Consultation on Proposal to make a Selective Licensing Designation in the Nelson Ward

FREQUENTLY ASKED QUESTIONS

What is proposed?
Great Yarmouth Borough Council is proposing to designate certain parts of the Nelson electoral ward, as a selective licensing area under section 80 of the Housing Act 2004. It is proposed that the designation would begin on 14th of December 2018 and last for five years.

What is a selective licensing designation?
Local housing authorities, such as Great Yarmouth Borough Council, have the discretionary power to designate an area for the purposes of selective licensing if certain legal tests are met. Once an area has been designated, all privately rented homes within the area must be licensed with the council (unless subject to statutory exemption). A selective licensing scheme requires private landlords to comply with a range of licence conditions to ensure good property management. Selective licensing does not apply to owner-occupied or housing association homes.

Why is the council proposing to do this?
These areas in the Nelson Ward are amongst the most deprived areas in England; suffering from high levels of crime and anti-social behaviour, low housing demand, multiple deprivations, and poor housing conditions. Selective licensing can provide additional powers to help the council tackle poorly managed privately rented property. As approximately 60% of the accommodation in the area is in the private rented sector (national average 20%), improved management standards in this sector should contribute to an overall improvement in living conditions in the area. This should lead to a better quality of life for residents in all tenures.

Why consult?
The Housing Act 2004 and guidance say that before introducing selective licensing to an area, Council’s must consult with all affected people, such as tenants, residents, landlords, managing agents, businesses etc. All views must be considered before deciding whether to implement a scheme. The Council believes that this will best inform the decision making. Selective licensing can help tackle the problems arising from private rented properties, and affecting tenants, providing the best chance of improving tenancy management in the private rented sector. The full proposal, identified problems and licence conditions to address those problems, can be found on the Council website great-yarmouth.gov.uk/have-your-say

What are the benefits of selective licensing?
There aims of the selective license scheme:

For Landlords
- Reduction in crime and ASB
- Level playing field/no undercutting
- Receive advice and support
- Shorter voids/reduced turnover
- Improved reputation
- Eventual increased rental income and property values

For tenants
- Reduction in crime and ASB
- Better housing conditions
• Better tenancy management
• Better support
• More cohesive community
• More sustainable community
• Reduced deprivation

For residents/wider community
• Reduction in crime and ASB
• More cohesive community
• More sustainable community
• Values increase
• Reduced deprivation

For GYBC/other agencies
• Reduction in crime and ASB
• More co-ordinated support activity
• Ensures landlord’s engagement
• Less reactive resource costs
• Meets commitments to customers

How will it work?
If the selective licensing scheme is approved following the consultation, all private landlords or their managing agents with residential properties in the proposed area will need to apply for a licence for each of their properties they rent out within 6 months of the scheme becoming operative.

Some tenancies do not need to be licensed, for example, those under a long lease, holiday lets, business tenancies and those managed by a Housing Association. Full details of all exemptions are in the consultation document at legislation.gov.uk/uksi/2006/370/made

Before a licence is granted certain conditions will need to be met and then maintained, along with other conditions, after a licence is granted.

What happens if a landlord does not apply for, or obtain, a licence?
If this is the case after 6 months of operating the scheme they will be prosecuted or a Civil Penalty issued of up to £30,000 per condition breach. A £1,000 penalty fee will also be levied on such late applications.

What happens if a landlord breaches the licence conditions?
Initially they will be supported, and given advice on how to comply with the conditions, a plan and time-frame for doing do. If there are continued or serious breaches, they could be prosecuted with unlimited fines for each condition breach or a civil penalty could be imposed.

How much is the licence fee?
The initial cost is from £100 for each property rented, plus £9.50+VAT per month. A full list of fees and charges is included in the consultation document at great-yarmouth.gov.uk/have-your-say

What are the fees used for?
These fees will only be used to cover the cost of operating the scheme. It cannot be spent on anything else.

I am a landlord; what will I need to do if a scheme is implemented?
If the selective licensing scheme is approved, you or your managing agent will need to apply for a licence, pass a ‘fit and proper person test’, provide documentation, and meet certain conditions to get a licence.

Conditions would be attached to the licence. A full list of the proposed licence conditions is included in the consultation document at great-yarmouth.gov.uk/have-your-say
I am a tenant; what will I need to do if a scheme is implemented?
You will need to cooperate with your landlord to comply with the licence conditions. If you fail to do so your landlord must work with the Council and the Police to resolve the problem. This may result in your eviction.

My neighbours commit crimes and ASB. Can selective licensing help?
The intention is to reduce crime and anti-social behaviour, so selective licensing will help if everybody plays their part. Landlords are expected to work with the Council and Police to deal with anti-social tenants in an appropriate way. This may include eviction if tenants continue to act anti-socially and cause a nuisance in the area. If a property is owner/occupied, the authority have enforcement powers to investigate and address ASB complaints.

Stakeholder Consultation 15th June 2018 – 24th August 2018
The council wants your views and comments on this proposal. A ten-week public consultation will run from the 15th June 2018 – 24th August 2018. Go online at www.great-yarmouth.gov.uk/ have-your-say to read and respond to the consultation. Alternatively, you can submit this paper version of the consultation questionnaire at the following locations:

- Great Yarmouth Borough Council, Town Hall, Hall Plain, Great Yarmouth, NR30 2QF
- Comeunity, 135 King Street, Great Yarmouth, NR30 2PQ
- GYROS, The Books & Beans Cafe in The Central Library, Tolhouse Street, Great Yarmouth, NR30 2SH

A final decision as to whether to make a selective licensing designation, or not, will only be made at Full Council, after the council has carefully considered all the responses received during the consultation.