please specify)

**Section 1: Licensing proposals for privately rented properties**

**2. To what extent do you agree or disagree that Additional and Selective Licensing will help:**

Please tick one option for each line <input checked="" type="checkbox"/>	Strongly agree	Tend to agree	Neither agree nor disagree	Tend to disagree	Strongly disagree	Don't know/ can't say
Reduce neighbourhood problems e.g. noise, nuisance and rubbish	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Ensure that properties are better maintained and managed	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Improve the health and safety of tenants living in properties	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Identify poorly performing landlords	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Assist poorly performing landlords to raise their standards	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Support good landlords	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**3. If the council introduces Additional and Selective Licensing, which areas should it cover?**

Please go to [www.lancaster.gov.uk/rented](http://www.lancaster.gov.uk/rented) to find a map of the proposed licensing area

- The whole of Harbour and Heysham North
- The areas already proposed
- Don't know/unsure

## Section 1: Licensing proposals for privately rented properties – Licensing Conditions

Question 3 contains some of the proposed licensing conditions for privately rented accommodation. A full list of the proposals can be found at [www.lancaster.gov.uk/rented](http://www.lancaster.gov.uk/rented)

### 4. To what extent do you agree or disagree that licences under the proposed scheme should contain the following conditions:

Please tick one option for each line <input checked="" type="checkbox"/>	Strongly agree	Tend to agree	Neither agree nor disagree	Tend to disagree	Strongly disagree	Don't know/ can't say
Landlords should adequately manage anti-social behaviour by their tenants	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Landlords should provide tenants with written tenancy agreements	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The number of people living in a property should be controlled	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
A suitable number of toilets, bathrooms and kitchen facilities, should be provided	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The provision and type of heating should be of a satisfactory standard	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The property should have satisfactory insulation for energy efficiency	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The means of escape from fire and other fire precautions should be of a satisfactory standard	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The property should have adequate security (e.g. to prevent burglaries)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Landlords should make satisfactory arrangements for the storage of refuse and recycling	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

### 5. To what extent do you agree or disagree that the proposed licensing conditions are reasonable and appropriate for improving the standards of housing and the management of properties in the West End?

- strongly agree
- tend to agree
- neither agree nor disagree
- tend to disagree
- strongly disagree
- don't know/ can't say

### 6. If you have any further comments about the proposals for Additional and Selective Licensing, please use the box below









**13. How many properties (HMOs/self-contained flats/family homes) do you rent out in Morecambe?**

- 1
- 2-5
- 6-10
- 11-20
- 21-50
- 51-100
- 101 or more

**14. Are you a member of any landlord accreditation scheme?**

- no
- A nationally recognised Landlord's Accreditation Scheme (NLA,RLA)
- Another Landlord's Scheme (please state)

**15. Please tell us how long you have been a landlord or managing agent:**

- Less than 2 years
- 3-5 years
- 6-10 years
- More than 10 years

**16. Do you have any suggestions for how Lancaster City Council could help you manage your property/properties more effectively?**

**Section 3: About you**

The following questions will help us to analyse and understand the questionnaire responses to ensure that they are representative of the local area. The information you provide will be kept confidential and only be used for this purpose. Combined results will be made available in reports, individuals will never be identified.

**17. Please tell us your residential postcode excluding the last letter (you will remain anonymous if you leave out the last letter of your postcode)**

**18. If you would like to be provided with feedback from the consultation, please provide your email address below. Your details will not be shared with any other third party and will be treated in the strictest confidence in accordance with the Data Protection Act 1998.**

- No, I do not agree to provide my email address
- Yes (please specify below)

**19. Are you?**

- Male
- Female
- Prefer not to say

**20. Age**

- 18 or below
- 19-24
- 25-34
- 35-44
- 45-54
- 55-64
- 65 or above
- Prefer not to say

**21. Do you have a health problem or disability which limits your day-to-day activities, which has lasted, or is expected to last, at least 12 months?**

- Yes, limited a lot
- Yes, limited a little
- No

**22. Which ethnic group do you consider you belong to:**

- White
- Asian/ Asian British
- Black/African/Caribbean/ Black British
- Chinese
- Mixed/multiple ethnic background
- Prefer not to say
- Other (please specify)

Thank you for completing this survey. Please return using the prepaid envelope provided by Friday 8<sup>th</sup> December. We will compile your responses and publish the results of the survey at the end of the consultation. The results will be available soon after at [www.lancaster.gov.uk/rented](http://www.lancaster.gov.uk/rented)

**If you would like us to contact you regarding any of your answers, please leave your details below. All data shared with us will be kept strictly confidential**

<b>Name:</b>	
<b>Telephone number:</b>	
<b>Address:</b>	



Appendix 3b: Proposed Licence Conditions

**LANCASTER CITY COUNCIL**

**Selective Licensing Conditions**

**(Housing Act 2004)**

**In these conditions 'house' refers to the building or part of a building which is licensed in accordance with Part 3 of the Housing Act 2004.**

**1. Mandatory Conditions: Schedule 4 of the Housing Act 2004**

**1.1 Gas Supply**

If gas is supplied to the house the licence holder must provide to Lancaster City Council a gas safety certificate issued by a Gas Safe Registered engineer, within the previous 12 months at the time of the application and thereafter annually or on demand.

**1.2 Electrical Appliances:**

The Licence Holder must keep all electrical appliances and furniture supplied in a safe condition and must provide a declaration as to their safety at the time of application and thereafter on demand.

**1.3 Furniture and Furnishings**

The Licence Holder must ensure that furniture and furnishings supplied by them are compliant with the Furniture and Furnishings (Fire)(Safety) Regulations 1988 (as amended 1989 and 1993) and must provide a declaration as to their safety at the time of application and thereafter on demand.

**1.4 Smoke Alarms**

The Licence Holder must ensure that smoke alarms are installed in the property and kept in proper working order and provide a declaration as to their condition and positioning to Lancaster City Council on demand.

**1.5 Tenant References**

The Licence Holder must demand references from persons who wish to occupy the house and must provide evidence of pre-let reference checks undertaken to the Council upon request.

**1.6 Terms of Occupation**

The Licence Holder must supply to the occupiers of the house a written statement of the terms on which they occupy the property. A copy of the terms will be provided to the Council on demand.

**Additional Conditions of Licence Imposed by Lancaster City Council.**

**The Licence Holder must ensure that the premises fully comply with the conditions set out below unless notified otherwise.**

**2 Notification/Consultation of Changes**

The licence holder shall:

DRAFT

- inform Lancaster City Council (The Authority) if they no longer reside at the address given and provide The Authority with new address details within 21 days of a change.
- inform The Authority if there is a change in managing agent, within 21 days of such a change.
- If the licence holder is a managing agent they must inform The Authority if the person who is specified as the main contact ceases to be employed by them and inform the authority of a new contact, within 21 days of such a change.
- If the licence holder is a managing agent they must inform The Authority if they cease to have an interest in the property, within 21 days of such a change.

### **Fit and proper person**

The licence holder shall:

- inform The Authority if since becoming the licence holder he contravenes any of the below sections 2.3(a) – (d). This must be done within 21 days of such a contravention.

The following are the criteria by which The Authority assessed whether the licence holder or manager is a fit and proper person.

- a) Committed an offence involving
  - I. Fraud
  - II. Dishonesty
  - III. Violence
  - IV. Drugs
  - V. Sexual Offences Act Schedule 3
- b) Practised unlawful discrimination on grounds of sex, colour, race, ethnic or national origins or disability in connection with a business.
- c) Contravened any provision of housing or landlord and tenant law. In particular:
  - I. subject to proceedings by a local authority
  - II. where the local authority has had to carry out works in default
  - III. subject to a management order under the Housing Act 2004
  - IV. Or been refused a licence or breached conditions of a licence.
- d) Acted in contravention of any Approved Code of Practice.

### **3 Management of the property**

#### **3.1 General**

The licence holder shall:

- ensure that arrangements are in place for regular inspection of the premises to ensure that fire escapes and fire alarm systems are in good order and that common areas including external yard and garden areas are clean and tidy.
- Ensure that all repairs to the house or any installations, facilities or equipment within it are carried out by competent and reputable persons
- Ensure that if accommodation is provided on a furnished basis and includes electrical appliance, copies of user manuals or equipment provided as part of the agreement for occupation of the house are provided.
- Ensure that all occupiers are made aware of the licence and conditions.

#### **3.2 Occupancy**

The licence holder shall:

- Ensure that rooms other than bedrooms are not used for sleeping purposes
- not allow occupancy levels to exceed those set by The Authority and indicated on the licence.
- If the property is a house in multiple occupation (HMO), ensure that the house is compliant with Lancaster City Council's approved standards for Houses in Multiple Occupation. These standards will be reviewed periodically to ensure that they remain appropriate to the type of multi occupied housing within the Council's area and needs of residents. Copies can be obtained from Private Housing Services.

#### **3.3 Safety**

The licence holder shall:

- ensure that the installation of the automatic fire detection system and emergency lighting is in accordance with standards set by The Authority in consultation with the Fire Authority and appropriate to the design of the property.
- inform the authority of any changes to the positioning or type of some alarm fitted in the property.
- ensure that all means of escape from fire in the house and all apparatus, systems and other things provided by way of fire precautions are in and are maintained in good order and repair and are kept free from obstruction.



- 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 the authority, on demand, with a declaration by him as to the condition and positioning of any such alarm.
- keep electrical appliances (supplied by him to the occupier) in a safe condition and supply to the authority at the time of application and thereafter on demand, with a declaration by him as to the safety of such appliances. This should be in the form of a test certificate from a competent electrician, a copy of which must be available for inspection by the tenants.
- supply to the authority at the time of application and thereafter on demand, a copy of a periodical electrical safety certificate for the electrical installation. This should be carried out by a competent electrician and a copy of this must be available for inspection by the tenants.

### **3.4 External areas, refuse and waste**

The Licence Holder shall:

Ensure that the:

- a) the exterior of the property is maintained in a reasonable decorative order and state of repair and does not adversely affect the amenity or character of the area
- b) At all times any gardens, yards and other external areas within the curtilage of the house are kept in a reasonably clean and tidy condition and free from rodent infestation, and
- c) Suitable and adequate provision is made for storage of refuse generated in the property and that arrangements for storage, recycling and collection of refuse are as required to ensure compliance with local authority arrangements in that area, that occupants are made aware of those arrangements and that failure to comply with them is made a breach of the terms of their tenancy or licence.
- d) Access is available at all times to adequate, external, refuse storage.

### **3.5 Security.**

The Licence Holder shall:

Ensure that the security provisions for the access to the dwelling (including but not limited to locks, latches, deadbolts and entry systems) must be maintained in good working order at all times.

- ensure that where window locks are fitted, keys are provided to the relevant occupant.
- ensure that where a burglar alarm is fitted to the house the occupant is informed in writing the details on how the code for the alarm can be changed and under what circumstances, and provide details when required on how this can be arranged.
- ensure that where previous occupants have not surrendered keys arrange for a lock change to be undertaken, prior to new occupants moving in.
- ensure that where alley gates are installed to the rear of the licensed property, take responsibility for holding a key and make satisfactory arrangements for the occupiers access.

### **3.5 Management of Anti-social behavior**

The licence holder shall:

ensure that all steps as are reasonable and practical are taken to prevent either the existence of the house or the behaviour of the occupants from adversely affecting the amenity or character of the area in which it is situated, and use of the premises for illegal purposes.

The licence holder must:

- Provide a written action plan to Lancaster City Council outlining procedures for dealing with anti-social behaviour at the time of application. This must be reviewed annually and submitted on request.
- Obtain tenant references prior to granting a tenancy as to previous tenancy conduct, including behaviour of that of the proposed occupier and household.
- If a licence holder receives a reference request for a current or former tenant for the purposes of an application to rent a property from another Licence Holder he must respond to the request in writing within a reasonable period and either i) decline the request for a reference ; or ii) when giving a reference state whether or not he is aware of any allegations of anti-social behaviour made against the tenant and if such allegations have been made, give details of the same including details of whether (to his knowledge) the allegations have been admitted or have been found proven in any court or tribunal.
- Cooperate with Lancaster City Council, Lancashire Constabulary and other agencies in resolving complaints of anti-social behaviour. The Licence Holder and/or their nominated managing agent are required to undertake an investigation of any complaints regarding their tenants. Written records of these will be required.
- The licence holder/management agents must make regular (at least monthly) inspections of the property to ensure that the property is in a decent state of repair and that the occupiers are not in breach of tenancy terms and conditions.
- Ensure that each tenant is made aware that they are responsible for their own behaviour and the behaviour of other occupiers and visitors. Tenants must be made aware that if they, other occupiers, or their visitors:
  - Cause nuisance or annoyance to neighbours;
  - Use abusive or threatening language or behaviour to neighbours;
  - Fail to store or dispose of refuse properly; or cause damage to fixtures, fittings, fire prevention or alarm equipment or installations, or to the fabric of the premises;

- Fail to give access to the landlord or his agent for the purpose of maintaining communal areas or, upon reasonable notice, to inspect or undertake works within their accommodation  
they will be liable to enforcement action which may include possession proceedings either under the terms of the tenancy, pursuant to s.21 of the Housing Act 1988 or pursuant to Grounds 13 or 14 of Schedule 2 to the Housing Act 1988.”

### **3.5 Information to be displayed**

The licence holder shall:

- ensure that his/her name, address and telephone number or that of his manager are displayed in the property and in the case of an HMO in the common parts.
- have in place suitable emergency and other management arrangements in the
- event of their absence
- ensure that tenants are given clear advice on what action is to be taken in the event of an emergency and given contact details
- ensure that tenants are given clear advice on management arrangements in the event of their absence,

## Appendix 3c: Proposed Licence Fees

**Selective and Additional Licensing – Proposed Fees****Single Occupancy households**

	Accredited landlord	Non Accredited landlord
Standard Fee	500	600
Early Bird for new licence application fees	300	400

**Self-contained flats**

	Accredited Landlord	Non Accredited landlord
Standard Fee (first flat)	500	600
Standard fee (second flat in the same building)	150	250
Early Bird discount		
First flat	300	400
Second flat	50	150

**House in multiple occupation**

	Accredited Landlord	Non Accredited landlord
Standard Fee Property up to and including 5 units	550	650
Fee for each additional unit over 5 under the same control as the proposed licence holder	50	60
Early Bird for new licence within the additional licencing area of Morecambe	350	450

**Additional Fees**

Incomplete application (the early bird discount is not available to incomplete applications)	Additional £100
Finder's Fee: Where landlords do not apply to licence and have to be found by the council. Landlords will be subject to prosecution.	Additional £200
Application to vary a licence	£50
Application for change of ownership	If a licensed property is sold, the licence is not transferable and the new owner will need to apply for a new licence.

Appendix 4: Letter from Landlord to Tenants

Without prejudice

Dear All

I am writing out of courtesy to advise you that I am going to possibly have to implement a change to your current tenancy subject to the outcome of the Council's consultation. The Council is currently undertaking a consultation relating to charging for selective /additional licences which is meant to improve the living standards for tenants and improve the local area. The Council are suggesting implementing a charge for this licence which will mean I will need to issue a new tenancy reflecting the cost of the licence and any additional rules that are implemented in this licensing scheme.

Unfortunately I fear I will need to serve notice to those that I feel will be unable to make the additional rent payments. The cost of the licence on top of the implementation of universal credit means it will be impossible for certain tenants to fulfil their new rent payment.

As we already have a good tenant / landlord relationship and all maintenance is always carried out I believe you will not benefit from any of the proposal but instead this will be a stressful time for you and your family in finding new accommodation as I will only be able to rent out to those that can cover the cost. In certain circumstances I will look to sell the properties if we feel we cannot cover the cost of licencing / arrears due to universal credit and continue to provide what I believe to be well maintained rental properties.

I would suggest if you feel that licensing is pointless / disagree with the fees suggested then please can you contact 01524 582257

or email :- [licensingconsultaion@lancaster.gov.uk](mailto:licensingconsultaion@lancaster.gov.uk) and express your concerns and ask for advice about finding new accommodation if necessary.



Appendix 5a: Letter from Landlord to Consultation Team

I am writing in response to the councils intended Tax on landlords.

Let me start by telling you a little about my business practice. I am a landlord who over the last few years has invested heavily in property in Morecambe. It's how I make a living and an investment for my future retirement. One tenet of my practice is to only buy houses I would live in myself. I don't buy flats or multi occupancy properties, I only purchase houses. As these houses are an investment in my future it pays me to keep my properties in tip top condition, there is no future for me in letting my properties deteriorate and become second rate. I cater to families looking for long term lets; I choose my tenants with care and must say all my families have been with me for years. All my properties are insured and have at least 2 smoke alarms fitted, have carbon monoxide monitors, have their gas systems checked yearly and their electrical systems checked every 5 years. I have all the relevant certificates on file. All my tenants have tenancy agreements. Most of my properties, but not all, are managed for me by an agent who requires a high standard of practice from me. After all he has the standard of his own business to maintain. I have never had to evict a tenant.

Bearing this in mind why does the council see fit to penalise me with a tax supposedly to stop rogue landlords? One can't help think the council have seen schemes like this rolled out in various towns across the country and see it as a good way to earn revenue. I do all the work to a high standard and you get paid for it. I have visited one of the drop in clinics and nothing that was said convinced me otherwise. When asked, why am I being taxed? and if the scheme you propose is to eradicate rogue landlords why not simply go after them directly? The answer was rather vague leaving me with the distinct impression I put money in and get nothing out.

The study carried out to support the proposal is very flimsy and lacks any credibility. I will not go into lengthy critical analysis of the report but will highlight 2 major errors. Why was Lancaster chosen to offer a comparison to Morecambe? One is a University City, the other once had a Marine land. These population centres are like chalk and cheese, surely a comparison to a town like Burnley would have offered greater accuracy. Just because 2 towns are close to one another doesn't mean comparisons can be made to offer credibility to the report. A second failure is to offer arguably skewed objective data with a conspicuous lack of subjective data to support it. From speaking to the council staff present at the drop in centres the impression is one of the council having already made up their minds to go ahead with their proposals, making any such criticism moot.

Bearing in mind as a landlord I face an extra 3% tax on any house purchased, payable before I even pick up the keys. This has as I am sure you are aware made a significant impact on the sale of houses and economy country wide. House sales are down. One of our local estate agents has ceased trading this month. I personally will not purchase any further property within your marked boundary. If I feel like this I am sure others will too. What will this do to property sales in the West End? What will it do to house prices? Can you see a cycle of deprivation starting? Look at Burnley and the areas Burnley council taxes, look at

the house prices there. I've seen houses within them going for £20,000. The area within your boundary will be seen as a less desirable location; you are in fact saying the area within the boundary is rough and less desirable than areas outside your self imposed demarcation zone. I imagine this will impact landlords too, as who wants to rent a property in the rough part of town.

A thought you may consider, who will cover these extra costs you are imposing on us? The customer will. Business always passes on price hikes to their customers, landlords are no different. I intended to completely change the heating system, including combi boiler and new radiators in one of my properties. As stated I keep my properties in tip top condition to keep my tenants happy and to keep my investment solid. I am waiting for the outcome of this consultation period before going ahead with this work. If I'm hit with extra costs the work will not be carried out. Both my tenants and I become a victim of your tax.

With reference to Q2 on your questionnaire, lets say for argument sake and bearing in mind they are adults with free will, that I can influence to a slight degree the behaviour of my tenants in the areas of noise and rubbish. If I own one house in a street of 10 houses how can I have any influence on the other 9 people living on the street? They may be house owners who drop their rubbish wherever they want. How does your tax keep that street clean?

Q4, I do all of these things already

You seem to set great store in being an accredited landlord as provided by the 'residential landlord association accreditation scheme' (RLAAS). A stellar scheme that so obviously raises the bar for landlords everywhere, or does it? You seem to think so as you offer a discount on the tax you are to levy on a landlord being a member of this association. Let me draw your attention to the following paragraph taken verbatim from their instructions on how to achieve such accreditation.

**"6. Landlord Development Training To ensure that accredited landlords possess the basic knowledge and skills required for successful property management they must complete the approved RLA landlord development training course based upon the ANUK/LGA Landlord Handbook. *This "Core" training must be completed within 12 months of submitting an application for membership and may be undertaken through an approved on-line training course or by attendance at a venue based training course.*"**

Let me draw your attention to the sentence highlighted. I apply to the RLAAS for accreditation, pay their fee and then I then have 12 months to pass an online course. Do they visit me to interview me, do they check my business practice, assess my accounts, make sure my business plan is viable and working, do they check on the bills I pay, do they visit my house to check on health and safety, count my smoke alarms or interview my tenants? No they give me accreditation after I pay them a fee and fill in an online form; they even give me a year to do that! Do tell what worth do you think is there in being accredited? Why do I get a discount for filling in an online form?

In conclusion and with reference to Q5, I am an ethical business man and landlord, having me pay you money will not improve my business practise at all or improve the health and well being of my tenants. If you sincerely want to improve the standards of housing and the management of properties in the West End then target problem landlords, don't financially penalise the good ones.

Thanks for reading my brief critique.

Appendix 5b: Letter from Landlord

██████████  
██████████  
██████████

Dear Sir/Madam|

Please find my thoughts relating to the proposed licensing for private rented housing in the West end of Morecambe. Most you will know anyway, I am just summarising. We are all aware that this issue has deteriorated over many years in Morecambe, not just in the West End.

The selling off of good social housing nationally limits supply of affordable low rent housing to enable people to take on low paid jobs. Selling housing stock off with large discounts and then unable to rebuilding more reduces supply. Selling off assets to pay for services is only a short term gain. For the tenant, I have seen them go on to mortgage that property, stop working, once the money runs out and the house repossessed expect the council to re house them again.

Because skills are limited, and the lacking of any real industry in the area, prospects are few. So there becomes a large number of good solid large Victorian properties becoming run down and derelict. These are seen to be a lot of a building for little money. Absentee and unscrupulous land lords see this avenue as a good way to house the most vulnerable and desperate, and seeking council housing benefit payments, and mainly using agents to run the properties on their behalf. (without these landlords, these desperate tenants would be in B&B or homeless due to the shortage of social housing)

In the past these tenants would have been housed in a council house with low rent. With the short supply, the less desirable tenants have to seek housing from the private sector. They have no option but to take on anything that they can get. Hence the reason Morecambe has a bad housing situation. Mainly brought about from the selling off of council housing throughout the country. Bad tenants pushed towards old seaside resorts for the reasons above.

Housing Associations with council help play a very good key role to turn things around for Morecambe, but this is a long term game. In the short to medium term buying up many properties and leaving them empty restricts supply further, and runs the area down greatly whilst derelict. Sadly it is taking many years to secure the finance to complete this process.

Housing Associations charge mainly a market value in rents, not cheap rents. The new development Morecambe 1 attracts above the market rental value. Any social tenant living in Morecambe 1 will be unable to take on low paid work because they will be unable to afford the rents charged. Therefore dependant on social handouts, and trapped in the system. Housing Associations will not entertain where ever possible undesirable tenants. It is known that a tenant will deliberately put them self in arrears reducing the risk of eviction. Crazy but true.

The absentee and unscrupulous landlord mainly plays no part in running their properties, and agents only do what they are required to do. Quite often unable to spend money on essential repairs because the landlord does not permit.



The new proposal has been thought up to tackle the issues. If there was a plentiful supply of good housing, the problem would solve itself because no one would rent the poor accommodation, and the poor houses would be sold off enabling renovation from a good landlord, or most likely sold off again to first time buyers. A good over supply in rental accommodation would keep rents affordable. But the influx of poor tenants don't suddenly become good tenants, just that they now live in better housing. Underline issues still remain, and antisocial behaviour cannot be controlled by a landlord without legal backing to approach tenants about the way they conduct them self.

For myself, I have been a property landlord for over 25 years. Almost every property I purchased was in a poor derelict state of repair, and the vast majority where unoccupied. With the help from NatWest bank, I have fully renovated each property taking between six to twelve months to fully complete each property. I spend between one to two thousand pounds every month with ongoing essential maintenance. My big concern is the introduction by the government section 24 tax to phase in income tax on the interest costs from the loans on any rental property. This on its own will take away most of the maintenance budget. This only applies to private landlords that are not set up within a limited company. A massive unfair disadvantage for the private landlord.

If this licensing tax comes into force, this we eliminate any chance of continued maintenance making the problem worse not better having the opposite effect to what you have set out to improve. The only way I could possibly continue would be to increase rents, or simply let the properties deteriorate that I can only rent to the most desperate. This puts the people who can least afford it under more pressure. If either is unachievable, I will be forced out of business with the likelihood that my single houses will go to first time buyers reducing rental property further in the area, and blocks of flats been bought by absentee landlords with offshore limited companies adding to the problem and not contributing towards the system.

Additionally Universal Credit has hit me hard with some of my tenants becoming severely in arrears from their inability to budget their daily expenditure. When a large back dated payment reaches them eventually, they blow the lot on anything they thought they could never afford. Universal Credit give no account to a tenants past history whether it be drink, drugs, dishonesty or what ever, NOT INTERESTED. They will not talk to me about a tenant unless I can tell them what that tenants National Insurance number is. I have to continue housing a tenant with no rent for 3-4 months while Universal Credit deals with a claim, then pay the tenant direct with no correspondence what so ever.

The proposed licensing will not give the landlord any new powers to deal with any kind of antisocial behaviour by a tenant or visiting person to that property. If a landlord does try to sort out these kind of matters, the landlord can be accused of harassment, and the law protects the tenant. The role of a landlord has become more of a social worker (unpaid). In the past, social services, council and the police would have tried to deal with the issue as they have the powers to implement and protect others.

Landlords in Morecambe are picking up the pieces from society's fallout that is not from our making. Taking a written reference is not worth the paper it's written on. The accredited scheme gave me no benefit when I joined back in 1996. By joining, this just put me on the radar for the council to visit all my properties. When the council visited my properties, they said they were amongst the best they have ever been round. Any additional works where always carried out, some expensive alterations required to do now seen as unnecessary. whilst I always complied over and above, the worst absentee landlords that never joined escaped any council visits.

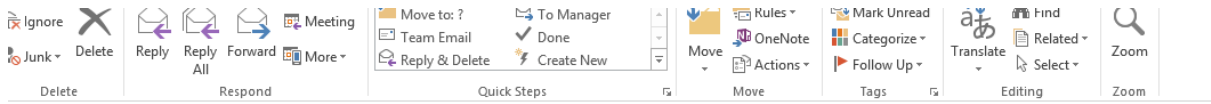
Where it is suggested that we must make regular inspections of the property.....

This is harassment on the tenant. It is where they live, and can imply that they are not behaving with suspicion that a breach in the tenancy is taking place. NOT GOOD. No thought about someone coming around your own home regular, how would you like it??


I do fear that the costs for licensing combined with other taxations from the government will force me out of business. I work full time with many visits late at night and weekends running the houses. If I am forced out of business, all my tenants will be looking for affordable rental accommodation that will no longer be available.

Regards, [REDACTED]


Appendix 6: Email from Landlord



   
  
rent arrears  
o 

Good Afternoon 

I have finally had all of the information back from the Landlords I have asked, as you can imagine, it has ben difficult to get people to divulge figures.

I have asked 9 Landlords in the area for their figures  Some Landlords have a small number of properties and others have large portfolios. I have been asked to keep the names anonymous.

In total , the number of tenancies involved with these Landlords are 281  
The number of tenancies in arrears are 149  
Number of tenancies with rent exceeding :

- 2 weeks - 49
- 4 weeks - 29
- 8 weeks - 37
- 12 weeks- 34

There are many different reasons for these arrears. A main risk at the moment are those tenancies that are dependant on Universal Credit. I have had to wait upto 3 months for funds to come through. As a Landlord I cannot communicate directly with universal credit and over the past 12 months, 7 tenants have absconded with Universal Credit payments owed to me, at a cost of £9749.88. Not all Landlords can swallow this loss and as a result there is already a decline in the number of Landlords willing to take on tenants who are on Universal Credit as it is a risk they cannot afford to take . Every Landlord I have spoken to has lost money due to Universal Credit.

All good Landlords will try to help tenants with payment plans, but costs incurred by Landlords can limit how flexible a Landlord can be.

As in any business, all costs need to be budgeted for in advance , allowing for the flexibility of rent payments to those who need the help the most and monies put aside for maintenance and repairs as well as mortgage repayments. Incurring unforeseen extra charges onto Landlords, such as the costs included with joining and maintaining a licensing scheme, especially without allowing for Landlords to implement these costs into yearly budgets will restrict flexibility and will have a negative effect on these businesses and the Private Rental Sector locally.


Kind Regards





Appendix 7: Response from the National Landlords Association



**National Landlords Association**

*Response to Morecombe, City of Lancaster Council's proposal for selective licensing*

*December 2017*

## Introduction

1. The National Landlords Association (NLA) exists to protect and promote the interests of private residential landlords.
2. The NLA represents more than 72,000 individual landlords from around the United Kingdom. We provide a comprehensive range of benefits and services to our members and strive to raise standards within the private rented sector.
3. We seek a fair legislative and regulatory environment for the private rented sector, while aiming to ensure that landlords are aware of their statutory rights and responsibilities.
4. We thank City of Lancaster Council for providing us with the opportunity to comment on the selective licensing proposal.

## Executive summary

5. Having considered the evidence presented and having undertaken our own evaluation of the circumstances faced by the residents of City of Lancaster, our position can be summarised by the following brief points:
  - Landlords have very limited authority when dealing with matters related to antisocial behaviour, especially if it happens outside the curtilage of the property.
  - The council fails to provide evidence of a direct link between recorded housing crime and the private rented sector.
  - The scheme will lead to a further displacement of problem tenants in Morecombe to neighbouring areas.
  - Selective licensing will have the effect of stigmatising the area.
  - The documentation provided fails to indicate that sufficient funding will be available to support the introduction of licensing.
  - The council fails to say how it will prevent malicious claims of antisocial behaviour being made, which could result in tenants losing their tenancies.
  - The document says that the council will use all its legal powers. However, if the existing powers had already been used, the issues would have been solved and the council would not need to introduce selective licensing.
  - The council has not published a strategy to deal with chaotic and antisocial tenants. Such a strategy should run in conjunction with the current proposal.
  - The council fails to say how the proposal will tackle rent-to-rent and subletting, or even Airbnb.
6. We contend that the flaws in the process and proposals, as outlined above, must be rectified before this application is progressed. Furthermore, once the necessary data has been identified and provided, this consultation exercise should be repeated (if permissible) to ensure engagement with all relevant stakeholders.

## General feedback on proposals

7. The ability to introduce licensing is a powerful tool. If used correctly by City of Lancaster Council, it could resolve specific issues. We have supported many local authorities in the introduction of licensing schemes that could benefit landlords, tenants and the community.
8. We believe that any regulation of the private rented sector must be balanced. Additional regulatory burdens should focus on increasing the professionalism of landlords, improving the quality of private rented stock and driving out the criminals who act as landlords and blight the sector. These should be the shared objectives of all the parties involved to facilitate the best possible outcomes for landlords and tenants alike. Good practice should be recognised and encouraged in addition to the required focus on enforcement activity. This is not the case here.
9. In addition, the proposal does not take into account rent-to-rent, or those who exploit people (both tenants and landlords), and criminals will always play the system. For instance, there is no provision for landlords who have legally rented out a property that has later been illegally sublet. The council is not allocating resources to tackle the problems that criminals will cause. Often, landlords are victims just as much as tenants. What support will the council provide for the landlords to whom this has happened?
10. The issue of overcrowding is difficult for a landlord to manage. A landlord will tell the tenant how many people are permitted to live in the property and that the tenant is not to sublet it or allow additional people to live there. Beyond that, how is the landlord to manage this matter without interfering with the tenant's welfare? Equally, how will the council assist landlords when this problem arises? It is impractical for landlords to monitor the everyday activities or sleeping arrangements of tenants. Where overcrowding does take place, the people involved know what they are doing and they know that they, not the landlords, are the criminals. The council already has the powers to deal with this. We are concerned that these powers are not being used.
11. The proposal fails to address the link between homelessness and the effect that licensing has on tenants in Morecombe. The impact that a selective licensing scheme will have on tenancies is absent from the document.
12. Landlords are usually not experienced in the management of antisocial behaviour and do not have the professional capacity to resolve tenants' mental health issues or drug and alcohol dependency. If there are allegations about a tenant causing problems (e.g. antisocial behaviour) and a landlord ends the tenancy, the landlord will have discharged their obligations under the selective licensing scheme, even if the tenant has any of the above issues. This moves the problems around Morecombe but does not actually help the tenant, who could become lost in the system. There is no obligation within selective licensing for the landlord to resolve an allegation of antisocial behaviour. Rather, a landlord has a tenancy agreement with a tenant and this is the only thing that the landlord can legally enforce.
13. City of Lancaster Council has many existing powers. Section 57(4) of the Housing Act 2004 implies that a local authority must not make a designation 'unless (a) they have considered whether there are any other courses of action available to them [...] that might provide an effective method for City of Lancaster Council with the problem or problems in question'. The council already has powers that can

be used to rectify the problems and, hence, the ability to tackle many of the issues that it wishes to overcome in all parts of West Midlands. These include:

- criminal behaviour orders
- crime prevention injunctions
- interim management orders
- empty dwelling management orders
- improvement notices (for homes that do not meet the Decent Homes Standard)
- litter abatement notices (section 92 of the Environmental Protection Act 1990)
- fixed penalty notices or confiscation of equipment (sections 8 and 10 of the Noise Act 1996)
- directions regarding the disposal of waste (e.g. section 46 of the Environmental Protection Act 1990)
- notices to remove rubbish from land (sections 2–4 of the Prevention of Damage by Pests Act 1949).

14. At the start of a tenancy, the landlord outlines to the tenant their obligations in relation to noise (and other matters, such as waste disposal, compliance with relevant laws and having consideration for their neighbours). The landlord can manage a tenant only to the extent of their mutually agreed contract for living in the rented property, not for the tenant's activities in the street or neighbouring streets. In the case of a noise complaint, the council would have to inform the landlord that the tenant was being excessively noisy. The landlord then has the right either to warn the tenant or to end the tenancy. If the allegation is false or disingenuous, how is the landlord to know? If the same allegation is made on more than one occasion, the landlord may end the tenancy based on an unproven allegation or because the council says that there is a problem. This does not solve the problem but rather moves it around the borough. The same applies to household waste and antisocial behaviour issues. The tenant could be labelled as guilty without having faced a trial. Under the reference condition of selective licensing, a guilty judgment can be made without an accusation being tested by a court.
15. Ending a tenancy will be one way for a landlord to resolve an allegation of antisocial behaviour even if it is malicious. This will not resolve the issue of high tenancy turnover; it will exacerbate it.
16. The introduction of licensing is likely to increase costs for tenants without solving the problems that the council is trying to target. It will likely move the issues around the borough and displace them to new landlords. The issues would be better resolved by a more erudite approach to dealing with nuisance and a separate policy to tackle criminals acting as landlords.
17. Often when tenants are nearing the end of their contract/tenancy and are in the process of moving out, they will dispose of excess household waste by a variety of methods. This includes putting waste out on the street for the council to collect. This is made worse when the council does not allow landlords access to municipal waste collection points. Local authorities with a large number of private rented sector properties need to consider a strategy for the collection of excess waste at the end of tenancies. We would be willing to work with the council to help develop such a strategy.

#### **Negative impacts of discretionary licensing**

18. One of the dangers of the proposed selective licensing scheme is that the costs will be passed on to tenants. This would increase costs both for those who rent in Morecombe and for the council. The increased costs to Morecombe residents would particularly hit those most vulnerable and least able to tolerate a marginal increase in their cost of living. Also, the council has failed to explain that, as well as the council's costs for the licence, landlords will likely cover their increased costs by raising rent prices. The failure to explain this shows a lack of understanding of how the private rented sector works. This could mean that landlords will look for tenants from other councils as some are offering incentives (e.g. Haringey is offering £4000 plus the London Local Housing Allowance rate). London boroughs like Hackney have already placed people in Preston. The introduction of selective licensing would draw their attention to Morecombe too.
19. Areas that have been subject to the introduction of selective licensing have seen lenders withdraw mortgage products, thereby reducing the options available to landlords who are reliant on finance. Downstream, this increases overheads for landlords and costs for tenants rise. The lenders that withdraw mortgage availability from a landlord will appear on that landlord's credit history. Other mortgage lenders will put a higher cost on the landlord, which will ultimately reach the tenant.
20. Defining Morecombe as a problem area will not encourage lending or investment into the area. By proposing to introduce licensing, the council is implying that there are social problems that could deter investment. The council does not acknowledge the impact that the stigmatisation of discretionary licensing would likely have. Property prices would be affected and all car and house insurance premiums would increase, but the council has not told Morecombe residents about this. We assert that failure to provide such information indicates a substandard, and ultimately superficial, consultation exercise.
21. The social housing sector has made many efforts to remove problem tenants (see table below). How does the council expect landlords to solve these tenants' issues when the professional sector has failed? Many of the tenants who have been removed from the social sector are now living in the private rented sector without any support. Selective licensing will have a greater impact on those who are evicted from social housing as they will fail the reference check required by the private rented sector and will be refused access.

#### Mortgage and landlord possession statistics 2016<sup>1</sup>

Year (calendar)	Landlord type		Claims issued
	Private*	Social	
2016	54,583 (39.7%)	82,789 (60.3%)	137,372 (100%)
*includes all accelerated claims			

#### Current law

<sup>1</sup> [www.gov.uk/government/statistics/mortgage-and-landlord-possession-statistics-october-to-december-2016](http://www.gov.uk/government/statistics/mortgage-and-landlord-possession-statistics-october-to-december-2016)

22. A landlord currently has to comply with over 100 pieces of legislation and the laws with which the private rented sector must comply can be easily misunderstood. A landlord is expected to give the tenant a 'quiet enjoyment' of the property. Failure to do so could result in a harassment case being brought against the landlord. The law within which landlords must operate is not always fully compatible with the aims of the council. For example, a landlord keeping a record of a tenant could be interpreted as harassment.
23. Licensing is introduced to tackle specific issues. Many of these are related to tenants, which the council has identified. The challenge for local authorities is to work with all the people involved and not simply to blame one group – landlords, for example. We are willing to work in partnership with the council to develop tenant information packs, assured shorthold tenancies and the accreditation of landlords, along with targeting the worst properties in a given area.
24. We would also argue that a problem that is restricted to a few poorly managed and/or poorly maintained properties would not be appropriately tackled by a licensing scheme that is not proportional. In many situations, the council should consider enforcement notices and management orders. The use of such orders would deliver immediate results. Why, instead, does the council wish to address this problem over a period of five years and through a licensing scheme? A targeted, street-by-street approach, working on specific issues in a coordinated manner with other relevant agencies, such as community groups, tenants and landlords, would have a much greater impact.
25. We would also like to see the council develop a strategy that includes action against any tenants who are persistent offenders. These measures represent a targeted approach to specific issues, rather than a blanket licensing scheme that would adversely affect all professional landlords and tenants alike, while leaving criminals able to operate covertly. Many of the problems are caused by mental health or drink and drug issues. Landlords cannot resolve these issues and will require additional resources from the council.
26. In relation to the reduction of antisocial behaviour and the authority that landlords have to tackle such activity within their properties, it should be pointed out that landlords and agents can only enforce a contract; they cannot manage behaviour (ref: House of Commons briefing note SN/SP 264, paragraph 1.1). In most circumstances, the only remedy available to landlords who are confronted with cases of serious antisocial behaviour in one of their properties will be to seek vacant possession. In many instances, they will need to serve a section 21 notice, rather than a section 8 notice, identifying the grounds for possession. The former is simpler and cheaper and repossession (at present) is more certain. No reason needs to be given for serving a section 21 notice and, in this case, the perpetrator tenant can hypothetically approach the local authority for assistance to be rehoused (ref: Homelessness Guidelines cl 8.2). Crucially, no affected party needs to offer evidence against an antisocial householder, thereby reducing the risk of intimidation, harassment and, ultimately, unsuccessful possession claims. The issue of antisocial behaviour will, thus, not appear as a factor in the repossession. However, when providing evidence to support a licensing application, the document should clarify the position of all the relevant issues under landlord and tenant law.

#### **Requests for supplementary information**



27. We are extremely concerned about the gaps in evidence and justification that occur throughout the licensing proposal.
28. We would like clarification on the council's policy in relation to helping a landlord when a section 21 or section 8 notice is served, when the property is overcrowded or when the tenant is causing antisocial behaviour. What steps will the council take to support the landlord? It would be useful if the council put in place a guidance document before the introduction of the scheme to outline its position regarding helping landlords to remove tenants who are causing antisocial behaviour.
29. We would like a breakdown of antisocial behaviour complaints made over the last five years, subdivided into antisocial behaviour that has proven to be housing related and for the different housing sectors (owner, social and private rented).
30. We would like to know what consideration the council has given to homelessness where tenants cannot access the private rented sector.
31. The council says that one of the reasons that selective licensing is being introduced is the size of the private rented sector. Does the council plan to reduce the private rented sector in these areas? If so, where does the council wish to see the private rented sector grow?
32. The council fails to say what additional services will be provided for mental health. This will have an impact on adult social care budgets for the county council and this budget is already under pressure. How much money has been allocated from the county to meet this?
33. Finally, we would like a breakdown of the number of orders and powers listed in paragraph 13 that City of Lancaster Council has used over the past five years.

# Equality Impact Assessment

This **online** equality impact assessment should:

An equality impact assessment should take place when considering doing something in a new way. Please submit your completed EIA as an appendix to your committee report. Please remember that this will be a public document – do not use jargon or abbreviations.

**Service**

**Title of policy, service, function, project or strategy**

**Type of policy, service, function, project or strategy:** Existing  New/Proposed

**Lead Officer**

**People involved with completing the EIA**

## Step 1.1: Make sure you have clear aims and objectives

Q1. What is the aim of your policy, service, function, project or strategy?

Q2. Who is intended to benefit? Who will it have a detrimental effect on and how?

## Step 1.2: Collecting your information

Q3. Using existing data (if available) and thinking about each group below, does, or could, the policy, service, function, project or strategy have a negative impact on the groups below?

Group	Negative	Positive/No Impact	Unclear
Age	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Disability	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Faith, religion or belief	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gender including marriage, pregnancy and maternity	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gender reassignment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Race	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sexual orientation including civic partnerships	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other socially excluded groups such as carers, areas of deprivation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Rural communities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## Step 1.3 – Is there a need to consult!

Q4. Who have you consulted with? If you haven't consulted yet please list who you are going to consult with? Please give examples of how you have or are going to consult with specific groups of communities

# Equality Impact Assessment

10 week consultation carried out of all stakeholders in and directly adjacent to the affected area.

## Step 1.4 – Assessing the impact

Q5. Using the existing data and the assessment in questions 3 what does it tell you, is there an impact on some groups in the community?

**Age:** Some tenants may be considered to be a risk so be excluded from accessing the private rented sector. However tenants will benefit from improved standards of accommodation.

**Disability:** Tenants will benefit from improved standards of accommodation

**Faith, Religion or Belief:** Tenants will benefit from improved standards of accommodation

**Gender including Marriage, Pregnancy and Maternity:** Some tenants may be considered to be a risk so be excluded from accessing the private rented sector. However, tenants will benefit from improved standards of accommodation

**Gender Reassignment:** Tenants will benefit from improved standards of accommodation

**Race:** Tenants will benefit from improved standards of accommodation

**Sexual Orientation including Civic Partnership:** Some tenants may be considered to be a risk so be excluded from accessing the private rented sector. However tenants will benefit from improved standards of accommodation.

**Rural Communities:** No impact

## Step 1.5 – What are the differences?

Q6. If you are either directly or indirectly discriminating, how are you going to change this or mitigate the negative impact?

By taking account of the comments in the consultation and changing the approach, the impact on tenants should be mitigated. Housing advice and support will be provided where tenants are affected.

Q7.

Do you need any more information/evidence eg statistic, consultation. If so how do you plan to address this?

Not at this point.

## Step 1.6 – Make a recommendation based on steps 1.1 to 1.5

Q8. If you are in a position to make a recommendation to change or introduce the policy, service, function, project or strategy, clearly show how it was decided on.

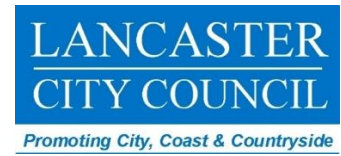
Evidence from a widescale consultation, evidence from other local authorities.

Q9. If you are not in a position to go ahead, what actions are you going to take?

Click here to enter text.

Q10. Where necessary, how do you plan to monitor the impact and effectiveness of this change or decision?

An evaluation of the project will be carried out after 18 months.



# Equality Impact Assessment

<b>CABINET</b>
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**Performance Monitoring 2017-18 Quarter 3  
20 March 2018**

**Report of Chief Executive**

<b>PURPOSE OF REPORT</b>			
To report on the overall performance of key indicators for October-December 2017 (Quarter 3).			
<b>Key Decision</b>	<input type="checkbox"/>	<b>Non-Key Decision</b>	<input checked="" type="checkbox"/> <b>Referral from Cabinet Member</b>
<b>Date of notice of forthcoming key decision</b>	N/A		
<b>This report is public</b>			

**RECOMMENDATIONS OF COUNCILLOR BLAMIRE**

- (1) That Cabinet considers the performance of key indicators at the end of Quarter 3 2017-18 (31<sup>st</sup> December 2017)
- 1.0 Performance Monitoring Quarter 3 2017-18**
- 1.1 The attached performance monitoring report and appendices provides a summary of the Quarter 3 progress and performance of key indicators towards the achievement of the corporate priorities and outcomes.
- 1.2 Appendix A provides a summary narrative, while Appendix B provides a more detailed scorecard.

**RELATIONSHIP TO POLICY FRAMEWORK**

This report is a requirement of the council's Performance Management Framework in support of the delivery of key priorities and outcomes as set out in the overall policy framework and specifically in the Corporate Plan 2016 – 2020 and the revised and approved performance indicators for 2017 – 18.

**CONCLUSION OF IMPACT ASSESSMENT**

**(including Health & Safety, Equality & Diversity, Human Rights, Community Safety, HR, Sustainability and Rural Proofing):**

None directly arising from this report.

**LEGAL IMPLICATIONS**

None directly arising from this report.

**FINANCIAL IMPLICATIONS**

None directly arising from this report; any implications were covered in the quarterly financial report.

**OTHER RESOURCE IMPLICATIONS, such as Human Resources, Information Services, Property, Open Spaces:**

None directly arising from this report.

**SECTION 151 OFFICER'S COMMENTS**

The Section 151 Officer has been consulted and has no further comments.

**MONITORING OFFICER'S COMMENTS**

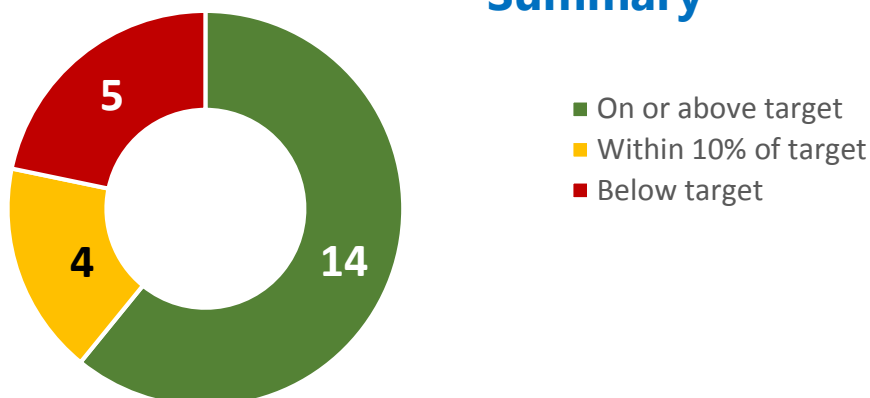
The Monitoring Officer has been consulted and has no further comments.

**BACKGROUND PAPERS**

None listed

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**Ref:**

## Quarter 3 - Overall Performance Summary



### New Indicators

In addition to the indicators that have been reported since Quarter 1, four more included in Quarter 3 performance monitoring for the first time, as requested by Budget and Performance Panel. These are:

- Occupancy rates for all commercial properties (including estate shops)
- Cost/M2 spent on energy across all corporate buildings (Lagging – Quarter behind)
- Amount of energy usage in council buildings (Gas/KWH) (Lagging – Quarter behind)
- Amount of energy usage in council buildings (Electricity/KWH) (Lagging – Quarter behind)

The indicators relating to energy usage have been set as 'Baseline' where a target figure has not been assigned. This is mainly due to a change of energy supplier which has improved the reliance that can be placed on the accuracy of the data provided but does not provide for a meaningful comparison with the previous year. By Quarter 1, 2018/19, the Council will be in a better position to set a realistic target for these indicators based on accurate 2017/18 data.

### Significant Improvements

Overall, performance for Quarter 3 has improved significantly when compared to Quarter 2 as the number of key performance indicators achieving/exceeding the target has risen from **10 to 14**. This is mainly as a result of the following indicators that have excelled in achieving their targets for this quarter:

- **The number of followers on Lancaster City Council's Twitter Page** – The number of twitter followers has risen sharply by 460 people since Quarter 2. This is due to the council's continued efforts in using Twitter as a means of dealing with service requests as well as using it to promote the district as a place to work, live and visit. The recent initiative of Services promoting their day to day activities on Twitter has certainly helped to attract more people to the page, as well as other promotional activities and projects carried out by the council.
- **Total number of admissions to Salt Ayre Leisure Centre** – Since Quarter 1, there has been a huge increase in the number of visitors to Salt Ayre Leisure Centre from 131,856 to 237,222 visitors. The opening of Gravity Flight Tower as well as the recent opening of the new Spa facilities has helped to increase the number of visitors throughout the course of the year.
- **Number of properties where 'category 1 hazards' have been eliminated** – The recent flooding put added pressure on available resources as staff 'went the extra mile' in helping vulnerable people who

were badly affected. Despite this there has been a significant increase in the number of properties that have had 'category 1' hazards eliminated. Rising from just 16 in Quarter 2 to an impressive 42 properties in Quarter 3, easily surpassing the target of 25 properties for this quarter.

- **Number of fly tipping reports actioned within 5 days** – Since Quarter 1, the number of fly tipping reports actioned within 5 days more than doubled in Quarter 2 and remained significantly higher than the target in Quarter 3. This is a direct result of improvements in the work schedule of street cleansing operatives and continuously improving working practices within the service.

## Benchmarking

Some services benchmark themselves against other councils across the country through membership of performance networks such as HouseMark and APSE (Association for Public Service Excellence). Other services are part of regional benchmarking clubs. . Set out below, are some highlights of the Council's performance when compared with others:

- **Average number of days of sickness absence per full time employee** – For the year 2016/17, Lancaster City Council were ranked fourth out of 14 local authorities within Lancashire for having the lowest number of average days lost to sickness per employee at 6.46 days.
- **Number of fly tipping reports actioned within 5 days** – For the year 2015/16, the council were in the APSE top quartile for the cost of street cleansing services provided per head of population.
- **Kilogrammes of residual waste per household** – Since 2014/15, the council has remained in the APSE top quartile for net refuse costs for the collection of household and trade waste, and recycling.
- **Total number of admissions to Salt Ayre Leisure Centre** – For the year 2015/16, the council was in the APSE top quartile for the overall performance of sports and leisure facilities.

## Areas for improvement

**Time taken to relet council houses** – Whilst, there has been a good reduction in the average number of days taken to re-let council houses from 71.67 days in Quarter 2 to 66.31 days in Quarter 3, this indicator remains substantially behind the ambitious target of 38 days. Plans are in place to continue this improvement and this will be further helped by the recent Cabinet approval of the RMS Development Programme and support from an external company, Ad Esse, who specialise in lean systems thinking and process improvement.

**Number of page visits made to 'Welcome Lancaster and Morecambe webpage'** – These webpages have seen a significant decline in the number of views since the beginning of the year and are becoming increasingly outdated. This position will be addressed through the recent appointment of a Marketing Manager, and the release of a new, user friendly website which should see the number of page visits increase in the coming months.





14  
Indicators  
On or Above Target

4  
Indicators  
Within 10% of Target

5  
Indicators  
Below Target

4  
Indicators  
Baseline

↑ Performance is improving  
→ Performance is the same  
↓ Performance is declining

Performance Information			Quarter 3 2016/17	Quarter 2		Quarter 3		Direction of Travel	Comments
Reference Code	Indicator	High/Low/ Neutral		Target	Actual	Target	Actual		
<b>Community Leadership</b>									
<b>Outcome 1: Business and customer needs and expectations are met through use of modern technology</b>									
CP1.1	Number of services with fully transactional on-line self service capability	High is Good	N/A	Baseline	49	Baseline	50	↑	<b>New indicator 17/18:</b> Fully transactional meaning that from the end users point of view the service is fully usable via a web interface without requiring other communications such as telephone or filling in forms offline. This can be broken by Services as follows: Environmental Services - 6, Governance - 4, Health and Housing - 20, Regeneration and Planning - 10, Resources - 10
CP1.3	Number of followers on Lancaster City Council's Twitter Page	High is Good	N/A	9000	8,835	9000	9,295	↑	<b>Green :</b> Since Q2, the number of twitter followers have increased by 460 people.
<b>Outcome 2: Reputation, quality and value-for-money of council services maintained</b>									
CP2.4	Average number of days of sickness absence per full time employee	Low is Good	2.04	1.75	1.37	1.75	1.79	↓	<b>Green:</b> The cumulative total number of average days lost due to sickness at quarter 3 is 4.41. It is normally the case that levels of sickness absence will tend to rise in the 3rd quarter of the year, as the number of seasonal viruses tends to increase resulting in higher levels of staff sickness absence, therefore the rise in sickness in the 3rd quarter was anticipated. Over the course of the financial year the Council remains well on track to achieve the end of year target of no more than 7.0 days absence lost to sickness per employee. Performance has improved in comparison to quarter 3 in 2016/17.
CP2.5	Occupancy rates for all commercial properties (including estate shops)	High is Good	N/A	100%	96%	100%	97%	↑	<b>Amber - New Indicator 17/18:</b> The achievement of meeting high occupancy levels is mainly due to the level of capital investment the council has, and is continuing to add to its commercial portfolio. Also with the current demand of businesses wanting to locate to the district has contributed to properties being occupied.
CP2.6	Average time taken to process new Housing Benefit and Council Tax claims	Low is Good	25.3	23	26.9	23	26	↑	<b>Amber:</b> Welfare reforms, particularly the introduction of Universal Credit, have led to a higher complexity of new claims, and delays in waiting for information from the Department for Work and Pensions. In comparison to quarter 3 in 2016/17, performance has slightly dipped.

Performance Information			Quarter 3 2016/17	Quarter 2		Quarter 3		Direction of Travel	Comments
Reference Code	Indicator	High/Low/ Neutral		Target	Actual	Target	Actual		
<b>Health and Wellbeing</b>									
<b>Outcome 4: People live safe, healthy, active and independent lives</b>									
CP4.8	Number of people statutorily homeless	Low is Good	22	25	20	25	24	↓	<b>Green:</b> The number of statutory homeless presentations have slightly increased from the previous quarter due to households affected by the recent floods, despite this we have only seen a slight increase in the number of people statutorily homeless compared to quarter 3 last year.
CP4.9	Number of Disabled Facilities Grants completed	High is Good	43	50	46	50	50	↑	<b>Green:</b> The average number of DFG completions per month in 2016/17 was 16. The average number of grants completed per month at the end of Q3 in 2017/18 is 17. This increase in completions has been achieved despite the Home Improvement Agency having only 50% of the required Technical Officer capacity. Staffing issues at the County Council Occupational Therapy (OT) Service have also resulted in a shortage of DFG referrals. To address the lack of referrals the Home Improvement Agency piloted the use of Independent OT's, and has undertaken a wide range of promotional activities to raise awareness of the availability of DFG's to local residents. A Technical Officer has now been recruited to the vacant post, this should lead to an increase in DFG completions in Q4. In comparison to quarter 3 last year, the number of disabled facilities grants completed has increased this quarter.
CP4.10	Number of properties where 'category 1 hazards' have been eliminated	High is Good	33	25	16	25	42	↑	<b>Green:</b> Target achieved despite some staff being diverted to flooding response work. In addition, 48 category 2 hazards have been reduced to an acceptable level.
CP4.11	Percentage of premises scoring 4 or higher on the food hygiene rating scheme	High is Good		90%	88.35%	90%	88.49%	↑	<b>Green:</b> This represents a 0.14% increase on the last quarter. Specific actions are in hand to bring about further compliance improvements leading to high ratings for food hygiene, which will be positive both for consumers and businesses.
CP4.12	Percentage of high risk food hygiene inspections completed	High is Good		100%	85%	100%	93%	↑	<b>Amber:</b> There were 14 high risk premises due in the quarter and 13 were inspected. The remaining premises is already subject to ongoing enforcement action and is due for re-inspection imminently.
CP4.14	Total number of admissions to Salt Ayre Leisure Centre	High is Good		180,000	145,669	230,000	237,222	↑	<b>Green:</b> Predicted throughput achieved as a result of a busy October holiday period. Trends are showing that participants of Energy and Xheight are being accompanied by family members / friends and therefore having a positive effect on throughput. The new Spa facility also opened in October. Similarly, swimming lesson numbers have increased and again, participants are often accompanied by family members.
CP4.15	Time taken to re-let council houses	Low is Good	59.28	38	71.67	38	66.31	↑	<b>Red:</b> Significant progress has been achieved in the management of the time taken to re-let council houses. Improvement in the management of re-letting homes remains high priority. The overall numbers of empty council houses continues to reduce. Further significant and sustained improvements are projected. The average re-let time for council houses let within the month of December 2017 was 52.14 days.

Performance Information			Quarter 3 2016/17	Quarter 2		Quarter 3		Direction of Travel	Comments
Reference Code	Indicator	High/Low/ Neutral		Target	Actual	Target	Actual		
<b>Clean and Green Places</b>									
<b>Outcome 5: High standards of cleanliness maintained</b>									
CP5.1	Number of fly tipping reports actioned within 5 days	High is Good	175	125	394	125	313	↓	<b>Green:</b> Between 1st October and 31st December 2017 Public Realm received 425 service requests in relation to Fly Tipping. Of these 313 were closed on the system within 5 working days. This equates to 73.64% of the total number. Significant improvement has been made in dealing with fly tipping incidents within 5 days compared to quarter 3 last year.
CP5.2	Number of fly tipping enforcement notices issued	High is Good	233	199	190	233	162	↓	<b>Red:</b> As was commented last quarter, the Environmental Enforcement team was half staffed pending recruitment for a period up to December 2017. This coincided with its transfer to Health & Housing (Public Protection) in November 2017. During that period attention was focussed more on higher risk offending, such as substantive fly tipping, and the time-consuming commitment of work on abandoned vehicles had a particular impact. This meant there was less lower-risk regulatory action contributing to this Q3 result. Nevertheless, 162 enforcement actions were undertaken by a reduced-strength team. There has been a reduction of fly tipping enforcement notices issued for this quarter in comparison to quarter 3 for the year 2016/17.
CP5.4	Percentage of household waste recycled (Lagging)	High is Good	43.66%	45%	36.5%	45%	41.4%	↑	<b>Amber:</b> This is a lagging measure and is currently still being validated. The data for Q2 can be broken down by the following: 20.8% dry materials, 20.63% garden waste. Combined to date recycling rate 39%. Q2 has seen an increase on the dry materials for the same period last year (16.08%) and a decrease for garden waste (27.58%).
CP5.5	Kilogrammes of residual waste per household (Lagging)	Low is Good		87.17	89.2	87.17	88.4	↑	<b>Green:</b> Q2 shows a slight decrease compared with Q1 of 0.8kg per head. The decrease is more significant compared to Q2 last year (7.9kg per head), this will of course have resulted from the decrease in garden waste.
CP5.6	Total number of subscriptions to the Garden Waste Scheme	High is Good	N/A	30,000	23,888	30000.00	23,971	↑	<b>Red:</b> Performance on garden waste has been extensively reported on. As charging was only introduced in 17/18 target was based on information from other Councils. The 18/19 target will be based on actual performance. The sign up campaign for 18/19 is now underway.
<b>Outcome 6: Minimising impact on the environment</b>									
CP6.1	Diesel Consumption - Council Vehicle Fleet (Litres)	Low is Good	119,839.60	121,728	123,610	121,728	120,321.50	↑	<b>Green:</b> Road diesel usage has gone down by 3288.50 litres from quarter 2. In comparison to quarter 3 figures from last year, fuel consumption has increased by 481.90 litres.
CP6.2	Cost/M2 spent on energy across corporate buildings (Lagging)	Low is Good	N/A	Baseline	£3.27	Baseline	£3.31	↓	<b>New indicator 17/18:</b> This figure relates to July to September 2017. A cost per square metre of £3.31 is in line with the previous quarter, given that they are covering similar months in terms of weather.
CP6.3	Amount of energy usage in council buildings (Gas/KWH) (Lagging)	Low is Good	N/A	Baseline	738,881	Baseline	809,376	↓	<b>New indicator 17/18:</b> This figure relates to July to September 2017. There is a slight increase in consumption compared to previous quarter. This would be as expected, as the weather starts to cool and some heating systems are adapted to suit the temperature.
CP6.4	Amount of energy usage in council buildings (Electricity/KWH) (Lagging)	Low is Good	N/A	Baseline	595,395	Baseline	656,213	↓	<b>New indicator 17/18:</b> This figure relates to July to September 2017. We can see a slight increase this quarter (July to September 2017) from the previous quarter, which is in line with what we would expect. Days start to shorten towards the end of September so we will be switching on more lights or lights will be in use for longer periods.

Performance Information			Quarter 3 2016/17	Quarter 2		Quarter 3		Direction of Travel	Comments
Reference Code	Indicator	High/Low/ Neutral		Target	Actual	Target	Actual		
<b>Sustainable Economic Growth</b>									
<b>Outcome 8: City, town and rural areas are enhanced and improved</b>									
CP8.3	Number of empty properties brought back into use	High is Good	18	15	19	15	14	↓	Green: 14 empty homes were brought back into use with Council involvement in Q3. Therefore, 276 properties being monitored in this quarter 5% were brought back into use with Council involvement.
CP8.5	Percentage of minor planning applications determined within 8 weeks or agreed time (Speed of Decision)	High is Good	96%	92.13%	98%	92.13%	98.41%	↑	Green: Of 63 Minor applications received in Q3, 62 were determined within the statutory 8-week timescale or within a mutually-agreed timeframe with the applicant. Percentage of minor planning applications determined has improved since quarter 3 last year.
CP8.6	Percentage of other planning applications determined within 8 weeks or agreed time (Speed of Decision)	High is Good	99%	70%	100.00%	70%	99.32%	↓	Green: Of 146 other applications received in Q3, 145 were determined within the statutory 8 week timescale or within a mutually agreed timeframe with the applicant. Percentage of other planning applications determined has slightly improved from quarter 3 last year.
CP8.7	Percentage of major planning applications determined within 13 weeks or agreed time (Speed of Decision)	High is Good	100%	60%	100%	60%	100%	→	Green: All 12 Major Applications received in Q3 were determined within the statutory timescale, or within a mutually-agreed timeframe with the applicant. Performance has been consistent since quarter 3 last year.
<b>Outcome 9: City, town and rural areas are enhanced as destinations for residents and visitors</b>									
CP9.2	Number of page visits made to 'Welcome Lancaster' webpage	High is Good	14,861	19,250	17,254	19,250	11,359	↓	Red: This is a combination of page visits to our Lancaster page on www.visitlancashire.com and our new standalone website - www.visitlancaster.org.uk. The figure is down on the previous quarter as Oct-Dec is part of the low tourist season. There has been an increase in visits to our standalone website but there continues to be a decline in the views on visitlancashire.com which is managed by our partner - Marketing Lancashire. The visitlancashire.com website is becoming increasingly out-dated (not mobile friendly) and we have been informed there will be a new version soon which is mobile responsive and thus will assist with greater page views again. In comparison to quarter 3 last year, there has been a significant reduction in the number of page visits to 'Lancaster Webpage' this quarter.
CP9.3	Number of page visits made to 'Welcome Morecambe' webpage	High is Good	5011	9,750	12,794	9,750	4,903	↓	Red: Quarter 3 represents the low season for visitors and consequently view on our visitor websites. There has been a decline in the views to our Morecambe Bay page on visitlancashire.com which is managed by our partner - Marketing Lancashire. The visitlancashire website is becoming increasingly out-dated (not mobile friendly) and we are informed there will be a new version soon which is mobile responsive and thus will assist with greater page views again. We are finalising the production of our own morecambebay visitor website - like we have done for Lancaster - where we are in control of our own editorial and performance of the site overall. Due to be live in February 2018 ready to be included in the next quarter figures. Compared to quarter 3 last year, there has been a reduction in the number of page visits to 'Welcome Morecambe' webpage this quarter.