



Report to Policy Committee

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Report of: Janet Sharpe

Report to: Housing Policy Committee

Date of Decision: 26 January 2023

Subject: Closure Report – Selective Licensing of London Road, Abbeydale Road and Chesterfield Road (LAC).

Has an Equality Impact Assessment (EIA) been undertaken?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
If YES, what EIA reference number has it been given? 2513				
Has appropriate consultation taken place?	N/A	Yes	<input type="checkbox"/>	No
			<input type="checkbox"/>	<input type="checkbox"/>
Has a Climate Impact Assessment (CIA) been undertaken?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Does the report contain confidential or exempt information?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
If YES, give details as to whether the exemption applies to the full report / part of the report and/or appendices and complete below:-				
<p><i>“The (report/appendix) is not for publication because it contains exempt information under Paragraph (insert relevant paragraph number) of Schedule 12A of the Local Government Act 1972 (as amended).”</i></p>				

Purpose of Report

This report will outline findings from the recently concluded Selective Licensing designation which was in operation on parts of London Road, Abbeydale Road and Chesterfield Road as well as certain adjoining streets.

It will give background information as to why the scheme was implemented and a summary of the actions taken by Private Housing Standards in ensuring all licensable properties within the scheme met the licence conditions. It includes information relating to the inspection programme, the enforcement actions taken and a general overview of results and findings.

Recommendations

- Members are recommended to note the content of the report.

Background Papers:

Cabinet Report dated 18th June 2018 which sought approval for the selective licensing designation

<https://democracy.sheffield.gov.uk/ieListDocuments.aspx?CId=123&MIId=6979&Ve r=4> Item 9

Lead Officer to complete:-		
1	I have consulted the relevant departments in respect of any relevant implications indicated on the Statutory and Council Policy Checklist, and comments have been incorporated / additional forms completed / EIA completed, where required.	Finance: Helen Damon
		Legal: Tracy Beal
		Equalities & Consultation: Louise Nunn
		Climate: Darryl Smedley
	<i>Legal, financial/commercial and equalities implications must be included within the report and the name of the officer consulted must be included above.</i>	
2	EMT member who approved submission:	Ajman Ali
3	Committee Chair consulted:	Councillor Douglas Johnson
4	I confirm that all necessary approval has been obtained in respect of the implications indicated on the Statutory and Council Policy Checklist and that the report has been approved for submission to the Committee by the EMT member indicated at 2. In addition, any additional forms have been completed and signed off as required at 1.	
	Lead Officer Name: <i>Catherine Hughes</i>	Job Title: <i>Service Manager, Private Housing Standards</i>
	Date: <i>17th January 2024</i>	

1. PROPOSAL

1.1 1. Overview

1.1 The designation for the selective licensing of properties on areas of London Road, Abbeydale Road and Chesterfield Road (LAC) commenced on 1 November 2018 and ended on 31 October 2023.

1.2 Upon completion all licenced properties have been assessed to ensure that they meet the licence conditions, 99% of licenced properties have been inspected on at least one occasion. Further detail on the 1 property not inspected is in section 6.3 of this report.

1.3 All licensable properties which do not have a valid exemption had to apply for a licence, where this did not happen investigations have been carried out for failure to apply for a licence and enforcement action was taken.

1.4 Landlords have been provided with training and advice to ensure that they are correctly managing their properties and tenancies.

2. Background

2.1 The council has a statutory duty to regulate the private sector. There are over 45,000 private rented properties in Sheffield. The service responds to reports of poor property condition and / or management concerns on a reactive basis.

2.2 Selective Licensing is a discretionary power, introduced in the Housing Act 2004. It imposes a legal requirement for all residential landlords in a designated area to apply for a licence for each residential property that they rent out in that area.

2.3 Before a selective licensing designation can be considered the Council must clearly identify whether the area is suffering problems that are caused by or attributable to any of the set criteria (see 2.6) when making the designation and what it expects the designation to achieve.

2.4 Secondly, other alternative courses of action must be considered that may achieve the same objective. This could include renewal programmes, education for landlords etc. Where anti-social behaviour condition is considered, it could be that Special Interim Management Orders could be used as an alternative that would achieve the same objective.

2.5 Only where there is no practicable and feasible alternative to a designation should a scheme be made.

2.6 Before a Selective Licensing designation can be made the

Government state that any scheme must satisfy one or more of the following conditions:

- Low housing demand (or is likely to become such an area)
- A significant and persistent problem caused by anti-social behaviour
- Poor property conditions
- High levels of migration
- High level of deprivation
- High levels of crime

2.7 Prior to the selective licensing designation being proposed in this area the Private Housing Standards service spent almost 3 years working proactively in the London Road, Abbeydale Road and Chesterfield Road areas. Common issues were observed at several properties suggesting that a significant number of them had poor conditions, specifically relating to insufficient fire detection and or protection.

2.8 There was also a lack of compliance from the landlords and agents which led to the service having to take formal enforcement action on a high number of cases (just over 30%).

2.9 There was strong evidence to suggest that the concerns encountered were not isolated to just the properties which were inspected but were likely widespread within the area. The details of the findings can be found in the Cabinet Report dated 18th June 2018 which sought approval for the selective licensing designation the Cabinet Report can be found under item 9 at <https://democracy.sheffield.gov.uk/ieListDocuments.aspx?CId=123&MIId=6979&Ver=4>

2.10 The Cabinet report set out 9 Performance Indicators which have been monitored and reported on throughout the designation of the scheme these are on section 18 of this report.

3. Consultation

3.1 Where a local authority wishes to designate a selective licensing area, it is required to formally consult on proposals. Government guidance states that the consultation period should be at least 10 weeks and must include all people that are likely to be affected by the scheme. The Cabinet Member for Neighbourhoods and Community Safety approved a report on 20 November 2017 which gave approval for a 13-week consultation programme to take place.

3.2 There is no requirement to carry out consultation when the designation ends.

4. Application and Licensing Process

- 4.1 All privately rented properties, unless exempt by virtue of a statutorily given reason, required a licence. As part of the licence application the applicant was required to provide the details of the individuals or company proposing to act as the licence holder as well as that of any individuals or company proposing to act as property manager.
- 4.2 Applicants were required to provide (where applicable) copies of the property's Gas Safety Record, Grade A fire alarm system certificate, emergency lighting certificate and a floor plan. In addition, a written tenancy agreement and photographic ID were also required.
- 4.3 All applications required the payment of an application fee, payable in two stages. The initial application fee was set at £500 and covered the cost of processing the application and issuing the licence. The size of the Inspection and Monitoring fee (stage 2) was risk assessed, based on the quality of information received in the application.
- 4.4 Where a complete application was made, on time and without missing information, the application was deemed to be low risk and the stage 2 fee was £250. Where an incomplete application was received on time, but missing any information required to validate it, the application was deemed to be high risk and a £500 fee was payable. Where a late application was made or where Private Housing Standards identified that a landlord had failed to licence a property, a £1000 stage 2 fee was required to be paid.
- 4.5 The higher charged inspection and monitoring fees were representative of the additional administrative work that would be required to validate the application. Landlords and property managers who failed to obtain a licence were further sanctioned by the imposition of Financial Penalties.
- 4.6 A local authority is free to set fees as it sees fit, however they must be calculated to cover the cost of administering the scheme and are not permitted to make any profits.
- 4.7 Prior to the designation it was anticipated that approximately 420 properties would require a licence, however 483 applications were received. Not all licence applications were processed to the point of the issuing of a licence due to some properties being found to be exempt from the requirement to comply with the scheme. In such cases exempt application forms and fees were returned.
- 4.8 80% of applications were deemed to be low risk, with 20% being considered high risk. This was in line with projections for the high risk / low risk split outlined in the cabinet report of 18th June 2018.
- 4.9 Upon receipt of a valid application licences were issued, prior to inspection. The licence stipulates several conditions which must be

complied with. Failure to comply with these conditions may result in enforcement action being taken against the Licence Holder. 38 compliance failures have been recorded; these have been low level compliance failures which have not warranted further enforcement.

5. Fit and Proper Person Test

5.1 The Housing Act 2004 states that all selective licence holders and managers must pass a Fit and Proper Person test. This means that they must be free from criminal convictions and be able to evidence that they have satisfactory property management arrangements in place. This ensures that tenants are protected against landlords who are not suitable individuals or who cannot appropriately manage their properties.

5.2 As part of the fit and proper test the proposed licence holder and proposed manager must confirm that:

- They do not have unspent convictions relating to offences involving fraud or other dishonesty, or violence or drugs, or any offence relating to Schedule 3 of the Sexual Offences Act 2003(a)
- There has been no finding by a court or tribunal that they have practiced discrimination relating to protected characteristics.
- There has been no contravention of any enactment relating to housing, public health, environmental health or landlord and tenant law which has led to civil or criminal judgement being made.
- They do not own or have owned, manage, or have managed, properties subject to control orders under Section 379 of the Housing Act 1985, or properties subject to enforcement as detailed in Section 5 of the Housing Act 2004.
- They do not own or have owned, manage, or have managed properties which have previously been refused a licence under Part 2 or 3 of the Housing Act 2004, or have been subject of an interim or final management order under the Housing Act 2004

5.3 In addition, the service must also be convinced that the proposed landlord had set in place satisfactory management arrangements, when not employing a professional property manager and when located in an area more than two hours travel time from their licenced address. Applicants were required to answer questions in relation to how they would deal with emergency issues at the property and how they would advise their tenants in such scenarios, what arrangements would be in place when they were unavailable for extended periods of time and how they would deal with anti-social behaviour.

5.4 Internal and external partners were consulted, along with officers from Private Housing Standards by way of an email circular which

required the receiver to notify Private Housing Standards of any concerns relating to the fit and proper persons assessment.

- 5.5 Where concerns were raised, they were discussed by a panel made up of Private Housing Standards Team Managers and Legal and Policy Officers at a monthly Fit and Proper meeting. Where the panel found that concerns were evidenced that were sufficient to warrant action, they can decide to turn down the licence application or ensure that alternative solutions were implemented to guarantee suitable management provisions were put in place and all relevant parties in respect of a licence were deemed to be Fit and Proper.
- 5.6 Feedback gathered from Fit and Proper email circulars resulted in 29 managers and or property management agents being discussed at Fit and Proper meetings. This represents roughly 10% of the overall number of interested parties named on licence applications.
- 5.7 One management company was deemed to be not Fit and Proper, and as a result their licence application was turned down and the licence holder was required to make alternative management arrangements.
- 5.8 One management company and their director were deemed to be not fit and proper following them being prosecuted for the offence as stated in Section 95 of the Housing Act 2004 of managing a house that was required to be selectively licenced, but which was not licenced. The licence application was still at the processing stage when the scheme ended and as such the property was not licenced.
- 5.9 One property owner who did not have an active role in management of their property was deemed to be not Fit and Proper. In this case additional conditions were written into the licence to limit their involvement with the property.
- 5.10 For a property to be licenced the service must be in receipt of a valid application. At the end of the scheme 7 applications were being assessed by the Fit and Proper panel and as such were not deemed to be valid. Due to this the applications did not become valid and as such the properties were not licenced.
- 5.11 Prior to the commencement of the scheme, we were aware of a number of landlords and agents operating in the area who had previously been deemed to be not Fit and Proper. Proactive enforcement work for failure to licence has discovered 3 landlords and agents who were previously the subject of Fit and Proper concerns, who were operating in the area without a licence.
- 5.12 One such landlord was found to be operating in the area following a visit to a neighbouring property. Although the property was licenced it was evident that the people named on the licence were not in control of the property but were being used by the owner to circumnavigate their

not Fit and Proper status. Subsequent investigations found that one of the properties was in fact an unlicensed HMO with several serious hazards. Action was taken to remedy the hazards and the landlord was prosecuted for the most serious housing safety offences and had a financial penalty imposed upon them for a range of other breaches of HMO Management Regulations.

6. Inspection Programme

- 6.1 The main aim of the scheme is to identify and remove Category 1 and High category 2 Hazards as defined by the Housing Health and Safety Rating System (HHSRS) and to ensure compliance with licence conditions. The HHSRS is a risk-based evaluation tool which helps local authorities identify housing safety hazards and to place requirements upon landlords to undertake works to protect their tenants against potential risks and hazards to health and safety.
- 6.2 Legislation does not state that all licenced properties require an inspection, however without inspecting all properties it is not possible to ensure that properties meet the licence conditions and the Private Housing Standards service committed to inspecting all licensable properties at least once during the licensing period. All but 1 licenced property was inspected.
- 6.3 Private Housing Standards failed to gain access to 1 address to carry out an inspection. The tenant of the property had been admitted to hospital with serious mental health issues and pursuing access would not have been in their interests. In taking this decision a desktop assessment was conducted to review the safety certificates for the property. In addition, the floor plans provided raised no concerns relating to escape routes or fire detection. The licence holder for the property had several other similar properties within the scheme that were fully compliant and worked positively with the service to provide all information required.
- 6.4 Inspections were carried out on a risk-based approach. Properties deemed to be of a higher risk based on the quality of information provided at application stage were prioritised over those deemed to be of a lower risk. Of the properties deemed to be high risk 34% had 1 or more Category 1 Hazard or High Category 2 Hazard.
- 6.5 In total 492 Category 1 Hazards and High Scoring Category 2 Hazards have been identified.
- 6.6 Of the 472 licenced properties which have been inspected 219 (46%) of them contained at least one Category 1 or High Scoring Category 2 Hazard.
- 6.7 In addition to the initial inspection many properties required several revisits to ascertain whether the property was licensable, to monitor the progress of works and to assess whether required works had been

complied with. In total this meant that 700 property visits were undertaken in the 5 years of the scheme.

6.8 Works specified to remedy Category 1 or High Scoring Category 2 Hazards is governed under Part 1 of the Housing Act 2004 and is therefore independent from the selective licensing scheme under Part 3 of the Act. As a result, timeframes for such works can be extended beyond the end of the scheme.

6.9 At the end of the designation date 465 (95%) of the 492 hazards identified had been removed. The remaining 27 hazards in 7 properties are in the process of being removed and will be monitored for compliance over the coming weeks.

6.10 The top 5 hazards identified during the scheme are:

- Fire Safety (142 hazards)
- Falls on Stairs (103)
- Falls Between Levels (54)
- Damp and Mould (43)
- Excess Cold (25).

6.11 These are the same 5 hazards that were the most prevalent during the proactive evidencing work that was undertaken prior to the designation of the licensing scheme and were used as evidence for the need for the scheme in the cabinet report. This demonstrates that the designation rationale was justified and well-informed.

6.12 The table below lists all 29 housing safety Hazards as defined by the HHSRS in Part 1 of the Housing Act 2004: and shows the frequency that they were identified whilst the scheme was in operation.

Hazard	Frequency
Fire Safety	142
Falling on stairs etc	103
Falling between levels	54
Damp and Mould Growth	43
Excess Cold	25
Electrical Hazards	22
Collision and entrapment	18
Food Safety	18
Personal hygiene, sanitation and drainage	17

Falls on level surfaces etc	13
Domestic Hygiene, pests and refuse	8
Flames, hot surfaces etc	8
Carbon Monoxide and fuel combustion products	5
Structural collapse and falling elements	5
Entry by Intruders	4
Excess Heat	3
Position and operability of amenities etc	2
Crowding and Space	1
Un-combusted fuel gas	1
Asbestos	0
Biocides	0
Lead	0
Radiation	0
Volatile organic compounds	0
Lighting	0
Noise	0
Water Supply	0
Falls associated with baths etc	0
Explosions	0

6.13 By considering the maximum occupancy of the properties where hazards were identified it is possible to estimate that up to 800 people have been made safer following the removal of serious safety hazards from their homes.

6.14 In carrying out work to remedy hazards, it is estimated that more than £250,000 has been spent by property owners on improvements.

7. Inspection Case Studies

7.1 *Abbeydale Road property – Fire Safety, Falls on Stairs and Falls Between Levels.* This flat had an escape route that routed the occupant through the rear kitchen which is where fires are most likely to occur and had no effective fire separation between it and the front living room

which featured a rescue window. There was very little adequate automatic fire detection.

To remedy the fire safety concerns the owner fitted a fully automated fire detection system along with a 30-minute fire door with vision panel to separate the main risk room from the remainder of the flat.

In addition to the fire safety concerns the staircase was very cramped making it difficult to be able to manoeuvre furniture upstairs when required, due to this the restraint had been removed and there was nothing to prevent falls to the lower levels. The owner fitted a removable balustrade to the stairs to both allow for increased safety but to also allow for furniture to be moved around where required.

7.2 *London Road property – Damp, Fire Safety and Excess Cold.* The layout of this flat was such that it posed a serious fire safety risk to the occupants.

To mitigate the risk whilst retaining the existing layout, the owner installed an automated water misting fire suppression system, an integrated fire system and emergency lighting, the fire detection system also linked to the adjoining licenced property which shared communal areas.

This flat had no working central heating system following a leak from the boiler, which had also caused significant damp issues in the property.

The landlord was required to install a new boiler and associated plumbing to ensure that the heating system was in good, safe working order, and took steps to remove all issues relating to the damp.

7.3 *Abbeydale Road property – Mould and Damp.* The property had several issues which were causing water ingress and water escape. In addition to this the property was insufficiently heated, the two factors were causing penetrating damp issues within the property.

The landlord better insulated the property and carried out works to service and repair the heating system, in addition works were undertaken to fix guttering and repair the roof.

8. Enforcement

8.1 Private Housing Standards have sought to take enforcement action against property owners who have failed to licence licensable properties. Unlicensed properties have been identified proactively and investigations have also taken place following reports from members of the public or partner agencies.

8.2 Properties within the designated area, which didn't have a licence or application, were cross referenced against council tax records to identify the tenure of the property. Where officers identified that a

licence was likely to be required proactive inspections took place to identify whether an offence had been committed.

- 8.3 Information provided by HM Land Registry was used to identify when properties have been sold. Desktop work has been able to identify the likelihood of the sale resulting in a licensing requirement. Where applications have not been submitted, proactive visits have taken place to evidence the need for enforcement.
- 8.4 Failure to apply for a licence is an offence under Section 95 of the Housing Act 2004 and can result in the council issuing a Civil Penalty or seeking a prosecution. The service took a zero-tolerance approach to failure to licence in the LAC area and undertook enforcement in all cases where compliance breaches could be evidenced.
- 8.5 A total of 65 Civil Penalties have been issued to 33 different individuals and 5 management agencies, for failure to licence offences at addresses within the designation.
- 8.6 Civil Penalty fines totalling £179,200 have been issued. At the time of writing approximately £70,000 had been recovered by Private Housing Standards, who continue to seek the outstanding amounts. Where fines are not received or where the individuals fail with their repayment terms, the service will look to put a charge on the property to recover the debt, in addition to other means of recover this could lead to an enforced sale.
- 8.7 Seven Prosecutions totalling 17 offences have been sought for failure to licence, and for failing to provide information, Prosecutions are considered on a cases by case basis and guided by factors such as the seriousness of the case, whether the there are repeat offenders and where a prosecution would be a higher deterrent against future offending.
- 8.8 At the time of writing 5 of the 7 prosecutions had been successfully completed and 2 are pending decisions following hearings which are scheduled for later in 2024. Fines and costs for prosecutions currently total £11,284
- 8.9 Under the Housing and Planning Act 2016 a local authority may apply to the First-Tier Tribunal (FtT) for a rent repayment order to be made, against an individual who has committed a relevant offence under Section 95 of the Housing Act 2004, failure to licence a property is one such relevant offence.
- 8.10 The FtT can issue an order for the immediate landlord to repay up to 12 months of rent to the payee. Private Housing Standards have a test case for a Rent Repayment Order and are awaiting case direction and a hearing in 2024. The case will seek repayment of rent totalling £10075 which had been made via housing benefits.

8.11 A total of 207 Informal notices and 190 formal notices were served on licence holders and managers, in addition to this 65 civil penalties for failure to licence were issued..

9. Landlord and Manager Engagement

9.1 It is a condition of the licence that all licence holders and managers attend a training course specific to the scheme which is run by the National Residential Landlords Association (NRLA) admission to the course is included in the cost of the licensing fee. The course sets out to provide the attendee with the skills required to successfully manage their properties and tenancies.

9.2 Due to Covid 19, we were unable to deliver training courses as planned, where possible post Covid, courses were arranged and landlords were encouraged to attend.

9.3 A total of 172 (52%) of landlords and managers have attended training sessions.

9.4 All landlords were issued with a landlord pack which included information relating to handling ASB, overcrowding, a guide to the HHSRS and licensing conditions.

9.5 Where landlords and managers were uncertain about their obligations the service's tenancy relation officers offered specialist advice. This was especially useful to landlords who required information to legally bring a tenancy to an end. Three landlords sought advice of this nature.

9.6 Landlords and or managers were encouraged to attend inspections so that feedback could be provided. Where works were required, the officer was able to explain the defects and to advise on the correct course to remedy the issues. Dialogue remained open throughout the process allowing landlords the opportunity to contact the officer for additional advice where required.

9.7 Where informal and formal notices are issued they provide clear instruction as to what the expectations of the landlord are, as well as outlining the timeframes involved. The documents also make it clear as to how the landlord can contact the officer and how to make an appeal if necessary.

9.8 The service has taken complaints seriously and followed the council's complaint procedure where required. Three complaints have been received in relation to the scheme, all have been responded to within the timeframes set out in the procedure. Two were dealt with at problem solving stage, 1 required further investigation.

9.9 Where officers encountered empty properties that were being renovated, they sought to advise owners of the obligations to licence should the property become licensable. This has ensured that property

owners who were not originally active in the area at the time of the consultation were aware of their responsibilities.

10. Tenant Engagement

- 10.1 Whilst conducting property inspections, officers have interacted with tenants to provide advice and support. Several concerns have been noted by officers which have resulted in referrals being made to agencies such as Social Services, and the Housing Health & Needs Team. Further details are set out in section 11.
- 10.2 Prior to the scheme's commencement Private Housing Standards had concerns about the lack of engagement from tenants in the area with our service, particularly in relation to property condition. This lack of requests for service did not corroborate with the problems that we were encountering during our proactive inspection work.
- 10.3 During the designation period, 27 requests for service were received from tenants reporting issues in their homes. This represented 6% of properties within the designated area.
- 10.4 Sixty nine enquiries were received from tenants in relation to tenancy matters. Thirty nine of these enquiries related to tenants who were in receipt of a notice to leave their property, 17 serious concerns required intervention to ensure that tenants were not subject to landlord harassment or illegal eviction. Thirteen enquiries related to general advice work.
- 10.5 Working in the area over the 5 years of the designation has resulted in tenants understanding the role of Private Housing Standards and how we work to protect tenants in their home.

11. Partnership Working

- 11.1 Inspecting Officers have worked with several internal and external partners including:
- *Environmental Services* – regarding issues relating to refuse and fly tipping.
 - *South Yorkshire Fire and Rescue* – regarding to fire safety and fire standards.
 - *Building control* – regarding unsafe structures in external areas
 - *Food Safety* – regarding businesses premises associated with residential units
 - *Housing Solutions* – regarding insanitary and unsuitable properties
 - *Child Safeguarding Team* – regarding a case of destitution
 - *Police* – regarding illegal activities within licensable properties
 - *DWP* – regarding fraud and payment of benefits
 - *Council Tax* – regarding properties that weren't listed on Council Tax records.
 - *Sharrow Vale Community Forum* – Provided information for their

newsletter at around the halfway point of the scheme.

12. Scheme Completion and beyond

- 12.1 The LAC selective licensing designation ended on 31 October 2023, there were no legislative provisions that would have enabled the designation to be automatically extended. As landlords had complied with the scheme and carried out works as required, there was no further evidence of extensive poor property condition and as such no grounds for the service to seek to extend the designation.
- 12.2 Property owners were obliged to apply for a licence until the designation ended, licences were issued right up to the penultimate day of the scheme and inspections were carried out.
- 12.3 At completion of the scheme the licensing fee income which has funded the licensing officers ceased. The service will continue to investigate those properties where outstanding works are in progress to ensure that they are completed, but following this, targeted inspection works in the area will come to an end.
- 12.4 Landlords who we had fit and proper concerns about, but who did not receive a licence due to their applications being assessed at the time of the scheme ending are now known to the service which enables us to monitor their working practices across the city.
- 12.5 Upon completion of these inspections, Private Housing Standards will revert to carrying out work in the area on a reactive basis following requests for service from tenants, members of the public and stakeholders.

13. Risks

- 13.1 A dedicate resource will no longer operate in the area.
- 13.2 Landlords and agents could take a less active approach in ensuring that they comply with their statutory obligations, knowing that the area is no longer pro-actively monitored.
- 13.3 Landlords and Agents can be restricted from operating within licensing schemes, if deemed to be not Fit and Proper, this doesn't apply when operating properties which do not require a licence. When the scheme and the obligation to licence ended, we lost the ability to restrict individuals from operating in the LAC area. Tenants of certain landlords may now have less protection against poor standards of tenancy and property management. Agents who have been operating outside of the area to avoid licensing may look to move back in.

14. Risk Mitigations

- 14.1 Working in the area over the duration of the scheme has increased the services visibility. Tenants now have a better

understanding of what they can do to contact the council to rectify problems, landlords have a better understanding of their responsibilities but also understand the consequences of failing to take the appropriate actions.

14.2 We have a better understanding of those landlords and agents with who concerns were raised.

14.3 A substantial amount of work has taken place within the designation to rectify problems in properties which, were it not for the scheme would in most cases have gone unreported and promoted the service to tenants so they feel confident in contacting us for support in the future.

15. Summary

15.1 As a result of works carried out in the designated area, private rented properties have been made safer, compliance with licence conditions achieved and landlords have been supported to provide better managed tenancies.

15.2 The results of the inspection programme have reenforced the need for the scheme by evidencing a high frequency of the types of hazards that were anticipated prior to implementation. Initial concerns relating to flats above business premises were also confirmed to be warranted.

15.3 We have identified property owners who have failed to licence their properties and ensured that the correct enforcement action has taken place. This proactive work has uncovered landlords and agents who we have previously had concerns about and has enabled us to be able to better monitor their properties and management activities.

15.4 Enforcement action has taken place which has resulted in a number of individuals being prosecuted and served with Civil Penalties for failure to comply with legal notices.

15.5 Following completion of the scheme, Private Housing Standards no longer has the resources to work proactively in the LAC area, and apart from a small period of time in the months preceding the scheme, will revert to providing a reactive service in the area.

15.6 Private Housing Standards will continue in its duty to assess private rented housing and provide recommendations for intervention across the city.

16. Performance Measures

17.1 The table below sets out the achievements of the scheme against the performance indicators set out in the Cabinet Report which sought approval for the designation in 2018.

	Objective		Performance Indicator	
1.	All properties in designated area have complied with the requirement to apply	1.1	% of eligible properties with valid applications	115%
		1.2	% of properties with applications as a result of investigations (First submission incomplete, or where we have found unlicensed properties)	20%
2.	Private rented tenants are safer in their homes	2.1	% of properties with gas safety certificates (if applicable)	92%
		2.2	Number of properties where a serious hazard is removed/reduced	212 with 7 pending
		2.3	Number of properties where fire risk is removed/reduced	142
		2.4	% of licence compliant properties	100%
3.	Private rented properties become better managed	3.1	% of properties with a valid tenancy agreement	100%
		3.2	% of properties with landlord address/contact number provided	<1%
		3.3	Number of households with contact number for repairs/emergency repairs	100%
4.	All landlords and agents operating in the area are Fit and Proper	4.1	Number of landlords/agents checks carried out	250
		4.2	Number of follow up checks/investigations carried out	29
		4.3	Number of Fit and Proper refusals	3
		4.4	Number of properties where management handed over to responsible/reputable agent	1
5.	Bad landlords have been penalised for failure to apply or breaches of their legal responsibilities.	5.1	Number of inspections carried out	700
		5.2	Number of legal Notices served	397
		5.3	Number of Civil Penalties issued	65
		5.4	Number of prosecution cases	7

		5.5	Number of breaches addressed	38
6.	Properties are no longer used for illegal/immoral activities	6.1	No. of properties where illegal activities reported/addressed via multiagency operations	2
7.	Tenants are protected from poor housing or other harassment activity	7.1	Number of harassment cases investigated	17
		7.2	Number of cases referred to safeguarding	1
8.	Landlords are supported to operate in a professional business - like way	8.1	% of landlords provided with landlord information packs	100%
		8.2	% of landlords attended training course	52%
		8.3	Number of cases referred to HMRC	0
9.	We have contributed to housing growth and investment	9.1	Number of residential properties empty	34
		9.2	Number of properties brought back into use?	*
		9.3	Approximate investment amounts into properties	£250,000

Recommendations

To note the contents of the report.

Appendices

Appendix 1. Address List

Abbeydale Road	1 to 781 (odds) 2 to 666 (evens)
<u>Side roads – odd numbers side:</u>	
Fieldhead Road	62 & 64
Wolseley Road	115 & 117
Langdale Road	6
Woodseats Road	1, 3 & 5
<u>Side roads – even numbers side:</u>	
South View Road	224 & 226
Stead Road	156 & 165
Frederick Road	4
Machon Bank	150
Glen Road	79 & 94, Nether Edge Primary School
Gatefield Road	2 & 4
Carter Knowle Road	1 & 2
London Road	101 to 661 (odds) 42 to 524 (evens)
<u>Side roads – odd numbers side:</u>	
John Street	3
Randall Place	2
Alderson Road	3 to 9 (odd no.)
Woodhead Road	1
St Barnabas Road	20
Holland Place	11
Holland Road	40A, 40C, 40D
Queens Road	586 & 647 to 655 (odd no.)
Oak Street	Heeley Arches
Artisan View	2 to 22 (even no.)
Thirlwell Road	5 to 11 (odd no.)
<u>Side roads – even numbers side:</u>	
Cecil Square	2
Sharrow Lane	6, 8
Witney Street	1
Fieldhead Road	1 to 9 (odd no.)
Broadfield Road	1
Chesterfield Road	13 to 123 (odds) 30 (evens)
<u>Side roads – odd numbers side:</u>	
Albert Road	Crown Inn
Whiting Street	31
Valley Road	Arthington Flats

Valley Road	2
Meersbrook Park Road	2
<u>Side roads – even numbers side:</u>	
Little London Road	2, 4 & 6
Windsor Road	2

2. HOW DOES THIS DECISION CONTRIBUTE ?

2.1 No decision required paper for information only.

3. HAS THERE BEEN ANY CONSULTATION?

3.1 No consultation required, consultation undertaken prior to the implementation of the scheme as per legal requirements.

4. RISK ANALYSIS AND IMPLICATIONS OF THE DECISION

4.1 Equality Implications

4.1.1 EIA undertaken prior to the implementation of the scheme has been reviewed.

Data held by Sheffield City Council shows that there is a large percentage of BAME property owners and tenants in the selective licensing designation however, there are no equalities ramifications as the scheme was designed to improve the quality of properties which were in a poor condition, and did not set out to improve standards of housing for a specific demographic.

4.2 Financial and Commercial Implications

4.2.1 The pro-active intervention work, for the selective licensing for London Road, Abbeydale Road and Chesterfield Road has been fully funded by the licence fee generated.

There are no other financial implications from this report.

4.3 Legal Implications

4.3.1 Sheffield City Council exercised its powers under Parts 1 and 3 of the Housing Act 2004 as well as the Housing and Planning Act 2016, in order that a selective licencing scheme could be implemented for a period of 5 years within a designated area in Sheffield.

Pursuant to s.149 of the Equality Act 2010, [“the Act”] the Council must in the exercise of its functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act,
- Advance equality of opportunity between people who share a protected

characteristic and those who do not,

- Foster good relations between people who share a protected characteristic and those who do not.

These duties were engaged during the scheme's implementation. The duty to have due regard to the needs set out above will continue if any future decisions are to be made in respect of the landlords and/or tenants of the properties that are the subject of this report.

The Scheme has now ended and as this report is for noting only, there are no current legal implications arising from this findings report.

4.4 Climate Implications

- 4.4.1 Remedial works undertaken at properties to address Hazards relating to damp and mould as well as excess cold, will likely have had a positive effect on the energy efficiency of the property, this will have had a positive effect on the living standards of the occupants.

4.4 Other Implications

- 4.4.1 N/A

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5. **ALTERNATIVE OPTIONS CONSIDERED**

- 5.1 N/A

6. **REASONS FOR RECOMMENDATIONS**

- 6.1 No recommendation sought, the report gives an overview of the now completed selective licence designation.

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