

## EXECUTIVE

<b>Date:</b> Tuesday 7th March, 2023
<b>Time:</b> 1.00 pm
<b>Venue:</b> Mandela Room

## AGENDA

1. Apologies for Absence
  2. Declarations of Interest
  3. Minutes - Executive - 14 February 2023 3 - 12
- DEPUTY MAYOR AND EXECUTIVE MEMBER FOR CHILDREN'S SERVICES**
4. Special and Educational Needs and Disabilities 13 - 16
- EXECUTIVE MEMBER FOR ADULT SOCIAL CARE, PUBLIC HEALTH, PUBLIC PROTECTION AND DIGITAL INCLUSION**
5. Adult Social Care: Respite Charging 17 - 24
- EXECUTIVE MEMBER FOR ENVIRONMENT**
6. Highways Capital - Priority Assessment Review and Forward Works Programme 25 - 44
- EXECUTIVE MEMBER FOR REGENERATION**
7. Developing a New Nunthorpe Community Facility 45 - 62
  8. Selective Landlord Licensing - Consultation Responses and Approval to designate the Newport 2 area 63 - 268
  9. Any other urgent items which in the opinion of the Chair, may be considered.

Charlotte Benjamin  
Director of Legal and Governance Services

Town Hall  
Middlesbrough  
Monday 27 February 2023

**MEMBERSHIP**

Mayor A Preston (Chair) Councillors, B Cooper, D Coupe, TA Grainge, S Hill, L Mason, E Polano, M Smiles and S Walker

**Assistance in accessing information**

**Should you have any queries on accessing the Agenda and associated information please contact Chris Lunn / Scott Bonner, 01642 729742 / 01642 729708, [chris\\_lunn@middlesbrough.gov.uk](mailto:chris_lunn@middlesbrough.gov.uk) / [scott\\_bonner@middlesbrough.gov.uk](mailto:scott_bonner@middlesbrough.gov.uk)**

**EXECUTIVE**

A meeting of the Executive was held on Tuesday 14 February 2023.

**PRESENT:** Mayor A Preston (Chair) Councillors B Cooper, D Coupe, TA Grainge, L Mason, E Polano, M Smiles and S Walker

**ALSO IN ATTENDANCE:** Councillors B Hubbard and J McTigue

**OFFICERS:** S Bonner, G Cooper, G Field, L Grabham, R Horniman, A Humble, D Johnson, A Pain, T Parkinson, E Scollay and A Wilson

**APOLOGIES FOR ABSENCE:** Councillors S Hill

22/86 **DECLARATIONS OF INTEREST**

There were no declarations of interest received at this point in the meeting.

22/87 **MINUTES - EXECUTIVE - 24 JANUARY 2023**

The minutes of the Executive meeting held on 24 January 2023 were submitted and approved as a correct record.

22/88 **CORPORATE PERFORMANCE REPORT -2022/23 Q3**

The Mayor submitted a report for Executive's consideration.

The report advised Executive of corporate performance at the end of Quarter Three 2022/23 and where appropriate sought approval of any changes, where those were within the authority of the Executive.

The Council's Scheme of Delegation gave Executive collective responsibility for corporate strategic performance, together with associated action.

This report provided the necessary information to enable Executive to discharge its performance management responsibilities, setting out progress against Executive action, the Strategic Plan and other key associated items, together with actions to be taken to address any issues identified.

The projected 2022/23 financial outturns were presented separately to this meeting of Executive at agenda item 5. Where performance had a significant impact on finances this was highlighted within the body of the report.

**OPTIONS**

**No other options were put forward as part of the report.**

**ORDERED**

**That Executive:**

- 1. Approve the proposed changes to Executive actions, detailed in Appendix 1;**
- 2. Note progress of delivery of the Strategic Plan 2022-24 at Quarter Three 2022/23, detailed in Appendix 2;**
- 3. Approve the proposed changes to the Strategic Plan workplan initiatives, detailed in Appendix 3;**
- 4. Note the Council's updated position in relation to Strategic Risk, at Quarter Three 2022/23 at Appendix 4; and**
- 5. Note progress of the 2022/23 Directorate Priorities at Quarter Three 2022/23, detailed in Appendix 5.**

## REASONS

To enable the effective management of performance and risk in line with the Council's Local Code of Corporate Governance.

22/89

## REVENUE AND CAPITAL BUDGET - PROJECTED OUTTURN POSITION AS AT QUARTER THREE 2022/23

The Executive Member for Finance and Governance submitted a report for Executive's consideration.

The report advised Executive of the Council's financial position as at Quarter Three 2022/23. The Council's Scheme of Delegation gave the Executive collective responsibility for corporate strategic performance and financial management / monitoring, together with associated action. Standing Orders and Financial Procedures required Executive's approval for major virements between revenue budgets, and in-year changes to the Council's Capital Investment Strategy.

The report provided the necessary information to enable Executive to discharge its financial management responsibilities, setting out:

- Projected revenue and capital budget year-end outturns as at Quarter Three 2022/23;
- Position statements in relation to the Council's borrowing and prudential indicators, and its reserves and provisions; and
- Actions that the Council has taken and plans to address the issues raised.

Standing Orders and Financial Procedures and Regulations required the Executive's approval of the proposed revenue budget virements over £150,000 (Appendix 1).

A revised Investment Strategy for the period to 2024/25 was attached at Appendix 2 for the Executive's consideration and approval.

## OPTIONS

No other options were submitted as part of the report.

## ORDERED

That Executive:

1. Note that there was a projected 2022/23 revenue budget year-end outturn as at Quarter Three of an approximate £3.4m overspend;
2. Note that it is proposed that the final 2022/23 revenue budget year-end outturn will be funded from the earmarked Social Care Transformation Reserve;
3. Note the progress against the Financial Recovery Plan 2022/23 as approved by Executive on 18 October 2022 and the effect on the projected 2022/23 overspend;
4. Note the management action being taken to address the shortfall and to improve this position further, wherever possible, in order to mitigate the risk on reserves;
5. Note the proposed implementation of a Flexible Use of Capital Receipts Strategy for 2022/23 to fund transformation costs, in particular in Children's Services, as approved by Full Council on 7 September 2022, though there is currently a risk attached to full realisation of capital receipts in-year;
6. Note that the current projected outturn and any non-implementation of the approved Financial Recovery Plan 2022/23 would have a negative impact on the Council's current Medium Term Financial Plan, and that the ongoing financial challenges would continue into 2023/24 and future years. The position regarding the 2023/24 budget and the updated MTFP would be reported in a separate report to Executive and then to Council on 27 February 2023 as part of the budget strategy for 2023/24 and future years. It was noted there was currently a great deal of uncertainty in forecasting created by potential future pay awards, inflationary pressures, and the impact on demand for services;

7. Approve the proposed revenue budget virements over £150,000 as detailed in Appendix 1 of the report;
8. Note the 2022/23 capital budget predicted year-end outturn of £62.167m as at Quarter Three against a revised capital budget of £69.241m;
9. Approve the revised Investment Strategy to 2024/25 as at Appendix 2 of the report and;
10. Note the current level of reserves and provisions as shown in the Reserves and Provisions Section of this report (paragraphs 136 to 141) and detailed in Appendix 3 of the report.

## REASONS

To enable the effective management of finances, in line with the Council's Local Code of Corporate Governance, the Scheme of Delegation and agreed corporate financial regulations.

22/90

## LOCAL COUNCIL TAX SUPPORT 2023/24

The Executive Member for Finance and Governance submitted a report for Executive's consideration which sought approval of the Council Tax Support (CTS) scheme for 2023/24.

From 1 April 2013, the Government replaced the national Council Tax Benefit scheme with a new CTS scheme to be designed and administered by Local Authorities. The Government passed this responsibility to Councils with a 10% cut in the grant funding and prescribed that pensioners must have been no worse off under any local scheme. This translated into an effective reduction in funding for working age claimants of 20% and meant that some residents, many of whom had previously been required to pay nothing, now had to pay at least 20% of their Council Tax.

Middlesbrough's scheme was approved by full Council on 9 January 2013 and remained unaltered (apart from some minor legislative changes) until 2018/2019 when the scheme was amended to bring it in line with the current Housing Benefit scheme regulations, whilst also increasing the amount of support provided to 85% for working age residents. This, therefore, meant non-pensioner residents claiming CTS had a minimum 15% of the Council Tax charge to pay as opposed to the previous 20%.

A Member queried if a single point of contact existed for residents should they require any financial assistance. It was suggested that, if a contact existed, it should be circulated to all Members.

## OPTIONS

The Council could have retained its current income bandings, which would have reduced the amount of support awarded for those applicants subject to increases in their working age benefits that resulted in a band change. However, as indicated earlier in the report, the Council recognised the financial challenges placed on residents due to the Cost of Living and Energy crises and was therefore proposing that the level of support was maintained.

In addition, the Council was not in a financial position to consider awarding additional support through higher discounts or different income ranges without affecting other Council services due to current budgetary pressures. If this was to be considered, a full consultation exercise would also need to be carried out which had not taken place during the current financial year.

## ORDERED

1. That Executive approve the Council Tax Support (CTS) scheme for 2023/24; and
2. That enquiries be made with the relevant Service Area to establish if a single point of contact existed for residents, should they require financial assistance.

## REASONS

The proposed banding changes would have maintained the current simplified scheme

and maintained assistance for low-income households, supported the collection of Council Tax, whilst also fulfilling the obligations on Local Authorities to support the roll out of Universal Credit.

As the only changes to the scheme were minor income banding adjustments to reflect inflation benefit increases set by Central Government and provided for within the existing CTS scheme, no stakeholder consultation had been carried out. Similarly, these proposals had not been examined by the Overview and Scrutiny Board or by a Scrutiny Panel due to the scheme remaining the same.

22/91

## **CHILDREN'S SERVICES FINANCIAL IMPROVEMENT PLAN**

The Deputy Mayor and Executive Member for Children's Services submitted a report for Executive's consideration.

The purpose of the report sought Executive's approval for the Children's Services Financial Improvement Plan. To progress delivery of the plan the report sought approval:

- To commission a single managed project team, linked to saving 2 on the plan; and
- To develop an in-house family support team.

In preparation for budget setting, focussed work had been undertaken within the arena of Children's care. This work has consisted of the following:

- Reviewed and completed a forecasting exercise for 23/24 to understand the realistic budget based on an "as is" basis;
- Reviewed the savings proposals for 23/24 to determine deliverables and identify any "at risk" savings; and
- Develop a children's financial improvement plan for 23/24 and 24/25 which would incorporate the "at risk" savings and identify new savings opportunities to be progressed.

The detail of those elements was included within the narrative of the report.

## **OPTIONS**

**Do nothing.** The projected increase in investment had been based on the "as is" position, therefore if no action were taken the £9.8million would need to be factored into the budget preparation with no mitigating actions, along with the consideration that a number of savings have been identified as "at risk" for delivery.

## **ORDERED**

**That Executive**

1. **Note the contents of the report;**
2. **Approve the implementation of the Children's Financial Improvement Plan; and**
3. **Approve the actions required to deliver the improvement plan, namely the commissioning of a single managed team and also development of an in-house team for delivery of edge of care.**

## **REASONS**

The service area had conducted due diligence in regard to proposed savings and completed focussed work to identify the projected expenditure for 23/24. Through this planning the position was understood as part of budget preparation, as opposed to a position of significant overspend in-year. The plan presented sought to mitigate in part the impact of increasing spend.

22/92

## **BUDGET 2023-24 - STATUTORY REPORT OF THE CHIEF FINANCE OFFICER**

The Director of Finance submitted a report for Executive's consideration. The purpose of the report was to enable Members to fulfil their responsibility to set a balanced budget for 2023/24.

Section 25 of the Local Government Act 2003 required the Chief Finance Officer to report on the robustness of the budget estimates and the adequacy of the financial reserves. The Act also required the Authority to which the report is made to have regard to the report when making decisions about the budget. The Chief Finance Officer was as defined in Section 151 of the Local Government Act 1972 and was fulfilled by the Director of Finance.

The report was made in respect of the Budget 2023/24.

The report highlighted that, in general, the proposals to establish a net budget requirement of £126.4m and Council Tax requirement of £67.3m, as set out in the were robust and provided sufficient resource to enable the Council to set a balanced budget for 2023/24.

Reserves were adequate insofar as the minimum level of general balance following risk assessment was set at £12m and there were no plans to use them in 2023/24 as the fund of last resort. However, there was little resilience in earmarked reserves, and these were at a critical level. The lack of substantial earmarked reserves to support significant unplanned spending meant the overall reserves position, whilst adequate, was fragile and may require continuing reliance on cost control or the acceleration of future saving plans in the event any unexpected costs emerge.

The Council must take every opportunity to replenish reserves, some contribution to reserves was planned in 2023/24 and the Council must proactively plan for this in future budget rounds. In this way, reserves would be available to smooth budget fluctuations over the medium term and for investment in strategic priorities.

The current financial standing of the Council indicated a number of significant stressors and addressing the underlying issues would seek to improve future resilience. The CIPFA Financial Resilience index highlighted low levels of reserves and significant demand led pressures. At the time of drafting, the Council was awaiting findings from the more recent CIPFA Finance resilience review and it was imperative that a programme of work is set up in response to those findings when known.

**The report requested that Executive:**

1. **Note the report and have regard to it when setting the Revenue Budget 2023/24. The report also asked Executive to note:**
  - **An unrelenting focus on delivery of 2023/24 savings and demand mitigation will be required to maintain a balanced budget; further work may be needed to accelerate future budget proposals, if necessary;**
  - **The CFO advice to adopt a medium-term strategy that seeks to maximise resources and replenish reserves; and**
  - **The requirement for a future programme of work to embed an organisational culture of good governance and financial management and within this a particular focus on strengthening financial practice in children's services.**

22/93

**REVENUE BUDGET, COUNCIL TAX, MEDIUM TERM FINANCIAL PLAN AND CAPITAL STRATEGY 2023/24**

The Executive Member for Finance and Governance and Director of Finance submitted a report for Executive's consideration.

The report presented the recommended Revenue Budget of £126,353,562, Council Tax increase of 3.99% (paragraphs 86 to 106), and Capital Strategy Report for 2023/24 (paragraphs 162 to 172). Attached to the report were a number of appendices, which were listed at the end of the report.

Following on from the previous report presented to Council on 30 November 2022, this report also provided a refreshed Medium Term Financial Plan (MTFP) for the period 2023/24 to 2025/26 to reflect the 2023/24 Local Government Finance Settlement (paragraphs 107 to 155).

The Medium-Term Financial Plan update in the report was integrated with the £231m Investment Strategy for Middlesbrough for the period from 2022/23 to 2025/26, supported by £114m of the Council's own resources. The updated Investment Strategy was shown in Appendix 7.

The budget continued to support the Mayor's commitment to invest in Middlesbrough and transform service delivery for residents. It was intended that through this strategy the Council could achieve the challenging financial targets faced in the Medium-Term Financial Plan period whilst ensuring that there was as minimum impact as possible on the level of service delivered to the public.

Executive was advised that Appendix 6 of the report had been amended since the papers were circulated on 6 February 2023.

Executive was advised that some minor amendments would also be required to the report, mainly around Appendices 3 and 5, when information regarding the Local Government Financial Settlement and Police and Fire precepts were confirmed. However, it was clarified the amended Appendix 6, and any subsequent amendments, did not affect the decisions being requested and would be reflected in the version of the report submitted to full Council on 27 February 2023.

## **OPTIONS**

**There were no other options put forward as part of report.**

## **ORDERED**

**That Executive:**

- 1. Endorses the proposed budget strategy for 2023/24 as set out in paragraphs 13 to 85;**
- 2. Endorses the proposed budget savings (Appendices 1 and 2), and other proposals for the 2023/24 budget;**
- 3. Having taken into account the matters set out in Section 32 of the Local Government Finance Act 1992 and the items set out within the report, that the Executive endorses the budget requirement for 2023/24 to be set at £126,353,562 as detailed in Appendix 3;**
- 4. Endorses the actual amount of Council Tax (Band D) for areas without parish precepts (excluding Fire and Police) be set at £1,881.86. This represents a total increase of 3.99%. This comprises of a 1.99% increase in general Council Tax, and an additional precept of 2% for Adult Social Care which has been continued by the Government to contribute towards the shortfall of funding for adult social care;**
- 5. Endorses the actual amount of Council Tax (Band D) for areas with parish precepts (excluding Fire and Police) be set at:-**

<b>• Nunthorpe Parish</b>	<b>£1,891.57</b>
<b>• Stainton and Thornton Parish</b>	<b>£1,891.17</b>
- 6. Endorses the amounts of Council Tax for each category of dwelling be set in accordance with table 4 of Appendix 5 within the report;**
- 7. Notes the Flexible Use of Capital Receipts Strategy 2023/24 amounting to an estimated £3m in 2023/24, detailed in Appendix 6, and that subject to approval of the Strategy by Council on 27 February 2023, this will be implemented for 2023/24.**
- 8. Notes the refreshed Medium Term Financial Plan position for 2023/24 to 2025/26 set out in this report in paragraphs 107 to 155;**
- 9. Endorses the updated Investment Strategy for the period to 2025/26 as outlined in paragraphs 156 to 161 and detailed in Appendix 7 and;**
- 10. Endorses the Capital Strategy Report (Prudential indicators, Investment Strategy and Minimum Revenue Provision) 2023/24 as outlined in paragraphs 162 to 172 and detailed in Appendix 8, and endorses the Authorised Limit for external borrowing of £328m for the Council for 2023/24 as set out in paragraph 172; and**



## 11. Note the changes made in Appendix 6 of the report.

### REASONS

The Council had a legal obligation in relation to setting a balanced budget and to meet the challenging financial targets faced in the MTFP. The setting of the budget was part of the policy framework and therefore required Full Council approval.

To enable the Council to meet its statutory responsibility to set a balanced revenue budget in 2023/24 and to ensure that a proper framework was in place for the medium-term financial management of the Council, which would enable the Council to take a systematic, coherent, and controlled approach to addressing ongoing financial challenges over the medium-term, while attempting to maximise its contribution to the Mayor's priorities for Middlesbrough.

22/94

### TENDER PIPELINE 2023/24

The Executive Member for Finance and Governance submitted a report for Executive's consideration.

The report sought approval of the Council's tender pipeline for 2023/24 and to agree delegation of award to the relevant Director in consultation with their Executive Member and the development and publication of the Corporate Procurement Strategy 2023-26.

A tender pipeline for April 2023 to 31st March 2024 had been developed as part of the Council's governance processes; the report sought Executive approval for that planned procurement activity and delegated authority for contract award to the relevant Director in consultation with their Executive Member.

The tender pipeline for 2022/23 had 28 tenders proposed with their status being:

- 18 – Tenders had been awarded
- 5 – Tenders were currently ongoing
- 1 – Tender did not progress and was no longer required
- 4 – Tenders publications dates were delayed and would now be published in 2023/24.

### OPTIONS

There were no options put forward as part of the report.

### ORDERED

That Executive approve the tender pipeline for 2023/24 including delegation of responsibility for award of contract to the relevant Director in consultation with their Executive Member and development and publication of the new Corporate Procurement Strategy 2023-26.

### REASONS

To continue to have strong governance arrangements in place for procurement activity carried out by the Council.

22/95

### EXPANSION OF THE DIGITAL SECTOR - BOHO 11

The Executive Member for Regeneration submitted a report for Executive's consideration.

The report sought approval from Executive to undertake feasibility works to support the expansion of the Digital Sector in Boho/Middlehaven through the development of Boho 11, which would see circa 35,000 of high-quality office development.

As set out in previous reports to Executive, the Digital Strategy for Middlesbrough built on the historical partnership with Digital City and Teesside University and aimed to set out a clear, long-term strategy designed to support further development of a vibrant cluster in the heart of

Middlesbrough.

In consultation with the sector, the Council developed a strategic approach to enabling the long-term accommodation requirements for the rapidly expanding digital sector in Middlesbrough through the development of new build accommodation, conversion of existing properties and exploration of models to support long-term ownership of private properties. This was geared at providing an environment to support business start-up and allowing existing companies within the sector to grow and mature within the cluster creating a critical mass that was also appealing to companies outside of Middlesbrough, attracting inward investment.

## **OPTIONS**

**Option 1 - Do nothing. This option would not support the Council's strategic priorities and would see the not support the further expansion of the Digital Sector. This could see expanding companies relocate outside of Middlesbrough. The development is unlikely to be viable to the Private Sector.**

**Preferred Option – Feasibility, Development Appraisal and Business case for the development of Boho 11. This option would allow the Council to ascertain the viability in the further expansion of the Digital Sector through the development of Boho 11.**

## **ORDERED**

**That Executive:**

- 1. Approve the commencement of full feasibility works including an indicative building design and development appraisal with a view to preparing a business case to progress the development of Boho 11; and**
- 2. Following the feasibility works a further report be presented to Executive highlighting the viability of any development.**

## **REASONS**

**The development of Boho 11 would support the further development of the Digital and Creative sector in Middlesbrough providing a critical mass of accommodation that would allow existing companies to expand and attract new companies and employment opportunities to Middlesbrough.**

**Undertaking the feasibility works, development appraisal and business case would determine if the development would be feasible and highlight any potential financial returns to the Council. It would also assist in determining the further regeneration benefits of the development such as the creation/supporting employment through the construction and supply chain and the wider town centre economy.**

22/96

## **TRANSPORT AND INFRASTRUCTURE 2023/24 CAPITAL PROGRAMME**

The Executive Members for Regeneration and Environment submitted a report for Executive's consideration.

The purpose of the report was to gain approval to allocate funding to develop and deliver transport and infrastructure improvements contained within the report.

Middlesbrough Council received Local Transport Plan (LTP) funding from the Department for Transport (DfT), via Tees Valley Combined Authority (TVCA), to undertake maintenance and improvement works on the Council's transport network.

The indicative LTP allocation for 2022/23 was £1.065m, specified against Integrated Transport (new works); £1.27m Highway Maintenance Formula and Incentive; and, £1.067m Pothole Funding (£3.4m total).

It was proposed that the Council approve the expenditure of the indicative LTP allocation for 23/24, as outlined in appendix 2. This would provide the Council time to identify the most prudent method of delivering a longer-term programme; ensuring that best value for money

was achieved.

The projects within the proposed programme had been identified from the Council's "Future Year scheme" list. This was a compiled table of all known requirements and suggestions received, which were matrix ranked for their suitability against a set criterion, forming a priority basis. However, this was also conditional upon external funding criteria, eligible uses, statutory obligations, and other implications.

#### **OPTIONS**

**Re-assessing the project proposals – this was not recommended, as they had been identified using a robust scoring matrix and the prescribed funding criteria, to ensure best allocation of resources. Any changes would have deviated from this process and added delays to the delivery programme.**

#### **ORDERED**

**That Executive be asked to:**

- 1. approve the allocation of funding to develop and deliver infrastructure improvements as outlined within the report;**
- 2. approve the programme package as set out in Appendix 2; and**
- 3. delegate any programme amendments and virements to new or prioritised projects, up to the value of £150,000, and where such activity is permissible within the funding criteria, to the Director of Regeneration/Director of Environment and Commercial Services in consultation with the Executive Member for Regeneration/Executive Member for Environment where appropriate.**

#### **REASONS**

**Recommendation would allow strategic allocation of funding to ensure that the Council was not only working toward its ambitions and objectives but was allocating resources to ensure statutory requirements placed upon the Council as the Highway Authority, "to ensure the safe and expeditious movement of people and goods on its network".**

**The allocations that were being proposed were based on ensuring a balance between maintaining the existing assets and making improvements to the accessibility of the current network/alternate modes of transport enhancements. This balance was crucial to ensure the safety of the infrastructure, and to assist in encouraging sustainability and longevity of the network.**

22/97 **ANY OTHER URGENT ITEMS WHICH IN THE OPINION OF THE CHAIR, MAY BE CONSIDERED.**

22/98 **EXCLUSION OF PRESS AND PUBLIC**

**ORDERED** that the press and public be excluded from the meeting for the following items on the grounds that, if present, there would be disclosure to them of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 and that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

22/99 **EXEMPT - HOTEL COMMERCIAL LOAN EXTENSION**

The Executive Member for Finance and Governance submitted a report for Executive's consideration.

#### **ORDERED**

**That the recommendations of the report be approved.**

#### **REASONS**

The decision was supported by the following reason:

For reasons outlined in the report.

All decisions will come into force after five working days following the day the decision(s) was published unless the decision becomes subject to the call in procedures.

**MIDDLESBROUGH COUNCIL**



<b>Report of:</b>	Deputy Mayor and Executive Member for Children's Services Director of Education and Partnerships
<b>Submitted to:</b>	Executive
<b>Date:</b>	7 March 2023
<b>Title:</b>	Special Educational Needs and or Disabilities Local Government Peer Review
<b>Report for:</b>	Decision
<b>Status:</b>	Public
<b>Strategic priority:</b>	Children and young people
<b>Key decision:</b>	No
<b>Why:</b>	Not applicable
<b>Urgent:</b>	No
<b>Why:</b>	Not Applicable

#### **Executive summary**

This report is to seeking approval to undertake a Local Government SEND Peer Challenge across the local area in May/June 2023. The SEND Peer Challenge is not an inspection- rather it is a supportive but challenging 'critical friend' approach to assist councils and their partners in celebrating their strengths and identifying their own areas for improvement.

The SEND and Inclusion Strategic Partnership which covers Education, Health and Social Care have agreed that a Local Government SEND Peer challenge would be supportive in helping the local area prepare for the new SEND Inspection framework which was recently published in November 2022. The new round of local area inspections will begin early in 2023. At this time it is not clear when Middlesbrough will have their inspection under the new framework.

The SEND and Inclusion Strategic Partnership understand the implications that this Peer Challenge will have on staff time and will plan with partners and the challenge team to make it as effective as possible leading to a clear identification of strengths and further areas for development.

## **Purpose**

1. The purpose of this report is to seek approval from Executive Members to undertake a Local Government SEND Peer Challenge in preparation for the new Local Area SEND Inspections which will begin in 2023.

## **Background and relevant information**

2. Ofsted and Care Quality Commission have published a new inspection framework which provides details on how they will inspect services for children and young people with special educational needs and or disabilities (SEND) in the local area early in 2023.
3. In the past, the local area inspections focused on how local areas met their responsibilities in the SEND code of practice. This is the statutory guidance produced by the Department for Education and the Department for Health and Social Care. The new framework has greater focus on hearing directly from children and young people with SEND, and their families. This will allow inspectors to get a better understanding of what it is like for a child or young person with SEND in the local area. There will also be stronger accountability through ongoing contact with local areas. This will include monitoring inspections where needed.
4. The overarching approach to inspection within the new inspection framework are:
  - a. Inspections will evaluate how well members of a local area partnership work together to improve the experiences and outcomes of children and young people with SEND. The local area partnership' refers to those in education, health and care who are responsible for the strategic planning, commissioning, management, delivery and evaluation of arrangements for children and young people with SEND who live in a local area.
  - b. Inspections will evaluate arrangements for all children and young people with SEND aged 0 to 25 covered by the SEND code of practice, including those who have an education, health and care (EHC) plan and those who receive special educational needs (SEN) support. The scope of the inspection covers children and young people who live in the local authority area but attend education settings or receive services outside of the local authority's geographical boundaries.
  - c. The inspection will consider whether local authorities' approach to commissioning and overseeing alternative provision arrangements for children and young people in the local authority area meets their duties as set out in section 19 of the Education Act 1996 and in statutory guidance.
5. As part of the new inspection framework there will be a series of thematic visits each year. In the first year these will focus on Alternative Provision (AP)
6. In March 2017 Middlesbrough local area had its first SEND inspection and this resulted in a Written Statement of Action to address significant concerns as listed below
  - Fundamental weaknesses in strategic leadership, governance and implementation of the disability and special educational needs reforms in the local area.
  - Children, young people and families had too little involvement in discussion and decision-making about the services and support they needed.
  - The local offer was poor and, as a result, children, young people and families had a weak understanding of the resources and support available in Middlesbrough.

- Leaders had an inaccurate view of the local area's effectiveness. They did not gather, analyse and use information and data to drive improvement in provision and outcomes for children and young people who have special educational needs and/or disabilities in the local area.
  - Strategic planning was weak and there was no strategy for jointly commissioning services across education, health and social care.
7. In July 2019 the same Ofsted and CQC inspection team revisited the local area and the outcome of that visit was that the local area had made good progress in all of the areas identified within the inspection of March 2017 and no longer required a Written Statement of Action
  8. It is unclear when Middlesbrough will receive their next SEND inspection through the new framework. Work is underway across the local area to ensure the additional requirements of the new framework are in place. To further support our preparation for the next Local Area Inspection we are seeking to undertake a Local Government SEND Peer Challenge.
  9. The SEND Peer Challenge is not an inspection, rather it is a supportive but challenging 'critical friend' approach to assist councils and their partners in celebrating their strengths and identifying their own areas for improvement. The key purpose of the SEND Peer Challenge is to stimulate local discussion about how the council and its partners can become more effective in delivering improved outcomes for children. All members of the peer team are knowledgeable about, and experienced in, the delivery of SEND services.
  10. The SEND Peer Challenge will take place over 4 days (Tuesday -Friday) and will require input from partners across Education, Health and Social Care. There will be some preparation by key officers prior to the week of the Peer Challenge where we will prepare key documents and agree a timetable of activities for the challenge team.
  11. The SEND Peer challenge will consider four lines of enquiry which will be agreed by the SEND and Inclusion Partnership Board.

### **What decision(s) are being recommended?**

12. That the Executive:

Approve the request to have a Local Government SEND Peer Challenge which will take place in May 2023.

### **Rationale for the recommended decision(s)**

13. The review will support the local area in its preparation for the full SEND inspection

### **Other potential decision(s) and why these have not been recommended**

14. We can decide not to undertake a SEND Peer Challenge, however the SEND and Inclusion Partnership Board feel it would be beneficial in supporting the local area prepare for the next SEND Inspection.

## Impact(s) of the recommended decision(s)

### **Legal**

15. There are no legal implications.

### **Strategic priorities and risks**

16. This Peer Challenge links to our Children and Young People Priority: We will show that Middlesbrough Children Matter and work towards making our town safe and welcoming and improve outcomes for our children and young people. By undertaking the SEND Peer Challenge will further strengthen our developments in this key area.

### **Human Rights, Equality and Data Protection**

17. N/A

### **Financial**

18. There will be no costs to the Council as this will be fully funded by the Local Government Association

## Actions to be taken to implement the recommended decision(s)

Action	Responsible Officer	Deadline
To prepare for the LGA SEND Peer Review	Caroline Cannon	May 2023

## Appendices

1	
2	
3	

## Background papers

Body	Report title	Date

Contact: Caroline Cannon: Strategic Lead for Inclusion and Specialist Support Services

Email: [caroline\\_cannon@middlesbrough.gov.uk](mailto:caroline_cannon@middlesbrough.gov.uk)



<b>MIDDLESBROUGH COUNCIL</b>	
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<b>Report of:</b>	Executive Member for Adult Social Care, Public Health, Public Protection and Digital Inclusion Director of Adult Social Care and Health Integration
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<b>Submitted to:</b>	Executive
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<b>Date:</b>	7 March 2023
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<b>Title:</b>	Adult Social Care: Respite Charging
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<b>Report for:</b>	Decision
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<b>Status:</b>	Public
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<b>Strategic priority:</b>	Vulnerability
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<b>Key decision:</b>	Yes
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<b>Why:</b>	Decision(s) will have a significant impact in two or more wards
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<b>Urgent:</b>	No
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<b>Why:</b>	Not Applicable
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**Executive summary**

This report sets out the proposed review of the charging policy for respite care services within adult social care services.

Respite care is a service to support informal carers to take a break through the provision of residential and nursing care for the cared for person.

In 2019/2020 a review of respite charging was undertaken which changed the charging policy for respite care. Having embedded this for two and a half years and in preparation for social care charging reform we are proposing further amendments to the respite charging policy.

This is due to the fact that phased approach to implementation took place, preserving the payment rates for existing service users. This in turn has led to confusion regarding the rate that the service user was required to pay and in some cases the service user has been quoted and paid the flat rate or the local authority contracted rate which has left a shortfall in fees for the care home. Upon appeal from service users that they were being asked to pay increased costs, the Local Authority has had to meet this shortfall which is contributing to current budget pressures

A decision is required to approve the proposed amendments to the current charging for respite care in order to rectify this situation.

## **Purpose**

1. To seek approval for the proposed changes to the charging policy for respite care services.

## **Background and relevant information**

2. The Care Act 2014 Statutory Guidance identifies that Carers play a significant role in preventing the need for care and support for the people they care for, and local authorities must consider interventions which can prevent Carers from developing needs for care and support themselves, as result of their caring responsibilities. One of these interventions is a period of residential respite stay for the cared for person, allowing the carer, time to take a break from their caring duties.
3. In 2019 a review of respite charging was commenced. The position at that time was that all respite care was charged at a flat rate, irrespective of the savings of the service user, which was contributing to a loss of revenue to the council. The average cost of a stay for one week in a Middlesbrough care home at the time was £550, however all adults using this facility in Middlesbrough were being charged the flat rate fee of £140.35. The recommendation was that the cost of respite care would be means tested, as with all other social care provision, and would be charged according to ability to pay.
4. The review recommendations would bring Middlesbrough Council in line with the charging practice of neighbouring local authorities. A level 1 impact assessment was carried out which determined that the policy will not adversely affect the Human Rights, Equality or Community Cohesion of the service user group.
5. Approval by single member was given to undertake consultation on 10.10.2019. Consultation took place from 01.01.20 to 31.03.20 and the review was concluded following this.
6. On 9th July 2020 a single member decision was made to approve the decision to charge service users for respite care, in accordance to their ability to pay. The changes to respite charging were approved as recommended.
7. In preparation for the planned introduction of the lifetime cap on care costs in 2023 (now deferred until 2025) we have reviewed the charges for respite care.
8. The review has shown that the implementation of the respite charging was only partly successful as a phased approach was taken to those self-funders who had previously received financial support from the council. These individuals continued to be offered the flat rate for respite care. For new service users the intention was for those with savings over £23,250 to pay for their respite care in accordance with their level of savings.
9. This approach unfortunately created confusion both within adult social care teams and the care home market. The distinction between those who were existing service users and those who are new services users has been difficult for the care home market to manage, particularly as respite stays do not always take place in the same care home.
10. New clients were advised by Social Workers that the local authority no longer contracted for respite care for individuals who were self-funding and they were advised to pay the

cost of their respite directly to the care home. However the care homes have not always charged as per this guidance.

11. Thus the two tier approach has led to confusion regarding the rate that the service user was required to pay and in some cases the service user has been quoted and paid the flat rate or the local authority contracted rate which has left a shortfall in fees for the care home. Upon appeal from service users that they were being asked to pay increased costs, the Local Authority has had to meet this shortfall which is contributing to current budget pressures.
12. We would like to address this unintended consequence of the change in the respite charging process by having a clear distinction between those who are eligible for local authority support with respite costs and those who are self-funding, irrespective of their previous payments for respite care.

### **What decision(s) are being recommended?**

13. That the Executive:

Approves the amendment to the respite care charging system which would mean that the council no longer contracts for respite care for self funding service users, which will include removing the current subsidy for those who have been in receipt of respite care prior to July 2020.

This will require the following steps to be implemented:

- Care homes will be advised that the local authority will only contract for respite care for those who have savings below the threshold.
- Subsidy for existing self-funders receiving respite care will cease
- All individuals with savings over the £23,500 will pay the care home directly at the home's self-funding fee rate.

### **Rationale for the recommended decision(s)**

14. We feel that the implementation of the above steps will align the respite charging with charging for all other residential services.
15. This in turn will support us with the preparation for the care cap whereby all self-funders will inform the local authority of respite charges paid to care home providers and this will contribute to their care account. The current two tier system places us in a position where those currently paying the flat rate are not clearly identified as self-funders. This may lead to the local authority failing to track their care account effectively
16. The changes will also ensure that we maximise service user contributions and remove any budget pressures that have arisen from undercharging existing recipients of respite care and pressures that have arisen by payment of additional respite charges to rectify fee challenges that the new system has created.

### **Other potential decision(s) and why these have not been recommended**

17. We could maintain the current charging system, however this has been discounted due to the practice issues that have arisen.

18. We could revert to the system in place prior to the 2019 review, however this would no longer be fit for purpose.

**Impact(s) of the recommended decision(s)**

***Legal***

19. There are no legal implications as the proposal would be in line with The Care Act 2014 and Statutory Instrument (2017) No.555 provides guidance on Charging and Financial assessment of service users in receipt of care and support in a care home.

***Strategic priorities and risks***

20. This supports the delivery of services to the most vulnerable in our society and supports the role of unpaid carers.

***Human Rights, Equality and Data Protection***

21. There would be no impact on the provision of respite services, this proposal only relates to the charging for services.

***Financial***

22. This would support the council's management of the budget as it would reduce current spend on respite care services.

**Actions to be taken to implement the recommended decision(s)**

Action	Responsible Officer	Deadline
To amend the charging policy for respite care	Jane Wickins, Operations Manager Business Process and Client Finance, Financial Governance and Revenues	1.4.23

**Appendices**

1	Impact Assessment Level 1: Initial screening assessment
2	
3	

## Background papers

Body	Report title	Date
Executive Member for Adult Social Care & Public Health,	Consultation for Respite Charging	Thursday 10th October 2019
Single Member Decision	Charging for Respite Care in accordance with ability to pay	Thursday 9th July 2020

**Contact:** Ruth Musicka, Head of Access and Safeguarding

**Email:** [ruth\\_musicka@middlesbrough.gov.uk](mailto:ruth_musicka@middlesbrough.gov.uk)

Template for Impact Assessment Level 1: Initial screening assessment

<b>Subject of assessment:</b>	Adult Social Care: Respite Charging			
<b>Coverage:</b>	ASC service specific change to the respite charging process			
<b>This is a decision relating to:</b>	<input type="checkbox"/> <b>Strategy</b>	<input type="checkbox"/> <b>Policy</b>	<input type="checkbox"/> <b>Service</b>	<input type="checkbox"/> <b>Function</b>
	<input checked="" type="checkbox"/> <b>Process/procedure</b>	<input type="checkbox"/> <b>Programme</b>	<input type="checkbox"/> <b>Project</b>	<input type="checkbox"/> <b>Review</b>
	<input type="checkbox"/> <b>Organisational change</b>	<input type="checkbox"/> <b>Other (please state)</b>		
<b>It is a:</b>	<b>New approach:</b>	<input type="checkbox"/>	<b>Revision of an existing approach:</b>	<input checked="" type="checkbox"/>
<b>It is driven by:</b>	<b>Legislation:</b>	<input checked="" type="checkbox"/>	<b>Local or corporate requirements:</b>	<input checked="" type="checkbox"/>
<b>Description:</b>	<p>Respite care is a service to support informal carers to take a break through the provision of residential and nursing care for the cared for person. The Care Act 2014 and Statutory Instrument (2017) No.555 provides guidance on Charging and Financial assessment of service users in receipt of care and support in a care home.</p> <p>In 2019/2020 a review of respite charging was undertaken which changed the charging policy for respite care. Having embedded this for two and a half years and in preparation for social care charging reform we are proposing further amendments to the respite charging policy.</p> <p>This is due to the fact that phased approach to implementation took place, preserving the payment rates for existing service users. This in turn has led to confusion regarding the rate that the service user was required to pay and in some cases the service user has been quoted and paid the flat rate or the local authority contracted rate which has left a shortfall in fees for the care home. Upon appeal from service users that they were being asked to pay increased costs, the Local Authority has had to meet this shortfall which is contributing to current budget pressures.</p> <p>The key stakeholders in relation to this decision are service users, their carers, care home providers, social workers and financial assessors.</p>			
<b>Live date:</b>	1 <sup>st</sup> March 2023			
<b>Lifespan:</b>	Permanent change from 1 <sup>st</sup> March 2023			
<b>Date of next review:</b>	This will be reviewed in 2024 to ensure this is in line with the proposed care reforms which are to take place in 2025			

Screening questions	Response			Evidence
	No	Yes	Uncertain	
<b>Human Rights</b> Could the decision impact negatively on individual Human Rights as enshrined in UK legislation?*	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Outline the evidence supporting the assessment.
<b>Equality</b> Could the decision result in adverse differential impacts on groups or individuals with characteristics protected in UK equality law? Could the decision impact differently on other commonly disadvantaged groups?*	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Outline the evidence supporting the assessment.
<b>Community cohesion</b> Could the decision impact negatively on relationships between different groups, communities of interest or neighbourhoods within the town?*	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Outline the evidence supporting the assessment.
<b>Next steps:</b> ➡ If the answer to all of the above screening questions is No then the process is completed. ➡ If the answer of any of the questions is Yes or Uncertain, then a Level 2 Full Impact Assessment must be completed.				

<b>Assessment completed by:</b>	Ruth Musicka, Head of Access and Safeguarding	<b>Head of Service:</b>	N/A
<b>Date:</b>	15.1.23	<b>Date:</b>	

\* Consult the Impact Assessment further guidance appendix for details on the issues covered by each of these broad questions prior to completion.



<b>MIDDLESBROUGH COUNCIL</b>	
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<b>Report of:</b>	Executive Member for Environment Director of Environment and Communities
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<b>Submitted to:</b>	Executive
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<b>Date:</b>	7 March 2023
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<b>Title:</b>	Highways Capital - Priority Assessment Review and Forward Works Programme
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<b>Report for:</b>	Decision
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<b>Status:</b>	Public
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<b>Strategic priority:</b>	Physical environment
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<b>Key decision:</b>	Yes
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<b>Why:</b>	Decision(s) will incur expenditure or savings above £150,000
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<b>Urgent:</b>	No
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<b>Why:</b>	Not Applicable
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<b>Executive summary</b>	
<p>The deterioration of national carriageways is an issue across the country. In Middlesbrough, 15% of all carriageways are currently rated Red / Amber. It is therefore appropriate to re-evaluate the approach to maintaining and improving highway assets, with a view to improving the condition of the road network.</p> <p>Following approval of additional investment of £7.5m from the MTFP for carriageway improvement works, a re-evaluation exercise has been undertaken to address Red / Amber carriageway defects as per Department for Transport classifications and the development of a longer-term strategy for maintenance and improvements to carriageways, in-line with the medium-term financial plan.</p>	

## **Purpose**

1. Substantial investment is required in order to improve the road network. It is therefore timely to re-evaluate the current approach to maintaining and improving highway assets, with a view to improving the condition of the road network back to a publicly acceptable and manageable level.
2. The Executive is therefore asked to approve the revised prioritisation process undertaken to address the approach to Red / Amber carriageway defects which has enabled the development of a longer-term strategy for maintenance and improvements, in-line with the medium-term financial plan and still allowing compliance with our Statutory requirements and National Guidance on highway asset management.

## **Background and relevant information**

3. The condition of Middlesbrough's road network is in decline, with 15% of the total carriageway network (classified and unclassified roads) categorised as Red / Amber; those carriageways most in need of maintenance are either:
  - safety critical
  - carrying a high level of risk (high-traffic routes)
  - stakeholder priority
  - supporting the corporate vision; and / or
  - demonstrating value for money
4. Current repair methods focus on resurfacing sections of road and / or responsive 'plane and patch' on specific areas of failed road surface. Without intervention, those carriageways currently categorised as Low Amber / Green will deteriorate to Red / Amber categorisation.
5. Development of a strategy and forward work programme for the maintenance and improvements to carriageways has been carried out which has focussed on a re-evaluation of the approach to addressing and prioritising Red / Amber defects based on the parameters outlined below:
  - Those schemes with structural and major defects
  - Roads of higher classes so A roads will be weighted higher than B, and C roads and unclassified roads
  - Roads with high traffic flows
  - Roads which form part of the resilient network
  - Roads with low skid resistance
  - Roads which feed major and large transport hubs e.g. bus station, train station, local centres
  - Roads with a high number of complaints
  - Roads with a high number of insurance claims

6. Specific focus has been given to high volume / coverage areas and considered on a geographical 'zone' basis. Whilst we previously considered some of these factors before formulating prior works programmes, the new process includes additional factors to consider, will give a clear score to each road, based on all of the information in one place. The process will be in a format that will be measurable and clear to those who use it, and those whom it informs.
7. The existing process placed schemes in yearly budgets, and the schemes prioritised into working areas following the award of the works contract. We will now arrange the works into zones at a much earlier stage, prior to tendering the works. The zone approach will focus the budget in specific areas within the town, rather than the schemes being spread across the town. We anticipate that there will be efficiency savings achieved using the zoned approach. The zones split the town into 4 main areas, these match existing areas for safety inspection and have been assigned based on network length. The proposed works zones for the 3 year programme are shown as Appendix 2.
8. The Carriageway Priority Assessment Form is shown as Appendix 1 and includes a revised scoring matrix to consider the additional parameters described above and will give each scheme a clear accountable score.
9. Approval of the above approach, in-line with the medium-term financial plan would enable attention to be focused on Low Amber roads, thereby delaying further deterioration of roads currently categorised as being in acceptable condition.

#### **What decision(s) are being recommended?**

10. That the Executive:

- Approves the revised prioritisation process which has allowed the development of a longer-term strategy for identifying, maintaining and improving carriageways to address defects on Red / Amber roads, tendering for works via the NEPO framework.
- Approves the programme of works for 2022/25 as shown as Appendix 3

#### **Rationale for the recommended decision(s)**

11. To provide the necessary detail to allow the Executive to make an informed decision based on need and impact, whilst demonstrating that the service remains fit for purpose to best address the needs of the town.

#### **Other potential decision(s) and why these have not been recommended**

12. Due to the significant levels of deterioration across the road network and the due diligence work undertaken as part of this report, no other options were considered.

## Impact(s) of the recommended decision(s)

### **Legal**

13. Implementation of the above approach will enable the Highways Team to operate within the resources available to it, and continue to meet its various statutory duties; particularly, Section 41 of the Highways Act 1980 'Duty to maintain highways maintainable at public expense'.
14. The duty is in reference to maintaining highways in an accessible and safe condition, insofar as feasible from time to time, the publicly maintainable highway for which the authority are the Local Highway Authority.

### **Strategic priorities and risks**

15. One of the Council's Strategic Plan has nine priorities; one of which is Physical Environment. Progression of this work is key to achieving one of the underpinning initiatives within that priority.

### **Human Rights, Equality and Data Protection**

16. There are no concerns that the planned approach could have an adverse impact on individuals or groups as a result of holding one or more of the characteristics protected by the Equality Act 2010, therefore a Level 1 screening equality impact assessment is not required.

### **Financial**

17. As outlined in the Revenue Budget, Council Tax, Medium Term Financial Plan and Capital Strategy 2022/23 report to Council on 23 February 2022, the Council's Medium Term Financial Plan (MTFP) for the period 2022/23 to 2024/25 provisionally provided, subject to approval by Executive, additional funding of up to £15m over the MTFP period for a Highways Maintenance Programme. This was subsequently reduced to £7.5m following the need to make budget savings as outlined in the Medium Term Financial Plan Update and Budget Savings Proposals Report to Council on 8<sup>th</sup> November 2022. The current estimated costs of the proposed approach are therefore within the current funding available.
18. Following approval of the proposed approach by Executive, the Council's Investment Strategy will be amended accordingly to reflect this.

## Actions to be taken to implement the recommended decision(s)

Action	Responsible Officer	Deadline
Executive approval of longer-term strategy for maintenance and improvements to carriageways	Director of Environment and Communities	07/03/2023
Tender process and contract award for longer-term strategy for maintenance and improvements to carriageways	Director of Environment and Communities	01/05/2023

Completion of prioritised 2022/23 carriageway improvement activity	Director of Environment and Communities	31/03/2023
Implementation of longer-term strategy for maintenance and improvements to carriageways	Director of Environment and Communities	01/04/2023

## Appendices

1	Carriageway Priority Assessment Form
2	Proposed Zones for Carriageway Delivery Programme 2022-2025
3	Carriageway Delivery Programme 2022-2025

## Background papers

Body	Report title	Date
Council	Revenue Budget, Council Tax, Medium Term Financial Plan and Capital Strategy 2022/23,	23/02/2022
	Medium Term Financial Plan Update and Budget Savings Proposals 2023/24	08/11/2022

**Contact:** Chris Bates Head of Highways Infrastructure

**Email:** [chris\\_bates@middlesbrough.gov.uk](mailto:chris_bates@middlesbrough.gov.uk)

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## Appendix 1 – Carriageway Priority Assessment Form

MIDDLESBROUGH COUNCIL CARRIAGEWAY WEIGHTING ASSESSMENT & PRIORITY								
ROAD NAME: LOCATION:							ZONE	
SCHEME ASSESSMENT:	Assessed by:		Date:				SCORE PER ITEM	COMMENTS
DEFECTS IDENTIFIED What Defects Are Identified SCORE	Any Structural Defect Present (See Defects Table) 30	> 30% Major Defects Across Site (See Defects Table) 20	≤ 30% Major Defects Across Site (See Defects Table) 10	>70% Minor Defects Across Site (See Defects Table) 10	≤ 70% Minor Defects Across Site (See Defects Table) 0			
DfT ROAD CLASS & ROAD HIERARCHY SCORE	Class 2a / Cat 2 Strategic Route A Class (See Hierarchy Tab) 25	Class 3 / Cat 3a Main Distributor A Class (See Hierarchy Tab) 20	Class 4 / Cat 3b Secondary Distributor B Class (See Hierarchy Tab) 15	Class 5 / Cat 3b Secondary Distributor C Class (See Hierarchy Tab) 10	Class 6 / Cat 4a Link Road Unclass (See Hierarchy Tab) 5	Class 6 / Cat 4b Local Access Road Unclass (See Hierarchy Tab) 0		
TRAFFIC FLOWS SCORE	High 10	Medium 5	Low 0					
RESILIENT NETWORK Included in Res. Network SCORE	Yes 10	No 0						
SKID RESISTANCE SCORE	Low/ Poor 10	High/ Good 0	If not assessed score = zero					
TRANSPORT HUB Road feeds transport hub SCORE	Yes 10	No 0						
PRESENCE OF LOCAL AMENITY (school, shops, doctor etc) SCORE	High level of activity 10	Medium level of activity 5	Low level of activity 1	None 0				
RECORD OF COMPLAINTS (not accidents/ claims) SCORE	Many (over 5) 5	Few (Between 2 & 5) 3	Single report 1	None 0				
CLAIMS/ ACCIDENT HISTORY (number of claims or accidents) SCORE	Many (over 5) 20	Few (Between 2 & 5) 10	Single report 5	None 0				
TOTAL PRIORITY SCORE								

CARIAGEWAY DEFECTS:

STRUCTURAL DEFECTS:		Yes / No
STR	Wheel Track Cracks - Sev 2	----
STR	Wheel Track Rut - Structural	----
STR	Edge Defect - Type 2	----
STR	Rocking Slabs	----
STR	Deformation	----
STR	Drainage Dangerous	----
STR	Camber/ Crossfall Dangerous	----
	<b>YES OR NO</b>	----
<p>If any structural defects are present score 30</p>		

CARIAGEWAY DEFECTS:		% Defect
MAJ	Wheel Track Cracks - Sev 1	----
MAJ	Wheel Track Rut - Plastic	----
MAJ	Edge Defect - Type 1	----
MAJ	Crazing - Coarse	----
MAJ	Other Cracking	----
MAJ	Fretting - Serious	----
MAJ	Potholing	----
MAJ	Cracked Slabs	----
MAJ	Drainage Bad	----
MAJ	Camber/ Crossfall Bad	----
		Total % Defect <b>0.0%</b>
<p>If the total major defect is greater than 30% score 20</p> <p>If the total major defect is equal or less than 30% score 10</p>		

CARIAGEWAY DEFECTS:		Total % Defect
MIN	Crazing - Fine	----
MIN	Fretting - Slight	----
MIN	Open Texture	----
MIN	Loss of Chipping	----
MIN	Fatting up	----
MIN	Existing Patches	----
MIN	Spalling Slabs	----
		Total % Defect <b>0.0%</b>
<p>If the total minor defect is greater than 70% score 10</p> <p>If the total minor defect is equal or less than 70% score zero</p>		



## CARRIAGWAY HIERARCHY & ROAD CLASS TABLE

DfT Road Class	Hierarchy Category	Hierarchy Description	General Description	Priority Score
2a	2	Strategic Route	Non Motorway Trunk and Some Principal 'A' Class roads between primary destinations.	25
3	3a	Main Distributor	A' Class roads. Major Urban Network and Inter-primary Links. Short- medium distance traffic.	20
4	3b	Secondary Distributor	B' Class roads, and unclassified urban bus routes carrying local traffic with frontage access and frequent junctions.	15
5	3b	Secondary Distributor	C' Class roads, and unclassified urban bus routes carrying local traffic with frontage access and frequent junctions.	10
6	4a	Link Road	Roads linking between Main and Secondary Distributor Network with frontage access and frequent junctions	5
6	4b	Local Access Road	Roads serving limited number of properties and carrying only access traffic	0

THE HIGHWAY DfT ROAD CLASS & HIERARCHY CATEGORY FOR EVERY ROAD IN THE BOROUGH IS HELD IN THE HIGHWAY ASSET MANAGEMENT DATA BASE SYMOLOGY INSIGHT

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## Appendix 2 – Proposed Zones for Classified Carriageway Delivery Programme

### ZONES

CARRIAGEWAY PROGRAMMED MAINTENANCE

2022-2023

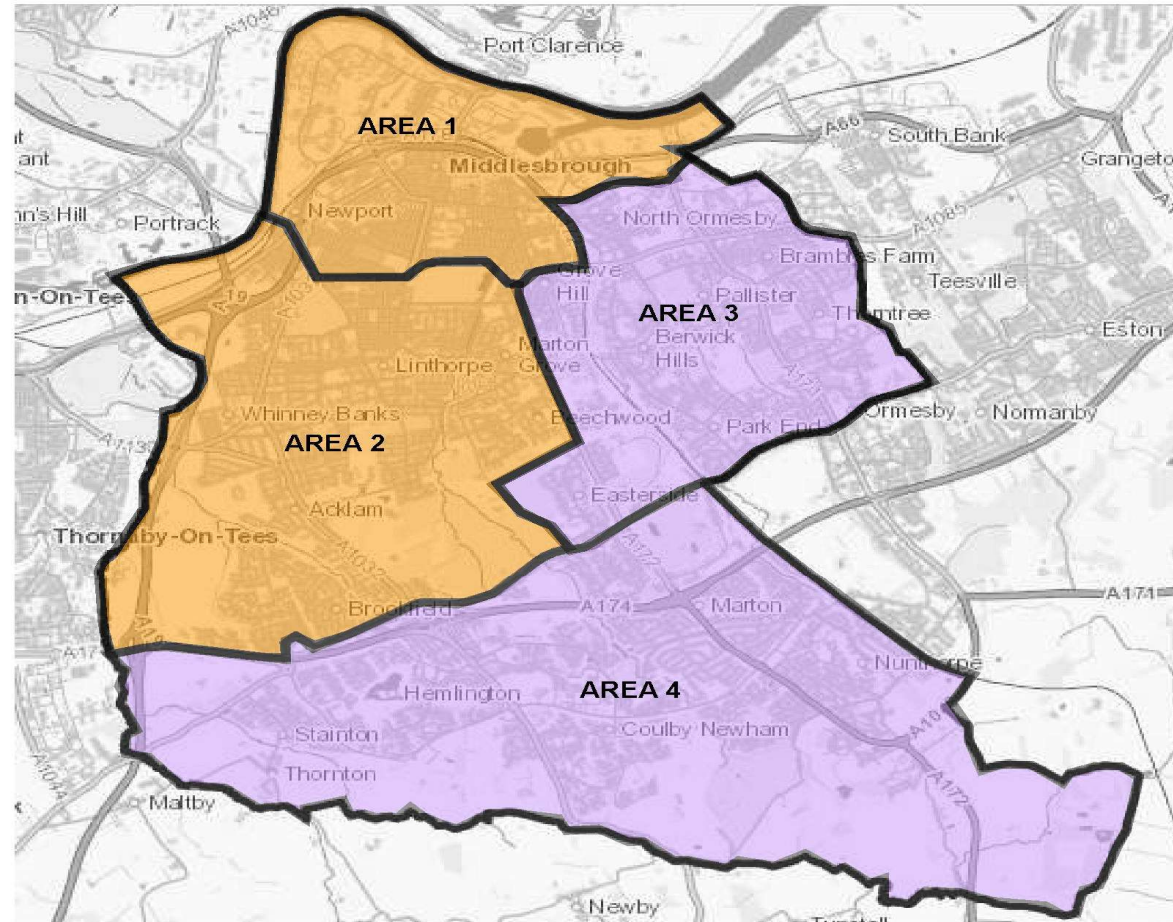
- Q3 - AREA 1 & 2
- Q4 - AREA 3 & 4

2023-2024

- Q1 & Q2 - AREA 1 & 2
- Q3 & Q4 - AREA 3 & 4

2024-2025

- Q1 & Q2 - AREA 1 & 2
- Q1 & Q3 - AREA 3 & 4



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## Appendix 3 Carriageway Delivery Programme 2022-25

CLASSIFIED ROADS YEAR 1 to 3 - 2022 to 2025							
ROAD CLASS	YEAR	Road Name	Location	Treatment (Full Width Unless Stated Otherwise)	Estimated Cost	Cumulative Cost	Delivery Area
B1540	1A	STAINTON WAY PHASE 2	FROM NEAR HEMLINGTON HALL ROAD TO HEMLINGTON GRANGE WAY JUNCTION (new Police Headquarters junction)	50mm RESURFACING	£195,822	£195,822	4
B1540	1A	STAINTON WAY PHASE 2	HEMLINGTON HALL RD TO HEM GRANGE WAY	LINING & ROAD MARKINGS	£5,000	£200,822	4
RES NET	1A	HALL DRIVE	ST DAVIDS TO BEWLEY GOVE	RECONSTRUCTION INCLUDING DRAINAGE (CORING & DRAINAGE INC COST)	£216,187	£417,009	3
RES NET	1A	HALL DRIVE	ST DAVIDS TO BEWLEY GOVE	Accommodation work & drainage	£25,000	£442,009	3
RES NET	1A	HALL DRIVE	ST DAVIDS TO BEWLEY GOVE	LINING & ROAD MARKINGS	£1,000	£443,009	3
A1032	1A	ACKLAM ROAD PHASE 1	TRIMDON AVENUE to CREMATORIUM SOUTH BOUND LANE	1m WIDE STRIP PATCH AT JOINT cost includes the lining & road marking	£30,000	£473,009	2
A1032	1A	HEYWOOD STREET/ AYRESOME GREEN LANE	NEWPORT ROUNDABOUT to ACKLAM ROAD - PATCHING LOCATIONS TO ACCOMMODATE ROAD MARKING	PATCHING WORKS	£10,080	£483,089	1
A1032	1A	HEYWOOD STREET/ AYRESOME GREEN LANE	NEWPORT ROUNDABOUT to ACKLAM ROAD - PATCHING LOCATIONS TO ACCOMMODATE ROAD MARKING	LINING & ROAD MARKINGS	£5,000	£488,089	1
C133	1B	CAMBRIDGE ROAD PHASE 1	NUMBER 23 (NEAR ROMAN ROAD) TO THORNFIELD ROAD (FULL WIDTH)	40mm RESURFACING	£86,640	£574,729	2

B1541	<b>1B</b>	DEPOT ROAD PHASE 1	FORTY FOOT ROAD JUNCTION to NEW ZEBRA CROSSING AT JUNCTION O/S NEW THE STAITHS BUILDING	120mm RESURFACING	£44,460	£619,189	1
A172	<b>1B</b>	DIXONS BANK PHASE 1	AT JUNCTION WITH ST CUTHBERT AVENUE to STREET LIGHT PGW36	RECONSTRUCTION 250mm DEPTH - BASE, BINDER & SURFACE COURSE	£48,960	£668,149	4
A172	<b>1B</b>	DIXONS BANK PHASE 2	INFILL SECTION BETWEEN ST CUTHBERT AVENUE CROSSING and SUMMIT HOUSE CROSSING POINT	40mm RESURFACING	£18,420	£686,569	4
A172	<b>1B</b>	DIXONS BANK PHASE 3	SUMMIT HOUSE CROSSING POINT to BRASS CATLE LANE JUNCTION (DEPRESSION O/S THE CHIPPINGS)	RECONSTRUCTION 250mm DEPTH - BASE, BINDER & SURFACE COURSE	£68,160	£754,729	4
B1380	<b>1B</b>	LADGATE LANE PHASE 1	STEWART PARK ENTRANCE BUS STOP to ALAN PEACOCK WAY	50mm RESURFACING	£38,400	£793,129	3
B1380	<b>1B</b>	LADGATE LANE PHASE 2	FROM STREET LIGHTING COLUMN RKF102/ BUS STOP to MARTON CROSSROADS	50mm RESURFACING	£93,240	£886,369	3
A174	<b>1B</b>	LADGATE LANE PHASE 3	WEST BOUND LANES FROM SANDY FLATTS LANE ROUNDABOUT TO BLUE BELL ROUNDABOUT	40mm PSV65	£68,670	£955,039	4
C134	<b>1B</b>	NEWHAM WAY PHASE 1	FROM GUNNERGATE LANE to STAINTON WAY RAB SOUTH BOUND LANES	120mm RESURFACING	£103,250	£1,058,289	4
B1541	<b>1B</b>	RIVERSIDE PARK ROAD PHASE 1	STARTFORTH ROAD to BOWES ROAD	120mm RESURFACING	£81,780	£1,140,069	1
RES NET	<b>1B</b>	SOUTHFIELD ROAD	FROM MARTON ROAD to WOODLANDS ROAD-S/O WESTGARTH SOCIAL CLUB (EXCLUDING ABINGDON RD SPEED CUSHION)	120mm RESURFACING	£202,182	£1,342,251	1

RES NET	<b>1B</b>	SOUTHFIELD ROAD - SPEED CUSHIONS	FROM MARTON ROAD to WOODLANDS ROAD-S/O WESTGARTH SOCIAL CLUB (EXCLUDING ABINGDON RD SPEED CUSHION) o/s 105, 121, 133, 157, 161	REMOVE 5no PAIRS OF BOLTED RUBBER SECTION SPEED CUSHIONS AND REPLACE WITH 5no PAIRS OF DENSE ASPHALT SPEED CUSHIONS	£6,720	£1,348,971	1
C116	<b>1B</b>	STAINTON WAY PHASE 3	FROM NEAR CYPRESS ROAD AT LAMP COLUMN SSD211 to MALLOWDALE ROAD SLIP ROAD (WEST BOUND LANES)	40mm RESURFACING	£53,925	£1,402,896	4
C127	<b>1B</b>	THORNTON ROAD	FROM HEMLINGTON ROAD to SEAMER ROAD	50 mm RESURFACING	£53,975	£1,456,871	4
C127	<b>1B</b>	THORTON ROAD - SPEED CUSHIONS	FROM HEMLINGTON ROAD to SEAMER ROAD O/S 3, 11, 15, 21, 23	INSTALLATION OF 5NO PAIRS OF DENSE ASPHALT SPEED CUSHIONS	£6,720	£1,463,591	4
C119	<b>2</b>	AYRESOME STREET PHASE 1	LINTHORPE ROAD to AIRE STREET	40 mm RESURFACING & REPAIR TRAFFIC CALMING	£116,616	£1,580,207	1
B1272	<b>2</b>	BOROUGH ROAD PHASE 1	THE JUNCTION WITH ABINGDON ROAD	40 mm RESURFACING	£6,600	£1,586,807	1
B1272	<b>2</b>	BOROUGH ROAD PHASE 2	ABINGDON ROAD to MARTON ROAD	40 mm RESURFACING	£59,160	£1,645,967	1
C133	<b>2</b>	CAMBRIDGE ROAD PHASE 2	THORNFIELD ROAD TO ACKLAM ROAD	40 mm RESURFACING	£142,170	£1,788,137	2
B1541	<b>2</b>	DEPOT ROAD PHASE 2	FROM RAIL LINES NEAR NEW 'THE STAITHS' BUILDING to SNOWDON ROAD	40mm RESURFACING	£39,450	£1,827,587	1
B1541	<b>3</b>	SNOWDON ROAD RAB	THE RAB	40mm RESURFACING	£21,720	£1,849,307	1
RES NET	<b>3</b>	PARK ROAD SOUTH	FROM VALLEY ROAD to LINTHORPE ROAD	40mm RESURFACING	£150,240	£1,999,547	2
<b>SCHEMES FROM APRIL 2023 to MARCH 2025</b>							
A171	<b>1B</b>	CARGO FLEET LANE - PHASE 1	NUMBER 2 CARGO FLEET LANE to BOURNEMOUTH AVENUE	120mm RESURFACING	£147,000	£2,146,547	3

A171	<b>1B</b>	CARGO FLEET LANE PHASE 2 - PATCHING WORKS	FROM LONGLANDS ROAD to FULBECK ROAD	120mm DEEP PATCHING WORKS 5% OF - Locations to be confirmed	£48,850	£2,195,397	3
B1380	<b>1B</b>	HIGH STREET ORMESBY	PRITCHETT ROAD TO CHURCH LANE/ THE FOUNTAIN PUB CORNER	120mm RESURFACING	£54,480	£2,249,877	3
A171	<b>1B</b>	ORMESBY VILLAGE RAB	ORMESBY VILLAGE ROUNDABOUT & UP TO NUMBER 2 CARGO FLEET LANE	120mm RESURFACING	£63,085	£2,312,962	3
B1540	<b>1B</b>	STAINTON WAY PHASE 4	APPROACHES AND EXISTS AT HEMLINGTON LANE ROUNDABOUT - TO AND FROM ENDS OF TRAFFIC ISLANDS	120mm RESURFACING	£17,741	£2,330,703	4
B1365	<b>1B</b>	HEMLINGTON LANE/ NEWHAM WAY ROUNDABOUT	THE ROUNDABOUT	120mm RESURFACING	£64,064	£2,394,767	4
B1365	<b>1B</b>	HEMLINGTON LANE PHASE 1	NEWHAM WAY to STAINTON WAY (ONLY UP TO END OF TRAFFIC ISLAND NORTH AND SOUTH BOUND)	120mm RESURFACING	£52,685	£2,447,452	4
B1365	<b>1B</b>	HEMLINGTON LANE/ STAINTON WAY ROUNDABOUT	THE ROUNDABOUT	120mm RESURFACING	£68,096	£2,515,548	4
B1365	<b>1B</b>	HEMLINGTON LANE PHASE 2	END OF TRAFFIC ISLAND to STAINTON WAY ROUNDABOUT	120mm RESURFACING	£32,838	£2,548,386	4
RES NET	<b>2</b>	WILSON STREET PHASE 1	SAINSBURYS ENTRANCE to NEWPORT ROAD BUS STATION JUNCTION BOTH NORTH & SOUTH BOUND LANES (INCLUDES SAINSBURYS JUNCTION AND 2NO SPEED TABLES)	120mm RESURFACING	£109,380	£2,657,766	1
RES NET	<b>2</b>	NEWPORT ROAD PHASE 1 - SECTION 1	BUS STATION JUNCTION SQUARE WITH WILSON STREET INCLUDING PART INTO BUS STATION (UP TO CONCRETE SURFACE)	120mm RESURFACING	£39,603	£2,697,370	1



RES NET	2	NEWPORT ROAD PHASE 1 - SECTION 2	FROM RESURFACED SECTIONS AT HARTINGTON ROAD JUNCTION TO BUS STATION JUNCTION WITH WILSON STREET (EAST AND WEST BOUND LANES)	120mm RESURFACING	£88,749	£2,786,118	1
B1540	2	STAINTON WAY PHASE 3	FROM HEMLINGTON GRANGE WAY to HEMLINGTON LANE (B1365 GABLES PUB ROUNDABOUT)	120mm RESURFACING	£299,578	£3,085,696	4
A1032	2	ACKLAM ROAD PHASE 1	FROM BARNABY AVENUE to WEST LANE	120mm RESURFACING	£101,114	£3,186,810	2
A1032	2	ACKLAM ROAD PHASE 2	WEST LANE to NORTHERN ROAD	50 mm RESURFACING	£42,381	£3,229,191	2
A1032	2	ACKLAM ROAD PHASE 3	NORTHERN ROAD to O/S 172 ACKLAM ROAD (START ACKLAM GREEN)	120mm RESURFACING	£129,786	£3,358,976	2
A1032	2	ACKLAM ROAD PHASE 4	O/S 172 ACKLAM ROAD (START ACKLAM GREEN) to ROUNDABOUT WITH KINGSBRIDGE CRESCENT	40 mm RESURFACING	£22,266	£3,381,242	2
A1032	2	ACKLAM ROAD PHASE 5	ROUNDABOUT WITH KINGSBRIDGE CRESCENT - THE ROUNDABOUT	40 mm RESURFACING	£20,429	£3,401,671	2
A1032	2	ACKLAM ROAD PHASE 6	FROM RAB WITH KINGSBRIDGE CRESCENT to WESTBOURNE ROAD	40 mm RESURFACING	£21,818	£3,423,488	2
A1032	2	ACKLAM ROAD PHASE 7	WESTBOURNE ROAD to OXFORD ROAD JUNC	50mm RESURFACING	£32,637	£3,456,125	2
C120	2	ALBERT ROAD PHASE 1	CORPORATION ROAD to WILSON STREET	120mm RESURFACING	£93,094	£3,549,220	1
B1272	2	BOROUGH ROAD PHASE 3	MARTON ROAD to NORTH ORMESBY ROAD	50 mm RESURFACING	£52,080	£3,601,300	1
C114	2	BRASS CASTLE LANE / FULFORD WAY PHASE 2	FROM TURNBURY WAY to ZEBRA CROSSING (JUST SHORT OF DIXONS BANK)	50mm RESURFACING	£77,414	£3,678,714	4
C114	2	BRASS CASTLE LANE PHASE 1	B1365 STOKESLEY ROAD COULBY NEWHAM to FULFORD WAY	RACKED IN SURFACE DRESS WITH LOCALISED PATCHING	£150,206	£3,828,920	4

C134	2	CASS HOUSE ROAD PHASE 1	STANTON WAY to EARLS COURT ROAD	50 mm RESURFACING	£129,024	£3,957,944	4
C134	2	CASS HOUSE ROAD PHASE 2	EARLS COURT ROAD to VIEWLEY HILL RAB	50 mm RESURFACING	£71,434	£4,029,378	4
B1513	2	DOCKSIDE ROAD PHASE 1	WORKS ROAD to BOUNDARY WITH REDCAR AND CLEVELAND	120mm RESURFACING	£177,722	£4,207,100	1
B1513	2	DOCKSIDE ROAD PHASE 2	WORKS ROAD to THE LEEWAY	50mm RESURFACING	£117,555	£4,324,655	1
C123	2	EASTBOURNE ROAD	FROM WEBSTER AVENUE to EASTBOURNE ROAD ROUNDABOUT	120mm RESURFACING	£48,832	£4,373,487	2
C127	2	HEMLINGTON ROAD	STANTON WAY to THORNTON ROAD	120mm RESURFACING	£155,187	£4,528,674	4
A172	3	LONGLANDS ROAD PHASE 1	LONGLANDS ROUNDABOUT to INGLEBY ROAD	120mm RESURFACING	£124,902	£4,653,576	1
B1380	3	LOW LANE PHASE 1	CARMEL GARDENS to LINCOMBE DRIVE	120mm RESURFACING	£171,494	£4,825,071	2
C130	3	MARTON ROAD PHASE 1	FROM OUTSIDE GRAPHICS COMPANY NO.134 MARTON RD TO FIFE STREET	40mm RESURFACING	£56,941	£4,882,012	1
C130	3	MARTON ROAD PHASE 2	BOROUGH ROAD CROSS ROADS to BRECKON HILL ROAD	120mm RESURFACING	£124,006	£5,006,018	1
C130	3	MARTON ROAD PHASE 3	BRECKON HILL ROAD to EGMONT ROAD	120mm RESURFACING	£87,898	£5,093,916	1
C130	3	MARTON ROAD PHASE 4	EGMONT ROAD TO RAB LONGLANDS ROAD	40mm RESURFACING	£27,171	£5,121,087	1
A172	3	MARTON ROAD PHASE 5	SOUTH SIDE OF ROSEBERRY PARK JUNCTION (58m x FULL WIDTH)	120mm RESURFACING	£48,653	£5,169,740	2
A172	3	MARTON ROAD PHASE 6	JAMES COOK MAIN HOSPITAL JUNCTION to MARTON WAY JUNCTION INCLUDING APPROACHES (High Friction)	120mm RESURFACING	£303,750	£5,473,490	2
C134	3	NEWHAM WAY PHASE 2	FROM DALBY WAY RAB to BICKLEY WAY/ TESCO RAB NORTH BOUND LANES	50mm RESURFACING	£23,206	£5,496,696	4

C134	3	NEWHAM WAY PHASE 3	FROM BICKLEY WAY/ TESCO RAB to DALBY WAY RAB SOUTH BOUND LANES	50mm RESURFACING	£35,101	£5,531,797	4
C134	3	NEWHAM WAY PHASE 4	FROM BICKLEY WAY/ TESCO RAB to WYKHAM WAY	120mm RESURFACING	£115,584	£5,647,381	4
C134	3	NEWHAM WAY PHASE 5	HOLLOWFIELD/ PADDOCK WOOD PELICAN CROSSING FULL WIDTH APPROACHES AND CROSSING	120mm RESURFACING	£30,106	£5,677,486	4
A178	3	NORTH ROAD PHASE 1	METZ BRIDGE ROAD to COBRA SALT	50mm RESURFACING	£20,966	£5,698,453	1
A178	3	NORTH ROAD PHASE 2	COBRA SALT to LLOYD STREET	120mm RESURFACING	£31,360	£5,729,813	1
A178	3	NORTH ROAD PHASE 3	LLOYD STREET to STOCKTON STREET	120mm RESURFACING	£134,400	£5,864,213	1
C133	3	ORCHARD ROAD PHASE 1	RAB WITH THE AVENUE to END OF NUMBER 7 ORCHARD ROAD	250mm RECONSTRUCTION	£30,217	£5,894,430	2
C124	3	OXFORD ROAD PHASE 1	ROMAN ROAD to LINDEN GROVE	120mm RESURFACING	£18,502	£5,912,932	2
C124	3	OXFORD ROAD PHASE 2	LINDEN GROVE TO THORNFIELD ROAD	120mm RESURFACING	£59,674	£5,972,606	2
C124	3	OXFORD ROAD PHASE 3	THORNFIELD ROAD TO ACKLAM ROAD	120mm RESURFACING	£141,254	£6,113,860	2
C122	3	ROMAN ROAD PHASE 1	ROCKCLIFFE to BURLAM RD	50 mm RESURFACING	£120,781	£6,234,641	2
C122	3	ROMAN ROAD PHASE 2	GREEN LANE to CAMBRIDGE ROAD	50 mm RESURFACING	£48,160	£6,282,801	2
A172	3	STOKESLEY ROAD NUNTHORPE PHASE 1	POOL ROUNDABOUT - THE ROUNDABOUT	50mm RESURFACING	£43,008	£6,325,809	4
A172	3	STOKESLEY ROAD NUNTHORPE PHASE 2	FROM POOL ROUNDABOUT to OLD STOKESLEY ROAD NUNTHORPE ROUNDABOUT	50mm RESURFACING	£75,466	£6,401,275	4

A172	3	STOKESLEY ROAD NUNTHORPE (ROUNDAABOUT) PHASE 2	OLD STOKESLEY ROAD NUNTHORPE ROUNDAABOUT - ROUNDAABOUT	50mm RESURFACING	£16,890	£6,418,164	4
A172	3	STOKESLEY ROAD NUNTHORPE PHASE 3	FROM OLD STOKESLEY ROAD NUNTHORPE ROUNDAABOUT to NYCC BOUNDARY	50mm RESURFACING	£250,410	£6,668,574	4
A172	3	STOKESLEY ROAD NUNTHORPE PHASE 3 CATS EYES	FROM POOL ROUNDAABOUT to NYCC BOUNDARY	INSTALLATION OF NEW CATS EYES AT 12m SPACINGS	£3,598	£6,672,172	4
RES NET	3	VALLEY ROAD	FROM CUMBERLAND ROAD JUNCTION to EASTBOURNE ROAD RAB	120mm RESURFACING	£176,422	£6,848,594	2

£4,300,208

**Yrs 2 & 3 Price Increase Contingency £387,018**

**Yrs 2 & 3 Scheme Optimism Contingency £234,361**

**TOTAL ESTIMATED COST £7,469,974**

<b>MIDDLESBROUGH COUNCIL</b>	
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<b>Report of:</b>	Executive Member for Regeneration Executive Member for Finance and Governance Director of Regeneration and Culture Director of Finance
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<b>Submitted to:</b>	Executive
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<b>Date:</b>	7 March 2023
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<b>Title:</b>	Developing a New Nunthorpe Community Facility
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<b>Report for:</b>	Decision
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<b>Status:</b>	Public
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<b>Strategic priority:</b>	Physical environment
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<b>Key decision:</b>	Yes
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<b>Why:</b>	Decision(s) will incur expenditure or savings above £150,000
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<b>Urgent:</b>	No
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<b>Why:</b>	Not Applicable
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<b>Executive summary</b>	
<p>The report seeks to outline the Council's aim to deliver a new Community Centre in Nunthorpe and seeks approval for the recommended location of land off Stokesley Road following public consultation and a detailed option appraisal process.</p> <p>The report requires an Executive approval as the decisions would lead to expenditure that would exceed £150,000.</p> <p>Other options have been scoped by officers and are outlined within the report. It is believed that the recommendation presented within the report supports the requirements of both the local community and meets the aims and objectives of the Council.</p>	

## Purpose

1. To seek approval of the recommendations to locate a new community centre on land within Nunthorpe ward.

## Background and relevant information

2. There has been a long standing requirement for new community space to be developed within the Nunthorpe area. The need for such space has been communicated by residents, community groups and local elected members for some time.
3. In 2020, Middlesbrough Council, in conjunction with community representatives developed a series of commitments that were intended to ensure that the local community were engaged in the area's future and would ultimately lead to the development of a Neighbourhood Plan. Again, the need for a new community facility was clearly communicated as a priority for the local community.
4. As part of this work, a number of proposals came forward to develop new community space, in different parts of Nunthorpe. One proposal identified a site owned by the Council adjacent to the new GP Surgery off Stokesley Road, and the other identified an opportunity to build on the existing Nunthorpe and Marton Playing Fields Association facilities off Guisborough Road.
5. Also in 2020 a significant allocation of Town's Fund resources was added to the existing Council funds to ultimately provide a budget of £966,000 to deliver a new community centre at Nunthorpe.
6. A process to look at specific proposals for each site was undertaken by the Council and other external stakeholders in 2021, but no formal conclusion was reached.
7. A report was subsequently approved by Executive in September 2022, which identified the need for community consultation, and a focus on identifying the most appropriate location for the facility. The report stated that the Council would manage the design and build of the new facility, but a process would also need to be undertaken to appoint an organisation to run it. As there is no revenue budget available from the Council to support the running of the centre, the selected organisation would need to demonstrate a viable, sustainable business plan.
8. As a result, a consultation on the location options was conducted between December 2022 and January 2023 for a period of 6 weeks. The consultation asked members of the public to provide positive and negative feedback for both options and asked which location people would prefer.
9. A total of 369 individuals responded to the consultation, with 60% identifying a preference for the land adjacent to the GP surgery. A summary of the consultation is outlined within the below table.

Table 1 – Outcome of Public Consultation

	<u>Nunthorpe &amp; Marton Playing Field</u>	<u>Land Adjacent to GP Surgery</u>
Positive Comments	<ul style="list-style-type: none"><li>• 136 people see an extension to a building, rather than a green field development as a positive</li></ul>	<ul style="list-style-type: none"><li>• 134 people feel the use of new land and the building of a purpose-built facility as a positive</li></ul>

	<ul style="list-style-type: none"> <li>• 40 people feel that the links to the existing facilities will be positive</li> <li>• 60 people believe this site to be accessible and in a good location</li> <li>• 4 people believe this location will have a positive effect on traffic</li> <li>• 19 people see the close proximity to housing as a positive</li> <li>• 18 people feel this location will provide the best parking facilities</li> <li>• 32 provided other general positive comments</li> </ul>	<ul style="list-style-type: none"> <li>• 97 believe this location will provide the best parking facilities and not add to other parking pressures</li> <li>• 89 people believe the site to be accessible and in a good location</li> <li>• 45 people felt that this location provides a positive separation from the existing facilities</li> <li>• 42 people see the close proximity of the new Medical Facility as a positive</li> <li>• 39 people believe this location will reduce traffic congestion</li> <li>• 12 people see the close proximity to new housing in Nunthorpe as a positive</li> <li>• 62 provided other general positive comments</li> </ul>
Negative Comments	<ul style="list-style-type: none"> <li>• 60 people see the expansion of an existing building as a negative</li> <li>• 44 people feel the links to existing facilities as being a negative</li> <li>• 36 people believe this is not the best location / accessibility issues</li> <li>• 72 people believe this location will add to local traffic issues</li> <li>• 2 people feel the location should be linked to the Medical Centre</li> <li>• 5 people believe the site's proximity to housing is a negative</li> <li>• 128 believe this location will cause issues with parking and add to the existing pressures</li> <li>• 67 provided other general negative comments</li> </ul>	<ul style="list-style-type: none"> <li>• 151 people believe this is not the best location / accessibility issues</li> <li>• 52 people believe this location will add to local traffic issues</li> <li>• 31 people believe the community facility should not be built on green space</li> <li>• 17 people believe this option will cost more and be unsustainable</li> <li>• 16 people believe this location causes issues with proximity to housing</li> <li>• 12 people believe parking in this location will be an issue</li> <li>• 11 people believe this option will not link well with existing facilities</li> <li>• 10 people believe an extension to an existing building is a better solution</li> <li>• 26 provided other general negative comments.</li> </ul>
Preferred Location	Out of 350 respondents who chose to answer this question, 40% of people preferred this location.	Out of 350 respondents who chose to answer this question, 60% of people preferred this location.

10. Following the completion of the consultation, officers undertook an option appraisal which aimed to objectively consider the two locations based on several key factors that would affect whether the location would be suitable for a new facility. The outcomes of the consultation were also fed into the process to ensure the public view had a direct influence on the outcome.

11. A summary of the option appraisal is outlined within the below table.

**Table 2 – Summary of Option Appraisal**

Assessment Criteria	NMPFA	LA to GP Surgery	Total Potential Points
Title Report - Ownership, Permission and Covenant	250	500	500
Future Development Opportunity Considerations	50	25	50
Service Connections	100	50	100
Consequential Improvement Requirements	75	100	100

Flexibility of Construction Space	25	50	50
Environmental Desktop Site Assessment	150	200	250
<b>Consultation</b>			
Preferred Location	40	60	300
<b>Statutory Considerations</b>			
Highways Department Potential Considerations	40	50	60
Planning Department Potential Considerations	30	30	60
<b>TOTAL SCORE</b>	<b>760</b>	<b>1065</b>	<b>1470</b>

12. As with the community consultation, the option appraisal also identified the land adjacent to the GP surgery as the optimum location. The detailed information on the optional appraisal can be found within Appendix I.
13. It is therefore proposed that the preferred location for the community centre be identified as the land adjacent to the new GP Surgery, as shown on the plan in Appendix II. The estimated site requirement is around 0.7 acres.

### Identifying an Appropriate Operator

14. Subject to the approval of this report, there would be an agreed site and an agreed budget in place for the development of the new community centre. Although some minor preparatory work could commence (to consider the nature of the facility and potential outline design ideas) no significant expenditure would be incurred until there is certainty that an appropriate organisation is able to operate the facility without subsidy from the Council (as no such subsidy is available). A budget of £20,000 is requested for release to facilitate sufficient design consideration to inform the process to identify an operating organisation.
15. A process would therefore be necessary to invite interested parties to put forward their plans and requirements, and a competitive process put in place to identify the most appropriate way forward. If this process were able to identify an appropriate operator that didn't require subsidy, then the project would be able to move into the formal design stage. If no such operator were to be identified, then alternative options (both in terms of location and operation) would need to be explored.
16. The conclusion of this process would be brought forward for consideration by Executive prior, to triggering any significant expenditure on the project.

### Community Gardens

17. One factor that would need to be considered in taking forward the project is the proposal for a community garden in Nunthorpe. The site proposed for the community garden is currently on an adjacent site to the proposed location of the community centre off Stokesley Road. As a result, the implementation of the community garden, and the implementation of the community centre plans would need to be cognisant of each other.



18. The funding of £6,000 for the community garden has also been provided through the Town's Fund, but the implementation of it has been held up until the outcome of the community centre process was known. As a result, the recommendation to locate the new community centre on land off Stokesley Road is also accompanied by a recommendation to progress the community garden on an adjacent site in the same area.
19. The community garden would occupy a 0.5 acre plot on land owned by the Council, alongside the potential community centre site. The exact plot dimensions and location would be determined to fit around the community centre proposals but would remain in long term Council ownership regardless.
20. The work to implement the garden would be undertaken by a partnership between the Council, local community groups and volunteers, with the ongoing maintenance managed locally. The garden would comprise a number of raised beds, and appropriate paving to enable local people to engage in healthy growing and gardening activities. The proposals would also provide tools, compost and a shelter to enable the community to maintain the gardens on a long-term basis.
21. Aside from the allocation of the land, and initial works, there would be no further input or financial requirement from the Council.

#### **What decision(s) are being recommended?**

22. The option appraisal has identified the location adjacent to the GP Surgery as the preferred site for a new community facility in Nunthorpe. This also allows for the location of the community garden to be confirmed. It is therefore recommended that the Executive approves:
  - a. the identification of land adjacent to the new GP Surgery at Nunthorpe as the preferred site for a new community centre;
  - b. the commencement of a process to identify an appropriate organisation to operate the new community centre, prior to any major expenditure being incurred;
  - c. the release of up to £20,000 from the budget to enable early stage design consideration to inform the identification of an appropriate organisation; and,
  - d. the allocation 0.5 acres of land owned by the Council off Stokesley Road for designation as a community garden.

#### **Rationale for the recommended decision(s)**

23. The Council has undertaken an option appraisal process to identify the most appropriate location for a new community facility in Nunthorpe, including a public consultation. The option appraisal identified the location adjacent to the new GP Surgery as the preferred site for the new facility for the following reasons:
  - a. the proposed land is owned and controlled by the Council;
  - b. the proposal looks to develop a stand-alone new build solution and as a consequence will not require a proportion of the budget to be spent on required energy efficiency improvements to an existing building;
  - c. the area suggested for the new facility would provide some flexibility to adjust plans should any issues occur during construction;

- d. no significant environmental issues are present on the site that would require mitigation;
- e. the outcome of the appraisal meets that of the preferred location from the community consultation; and,
- f. provides no immediate Highways and/or Planning concerns.

24. The conclusion reached about the community centre also allows the location of the proposed community garden for Nunthorpe to be confirmed.

### **Other potential decision(s) and why these have not been recommended**

25. There are two alternative options for Executive to consider. These are:

- a. to proceed with the second location as outlined within the option appraisal; and,
- b. not to develop a community facility in Nunthorpe.

26. It is believed that both these options would not meet the identified needs for the community and/or would be a reputational risk to the Council.

### **Impact(s) of the recommended decision(s)**

#### ***Legal***

27. The process to identify an organisation to operate the centre will be undertaken in line with the appropriate Council policy. Any subsequent construction would also follow the local authority's standard procurement processes and a competitive process will be followed to ensure value for money is obtained for design and build.

28. Land adjacent to the Medical Centre falls within the freehold title CE189247, of which the Council is the registered proprietor. If the project progresses to construction, then the Council would be required to avoid causing any obstruction to the rights granted within the transfer of land for the GP Surgery dated 5th August 2021.

#### ***Strategic priorities and risks***

29. This links to the following key strategic priorities as outlined in the revised Strategic Plan:

- a. People – Working with communities and other public services in Middlesbrough to improve the lives of local people;
- b. Place – Securing improvements in Middlesbrough's housing, infrastructure and attractiveness, improving the town's reputation, creating opportunities for local people and improving our finances; and,

30. The specific milestone linked to this priority is to commence work on Nunthorpe community centre – June 2023.

#### ***Human Rights, Equality and Data Protection***

31. A Level 1 (Initial Screening) Impact Assessment (IA) accompanies this report at Appendix III, and has found there to be no impact at stage one

## Financial

32. The Towns Fund has identified £750,000 for the development of the community facility, which, with additional Section 106 funding, results in an overall budget of £866,000. In addition, the Council has identified a further £100,000 reflective of the increasing costs of materials since this project was initially agreed. The additional £100,000 is a fixed sum which is provided from the Council's own resources and would need adding to the Investment Strategy. The project must therefore remain within the stated allocated resources.
33. Any subsequent construction phase would be subject to an appropriate competitive tender process and the process to appoint an organisation to run the new facility will ensure not further ongoing revenue costs will fall to the Council.
34. In addition to the above funds allocated for the Community Facility, £6,000 of the wider ward initiative Town Fund Project was awarded for the creation of a Community Garden in Nunthorpe.
35. The land identified adjacent to the GP Surgery has the potential to accommodate a variety of uses, including housing. The value attached to the land if sold for housing is around £600,000 per acre (so a value of £420,000 for the community centre site, and £300,000 for the community garden site). If the Council were to develop the land for these purposes and retain the long term ownership, the land would be valued at around £300,000 per acre (so a value of £210,000 for the community centre site, and £150,000 for the community garden site). This value adjustment would need to be factored into the Council's balance sheet but would be justified on the basis of securing valuable social and community benefits. As the Council would retain the ownership of the land, the option to revert to alternative uses in the future would be retained.
36. At present the stated ambitions for housing on the Nunthorpe Grange site (of which this is part) can comfortably be accommodated on the remaining land. There are also expectations within the Local Plan around the provision of facilities and open space that would be located *somewhere* within the development. There is therefore no direct opportunity cost to locating the community centre and community garden in their proposed locations.

## Actions to be taken to implement the recommended decision(s)

Action	Responsible Officer	Deadline
Undertake initial concept design	Peter Brewer / Nigel Carr	April 2023
Agree exact boundaries of community centre and community garden	Peter Brewer / Nigel Carr	May 2023
Procure a facility management organisation	Peter Brewer	July 2023

## Appendices

1	Option Appraisal
2	Plan showing location adjacent to the GP Surgery

<b>3</b>	Impact Assessment
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### **Background papers**

<b>Body</b>	<b>Report title</b>	<b>Date</b>
Executive	Proposal to Progress the Development of Nunthorpe Community Centre	6 <sup>th</sup> September 2022

Developing a new Nunthorpe Community Facility - Appendix 1a Option Appraisal

Assessment Criteria	Description	NMPFA	LA to Medical Centre
Title Report - Ownership, Permission and Covenant	A title report is a document that outlines the legal status of a property and related information on its ownership. It is specifically designed to disclose a property's most important information including any vesting interests in the property, encroachments, easements, permissions and covenants. It is a written report provided by the Council's solicitor based upon investigations of the title of the property and a review of any searches carried with the purpose being to identify any issues that may hinder the proposed development.	Part of the Property is currently unregistered, it is therefore not possible to ascertain, from the records that HM Land Registry hold, who currently owns that part of the Property.  A charitable trust is a type of unincorporated charity, it is not a legal entity in its own right and has no separate legal personality. As such, property cannot be held in the name of the charitable trust itself.  Within the conveyance dated 17th February 1965, William Kirtland Hinton and Charles William Pearey were appointed as the initial trustees of the land which is the subject of the conveyance. However, it is stated within the conveyance that the trustees were to apply to the Charity Commission for the land to be vested in the Official Custodian for Charities. It is unknown as to whether an such application was ever made. If no such application was made, then the land will have continued to be held by the trustees and upon their death, the legal interest in the land will have been vested in the personal representatives of the last of the two trustees to die until new trustees were duly appointed. Enquiries could be made with NMPFA and the Official Custodian for Charities as to whether or not the land is currently vested in the Official Custodian.  Conclusion There are issues regarding the ownership of, and matters affecting, the unregistered part of the Property, in that it is unclear as to whom that part of the Property is currently vested in, and a copy of the conveyance dated 26th October 1931 is required. This would need to be explored and enquiries made before the feasibility of the Property for the proposed development can be properly determined.  The Lease of the part of the Property which is in the Council's ownership contains a mutual break clause which could be exercised by the Council. However, it is concern that the current leasehold proprietors are not current trustees of the NMPFA. Regardless of the selection of the Property for the proposed development, enquiries should be made as to whether the leasehold proprietors are still connected with the NMPFA.  Full Legal Title Report will be issued on 17th January 2023.	The Property falls within the freehold title CE189247, of which the Council is the registered proprietor.  If the Property is selected for the proposed development, the Council should be wary not to cause any obstruction to the rights granted within the transfer dated 5th August 2021 such as the right to use the Access Road and Access Path and any Service Media laid under the Property and also to continue to observe and perform its obligations in respect of the maintenance and repair of the Access Road and Access Path and the covenant not to cause any interruption in the continuous use of the same and any Service Media at the Property.  It should be considered as to what use the Council has currently allocated or designated the Property for and the purpose for which it is held. An appropriation of the Property following the procedure in s.122 of the Local Government Act 1972 may be followed for the development of the Property if it is not currently allocated for planning purposes. However, if it is presently allocated for planning purposes then the procedure in s.232 of the Town and Country Planning Act 1990 would need to be followed. In either scenario a decision record should set out which procedure is being followed. If the Property is considered to be 'open space' then any appropriation will be subject to advertising requirements.  Full Legal Title Report will be issued on 17th January 2023.
Future Development Opportunity Considerations	Officers have considered each location and have identified any potential alternative uses for the land.	Land is within private ownership. It is unlikely the Council would propose any alternative uses for this land, but the owner could in the future utilise this space for expansion of existing services.	Land is currently identified as a housing development site within the Local Plan. This land is within the ownership of the Council. If considered for housing the proposed location could possibly generate an initial capital receipt and ongoing Council Tax revenue for the Council.  Area could be utilised to provide Community Garden space.
Service Connections	Working with Engineering Department, officers have identified any potential service connection considerations. (Water, Electricity, Gas, Drainage, Telephone and Wi-Fi).	Site is likely to already be connected to the required services. Further works will be required to check capacity but is likely to cause less of an impact upon the available budget.	New service connections would be required for this location. A proportion of the available budget would be required to connect this location which is likely to be more expensive than if the location was already connected.
Consequential Improvement Requirements	Consequential improvements refer to energy efficiency improvements that are consequential to changes to a building, which are required by regulation 28 of the Building Regulations to make the whole building comply with Part L of the Building Regulations.  Where improvements or extensions are proposed to existing building stock, additional consequential improvements such as those listed below could be required: - Upgrading heating, cooling or air handling systems. - Upgrading lighting systems. - Installing energy metering. - Upgrading thermal elements. - Replacing windows. - On-site energy generation.	The previous proposals outlined an extension to the existing facilities. Due to the nature of the development, a proportion of the available budget would be required to improve the existing building, meaning less will be spent on providing new community space.  Alternative solution to develop upon land currently occupied by Tennis provision has also been identified to provide a stand alone new build. This would not require any consequential improvements.	As this option is proposing a stand alone new build, no consequential improvements would be required.
Flexibility of Construction Space	Assessed to see if location provides the opportunity for future expansion requirements.  Also considerations taken with regards to the flexibility of adjusting proposed plans should any issues occur once construction has started.	The location looks to expand an existing facility with a specified area for a new community facility.  Due to existing services and sporting facilities it is unlikely additional space within the current boundary could accommodate a future expansion to the community facility. Any expansion would either result in the loss of existing facilities or the need for additional land.  The area suggested for the extension to the existing building would provide little to no flexibility to adjust plans should any issues occur during construction.	This location offers an area of greenspace for a new build facility.  It is likely the location will provide the land required to support future expansion.  The area suggested for the new facility would provide some flexibility to adjust plans should any issues occur during construction.
Environmental Desktop Site Assessment	Legal Services have commissioned desktop environmental searches from Landmark. This offers a site-specific, fast and accurate environmental assessments to help make informed decisions on land condition and regeneration.  The report is the industry-standard desk study report, containing current and historical information, covering a comprehensive range of environmental risks.	No significant contaminant linkage has been identified and any liabilities from contaminated land are unlikely.  A screening of potential flood risks has identified an elevated risk of flooding.  A screening of Energy & Infrastructure projects has identified a project/s at or close to the property.  The property is not considered to be within a radon affected area.  No Environmental Constraints have been identified within 250 metres of your property.	No significant contaminant linkage has been identified and any liabilities from contaminated land are unlikely.  We have not identified an elevated flood risk at your property.  A screening of Energy & Infrastructure projects has identified a project/s at or close to the property.  The property is not considered to be within a radon affected area.  No Environmental Constraints have been identified within 250 metres of your property.
<b>Consultation</b>			
Positive Comments	The consultation asked respondents to provide details of what they believed to positives for each option.	The online survey produced a word cloud which identified key words used when responding to this question. These included: - Established - Community - Central - Existing  Summary of some key comments included: - This location is more central and easily accessible for many residents - An existing facilities with capacity to grow and accommodate more activities - Will help to promote existing community activities. Bringing together older members of the community to offer support and knowledge to the younger generation. - Safe established access with existing parking facilities  In summary the consultation identified the following positive response:  136 people see an extension to a building, rather than a green field development as a positive 40 people feel that the links to the existing facilities will be positive 60 people believe this site to be accessible and in a good location 4 people believe this location will have a positive effect on traffic 19 people see the close proximity to housing as a positive 18 people feel this location will provide the best parking facilities 32 provided other general positive comments	The online survey produced a word cloud which identified key words used when responding to this question. These included: - Parking - Community - Access - Space  Summary of some key comments included: - Provide an opportunity for a purpose built facility - No constraints of size and could provide room for future expansion - Located next to Medical Centre with the ability to link health to the community - Accessible from several arterial roads with space for parking. Reduces congestion and parking issues on Guisborough Road In summary the consultation identified the following positive response:  134 people feel the use of new land and the building of a purpose built facility as a positive 97 believe this location will provide the best parking facilities and not add to other parking pressures 89 people believe the site to be accessible and in a good location 45 people felt that this location provides a positive separation from the existing facilities 42 people see the close proximity of the new Medical Facility as a positive 39 people believe this location will reduce traffic congestion 12 people see the close proximity to new housing in Nunthorpe as a positive 62 provided other general positive comments
Negative Comments	The consultation asked respondents to provide details of what they believed to negatives for each option.	The online survey produced a word cloud which identified key words used when responding to this question. These included: - Parking - Traffic - Guisborough Road - Existing  Summary of some key comments included: - Disruption to existing facilities during construction - Existing site cars already end up spilling out from the car park and causing a problem on Guisborough Road - Conflict with existing facilities and members - Proposed location may need to use some of the land allocated to the playing fields, as expected when land was donated.  In summary the consultation identified the following negative response:  60 people see the expansion of an existing building as a negative 44 people feel the links to existing facilities as a negative 36 people believe this is not the best location / accessibility issues 72 people believe this location will add to local traffic issues 2 people feel the location should be linked to the Medical Centre 5 people believe the site proximity to housing as a negative 128 believe this location will cause issues with parking and add to the existing pressures 67 provided other general negative comments	The online survey produced a word cloud which identified key words used when responding to this question. These included: - Traffic - Access - Stokesley Road - Location  Summary of some key comments included: - Not well located for pedestrian and public transport access - Not particularly central to Nunthorpe, moving the focus away from the traditional centre by the railway station and shops - More development on a greenfield site instead or redevelopment of existing facilities - Building management and security  In summary the consultation identified the following negative response:  151 people believe this is not the best location / accessibility issues 52 people believe this location will add to local traffic issues 31 people believe the community facility should not be built on green space 17 people believe this option will cost more and be unsustainable 16 people believe this location causes issues with proximity to housing 12 people believe parking in this location will be a issue 11 people believe this option will not link well with existing facilities 10 people believe an extension to an existing building is a better solution 26 provided other general negative comments.
Preferred Location	The consultation asked respondent to choose which location they would prefer.	Out of 350 respondents who chose to answer this question, 40% of people preferred this location.	Out of 350 respondents who chose to answer this question, 60% of people preferred this location.
<b>Statutory Considerations</b>			

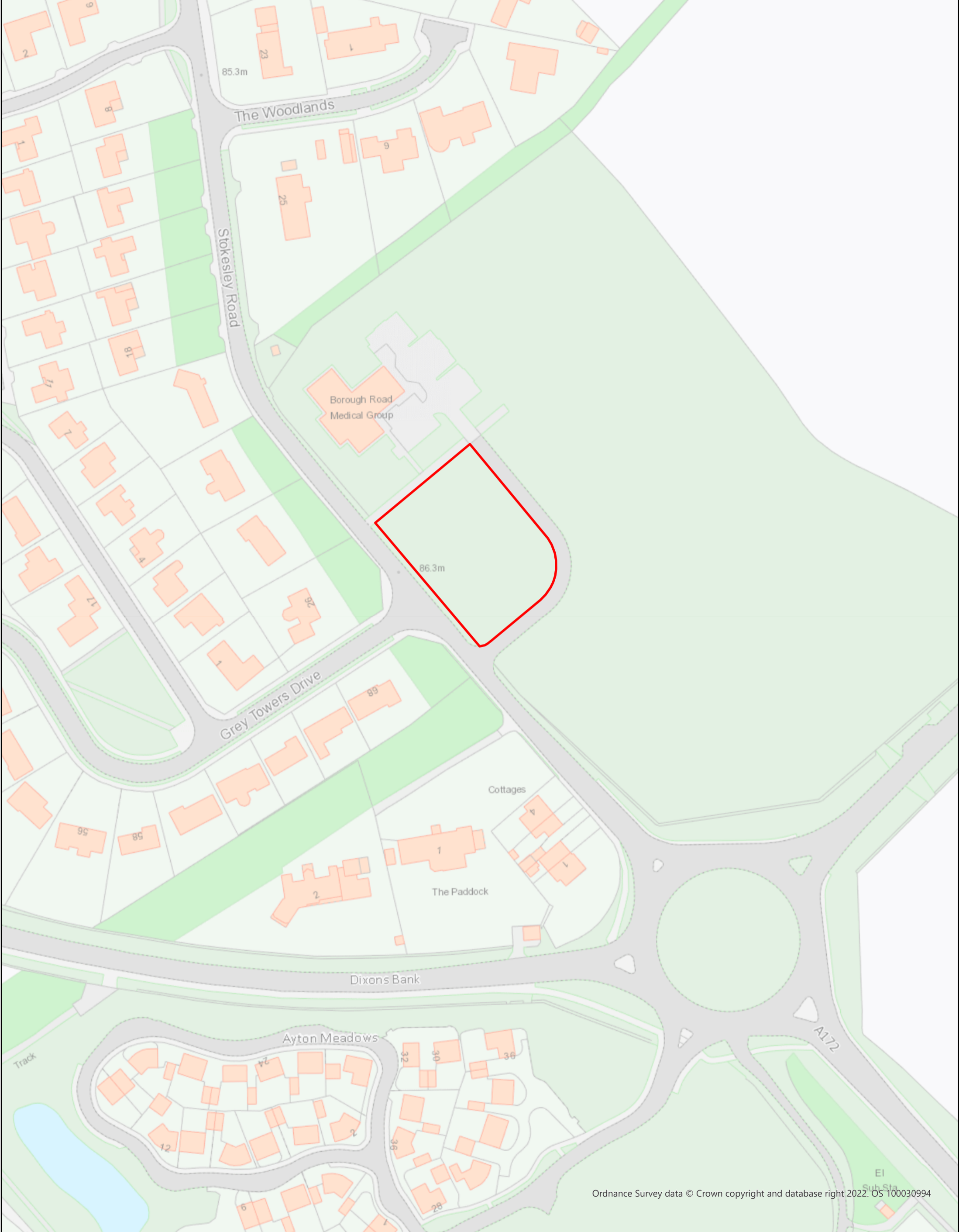
<p>Highways Department Potential Considerations</p>	<p>The proposals seek to provide a community facility. The location of the facility should seek to maximise journeys by non-car modes in order to be sustainable. Reducing car based travel will reduce congestion, demand on car parking, lead to a higher quality development, reduce land take and be consistent with council and national planning and transport policies and strategies. Considerations will include;</p> <p>Pedestrian Access - Number of residences falling within 400m of proposed site. 400m represents a radius from the centre of each site and as such the greater number of residences within this catchment increases the number of residents within a short walk of the facilities.</p> <p>Public Transport - Distance to adjacent bus stops and the frequency/number of services served from them. The closer the site is to high frequent public transport the greater the catchment area by non car modes for the facility, particularly for residents who may not have access to a car.</p> <p>Car Parking - Available space for car parking and the associated risk and impact arising from displaced car parking.</p>	<p><b>Pedestrian Access</b> Based upon a 400m radius there are circa 215 properties within walking distance of the proposed site. A footway exists only on the Northern side of Guisborough Road (opposite side to the development) Pedestrians have to walk in the vehicular access/car park access. Works will be required to facilitate ped access.</p> <p><b>Public Transport</b> Eastbound and Westbound bus stops exist on Guisborough Road. These stops are immediately adjacent to the site and no further than 60m away from the site access. The stops are served by 2 bus services providing a 30min frequency service.</p> <p><b>Car Parking</b> Vehicular access is taken from Guisborough Road via an existing junction serving the NMPFA. The site has an existing car park which serves the site which would also serve any new facility. Anecdotal evidence is that this is already heavily subscribed and as such it is possible that an extension to car parking would be required. Displaced parking would be likely to occur on Guisborough Road as the closest alternative.</p>	<p><b>Pedestrian Access</b> Based upon a 400m radius there are circa 302 properties within walking distance of the proposed site. A footway exists only on the Eastern side of Stokesley Road (opposite side to the development) An uncontrolled crossing point (dropped kerbs and tactile paving) leads to the site via a traffic free ped/cycle route.</p> <p><b>Public Transport</b> Northbound and Southbound bus stops exist on Stokesley Road. These stops are circa 130m of the site. The stops are not served by any regular public services.</p> <p><b>Car Parking</b> Vehicular access is taken from Stokesley Road via the new access serving the Medical Centre. A new car park would need to be constructed to serve the proposed community centre which would solely serve the facility. Displaced parking would be likely to occur on the internal access road as the closest alternative.</p>
<p>Planning Department Potential Considerations</p>	<p>Local Plan Considerations/National Planning Policy/Other planning considerations</p> <p>General considerations Policy C54 requires all development to contribute to achieving sustainable development principles. This includes ensuring everyone has access to community facilities and being located so that services and facilities are accessible on foot, bicycle or by public transport. The proposed development would assist in improving access to community facilities within Nunthorpe and is located on the 28, 28A and 29 bus routes and in close proximity to bus stops.</p> <p>Policy C55 and DC1 collectively require all development proposals to demonstrate a high quality of design in terms of layout, form and contribution to the character and appearance of the area. No details of the design of the proposed development are available at this stage.</p> <p>Policy DC1 also requires that the effect upon the surrounding environment and amenities of occupiers of nearby properties will be minimal. It is considered that subject to high quality design, and appropriate layout within the site that there would not be a detrimental impact on the amenities of residential dwellings on the northern side of Guisborough Road. Dependent on the precise location within the site consideration should be given to any potential impact on dwellings to the east of the site. With regard to the effect upon the surrounding environment, as set out above in relation to Policy E7 consideration should be given to the impact of the proposals on views and vistas from Guisborough Road towards the countryside to the south.</p> <p>Policy DC1 and CS19 require that development proposals do not have a detrimental impact upon road safety. Policy CS17 requires that development should be located where it will not have a detrimental impact upon the operation of the strategic transport network and Policy CS18 requires that development proposals incorporate measures to improve transport options. These issues would need to be considered once the scale and design of the development are known.</p> <p>The proposed development should be considered against the requirements of the Nunthorpe Design Statement. Policy C1 seeks improvements to community facilities and socially and environmentally sustainable community buildings. The proposed development would assist in improving provision of community buildings. Policy D5 requires extensions to reflect the scale, detailing and materials of the parent building. Policy G2 seeks to resist the removal or reduction of open space that currently makes a positive contribution to Nunthorpe. Further details of the scale, design and precise location of the proposed development would be required in order to assess compliance with Policies D5 and G2.</p>	<p>The northern section of the Marton &amp; Nunthorpe Playing Fields Association site is designated as Primary Open Space (POS) in the adopted Development Plan. The southern section of the site forms part of the residential allocation at Nunthorpe Grange. As the proposal is described as an extension of the existing building, it is assumed that the proposed development will be located within the northern section of the site as shown on the Nunthorpe Community Facility consultation leaflet. This response has been prepared on the basis that all of the proposed development will be within the part of the site designated as POS.</p> <p>Policy H1 requires that development is located within the urban area where it is accessible to the community that it serves. The proposed development is within the urban area as defined by the Limit to Urban Development and is in an accessible location.</p> <p>Policy E7 advises that land identified on the proposals map as POS will be safeguarded from development. The Policy allows exceptions to this, where the development complements the function of the open space or is of over-riding benefit to the community as a whole provided it would not result in the significant loss of specified types of open space. These types of open space include:</p> <ul style="list-style-type: none"> <li>• open space necessary for meeting existing needs or suitable for meeting future needs or deficiencies for open space or outdoor sports and cannot be satisfactorily replaced by alternative provision elsewhere; and</li> <li>• open space of significant visual or landscape value, in its own right, or as a setting for existing buildings, or forming part of a significant view or vista or complementing a major transport route.</li> </ul> <p>The NPPF similarly requires that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:</p> <ol style="list-style-type: none"> <li>a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or</li> <li>b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or</li> <li>c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.</li> </ol> <p>The proposed community centre is considered to be of over-riding benefit to the community as a whole. The precise location and extent of the footprint of the proposed development has not been provided. If the building were to be proposed on the sports pitch part of the site (as opposed to the car park / built up part of the site) it would be necessary to demonstrate that the open space is surplus to requirements and to consider whether it could be used to meet any deficiencies in other types of open space use. For example, the Open Space Needs Assessment identified a shortage of Youth Activity Areas in Nunthorpe.</p> <p>Adjacent land to the south of the Marton &amp; Nunthorpe Playing Fields Association site is allocated for residential development in the Development Plan. Informal design guidance for the residential site, set out in the Nunthorpe Grange Design Code provides a masterplan for the future development of the adjacent site. The masterplan indicates that land south of the playing fields should remain as open space to enable views to the countryside beyond. Consideration should be given to whether the proposed development would have a detrimental impact on open space that forms part of a significant view or vista, as required by Policy E7.</p> <p><b>Conclusion</b> Insufficient information has been provided on whether the proposed building is to be located within the built up part of the site or would extend into the sports pitch area of the site. Subject to the building not encroaching onto the sports pitches it is considered that the principal of development accords with the Development Plan Policies. If the development encroaches into the sports pitch area the proposed development would be contrary to Policy E7 of the Local Plan and the NPPF unless an assessment is undertaken to demonstrate that the open space is surplus to requirements and could not be used to address deficiencies in other types of open space provision.</p>	<p>The site is allocated for residential development in the adopted Development Plan by Policies H1, H10, H11, H29 and H31. The site is part of a larger site allocated for a maximum of 250 predominantly three and four bedroom dwellings and a 15% off-site affordable housing contribution. The Policies do not prevent other uses coming forward, although land developed for other uses could reduce the number of dwellings deliverable on the remainder of the allocated site, with a subsequent reduction in the level of affordable housing contribution</p> <p>Informal development guidance for the site is set out in the Nunthorpe Design Code. This guidance envisages that the site will be developed for housing.</p> <p><b>Conclusion</b> The proposed development is not in accordance with the Development Plan as the site is allocated for residential development. The Development Plan Policies, however, do not restrict the development of non-residential uses and the proposed development will need to be assessed on its individual planning merits.</p>

Developing a new Nunthorpe Community Facility - Appendix 1b Option Appraisal

Assessment Criteria	NMPFA	LA to Medical Centre	Total Potential Points	Notes
Title Report - Ownership, Permission and Covenant	250	500	500	Legal Services will complete searches and produce a report on title. Report will identify any legal issues for development within the redline areas.  If an option scored 0pts for this criteria, it fails and is not scored further.
Future Development Opportunity Considerations	50	25	50	Need to consider if proposed land could be used for alternative functions, such as Housing, Community Garden, other Community Facilities, etc.  Higher score indicate less opportunity for other uses. Total of 50pts.
Service Connections	100	50	100	Ease of accessing and cost implication for services such as Water, Gas, Electric, WIFI etc.  Major impact upon budget to score 0pts, moderate to minor impact upon budget to score 50pts and minor to no impact on budget to score 100pts.
Consequential Improvement Requirements	75	100	100	Consequential improvements are required when developing onto an existing building and will need to be factored into the overall budget. i.e. Energy Efficiency upgrades.  Yes or No - No will score 100pts and Yes will score 0pts
Flexibility of Construction Space	25	50	50	A large cleared site could provide flexibly with construction, whereby a small specific location will leave potentially no room for adjustments during construction. It will also look to consider future expansion space.  Flexible to score 50pts, minor to moderate constraints will score 25pts and no flexibility to score 0pts.
Environmental Desktop Site Assessment	150	200	250	50 pts per section passed without potential constraints
Consultation				
Preferred Location	40	60	300	Score to reflect the % from the consultation responses. Example, 54% prefer location Z, it will score 54pts.
Statutory Considerations				
Highways Department Potential Considerations	40	50	60	Scoring is based on the locations potential for car parking, risk of displacement of car parking, pedestrian access, and public transport links.  Potential of 20pts for each element totalling to a maximum score of 60pts.
Planning Department Potential Considerations	30	30	60	Assessed against current planning documents, taking into account place making and potential future developments.  Total of 60pts available.
	760	1065	1470	

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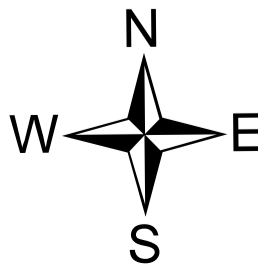




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<b>Land Adjacent to Nunthorpe Medical Centre</b>	
Service Area: Planning	
Map Reference:	Scale: 1:1250@A4
Map created by: J Manders	Date - 15/11/22
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Appendix 3 - Impact Assessment Level 1: Initial screening assessment

<b>Subject of assessment:</b>	Developing a new Nunthorpe Community Facility			
<b>Coverage:</b>	Crosscutting			
<b>This is a decision relating to:</b>	<input type="checkbox"/> Strategy	<input type="checkbox"/> Policy	<input type="checkbox"/> Service	<input type="checkbox"/> Function
	<input type="checkbox"/> Process/procedure	<input type="checkbox"/> Programme	<input checked="" type="checkbox"/> Project	<input type="checkbox"/> Review
	<input type="checkbox"/> Organisational change	<input type="checkbox"/> Other (please state)		
<b>It is a:</b>	<b>New approach:</b>	<input checked="" type="checkbox"/>	<b>Revision of an existing approach:</b>	<input type="checkbox"/>
<b>It is driven by:</b>	<b>Legislation:</b>	<input type="checkbox"/>	<b>Local or corporate requirements:</b>	<input checked="" type="checkbox"/>
<b>Description:</b>	<p><b><u>Key aims, objectives and activities</u></b> To assess the impact of the proposal to deliver a new Community Facility in Nunthorpe.</p> <p><b><u>Key stakeholders and intended beneficiaries (internal and external as appropriate)</u></b> The proposals are based upon the desire to assist the areas to secure the social and economic regeneration of the community for the benefit of local residents.</p> <p><b><u>Intended outcomes</u></b> To support the requirements of the local community whilst meeting the aims and objectives of the Council.</p>			
<b>Live date:</b>	March 2023			
<b>Lifespan:</b>	20 Years			
<b>Date of next review:</b>	Not applicable			

Screening questions	Response			Evidence
	No	Yes	Uncertain	
<p><b>Human Rights</b></p> <p>Could the decision impact negatively on individual Human Rights as enshrined in UK legislation?*</p>	☒	☐	☐	<p>It is considered that the project will not impact negatively on individual human rights as the proposal represents a significant and positive enhancement for the local and wider area.</p> <p>Middlesbrough Council understands the importance of delivering improvements to our residents' communities and how the physical environment can impact on quality of life.</p> <p>This ethos of this project underpins the requirement of being as effective as possible, to support sustainable growth in Middlesbrough's communities and economy</p>
<p><b>Equality</b></p> <p>Could the decision result in adverse differential impacts on groups or individuals with characteristics protected in UK equality law? Could the decision impact differently on other commonly disadvantaged groups?*</p>	☒	☐	☐	<p>The Council has a duty to consider the impact of the proposed decision on relevant protected characteristics, to ensure it has due regard to the public sector equality duty. Therefore, in the process of taking decisions, the duty requires the Council to have due regard to the need to:</p> <ul style="list-style-type: none"> <li>a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;</li> <li>b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it, and</li> <li>c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.</li> </ul> <p>It is considered that the proposed project will not have a disproportionate adverse impact on a group, or individuals, because they hold a protected characteristic.</p>

\* Consult the Impact Assessment further guidance appendix for details on the issues covered by each of these broad questions prior to completion.

Screening questions	Response			Evidence
	No	Yes	Uncertain	
<b>Community cohesion</b> Could the decision impact negatively on relationships between different groups, communities of interest or neighbourhoods within the town?*	☒	☐	☐	There are no concerns that the proposal could have an adverse impact on community cohesion.  The decision to deliver the projects will provide a positive impact on relationships between different groups.
<b>Next steps:</b> ➡ If the answer to all of the above screening questions is No then the process is completed. ➡ If the answer of any of the questions is Yes or Uncertain, then a Level 2 Full Impact Assessment must be completed.				

<b>Assessment completed by:</b>	Peter Brewer	<b>Head of Service:</b>	Steve Fletcher
<b>Date:</b>	14/02/2023	<b>Date:</b>	14/02/2023

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<b>MIDDLESBROUGH COUNCIL</b>	
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<b>Report of:</b>	Executive Member for Regeneration Director for Adult Social Care and Health Integration
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<b>Submitted to:</b>	Executive
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<b>Date:</b>	7 March 2023
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<b>Title:</b>	Selective Landlord Licensing - Responses to the Consultation and Approval to Designate the Newport 2 Area
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<b>Report for:</b>	Decision
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<b>Status:</b>	Public
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<b>Strategic priority:</b>	Physical environment
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<b>Key decision:</b>	Yes
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<b>Why:</b>	Decision(s) will incur expenditure or savings above £150,000
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<b>Urgent:</b>	No
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<b>Why:</b>	Not Applicable
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<b>Executive summary</b>
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Local authorities have powers to introduce Selective Landlord Licensing (SLL) schemes over a five year period in areas with a high number of private rented properties, low housing demand, poor housing conditions, high levels of deprivation, crime and migration and/or significant and persistent anti-social behaviour associated with the tenants of private rented properties. The purpose of such a scheme is to improve standards of property management in the private rented sector, and when combined with other measures, leading to improved physical, social and economic conditions and reduce crime and anti-social behaviour.

Two SLL schemes currently operate in Middlesbrough; one in North Ormesby and the second in a selected area of the Newport ward (known as the Newport 1 scheme.) Newport ward continues to experiences major challenges. A proposal document was drawn up (Appendix B) which presents the evidence to show that the remaining area of

the Newport ward (known as the Newport 2 scheme) meets the legal criteria to be designated a SLL area.

Secretary of State approval is not required for SLL schemes which cover 20% or less of its geographical area or privately rented properties, provided that the authority has consulted for at least 10 weeks on the proposed designation. The schemes in Middlesbrough do not meet the threshold for Secretary of State approval and a ten week period of consultation has been undertaken. This report provides a summary of the responses to the consultation for consideration by Executive and to seek their approval for the Selective Landlord Licensing Scheme to go ahead in the Newport 2 area.

## **Purpose**

1. An Executive decision was made on 18<sup>th</sup> October 2022 to commence consultation on the designation of a Selective Landlord Licensing Scheme in Newport ward (known as Newport 2 area). The report set out the rationale for commencing consultation and provided full details on how this consultation would be undertaken. The purpose of this report is to present and consider the outcome of the ten week consultation and to recommend that the area of Newport shown in Appendix A is designated for Selective Landlord Licensing.

## **Background and relevant information**

2. The Housing Act 2004, gives local authorities powers to introduce Selective Landlord Licensing (over a five year period) for privately rented properties in areas experiencing low housing demand, significant and persistent anti-social behaviour or high levels of poor housing conditions, deprivation or crime. The purpose of such a scheme is to improve standards of property management in the private rented sector, and when combined with other measures, leading to improved physical, social and economic conditions.
3. Under the Housing Act 2004 Part 3 (Selective Licensing of other Residential Accommodation) all private landlords operating within the designated area are required to pay a fee and obtain a licence from the Council for each rented property. The conditions of the licence ensure that the property is managed effectively, and licence holders have to demonstrate their compliance. The fees are ring fenced to fund the staffing resources for the delivery of the scheme.

### Existing designated SLL areas in Middlesbrough

4. On the 9<sup>th</sup> December 2014 Executive approved proposals for introducing Selective Landlord Licensing in Middlesbrough and a further report to Executive on 14<sup>th</sup> July 2015 saw the implementation of the scheme in North Ormesby which commenced on 1<sup>st</sup> January 2016. Executive approval was granted for the introduction of SLL in part of Newport ward on 13<sup>th</sup> June 2019 (Newport 1) and the re-designation of North Ormesby ward was granted on 14<sup>th</sup> June 2021.



5. Both North Ormesby and Newport 1 areas were designated as Selective Landlord Licensing areas as they have a high proportion of private rented properties and are suffering problems attributable to:
  - a. Low housing demand
  - b. A significant and persistent problem caused by anti-social behaviour related to tenants of or visitors to rented properties which were not being controlled by landlords;
6. In 2015 the criteria for designating Selective licensing schemes were widened to include poor housing conditions and high levels of deprivation, crime and migration. The improvement of management standards in the private rented sector will help to combat the housing problems associated with deprivation.
7. The intended outcomes for all the SLL schemes are to achieve:
  - A reduction in the number of empty properties and low housing demand which will lead to improvements in the social and economic conditions of the sector, which are identifiable.
  - A reduction in anti-social behaviour (caused by tenants in the private sector) in the designated area.
  - A general improvement of property conditions in the designated area within the lifetime of the designation.
8. The performance of each SLL scheme is closely monitored. At the end of the first North Ormesby scheme an evaluation was undertaken to support the second scheme (Appendix F). This identified the following positive outcomes for the North Ormesby Selective Licensing in:
  - reducing anti-social behaviour attributable to the private rented sector;
  - improving management standards in the private rented sector;
  - increasing housing demand;
  - improving the environment; and
  - contributing to the effectiveness of partnership working to improve the quality of life.
9. Most landlords in the North Ormesby Scheme complied with licensing their properties. Eight landlords applied for their licences after receiving their court summons. Legal proceedings have been taken against 4 landlords. The Evaluation Report recognised that the Selective Landlord Licensing scheme had made a major contribution to the achievements in North Ormesby working together with key partners.

10. It is too early for a full evaluation of the Newport 1 scheme to be carried out, however some initial interim findings are summarised below:
- House prices in the designated area have started to increase slightly with the overall average price of £48,585 (89 sales) in 2019 and the overall average price of £49,903K (115 sales) in 2021.
  - 301 private rented properties have been inspected and housing conditions have improved. 167 serious housing hazards were identified (category 1 & 2) in properties and have been addressed to protect tenants. 50 properties were safe without any Cat1 & Cat 2 Hazards. Smoke alarms checks have been carried out on all housing inspections to ensure they are provided in properties. The inspection programme has been delayed by the Covid pandemic.
  - 410 reports received on environmental antisocial behaviour incidents with rubbish bins/refuse left in alleyways.
  - 69 post tenancy visits have been carried out to provide support to the tenant on a wide range of issues including substance misuse, parenting skills, unemployment;
  - The scheme in Newport continues to support landlords as demonstrated in the North Ormesby Scheme.
  - Anti-social behaviour has been tackled through a wide range of interventions:
    - 3610 low Interventions. These include telephone call/e-mail, letter drop, diary sheets received, site meetings, joint patrols and referrals into other services for support
    - 43 medium interventions. These include warning letters, final warnings, ABC issued, ABC breached, joint interviews and tenancy breach interviews.
    - 79 high level interventions. These include Criminal Behaviour Orders, Civil Injunction, House Closures (all for high levels of persistent antisocial behaviour and a last resort after all low and medium level interventions have been exhausted).
    - There has been a 64% reduction in personal & nuisance antisocial behaviour incidents.
    - Joint working with Cleveland Police has resulted in 10 Closure Orders for residential premises and an increase in the execution of drug warrants across the ward. The SLL team have also worked with landlords to serve section 8 & 21 notices for the eviction of tenants.
    - A resident's survey completed in November 2021 showed an increase in the percentage of residents who said they felt fairly or very safe in the ward. The figure for residents who felt fairly or very safe during the day rose from 35.48% in March 2021 to 68.65% in November 2021. Those who said they felt fairly or very safe on an evening rose from 12.9% in March 2021 to 48.98% in November 2021.

The progress of the Newport 1 scheme is promising and demonstrates that the approach is having a positive impact. However, there is further work to be done and SLL, working together with other agencies and through the Locality Working approach, can achieve greater improvements.

11. The Council's Scrutiny Panel reviewed the first North Ormesby scheme in 2018. The Panel were extremely supportive of the scheme. Throughout the process, the Panel made reference to the issues within Gresham and University wards and the increasing number of private rented housing properties and hoped that any future schemes would mirror the North Ormesby model.

#### The Proposed Newport 2 SLL scheme.

12. In order to implement the proposed scheme the Authority are to be satisfied that one or more of the conditions set out in Section 80 of the Housing Act 2004 have been met.

The conditions relevant to the scheme, in summary are:

##### First Condition

That the area is or likely to become an area of low housing demand and that making the designation, when combined with other measures, will contribute to the improvement of the social or economic conditions in the area.

##### Second Condition

That the area is experiencing a significant and persistent problem caused by anti-social behaviour; that some or all of the private sector landlords who have let premises in the area are failing to take appropriate action to combat the problem; and that making the designation, when combined with other measures, will lead to a reduction in the problem.

##### Third Condition

That the area contains a high proportion of private rented properties which have been let or licensed compared to other properties in the area, and one or more of the following conditions apply:

##### Housing conditions:

After a review, officers consider it is appropriate that a significant number of private rented properties are inspected with a view to determining the existence of category 1 and 2 hazards with a view to taking enforcement action where appropriate. That a designation, when combined with other measures, will contribute to an improvement in general housing conditions in the area.

##### Deprivation:

That the area suffers from high levels of deprivation affecting a significant number of occupiers of private rented properties and a designation, when combined with other measures, will contribute to a reduction in the level of deprivation in the area.

## Crime:

That the area suffers from high levels of crime affecting occupiers, households and businesses in the area and a designation, when combined with other measures, will contribute to reductions in the levels of crime for the benefit of those living in the area.

The contents of this report and the Newport 2 Proposal Document at Appendix B sets out the evidence and information that satisfies the one or more of the above requirements.

Section 81 of the Act requires that before making a designation other courses of action are considered and that the authority considers a designation would significantly assist the Council in achieving its objectives.

This report and the appendices set out alternative actions, why they are not considered appropriate and why a designation would achieve the objectives of improving the physical, social and economic conditions and reduce crime and anti-social behaviour in the area.

### 13. The proposed Newport 2 scheme aims to address:

- The problems associated with low demand for housing by imposing conditions relating to the management of properties.
- The problems associated with anti-social behaviour by including conditions in licences which required landlords to take action to deal with such behaviour, such as tenancy referencing to ensure that properties are not let to persons with a known record of anti-social behaviour and relating to the use of the property.
- The poor housing standards in the private rented sector by incorporating housing inspections and enforcement action as a requirement of the scheme, as well as ensuring that the properties are properly managed to prevent further deterioration.

### 14. The proposal document for the designation of the Newport 2 SLL scheme (Appendix B) provides the information and evidence to demonstrate how the proposed area meets the legal criteria for designation and this is summarised below:

#### High level of deprivation

15. The Index of Multiple Deprivation (IMD) is used to provide a set of relative measures of deprivation (ranks) for small geographical areas (Lower-layer Super Output Areas (LSOA)). All seven LSOAs in Newport ward are within the most deprived 10% in England. Three LSOAs in Newport have seen an improvement in their ranking since IMD 2015, whilst the remaining four have worsened. Newport is the 26th most deprived ward nationally at IMD 2019 and is ranked as the fourth most deprived ward in Middlesbrough.

## Low Housing demand

16. 40.7% of households in Newport are 'private landlord or letting agency accommodation', compared with 15.1% for Middlesbrough as a whole, 23.7% for North East Region and 13.6% for the whole of England. In June 2022 there were 199 properties which had been empty for greater than 6 months in Newport, which is 3.7% of the Newport housing stock. There were 323 empty properties in total which is 5.9% of the ward's stock. Newport is the second highest ward in Middlesbrough behind North Ormesby and just ahead of Brambles & Thorntree and Central.
17. Long term empty properties in Newport account for 30.8% of the total long term empty properties in Middlesbrough, and the total empty properties in Newport account for 18% of the total number of empty properties in all of Middlesbrough.
18. The property values in Newport are lower than the Middlesbrough average and there is a high turnover of properties.
19. Poor housing conditions including disrepair. Middlesbrough's Private Sector Stock Condition Survey (PSSCS) 2008 identified Newport as having the second highest proportion of non-decent dwellings in Middlesbrough at 49.3%. Non-decent homes do not meet current statutory minimum standards, are not in a reasonable state of repair, do not have reasonably modern facilities and fail to provide a reasonable degree of thermal comfort.

## Crime

20. During the period 1st February 2018 to 31st January 2020, Newport ward had the second highest rate of Anti-Social Behaviour (ASB), racially motivated crime and other crime in Middlesbrough. During this period there were 2,499 ASB reports, 123 racially motivated crimes, 311 fires and a total of 5,906 crime reports.

## Antisocial Behaviour

21. There were a total of 1334 complaints of anti-social behaviour received by the Council's Public Protection and Community Safety teams in 2018. There had been a slight decrease in 2019, followed by a sizable increase in 2020 and 2021. For 2021 the total number of complaints received were 28.6% higher than the reported levels in 2018.
22. The Newport 2 ward area will include 2,617 properties. The geographical area for the proposed scheme is shown in Appendix A of the Proposal document.

## Proposed Licence Fee

23. The calculation of the costs for delivering Newport 2 SLL scheme is consistent with both current SLL schemes (with an inflationary rise) and taking into account the expected number of properties which will require a licence. This proposed fee enables the scheme to be self-financing, it is calculated on the staffing requirements for the administration and regulation of the selective landlord licensing scheme.
24. It is proposed that the licence fee for the Newport 2 scheme should be £836 (this fee was subject to a 10% inflationary increase) & £20 Fit & Proper person fee for a 5 year licence, penalty fees of £100 would continue to apply for late applications.
25. Consultation on the proposed scheme was carried out over a 10 week period between 21<sup>st</sup> November 2022 and 30<sup>th</sup> January 2023. Letters were sent out to all Selective licensing landlords, residents and businesses affected within the area of Newport ward and leaflets were delivered to a wider consultation area. The consultation process provided full details of the proposed scheme and responses were requested to be submitted through a proforma questionnaire online (appendix E) and via e-mail. In addition, all consultation material was available on the internet and the consultation was publicised in the press, on social media and through partners. Contact could also be made by telephone. At the request of some of the landlords affected by the proposed designation a face to face meeting was held and five landlords attended.
26. During the 10 week consultation period the following were received:
- 12 telephone calls;
  - 26 e-mails;
  - 2 letters;
  - 44 proforma online responses.
27. The report attached at Appendix D shows a summary of the e-mail and telephone call responses. Some of those who responded by telephone also responded by e-mail and by completing the online proforma, as highlighted.
28. In summary, of the 38 email/telephone responses received, 19 were from landlords/managing agents and 15 of these objected to the scheme. The main reasons for their objections are provided below:
- Cost of the scheme/landlords should not be required to pay it;
  - Doesn't work and no benefit to landlords or tenants;
  - Of the 4 stated aims of the scheme, the first three are already legal requirements;
  - Rents are already being increased due to higher mortgage rates and higher energy bills(as I pay this for my students) another bill is not welcome;
  - Current schemes have not achieved their objectives;

29. The report attached at Appendix E provides a breakdown of the 44 online proforma responses received during the consultation process. An analysis of the 44 questionnaires show they originated from:

unknown	1	2.27%
Other Interested Party	5	11.36%
Private Landlord In Proposed Licensing Zone (PLZ)	24	54.55%
Managing Letting Agent In PLZ	2	4.55%
Social Landlord In PLZ	1	2.27%
Owner Occupier In PLZ	9	20.45%
Private Tenant In PLZ	2	4.55%

30. Appendix E, section 2, provides the responses from the tenant’s, owner occupiers and social housing tenants. In summary, most showed support for the scheme and their responses are below:

- 46% thought properties in the area owned by private landlords, were not well maintained to a good standard;
- 69% do not think landlords act responsibly in letting, managing and maintaining their properties;
- 38% do not think that private landlords take appropriate action against tenants who cause a nuisance or anti-social behavior; (38% did not know)
- 84.6% thought that the private rented sector was an issue in the area;
- 31% thought empty properties were an issue;
- 54% Low house prices were an issue;
- 54% Households not staying long, tenants coming and going was an issue;
- 62% properties in substandard conditions;
- 77% antisocial behavior is an issue.

31. Appendix E, section 3, provides the responses from the landlords/managing agents in the licensing area. In summary, most did not show support for the scheme and their responses are below:

- 59% thought properties in the area owned by private landlords, were very well and well maintained to a good standard;
- 54% thought landlords act responsibly in letting, managing and maintaining their properties; (42% Don’t know);
- 56% thought that private landlords take appropriate action against tenants who cause a nuisance or anti-social behavior (40% don’t know);
- 58% thought that the private rented sector were not an issue in the area;
- 42 % thought that empty properties were not an issue;
- 54% thought that low house prices were not an issue;

- 58% thought that households not staying long, tenants coming and going were not an issue;
- 50% thought that properties in substandard conditions were not an issue;
- 38% thought that antisocial behavior was an issue;
- 71% did not agree with the payment of fees by installments with the £100 administration cost.

One landlord in a neighbouring ward stated that they would support the further roll-out of the scheme to ensure that the standards of housing in the private rented sector are as high as possible across the town.

32. Appendix E, section 5 provides the responses from the interested parties e.g. tenants, businesses, residents, landlords in the consultation area surrounding the proposed licensing zone:

- 45% thought properties in the area owned by private landlords, were well maintained to a good standard;
- 52% think that some landlords act responsibly in letting, managing and maintaining their properties;
- 25% think that private landlords take appropriate action against tenants who cause a nuisance or anti-social behavior (60% don't know);
- 24% thought that the private rented sector was an issue in the area;
- 38% thought empty properties were an issue;
- 33% Low house prices were an issue;
- 38% Households not staying long, tenants coming and going was an issue;
- 33% properties in substandard conditions;
- 38% antisocial behavior is an issue.

There was a high percentage of "Don't know" or neutral responses from the interested parties.

33. All responses have been fully considered. There was a detailed objection received from one landlord which has received significant consideration. This is detailed in appendix D. In particular, the landlord stated that that the proposed designated areas shown in the proposal document and the consultation documents were inconsistent. They state that the two documents show a different area in each case which is unacceptable and a material misdirection to interested parties.

34. Officers have looked at these documents and found that there is an inconsistency. The consultation document incorrectly includes an area of land identified for development by Thirteen Housing for social housing and rent to buy properties. This area of land is not intended to be included in the SLL area. Legal services have considered this inconsistency and have advised that this does not impact nor is it restrictive to landlords and would have no impact on the private rented sector. In addition, all streets intended to be covered by the proposal are listed online on the consultation webpage.



35. Following consideration of the consultation responses a change is proposed to make the wording of the condition and the requirements of the tenancy referencing process clearer (the changes are highlighted in bold):

Proposed Tenancy Referencing Condition:

The Licence holder must demand and obtain references for all prospective occupiers **before they are offered a tenancy and take up occupation** of the property to enable the licence holder to make an informed decision regarding occupancy of the property.

All references must be obtained by the licence holder via the FREE Middlesbrough Council, tenant referencing service using the Council's approved form. **The Licence Holder must provide photographic identification of the prospective occupier of a type set out in the approved form. The Council may accept alternative forms of ID only in exceptional circumstances at the Council's discretion. If the Council exercises its discretion it will confirm what form of identification will be acceptable in that particular case.** A tenancy reference check will only be completed if all of the information requested has been provided and validated.

The licence holder must retain all references obtained for occupiers for the duration of this licence and must provide Middlesbrough Council, upon demand and within 14 days of that demand, a copy of pre-let reference checks along with full names and dates of birth of each occupant.

**NOTE:** Details of how to contact Middlesbrough Council in respect of the tenant referencing service can be found at: <https://www.middlesbrough.gov.uk/planning-and-housing/landlord-and-tenant-support/tenancy-referencing-service/tenancy-referencing-service-further-information>

36. In addition one landlord stated that they believed that the requirement for tenancy referencing was not legal within the remit of the SLL scheme. They state that "*Section 90(6) states that a licence may not include conditions imposing restrictions or obligations on persons, other than the licence holder, unless that person consents. You are effectively imposing on our customers.*" Legal advice has been sought on this matter and it is their opinion that the requirement for tenancy referencing is placed on the proposed licensee to obtain that information. The Tenancy Referencing requirement condition is in accordance with Section 90 of the Act as the Council considers it is appropriate for regulating the management use and occupation of premises. It is justified as it is a tool to reduce the risk anti-social behaviour of occupiers and tenants.

### **What decision(s) are being recommended?**

That the Executive:

37. Consider the results of the consultation and the statutory tests referred to in this report and appendices and approve the designation of Selective Landlord Licensing within the proposed area of Newport ward (Appendix A).

## **Rationale for the recommended decision(s)**

38. The SLL schemes in both North Ormesby and Newport 1 area have resulted in improvements in the living and environmental conditions for those living in the area and contributed to reductions in antisocial behaviour. The designation of the remaining area of the Newport ward for Selective Landlord Licensing scheme would continue to ensure that property standards are maintained, anti-social behaviour issues related to tenants are reduced and managed and that landlords are held accountable for the costs of both licensing and the property management improvements. The existing SLL designations are self-financing and, in line with the recommended changes to the scheme, the new designation would work in the same way.
39. The designation will require all privately rented properties within the identified boundaries, subject to statutory exemptions, to apply to be licensed for up to five years and comply with the licence conditions.
40. The proposed fee of £836 enables the Council to ensure the scheme is self-financing, it is calculated on the staffing requirements for the administration and regulation of the selective landlord licensing scheme.
41. The boundary for the SLL scheme is to ensure complete coverage of the area in relation to improved housing standards, environmental conditions and reduction in crime and anti-social behaviour.

## **Other potential decision(s) and why these have not been recommended**

42. Do not designate and continue with the existing arrangements.  
Carry on with the existing arrangement using the current resources available without a dedicated Selective licensing team. This would mean utilising the current staffing and regulatory roles and managing the area through the existing arrangements. Without a dedicated SLL team there would be no legal controls to hold landlords accountable for their tenant and property management, there would be no dedicated staffing resource for the area to carry out mandatory tenancy referencing, pro-active housing standards inspections, or to respond to the antisocial behaviour. There would continue to be an in balance is service delivery between the two halves of the ward.
43. Do not designate the area and carry out alternative interventions.  
Alternatives to Selective Licensing were considered in other wards prior to the designation of the North Ormesby and Newport Selective Licensing areas. These included voluntary registration and the use of traditional enforcement tools. These would require significant additional investment by the Council to achieve any sustainable change across the area.

44. Alternative interventions would still require a need to ensure that proactive assessment of properties and an increased focus on renting and management practices is sustained. While selective landlord licensing is not intended to be indefinite, a shift to an alternative non-regulatory approach or only relying on traditional reactive enforcement tools is not considered appropriate to sustain or progress the improvements achieved.
45. Traditional interventions do not provide the level of engagement with landlords necessary for the desired improvements. Landlord take up of previous accreditation schemes have been very low, they tended to only engage with responsible landlords who saw a value in being part of a scheme. An example of a non-mandatory scheme is the Stockton Pluss model which is run by landlords. Stockton Council figures show that they had 80 members for this scheme with 539 properties and not all landlords who opposed their SLL scheme joined the accredited scheme.
46. Short term proactive enforcement projects can have an impact but are not sustainable without significant investment from existing revenue budgets or grant funding.
47. In considering the responses received to the consultation it is maintained that the recommended action to designate the Selective Landlord Licensing Scheme in Newport 2 is the most appropriate course. The area meets the legal criteria for the designation of a Selective Landlord Licensing Scheme which is the most effective solution to improving management standards in the private rented sector.

### **Impact(s) of the recommended decision(s)**

48. The recommended decision to designate the Selective Landlord Licensing Scheme in the Newport 2 area will result in the implementation of the scheme using the same model as the current schemes. The scheme will become effective after a three month period and will be in place for a period of five years, subject to periodic reviews.
49. Following approval by the Executive there will be a three month lead in time period before the designation comes into force. A notice of the designation will be published within seven days of the designation being confirmed. A delivery implementation plan will be developed to ensure that the recommended decisions are implemented, including key milestones and will be monitored by a Governance Board.

### **Legal**

50. Part 3 of the Housing Act 2004 sets out the scheme for licensing private rented properties in a local housing authority area. Under the Act a local housing authority can designate the whole or any part or parts of its area as subject to selective

licensing. Where a selective licensing designation is made it applies to privately rented property in the area.

51. A selective licensing designation may be made if the area to which it relates satisfies one or more of the conditions listed. The local housing authority may only make a designation if the area has a high proportion of property in the private rented sector. Nationally the private rented sector currently makes up 19% of the total housing stock in England.
52. Before making a designation, a consultation is required and full consideration should be given to any representations made during the process. Where the criteria are satisfied and a selective licensing scheme is made, a designation may be made for up to 5 years. The designation cannot come into force until 3 months after it is made. A notice of the designation has to be published within seven days of the designation being confirmed. All those consulted on the proposed designation should be notified within two weeks of the designation being confirmed.

### **Strategic priorities and risks**

53. Approval for designations must be sought from the Secretary of State for Communities and Local Government if more than 20% of the private rented housing or 20% of the geographical area of the local authority will be subject to licensing. The area proposed, along with the recent designations for the Newport and North Ormesby SLL areas do not cover more than 20% of the geographical area of the borough and Secretary of State Approval to make the designation proposed in this report is not required.
54. If the SLL scheme is not approved for designation there is a risk that this will have an adverse effect on the Newport 1 area already designated for Selective Landlord Licensing.
55. There is a risk of a shortfall in recovering the costs of the scheme if the scheme does not receive applications and fees from the anticipated number of licensable premises. However, the vast majority of the licensable properties have been identified as part of the consultation processes. This risk is also mitigated by the preparatory work the Selective Licensing team has already undertaken to map properties and their experience in enforcement action where there is a failure to licence.
56. There is a risk of legal challenge in the form of a judicial review against the decision to introduce or renew a Selective Landlord Licensing scheme. However the risk of such a challenge will be less where the Authority ensures that the legislation is complied with. A judicial review of the Newport 1 scheme was launched in August 2019 where one landlord made an application to the High Court. This application was declined referral for a full review on the basis that all five grounds submitted were not sufficient.

## Human Rights, Equality and Data Protection

57. There will be no negative, differential impact on diverse groups and communities associated with this report. It has been demonstrated that the Selective Landlord Licensing scheme provides significant benefit to vulnerable groups by improving living standards and providing support in improving health, education and financial management.

## Financial

58. The SLL scheme will be self-financing through the payment of the fee by landlords to obtain their licence. The licence fee of £836 per property will ensure that the scheme can be delivered within the existing financial envelope.

## Actions to be taken to implement the recommended decision(s)

Action	Responsible Officer	Deadline
Notification of the outcome to the consultation responders and publication through newspapers, the Council's web site and press releases.	Judith Hedgley/Louise Kelly	April, 2023
Should a decision be taken to designate the Selective Licensing area, designation would be within 3 months from the date of the Executive meeting which is scheduled to be 7 <sup>th</sup> March 2023	Judith Hedgley/Louise Kelly	July 2023 scheme start date

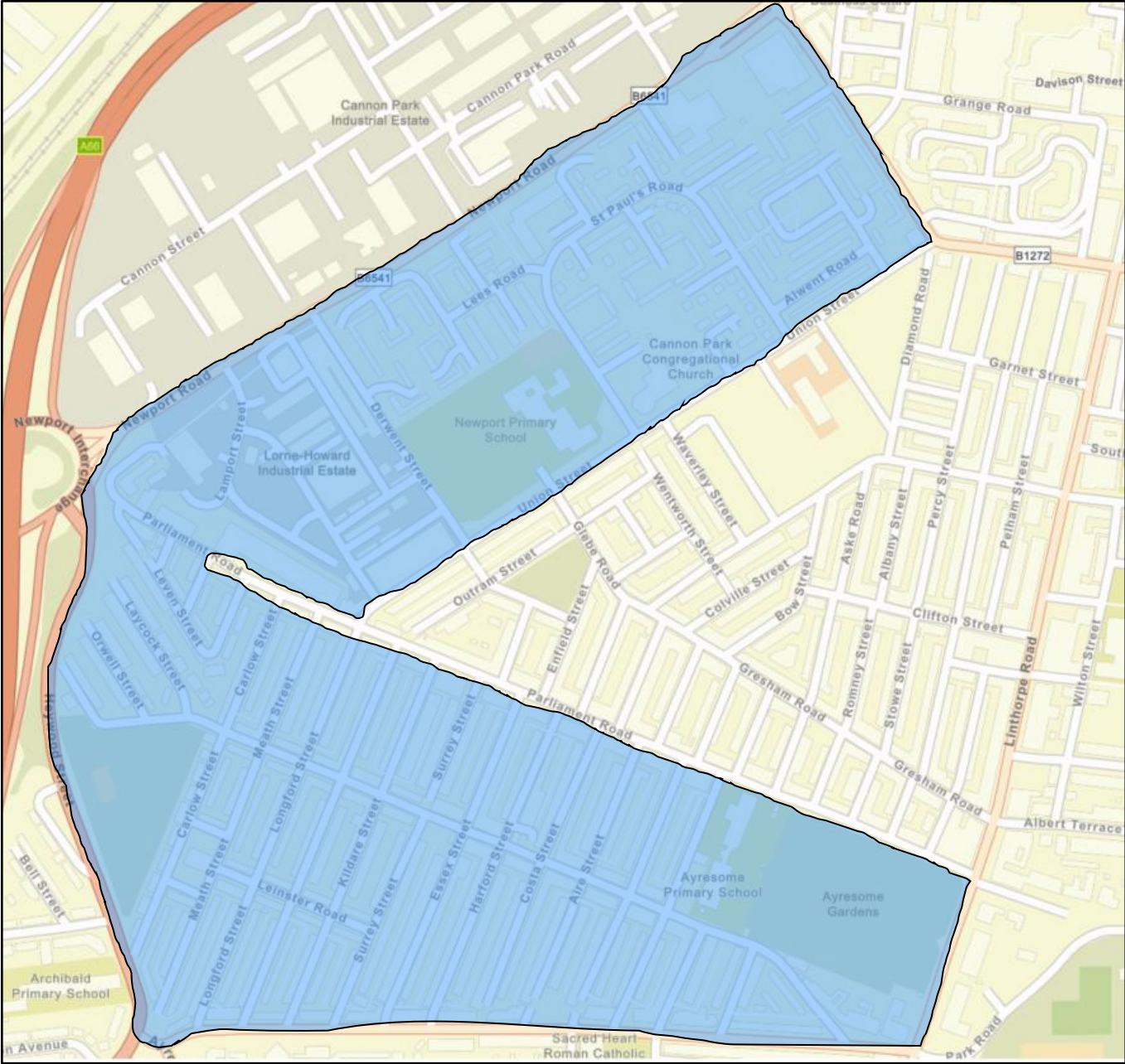
## Appendices

1	Appendix A. Map of designated area and wider consultation area
2	Appendix B. Proposal document and appendices
3	Appendix C. Selective licensing consultation proforma
4	Appendix D. Selective licensing consultation telephone & e-mail responses
5	Appendix E. Full consultation proforma response report
6	Appendix F. North Ormesby evaluation with appendices
7	Appendix G. Equality Impact Assessment

## Background papers

Body	Report title	Date
MHCLG	Selective Licensing in the Private Rented Sector. A Guide for Local Authorities.	March 2015
MBC	Newport Proposal document for Selective Landlord Licensing Scheme.	July 2021
MBC	Executive Report Selective Landlord Licensing consultation Newport Phase 2	October 2022

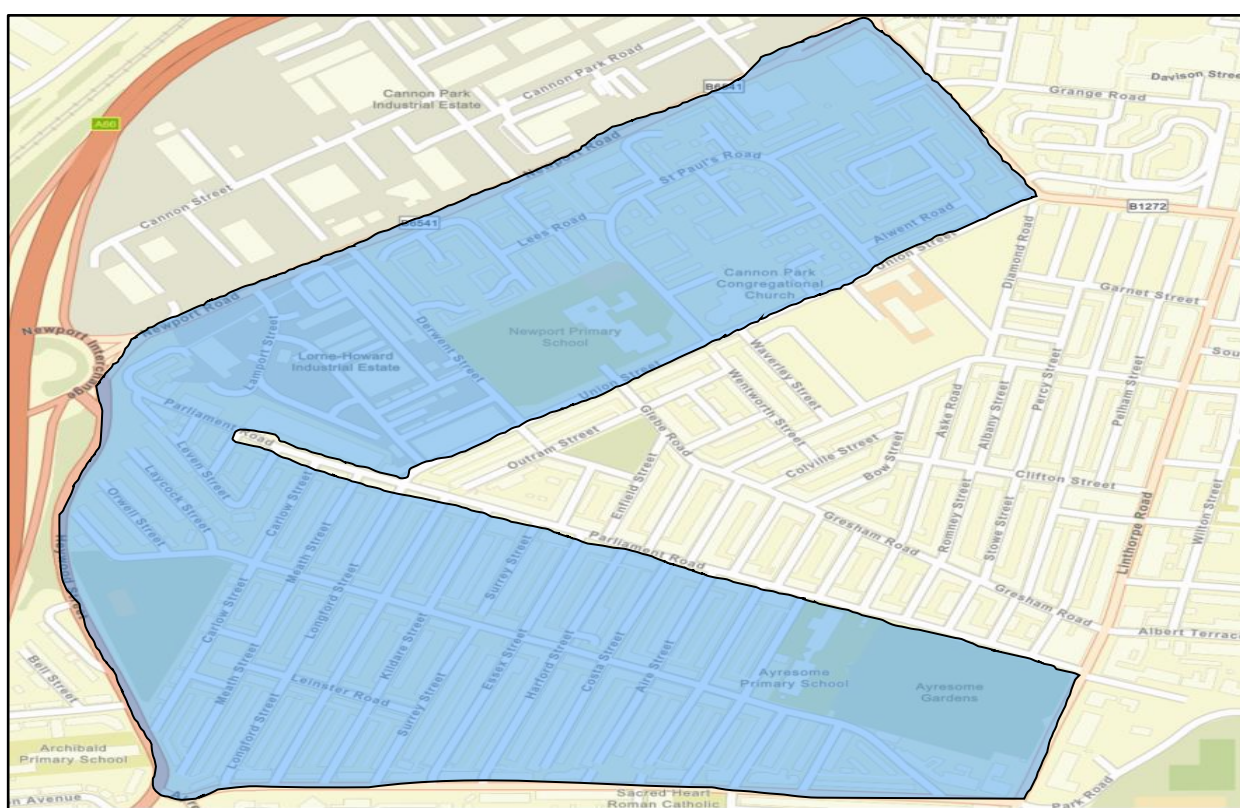
**Contact:** Judith Hedgley Head of Public Protection. Louise Kelly, SLL Manager.  
**Email:** [Judith\\_hedgley@middlesbrough.gov.uk](mailto:Judith_hedgley@middlesbrough.gov.uk), [louise\\_kelly@middlesbrough.gov.uk](mailto:louise_kelly@middlesbrough.gov.uk)



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# Proposal by Middlesbrough Council to designate the area identified as Newport 2 for Selective Landlord Licensing



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Grange Road,  
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## **ABOUT THIS CONSULTATION**

The Housing Act 2004 gives the Council powers to introduce Selective Licensing for privately rented properties in areas experiencing low housing demand and/or significant and persistent anti-social behaviour. The purpose of such schemes is to improve standards of property management in the private rented sector. The Council can make the 'designation' if it believes this will, when combined with other measures, lead to improved social and economic conditions in the area.

The Council proposes to introduce Selective Licensing in the Newport 2 area, as outlined on the map at Appendix 1. This is the area of Newport ward which is not currently included in the Newport 1 designation. The Council's proposal is made on the grounds that the Newport ward is an area of low housing demand with significant levels of antisocial behaviour.

Newport 1 scheme was implemented on the 13<sup>th</sup> June 2019. Since the implementation of the scheme a residents survey has been completed in November 2021 which showed an increase in the percentage of residents who responded that they felt fairly or very safe in the ward. The figure for residents who felt fairly or very safe during the day rose from 35.48% in March 2021 to 68.65% in November 2021. The figure on an evening rose from 12.9% in March 2021 to 48.98% in November 2021. Although these results are promising and show that the approach we are taking is having a positive impact, we are committed to continuing to improve residents feelings of safety within the ward, we know there is still a lot more work to do but by working together we are confident we can make greater improvements.

This document explains why the Council believes Selective Licensing is needed in Newport 2, how it will operate alongside and complement other measures, the improvements it will bring about and why alternative remedies are insufficient. This proposal presents information on a full Newport ward basis, were we have been able to present granular data for the smaller Newport 2 area we have used it.

The Council wants to hear from those who are likely to be affected by the proposed scheme, including local tenants, landlords, managing agents and other members of the community who live or operate businesses or provide services within the proposed designation. This includes local residents and those who operate businesses or provide services in the surrounding area outside of the proposed designation who are likely to be affected. This wider consultation area is also outlined on the map at Appendix 1.

Details of how to respond to the consultation are set out from page 12.

The consultation will last for a period of 10 weeks, starting on (to be added) and closing on (to be added.) After this time the results will be published, including a summary of the responses received and how these have either been acted on or not, giving reasons in each case.

The Council will make a final decision on Selective Licensing after it has fully considered the responses to the consultation.

Should the Council decide to introduce a scheme then all affected parties will be formally notified 3 months in advance of it coming into operation.

## **Progress of the delivery of the Newport 1 SLL scheme.**

It is too early in the delivery of the Newport 1 SLL to carry out a full evaluation, however the main outcomes to date are summarised below:

- House prices in the designated area have started to increase slightly with the overall average price of £48,585 (89 sales) in 2019 and the overall average price of £49,903 (115 sales) in 2021.
- 301 private rented properties have been inspected and housing conditions have improved. 167 serious housing hazards were identified (category 1 & 2) in properties and have been addressed to protect tenants. 50 properties were safe without any Cat1 & Cat 2 Hazards. Smoke alarms checks have been carried out on all housing inspections to ensure they are provided in properties.
- 410 reports made to the contact centre in regard to the number of environmental antisocial behaviour incidents with rubbish bins/refuse left in alleyways.
- 69 post tenancy visits have been carried out to provide support to the tenant on a wide range of issues including substance misuse, parenting skills, unemployment;
- There has been a relatively low number of legal cases taken against landlords for not licensing their properties, as those landlords who received notice to prosecute applied for their licence after receiving their court summons.
- Support for landlords – the scheme in Newport has supported landlords in the following ways:
  - Free empty property advertising;
  - Dedicated Neighbourhood Safety Officer;
  - Dedicated tenancy relations officer;
  - Housing and tenancy support/advice;
  - Referencing;
  - Post tenancy visits for new and existing tenancies.
- Anti-social behaviour has been tackled through a wide range of interventions by the SLL team;
  - 3610 low Interventions. These include telephone call/e-mail, letter drop, diary sheets received, site meetings, joint patrols and referrals into other services for support
  - 43 medium interventions. These include warning letters, final warnings, ABC issued, ABC breached, joint interviews and tenancy breach interviews.
  - 79 high level interventions. These include Criminal Behaviour Orders, Civil Injunction, House Closures (all for high levels of persistent antisocial behaviour and a last resort after all low and medium level interventions have been exhausted).
- There has been a reduction in personal & nuisance antisocial behaviour incidents from 1377 in 2018 to 884 in 2021 (-64%)
- Through our joint approach with Cleveland Police we have established working groups and an approach that has resulted in 10 Premises closure orders taking place and an increase in the execution of drug warrants across the ward. We have also worked with landlords to serve section 8 & 21 notices.
- A residents survey completed November 2021 showed an increase in the percentage of residents who responded that they felt fairly or very safe in the ward. The figure for

residents who felt fairly or very safe during the day rose from 35.48% in March 2021 to 68.65% in November 2021. The figure on an evening rose from 12.9% in March 2021 to 48.98% in November 2021. Although these results are promising and show that the approach we are taking is having a positive impact, we are committed to continuing to improve resident's feelings of safety within the ward, we know there is still a lot more work to do but by working together we are confident we can make greater improvements.

- The same resident survey showed the following results:

PI Name	Start Value	Most up to date PI Value
Percentage of people indicating crime and ASB is a big or fairly big issue	80.65%	44.29% **
Percentage of people satisfied with their home as a place to live	55.91%	67.85%
Increase in percentage of people interested in volunteering	19.35%	65.1%
Percentage of people indicating they intend to live in the ward (over 3 years)	39.79%	87.23%
Percentage of people indicating gang nuisance is a big or fairly big issue	64.51%	36.91% **

\*\* Note. This indicator shows the percentage of respondents who advised that this issue was a big or fairly, big problem. Desired outcome, reduction in percentage.

## **CHALLENGES THAT NEWPORT CONTINUES TO FACE**

Newport ward experiences major challenges associated with social and economic decline. This includes:

- high levels of crime and antisocial behaviour;
- high levels of private rented properties and poor living conditions;
- high levels of empty properties; and,
- a transient population.

In addition to this there has been significant investment in the physical regeneration of Middlesbrough and social regeneration is a key priority for the Council

A significant and concerning pattern of housing and subsequent social decline in parts of Newport can be identified:

- the older terraced properties are no longer the first time buyers 'house of choice' as they have been for previous generations;
- the low demand for two bedroom terraced properties has led to private sector landlords purchasing properties at relatively cheap prices;
- some, but by no means all, of these landlords have housed tenants who have gone on to present a wide range of problem behaviours, further fueling low demand levels;
- this concentration of issues has seen a broad range of social problems manifest themselves from drug and alcohol abuse to domestic violence and high crime levels.

Whilst Newport may not always be recognised as the most disadvantaged area against every statistical measure, the rate of its decline, it's vulnerability in terms of crime, social isolation, and the impact of welfare reform provides a particularly compelling picture of chronic need – especially in conjunction with the apparent housing market failure. If not addressed, this decline could threaten the long-term stability of the area.

## **WIDER INDICATORS**

### **Index of Multiple Deprivation (IMD)**

<b>2019</b>		<b>2015</b>	
Category	Rank (National)	Category	Rank (National)
IMD Deprivation	26	IMD Deprivation	30
Income	18	Income	29
Employment	116	Employment	58
Education, Skills and Training	57	Education, Skills and Training	32
Health Deprivation and Disability	84	Health Deprivation and Disability	8

The Index of Multiple Deprivation (IMD) is used to provide a set of relative measures of deprivation (ranks) for small geographical areas (Lower-layer Super Output Areas (LSOA)). Movement in ranks between the IMD in 2015 and 2019 does not necessarily imply that an LSOA has improved or declined between the reporting periods, rather it may imply that other LSOAs have improved/declined at a greater rate. The ranks are only in relation to each other. The IMD is derived from seven different domains, based on data from a multitude of sources, from the most recent time point available (e.g. population data from August 2012 for the 2015 IMD and from August 2015 for the 2019 IMD). It is not possible to access all the data sources for raw data, therefore this report is based on data from the IMD websites and, where possible, supplemented with data from other sources.

The LSOAs used to calculate the ward based estimates rank between 51st most deprived and 3,285th most deprived in the Indices of Multiple Deprivation 2019, with almost 33,000 LSOAs in England, all seven in Newport ward are within the most deprived 10% in England. Three LSOAs in Newport have seen an improvement in their ranking since IMD 2015, whilst the remaining four have worsened. The LSOA comprising of the Cannon Park to Union Street area (E01012041) has consistently been one of only five nationally which have been in the 100 most deprived LSOAs in all IMD's since 2004.

In 2015, out of 7,219 wards, Newport was the 26th most deprived ward in the country, and remains at the 26th most deprived ward at IMD 2019. Newport is ranked as the fourth most deprived ward in Middlesbrough.

The rank changes below show that the increase in deprivation has been largely driven by low income and high crime rates, both of which have a causal effect on the Income Deprivation Affecting Children Index (IDACI) and Income Deprivation Affecting Older People Index (IDAOPI). In contrast, there has been a significant improvement in Barriers to Housing and Services of 5,674 positions between 2015 and 2019.

## Newport Ward Rankings

	Domain	2019	2015	Movement	
	Overall	1116	1172	-56	▼
	Income	1047	1198	-151	▼
	Employment	2283	2184	+99	▲
	Education, Skills and Training	1647	1400	+248	▲
	Health Deprivation and Disability	1534	1528	+5	▲
	Crime	1449	3101	-1,652	▼
	Barriers to Housing and Services	24684	19009	+5,674	▲
	Living Environment	8795	8043	+752	▲
	Income Deprivation Affecting Children Index (IDACI)	764	866	-102	▼
	Income Deprivation Affecting Older People (IDAOPi)	2423	2817	-394	▼

### **LOW HOUSING DEMAND**

The Council is looking to introduce Selective Licensing in the Newport 2 area on the basis that there is compelling evidence of low housing demand. In line with legislation and guidance the Council has considered the indicators of low housing demand described in the following section. The evidence points to an area with a high incidence of private renting, low property prices, a transient tenant population and high proportion of empty properties.

#### **Tenure mix**

The Newport ward has an area of 229 hectares which represents 4.25% of the total area of Middlesbrough with a resident population of 11,440 which represents 8.27% of the total Middlesbrough resident population of ~138,000.

The 2015 election ward of Newport had 5,006 households, which represents 8.75% of Middlesbrough's 57,203 households. The proposed area of Newport 2 will represent 2617 properties.

The largest number of households was 'private landlord or letting agency accommodation' at 40.7%. That compared with 15.1% for Middlesbrough as a whole, 23.7% for North East Region and 13.6% for the whole of England.

The second largest number of households was 'owned outright accommodation' at 17.7%. That compares with 30.6% for Middlesbrough as a whole, 27.1% for North East Region and 34.5% for the whole of England.

#### **Empty properties**

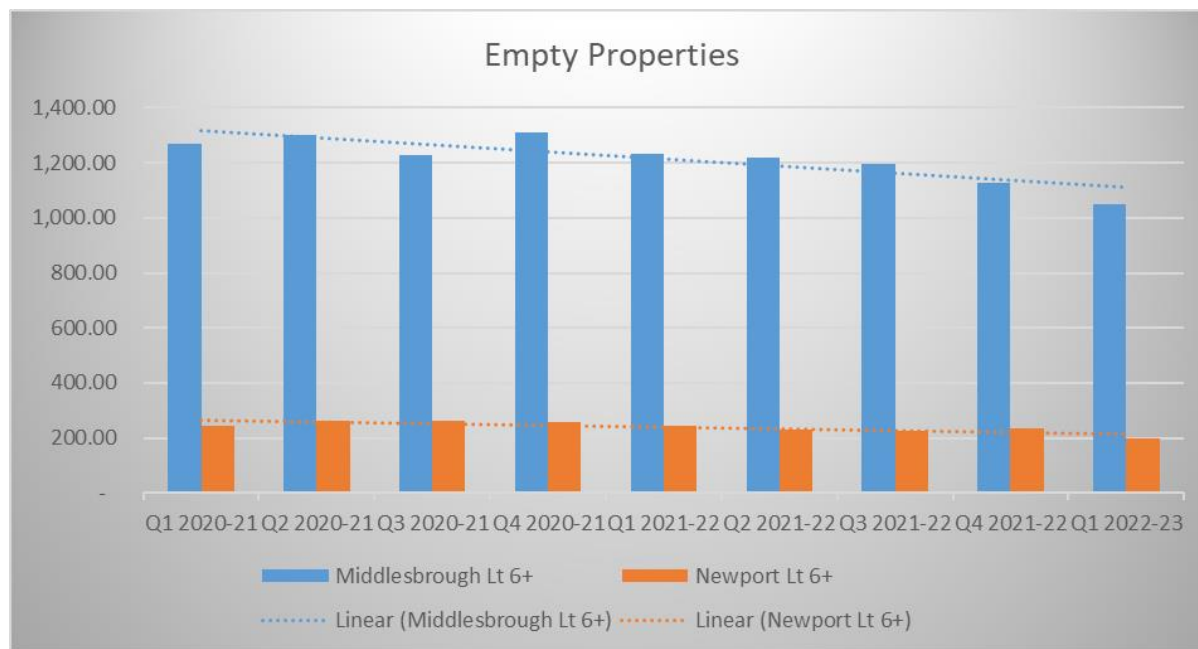
The problems empty properties cause for local communities are well known, but in summary they:

- deny homes to those in need;
- attract vermin, crime, arson, vandalism, fly-tipping and anti-social behaviour;
- are a source of anxiety for owners and neighbours;
- reduce the value of neighbouring properties; and,
- as a consequence, are a drain on public services and budgets.

At the end of June 2022 there were 199 properties which had been empty for greater than 6 months

in Newport, which is 3.7% of the Newport housing stock. There were 323 empty properties in total which is 5.9% of the wards stock. Newport is the second highest ward in Middlesbrough behind North Ormesby and just ahead of Brambles & Thorntree and Central.

Long term empty properties in Newport account for 30.8% of the total long term empty properties in Middlesbrough, and the total empty properties in Newport account for 18% of the total number of empty properties in all of Middlesbrough.



### Property values

Properties in Newport had an overall average price of £102,241 over the last year.

The majority of sales in Newport during the last year were terraced properties, selling for an average price of £91,224. Semi-detached properties sold for an average of £115,181, with detached properties fetching £141,995.

Overall, sold prices in Newport over the last year were 7% up on the previous year and 2% down on the 2019 peak of £104,110.

[House Prices in Newport \(rightmove.co.uk\)](https://www.rightmove.co.uk/house-prices-in-newport)

There are a number of potential factors at play which may affect the value of properties which include the disproportionate levels of private rented properties when compared with other parts of the town, high levels of crime, anti-social behavior, deprivation, COVID and the number and impact of empty properties.

### Turnover

The presence of a more transient population typically housed in privately rented accommodation can have a negative impact on the stability and desirability of an area. It can also affect community integration and investment.

Transience can also attract disadvantaged people to the area, which in turn can lead to increased social deprivation.

The Newport Ward has a culturally diverse community with over 45 languages being used within the ward. This brings significant benefits to the local area i.e. many migrants have settled in the ward and established new businesses, contribute to the local economy and support the population levels. The local



community hub supports both the settled and migrant community however some tensions currently exist.

Council Tax records provide a guide to the proportion of properties experiencing turnover in the Newport area.

	Properties at 1 Jan	Accounts in year	New occupations (accounts)				
			Accounts Count	Rate for all Properties	Rate for Properties Count	Properties Count	Rate for all Properties
2017	1673	2908	660	39.5%	122.2%	540	32.3%
2018	1674	2787	636	38.0%	127.5%	499	29.8%
2019	1670	2729	640	38.3%	121.2%	528	31.6%
2020	1670	2597	593	35.5%	120.8%	491	29.4%
2021	1665	2426	513	30.8%	121.0%	424	25.5%

### Housing stock condition

Middlesbrough's Private Sector Stock Condition Survey (PSSCS) 2008 identified Newport as having the second highest proportion of non-decent dwellings in Middlesbrough at 49.3%. Non-decent homes do not meet current statutory minimum standards, are not in a reasonable state of repair, do not have reasonably modern facilities and fail to provide a reasonable degree of thermal comfort.

The survey also recorded a non-decency remedial cost score as (£40.3m and an average of £3,685, per non decent dwelling).

The same survey identified Newport as having the second largest proportion of vulnerable households (50.1%) living in non-decent homes.

Newport was also found to have the second highest proportion of homes with a Category 1 hazard (23.1%). Examples of Category 1 hazards include:

- Damp and mould
- Excess cold
- Falls on stairs
- Hot surfaces
- Falls on the level
- Fire

Newport also had the second lowest SAP rating (42) – this compares the energy performance of different homes and is measured on a scale of 1 to 100. The higher the rating the lower the fuel costs.

### Housing disrepair

The Council received 629 complaints of housing disrepair in private rented property in Middlesbrough between 2018/19 and 2019/20, 156 (24.8%) of these complaints were in Newport ward.

The Council forwarded 38 pre-formal schedules of work to landlords in Middlesbrough between 2018/19 and 2019/20, 15 (39.5%) of these complaints were in Newport ward.

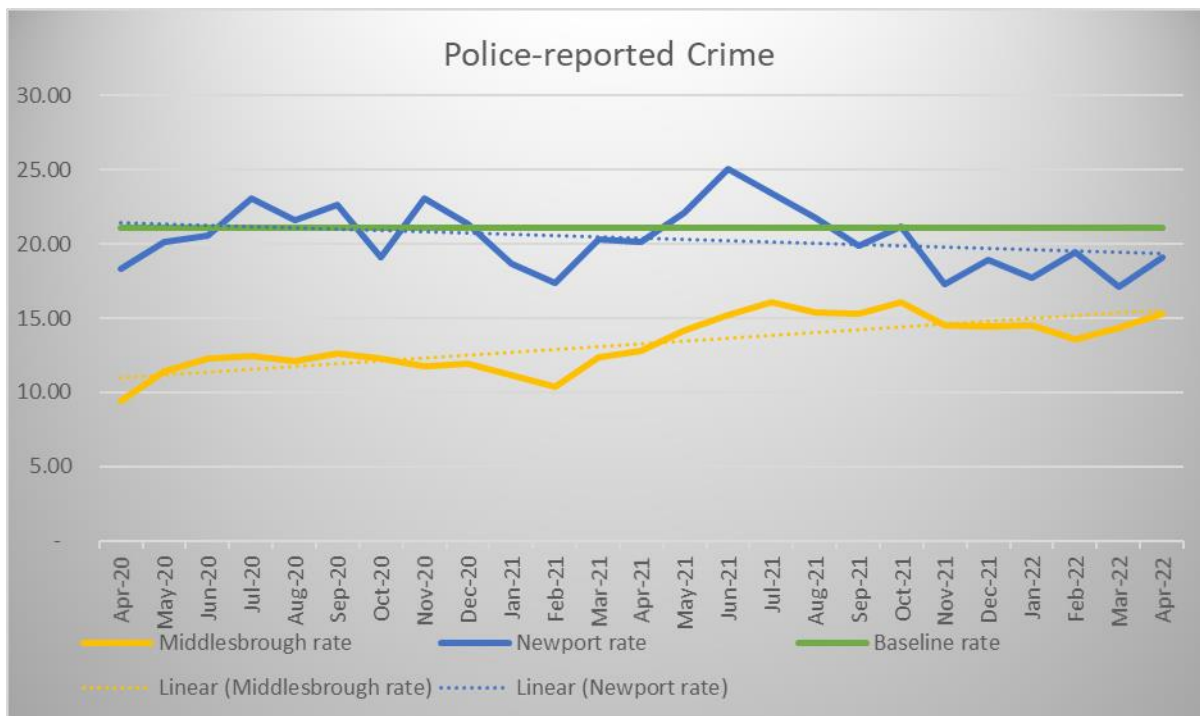
The Council served 131 statutory repair notices on landlords in Middlesbrough between 2018/19 and 2019/20, 75 (57.3%) of these complaints were in Newport ward.

## **CRIME AND ANTISOCIAL BEHAVIOUR**

### Crime

During the period 1st February 2018 to 31st January 2020, Newport ward had the second highest rate of Anti-Social Behaviour (ASB), racially motivated crime and other crime in Middlesbrough. During this period

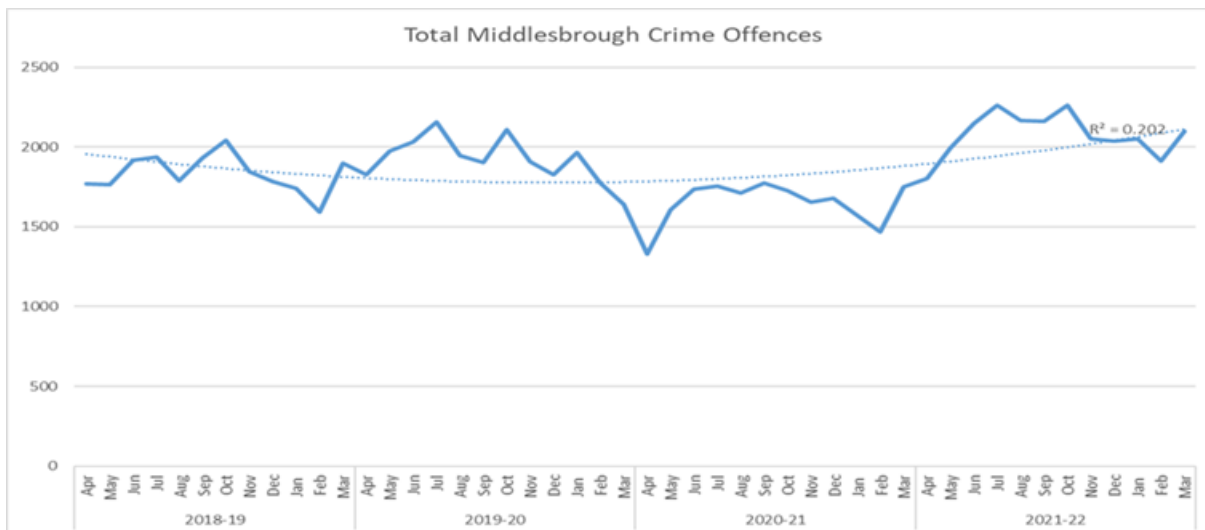
there were 2,499 ASB reports, 123 racially motivated crimes, 311 fires and a total of 5,906 crime reports.

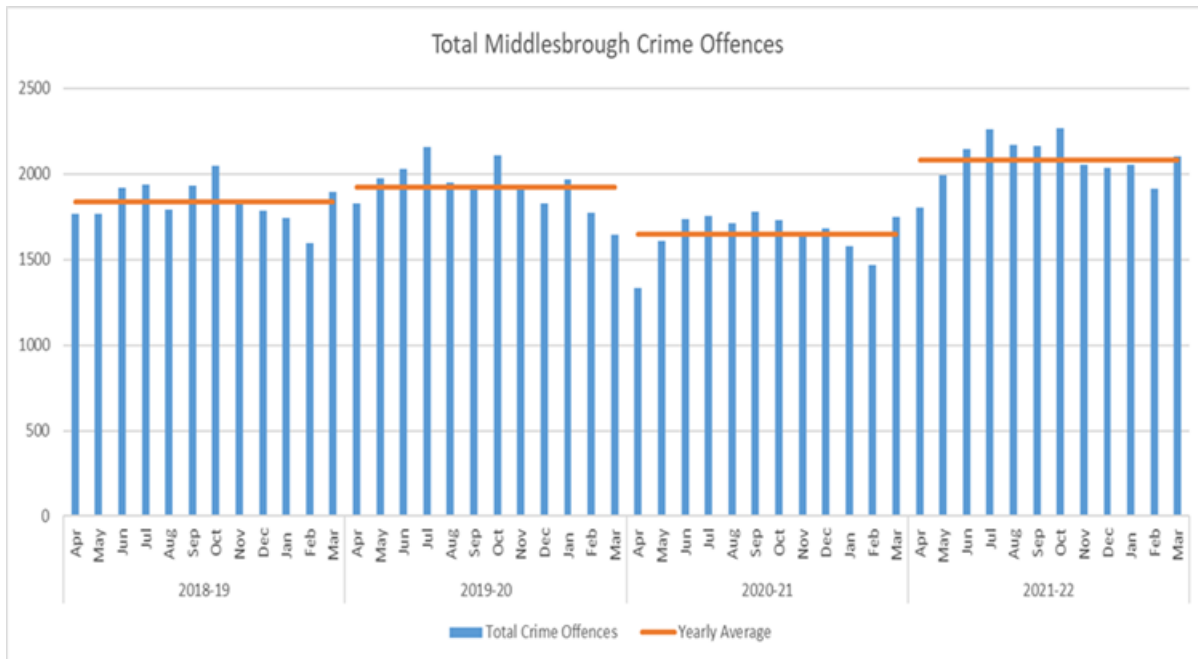


**Crime:**

The financial year (20-21) shows the impact COVID-19 had on crime levels across all Middlesbrough. Prior to this and afterwards crime was on a continuing increase, but declined during this financial year.

The increase in crime across Middlesbrough since 2018-19 can be seen below – total number of crimes in Middlesbrough for the last 4 financial years. As discussed the trend is an upwards trajectory and looking at the peaks in financial year 2019-20 compared to 2021-22 the peaks in the last financial year were higher.





With the financial year of 2020-21 (COVID-19) included, this graph also shows the increase in crime. With the rising crime numbers in each financial year, the yearly average number of crimes committed each month has increased, in 2018-19 the average was 1834, in 2019-2020 this rose to 1922, this dropped in the pandemic to 1647, and so far this financial year is at an average of 2079 crimes per month. This can be seen on the monthly graph by observing the red average bar in each financial year moving higher up the scale.

### Antisocial behaviour

Antisocial behaviour and crime can have a devastating effect on individuals and communities. It describes a wide range of everyday nuisance, disorder and crime from graffiti and noisy neighbours to harassment and street drug dealing. It is sometimes dismissed as trivial, but anti-social behaviour has a huge impact on victims' quality of life and it is often the public's number one priority when it comes to local concerns.

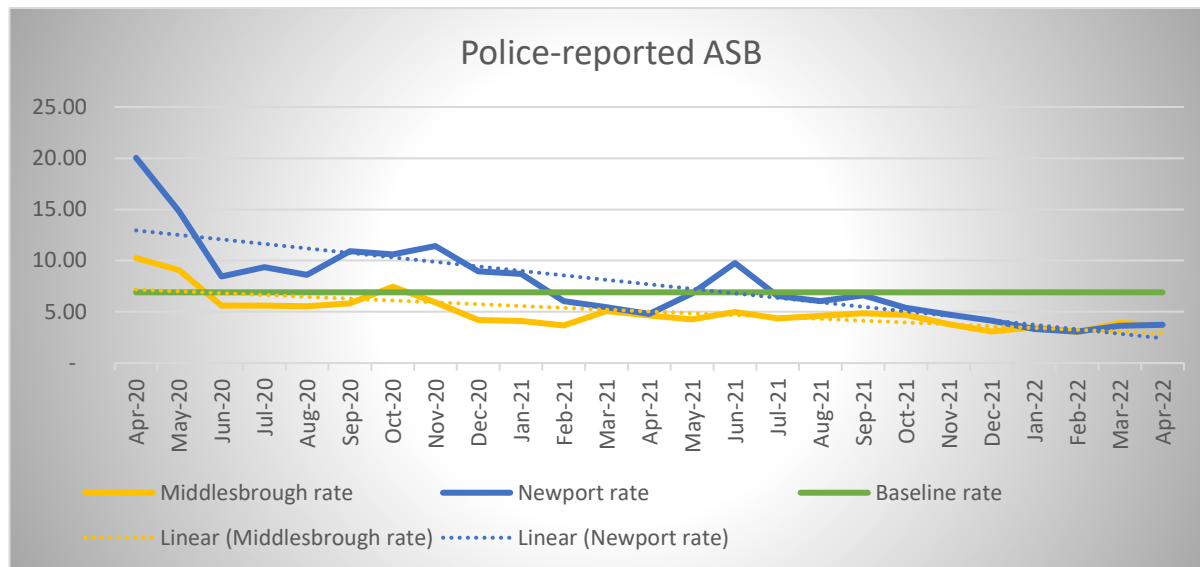
The types of anti-social behaviour which the Council's Neighbourhood Safety Officers regularly respond to with includes:

- Vandalism, graffiti, and other deliberate damage to property or vehicles
- Teenagers hanging around on the streets
- Rubbish or litter lying around
- Drug use and dealing
- Drunk or rowdy behaviour
- Chaotic families.

A total of 1334 complaints of anti-social behavior were received by the Council's Public Protection and Community Safety teams in 2018. As you can see in the table below, there had been a slight decrease in 2019, followed by a sizable increase in 2020 and 2021. For 2021 the total number of complaints received were 28.6% higher than the reported levels in 2018.

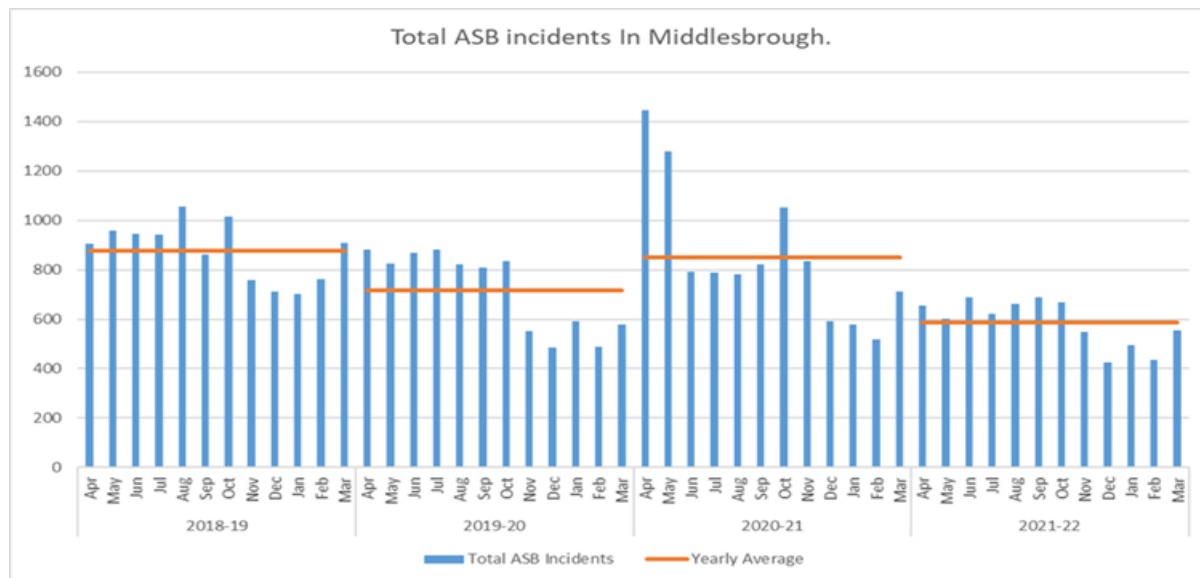
Year	Council complaints
2018	1334
2019	1312
2020/21	1716

In 2021 Cleveland Police recorded 915 incidents of ASB in Newport ward, a decrease of 37.6% on the previous year (the figures for 2021 are also lower than 2019 and 2018). Newport has the second highest number of reports per ward (Central ward has the highest.) In terms of rate per population, Newport has the fourth highest rate of antisocial behavior per population of any ward in Middlesbrough, behind North Ormesby, Hemlington, and Central wards.



**ASB during the COVID-19 pandemic.**

Over the last 4 financial years ASB in Middlesbrough has been declining, however in 20-21, COVID-19 year, there was a significant rise. In 18-19 the average number of ASB offences per month was 877 occurrences, this decreased to 718 in FY19-20, but then increased back to 849 occurrences. In FY21-22 this average has remained at 587 which is lower than pre-COVID-19 years.



**How SLL contributes to the reduction in Anti-social Behaviour.**

Under the Selective landlord licence there are mandatory conditions in place which aim to address anti-social behavior. These mandatory conditions require

- the licence holder to take reasonable and practical steps to reduce or prevent anti-social behaviour by persons occupying or visiting the house and the use of premises for illegal purposes.

- a written action plan to be provided to Middlesbrough Council outlining procedures for dealing with anti-social behaviour at the time of application. This must be reviewed annually, tenants made aware of it and submitted on request;
- to provide to the local authority, upon request, the full names and dates of birth of each occupant of the property;
- cooperation with Middlesbrough Council, Cleveland Police and other agencies in resolving complaints of anti-social behaviour or criminal activity. The Licence holder and/or their nominated Managing Agent must not ignore or fail to take action against any complaints regarding their tenants. Written records of action taken, shall be maintained and made available for inspection by an authorised officer of Middlesbrough Council on request;
- the appropriate authorities (namely Middlesbrough Council and Cleveland Police) are informed, where they have reason to believe that their tenant's behaviour involves criminal activity;
- regular (at least quarterly) inspections of the property to ensure that the property is in a good state of repair and that the occupiers are not in breach of tenancy terms and conditions. Written records of inspections made, conditions noted and actions taken as a result shall be maintained and made available for inspection by an authorised officer of Middlesbrough Council;
- that each tenant is made aware that they are responsible for their own behaviour and the behaviour of other occupiers and visitors.

## **HOW THE PROPOSED SELECTIVE LICENSING SCHEME WILL WORK**

### **Licence application**

Within the designated area all privately rented properties will need a licence to operate. The owner of the rented property will need to make an application to the Council. The Council must be satisfied that of all the person with an interest in the property, the most appropriate person is the licence holder, this would usually be the property owner.

The licence will be valid for a maximum 5 years, although the Council has discretion to grant the licence for a shorter period of time where there are problems with the application such as evidence of insufficient management. Failing to apply for a licence could lead to prosecution and an unlimited fine. If prosecuted, this would lead to the licence holder no longer being classed as 'fit and proper' (see below) and would mean they would need to find someone else to hold their licence and undertake the management of the property.

### **Fit and Proper Person test (Appendix 2)**

As part of the application process, proposed licence holders and managers will be required to prove that they are "fit and proper persons" and that they have satisfactory management arrangements in place, including those for dealing with anti-social behaviour. A plan for how they will handle complaints of anti-social behaviour will need to be submitted with the application.

When deciding whether a landlord and/or managing agent is "fit and proper" the Council will look at whether they have:

- (a) They have committed any offence involving fraud or other dishonesty, or violence or drugs, or any offence listed in Schedule 3 to the Sexual Offences Act 2003 (c. 42) (offences attracting notification requirements);
- (b) Practised unlawful discrimination as defined in the Equality Act 2010 on the grounds of sex, sexual orientation, gender reassignment, age, race, religion or belief, marital status, pregnancy, maternity, or disability in, or in connection with, the carrying on of any business; or
- (c) Contravened any provision of the law relating to housing or landlord and tenant law.

To check this, all applications will require detailed information from the landlord and any relevant managers.

A criminal conviction or evidence of unlawful discrimination or breaches of housing or landlord and tenant law doesn't necessarily mean that a landlord won't pass the test. The Council will have to look at every case individually and weigh up all the circumstances when making a decision. For example, the Council will have to think about:

- What the conviction was for;
- The circumstances of the case;
- How long ago it was and whether it is spent or not;
- Whether or not it will affect the person's ability to be a good landlord;
- The risk of the same thing happening again and whether that would affect the person's duties as a Licence Holder.

Where the Council has concerns, applicants will be required as part of the licence conditions to seek a Disclosure Scotland.

There will be a fee to cover the Council's costs of carrying out the fit and proper person checks, which will be £20.00 per person. Landlords with multiple properties will only be required to pay this fee once, if it is the same owner and manager.

### **Licence conditions**

The licence holder will have to satisfy a number of conditions. Breaches of these licence conditions could lead to prosecution and a fine of £5,000.

Mandatory conditions relate to the following requirements:

- a landlord must obtain references using Middlesbrough Council's FREE referencing service from all persons wishing to occupy the property;
- landlords must produce gas certificates;
- electrical appliances must be kept safe;
- the property must have working carbon monoxide alarms in any room in the house which is used wholly or partly as living accommodation and contains a solid fuel burning combustion appliance;
- the property must have working smoke alarms; and,
- each tenant must be provided with a written tenancy agreement.

The Council is proposing to include a number of discretionary conditions which relate to the management of the property, including: general property management, security, management of antisocial behaviour and external refuse and waste. The proposed licence conditions are attached to this document at **Appendix 3**.

### **Refusal to grant a licence**

If the licence application is refused, and there is no reasonable prospect of the property being licensed in the near future, the Council can apply for an Interim Management Order to take over the management of the property for up to one year or until such time as the owner is able to rectify the reasons for the licence being refused. If the owner is unable to rectify the problems then the Council can apply for a Final Management Order to take on the management for up to 5 years.

In some circumstances rather than refuse the licence, it may be possible for the owner to apply for a temporary exemption notice. This allows 3 months for the owner to take such steps as are necessary so the property no longer requires a licence e.g. the property has been sold to an owner-occupier.

### **Failure to apply**

Failing to apply for a licence could lead to prosecution and an unlimited fine.

In addition to the fine the Council can apply for a Rent Repayment Order which allows amounts paid in connection with a tenancy or licence to be recovered for the period that the property should have been licensed.

## **Exemptions**

There are certain properties that are exempt from applying for a licence, they are detailed at **Appendix 4**.

## **Property Inspection programme**

The Council will inspect all private rented properties within the area of the scheme. High risk properties that are known to be problematic will be prioritised. The inspection programme will combine a housing standards inspections (Housing Health and Safety Rating Scheme) and also check for compliance with the selective licensing conditions including:

- the working order and positioning of smoke alarms;
- carbon monoxide detector;
- tenancy agreements supplied to the tenant;
- property management arrangements.

Compliance action will be taken against landlords who breach licence conditions. Action will be taken where issues of non-compliance with the HHSRS standard are identified. Landlords will not be deemed to be 'fit and proper' if housing offences are proven against them in the courts.

The inspections will be completed by a multi-agency/disciplinary team, this could include a Licensing Officer, Neighbourhood Safety Officer, Tenancy Relations Officer and an Environmental Health Officer (when non-compliance with HHSRS standards are identified). This approach is to ensure that as well as checking compliance with the licence conditions, the tenants are helped and supported with any issues they may be facing. Issues may include substance misuse, parenting skills, unemployment; the team will make referrals to relevant agencies and follow-up any actions.

The other services offered through the tenancy relations support will be of benefit to landlords, tenants and the wider community to help to reduce the turnover of tenants. The licence holder must demand and obtain references for all prospective occupiers of the house to enable the licence holder to make an informed decision regarding occupancy of the property.

All references shall be obtained by the licence holder via the **FREE** Middlesbrough Council, tenant referencing service.

The licence holder must retain all references obtained for occupiers for the duration of this licence and must provide Middlesbrough Council, upon demand and within 14 days of that demand, a copy of pre-let reference checks along with full names and dates of birth of each occupant.

## **Licence fees**

The Housing Act 2004 gives the Council the power to charge landlords a fee for all costs it incurs carrying out its Selective Licensing functions. The Act also allows the Council to take into account costs incurred in carrying out functions in relation to Interim and Final Management Orders (so far as they are not recoverable under that part of the Act).

The Council proposes to charge a basic fee of £836.00 for a licence.

The Council will split the licence fee payment into two instalments, one payment to be made upon application for a licence, with the other payment to be made upon the licence being granted.

The proposed fee structure is set out in detail at **Appendix 5**.

Income from the licence fees is ring fenced meaning that it can only be used for this project and not for any other reason. It is anticipated the scheme will require 7 FTEs to operate.

## **POTENTIAL AND PROVEN BENEFITS OF THE SELECTIVE LANDLORD LICENSING SCHEME**

Introducing Selective Licensing in both North Ormesby and part of Newport ward has shown a number of benefits to the community, landlords, tenants and owners, both directly and indirectly, including:

- Improved management and condition of privately rented accommodation;
- Support for landlords in dealing with anti-social tenants;
- Reductions in levels of anti-social behaviour;
- Educating tenants about their responsibilities and their impact of their behaviour on the community and neighbours;
- Encouraging tenants to recognise when properties are of a sub-standard condition and what options are available to them;
- Promotion of landlord aspiration to let property to a higher standard and to act in a professional manner.
- Encouragement of landlords not to take tenants with a poor reference.
- Improvement of the image and desirability of the area.
- Improved values of property in the area.
- Encouraging a change to the tenure mix of the area. Protect investment in the area.
- Working with those landlords who are not providing good quality accommodation or managing their tenancies effectively and removing "rogue landlords" altogether.
- Reduced tenant turnover leading to sustainable communities, creating communities where tenants want to remain.
- Encourage the use of reputable managing agents when landlords are inexperienced or "absentee".
- Raising community confidence through the appropriate use of enforcement powers against landlords who are failing to comply with the provisions of the Housing Act 2004.
- Free property advertising of empty properties.

The Council aims to build better working relations with landlords in the area and concentrate resources on eradicating bad practice by some landlords.

Licence conditions help to ensure that vulnerable tenants are living in accommodation where the management is capable of dealing with their needs.

It also helps the Council to better target resources in dealing with anti-social tenants and enforce against unprofessional landlords. Selective Licensing seeks to develop a more consistent level of property management services among all private landlords in the area, thus assisting prospective private tenants in making a positive, confident choice about their next home.

Reputable landlords can be assured that where Selective Licensing schemes are in place, those landlords whose business practices have not meet the required minimum standards have been encouraged and supported to improve their management standards. Landlords who are not willing to work with the Council could face being refused a licence and ultimately having a Management Order imposed against the property.

### **Case Studies from current and previous Schemes**

**Tenant Support:** During a tenancy inspection visit with a landlord, it was identified that the tenant was struggling with mental health issues due to spiraling debts. Whilst at the property a debt enforcement agency arrived to reclaim goods to the value of the debt. Both the Officer and landlord negotiated on the tenant's behalf, providing evidence that the property was a furnished tenancy and that their only belongings were clothing and toiletries. The Tenancy Relations Officer arranged an appointment for the tenant to attend Citizens Advice and also made a referral to Firmer Foundations (mental health support). During the Citizens Advice appointment the tenant disclosed significant debts; therefore a Debt Relief Order was applied for (due to severe mental health issues) and a food bank voucher was issued. The tenant has now applied for different benefits and is receiving the much needed support they required.

**Property Conditions:** The SLL Team had arranged numerous inspection visits to a property but the



tenant repeatedly wouldn't allow access. An evening visit was made and the tenant finally opened the door. The tenant was initially angry as they were confused as to who their managing agent was as they kept changing. The tenant agreed for officers to carry out the inspection which highlighted at least four Category 1 (most serious) Hazards in the property. These included: no boiler, no heating, no hot water, the bathroom roof had fallen in (which was propped up with pole), the kitchen was inaccessible and had no cooking facilities. Due to the condition of the property and the hazards identified, a Prohibition Order was served. The Landlord has since installed a new boiler, new kitchen (including cooking facilities), new bathroom roof, bathroom suite, new rear windows downstairs and a new back door. The landlord has also informed the tenant that he is going to supply new carpets in the property downstairs.

### **Landlord Support:**

The Selective Licensing team have assisted landlords with difficult housing benefit claims and successfully helped landlords receive payments for housing benefits, even after they have been determined as closed. A recent claim dating back more than 8 months was paid after intervention from the team. This claim amounted to more than £3000 and prevented tensions arising between the tenant and the landlord and ultimately a possible eviction.

### **Testimonials from North Ormesby Scheme**

"For many years I prevented my clients (investors) and myself from purchasing /working in this area and told anyone who asked where to buy, not North Ormesby! Since Selective licensing has been rolled out my attitude to the area has changed dramatically due to the efforts by the team at the hub.

I can see, personally, the difference to the area and the type of tenants. I see a lot more builders vans here than I have ever seen in the street (we did have a few we managed and maintained before my change of heart). Houses look better generally, and it seems a concerted effort to remove the stigma from "Doggy" is slowly being removed for the landlords. As a comparison, to show our faith in the improvement, we are currently working on 8 refurbishment programmes in the area. In Middlesbrough, just 1!

The referencing is very good, I am an Accredited Landlord with the NLA, and their referencing costs me £24 per time. It does not, however, tell me their history at previous address` s, nor their conduct, whether they have issues with housing benefits and rent etc. The service is much more beneficial to prospective and established landlords.

In my opinion, Selective Licensing has changed North Ormesby and it was much needed".

*Landlord Paul Norman*

"Cleveland Police fully support Selective licensing. It is an excellent process that supports the interests of the landlords, ensures safe and suitable accommodation for tenants and also helps to improve the quality of the broader community. I would fully support its expansion into other areas within Middlesbrough. I think there is an excellent working relationship with the Police".

*Inspector D Snaith*

### **Evaluation of the first North Ormesby scheme**

An evaluation of the North Ormesby Selective Landlord Licensing Scheme was undertaken in June 2020 using guidance from Local Government Regulation, prior to the re-designation of the area June 2021. The evaluation sought to identify the effectiveness of Selective Licensing in:

- reducing anti-social behaviour attributable to the private rented sector;
- improving management standards in the private rented sector;
- increasing housing demand;
- improving the environment; and
- contributing to the effectiveness of partnership working to improve the quality of life.

The evaluation also took into account findings from an Independent Review of the Use and Effectiveness of Selective Licensing which was carried out by Ministry of Housing, Communities and Local Government (MHCLG June 2019, Updated September 2019).

In summary, the main findings of the evaluation report were:

- House prices in the North Ormesby Selective Landlord Licensing area had started to increase. In 2016 the average house price plummeted to £36,000 and had since increased by 17% to £42,000.
- The turnover of tenants had reduced by 50% resulting in a more static population.
- The overall number of empty properties had fluctuated throughout the life of the scheme, however there had been a considerable reduction in the number of long term empty properties which are often the more problematic for residents. Further work is needed to reduce the overall numbers.
- The number of private rented properties which have been inspected had increased and housing conditions have improved. Prior to the introduction of the scheme only 8.4% of the properties had been inspected on complaints from tenants regarding their housing conditions. In 2020 760 properties have been inspected. Serious housing hazards were identified on 1,692 (category 1 & 2) properties and have been addressed to protect tenants. Smoke alarms checks have been carried out on all housing inspections to ensure they are provided in properties.
- There had been a relatively low number of legal cases taken against landlords for not licensing their properties, 4 resulting in court hearings and 8 landlords applying for their licence after receiving their court summons.
- Support for landlords – the scheme in north Ormesby had supported landlords in the following ways:
  - Free empty property advertising;
  - Dedicated Neighbourhood Safety Officer;
  - Dedicated tenancy relations officer;
  - Housing and tenancy support/advice;
  - Rent recovery in excess of £5,000;
  - Referencing;
  - Post tenancy visits for new and existing tenancies.

The Evaluation Report recognised that the Selective Landlord Licensing scheme had made a major contribution to the achievements in North Ormesby working together with key partners. It is also recognised that the strong community infrastructure in the area had played a significant role in delivering the outcomes i.e. North Ormesby benefits from a number of community organisations working together with local schools, businesses, and key partners and this had been supported by significant financial investment from national charitable organisations. It should also be noted that the intensive approach to delivering services in North Ormesby from a number of agencies and partners is considered one of the key factor in its success.

The full Evaluation Report is available upon request.

### **HOW SELECTIVE LICENSING WILL SUPPORT STRATEGIES FOR THE AREA**

Housing plays a fundamental role in delivering sustainable communities, facilitating social and environmental improvements and promoting economic growth. The Council believes that Licensing has an important role to play and offers valuable support to existing initiatives to tackle empty homes, prevent homelessness, create sustainable, high quality neighbourhoods and reduce anti-social behaviour.

## **Middlesbrough Council Strategic Plan**

The proposal for Newport clearly links to the strategic plan in terms of its contribution to people and place.

It contributes directly to a number of the outcomes, specifically:

- We will tackle crime and anti-social behavior head on, working with our partners to ensure local people feel safer
- We will work to address the causes of vulnerability and inequalities in Middlesbrough and safeguard and support those made vulnerable.

### **Health and well-being**

Housing has an important impact on health and well-being: good quality appropriate housing in places where people want to live have a positive influence on reducing deprivation and health inequalities by facilitating stable/secure family lives. This in turn helps to improve social, environmental, personal and economic well-being. Conversely, living in housing which is in poor condition, overcrowded or unsuitable will adversely affect the health and well-being of individuals and families.

As mentioned, the Selective Licensing Team will promote multi-agency case intervention strategies where problems are identified.

### **Private rented sector**

Many properties in the sector provide decent accommodation and are well managed by landlords. Selective licensing is a vital tool in driving up standards. It reduces the negative impact on neighbourhoods of poor landlords and encourages greater awareness and a sense of responsibility in landlords and tenants alike.

The Council's Private Rented Sector Housing Team will continue to employ a wide range of tools to tackle poor property condition, inadequate tenancy management and improve conditions in the private rented sector. These tools include:

- Mandatory HMO Licensing
- Empty Property Enforcement
- Housing Health and Safety Rating System (HHSRS)

By designating the area for selective licensing the Council is fully utilising the suite of tools introduced by the Housing Act 2004 to address management standards and property conditions within the private rented sector. As part of a coordinated approach, Selective Licensing compels landlords to maintain good standards and raise the profile of problem properties. Through the increased awareness through tenancy referencing, amongst the community and across agencies, Selective Licensing has become a valuable mechanism for identifying and dealing with bad practice amongst private landlords.

### **Anti-social behaviour**

Selective Licensing helps to ensure that landlords meet their statutory duties regarding tenancy management and encourages and assists them to deal with issues of anti-social behaviour by taking appropriate and effective action where they receive a complaint about their tenants.

There is a range of other initiatives that are targeted at reducing crime and anti-social behaviour operating across the Newport ward and the Selective Licensing team work in close partnership with other services and agencies to maximise the impact and contribute to improved community safety.

The Selective Landlord Licensing Team promote multi-agency case intervention strategies where problems are identified, which can include actions for the Police, the Youth Offending Team, ASB, and Housing Enforcement teams. Landlords are offered support and advice to help tackle anti-social behaviour from their tenants.

## **Prevention of Homelessness Strategy**

The private rented sector has a central role to play in offering a decent alternative to owner-occupation or social rented housing. The sector makes a significant contribution to meeting the housing needs of vulnerable people and in many cases has prevented homelessness and minimised the use of temporary accommodation.

The Council continues to work in partnership with the private rented sector and Selective Licensing strengthens this partnership by increasing the number of landlords working with the Council with well-managed, good quality accommodation.

By strengthening the partnership between landlords and the Council, Selective Licensing can continue to contribute to the prevention of homelessness through effective tenancy management that minimises ASB, tackles rent payment issues in a timely and constructive manner and offer a housing option for some of the most vulnerable households in need of a home.

The Localism Act 2011 enabled the use of suitable offers of accommodation in the private rented sector and allowed this sector to be used to discharge the main homelessness duty. Against the backdrop of high demand but a shortage of accessible, affordable social housing, the sector has increasingly become a valuable resource for offering a range of more easily accessible housing solutions for homeless households, but elements of poor management contribute to repeat homelessness. Licensing has the potential to effect long term positive change in the sector and to provide considerable benefits to homeless households.

It is anticipated that this Selective Licensing scheme will help achieve a long-term reduction in the culture of 'tenancy hopping', i.e. the practice of households who are frequently homeless due to anti-social behaviour, and who may be aided by rogue landlords to move around the sector, which prevents underlying behavioural issues from being tackled and which blights local communities.

## **Empty homes**

In Middlesbrough there were 1254 homes empty for six months or more (1<sup>st</sup> October 2021.) The Council has already begun to tackle this issue and to date has, amongst other things, secured funding from the Homes and Communities Agency and adopted an Empty Homes Action Plan to bring empties back into use.

An important part of the strategy to tackle empty homes is actively targeting owners and providing them with information on the incentives available and the reasons why empty properties are a poor financial option. In some cases encouraging owners will not be enough and the Council will need to take strong enforcement action. Selective Licensing has helped strengthen the partnership between landlords and the Council and the benefits Licensing delivers to the area contributes to tackling problem empty properties, as has been seen in North Ormesby.

## **Place Based Working**

The locality based working approach in Newport is a strategic priority. It aims to build on the intensive targeted delivery of services working in partnership and the Selective Licensing team is an integral part of this.

Locality working involves a system change to the current operational delivery model across Council services. It seeks to achieve joined-up systems and reconfigure relationships between statutory organisations, partners and the community. It involves developing collaborative approaches to address the underlying causes of community problems and build capacity within the community in order for residents to take charge of their own future, to have a strong voice and to build social capital and connections within the community. Locality Working commenced with two pilots in North Ormesby and Newport.

Evidence shows that having multi-agency teams working together from one location brings benefits. It reduces the need for referrals when a quick conversation with a member of the team can identify the most

appropriate course of action. Through better information sharing it also provides an opportunity to identify support needs early and proactively intervene to prevent crisis.

## **ALTERNATIVE REMEDIES AND WHY THE COUNCIL CONSIDERS THEY ARE INSUFFICIENT**

The Council has considered whether there are any other courses of action available that might provide an effective method of achieving the objectives that the designation is intended to achieve.

The following paragraphs consider other powers and projects that are available to the Council and why they could not replace the proposed Selective Licensing Designation in Newport.

### **Accreditation**

Accreditation is a mechanism for helping landlords or agents to meet agreed standards of competence, skills and knowledge about the business of owning, managing or letting a private rented home.

Accreditation is supported nationwide by a wide range of stakeholders, including the Government, landlord associations, local authorities, Shelter, the National Union of Students and the Chartered Institute of Environmental Health. It can aid the supply of good-quality, well-managed homes.

Accreditation attracts a limited number of landlords, mainly those already providing appropriate management standards and who are motivated to improve the reputation of the private rented sector. Such schemes do not have an intensive impact in any one area, nor do they tackle the worst privately rented properties, as due to the voluntary nature the worst landlords will not engage with the Council or join the scheme.

Experience shows that it is resource intensive to encourage the poorer landlord to join accreditation and when asked to make improvements due to its voluntary nature many landlords fail to comply showing that accreditation cannot tackle the worst standards of property condition and management practices.

Traditional interventions do not provide the level of engagement with landlords necessary for the desired improvements. Landlord take up of previous accreditation schemes have been very low, they tended to only engage with responsible landlords who saw a value in being part of a scheme. An example of a non-mandatory scheme is the Stockton Pluss model which is run by landlords. Stockton Council figures show that they had 80 members for this scheme with 539 properties and not all landlords who opposed their SLL scheme joined the accredited scheme.

### **Enforcement of housing standards**

The Housing Act 2004 introduced the Housing Health and Safety Rating Scheme (HHSRS) which allows local authorities to inspect privately rented properties to ensure the condition of that property does not have an adverse effect on the health, safety or welfare of tenants or visitors to that property. Where necessary the Council will serve statutory enforcement notices to ensure the condition is improved.

The current service is in the main reactive - a complaint will be made and an inspection will determine whether action needs to be taken.

Whilst this approach does improve property conditions it does not have a concentrated impact in one area. In addition this power does not tackle property management standards.

Through the selective licensing designation, proactive inspection of private rented sector properties against the HHSRS standards will be undertaken. The associated training, advice and support, will enable landlords to recognise what improvements need to be made to their properties, reducing the need for action under the HHSRS.

Enforcement action will be taken to improve property conditions, where necessary. Improved property conditions will assist in retaining tenants and attracting occupants to the area assisting in tackling low demand.

## **Management Orders**

Part 4 of the Housing Act 2004 introduced the use of Management Orders. The general effect of a Management Order is that the Council takes control of the property, although legal ownership does not transfer from the landlord. There are two forms of Management Order, interim and final. Interim lasts for a period of 12 months which can then be followed by a final Management Order which lasts for a maximum of 5 years.

Once a Management Order is in place the Council takes over the management of the property. The occupiers pay their rent to the Council and any repair costs such as routine repairs or building insurance are taken from the rent before any surplus is given to the owner (landlord).

This power only deals with individual properties and is resource intensive.

This approach does not present a long term solution to address poor management of privately rented stock as the property is returned to the original owner who may not necessarily have improved their management standards in the interim.

The Council will use Management Orders in the designation area as a last resort to deal with landlords who fail to comply with selective licensing and improve their management standards.

## **Private Sector Leasing Scheme**

A Private Sector Leasing Scheme is where the Council takes out a lease, normally 3 to 5 years in duration, from a private owner or landlord on their property. The Council then uses the property to provide affordable accommodation for homeless families.

There is no guarantee that landlords, especially the worst, will join the scheme and the Council cannot compel them to do so. As with Management Orders the scheme does not address poor management practices as the landlord does not gain experience, advice or training during the lease meaning that once handed back management standards will once again be unsatisfactory.

## **Alternative approaches – summary**

In summary the alternative options to selective licensing would require some, if not all, of the finance from the Council. Selective Licensing will be self-financing, paid for by the licence applicants and not through the Council.

Problems relating to the use of the alternatives to Selective Licensing can include the following:

- They are expensive and there is the likelihood that some of the finance required would need to be collected from Council Tax. This seems unjust when many of the problems are caused by the lack of effective tenancy management. Selective Licensing will be self-financing, paid for by landlords.
- The use of Management Orders on all problematic properties would be neither appropriate nor feasible, given the number of properties. The Council must act in a proportionate manner and a heavy handed approach would undermine efforts to work with landlords to improve standards. Selective Licensing provides an opportunity to continue to forge partnerships with otherwise anonymous private landlords and provide training and support, where the use of these orders does not.
- Alternatives do not adequately tackle the private tenant's behaviour. This could result in the same "problem" tenant being left to float within an area without any real targeted tenancy enforcement and where required, supported tenancy referral. The proposed Selective Licence conditions include a requirement for the landlord to seek references when allocating the property and to deal with any complaints of anti-social behaviour from their tenants (and/or their visitors/children).
- None of these tools provides a long-term solution to the training of inexperienced landlords whose business would benefit, either because they are not fit, or because of their poor management arrangements.
- Whilst Selective Licensing is only to be used in areas where authorisation is sought and given, many private landlords have properties across the entire town and indeed across local authority

borders. Therefore, improvements attained in management standards will have a trickledown effect and will benefit tenants and communities across wider areas.

There is no single solution and each alternative approach has its limitations. No single intervention, including Selective Licensing, can solve the issues identified in Newport and therefore a co-ordinated strategy is required which links a full range of agencies and services using various interventions.

### **CONSULTATION – OPPORTUNITIES TO ENGAGE & RESPOND**

The consultation is being carried out over a 10 week period, and will be widely publicised using various channels of communication.

The consultation will start on (to be added), 9am and close on (to be added), 12 Noon.

Once the consultation has been completed the results will be published and made available to the local community.

The Council is required to consult with local residents, including tenants, landlords, managing agents and other members of the community who live or operate businesses or provide services within the proposed designation and those in the surrounding area which is shown on the map at **Appendix 1**.

Everyone who responds to this consultation will have their views fully considered.

A comprehensive engagement and consultation process with partners, stakeholders and customers will include:

- Private landlords
- Private tenants
- Local communities
- Tenant and resident associations
- Landlord associations
- Citizens Advice Bureau
- Registered Social Landlords
- Local community committees
- Locally elected members
- Local businesses
- Middlesbrough Police
- Other Council service areas.

### **Methods of consultation**

Consultation will be taking place using the following methods:

- Direct mail to landlords and residents.
- Direct mail to local community groups.
- Press release to local media/press.
- Information on Middlesbrough Council's website.
- Email to all Ward Councillors.
- Email to all relevant Council service areas.

### **How to respond to the consultation**

A questionnaire will be available to complete on the Council's website, a paper version of which can be downloaded from the website.

You can hand your completed questionnaire in at the reception desks at Streets Ahead on Parliament Road, Newport Hub on Union Street.

Email: [licensing\\_consultation@middlesbrough.gov.uk](mailto:licensing_consultation@middlesbrough.gov.uk)

Telephone: 01642 728100

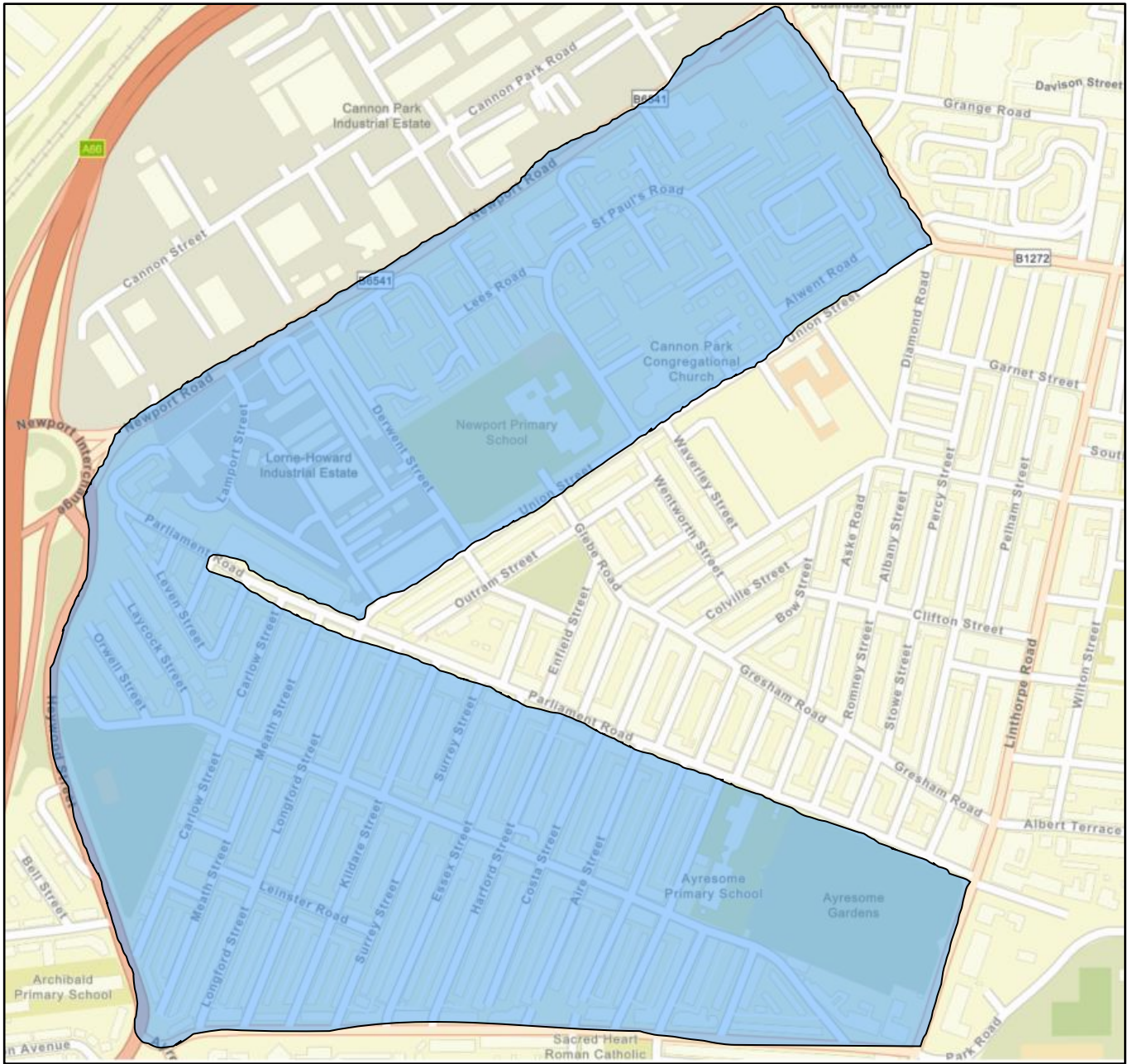
If you would like any further information about the Selective Licensing proposals please contact the Selective Landlord Licensing Consultation Team on 01642 728100.

Or please email the team on: [licensing\\_consultation@middlesbrough.gov.uk](mailto:licensing_consultation@middlesbrough.gov.uk)



# Appendix 1

## Map



## Appendix 2

### FIT AND PROPER PERSON CHECKS

Middlesbrough Council, for the purposes of deciding whether to grant or refuse an application for a licence under section 88(3) (a) or (c) of the Housing Act 2004, will (among other things) have regard to the evidence that the person is a fit and proper person to be the licence holder or (as the case may be) the manager of the house. Middlesbrough Council will evaluate and take into account any evidence of:

- (a) They have committed any offence involving fraud or other dishonesty, or violence or drugs, or any offence listed in Schedule 3 to the Sexual Offences Act 2003 (c. 42) (offences attracting notification requirements);
- (b) Practised unlawful discrimination as defined in the Equality Act 2010 on the grounds of sex, sexual orientation, gender reassignment, age, race, religion or belief, marital status, pregnancy, maternity, or disability in, or in connection with, the carrying on of any business; or
- (c) Contravened any provision of the law relating to housing or landlord and tenant law.

A criminal conviction or evidence of unlawful discrimination or breaches of housing or landlord and tenant law doesn't necessarily mean that a landlord won't pass the test. The Council will have to look at every case individually and weigh up all the circumstances when making a decision. For example, the Council will have to think about:

- What the conviction was for;
- The circumstances of the case;
- How long ago it was and whether it is spent or not;
- Whether or not it will affect the person's ability to be a good landlord;
- The risk of the same thing happening again and whether that would affect the person's duties as a Licence Holder.

In addition Middlesbrough Council will also examine evidence:

- (a) If it shows that any person associated or formerly associated with the landlord or managing agent (whether on a personal, work or other basis) has done any of the things set out in subsection (a) to (c) above, and
- (b) It appears to the council that the evidence is relevant to the question whether the landlord is a fit and proper person to be the licence holder or (as the case may be) the manager of the house.

Middlesbrough Council will consider that a person is not a fit and proper person if a banning order under section 16 of the Housing and Planning Act 2016 is in force against the person.

For the purposes of the fit and proper test Middlesbrough Council will assume, unless the contrary is shown, that the person having control of the house is a more appropriate person to be the licence holder than a person not having control of it.

Middlesbrough Council in deciding for the purposes of whether the proposed management arrangements for the house are otherwise satisfactory, will have regard (among other things) to the following considerations:

- Whether any person proposed to be involved in the management of the house has a sufficient level of competence to be so involved;
- Whether any person proposed to be involved in the management of the house (other than the manager) is a fit and proper person to be so involved; and
- Whether any proposed management structures and funding arrangements are suitable.

**Appendix 3**

**DRAFT LICENCE CONDITIONS**



**Middlesbrough Council**

**Newport Ward**

**Selective Landlord Licensing Conditions**

**(Housing Act 2004)**

## Mandatory Conditions Schedule 4 Housing Act 2004

### 1. Gas

If gas is supplied to the house, the Licence holder shall provide to Middlesbrough Council a Gas Safety Certificate issued within the previous 12 months at the time of the application and thereafter annually.

**Reason: Mandatory condition required by Schedule 4 of the Housing Act 2004.**

### 2. Electrical Installation

The Licence Holder is required to ensure that every electrical installation in the house is in proper working order and safe for continued use; and to supply the authority, on demand, with a declaration by him as to the safety of such installations.

**Reason: Mandatory condition required by Schedule 4 of the Housing Act 2004.**

### 3. Electrical appliances

The Licence holder shall 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.

**Reason: Mandatory condition required by Schedule 4 of the Housing Act 2004.**

### 4. Furniture and furnishings

The Licence holder shall 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.

**Reason: Mandatory condition required by Schedule 4 of the Housing Act 2004.**

### 5. Smoke alarms

The Licence Holder is required to ensure that a smoke alarm is installed on each storey of the house on which there is a room used wholly or partly as living accommodation and to keep any such alarm in proper working order.

The Licence Holder is required upon demand by Middlesbrough Council to supply a declaration as to the condition and positioning of such alarms.

**Reason: Mandatory condition required by Schedule 4 of the Housing Act 2004, The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 and to comply with minimum fire safety standards LACORS.**

### 6. Carbon Monoxide alarms

The Licence Holder is required to 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.

The licence holder is required upon demand by Middlesbrough Council to supply a declaration as to the condition and positing of such alarms

**Reason: Mandatory condition required by Schedule 4 of the Housing Act 2004, The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 and to comply with minimum fire safety standards LACORS.**

## **7. Tenant references**

The licence holder must demand and obtain references for all prospective occupiers before they are offered a tenancy of the house to enable the licence holder to make an informed decision regarding occupancy of the property.

All references shall be obtained by the licence holder via the **FREE** Middlesbrough Council, tenant referencing service using the Council's approved form. A tenancy reference check will only be completed if all of the information requested has been provided and validated.

The licence holder must retain all references obtained for occupiers for the duration of this licence and must provide Middlesbrough Council, upon demand and within 14 days of that demand, a copy of pre-let reference checks along with full names and dates of birth of each occupant.

**NOTE:** Details of how to contact Middlesbrough Council in respect of the tenant referencing service can be found at: <https://www.middlesbrough.gov.uk/planning-and-housing/landlord-and-tenant-support/tenancy-referencing-service/tenancy-referencing-service-further-information>

**Reason: Mandatory condition required by Schedule 4 of the Housing Act 2004**

## **8. Terms of occupation**

The Licence holder shall 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.

**Reason: Mandatory condition required by Schedule 4 of the Housing Act 2004**

## **Additional Conditions of Licence imposed by Middlesbrough Council**

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

## **9. General/Property management**

The Licence holder shall ensure that:

- a) all repairs to the house or any installations, facilities or equipment within it are carried out by competent and suitably qualified person(s), for example Gas Safe registered

operatives for gas appliances and an electrical contractor who is a member of an approved scheme, such as NICEIC, BSI, NAPIT, ELECSA or BRE.

- b) all occupants of the house receive written confirmation detailing arrangements in place to deal with repairs and emergencies.
- c) if the property is provided with electrical appliances, copies of user manuals will be supplied to the tenant.
- d) all occupiers are made aware of the licence and its conditions.

**Reason: To safeguard the health, safety and well-being of occupants.**

## **10. Security**

The Licence holder shall ensure that:

- a) where alley gates are installed to the rear of the licensed property, tenants are made aware of how to obtain a key.

**Reason: To safeguard the health, safety and well-being of occupants.**

## **11. External areas, refuse and waste**

The Licence holder shall ensure that:

- a) the tenants are instructed in their responsibilities in respect of refuse storage and disposal, to include details of what day refuse collections take place and what type of receptacle to use for household waste and recycling;

**Reason: To ensure that the domestic hygiene and condition of the licensed property is maintained.**

## **12. Training**

The Licence holder and/or Manager shall undertake property management training courses or information days, where required to do so by the Council.

**Reason: To enable the Council to provide licence holders with the knowledge and expertise to improve the management of their properties.**

## **13. Management / Anti-social behaviour**

The Licence holder shall take reasonable and practical steps to reduce or prevent anti-social behaviour by persons occupying or visiting the house and the use of premises for illegal purposes.

The Licence holder shall:

- a) provide a written action plan to Middlesbrough Council outlining procedures for dealing with anti-social behaviour at the time of application. This must be reviewed annually, tenants made aware of it and submitted on request;

- b) provide the local authority, upon request, the full names and dates of birth of each occupant of the property;
- c) cooperate with Middlesbrough Council, Cleveland Police and other agencies in resolving complaints of anti-social behaviour or criminal activity. The Licence holder and/or their nominated Managing Agent must not ignore or fail to take action against any complaints regarding their tenants. Written records of action taken, shall be maintained and made available for inspection by an authorised officer of Middlesbrough Council on request;
- d) ensure that the appropriate authorities (namely Middlesbrough Council and Cleveland Police) are informed, where they have reason to believe that their tenant's behaviour involves criminal activity;
- e) make regular (at least quarterly) inspections of the property to ensure that the property is in a good state of repair and that the occupiers are not in breach of tenancy terms and conditions. Written records of inspections made, conditions noted and actions taken as a result shall be maintained and made available for inspection by an authorised officer of Middlesbrough Council;
- f) ensure that each tenant is made aware that they are responsible for their own behaviour and the behaviour of other occupiers and visitors.
- g) the name and contact details of the Licence holder and/or manager must be supplied to each occupier and must also be on display in a prominent place.
- h) produce on request liability insurance.

**Reason: To safeguard the well-being of occupants, persons visiting the premises and persons in the immediate locality.**

#### **14. Notification / consultation of changes**

The Licence holder and Managing Agent shall consult with Middlesbrough Council before making any material changes to the layout, amenity provision, fire precautions or occupation of the house. They must also inform Middlesbrough Council of:

- a) when you sell the property in order that your licence can be revoked.
- b) details of any convictions not previously disclosed to the local authority that may be relevant to the Licence holder and/or the property manager and their fit and proper person status and in particular any such conviction in respect of any offence involving fraud or dishonesty, or violence or drugs or any offence listed in Schedule 3 to the Sexual Offences Act 2003;
- c) details of any finding by a court or tribunal, not previously disclosed, against the Licence holder and /or the manager that he/she has on the grounds of sex, sexual orientation, gender reassignment, age, race, religion or belief, marital status, pregnancy, maternity, or disability in, or in connection with, the carrying on of any business;



- d) details of any contravention, not previously disclosed, on the part of the Licence holder or manager of any provision of any enactment relating to housing, public health, environmental health or landlord and tenant law which led to civil or criminal proceedings resulting in a judgment or finding being made against him/her;
- e) information about any property, not previously disclosed, the Licence holder or manager owns or manages or has owned or managed for which a local housing authority has refused to grant a licence under Part 2 or 3 of the Act, or has revoked a licence in consequence of the Licence holder breaching the conditions of his/her licence;
- f) information about any property, not previously disclosed, the Licence holder or manager owns or manages or has owned or managed that has been the subject of an Interim or Final Management Order under the Housing Act 2004;
- g) notification of repossession/foreclosure;
- h) successful claims against the Licence holder for default of tenancy deposits;
- i) change in managing agent or the instruction of a managing agent;
- j) the undertaking of substantial works to the property, including conversions and modernisations or emergency problems relating to fire, flood or disaster and the tenants are made temporarily homeless.

**Reason: To safeguard the health, safety and well-being of occupants in the event of changes during the period of the Licence and to enable the Council to decide whether the licence holder continues to be fit and proper to hold a Selective Landlord Licence.**

#### **15. Absence**

The Licence holder shall have in place suitable emergency and other management arrangements in the event of their absence.

**Reason: to safeguard the health, safety and well-being of occupants in the event of temporary absence of persons in control.**

#### **16. Compliance inspections**

The Licence holder shall allow the Council to undertake Licence compliance checks. Council officers will give the Licence holder at least 24 hours' notice of these checks and produce valid authorisation at the time of the visit.

**Reason: To ensure that the property complies with the Housing Act 2004 and Licence conditions.**

## **APPENDIX 4**

### **EXEMPTIONS**

Properties that are exempt from requiring a licence are those that are:

1. Subject to a Prohibition Order, under Section 20 of the Housing Act 2004, that has not been suspended.
2. Business premises.
3. Houses in Multiple Occupation (HMO) that require a statutory HMO licence.
4. Tenancies for agricultural land/holdings.
5. Controlled by a local housing authority, Police authority, Fire and Rescue authority or a Health Service body.
6. Occupied solely by students undertaking a full-time course of further or higher education, and where the person managing or in control of it is the educational establishment.
7. Tenancies granted for more than 21 years and the agreement does not allow the landlord to end the tenancy earlier than the term of the lease (the property must be occupied by the original person who was granted the tenancy or members of their family).
8. The tenant is a member of the landlord's family. (The house must be the occupier's main residence. The person granting the occupancy must be the freeholder or leaseholder, which is for a period of more than 21 years. This lease must not contain a provision allowing the landlord to end the tenancy earlier than the term of the lease);
9. Tenancies or licenses granted for the occupancy of a holiday home.
10. Accommodation that the occupier shares with the landlord or licensor or a member of the landlord or licensor's family.

## **APPENDIX 5**

### **FEE STRUCTURE**

#### **Fee and charging structure for the implementation of Selective Landlord Licensing in a phase 2 of the Newport ward.**

Part 3 of the Housing Act 2004 enables the Council to require the application for a Licence to be accompanied by a fee fixed by the Council.

The Council is not permitted to make a profit from the introduction of a Selective Landlord Licensing scheme and any surplus must be ring-fenced to the scheme. The fees should, however, take account of all costs incurred in carrying out all duties under this part of the Act.

#### **Licence Fees**

To meet the costs involved in running the Newport Phase 2 Selective Landlord Licensing Scheme it is proposed to charge fees of:

- £836 per Single Occupancy Household Unit
- £20 per Fit and Proper Person Check – in respect of the proposed Licence Holder and the proposed manager (if a different person from the Licence Holder)

This fee has been calculated based on the cost to run the various elements of work needed to administer and enforce the scheme; the number of officers required to fulfil these tasks and the officer time needed to complete them were identified and then costed.

Where a licence is refused or revoked, the applicant or licence holder will not be entitled to any refund of fees and will be required to pay any outstanding charges linked to the application.

Applications resulting from a change in ownership of a licensed property will be charged the full standard fee.

Owners should give careful consideration to the person designated as Licence holder as licences run for a maximum of 5 years and are non-transferable. If the licence holder changes for any reason, the full licence fee is payable by the first licence holder and the new licence holder will also need to pay the full standard fee. The new licence holder will not incur a penalty charge as long as the application form, fees and documentation are received within three months of the change of ownership/manager.

Applications for licences in the last six months of the designation will be eligible for a reduced fee of 50%, where properties have not been licensable prior to the 6 month deadline.

The Council will look to recoup its additional costs where landlords fail to come forward during the licensing timescales or provide incomplete applications which requires additional work from the team.

#### **Licence Fees by Instalments**

Payment of the fee by instalments. This has been requested by some landlords in previous schemes. The fee is paid in two parts and it is proposed that Instalment arrangements could only be applied to the second part of the fee, the initial payment covers the cost of administering the

application process. It is proposed that fees could be paid over a term of between 6 and 12 months depending on the number of properties to be licensed. Terms would be applied and to cover the cost of administering this a fee of £100 is proposed. Any landlord who defaults on payments would not be offered payment by instalments for subsequent licenses.

### **Method of Payment**

This fee is divided into two payments the second only becoming payable when it is decided the landlord is fit and proper to be issued with the licence. The first £418 + £20, will be used to administer the application and fit and proper process. The second £418 will be used for the ongoing administration and the enforcement of the legislation associated with the scheme.



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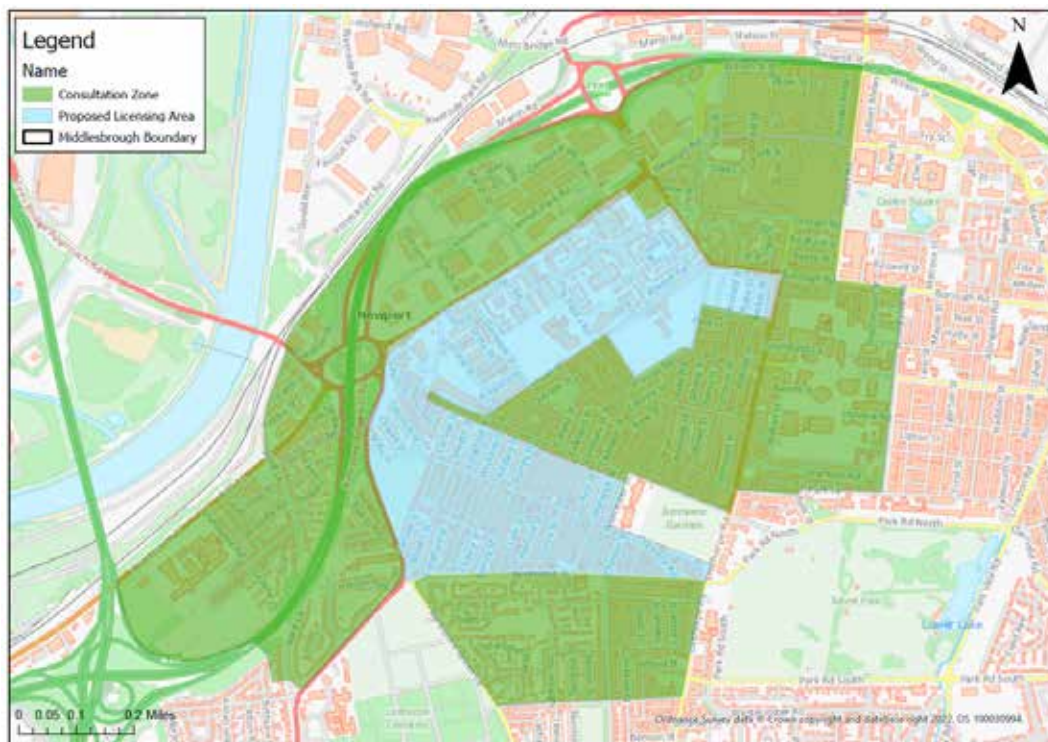
# PROPOSAL TO DESIGNATE A PART OF NEWPORT WARD FOR SELECTIVE LICENSING

The Selective landlord licensing schemes have been running in North Ormesby and part of Newport ward since 2016, and has led to considerable improvements within these areas. To build on these improvements, we would like to seek your views on the proposed designation on an additional part of the Newport ward.

We are running a consultation to find out what residents, landlords, community groups, Councillors, and local businesses think about this. The consultation starts at **9am on Monday 21 November 2022** and closes at **12noon on Monday 30 January 2023**.

Please see the below map showing the proposed designated area.

## MAP OF DESIGNATED AREA



Please note that the Council will report on the outcome of the consultation, however, your personal details will not be published.

Details of Middlesbrough Council's Consultation Privacy Notice is available online via [www.middlesbrough.gov.uk/consultationsprivacy](http://www.middlesbrough.gov.uk/consultationsprivacy)

Details of Middlesbrough Council's Equality Monitoring Privacy Notice is available online via [www.middlesbrough.gov.uk/equalityprivacy](http://www.middlesbrough.gov.uk/equalityprivacy)

Requests for information should be made via the relevant channels and not using the survey as these are for comments only. Guidance is available online via [www.middlesbrough.gov.uk/foi](http://www.middlesbrough.gov.uk/foi)

## Section 1

### ABOUT YOU:

Name:

Company Name (if applicable):

Address:

Postcode:

Email address:

**S1:Q1 - Are you aware of the current Selective Licensing schemes?**

Yes

No

**S1:Q2 - Have you applied for a license under the current schemes?**

Yes

No

**S1:Q3 - How much do you know about Selective Licensing, and what services are provided?**



Nothing at all



Not much



Neutral



Some



A lot



**S1:Q4 - Have you received any help and support from the Selective Licensing Team about the following?**

	Yes	No
Tenancy support	<input type="radio"/>	<input type="radio"/>
Housing Disrepair	<input type="radio"/>	<input type="radio"/>
Tenancy Referencing	<input type="radio"/>	<input type="radio"/>
Advertising vacant properties	<input type="radio"/>	<input type="radio"/>
Advice on legal issues (i.e. serving notice for eviction)	<input type="radio"/>	<input type="radio"/>
Anti-social behaviour	<input type="radio"/>	<input type="radio"/>

**S1:Q5a - Have you seen any improvements in the area during the 5 years of the schemes?**

- Yes
  No
  Don't know

**S1:Q5b - Please provide details for your answer:**

**S1:Q6 - Are you a:** (Please select one:)

- |   |  |
|---|--|
| <input type="radio"/> Private Landlord in the proposed licensing zone   | <input type="radio"/> Social Landlord in proposed licensing zone   |
| <input type="radio"/> Managing/Letting Agent in proposed licensing zone | <input type="radio"/> Social rented tenant in proposed licensing zone  |
| <input type="radio"/> Business owner in proposed licensing zone         | <input type="radio"/> Other interested party: (e.g. any of the above in other areas of Middlesbrough, or voluntary/statutory sector organisations) |
| <input type="radio"/> Private Tenant in proposed licensing zone         |  |
| <input type="radio"/> Owner occupier in proposed licensing zone         | <input type="radio"/> Other  |



This consultation is in sections, please go the relevant section for you:

**Section 2: Questions for tenants/residents of the proposed licensing zone**

**Section 3: Questions for Landlords of the proposed licensing zone**

**Section 4: Questions for business in the proposed licensing zone**

**Section 5: Questions for other interested parties e.g. tenants, residents, landlords & businesses in the consultation area surrounding the proposed licensing zone**

**Section 6: Questions about the proposal (apply to everyone)**

## Section 2: Questions for tenants/residents of the proposed licensing zone

(If you are not a tenant/resident in the proposed licensing zone please skip to next section).

These questions seek your views on proposed licensing zone.

### S2:Q1 - How long have you lived in the proposed licensing zone?

- Less than a year     1 to 5 years     More than 5 years

### S2:Q2 - What type of property do you live in?

- Terraced house     Semi-detached house     Detached house  
 Bungalow     Maisonette     Flat  
 Other - If you have selected 'Other' please provide details below:

### S2:Q3 - How long do you intend to remain living in proposed licensing zone?

- Less than a year     1 to 5 years     More than 5 years



**S2:Q4 - Thinking about properties in your area owned by private landlords, how well do you think they maintain the properties to a good standard?**

—————  —————  —————  —————

Not well at all      Not well      Neutral      Well      Very well

**S2:Q5 - Overall, Do you think landlords act responsibly in letting, managing and maintaining their properties?**

Yes       No       Don't know

**S2:Q5b - Please provide details for your answer.**

**S2:Q6. - Do you think that private landlords take appropriate action against tenants who cause a nuisance or anti-social behaviour?**

Yes       No       Don't know

**S2:Q6b - Please provide details for your answer.**



**S2:Q7 - Please tell us if you think the following are issues in proposed licensing zone.**

	Yes	No	Don't know
The private rented sector	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Long-term empty properties	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Low house prices	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Households not staying for long, tenants coming and going	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Properties in substandard condition	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Anti-social behaviour	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**PLEASE GO TO SECTION 6**

**Section 3: Questions for Landlords of the proposed licensing zone**

(If you are not a landlord in the proposed licensing zone please skip to next section).

These questions seek your views on proposed licensing zone.

**S3:Q1 - How many properties do you own or manage in the proposed licensing zone?**

1     
  2     
  3     
  4     
  5     
  More than 5

**S3:Q2 - Thinking about private rented properties in the proposed licensing zone, how well do you think other landlords maintain their properties to a good standard?**

—————  —————  —————  —————

Not well at all      Not well      Neutral      Well      Very well



**S3:Q3 - Overall do you think other landlords in the proposed licensing zone act responsibly in letting, managing and maintaining their properties?**

Yes

No

Don't know

**S3:Q3b - Please provide details for your answer.**

**S3:Q4 - Do you think that private landlords take appropriate action against tenants who cause a nuisance or anti-social behaviour?**

Yes

No

Don't know

**S3:Q4b - Please provide details for your answer.**



**S3:Q5 - Please tell us if you think the following are issues in the proposed licensing zone.**

	Yes	No	Don't know
The private rented sector	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Long-term empty properties	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Low house prices	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Households not staying for long, tenants coming and going	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Properties in substandard condition	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Anti-social behaviour	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**S3:Q6 - Payment of the fee by instalments has been requested by some landlords in previous schemes. It is proposed that Instalment arrangements could only be applied to the second part of the fee and terms would be applied. To cover the cost of administering this, the Selective Licensing Team is proposing a fee of £100. To what extent do you agree or disagree with this proposal?**

Strongly disagree
  Disagree
  Neutral
  Agree
  Strongly agree

**PLEASE GO TO SECTION 6**

### Section 4: Questions for businesses in the proposed licensing zone

(If you are not a business in the proposed licensing zone please skip to next section).

These questions seek your views on the proposed licensing zone.

**S4:Q1 - What type of business are you? e.g. food outlet or newsagent.**



**S4:Q2 - Do you own or rent your business premises?**

- Own       Rent       Lease

**S4:Q3 - Have you experienced anti-social behaviour from tenants of privately rented properties in the proposed licensing zone?**

- Yes       No       I don't know

**S4:Q4 - Thinking about properties in your area owned by private landlords, how well do you think they maintain the properties to a good standard?**



**S4:Q5 - Do you think that the landlords in the proposed licensing zone where you have your business are good, responsible landlords?**

- Yes       No       Don't know

**S4:Q5b - Please provide details for your answer.**

**S4:Q6 - Do you think that landlords take appropriate action against tenants who cause nuisance or anti-social behaviour?**

- Yes
  No
  Don't know

**S4:Q6b - Please provide details for your answer.**

**S4:Q7 - Please tell us if you think the following are issues in the proposed licensing zone.**

	Yes	No	Don't know
Long-term empty properties	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Low house prices	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Households not staying for long, tenants coming and going	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Properties in substandard condition	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Anti-social behaviour	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The private rented sector	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**PLEASE GO TO SECTION 6**





### Section 5: Questions for other interested parties e.g. tenants, residents, landlords & businesses in the consultation area surrounding the proposed licensing zone

These questions seek your views on the proposed licensing zone.

**S5:Q1 - Thinking about private rented properties in the proposed licensing zone, how well do you think other landlords maintain their properties to a good standard?**

Not well at all       Not well       Neutral       Well       Very well

**S5:Q2 - Overall, do you think that landlords in the proposed licensing zone act responsibly in letting, managing and maintaining their properties?**

Yes       No       Don't know

**S5:Q2b - Please provide details for your answer.**

**S5:Q3 - Do you think that private landlords take appropriate action against tenants who cause a nuisance or anti-social behaviour?**

- Yes
  No
  Don't know

**S5:Q3b - Please provide details for your answer.**

**S5:Q4 - Please tell us if you think the following are issues in the proposed licensing zone.**

	Yes	No	Don't know
The private rented sector	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Long-term empty properties	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Low house prices	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Households not staying for long, tenants coming and going	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Properties in substandard condition	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Anti-social behaviour	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

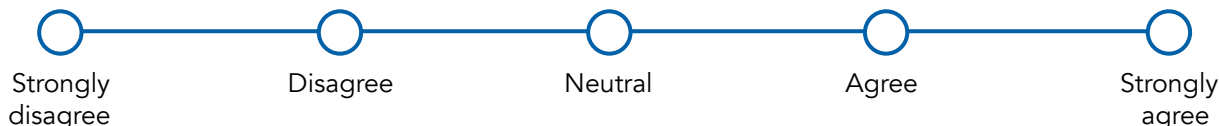


### Section 6: Questions about the proposal (apply to everyone)

These questions seek your views on the proposal to designate the proposed licensing zone as an area for Selective Landlord Licensing.

Having read the proposal for the proposed licensing zone.

**S6:Q1 - To what extent do you agree or disagree that the Selective Landlord Licensing of landlords would help to tackle some of the issues in the proposed licensing zone.**

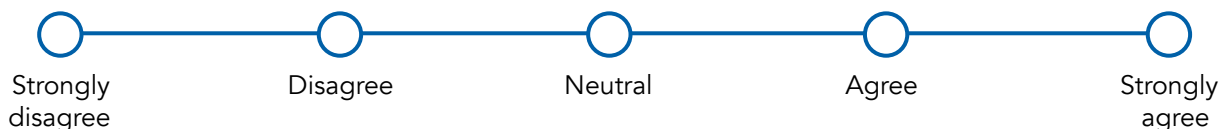


**S6:Q2 - The Council is proposing for all Licence applications to be made online, including submission of evidence/identification, to make the scheme more efficient. Do you think this is an effective method?**

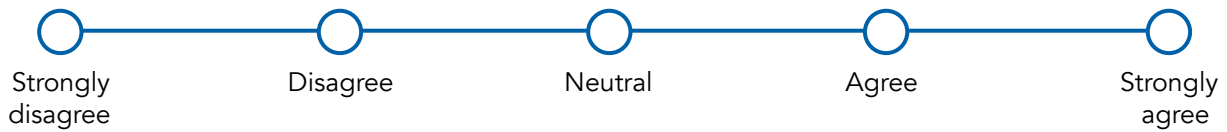
- Yes
- No
- Don't know

**S6:Q2b - If you have answered "No", please provide details for your answer.**

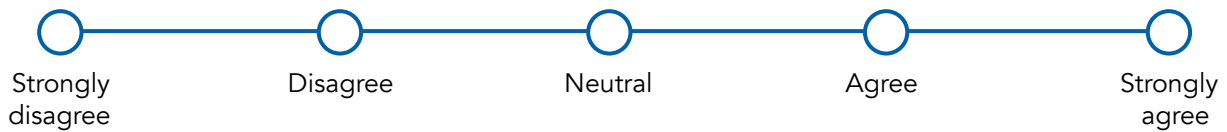
**S6:Q3 - To what extent do you agree or disagree with the proposed License conditions that landlords will need to meet?**



**S6:Q4 - To what extent do you agree or disagree with the programme of inspections to check compliance with license conditions?**



**S6:Q5 - To what extent do you agree or disagree with the Tenancy Relations support that will compliment licensing and help provide help/ assistance to tenants where they need it?**



**S6:Q6 - Do you think that landlords should be penalised if they are late applying and the local authority has incurred costs locating them?**

- Yes       No       Don't know

**S6:Q6b - Please provide details for your answer.**

**S6:Q7 - If you have any further comments regarding the proposal to introduce Selective Landlord Licensing in proposed licensing zone, please make them below:**



## Equality Monitoring

We want to make sure that all our services are delivered fairly. We are therefore asking you the following questions so that we can make sure that services meet everyone’s needs where reasonable and practicable.

**You do not have to answer these questions but by answering these questions you will help us to ensure that our services are fair and accessible to all. The information you provide will be kept confidential.**

We will use your answers to pull together statistical information that the Council will use to check the fairness of our services. Results of this anonymised monitoring information will be shared within the Council, however individuals will never be identified.

### GENDER

**Are you male or female?**

- Male
  Female
  Prefer not to say

**Is your gender the same now as it was when it was assigned at birth?**

- Male
  Female
  Prefer not to say

### AGE

**Please indicate which of these age bands you fit into?**

- 16-24
  25-34
  35-44
  45-54
  55-59  
 60-64
  65-74
  74+
  Prefer not to say

### DISABILITY

**Do you consider yourself to be a person with a disability?**

Under the Equality Act 2010 a person is disabled if they have a physical or mental impairment which has a substantial and long term adverse effect on their ability to carry out normal day to day activities.

- Male
  Female
  Prefer not to say



## ETHNICITY

To which of these groups do you consider you belong?

- |  |  |
|--|--|
| <input type="radio"/> White - British  | <input type="radio"/> Asian or British Asian - Chinese   |
| <input type="radio"/> White - Irish  | <input type="radio"/> Asian or British Asian - Any other Asian background (please write below) |
| <input type="radio"/> White - Gypsy or Irish Traveller   | <input type="radio"/> Mixed - White and Black Caribbean  |
| <input type="radio"/> White - Any other White background (please write below)                  | <input type="radio"/> Mixed - White and Black African  |
| <input type="radio"/> Black or Black British - Caribbean                                       | <input type="radio"/> Mixed - White and Asian  |
| <input type="radio"/> Black or Black British - African   | <input type="radio"/> Mixed - Any other Mixed background (please write below)                  |
| <input type="radio"/> Black or Black British - Any other Black background (please write below) | <input type="radio"/> Other ethnic group - Arab  |
| <input type="radio"/> Asian or British Asian - Indian  | <input type="radio"/> Other ethnic group - Any other background (please write below)           |
| <input type="radio"/> Asian or British Asian - Pakistani                                       | <input type="radio"/> Prefer not to say  |
| <input type="radio"/> Asian or British Asian - Bangladeshi                                     |  |

If you have selected an "Any other" ethnic group, please provide details below:

## RELIGION OR BELIEF

25. What is your religion or belief?

- |  |   |                                |  |
|--|---|--------------------------------|--|
| <input type="radio"/> Christianity   | <input type="radio"/> Islam             | <input type="radio"/> Sikhism  | <input type="radio"/> Hinduism             |
| <input type="radio"/> Humanism   | <input type="radio"/> Judaism           | <input type="radio"/> Buddhism | <input type="radio"/> Non-religious belief |
| <input type="radio"/> No religion  | <input type="radio"/> Prefer not to say |                                |  |
| <input type="radio"/> Other - If you have selected 'Other' please provide details below: |   |                                |  |

## SEXUAL ORIENTATION

What is your sexual orientation/sexuality?

- |  |                                   |                                |   |
|--|-----------------------------------|--------------------------------|---|
| <input type="radio"/> Heterosexual or straight | <input type="radio"/> Gay/Lesbian | <input type="radio"/> Bisexual | <input type="radio"/> Prefer not to say |
|--|-----------------------------------|--------------------------------|---|



**Thank you for taking the time to complete this survey, your views are important to us.**

You can find out more about this consultation or complete the survey online via:  
[www.middlesbrough.gov.uk/SLLconsultation](http://www.middlesbrough.gov.uk/SLLconsultation)

You can hand your completed questionnaire in at the reception desks at:  
**Streets Ahead on Parliament Road, Newport Hub on Union Street.**

Alternatively, you can post the questionnaires free of charge to:  
**Selective Landlord Licensing Team, Freepost RTBT-CHET-UAZK, Middlesbrough Council,  
Middlesbrough TS1 2RH**

The consultation starts at **9am on Monday 21 November 2022 and closes at  
12noon on Monday 30 January 2023.**

If you have any queries or require this information in an alternative language or format please email  
[licensing\\_consultation@middlesbrough.gov.uk](mailto:licensing_consultation@middlesbrough.gov.uk) or call **01642 728100**.

If you want to know more about the information the Authority holds about you, or the way the Authority uses that information please contact the: Data Protection Officer, PO Box 503, Town Hall, Middlesbrough, TS1 9FX. Middlesbrough Council is the Data Controller for the purposes of the Data Protection Act.



## APPENDIX D.

### E-mail and Telephone Objections, Questions and Responses to Newport 2 SLL Consultation

**Please note: The SLL e-mail inbox had the following automated response:** Thank you for your comments/response to the Selective Landlord Licensing consultation, we will not respond to individual responses. All responses will be fully considered before the Council makes a final decision on Selective Landlord Licensing.

Please note that the consultation period closes on Monday 30th January 2023, 12 Noon and any responses received after this date will not be taken into consideration.

<b>Ref No /Type of response</b>	<b><u>Summary of Response</u></b>	<b><u>Response from the Selective Licensing Team</u></b>
1/response from landlord	Rang to say wouldn't be objecting to this scheme as there's no point as the council does what it wants anyway, also to clarify what proposed cost per property would be.	£836 per Single Occupancy Household Unit  £20 per Fit and Proper Person Check – in respect of the proposed Licence Holder and the proposed manager (if a different person from the Licence Holder)
2/response from tenant	Wanted to know if he needed to do anything about the letter	Advised of the consultation.
3/response from tenant	Wanted to know if he needed to do anything about the letter	Advised of the consultation.
4/response from owner occupier (Also e-mailed)	Said the scheme is 'music to my ears' she supports it whole heartedly and thinks it's definitely what the area needs	Advised to email comments.
5/response from landlord (Also completed online questionnaire and attended face to face meeting)	Thinks the scheme is a waste of time, hasn't helped other side of Newport, has 11 properties and wanted to know if there was a discount for multiple as he had been told that there was. Other landlords have told him it doesn't work. Going to consult with his solicitor to block this	Informed that improvements had been made in other SLL scheme areas, told he'd been misinformed about discount for multiple properties. Said he was within his right to consult a solicitor.

6/response from tenant	Before the Council start looking at Landlords Middlesbrough town needs looking at, we need land reclamation, the pavements are sinking, houses need knocking down, big changes need to be made, and the town needs a fortune spending on it. Middlesbrough is in a very bad way and this is the opinion of a lot of people in the area. Tenant lives in social housing.	Comment noted, asked resident to complete the online questionnaire.
7/response from owner occupier	Said has received letter and did she need to do anything, also she has reported a girl who is drug dealing to the police.	Advised as an owner/occupier she didn't need to do anything but that she could give her views on the scheme by filling in the questionnaire.
8/response from landlord	She has a house that she rents to her son, she gets £430 a month from it and paid £139 in insurance and £900 for a new roof recently, keeps the house in good order and doesn't see why as a good landlady she should have to pay for this, that it hasn't improved Gresham area so doesn't see why she should have to do it. Wanted to get this information logged.	Informed the call would be logged and that she can also fill in the online questionnaire and email regarding the consultation. As immediate family lived in the property it would be exempt under the Housing Act 2004, exemptions.
9/response from unknown	Has received 5 letters at his address xxxxxxxx for C and T M, who own houses in the proposed scheme area, they no longer live at that address and haven't for 12 years. He doesn't want his address used for them anymore.	Informed that the address would be crossed off the contact sheet and that it was from info received from the land registry. Team will carry out further checks.
10/response from landlord (Also e-mailed)	Owns several properties within the consultation area, this has been tried 3 times and each time it doesn't work, I paid a huge amount for 2 lots and got one letter, it was of no benefit to me or my tenants, a complete waste of money, if my tenants have problems they come to me. SLL is a complete waste of time im a good landlord, my tenants are all international students, i pay the	Thanked him for his input, advised to also fill in the questionnaire. An evaluation of the North Ormesby scheme has been completed which shows the success of such schemes.

	<p>gas/electric/water/Wi-Fi for them and this is just another unnecessary cost on top which I will have to levy onto them now. I might as well sell all my properties as I hardly make anything to start with, I can't handle another cost and I wanted to register a complaint. It's a silly idea, this is Middlesbrough not London. I've already emailed and told my tenants to complain too.</p>	
11/response from owner occupier	<p>Received a letter but is letting us know that she owns her own home, also welcomes the idea as the area is not what it used to be.</p>	Directed to complete the online questionnaire.
12/ response from owner occupier	<p>It's a marvelous idea, landlords should have rules so they can't just put anyone in and bring the standards of the area up</p>	Directed to complete the online questionnaire.
13/response from tenant (not in proposed area)	<p>Dear Officers, New Licensing Scheme Consultation. I am a tenant in Wylam Street Middlesbrough. I used to live on Essex Street which will be effected by the latest intention. Indeed, I see now the Council are going to licence this area to obtain more money for things they should be doing through the Council tax already. I would make the following points: the inspection programme I have suffered is intrusive and unnecessary, I will never consent to it again. - licensing has not solved any of the problems in the current zone. - Rents rise because landlords pass the cost onto tenants. So in reality we end up paying for it. The Council think it is a great idea; but don't want to pay for it themselves. The Landlords pay the Council, and the tenants end up reimbursing them. You say that Selective landlord licensing would make sure your landlord is properly</p>	Received via letter. Comments noted.

	managing and maintaining your home. When my landlord already acts in a responsible manner I (and many like me) don't receive any additional benefit. I object to the new scheme but know very well that you will go ahead with it to increase your funds. Yours sincerely P H	
14/response unknown	Of the 4 stated aims of the scheme, the first three are already legal requirements and the prevention of anti-social behaviour is a job for local authorities and landlords have almost no power with regards to enforcement of this. This is a blatant "stealth tax" on landlords which will prevent investment in the area and has insignificant upsides.	Comments noted.  Landlords do have power to deal with antisocial tenants by serving the relevant eviction notice, It is also a condition of their Selective Landlord Licence. 'The Licence holder shall take reasonable and practical steps to reduce or prevent anti-social behaviour by persons occupying or visiting the house and the use of premises for illegal purposes'.
15/response from landlord	Pure waste of time, the council will implement regardless as it is a further revenue stream. Has it improved N Ormesby, clearly not?!	Comment Noted. North Ormesby evaluation shows improvements.
16/response landlord in one of the SLL areas	Would be interested to know what this has got to do with me?	Comments noted.
17/response from landlord (also sent letter)	We have received your consultation email. Please could you clarify why the proposed area to be licenced (coloured blue) is shown differently on the :- - Selective Landlord Licensing Licensing Extension Map; and the - Proposal by Middlesbrough Council to designate the area identified as Newport 2 for Selective Landlord Licensing document, and explain the reason for the differentiation. Please would you clarify which area is the correct extent of the proposed additional designation upon which consultation is being sought?	The consultation page (link below) 'which streets will be included section', has a list of streets included in the proposed designation.  <a href="http://www.middlesbrough.gov.uk/SLLconsultation">www.middlesbrough.gov.uk/SLLconsultation</a>  The confusion was around a small area highlighted that does not contain any properties.

18/response cllr	Thank you Judith. I'm happy for it! Cllr Storey	Comments noted.
19/response from tenant (Also telephoned)	As a person who is currently buying my house. I really could not be happier that this may be something that is put into place. It's not fair that I just have to just wait and see what I am going to be living next too, or over the road from. Something has got to be done to stop just anyone getting a houses and been able to just cause anti-social behaviour where ever they rent. Middlesbrough is awash with anti-social behaviour. The council need all the help they can get in been able to stamp out, landlords snapping up cheap properties and sticking who ever in them . While good residents have to live in fear of who has just moved in. I know the council is trying to do their best with this area. I for one am extremely supportive of this idea.	Comments noted.
20/response from landlord	I am sending this email to say that I no longer own my property at Newport ward. I sold it in 2020 . Kind regards	Comments noted.
21/response unknown	Blank e-mail	No response.
22/response unknown	Hi there, Could you e mail me a copy of the questionnaire or send me a link that works as I have tried using the one provided in your letter. Could you also define the streets that you are currently considering to fall into the licensing process?.	Website link e-mailed with list of streets and online questionnaire.
23/response from landlord (Also telephoned)	I know you won't listen to my voice and I realise I'm whistling in the wind, but remember rents are already being increased due to higher mortgage rates and higher energy bills(as I pay this for my students) another bill is not welcome, and certainly	Comments noted.  University accommodation is exempt under the Housing Act 2004 - If a property is occupied solely by students undertaking a full-time course of further or higher education,

	<p>one that doesn't serve any purpose. Your comments would be much appreciated, even though I know I won't get any. I hope you get the message that I'm very very angry about the whole suggestion of this once again, like many other landlords will also be I would imagine. Why can't you leave people alone to provide a service as were trying to do in trying circumstances. This is not the time to try introduce such irrelevant initiatives. I also see that if this goes ahead that if the University provides accommodation in this area then they don't have to pay this charge. Why are the exempt ????</p>	<p>and where the person managing or in control of it is the educational establishment.</p>
24/response from landlord	<p>Hi I thought all properties in New Port area are under selective licensing since .... Year ?</p>	<p>A map of the proposed area is included in the proposal document and a full list of streets for each of the Selective licensing areas including the proposed area are available on the Middlesbrough Council website.</p>
25/ response from Policy and Campaigns Officer	<p>Good afternoon, PropertyMark is the UK's leading professional body representing property agents in sales and lettings. I am hoping to respond to your selective licensing scheme consultation to extend the scheme into a larger area of the Newport ward. To help me with the consultation, have you got a wider private rented sector strategy, evidence base for starting the consultation or an evaluation of the current Newport or North Ormesby ward schemes. I would be extremely grateful for any assistance, and I would equally be happy to meet on teams to discuss the consultation or any other ways we could work together.</p>	<p>E-mailed the link below which takes you through to the consultation page on Middlesbrough Council website. There you will find the proposal document, appendices and the evaluation of the North Ormesby Selective Licensing Scheme.</p> <p><a href="https://www.middlesbrough.gov.uk/selective-landlord-licensing-consultation">https://www.middlesbrough.gov.uk/selective-landlord-licensing-consultation</a></p>
26/response from landlord	<p>I am private landlord with houses in Middlesbrough. I have been responsible for purchasing and</p>	<p>Comments noted.</p>

	<p>renovating several derelict properties in your area. They are all now managed by reputed estate agents within Middlesbrough. All my properties fully comply with the laws regarding EPC, EICR, Gas Safety Cert, CO2 alarms etc. This is further reinforced by having an independent estate agent managing my properties. I am totally against Selective Landlord Licensing. In my humble opinion it's just another way of local government making money from hardworking private landlords. In fact as parts of Newport are under the SLL catchment I have refrained from purchasing in those areas. This decision is echoed amongst all other private landlords looking to purchase in Middlesbrough. You should be encouraging people like ourselves to buy in your areas rather than put us off it, which is usually the result of SLL. All that is required is that any rented house in Middlesbrough should be managed by an estate agent who will ensure the protection of tenants.</p>	
27/response from unknown	Dear team, please note my address has changed from xxxxxxxxxxxx to xxxxxxxxxxxx I would be grateful if you could update your records	Comments noted.
28/response from landlord (online questionnaire completed)	Please note my change of address from xxxxxx to xxxxxx Thank you	Comments noted.
29/response from landlord	I am a landlord to a number of properties in the proposed licensing area. I think all of my properties would be covered in the new area.	Comments noted.

	<p>I am not really for or against the new area as I think and increased in living standards for students is a good thing. I have viewed lots of properties that are far below the standard I would expect and so have insisted that all of our properties are of a high standard.</p> <p>However, I do think that I should let you know that a policy like this drives out lots of local people from the area. I experienced this during my time living in Loughborough. Essentially what happens is the landlord who rent out to local people are having to experience the higher fees associated with having the licence. So they either sell the house to student landlords who can afford the new fees, or renovate it and rent out to students. The local people who lived there before then have to move to another area.</p> <p>As I say, I don't feel strongly either way about the licence personally. But I do feel that the above should be taken into consideration.</p>	
30/response from owner/managing agent	<p>As a property owner/ Manager of multiple properties in the Middlesbrough area, I am extremely concerned to have read your proposal to licence an additional area of the Newport ward.</p> <p>It is my opinion that selective licensing is driving out decent landlords as the excessive fee of over £800 for a licence is disproportionate to rental values and discourage investment.</p>	Comments noted.



	<p>It is clear that Middlesbrough council sees selective licensing as a way of obtaining funds for services which should already be paid for within existing budgets.</p> <p>I am concerned that this negative impact will further undermine confidence in the Newport ward and lead to greater social problems for the community.</p> <p>I therefore formally object this proposal.</p>	
<p>31/response from landlord and managing agent (E-mailed twice)</p>	<p>Proposed Newport 2 Selective Licensing Zone. I am a selective licence holder in Newport and North Ormesby. I am shocked to see that you intend to expand this money making scheme yet further. If the current schemes have not achieved their objectives then why expand the existing scheme further. The whole business of selective licensing is simply revenue generation for the authority. Landlords are fed up of being "taxed" in this way. I have see no tangible benefits to selective licensing, only downsides (principal cost). In terms of your suggestions that reported crime and ASB is down, that is mainly because people no longer bother reporting most crimes like criminal damage and burglarly as the police rarely attend and all you get is a crime number. If the figures have improved in this regard it is down to apathy and despondency, not progress. No doubt the scheme will be approved; that has already been decided I imagine. I object to the proposed designation and hope it will be formally challenged.</p>	<p>Comment Noted. North Ormesby evaluation shows a breakdown of results against each objective.</p>

32/response unknown	To whom this may concern. In my opinion selective licensing should be funded by Middlesbrough Council. Why should landlords have to pay to purchase a licence why don't the council part-fund this, I think this will increase rents as landlords will pass this cost on to tenants. Selective licensing moves people to other areas. What will the council do if people decide not to rent the houses? What will the council do if enough licences are not bought? I therefore object this proposal.	<p>Tenancy referencing is a mandatory condition of a licence to try and prevent the moving of anti-social tenants between areas.</p> <p>Once an area has been designated for Selective landlord licensing it is a legal requirement that all privately rented properties within that are licensed, unless they are an exemption under the Housing Act 2004.</p>
33/response from landlord	I object to the new proposed licenced area of Newport 2. The proposed fee of £836 is unbelievable. The Council may not have any spare money to put into the scheme, but neither have landlords. This fee is nearly double the original fee for North Ormesby scheme 1 and has shocked a lot of people.	Comments noted.
34/response from unknown	I object to the new proposed licenced area of Newport II. Why can the Council not part fund the scheme? Why does the landlord have to pay for it all? Whilst licences are not transferable under the Housing Act 2004, you could reduce the fee as the scheme proceeds. Who is going to pay £834 for a 9 month licence? The second North Ormesby scheme proposes a half fee for the last 6 months - that is hardly likely to appeal either. Selective licensing moves people to other areas. People who couldn't get a house in the original gresham licensing area have got houses in the area that may now also be licenced. How can the Council justify such a high cost just to move the problem round? What will the council do if people decide	<p>The calculation of the costs for delivering Newport 2 SLL scheme is consistent with both current SLL schemes (with an inflationary rise) and taking into account the expected number of properties which will require a licence. This proposed fee enables the scheme to be self-financing, it is calculated on the staffing requirements for the administration and regulation of the selective landlord licensing scheme.</p> <p>The fee does not reduce as the fee is set taking into account the various elements of work needed to administer and enforce the scheme; the number of officers required to fulfil these tasks and the officer time needed to complete them were identified and then costed.</p>

	<p>not to rent the houses? What will the council do if enough licences are not bought? The people who seem to support schemes like this are home owners. People who do not have to pay anything. It is no surprise that they encourage it. Why do the Council not also seek contributions from non landlords for projects like this through the Council tax? This is utterly disgusting for the council Charging this amount. The proposed fee of £836 is unbelievable. The Council may not have any spare money to put into the scheme, but neither have landlords. This fee is nearly double the original fee for North Ormesby scheme 1 and has shocked a lot of people.</p>	<p>Once an area has been designated for Selective landlord licensing it is a legal requirement that all privately rented properties within that are licensed, unless they are an exemption under the Housing Act 2004.</p>
35/response unknown	<p>Dear middlesbrough council. Our view is there is no need for selective landlord licensing at all.</p>	<p>Comments noted.</p>
36/response from Policy & Campaigns Officer (Second e-mail)	<p>Good evening, Please find attached a consultation response from Propertymark regarding the selective licensing scheme consultation in the Victoria and North Ormesby wards of Middlesborough.</p> <p>Middlesborough Council proposals to increase the selective licensing scheme to the whole of the Newport ward</p> <p>Response from Propertymark December 2022 Background</p> <p>1. Propertymark is the UK's leading professional body of property agents, with over 17,000 members. We are member-led with a Board which is made up of practicing agents and we work closely with our members to set professional</p>	<p>21/12/2022 - Telephone call to advise some of the information in his response is incorrect and gave an overview of what area's already have a Selective licensing scheme and which area we are consulting on. This was followed up with the below e-mail:</p> <p>As discussed the consultation is solely around the proposed designation of part of Newport ward in Middlesbrough. Victoria ward does not exist and North Ormesby ward has already been designated for a scheme. The link below has all the information around the proposal including the correct proposed fees.</p> <p><a href="https://www.middlesbrough.gov.uk/planning-and-housing/landlord-and-tenant-support/selective-landlord-licensing-consultation">https://www.middlesbrough.gov.uk/planning-and-housing/landlord-and-tenant-support/selective-landlord-licensing-consultation</a></p>

	<p>standards through regulation, accredited and recognised qualifications, an industry leading training programme and mandatory Continuing Professional Development.</p> <p>Overview</p> <p>2. Middlesborough Council are consulting on a proposal to extend a selective licensing scheme in the whole of the Newport ward.</p> <p>3. Thank you for the opportunity to respond to the consultation on the proposal for Middlesborough Council to extend the selective licensing scheme in the Newport ward of the borough. Propertymark is supportive of efforts made by local authorities to improve housing stock within the Private Rented Sector (PRS.) However, we do not believe that licensing is the best method to achieve this aim. Accordingly, we object to your proposal.</p> <p>4. Propertymark would prefer a regulatory framework, which seeks to educate landlords in improving their stock rather than punitive measures that are difficult to enforce and only punish compliant landlords letting those that require improvements to go undetected. We oppose this proposal on several grounds which are headed below.</p> <p>Licensing structure</p> <p>5. Fees - The council are proposing a flat fee of £836. This is quite a high fee and comes at a time when landlords are experiencing increased costs and considering exiting the market. Compare these proposed charges to £650 in Newcastle<sup>1</sup>, £640 in Brent in London<sup>2</sup> and £550 in Liverpool.<sup>3</sup></p>	
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	<p>6. Impact on supply of homes - Exiting the market is especially a concern for smaller landlords who are more likely to sell their properties and further shrink the supply of PRS properties leaving remaining private tenants with higher rents. Our research on the shrinkage of the PRS4 found 53% of buy to let properties sold in March 2022 left the PRS and that there were 49% less PRS properties to let in March 2022 compared with 2019. In addition to these concerns,</p> <ul style="list-style-type: none"><li>1 Fees and Charges.pdf (newcastle.gov.uk)</li><li>2 Project • Consultation on Selective Licensing of Private ... (brent.gov.uk)</li><li>3 Fees, discounts and exemptions - Liverpool City Council</li><li>4 A shrinking private rented sector   Propertymark</li></ul> <p>2</p> <p>those landlords who remain in the market, often have less money to improve conditions from increased costs.</p> <p>7. Better integration is needed - The proposal to extend the scheme is based on previous licensing schemes in part of the Newport ward and the North Ormesby ward. Although the consultation document references the Council's Strategic Plan, the scheme does not appear to have been integrated into part of a wider strategy to improve the PRS specifically. Schemes have more success when they are embedded into wider efforts to educate landlords on their responsibilities, tackle homelessness and deal with anti-social behaviour with the support of partners.</p>	
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	<p>8. No engagement with landlords and letting agents - For most cases of substandard accommodation, it is often down to landlord's lack of understanding rather than any intent to provide poor standards. Judging from the evidence provided, there does not appear to have been any landlord engagement on supporting them in understanding their responsibilities as landlords. A licensing scheme is a very reactive mechanism, and it is far more beneficial to have a programme of education to engage with landlords on helping them improve before a situation gets worse. The licensing conditions state that licence holders will have to attend property management courses when stipulated by the council, but details of this training is vague and there is no data supplied on previous training completed. There is evidence of efforts to engage via the landlord's forum, produce an accredited scheme and a specific forum for landlords operating within the scheme area. However, engagement is more credible over a longer more embedded period. Propertymark has a network of Regional Executives and a series of Regional Conferences that take place throughout the year.<sup>5</sup> We would be very happy to work with the council to engage with local agents over a virtual roundtable discussion on how standards can be improved.</p> <p>Evidence from previous scheme</p> <p>9. If the proposal is to increase the selective licensing scheme to the whole of the Newport ward, the justification for doing so is weak. The</p>	
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	<p>newsletter for the Newport ward in 2020 stated that it was too early for any prosecutions as the scheme was in its infancy. However, there was still no mention of the number of prosecutions for the following year. The consultation document also suggests the number of prosecutions has been low because landlords have paid for their licence retrospectively with no indication of prosecutions for poor standards. We would be grateful for clarification if the full evaluation of the North Ormesby selective licensing scheme has been conducted and if it hasn't then the scheme should be delayed until it is produced and used as part of the justification.</p> <p>10. The North Ormesby scheme is in its final year. During the final year of the scheme, the data within the newsletter reveals that activity to deter anti-social behaviour remains high. For example, there were 2,486 low level interventions, 955 medium interventions and 33 high interventions. It is not clear whether these statistics relate to the PRS or the area itself,</p> <p>5 <a href="https://www.propertymark.co.uk/about-us/board-and-governance.html">https://www.propertymark.co.uk/about-us/board-and-governance.html</a></p> <p>3</p> <p>besides the relatively high numbers indicate that the selective licensing is not achieving its aim of reducing anti-social behaviour and other methods that are more collegiate towards landlords should be adopted.</p> <p>Aims and objectives of the scheme</p>	
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	<p>11. Middlesbrough Council have identified several aims and objectives they wish to achieve from the scheme. Firstly, we welcome the opportunities for landlords and tenants to have access to Tenancy Relations Officers and would like clarity on how many officers will be resourced to occupy this potentially important role. Secondly, we are supportive of the council's commitment to give free advertising to empty properties. We would like further clarity if the council would consider signposting vulnerable tenants at risk of homelessness to these properties as part of their discharge of homelessness duties.</p> <p>12. The council has stated that selective licensing is a useful tool to reduce the number of empty homes within the proposed wards and is presumably an aim of the scheme. While we welcome free advertising of properties, the statement on empty properties lacks clarity. There is no mention of previous activity from the council on how empty homes have been tackled in the form of Empty Management Dwelling Orders, loans or grants available to bring these properties back into use or case studies involving empty properties. The council should provide further information into what active steps have been taken to reduce the number of empty properties within the city to aid the high number of people waiting on the housing list for social housing.</p> <p>13. The council have also identified reducing levels of anti-social behaviour and support for landlords dealing with anti-social tenants. Landlords are not</p>	
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	<p>the best equipped to deal with anti-social behaviour and certainly do not have the skills or capacity to deal with some tenants' problems such as mental health or drug and alcohol misuse. As one example, if a landlord or their agent had a tenant that was causing anti-social behaviour, the only tool that the landlord or agent could use would be to seek possession from the tenant under a Section 8 notice. While this would remedy the problem in the short-term, the tenant is likely to still occupy this behaviour and all that has been achieved is that the anti-social behaviour has moved from one part of Middlesbrough to another. In this context, it should be noted that with regards to reducing anti-social behaviour, landlords and their agents can only tackle behaviour within their properties. Effectively, they are managing a contract and not behaviour. Landlords and their agents are not responsible in any form for anti-social behaviour occurring outside the property. Nevertheless, we would be interested to learn about any partnership work the council are proposing with stakeholders such as Teesside Police in reducing anti-social behaviour within communities.</p> <p>Encouraging landlords not to take tenants with poor references</p> <p>14. Propertymark would like clarification on the council's proposal to encourage landlords not to let to tenants with poor references. As a point of clarity, what steps will the council take to support landlords in this regard. It would be useful if the council were to put a guidance</p>	
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	<p>4 document before introducing the scheme to outline its position on tenants with poor references. If landlords operating in the PRS do not let to these people, where will they be accommodated. This is contrary to the council's aims in tackling 'tenancy hopping' for those at most risk and would likely put them at the mercy of criminal landlords. Surely a more positive approach would be to support landlords and their agents with any tenants with deep rooted complex issues rather than encouraging them to exclude them from housing options.</p> <p>Conclusions and alternatives</p> <p>15. Propertymark believes that local authorities need a healthy private rented sector to complement the other housing in an area. This provides a variety of housing types that can meet the needs of both residents and landlords in the area. The sector is regulated, and enforcement is essential for keeping criminals who exploit landlords and tenants. An active enforcement policy that supports good landlords is crucial as it will remove those who exploit others and create a level playing field. It is essential to understand how the sector operates as landlords can often be victims of criminal activity and antisocial behaviour with their properties being exploited.</p> <p>16. If the scheme is approved, the council should consider providing an annual summary of outcomes to demonstrate to tenants and landlords' behaviour improvements and the impact of</p>	
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	<p>licensing on the designated area over the scheme's lifetime. This would improve transparency overall. Propertymark has a shared interest with Middlesborough Council in ensuring a high-quality private rented sector but strongly disagrees that the introduction of selective licensing is the most effective approach to achieve this aim both in the short term and long term.</p> <p>17. We would welcome the opportunity to work with Middlesborough council to further engage with our members in the local area.</p>	
<p>37/response from Policy &amp; Campaigns Officer (Third e-mail)</p>	<p>Middlesborough Council proposals to increase the selective licensing scheme to the whole of the Newport ward</p> <p>Response from Propertymark December 2022</p> <p>Background</p> <p>1. Propertymark is the UK's leading professional body of property agents, with over 17,000 members. We are member-led with a Board which is made up of practicing agents and we work closely with our members to set professional standards through regulation, accredited and recognised qualifications, an industry leading training programme and mandatory Continuing Professional Development.</p> <p>Overview</p> <p>2. Middlesborough Council are consulting on a proposal to extend a selective licensing scheme in the whole of the Newport ward.</p> <p>3. Thank you for the opportunity to respond to the consultation on the proposal for Middlesborough</p>	<p>Comments noted</p>

	<p>Council to extend the selective licensing scheme in the Newport ward of the borough. Propertymark is supportive of efforts made by local authorities to improve housing stock within the Private Rented Sector (PRS.) However, we do not believe that licensing is the best method to achieve this aim. Accordingly, we object to your proposal.</p> <p>4. Propertymark would prefer a regulatory framework, which seeks to educate landlords in improving their stock rather than punitive measures that are difficult to enforce and only punish compliant landlords letting those that require improvements to go undetected. We oppose this proposal on several grounds which are headed below.</p> <p>Licensing structure</p> <p>5. Fees - The council are proposing a flat fee of £836. This is quite a high fee and comes at a time when landlords are experiencing increased costs and considering exiting the market. Compare these proposed charges to £650 in Newcastle<sup>1</sup>, £640 in Brent in London<sup>2</sup> and £550 in Liverpool.<sup>3</sup></p> <p>6. Impact on supply of homes - Exiting the market is especially a concern for smaller landlords who are more likely to sell their properties and further shrink the supply of PRS properties leaving remaining private tenants with higher rents. Our research on the shrinkage of the PRS<sup>4</sup> found 53% of buy to let properties sold in March 2022 left the PRS and that there were 49% less PRS properties to let in March 2022 compared with 2019. In addition to these concerns,</p>	
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	<p>1 Fees and Charges.pdf (newcastle.gov.uk) 2 Project • Consultation on Selective Licensing of Private ... (brent.gov.uk) 3 Fees, discounts and exemptions - Liverpool City Council 4 A shrinking private rented sector   Propertymark 2 those landlords who remain in the market, often have less money to improve conditions from increased costs. 7. Better integration is needed - The proposal to extend the scheme is based on previous licensing schemes in part of the Newport ward and the North Ormesby ward. Although the consultation document references the Council's Strategic Plan, the scheme does not appear to have been integrated into part of a wider strategy to improve the PRS specifically. Schemes have more success when they are embedded into wider efforts to educate landlords on their responsibilities, tackle homelessness and deal with anti-social behaviour with the support of partners. 8. No engagement with landlords and letting agents - For most cases of substandard accommodation, it is often down to landlord's lack of understanding rather than any intent to provide poor standards. Judging from the evidence provided, there does not appear to have been any landlord engagement on supporting them in understanding their responsibilities as landlords. A licensing scheme is a very reactive mechanism, and it is far more beneficial to have a programme</p>	
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	<p>of education to engage with landlords on helping them improve before a situation gets worse. The licensing conditions state that licence holders will have to attend property management courses when stipulated by the council, but details of this training is vague and there is no data supplied on previous training completed. There is evidence of efforts to engage via the landlord's forum, produce an accredited scheme and a specific forum for landlords operating within the scheme area. However, engagement is more credible over a longer more embedded period. Propertymark has a network of Regional Executives and a series of Regional Conferences that take place throughout the year.<sup>5</sup> We would be very happy to work with the council to engage with local agents over a virtual roundtable discussion on how standards can be improved.</p> <p>Evidence from previous scheme</p> <p>9. If the proposal is to increase the selective licensing scheme to the whole of the Newport ward, the justification for doing so is weak. The newsletter for the Newport ward in 2020 stated that it was too early for any prosecutions as the scheme was in its infancy. However, there was still no mention of the number of prosecutions for the following year. The consultation document also suggests the number of prosecutions has been low because landlords have paid for their licence retrospectively with no indication of prosecutions for poor standards. We would be grateful for clarification if the full evaluation of the North</p>	<p>Training in relation to Anti-social behavior powers and Housing Health &amp; Safety Rating (HHSRS) has been offered with little to no take up.</p>
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	<p>Ormesby selective licensing scheme has been conducted and if it hasn't then the scheme should be delayed until it is produced and used as part of the justification.</p> <p>10. The North Ormesby scheme is in its final year. During the final year of the scheme, the data within the newsletter reveals that activity to deter anti-social behaviour remains high. For example, there were 2,486 low level interventions, 955 medium interventions and 33 high interventions. It is not clear whether these statistics relate to the PRS or the area itself, besides the relatively high numbers indicate that the selective licensing is not achieving its aim of reducing anti-social behaviour and other methods that are more collegiate towards landlords should be adopted.</p> <p>Aims and objectives of the scheme</p> <p>11. Middlesbrough Council have identified several aims and objectives they wish to achieve from the scheme. Firstly, we welcome the opportunities for landlords and tenants to have access to Tenancy Relations Officers and would like clarity on how many officers will be resourced to occupy this potentially important role. Secondly, we are supportive of the council's commitment to give free advertising to empty properties. We would like further clarity if the council would consider signposting vulnerable tenants at risk of homelessness to these properties as part of their discharge of homelessness duties.</p>	<p>A full evaluation of the North Ormesby scheme was completed before Executive agreed to its re-designation in 2021.</p>
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	<p>12. The council has stated that selective licensing is a useful tool to reduce the number of empty homes within the proposed wards and is presumably an aim of the scheme. While we welcome free advertising of properties, the statement on empty properties lacks clarity. There is no mention of previous activity from the council on how empty homes have been tackled in the form of Empty Management Dwelling Orders, loans or grants available to bring these properties back into use or case studies involving empty properties. The council should provide further information into what active steps have been taken to reduce the number of empty properties within the city to aid the high number of people waiting on the housing list for social housing.</p> <p>13. The council have also identified reducing levels of anti-social behaviour and support for landlords dealing with anti-social tenants. Landlords are not the best equipped to deal with anti-social behaviour and certainly do not have the skills or capacity to deal with some tenants' problems such as mental health or drug and alcohol misuse. As one example, if a landlord or their agent had a tenant that was causing anti-social behaviour, the only tool that the landlord or agent could use would be to seek possession from the tenant under a Section 8 notice. While this would remedy the problem in the short-term, the tenant is likely to still occupy this behaviour and all that has been achieved is that the anti-social behaviour has moved from one part of Middlesbrough to another. In this context, it</p>	<p>Each scheme has one full time equivalent Tenancy Relations Officer.</p> <p>The property adverts are shared with internal and external partners including the Council's homeless team.</p> <p>The Council offered the Rent and Refurb scheme which was a match funding scheme to help landlords with bringing empty properties back into use.</p> <p>We have found that by having the scheme and the licence condition (see below), landlords and enforcement officers</p>
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	<p>should be noted that with regards to reducing anti-social behaviour, landlords and their agents can only tackle behaviour within their properties. Effectively, they are managing a contract and not behaviour. Landlords and their agents are not responsible in any form for anti-social behaviour occurring outside the property. Nevertheless, we would be interested to learn about any partnership work the council are proposing with stakeholders such as Teesside Police in reducing anti-social behaviour within communities.</p> <p>Encouraging landlords not to take tenants with poor references</p> <p>14. PropertyMark would like clarification on the council's proposal to encourage landlords not to let to tenants with poor references. As a point of clarity, what steps will the council take to support landlords in this regard? It would be useful if the council were to put a guidance document before introducing the scheme to outline its position on tenants with poor references. If landlords operating in the PRS do not let to these people, where will they be accommodated. This is contrary to the council's aims in tackling 'tenancy hopping' for those at most risk and would likely put them at the mercy of criminal landlords. Surely a more positive approach would be to support landlords and their agents with any tenants with deep rooted complex issues rather than encouraging them to exclude them from housing options.</p> <p>Conclusions and alternatives</p>	<p>work jointly in relation to anti-social behaviour issues identified this has a quicker and more pro-active response to the issues identified.</p> <p>c) cooperate with Middlesbrough Council, Cleveland Police and other agencies in resolving complaints of anti-social behaviour or criminal activity. The Licence holder and/or their nominated Managing Agent must not ignore or fail to take action against any complaints regarding their tenants. Written records of action taken, shall be maintained and made available for inspection by an authorised officer of Middlesbrough Council on request.</p> <p>Tenancy referencing is a mandatory condition of a licence to try and prevent the moving of antisocial tenants between areas.</p> <p>The Neighbourhood Safety Officers work in partnership with police to tackle crime and antisocial behavior in the designated areas. Officers attend daily police briefing meetings, carry out joint home visit and joint walkabouts. They work together with NSO, Street wardens and residents to gather and submit intelligence in relation to drug dealing and anti-social behaviour in the local area which has resulted in House Closures and also several landlords serving notice on problematic tenants.</p> <p>Mandatory licence condition: The licence holder must demand and obtain references for all prospective occupiers before they are offered a tenancy</p>
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	<p>15. Propertymark believes that local authorities need a healthy private rented sector to complement the other housing in an area. This provides a variety of housing types that can meet the needs of both residents and landlords in the area. The sector is regulated, and enforcement is essential for keeping criminals who exploit landlords and tenants. An active enforcement policy that supports good landlords is crucial as it will remove those who exploit others and create a level playing field. It is essential to understand how the sector operates as landlords can often be victims of criminal activity and antisocial behaviour with their properties being exploited.</p> <p>16. If the scheme is approved, the council should consider providing an annual summary of outcomes to demonstrate to tenants and landlords' behaviour improvements and the impact of licensing on the designated area over the scheme's lifetime. This would improve transparency overall. Propertymark has a shared interest with Middlesborough Council in ensuring a high-quality private rented sector but strongly disagrees that the introduction of selective licensing is the most effective approach to achieve this aim both in the short term and long term.</p> <p>17. We would welcome the opportunity to work with Middlesborough council to further engage with our members in the local area.</p>	<p>of the house to enable the licence holder to make an informed decision regarding occupancy of the property.</p> <p>Middlesbrough Council website in regard to tenancy referencing states: In a Selective Licensing area, the Tenancy Relations Officers will continue to provide support to both landlords and tenants as below.</p> <p>While we acknowledge that people need somewhere to live, the Tenancy Referencing Service would advise that a package of support be put in place if landlords are going to rehouse a 'red' client. This is to prevent any repetition of previous issues and assist in sustaining the new tenancy. Tenancy Relations Officers can recommend various support agencies to landlords seeking advice regarding their tenants.</p> <p>If there are any complaints of anti-social behaviour, Neighbourhood Safety Officers will support the landlord to resolve the issues. The landlord will be contacted by a Neighbourhood Safety Officer who will discuss the concerns and conduct joint visits, and provide copies of any warning letters sent to the tenant(s). The landlord will also be invited to any interviews where necessary. Should issues of anti-social behaviour persist then help can be given with preparing and serving a notice of seeking possession if appropriate. More information about anti-social behaviour can be found on the anti-social behaviour page.</p> <p>Comment noted</p>
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<p>38/response from managing agent</p>	<p>I have managed property in Middlesbrough for over 45 years during which time the quality of the vast quantity of properties has improved significantly.</p> <p>I have previously responded (negatively) to consultations in respect of the first and second North Ormesby and the initial Newport selective licensing schemes both by correspondence and by attending consultation meetings.</p> <p>It will therefore not surprise you to learn that I remain to be convinced on the effectiveness of selective licensing schemes seeing them simply as a fund-raising initiative for Middlesbrough Council at the expense of private sector landlords.</p> <p>In my opinion Middlesbrough Council should finish the jobs that they have started with the existing schemes before attempting to extend the area of the Newport Scheme. As managing agents, we manage a substantial number of properties within the existing Newport area and are aware that inspections on many have still to take place. We manage another 19 in the proposed extended area. Where inspections have taken place in the majority of cases only relatively minor items have been brought to our attention e.g. fitting plastic film to the glass above internal doors and remedial work on any more significant issues e.g. damp was already in hand. This sort of thing could far more easily (and more importantly more cheaply) be</p>	<p>Discount on Selective Licensing Fees is not offered to landlords who are NRLA members or use agents who are members of quality assurance schemes due to the fact that the fee is set taking into account the various elements of work needed to administer and enforce the scheme; the number of officers required to fulfil these tasks and the officer time needed to complete them were identified and then costed.</p>
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	<p>addressed by a simple 'round robin' email drawing it to our attention.</p> <p>Every pound spent by landlords in licensing fees is a pound that they can't spend on their properties. Fees for 19 properties at say £750 each takes over £14,000 out of potential maintenance... Despite what Middlesbrough Council and others may think landlords are not bottomless money pits! Times are already hard in the private sector and changes imposed by central government over recent years coupled with interest rate rises and utility prices (where all inclusive rents are offered) mean that some landlords have loss making properties. The result will be increased rents for tenants, vacant properties and landlords selling their properties which will reduce the available stock of affordable rented properties in Middlesbrough. Selective licensing in my opinion will only increase any existing problems not solve them.</p> <p>Middlesbrough Council has sufficient powers available to it under existing legislation to pursue 'rogue' landlords where they are a problem without penalising good and conscientious landlords who either manage properties well themselves e.g. NRLA members or use agents like ourselves who are members of quality schemes such as SafeAgent and the NRLA. To date no discount on Selective Licensing Fees has ever been offered to landlords who are NRLA members of use agents who are members of quality assurance schemes.</p>	
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	<p>This confirms my belief regarding selective licensing being a simple fund-raising scheme. Further, Middlesbrough Council seem to believe that they are the only people capable of identifying issues. It is very frustrating for us to see our landlords must pay for licences when we know they already work to keep their properties in good condition, as inspections under the present Newport scheme have shown, and money spent on fees could be used to improve properties that are being kept empty awaiting refurbishment, where punitive (200% &amp; 300%) Council Tax rates for empty properties are adding insult to injury.</p> <p>Some time ago I attended a meeting of landlords with the (then recently elected) mayor Andy Preston at which he said that he could do nothing about the first Newport selective licensing scheme as it had already been 'voted through' but understood landlords' concerns. I am sure the concerns expressed then remain and are enhanced by the additional difficulties (identified above) that private sector landlords find themselves in at present. I would be interested to learn the mayor's views.</p> <p>I am therefore, in conclusion, strongly against any extension of the existing Newport Scheme until the aims and objectives of the present scheme can be demonstrated objectively to have been a success.</p>	
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<p>39/response from face to face meeting</p>	<p>Landlord meeting 20<sup>th</sup> January 2023</p> <p>This meeting was requested by landlords. Five landlords turned up and met with the Selective licensing manager and Head of Public Protection.</p> <p>Discussions/Questions below:</p> <p>Seen area change from good to bad - area deteriorating/drug dealing - tenant 7yrs, overnight changed.</p> <p>Money wasted - on locality office</p> <p>Phone lines - not answered.</p> <p>Vulnerable person in a property</p> <p>Application was made on a property no documents provided since the time of application.</p>	<p>Within each scheme there is a designated Neighbourhood Safety Officer who deals with anti-social behavior and works closely with police partners and Wardens.</p> <p>The fee is set taking into account the various elements of work needed to administer and enforce the scheme; the number of officers required to fulfil these tasks and the officer time needed to complete them were identified and then costed. The fee does not pay for Council offices/buildings.</p> <p>The phone lines are on a pick up system that circulates through all team, however officers are often out and about in the area carrying out inspections, property checks etc. so not always office based. Officers will e-mail all licensees with officer's mobile numbers and there is also the option to e-mail the team and an officer will make contact.</p> <p>Officers are aware of the property and an officer is currently dealing with the issue.</p> <p>Documents were provided at the time of the application in 2019. Licence conditions state that: If gas is supplied to the</p>
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	<p>Why are Thirteen and social housing not included in the licensing.</p> <p>Is this the best time to bring in SLL, due to the cost of living and mortgage increases? Wrong time to put licensing in, postpone it</p> <p>HHSRS - i.e. window restrictor. With 60yr old.</p> <p>Where is the current scheme?</p>	<p>house, the Licence holder shall provide to Middlesbrough Council a Gas Safety Certificate issued within the previous 12 months at the time of the application and thereafter annually. Documents are also requested and checked at the time of inspection.</p> <p>S79 HA 2004  (3)A tenancy or licence is an exempt tenancy or licence if[F1—  (a)it is granted by a non-profit registered provider of social housing,  (b)it is granted by a profit-making registered provider of social housing in respect of social housing (within the meaning of Part 2 of the Housing and Regeneration Act 2008), or  (c)]it is granted by a body which is registered as a social landlord under Part 1 of the Housing Act 1996 (c. 52).</p> <p>Comments noted.</p> <p>When we inspect a property the Housing Health and Safety Rating System (HHSRS) is applied. When local authority officers inspect a dwelling they will look for any risk of harm to an actual or potential occupier of a dwelling, which results from any deficiency that can give rise to a hazard. They will judge the severity of the risk by thinking about the likelihood of an occurrence that could cause harm over the next twelve months, and the range of harms that could result. The local authority officer will make these judgements by reference to those who, mostly based on age, would be most vulnerable</p>
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	<p>Why again is the Gresham area been licensed when there was a scheme previously.</p> <p>Don't think we get value for money. We are paying you a licence to keep team in a job.</p> <p>What do you think will work - No SLL at all.</p> <p>We will have to pass the cost onto tenants, in April</p> <p>Can we stagger a payment and fees annually</p> <p>Where is the justification for the costs compared to other licensing areas. Liverpool £550 - discount for</p>	<p>to the hazard, even if people in these age groups may not actually be living in the property at the time.</p> <p>Link to the SLL website which can provide all the current schemes information including list of streets.  <a href="https://www.middlesbrough.gov.uk/planning-and-housing/landlord-and-tenant-support/selective-landlord-licensing-scheme">https://www.middlesbrough.gov.uk/planning-and-housing/landlord-and-tenant-support/selective-landlord-licensing-scheme</a></p> <p>Designations only last 5 years and the previous scheme ran its course; however, the major lessons learned were that it needed a dedicated team to ensure its success; closer liaison with the stakeholder agencies; closer working with landlords and more robust action for landlord illegality.</p> <p>Comments noted.</p> <p>Comments noted.</p> <p>Comments noted.</p> <p>The fee is paid in two parts and it is proposed that Instalment arrangements could only be applied to the second part of the fee, the initial payment covers the cost of administering the application process. It is proposed that fees could be paid over a term of between 6 and 12 months depending on the number of properties to be licensed. Terms would be applied and to cover the cost of</p>
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	<p>new builds, up to date EPC and landlord accreditation scheme</p> <p>Landlord forum/meeting can this be brought in. Talked about central pro-active inspections - difficulty getting landlords/tenants involved.</p> <p>Expectations - Team/Landlords</p> <p>Discussed the timing of implementation.</p> <p>E-mail 6 weekly update of facts to licence holders</p>	<p>administering this a fee of £100 is proposed. Any landlord who defaults on payments would not be offered payment by instalments for subsequent licenses.</p> <p>Discount on Selective Licensing Fees is not offered to landlords who are NRLA members or use agents who are members of quality assurance schemes due to the fact that the fee is set taking into account the various elements of work needed to administer and enforce the scheme; the number of officers required to fulfil these tasks and the officer time needed to complete them were identified and then costed.</p> <p>Yes we have tried to implement this in previous schemes but had no take up from landlords. We are happy to try and implement again.</p> <p>Discussion.</p> <p>Timescales are dependent on reports getting to Executive meeting for approval. There is a potential impact of Purdah which may delay the Executive decision for several months.</p> <p>This will be implemented into both current schemes and if approval is given any future schemes.</p>
40/response from NRLA	<p>Middlesbrough Selective Licensing Proposals</p> <p>The NRLA is an association following the National Landlords Association's and the Residential Landlords Association completed merger. Our membership represents over 100,000 landlords and agents, the largest organisation in the sector.</p>	

	<p>Members own and manage around 10% of the PRS, equating to half a million properties.</p> <p>The NRLA would like to thank the council for the opportunity to respond to the selective licensing consultation and submit our comments to the proposals.</p> <p>While we appreciate the points raised in the consultation document, and though we understand the council's issues and their effect on tenants, landlords, and the housing market in the areas proposed, the NRLA is opposed to the proposed licensing scheme.</p> <p>Main Objections</p> <p>Licence conditions</p> <p>"The Licence holder shall ensure that: a) the tenants are instructed in their responsibilities in respect of refuse storage and disposal, to include details of what day refuse collections take place and what type of receptacle to use for household waste and recycling."</p> <p>When tenants are nearing the end of their contract/tenancy and are moving out, they will dispose of excess household waste through various methods. These include but are not limited to putting waste out on the street for the council to collect. This was hoping to get their deposit back</p>	<p>Comments noted</p>
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	<p>and worsened when the council needed to allow landlords access to municipal waste collection points. Local authorities with many privately rented properties need to consider a strategy for collecting excess waste at the end of a tenancy in place of selective licensing.</p> <p>Additional fee for DBS Checks</p> <p>The council proposes a £20 DBS check fee, which is potentially unlawful as it would be classed as an additional fee. The power to charge a fee is set out in s63(3) and s87(3) of the Housing Act 2004, with the fee-charging power being limited by s63(7) or s87(7). These state that a fee must reflect the cost of running a scheme, with the local authority not being permitted to make a profit. The fee can be used for the scheme's operation, necessary inspections, promoting education and all enforcement activity to ensure the scheme is effective. Also, fees are only chargeable in respect of the application itself and not in respect of ancillary matters.</p> <p>No other charges can be implemented under the licensing regime, a point confirmed by the RPT (as was) in <i>Crompton v Oxford City Council</i> [2013]. Because of this, Oxford amended its fee structure to reflect this ruling. While we appreciate the need for local authorities to use their resources efficiently, this only extends to the charging of fees that are lawfully permitted.</p>	<p>This is not a DBS check. Under S88 (3) of the Housing Act 2004, for the we have a legal duty to determine:</p> <p>(a)that the proposed licence holder—</p> <p>(i)is a fit and proper person to be the licence holder, and</p> <p>(ii)is, out of all the persons reasonably available to be the licence holder in respect of the house, the most appropriate person to be the licence holder;</p> <p>Under S89 (1) of the Housing Act 2004 In deciding for the purposes of section 88(3)(a) or (c) whether a person (“P”) is a fit and proper person to be the licence holder or (as the case may be) the manager of the house, the local housing authority must have regard (among other things) to any evidence within subsection (2) or (3).</p> <p>The fee charged is for administering the checks for each applicant and is separated as it is per applicant and not per property.</p>
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	<p>Should the scheme move forward and be approved, the council should not proceed with the DBS check fee.</p> <p>Antisocial Behaviour</p> <p>Landlords are usually not experienced in managing antisocial behaviour and do not have the professional capacity to resolve tenants' mental health issues or substance dependency. If there are allegations about a tenant causing problems, a landlord ends the tenancy. In that case, the landlord will have dispatched their obligations under the selective licensing scheme, even if the tenant suffers from any of the above issues.</p> <p>At the commencement of a tenancy, the landlord outlines the tenant's obligations concerning noise (and other matters such as waste disposal, compliance with relevant legislation, and consideration for surrounding neighbours). The landlord can manage a tenant only to the extent of their mutually signed and agreed contract for living in the property- not for a tenant's activities beyond this.</p> <p>Conclusions</p> <p>The NRLA believes local authorities need a healthy private rented sector to complement the other housing in an area. This provides a variety of housing types that can meet the needs of residents</p>	<p>We have found that by having the scheme and the licence condition (see below), landlords and enforcement officers work jointly in relation to anti-social behaviour issues identified this has a quicker and more pro-active response to the issues identified.</p> <p>c) cooperate with Middlesbrough Council, Cleveland Police and other agencies in resolving complaints of anti-social behaviour or criminal activity. The Licence holder and/or their nominated Managing Agent must not ignore or fail to take action against any complaints regarding their tenants. Written records of action taken, shall be maintained and made available for inspection by an authorised officer of Middlesbrough Council on request.</p>
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	<p>and landlords in the area. The sector is regulated, and enforcement is essential for keeping criminals who exploit landlords and tenants. An active enforcement policy that supports good landlords is crucial as it will remove those who exploit others and create a level playing field. It is essential to understand how the sector operates as landlords can often be victims of criminal activity and antisocial behaviour with their properties being exploited.</p> <p>If the scheme is approved, the council should consider providing an annual summary of outcomes to demonstrate improvements to tenants' and landlords' behaviour and the impact of licensing on the designated area over the scheme's lifetime. This would improve transparency overall.</p> <p>The NRLA has a shared interest with Middlesbrough Council in ensuring a high-quality private rented sector but strongly disagrees that introducing selective licensing is the most effective approach to achieve this aim both in the short term and long term.</p>	<p>Comments noted</p>
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41/response unknown	<p>Hi I don't agree to the selective licensing at the Newport because it's hasn't worked in Gresham ward, It's a High cost to the landlord in the current situation There is a high rental demand and will put landlord off investing in the ward.</p> <p>I hope you understand</p>	Comments noted.
42/response from Landlord	<p><b>SELECTIVE LICENSING CONSULTATION FOR "NEWPORT 2"</b></p> <p>I own multiple properties across the existing licensing zones.</p> <p>I do not own any in the proposed "Newport 2", and I doubt I will be buying any given your indication that it is to be subject to selective licensing. I have read the minutes of the meeting of the Executive on Tuesday 18th October, 2022 - 11.00 am (Item 22/43), authorising this consultation.</p> <p><b>OBJECTION</b></p> <p>I formally object to the proposed designation. Whilst I object to the proposed Newport 2 designation I accept, in reality, that you have already decided it will be going ahead, and this 10 week consultation is nothing more than a disingenuous PR exercise required in order to "tick the necessary boxes" in an attempt to avoid legal challenge (in respect of this designation, at least) and avoid requiring the approval of the Secretary of State for your revenue generating "extension" of the existing scheme. I consider the Authority to be rapacious and opportunist.</p> <p><b>CONSULTATION RELEVANCE</b></p> <p>The starting point is to say that I have no confidence, at all, in the Authority taking any notice</p>	Comments noted.

	<p>of objections to the proposal. You may ask how I feel able to make such a bold statement? In the Report of the Director for Adult Social Care and Health Integration - Erik Scollay, submitted to the Executive Member for Regeneration - Councillor Ashley Waters on 16 February 2021 entitled "Re-designation of North Ormesby Selective Landlord Licensing - Consultation Responses and Approval to Proceed with the Redesignation" the perceived arrogance of the Authority is ultimately laid bare where it is stated at paragraph 74:- <i>"In summary, there has been a low number of responses to the consultation. There are 816 private rented properties in the current Selective Landlord Licensing scheme, and 427 landlords. There have been 36 responses from landlords, which represents 8% of the landlords in the North Ormesby Selective Landlord Licensing area. <b>It could be assumed that the 92% who did not respond to the consultation do not have any strong views or do not object to the proposals for re-designating the Selective Landlord Licensing scheme in North Ormesby.</b>"</i> Could it really? How convenient.</p> <p>The Authority has absolutely no right or justifiable basis to assume, or proffer that it <i>could be assumed</i>, that those who did not comment did not have strong views, or did not object. Indeed, I know a number of landlords in North Ormesby who did not object, and I have asked them why they did not respond and the reasons given included:-</p> <p>(1) what is the point? The Council don't listen.</p>	<p>The consultation process is to gather views and to allow everyone to respond.</p>
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	<p><i>Map; and the - document, Proposal by Middlesbrough Council to designate the area identified as Newport 2 for Selective Landlord Licensing and explain the reason for the differentiation. Please would you clarify which area is the correct extent of the proposed additional designation upon which consultation is being sought.</i>" The prompt, but unsatisfactory, response to this email on Tuesday 22 November 2022 stated:- <i>"The consultation page (link below) ' which streets will be included section', has a list of streets included in the proposed designation."</i></p> <p>This is hardly of assistance when the additional area delineated would include newly designated streets upon completion of the development, some of which will be part privately owned and potentially capable of being rented to tenants thereby requiring selective licensing, or possibly, student accommodation. The fact that these two documents show a different area in each case is unacceptable and a material misdirection to interested parties.</p> <p>Further, the fee to be charged in referred to as £760 in some places, e.g on the proposals to extend notification at:- <a href="https://www.middlesbrough.gov.uk/news/proposals-extend-private-landlord-licensing">https://www.middlesbrough.gov.uk/news/proposals-extend-private-landlord-licensing</a> where it is stated:- <i>Middlesbrough Council's Executive met this week to discuss the proposals. They agreed the cost to private landlords would be £760 with a £20 fit and proper person test for a five-year licence. and £836 in the "Licensing Fees"</i></p>	<p>At the same Executive meeting as the Selective Landlord Licensing report was presented Executive also approved a subsequent report for a 10% increase in fees and charges which is applicable to the SLL fee. The impact of this is a £76 increase in the SLL fee.</p>
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	<p>section of the formal proposals document. Why is this? I would suggest that the consultation has not been undertaken in a procedurally correct manner in light of this and that the Authority should re-consult for a further 10 week period with consistent documents that do not mislead those who may wish to make representations.</p> <p>I wish to formally record that I do not accept the validity of the consultation, premised on this procedural inaccuracy.</p> <p><b>SUBSTANTIVE CONCERNS</b></p> <p>I summarise my main concerns to avoid writing a letter which could span multiple pages:- (a) <i>predetermination</i> You refer to Newport 2 as an "extension" of Newport 1, yet Newport 1 will (mercifully) come to an end in 2024 (subject, however, to your re-designation). The predetermined "Newport 2" extension will run for 5 years from 2023-28, with a cross-over of around one year in respect of Newport 1 therefore. Accordingly, it seems that you are predetermining the re-designation of Newport 1, because otherwise you will be left with Newport 2 alone for four years of its designation. It is clear you intend the overall jointly licensed areas to last longer than one year. The language used in the relevant documentation (referring to the new proposed scheme being an extension of the existing) tacitly reveals the Authority's wider intentions. I consider the intention to designate Newport 2 is a mechanism to seek to secure the redesignation of</p>	<p>This is not an extension to an existing scheme. The proposal is to designate a further part of Newport Ward for Selective landlord licensing.</p> <p>Future designations are not predetermined. An evaluation of the Newport 1 scheme will be carried out. Based on the findings this may be presented to Executive for their decision whether to proceed with a proposal and period of consultation.</p>
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	<p>Newport 1. The judicial review ground of "improper purpose" comes to mind.</p> <p><i>(b) conduct of the licensing scheme and officers</i></p> <p>Whilst there are some benefits to selective licensing, there are <b>considerable</b> downsides for landlords, including excessive and unreasonable bureaucracy and arrogance by certain council officials, unnecessary stipulations and requirements and a growing sense of a lack of detachment from real life in how they operate. Indeed, it is the conduct of some officers of the Authority, and one in particular, that has totally transformed my view of selective licensing. My licensing manager has faced unacceptable arrogance and abuse from one officer purporting to give a "formal" warning which had no such status in relation to an alleged breach of a mandatory condition, thereby imputing a criminal offence, only for that officer to withdraw the warning but, with cowardice, fail to concede that no such warning was ever justified. The officer claimed that XXX and I should have waited to receive a formal written response to the reference request, yet none was ever received or required because a written emailed response had been provided by an email from an officer. The Authority later conceded in response to Freedom of Information Act requests that such warnings, even if correctly given, were only an "informal" means of seeking to manage the scheme, contrary to the false statement made by the officer in email correspondence to xxxxx that he was being "formally" warned. xxxxx still awaits a</p>	<p>Referencing is a mandatory condition of a Selective Licence:</p> <p><b>Tenant references</b></p> <p>The licence holder must demand and obtain references for all prospective occupiers of the house to enable the licence holder to make an informed decision regarding occupancy of the property.</p> <p>All references shall be obtained by the licence holder via the FREE Middlesbrough Council, tenant referencing service. The licence holder must retain all references obtained for occupiers for the duration of this licence and must provide Middlesbrough Council, upon demand and within 14 days of that demand, a copy of pre-let reference checks along with full names and dates of birth of each occupant.</p>
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	<p>"formal" written apology, but doesn't hold his breath. I have recently challenged the Authority on its ridiculous intention to require photographic ID without exceptions in respect of reference applications, ignoring national "right to rent" guidance - perhaps someone has now managed to actually read these rules more carefully. I am yet to receive a formal response however.</p> <p><i>(c) fitness for purpose</i> One must question whether the service provided will be fit for purpose. For example, the Council wardens only operate from 6am to 10pm - how possibly can you justify charging landlords for this service when, at the very time it is needed (ie overnight) no-one is operational? Claire Williams King informed me that between 10pm and 6am it is left to PCs and PCSOs - perhaps it would be better to leave it to them in the day and use the wardens overnight when they are really needed? This is one aspect of the current schemes that really irritates landlords.</p> <p><i>(d) failure to properly consider funding alternatives</i> We all know very well that Selective Licensing is income generating and a good money spinner for the Council. However, a point comes when those having to pay for the service have had enough. The rapacious nature of the Authority is, in my opinion, disgusting. You state:-</p>	<p>Council wardens are not funded from Selective Licensing fees.</p>
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	<p>from previous documents is also <i>defacto</i> evidence of a more general predetermined intention.</p> <p><i>(e) lack of tangible benefit</i></p> <p>The alleged benefits and improvements cited do not justify the expense that the Authority seeks to place on landlords. Indeed, it is interesting that your comments in relation to Newport 1 reluctantly concede that Selective Licensing has only led to a "modest" increase in house prices. It is clear that Selective Licensing leads to decline when landlords cease investment in scheme zone properties. I have withdrawn my interest in 2 properties in Newport 2 when I received this terrible news and I am simply fed up of having the same conversation with other landlords, over and over again, who are either selling up or bemoaning the existence of the current Newport 1 Scheme. When one looks at National House price trends for the period, and house price trends in other TS postcodes, house price rises are generally higher than in Newport, and the TS1 data also includes non-licenced properties in the Central Ward and the currently unlicensed part (for now) of Newport. Selective Licensing <i>discourages</i> investment and thereby flattens house price growth, as these comparable figures evidence.</p> <p>You state on your frequently asked questions:-  <i>"There is no evidence that implementing a selective landlord licensing scheme has had a negative impact on the private rented sector"</i></p> <p>There is no direct evidence of the converse position.</p>	<p>The benefits of Selective licensing can be found in both the proposal document and the North Ormesby evaluation.</p> <p><b>House Prices</b></p> <p>Prior to the introduction of SLL:      With average sales prices in North Ormesby at £48,000 (Land Registry sold prices between August 2013 and July 2014), they were amongst the lowest in the town. (The average house price for Middlesbrough at this time was £124,000). Performance baseline figures the year prior to the scheme (2015) using Land Registry sold prices show house prices at £41,000.</p> <p>Prices ranged from £25k-£30k up to £55k dependent on the location within the ward. Those purchasing properties in North Ormesby were predominantly investors looking to buy to rent.</p> <p>After the introduction of SLL over the 5 year period:      It clearly showed that house prices in North Ormesby had started to increase. During the designation period</p>
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	<p>Further, if the existing scheme has been successful, why do we need an extension. In turn, if it hasn't achieved its purposes, what is the point of extending an ineffectual undertaking any further?</p> <p>The existing scheme has not achieved anything that the Authority has not similarly achieved in non-licensed areas where NSOs are paid for directly via the Authority's existing budgets (eg central ward), and not pursuant to a separate money making scheme. Indeed, the conduct of the Central Ward NSO (xxxxxx) is a shining example of competence and diligence, and something licencing scheme NSOs would do well to emulate.</p> <p><i>(f) displacement</i></p> <p>People are entitled to have somewhere to live. The Newport 1 scheme has prevented many people living in the scheme area. As one would expect, they move to the nearest similar area - the other side of Parliament Road. And now, surprise surprise, that area is in need of licensing. The term "self fulfilling prophesy" comes to mind. Selective licensing moves problem people around. Many have been displaced to the proposed new scheme zone, which now will be licensed.</p> <p>Next, you will seek to licence another contiguous area - perhaps in central ward? I see that a "survey" is being carried out at this time for the ward. I wonder why?</p> <p>Selective licensing fails to provide "real" solutions to the issues which an area may face, and simply disperses problems to a wider local area, thereby</p>	<p>observations indicated that there had also been an increase in the number of renovations of properties.</p> <p><b>Turnover of tenants:</b></p> <p>Prior to the SLL scheme North Ormesby had a more transient population typically housed in privately rented accommodation which can have a negative impact on the stability and desirability of an area. It can also affect community integration and investment and affect school performance negatively.</p> <p>Council Tax records provide a guide as to the proportion of properties experiencing turnover in occupancy in the North Ormesby ward. Of the 1,791 Council Tax accounts in 2013/14 a change occurred in 72.8% of them, requiring a new account to be created, affecting 705 properties (39%). In the preceding year a change requiring a new account to be created occurred on 85.8% of accounts, affecting 870 properties (50%).</p> <p>Following the designation of the SLL scheme it can be seen that the turnover of properties had decreased each year</p>
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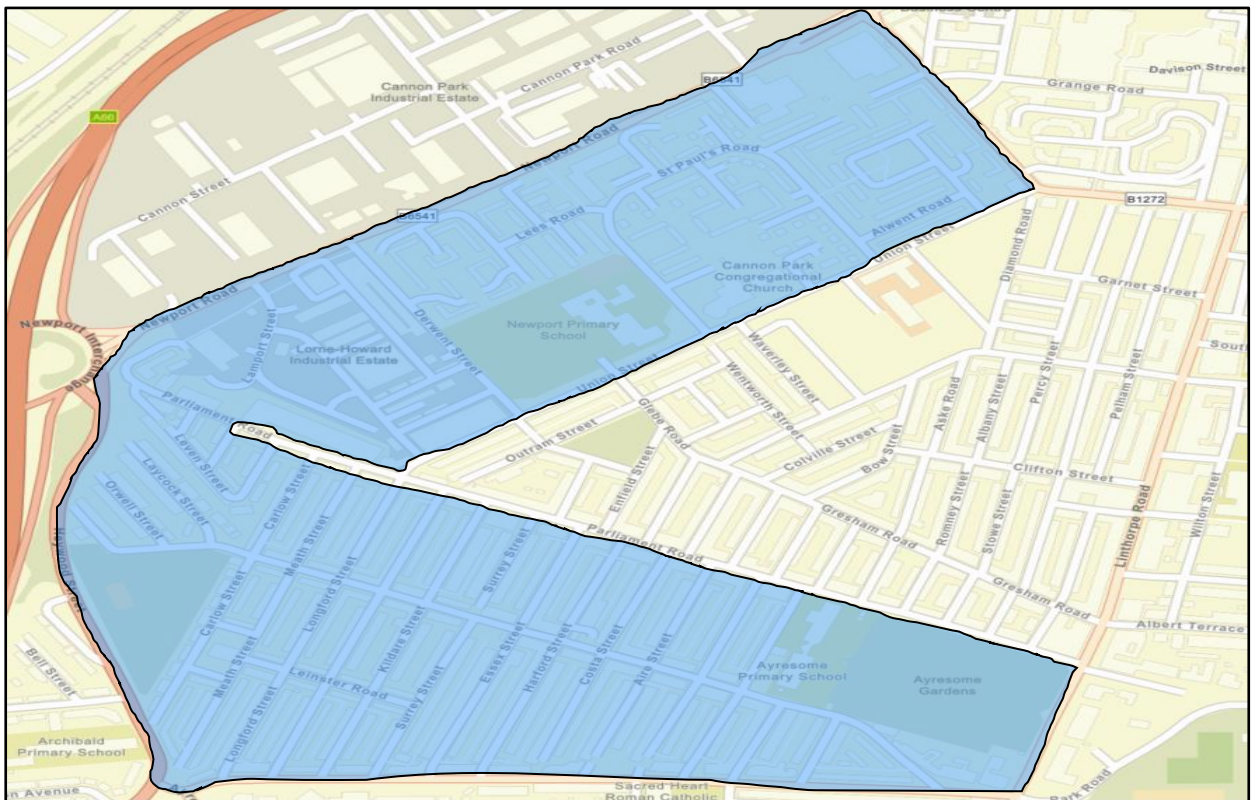
	<p>facilitating the Authority's intention to licence more and more areas for financial benefit.</p> <p><b>CONCLUSION</b></p> <p>The consultation being undertaken has failed to properly delineate the proposed new licensed area and is procedurally deficient.</p> <p>I and many other landlords are watching closely given we are preparing for a formal legal challenge to your clearly intended re-designation of Newport 1 in 2024, which this is clearly a precursor to. It will be interesting to see whether you allow the current Newport 1 scheme to actually end before you re-consult on the re-designation (you didn't in the case of North Ormesby).</p> <p>I object to the proposed Newport 2 designation but accept, in reality, that you have already decided it will be going ahead and this 10 week consultation is nothing more than a disingenuous PR exercise to tick the necessary boxes in an attempt to avoid legal challenge and avoid requiring the approval of the Secretary of State.</p> <p>The arrogance of a rapacious Authority seems to grow in a comparable manner to the licensing fees that you intend to charge "Newport 2" landlords.</p> <p>I consider the conduct of the Authority to be a disgrace. I sincerely hope that "Newport 2" is challenged and the Authority is exposed for its disingenuous duplicity, and is consequently shamed and humiliated.</p>	<p>See response above.</p>
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# Appendix E

Responses to the Consultation on the  
Newport 2 Selective Landlord Licensing  
scheme.

(Consultation Period 21 November 2022-  
30 January 2023)



February 2023

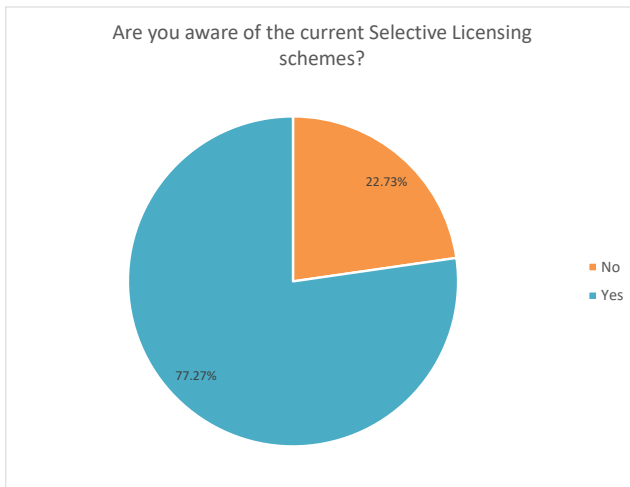
## **Consultation Responses.**

### Contents

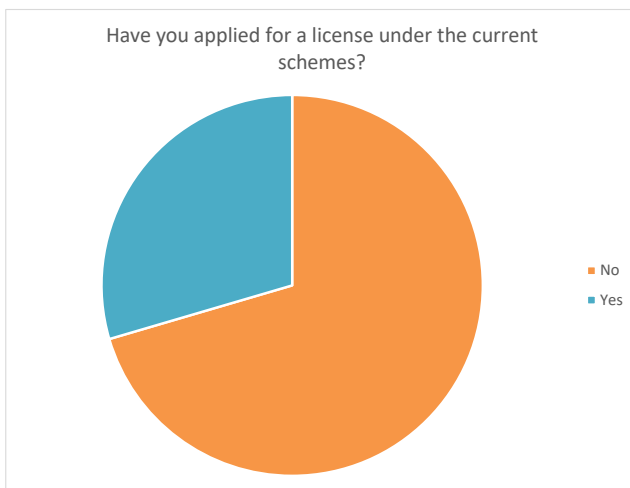
Section 1 - General Information about the responder	Page 3
Section 2 - Responses from Tenants/residents in the Newport 2 area	Page 5
Section 3 – Responses from Landlords in the Newport 2 area	Page 9
Section 4 – Responses from businesses in the Newport 2 area	Page 17
Section 5 – Responses from interested parties in the surrounding Consultation area	Page 18
Section 6 – General questions about the proposal.	Page 22
General Comments made by all those responding to the Consultation	Page 28

## Section 1. General Information about the responder.

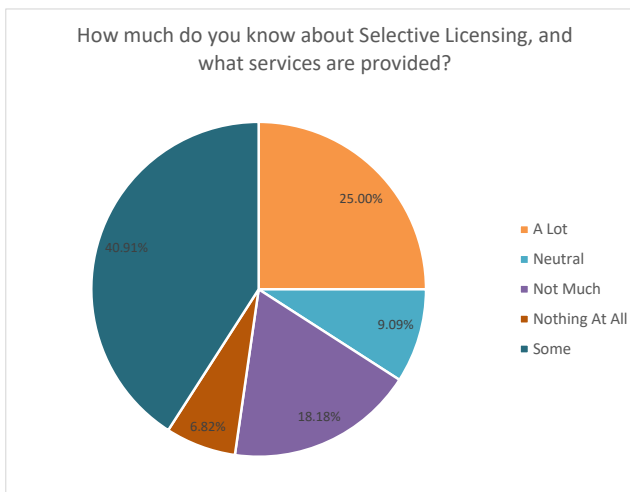
### Question 1.



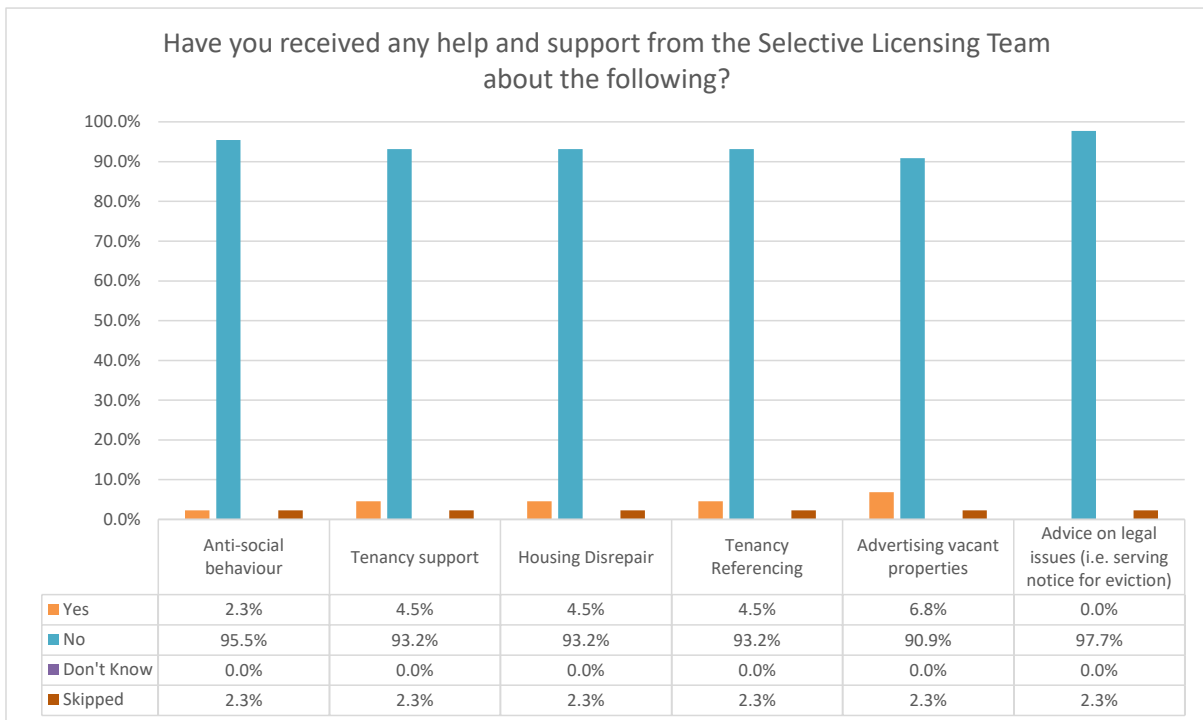
### Question 2.



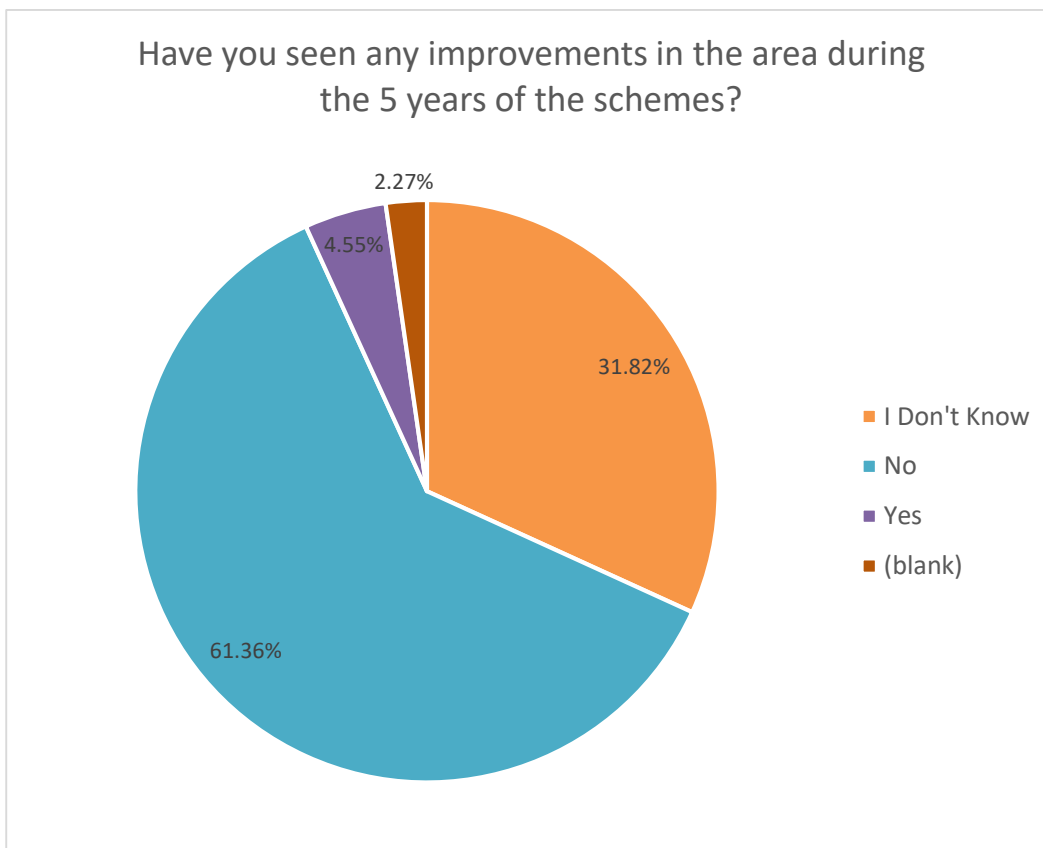
### Question 3.



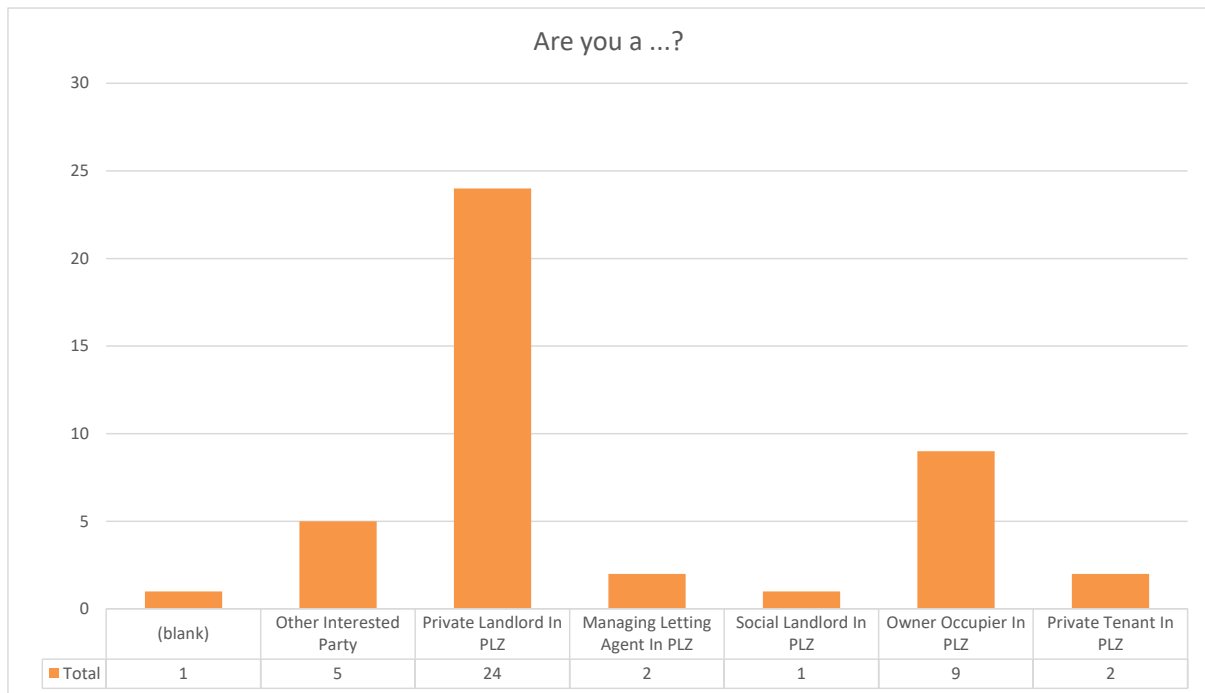
Question 4.



Question 5.



### Question 6.

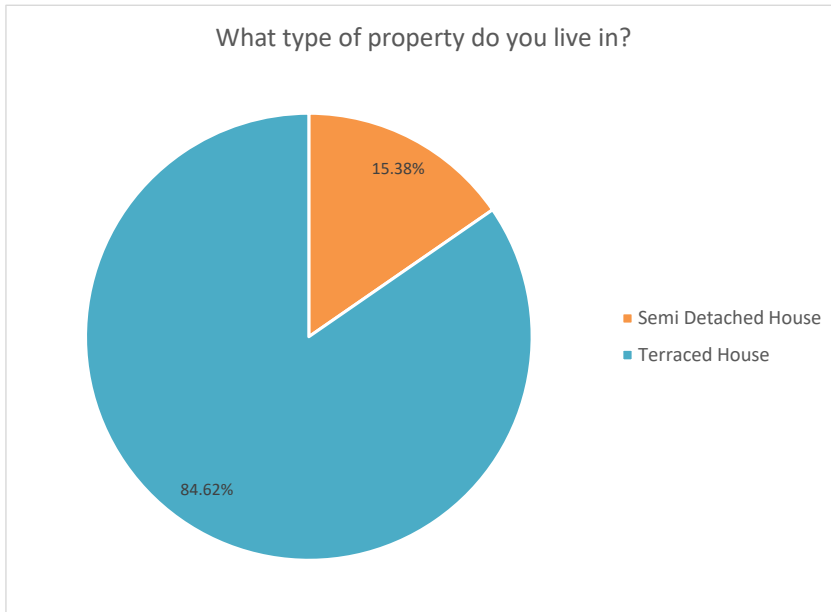


## Section 2. Responses from Tenants and Residents in the Newport 2 area

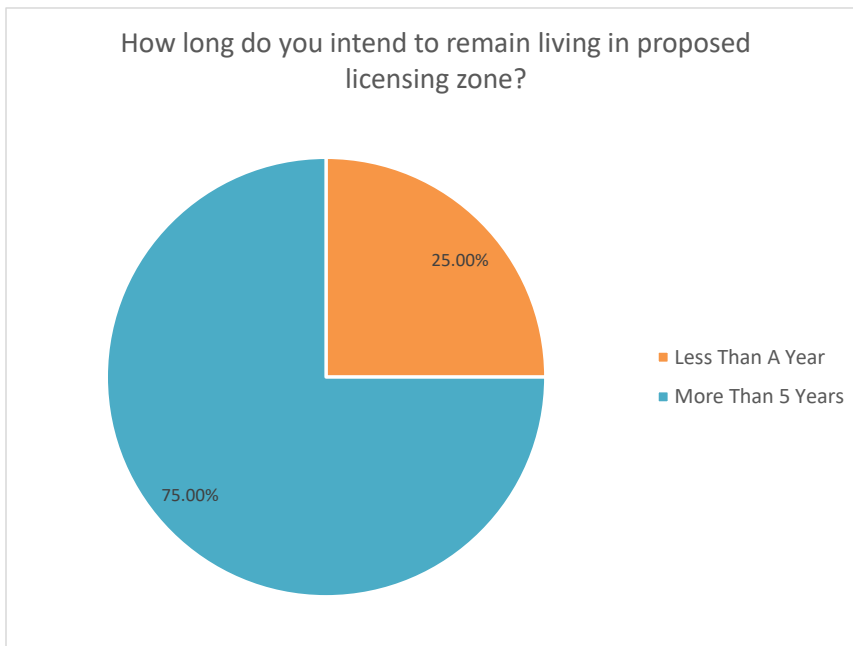
### Question 1.

All responders have lived in the proposed licensing zone for more than 5 years.

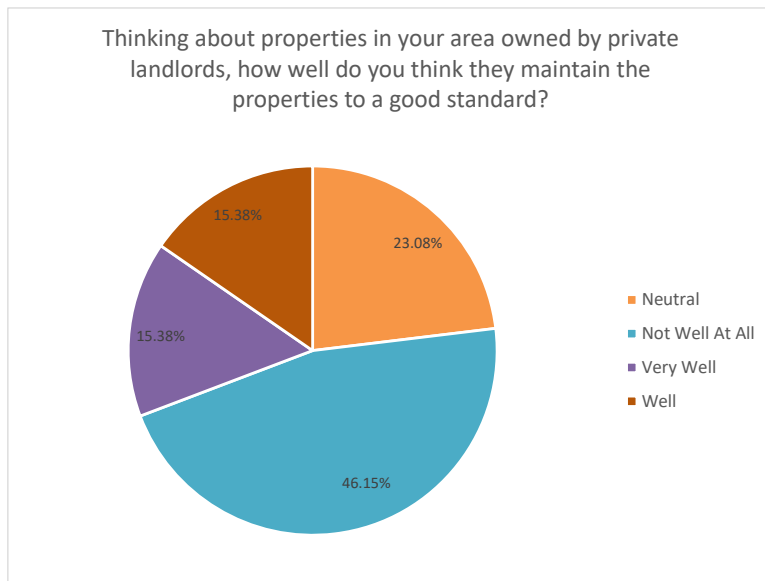
### Question 2.



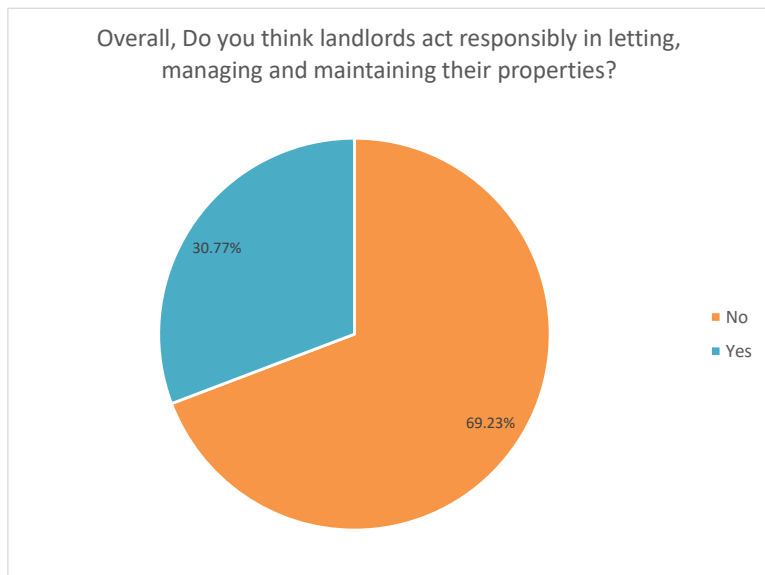
### Question 3.



Question 4.



Question 5.



**Additional comments to support the responses to question 5:**

*We have had drug dealing and users which has caused many problems. Windows are being broken then boarded up which makes the area look terrible.*

*They accept the monthly rent payments from anyone without any screening or consideration for the people that have to live near their loud, filthy tenants.*

*The area has gradually gone downhill over the last couple of years, I moved into my house when it was built, 4.1.74 it worries me a lot. The area seems very unsafe and I worry about leaving my 86year old mother in the house alone when I am at work, I work full time and always have done.*

*Tenants can damage properties and not taken to task over it. Very often the property is left in damaged state.*

*Some landlords are OK but many are very slow at doing obvious outdoor repairs such as gutter work and roofing problems never mind indoors problems.*

*Properties aren't maintained correctly and landlords are only interested in making money. Gardens are over grown, properties are unkempt and look scruffy.*

*Prior to the tenants currently living next door it was used as a halfway house where one of the tenants through a meth spoon in my yard where my two year old granddaughter is supposed to be able to play safely! Definitely not a responsible landlord!*

*Takes months for him to act on the trashy tenants he puts in meanwhile it's costing us a fortune and almost our most precious granddaughter!*

*Also visitor/high customers. 4 times taking out the side of my car front bumper to back bumper with the police doing nothing about it and expecting me and my insurance to pay for it! Disgusting having to pay and keep paying for stuff they wreck which we need to go to work!*

*My home was broken into by masked thugs with machetes looking for the scruffy junkies for next door!*

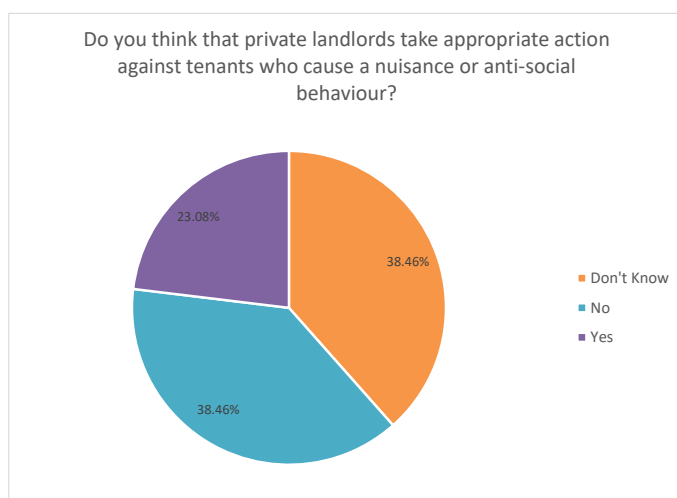
*When they moved the bag heads in next door they warned them any carry on and the residents will report you! Who as a respectable human being needs to be warned to live within the law?*

*In the end of the day the landlord want to look after his property.*

*I've had some terrible neighbours fortunately they didn't stay long.*

*I have not experienced any issues in this area.*

#### Question 6.





**Additional Comments to support responses to question 6:**

*When drug dealers are raided and arrested they are bailed and free to start doing it again at the same address.*

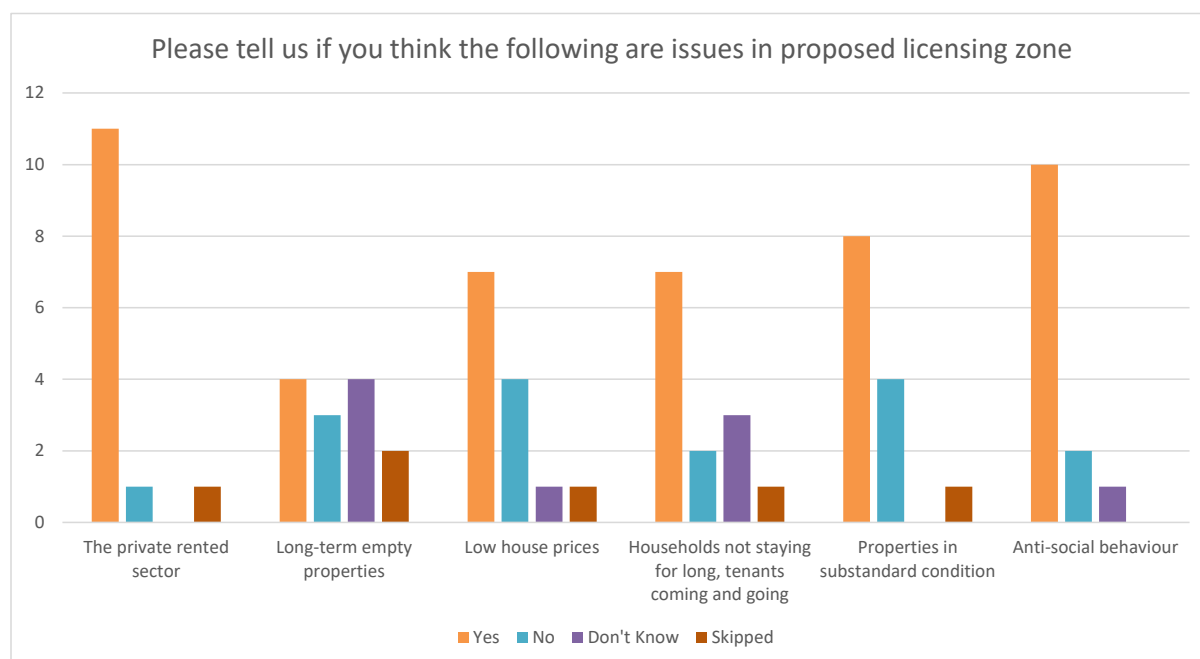
*They do but the law and council need to make this easier but sometimes they don't to avoid someone from being homeless.*

*Still putting druggies in there since 2018 and not making any effort to repay the rest of the street for any wrong doing by his tenants and disgusting attitude to those having to live where he has put these despicable people!*

*Not seen any action at all against antisocial residents. Only Andy Preston has had the decency to evict them after months of complaint he took action. More needs to be done.*

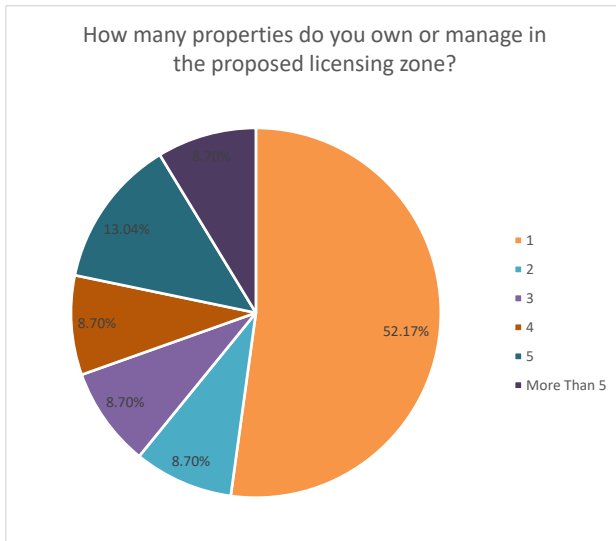
*I have not had any experience of antisocial behaviour by private tenants in the area. Any problems I have experienced have been by owner occupiers or tenants of Thirteen Housing.*

**Question 7.**

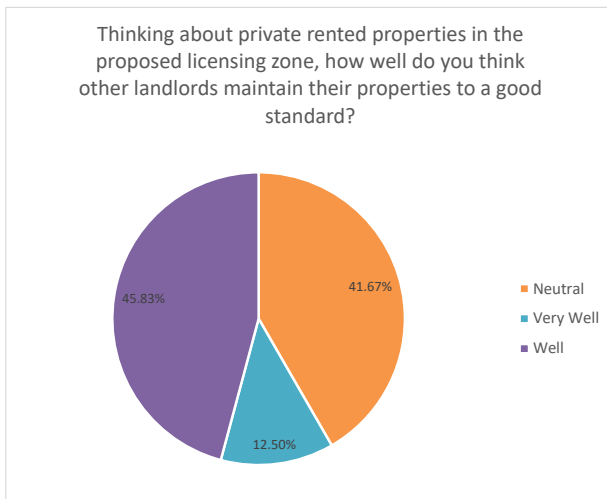


### Section 3. Responses from Landlords and Letting/Management Agents in the Newport 2 area.

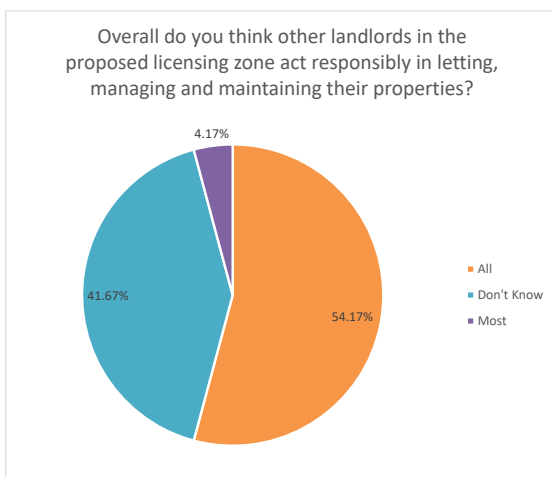
#### Question 1.



#### Question 2.



#### Question 3.



### **Additional comments to support the responses to question 3:**

*We do not live in the area.*

*We all provide a good level of service, that tenants are happy with and if there are any concerns we always do our best to resolve them. We manage our property with the mindset, is it somewhere we'd like to live.*

*Those private let properties are in better state than council properties. Look at history of incidences- all tragedies happen in council properties, not private let. Yet- you want to punish private landlords with paying in more money!*

*There are probably a mixture of good & bad landlords in the area.*

*There are lots of good landlords within the area.*

*The vast majority of landlords are responsible and maintain their properties well and treat their tenants fairly.*

*The redevelopment of properties can be readily observed by visiting TS1, numerous properties have been refurbished for the booming student and Airbnb market. The sale price of properties in TS1 continue to increase, have recently sold a house in excess of 110,000 GBP. The price of properties would be higher if Mortgage Companies were willing to lend, issue with the number of privately rented properties even with a Buy to Let mortgages.*

*Any antisocial behaviour and criminal activities cannot be blamed on the vast majority of private landlords.*

*Should only make bad landlords pay not good ones like myself.*

*Safety checks are already in place by the government example gas check, tenant checks etc.*

*I think overall landlords maintain and repair the properties very well maybe a small few that don't but overall very well.*

*I own one property and I'm manage it very well my tenants have never had any problems regarding myself and I try to look after the property and the tenants. Also if I see any problem houses I inform the police straight away as I have my own family members living on the same road. A good idea I think would be to license properties where landlords own more than one house because most of the time when a landlord has more than one property they will then let standard's drop which shouldn't be the case where I only own one property and whenever I am notified of a problem I will deal with the issue ASAP.*

*I know that other landlords of my acquaintance maintain their properties well.*

*I have seen some terrible houses but I think this is tenants not reporting faults or not following their tenancy agreements e.g. allowing other people to live there.*

*I feel landlords, in general, do maintain and responsibly let properties within the areas. As it is in their interest to have good, responsible and reliable tenants to help in maintaining their properties and receive regular rent on time.*

*I can only reply about myself and I think I keep my properties in good legal conditions.*

*I believe that many landlords maintain their property and get problems fixed as soon as they can. Some landlords that don't give will give a bad light to all landlords. Tenants also has role to play as to make sure that they treat the property like their own. Some tenants that get free money from the government just don't care, may misuse the property and landlords have to foot the bill. Licensing is going to cost the landlord and not the tenant which is again unfair since this is meant to help both parties. The other question is why does there need to be licensing? Where tenants or landlords complain why does council not just go in? Is this one way of making more money by the council? When the cost of living is rising? Private landlords will no longer wish to invest in such areas, one because of the costs and secondly it gives a bad name to the area.*

*Area is well kept.*

*Alwent Road mainly consists of Thirteen Housing Association rented properties.*

*I am aware this scheme only relates to private rented properties.*

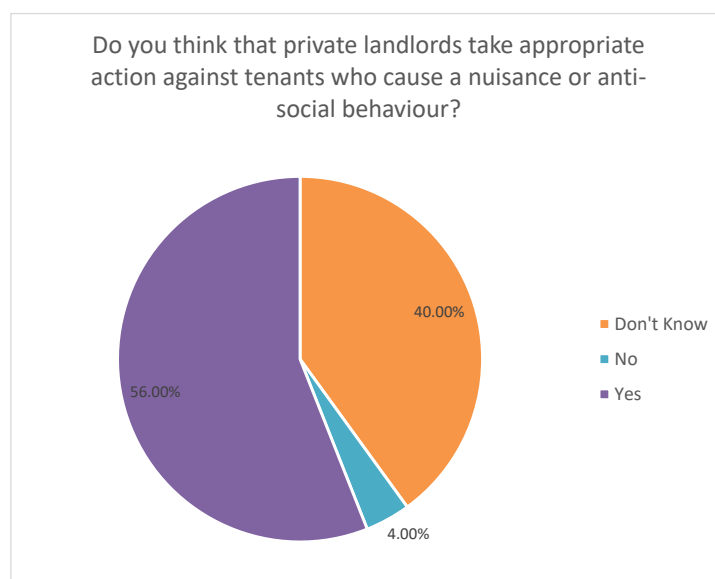
*The properties on this road, if private are leased by Thirteen as to which mine is.*

*My property is insured by Thirteen and we pay ground rent.*

*The property next door is solely a Thirteen property, managed by Thirteen. This property is a disgrace. (This has been reported numerous times). How can you propose this scheme only to private landlords and not Housing Associations?*

*Unsure as do not know which are rented out and which owned and by whom.*

#### Question 4.



#### **Additional Comments to support the responses to question 4:**

*We took antisocial tenants to court and were told by the police that there was nothing they WOULD do, even though we had a court order to evict them enabled the police to enter the property and remove the squatters.*

*We had had a very good tenant living in the house we purchased in Middlesbrough. We have also been very good landlord mind you. It goes both ways.*

*Very recently I have been seeing myself especially on a night time and when school children are leaving school on the corner of Longford and Leinster Road behind the shop drug users arrive on foot and taxis then will stand at the alley behind the shop on Longford street and someone is dealing drugs from the alley to these drug users in front of everyone and I informed the police but as of yet it doesn't look like the police have taken action as they are still dealing. That end of Longford Street is very nice area and not many issues I have notice there in the past 10 years apart from drug users buying drugs from the alley other than that is a nice quite area normally with no antisocial behaviour.*

*There are plenty of good tenant out there. The council need to sort out the problem for housing the bad Tenant which inevitably need housing.*

*Private tenant will deal with disruptive tenant as it is landlords business- it is law and council trying to prevent evictions! Decide what you want- no evictions and antisocial behaviour OR evictions and NO antisocial behaviour.*

*Our property is managed by an agent.*

*Not known to me.*

*No landlord wants the council calling them because of the tenant, they will act before that happens, I can speak from personal experience.*

*No evidence.*

*More could be done in this area - perhaps more support in the area is needed.*

*Landlords on the whole follow the protocol of reporting and dealing with anti-social behaviour especially as these instances can often go hand in hand with no- payment of rent.*

*Landlords do try their very best to rectify the issues caused by nuisance tenants. This again relates to having responsible and reliable tenants which in turn, manifests in tenants who look after their home and understand the responsibility of paying rent on time.*

*It's wrote into contracts any bad behaviour and to think of people either side. Anything untoward warrants immediate eviction.*

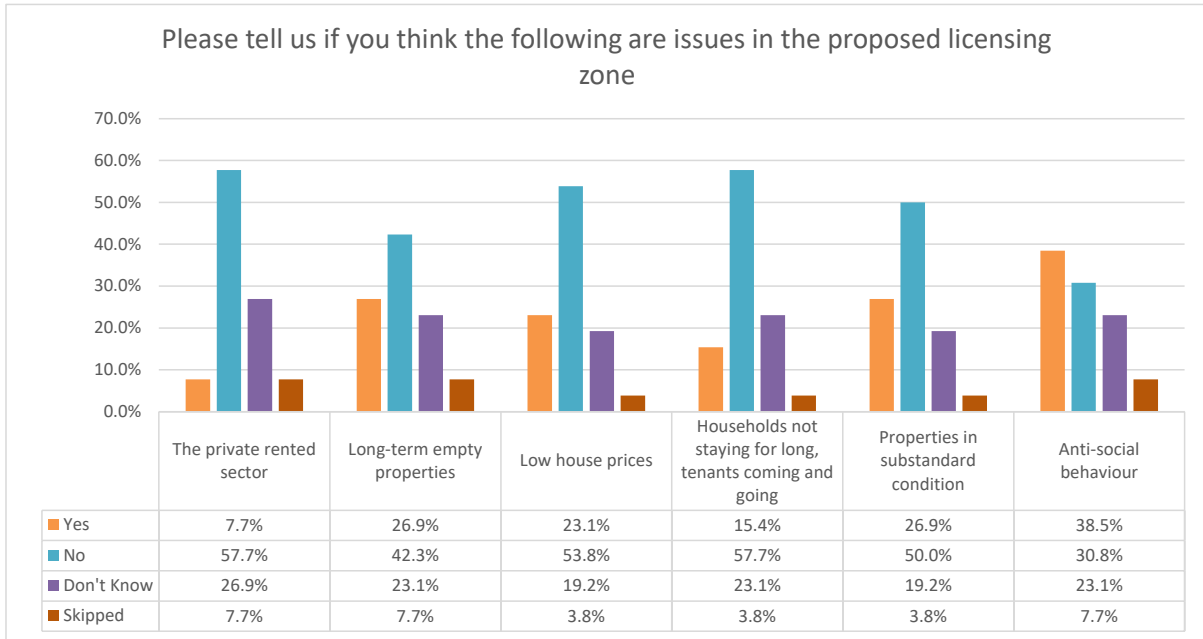
*I work full time so do not really see what is going on in the area, I come home from work, make sure my house is secure and do not leave it on a night (especially in the winter).*

*I don't live in that area or know any other landlords so can't comment.*

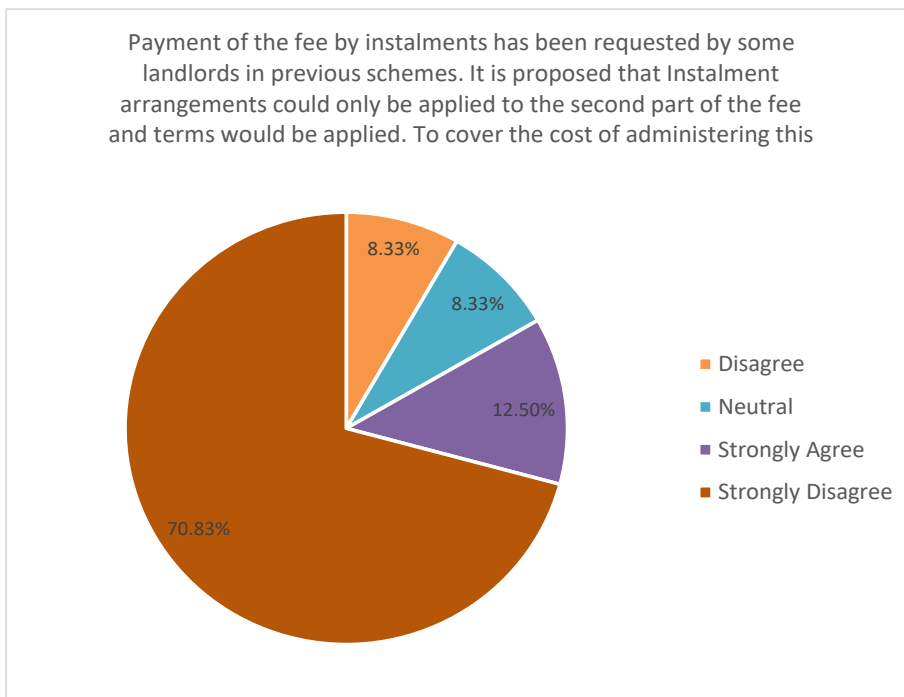
*Based on personal experience and how I deal with problem tenants. Problem tenants are the issue, the authorities are too lenient with them.*

*Antisocial behaviour is a problem for the council and police deal with not the landlord over the last 12 months I have reported issues to the council and they have done nothing about it.*

**Question 5.**



**Question 6.**



## Section 4. Responses from Businesses in the Newport 2 area.

There were responses from two businesses. Due to the low number of responses this information has been presented in a table format.

**S4:Q1 - What type of business are you? e.g. food outlet or newsagent.**

Row Labels	Count of ObjectID
None	50.00%
Sandwich Shop	50.00%
<b>Grand Total</b>	<b>100.00%</b>

**S4:Q2 - Do you own or rent your business premises?**

Row Labels	Count of ObjectID
Own	100.00%
<b>Grand Total</b>	<b>100.00%</b>

**S4:Q3 - Have you experienced anti-social behaviour from tenants of privately rented properties in the proposed**

Row Labels	Count of ObjectID
Don't Know	50.00%
Yes	50.00%
<b>Grand Total</b>	<b>100.00%</b>

**S4:Q4 - Thinking about properties in your area owned by private landlords, how well do you think they maintain the**

Row Labels	Count of ObjectID
(blank)	100.00%
<b>Grand Total</b>	<b>100.00%</b>

**S4:Q5 - Do you think that the landlords in the proposed licensing zone where you have your business are good,**

Row Labels	Count of ObjectID
Choice 3	100.00%
<b>Grand Total</b>	<b>100.00%</b>

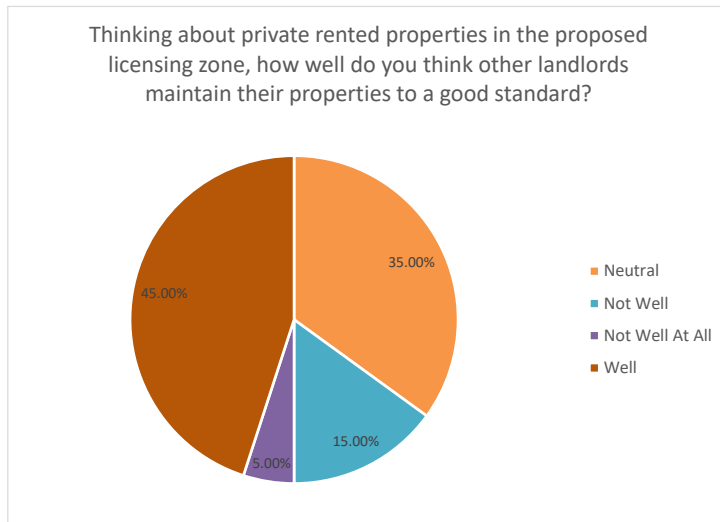
**S4:Q6 - Do you think that landlords take appropriate action against tenants who cause nuisance or anti-social**

Row Labels	Count of ObjectID
Don't Know	100.00%
<b>Grand Total</b>	<b>100.00%</b>

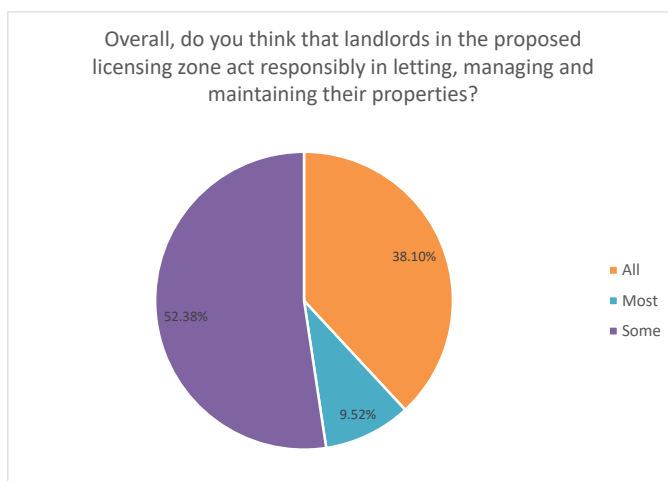
	The private rented sector	Long-term empty properties	Low house prices	Households not staying for long, tenants coming and going	Properties in substandard condition	Anti-social behaviour
Yes	0.0%	25.0%	0.0%	0.0%	0.0%	25.0%
No	25.0%	0.0%	25.0%	25.0%	25.0%	0.0%
Don't Know	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Skipped	75.0%	75.0%	75.0%	75.0%	75.0%	75.0%
Total	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

**Section 5. Responses from Interested Parties e.g. tenants, residents, landlords & businesses in the consultation area surrounding the proposed licensing zone**

**Question 1.**



**Question 2.**



**Additional comments to support the above responses to question 2:**

*We have seen some improvements in the living conditions of families. Where this has not been the case support has been easier to access.*

*Variable. Can't generalise.*

*Unaware which are rented out or not and by whom.*

*They don't do adequate checks, they don't carry out repairs and don't carry them out in a timely manner, and don't evict nuisance's quick enough.*

*Obviously if they did strict checks people would be less likely to need evicting!*

*Some do and some don't. Also tenants neglect properties.*



*Seems like some of the tenants maintain the properties themselves others put up with poor housing or are not bothered how the streets look.*

*Landlords who have a managing agent have regular property inspections and all conditions like gas checks and electricity checks have to be complied with. This scheme only duplicates what the managing agents are doing and should not apply to landlords who employ an agent.*

*Landlords have a very difficult choice in choosing Tenant between the private tenant and the tenant on benefits. The benefit tenant would normally be housed by the council. However the council decided to demolish hundreds if not thousands of council properties throughout Middlesbrough and sell the land off to private developers which has left shortage in council Housing. And now they want to put the blame on private landlords which antisocial behaviour and nuisance tenants is a problem that the council have created.*

*It's hard to see who lives in their owned property and who rents. The whole place is run down, dirty, etc. Of course when a property is boarded up for a long period of time you think that it's a bad tenant with antisocial behaviour or a bad landlord who isn't interested in fixing it. But if you're a bad tenant and a landlord doesn't live right around the corner, the landlord might not know there is a bad tenant if repairs don't get passed on.*

*I know of two properties on the same road that are private. They are well maintained.*

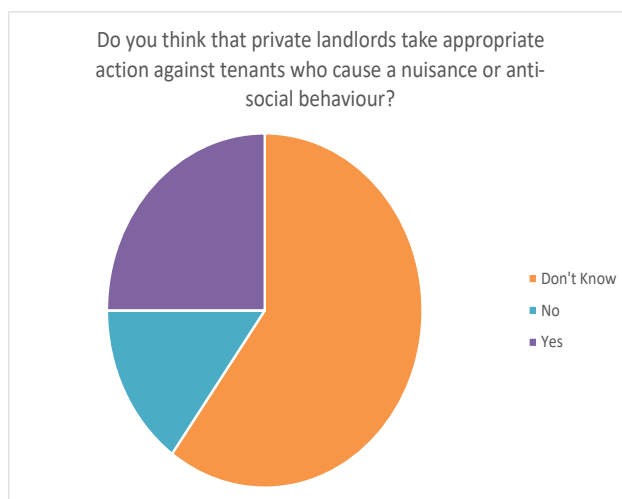
*I know for a fact the side of Longford street from Ayresome Street to Leinster Road is very nice quiet area no problems whatsoever in the last 10 years.*

*I do not know which houses around me are privately rented.*

*I cannot see the inside of the properties so cannot comment.*

*I believe the licence is great to push landlords to correctly maintain the properties, without it this is where their responsibility drops.*

### Question 3.



**Additional Comments to support the responses to question 3:**

*The authorities make it very difficult for private landlords to take action against the tenants.*

*Over the past 4 years I have personally reported next door sometimes on a daily basis to the police, Newport ward safety officer, crime stoppers, the mayor and our MP and still he puts scum in their to destroy the area and pollute it with drugs!*

*Not known to me.*

*No evidence.*

*I have suffered some terrible neighbours.*

*I don't know if the landlord is happy for whatever to happen as long as they receive rent. Or if there isn't the possibility to serve a section 21 notice and to follow that through.*

*I do. No messing.*

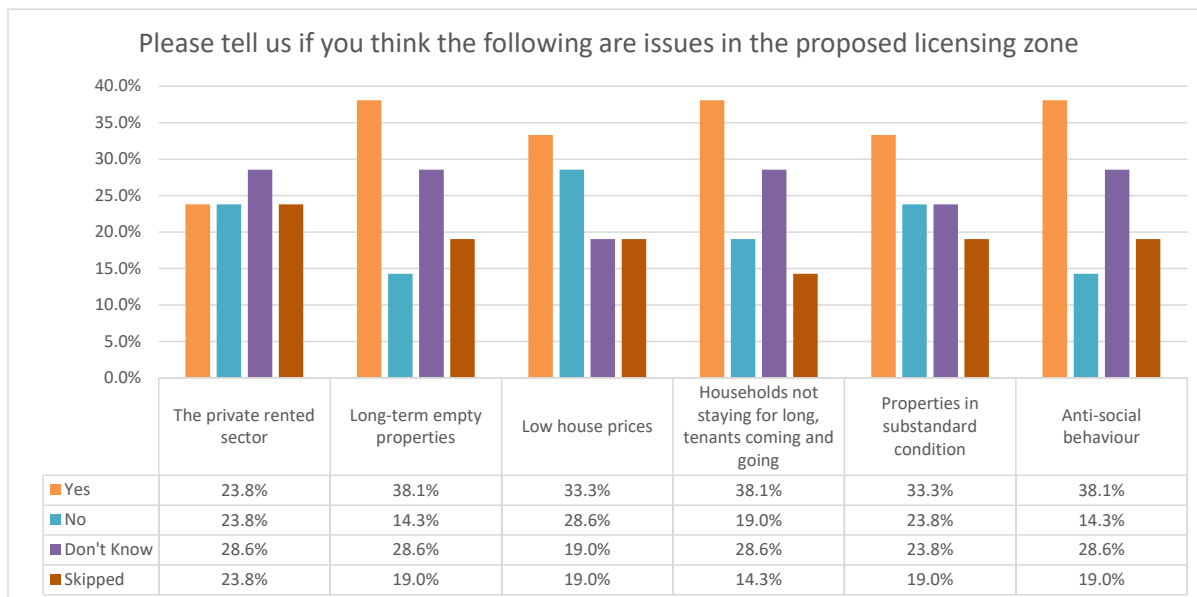
*I can only speak for myself and I have family living on Longford Street a couple of doors down from my property and if there is any problem they would inform straight away and I would deal with the issue.*

*Have not got the info on landlords and their tenants.*

*Antisocial behaviour is a matter for the police surely. What are they doing about it? Our property is managed by an agent, we appreciate the current tenants looking after the property they keep it in good order. Our tenants have not expressed any dissatisfaction with the way we look after the property, to our knowledge there have never been any complaints about them or the neighbours. We have had the same tenants for over 5 years, very loyal and so far have reliably paid the rent on time they have not defaulted even in the pandemic. Previously we have had tenants who abused and wrecked the property and we had to repair and reinstate the property without support from the Council. Where were they when we were so badly treated and had to find the capital to repair the fabric of the property. Does the licensing scheme allow for the repair of properties that the tenants the Council have vetted. What are the proposals for first and second stage payments for the licensing scheme?*

*Again same as above, licensing helps with this.*

#### Question 4.



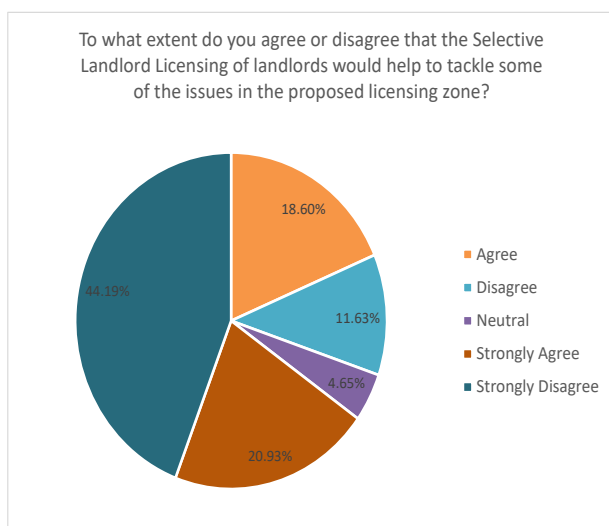
#### **Additional comments to support the responses to question 4:**

*Don't know about another landlord but I know I am a good, responsible landlord.*

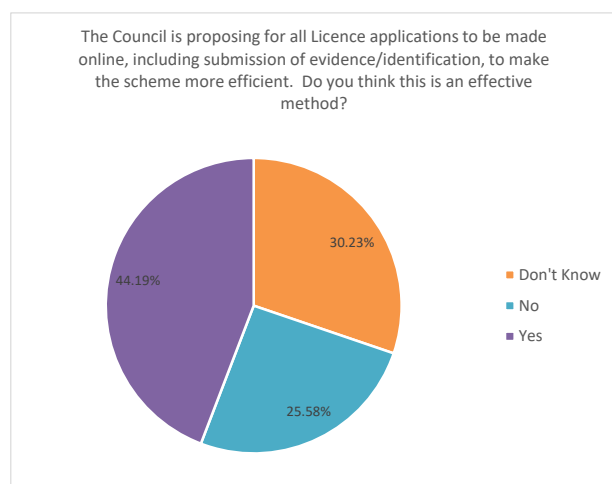
*Been a landlord for over 40 years and have had very little trouble.*

### **Section 6. Responses to the general questions about the proposal.**

#### Question 1.



## Question 2.



### **Additional comments to support the responses to question 2:**

*What evidence will be required if the scheme is implemented? Will it be suitable and robust given the requirements of GDPR?*

*This is a waste of money.*

*There needs to be a paper version, which should not cost extra. There also has to be options to pay, not necessarily by cards. A bypass and bank transfer is a must. The software must be designed correctly and be able to account for a multitude of situations. The questions need to be relevant to Selective Licensing and not HMO. Have noticed glitches, repetitive questions and mandatory questions on online software, used for this and some of the mandatory questions are unlawful. I have no real objection to applying online, just that I often find issues and problems using it and generally the Council's lines of communication are throttled. I currently have 3 properties in Oldham (new scheme) where I cannot get anyone to return my calls or respond to me emails. This is a consistent theme I have found.*

*The scheme should not go ahead as it is not fit for purpose.*

*The format of online submission is difficult and not user friendly. You get cheapest system and don't care how people with varied level of IT skills are to deal with it. Not everyone also have scanner to scan documents before submitting- did you consider that?*

*Some people find it difficult to use online portal, especially when they are badly set up and aren't as accessibility friendly as offline submissions or speaking to someone directly.*

*Shouldn't have licenses for each property only for a landlord that covers all his properties.*

*On the whole it would be effective, but there are still some people who do not have access to the internet.*

*It will be too slow. I suggest you say that you get some certification for managing agents to apply and be regulated and then they can certify that all their properties meet the standard. I don't think you can charge for this.*

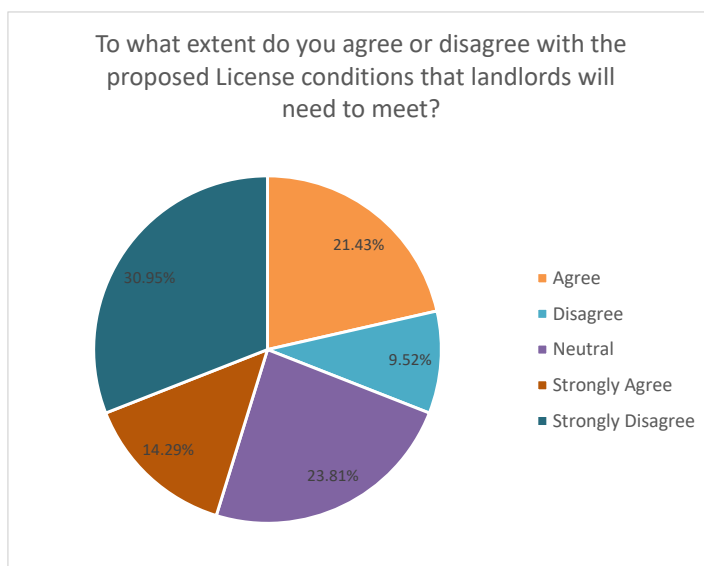
*I think it would be open to fraudulent submissions and easier for landlords to ignore.*

*I do not think anyone already letting their property through an agency should have to be on the council scheme. I agree anyone not with an agent should be with the council though as this would illuminate bad landlords.*

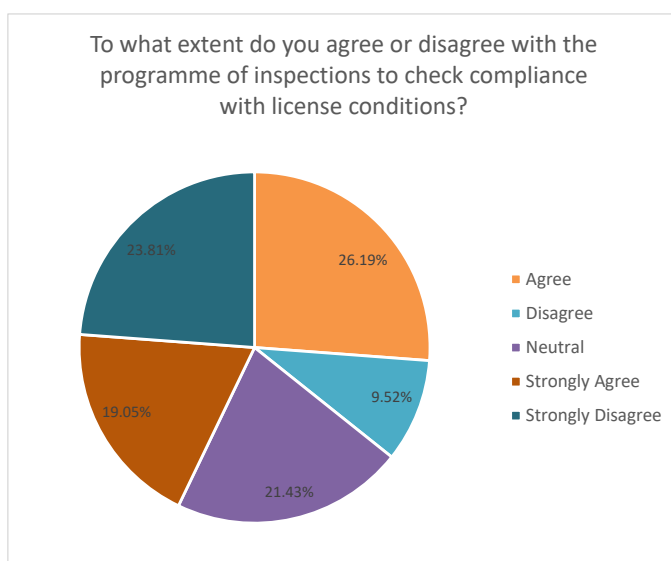
*As a leaseholder and mortgage payer, all evidence/identification has already been submitted previously.*

*Anyone can upload fake items and relies on telling the truth!!*

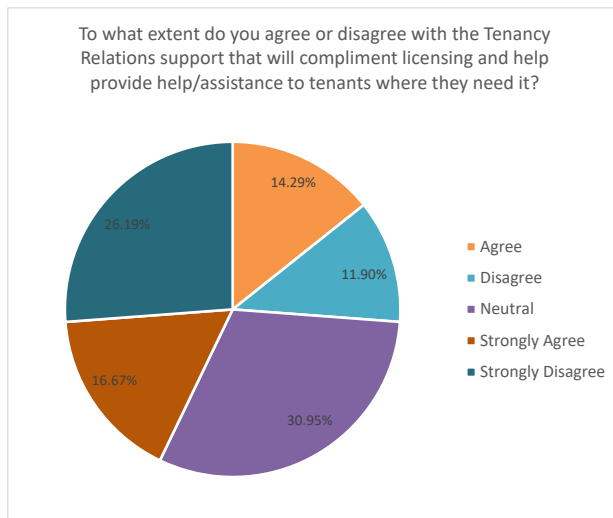
### Question 3.



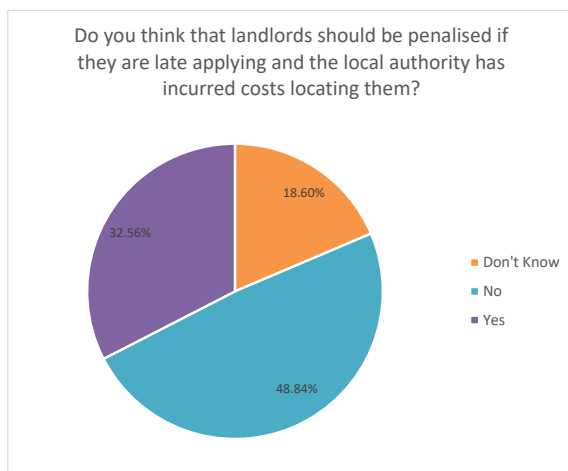
### Question 4.



### Question 5.



### Question 6.



#### **Additional comments to support the response given to question 6:**

*Will there be similar sanctions against tenants who cause problems? What evidence is there that the schemes in other areas have made the improvements suggested by those advocating the scheme is being extended to new areas. How do you think the costs incurred by landlords in the introduction of the scheme will be recovered?*

*Why should our money be spent tracing rogue landlords?*

*Why should landlords have to pay even more money?*

*Why should landlords be persecuted for lateness if local authority cannot locate them in a timely manner? Should the local authority get the information on the landlords before proceeding ahead with the scheme?*

*This scheme is not needed this is purely greedy council.*

*This is nothing but a stealth tax for Landlords. To disguise it as anything else is disingenuous. The current SLL's provide little to no benefit to any of the stakeholders*

*and if anything make an already difficult industry harder to operate in by increasing the red tape and bureaucracy. And what on earth my religion, sexuality, age or anything else has to do with my completing this consultation I really struggle to see.*

*This is not what landlords signed up for. Tenants have enough rights - we have houses vandalised by squatters that the police would not help us to remove, its £1000 in legal fees and £10000 in damages and we have to pay. If services has helped when asked then this would not have happened. The problem is the tenants not the landlords.*

*This forms part of the further comments box but the word count was insufficient for me to comment in full. I paid fees for a similar scheme several years ago and saw little benefit. House prices have remained static. I maintain my properties well and my tenants usually stay for several years. My letting agent is very professional and we respond to tenants needs quickly ensuring that the properties are always well maintained and of a good standard. My rents have not increased significantly but my costs and mortgage interest have. I make very little money on my Middlesbrough portfolio and the fees associated with selective licensing will significantly affect my cash flow at a time when I also need to spend money on upgrading some of my properties from a D to C EPC rating ( some are already there). For many of my properties the cost of the scheme will actually mean that my cash flow for the year would be negative.*

*They put greed above all else.*

*The cost is likely to be passed to the tenant and landlords maybe out of the area / working away and this may impact in been late in applying.*

*The bulk of the issues have been caused by the demolition of a lot of the housing around Union street are etc. Since they have been demolished a lot of the trouble tenants have moved into areas which we once good and the areas have declined as a result. I personally lived and own a number of properties in the St Barnabas Rd area. This area was once very good. Now we have a number of families that have moved from the Union street area that have brought drug dealing and antisocial behaviour to the area. My own father is now having to move from St Barnabas Road because of this. These issues aren't a new one they are now just spread out over a larger area. The council created this problem by allowing the demolition of these properties. It shouldn't now be up to the land lords to sort it out.*

*Strongly disagree that landlords should be held responsible for nuisance tenants and antisocial behaviour the top and bottom of it is the council need to build more social housing.*

*Part of the problem will be identifying landlords who operate under the radar. The system will not work until every one of these landlords has been dealt with. And then there will be no need for a licence.*

*Not all landlords will be aware of the scheme.*

*License fee should be a lot higher but there should be SUBSTANTIAL reductions for landlords who come forward, landlords whose properties are satisfactory and*

*landlords whose tenants are not causing problems. Otherwise all you are doing is levying a tax on landlords, with dubious legal justification. Where houses are cheap and landlords have mortgages, £800 could be six months returns for some landlords and could easily be a year's maintenance budget or more. So if you charge the good landlords that, you are seriously reducing their ability to maintain and improve their properties and giving them cash flow problems at a time when they also need to be setting aside money to bring properties up to EPC grade C and at a time when tenants may be struggling to pay their rent. Please slant the costs of this scheme heavily towards the bad landlords.*

*Landlords may not be British or understand the English language.*

*It will show the council is serious about the scheme and shouldn't be out of pocket for tracing landlords.*

*If the council can't locate or get a response from the landlord then that's an indication of how uninvolved the landlord is. Even if the landlord objects to the council, at least they are involved.*

*If landlords are unaware of the scheme they should not be penalised.*

*I waited 6 months for inspection in other area where SLS exist and then 6 months for licence- was council penalised for dragging their feet? Nope. So either should be a landlord.*

*Understand this was a problem in other areas e.g. North Ormesby, and this may have had an impact. Some of this area may benefit from this scheme, but I think Cannon Park area is mostly Housing Association properties to which they should be doing all is necessary regarding their tenants, empty properties and antisocial behaviour. On very rare occasions you will see empty properties as this is a sought after location and property prices reflect this. As a landlord it is my responsibility to make sure everything is in order with my property and tenant. I do not need to have any intervention.*

*I think if landlords are costing the neighbouring residents through their neglect the house should be compulsory sold and compensation given to the residents. And they should walk away with nothing.*

*I don't back the blanket licensing zone. It is not the correct way to tackle issues. Landlords are not responsible for policing antisocial behaviour and shouldn't be unfairly charged for this, these issues should be funded by the local authority not by placing a disguised tax upon landlords.*

*I currently administrate on properties that span 156 Local Authorities. There is no joined up communication, it is not part of the legal searches, when we purchase new rental stock and often Councils hide the street data behind a map on their website. I tried to sign up to a newsletter for each of the Councils so I could track new schemes; a good proportion of them did not have this and most had very general topics to select. The result was an email box full of useless emails. If I was living, working and operating in just one area, then it would be reasonable to hear of any*



*new local scheme; but that is not our situation and sometimes all we can do is act promptly, when made aware.*

*Council should have enough info to locate landlord.*

*As long as they are informed when the time limit I would agree with a fine*

*Again, I don't agree with this scheme and it should not be implemented.*

### **Further General Comments made by the responders.**

*Will lower house prices, will drive up costs that will go to the tenant, will force landlords to sell up. In my case my property is not very profitable will have to probably sell it and tenant will be homeless, tenant is a social tenant with a child. In the proposed area most tenants are social tenants they will not have the financial capability to support the increased cost.*

*Useless and money making machine for council, nothing more than that.*

*Time to get tough on the tenants not just the landlords. Living in our street is a total misery now due to the residents.*

*This property is an investment property. I have purchased this for retirement purposes. I still have a mortgage on this property and due to the current climate and increase in buy-to-let rates, it is becoming more difficult. If this proposal is to go ahead, this will put extra pressure on a currently difficult situation not just for myself but for other landlords as well. I simply cannot put the rent up, because of your extra charges.*

*This has not worked anywhere else it's a waste of money.*

*These landlords have no morals and should not be allowed to get away with destroying neighbourhoods in this way.*

*There needs to be more support from services for landlords trying to do the right thing. This includes faster evictions for non-payment of rent and ASBO and a guaranteed police response to removing them. Otherwise what will you achieve?*

*There is ways the worry that landlords will sell up because they don't want to pay the £849 fee. Or that people moving out of Newport are the type that you wouldn't want as your neighbours. Particularly as I already live so close to the ward boundary and I've seen myself the kind of antisocial behaviour that comes into Linthorpe. At the same time, people who live in Newport shouldn't have to live like they do now. Low housing prices shouldn't mean low living standard.*

*The scheme is not fit for purpose, it has not improved the current selected zones and has only been successful in generating money for the council from landlords. It will have a detrimental impact on the finances of tenants, as the licence fee cost will have to be recuperated by landlords, through increase in rents. In the current climate with austerity measures in place, the most vulnerable in society will again be unfairly targeted.*

*The authorities should be made accountable for the antisocial behaviour a drug dealer what is happening on every Street in Middlesbrough which the authorities and police are responsible for not the private landlords.*

*SLL does not provide value for money, it costs too much. I would like to know how much it has brought in terms of fees paid by the landlords and a breakdown of the running costs of SLL. I have been looking for reports on the effectiveness of selective licensing and I am yet to find one. Any feedback on the positive and measurable effects of SLL in TS1 and TS3 would be an interesting read, more likely to stand in some rocking horse poo.*

*This is a tax on responsible landlords to help tackle the issues created by the rogue ones. My guess is that this will go through regardless of any objections but if you have to impose this additional burden on landlords then please spread the cost over the term of the scheme at no additional cost . i.e. 5 annual payments. Additionally a periodic report about how the money is actually spent and if the proposed outcomes are actually achieved should be a mandatory requirement with refunds made to landlords where a positive outcome cannot be proven. In Derby where I have properties their DASH (Derby accredited safer Housing) enables responsible landlords to be registered. Where multiple properties are held then there is effectively a discount. I pay £300 per annum for 9 properties and they choose to inspect 1 per annum to ensure that I continue to meet standards and new legislation. I am proud to be accredited and include this in my adverts.*

*Private landlords should be exempt from this scheme.*

*Predominantly a money grabbing exercise all proposals are already enshrined in law.*

*Please section in the earlier part where I have mentioned and i did not want to repeat the information again.*

*Please provide the agents and landlords affected by this proposal with costed benefits and the detail of improvements achieved in the other/adjacent licensed areas and a catalogue of the improvements realised by the scheme in the day to day lives of local inhabitants of TS1.*

*No to the scheme.*

*Make sure landlords apply for planning permission before they change the property to multiple occupancy and residents can oppose those plans.*

*Landlords do need to be responsible. Taking the rent and doing very little else is destroying what was a decent community.*

*It's a terrible idea which is just another revenue making scheme. The council should be sorting the problem of antisocial behaviour etc. and not relying on the general public to do it for them as stated above.*

*It seems unfair to me to impose extra costs on good landlords in order to deal with some bad ones.*

*In our experience our families have not always have good experiences with local landlords with deposits, standards of housing, knowledge of their rights etc. Landlord licensing initiatives support with these issues and many more so I believe that an extending the zone with improve the lives of the families who attend our school and many more who do not.*

*if you look at North Ormesby there been no improvement you still see antisocial behaviour windows smashed houses boarded up I agree with most of the concerns but I don't understand why the good part of certain streets have to be penalised due to rogue landlords. This should only apply to landlords who have more than one property because that's when they let standards drop.*

*If you have not changed your additional licence conditions for this proposal, then they remain illegal. I have an outstanding complaint with yourselves and an enquiry to the Housing, Communities and Levelling up. Your additional condition to include yourself in the referencing process is illegal. Section 90(6) states that a licence may not include conditions imposing restrictions or obligations on persons, other than the licence holder, unless that person consents. You are effectively imposing on our customers. I have generally experienced poor levels of service and communication and visiting officers ill trained to carry out their functions. Selective Licensing has been around for nearly 20 years, so not really progressive. It is expensive to pay for and then manage, from our side. These costs get added to the rent! I want the status of professional landlord to be regulated and managed by central government and avoid all this local nonsense that we have been plagued with.*

*I strongly oppose these measures and fee that it is a knee jerk reaction particularly as the areas selected do not suffer from the ASB as much as the initial zone. There should be an increased police and community support presence on the streets if there is a need to tackle unwanted antisocial behaviour.*

*I disagree with the proposal.*

*I am totally against selective licence. There are ready enough laws to follow, to rent houses and we pay enough tax for a ready substandard service, without having to pay one more tax. Police and social services should be dealing with the issue not private landlord.*

*I am extremely against the introduction of a selective landlord scheme. I think it will result in more empty properties in the area and more short term lets and a higher turnover of tenants. I don't think it will tackle antisocial behaviour or improve the area. I am concerned about the intrusive nature of this scheme. I do not feel that I will benefit from it as I have a good relationship with my landlord. If I require any assistance or working completing I will contact him and it is done in a timely manner. I work full time/shifts and fell that it will be difficult for me to be available for the inspections and this is causing me anxiety due to the risk of extra costs for been late submitting the required information. My landlord has also advised that any costs he occurs will be passed onto myself. I have lived in Gresham for over a decade and if my rent is increased due to the scheme I am likely to leave the area and seek private housing elsewhere which is also causing me anxiety.*

*How much is a license going to cost? I have 11 Properties in this proposed zone and therefore would I need 11 licenses? Will there be a discount for landlords with multiple properties?*

*As a landlord in a neighbouring ward, I would support the further roll-out of this scheme to ensure that the standards of housing in the private rented sector are as high as possible across the town.*

*I don't know how a landlord can deal with antisocial behaviour in any sort of legal fashion without some changes to the law. Effectively the mortgage providers own the properties in many cases, will they have a responsibility? And what will happen with antisocial owner occupiers. ? Will there be a fee?*

# SELECTIVE LANDLORD LICENSING NORTH ORMESBY SCHEME

## EVALUATION REPORT 2020

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## 1. Aim of the evaluation

Middlesbrough Council currently operates two Selective Landlord Licensing (SLL) schemes set up under Part 3 of the Housing Act 2004.

Under the terms of the Act, each scheme runs for five years, with an evaluation required before the end of that period to assess its impact and to contribute to the decision whether it should be continued or ended.

The North Ormesby scheme, five-year period during which the locality is designated for Selective Licensing ends in December 2020. The designation on the Council's second Selective Licensing scheme within a part of Newport ward ends on 12<sup>th</sup> June 2024.

The aim of this report is to present the findings of an evaluation of the Selective Licensing scheme within North Ormesby ward.

Using guidance from Local Government Regulation, the evaluation seeks to identify the effectiveness of Selective Licensing in:

- reducing anti social behaviour attributable to the private rented sector;
- improving management standards in the private rented sector;
- increasing housing demand;
- improving the environment; and
- contributing to the effectiveness of partnership working to improve the quality of life.

## 2. Methodology

The methodology used for this evaluation of the Selective Licensing scheme within North Ormesby consists of:

- Analysis of data from Middlesbrough Council and other stakeholders collected during the 2016 - 2020 licensing period;
- Case studies, including descriptions of the housing market and details on how the Selective Licensing scheme has been managed;
- Interpretation of opinions expressed by managing agents, landlords and stakeholders operating in the Selective Licensing area.

The evaluation has also taken account of findings from an Independent Review of the Use and Effectiveness of Selective Licensing was carried out by Ministry of Housing, Communities and Local Government (MHCLG June 2019, Updated September 2019).

This report also sets out the policy background to Selective Licensing and describing the situation at North Ormesby. The report summarises the performance outputs of the North Ormesby scheme including costs and concludes with a review of options and recommendations. Various further details are contained in appendices.

## POLICY BACKGROUND AND PROJECT SET UP

### 3. Background to Selective Licensing

Part 3 of the Housing Act 2004 provides that a Council (i.e. the Local Housing Authority) may declare a licensing scheme for privately rented accommodation if the following conditions are met: -

- *that the area is, or is likely to become, an area of low housing demand; and;*

- *that the area is experiencing a significant and persistent problem caused by anti-social behaviour;*

Selective Licensing requires that any person wishing to rent out a property in a designated area must first obtain a licence from the Council. In order to grant such a licence the Council must be satisfied that the landlord is a “fit and proper” person with satisfactory management arrangements in place to deal with any anti-social behaviour caused by their tenants. Selective Licensing applies only to private landlords, not to social landlords.

Selective Licensing is intended to be just one of many tools available to the Council to address low demand and anti-social behaviour, it is not a stand-alone panacea for every issue affecting a neighbourhood. Therefore, the 2004 Act requires the Council to identify how Selective Licensing will work alongside other measures by showing how it forms part of an overall strategic approach, contributing to existing policies and underpinning future plans for the area.

A full public consultation must be carried out before a decision can be made to introduce a Selective Licensing scheme. This should include consultation with local residents, including tenants, landlords and managing agents, and other members of the community who live, run businesses or provide services in the area proposed for designation. Those outside of the designation who will be affected should be included too.

When the North Ormesby Selective Licensing scheme was introduced in 2015, Secretary of State approval was required to designate an area. However, since April 2010 this power has been delegated to local authorities, who must still meet all the other requirements of the 2004 Act to ensure that a scheme is legally enforceable.

#### **4. The introduction of Selective Licensing in North Ormesby**

North Ormesby faced significant major social and economic challenges as summarised below:

- between 2007 and 2010 the North Ormesby ward had the most significant increase in deprivation across the whole town;
- the private rented sector increased by 118% (2001-10) and owner occupation dropped by 18%; and
- poorly managed properties has continued to feed a concentration of anti-social behaviour and crime, confirmed by the Big Local survey which confirmed it as a key concern for local residents.

As a consequence of this concentration of issues a broad range of social problems have manifested themselves, from drug and alcohol abuse to domestic violence. The transient nature of households has also increased the turnover of the area with the local primary school seeing only 50% of those children who start the school at Reception year staying on until Year 6.

North Ormesby had become the destination for those people with limited housing choices. In some cases, those with the most chaotic lifestyles, and a range of social, health and welfare problems that require extensive public sector support, had become concentrated in North Ormesby and other inner areas. A proactive and preventative approach was needed to manage this structural imbalance or the Council and other public sector bodies will continue to pick up the service demands and costs generated by individuals and families. Typically the inner area demonstrated:

- a) High crime rates;
- b) Poor health outcomes;
- c) High levels of social care needs;
- d) Educational under achievement;
- e) Low employment levels;
- f) Benefit dependency; and,
- g) Disconnection from the job market.

The IMD identifies areas of multiple deprivation for each local authority area as a whole and also for smaller areas within each local authority known as Lower Layer Super Output Areas (LSOAs).

The IMD is a relative measure of deprivation and is based on a variety of indicators. Each of the 32,482 LSOAs in England are assigned a score based on deprivation levels, and also a rank based on each of the scores. Rankings for the 326 English districts and boroughs are also calculated. Middlesbrough has a rank of average score of 8 meaning it is the 8th most deprived local authority area in England.

In 2010 the 2 LSOAs for North Ormesby were in the 10% most deprived nationally being ranked 326 and 328 of 32,482 LSOAs. Both LSOAs had declined since 2007 with one showing the biggest decline in Middlesbrough, falling by 1,172 places.

The North Ormesby and Brambles Farm ward was the third most deprived ward in the town, and had declined since 2004.

The Housing Act 2004 gives Local Authorities the power to introduce Selective Licensing for privately rented properties in areas experiencing low housing demand and/or significant and persistent anti-social behaviour. The purpose of the Selective Licensing scheme is to improve standards of property management in the private rented sector, over a five year period of designation which, when combined with other measures, should lead to improved social and economic conditions.

The area of North Ormesby was designated for Selective Landlord Licensing in September 2015 and this came into force on the 1st January 2016. Every landlord who privately rents a property in the designated area of North Ormesby is required to apply for a licence to do so.

## **5. Selective Licensing Fees**

The Housing Act 2004 gives the Council the power to charge landlords a fee for all costs it incurs carrying out its Selective Licensing functions. The Act also allows the Council to take into account costs incurred in carrying functions in relation to Interim and Final Management Orders (so far as they are not recoverable under that part of the Act).

The licensing fee in the North Ormesby scheme was set at £580 per property, plus a £20 Fit & Proper Fee per licence holder. The fee was calculated by estimating the number of licensable properties, and the anticipated staffing costs required to carry out the functions of the scheme (4.5 FTEs and an Apprentice). The payment was split in to two parts with £290 + £20 Fit and Proper Fee payable at the time of the application and £290 payable at the Notice of Intention stage.

With 550 licensable properties originally identified in the North Ormesby Selective Licensing area, an income of £319,000 was predicted from the scheme. The actual income has exceeded expectations as the number of licensable properties has changed over the five years of the scheme due to exemptions, sales of properties and changes in tenure. To date 934 properties have been licensed and generated fees of £608,896. This figure is made up of licence fees, part licensed properties and late fee charges. Income from the licence fees is ring fenced meaning that it can only be used for the delivery of the SLL scheme. North Ormesby fees pay for the following SLL staffing: Manager, SLL Officer, SLL Neighbourhood Safety Officer, SLL Assistant, Apprentice and Tenancy Relations Officer.

## **PERFORMANCE**

Throughout the period of the North Ormesby SLL scheme a series of performance measures have been monitored to track the progress and outcomes of the scheme.

## **6. Low Demand for Housing**

The Council introduced Selective Licensing in North Ormesby on the basis that there was compelling evidence of low housing demand. In line with legislation and guidance the Council considered the indicators of low housing demand such turnover, low property prices, a transient tenant population and high proportion of empty properties.



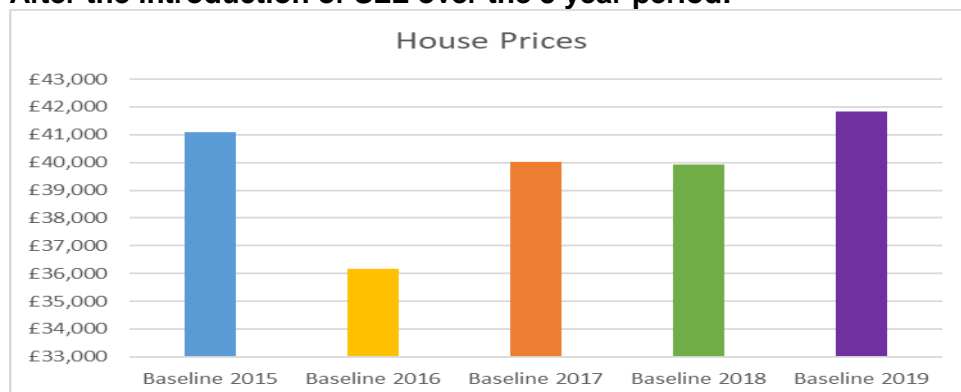
## 6.1 House Prices

### Prior to the introduction of SLL:

With average sales prices in North Ormesby at £48,000 (Land Registry sold prices between August 2013 and July 2014), they were amongst the lowest in the town. (The average house price for Middlesbrough at this time was £124,000). Performance baseline figures the year prior to the scheme (2015) using Land Registry sold prices show house prices at £41,000.

Prices ranged from £25k-£30k up to £55k dependent on the location within the ward. Those purchasing properties in North Ormesby were predominantly investors looking to buy to rent.

### After the introduction of SLL over the 5 year period:



Data source: HM Land registry Open data <https://landregistry.data.gov.uk/app/standard-reports/report-design>

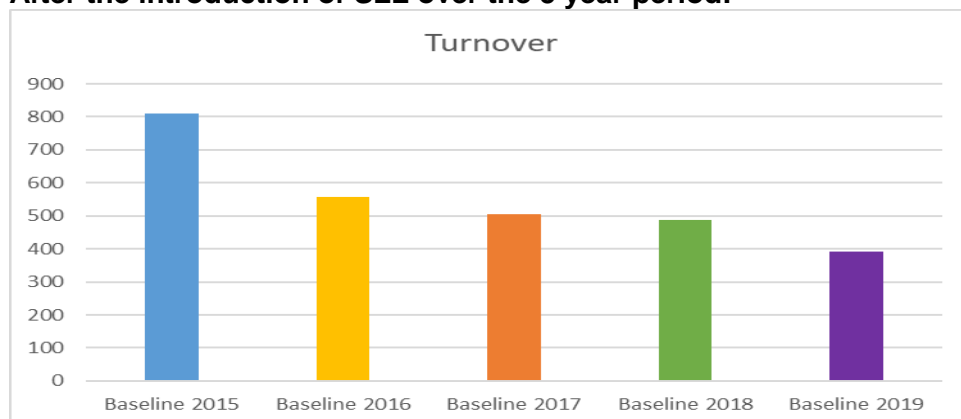
**Conclusion: This clearly shows that house prices in North Ormesby are starting to increase. During the designation period observations have indicated that there has also been an increase in the number of renovations of properties.**

## 6.2 Turnover of tenants

### Prior to the introduction of SLL:

Council Tax records provide a guide as to the proportion of properties experiencing turnover in occupancy in the North Ormesby ward. Of the 1,791 Council Tax accounts in 2013/14 a change occurred in 72.8% of them, requiring a new account to be created, affecting 705 properties (39%). In the preceding year a change requiring a new account to be created occurred on 85.8% of accounts, affecting 870 properties (50%).

### After the introduction of SLL over the 5 year period:



Data Source: Middlesbrough Council, Council Tax records.

**Conclusion: Prior to the SLL scheme North Ormesby had a more transient population typically housed in privately rented accommodation which can have a negative impact on the stability and desirability of an area. It can also affect community integration and investment and affect school performance negatively. Following the designation of the SLL scheme it can be seen that the turnover of properties has decreased each year which indicates that properties are not changing hands as much and there is a more static population contributing to improved community cohesion.**

### **6.3 Empty Properties and Long Term Empties (More than 6 Months)**

The problems empty properties cause for local communities are well known, but in summary they:

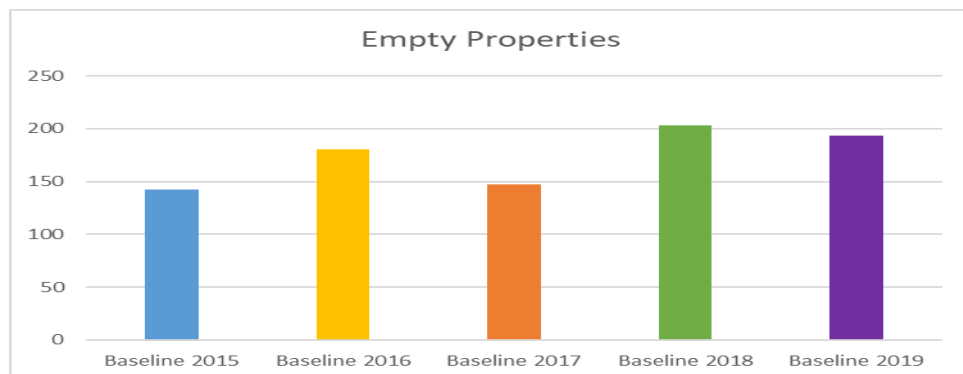
- deny homes to those in need;
- attract vermin, crime, arson, vandalism, fly-tipping and anti-social behaviour;
- are a source of anxiety for owners and neighbours;
- reduce the value of neighbouring properties; and as a consequence,
- are a drain on public services and budgets.

Empty properties which become open for access due to vandalism or criminal damage are subject to legal notices which require the owner to secure the property. This action is taken by officers in the Public Protection Service and this has not changed throughout the life of the scheme

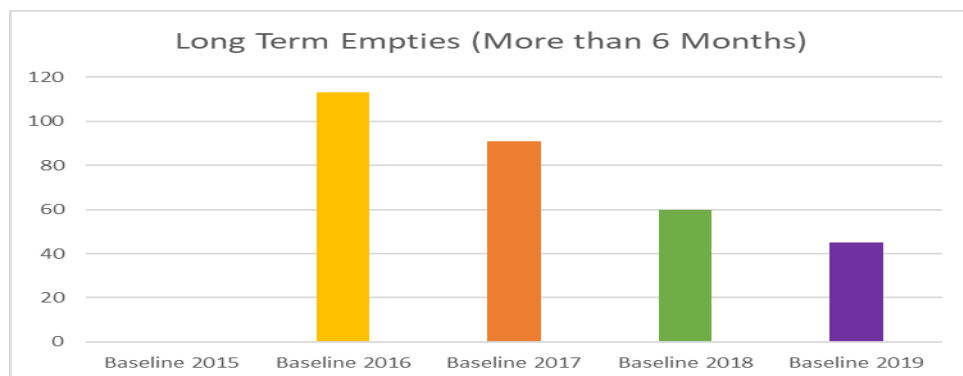
#### **Prior to the introduction of SLL:**

At the end of September 2014, according to Council Tax records, there were 68 long-term empty properties in North Ormesby, which equates to 3.9% of total stock. North Ormesby had the second highest proportion of long term empty properties than other areas in Middlesbrough. This position contributed to a negative image causing uncertainty for established residents and making it hard to attract people to the area.

#### **After the introduction of SLL over the 5 year period:**



Data Source: Middlesbrough Council, Council Tax records



Data Source: Middlesbrough Council, Council Tax records

**Conclusion: Even with the introduction of Middlesbrough Council's Rent & Refurb Scheme and Thirteen purchasing properties in the area, there has been a fluctuation in the numbers of empty properties throughout the five year of the scheme. Whilst the number of empty properties remain high, there has been a very distinct decline in the number of long term empty properties which are the most problematic in terms of attracting anti social behaviour, damage and contribute to lack of confidence in safety in the community.**

**Recommendation for future SLL scheme: To continue with the delivery of the current scheme's approach to dealing with vacant properties. It is proposed that the SLL team will be given additional responsibility to serve legal notices to secure empty properties which become open for access. This could potentially increase the efficiency of securing properties in a shorter timescale.**

## **7. Property Conditions**

Middlesbrough's Private Sector Stock Condition Survey (PSSCS) 2008 identified North Ormesby as having the highest proportion of non-decent dwellings in Middlesbrough at 60.5%.

North Ormesby also recorded the highest non-decency remedial cost score by area (£40.3m and an average of £3,685, per non decent dwelling).

North Ormesby was also found to have by far the highest proportion of homes with a Category 1 hazard (37.8%). Examples of Category 1 hazards include:

- inadequate heating
- absence of working fire alarms
- leaking roofs
- broken rail on a steep stairway
- lack of physical security, such as doors and windows not closing or locking properly.

### **7.1 Improving housing standards**

Non-decent homes do not meet current statutory minimum standards, are not in a reasonable state of repair, do not have reasonably modern facilities and fail to provide a reasonable degree of thermal comfort.

Middlesbrough's Private Sector Stock Condition Survey (PSSCS) 2008 identified North Ormesby as having the largest proportion of vulnerable households (74.2%) living in non-decent homes.

### **7.2 Housing disrepair**

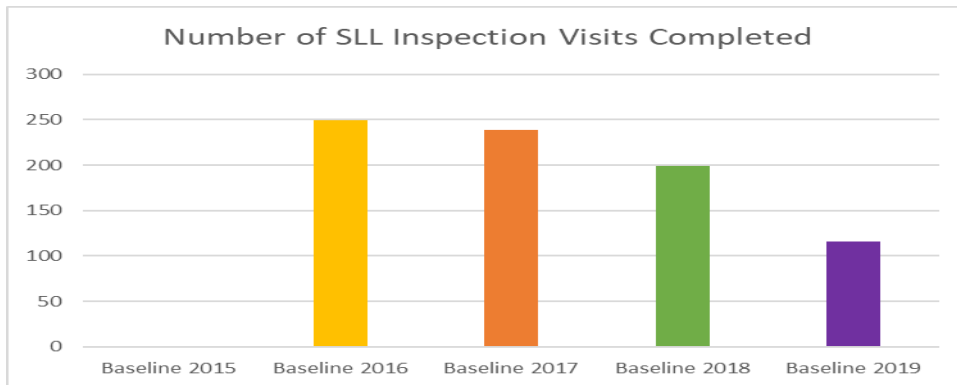
#### **Prior to the introduction of SLL:**

The Council received 145 complaints of housing disrepair in private rented property in North Ormesby between 2011/12 and 2013/14, this equates to 8.4% of the private rented properties in North Ormesby, the town average being 3.4%.

- The Council issued 41 pre-formal schedules of work to landlords in North Ormesby between 2011/12 and 2013/14 (2.4% of private rented housing in the area) with the town average being 0.6%.
- The Council served 9 statutory housing repair notices on landlords in North Ormesby between 2011/12 and 2013/14
- Baseline figures for the scheme show that in the year prior to the introduction of the SLL Scheme 6 housing standards inspections were carried out in North Ormesby following complaints from their tenants. The inspections identified 2 category 1 Hazards and 21 Category 2 hazards

#### **After the introduction of SLL over the 5 year period:**

The graphs below show the number of rented properties in NO which have been inspected throughout the course of the SLL to ensure they met housing standards. Generally, residents in the private rented sector do not complain about standards in their property, for a wide range of reasons, which is evident in the low number of complaints in 2014. The incorporation of housing standards inspections into the SLL scheme has resulted in improved housing conditions for residents. The majority of the inspections were completed in 2016/17 (the first two years of the scheme) with the number of inspections declining in 2018/19 due to the reduced numbers of properties requiring inspections which is reflected in the figures.

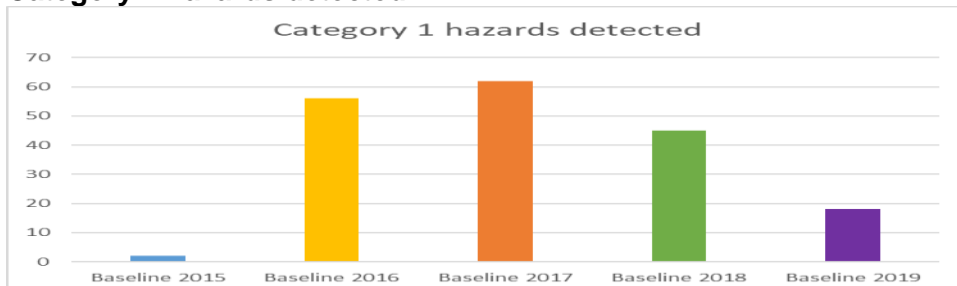


Data Source: Selective Licensing Spreadsheet

**Conclusion:** It was originally intended that a 100% of the licence properties in North Ormesby would be inspected in the first 2 years. However, it became evident that due to the nature and chaotic lifestyles of the tenants access to the properties was often difficult and on some occasions it took 3 and 4 attempts to be able to carry out the inspection. In addition, if a property was licensed but was vacated before the inspection was carried out, it would be delayed until the property was tenanted. It was also evident over the course of the SLL scheme that new properties became licensable and required an inspection. The graph above shows the extended timescale required to complete the housing inspection.

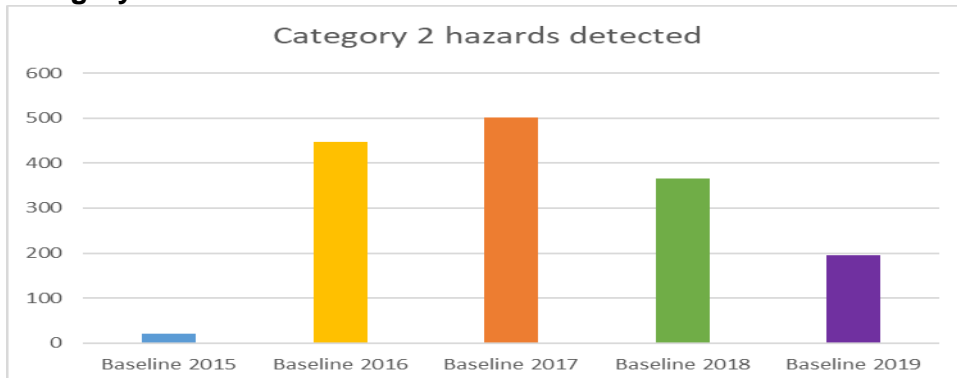
The figures for the housing inspections also provide the numbers of multi-agency visits made to each property to offer wider support, including the Tenancy support for vulnerable residents.

**Category 1 hazards detected**



Data Source: FLARE data system

**Category 2 hazards detected**

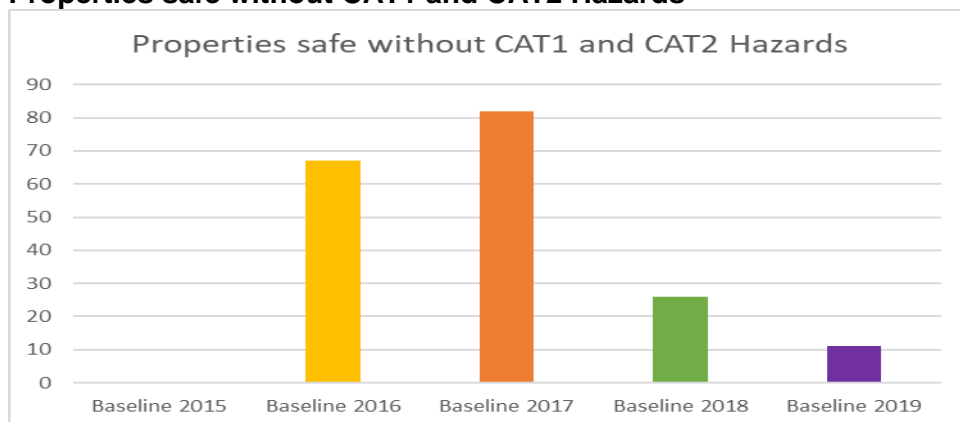


Data Source: FLARE data system

**Conclusion:** Category 1 hazards are those where the most serious harm outcome is identified, for example, those hazards which may cause death, permanent paralysis, and permanent loss of consciousness, loss of a limb or serious fractures. There is a legal duty to take action when category 1 hazards are identified, and a power to enforce against category 2 hazards. The baseline data shows the low number of tenants which were coming forward to report poor housing conditions. The proactive housing inspections incorporated into the SLL scheme has resulted in a significant increase the number of properties with poor housing conditions in NO and a

**significant improvement in housing conditions. Without the SLL scheme these improvements would not have been achieved.  
 Recommendation for future SLL scheme: To maintain a multi-agency approach to property visits and housing standards inspections as a requirement of the SLL scheme.**

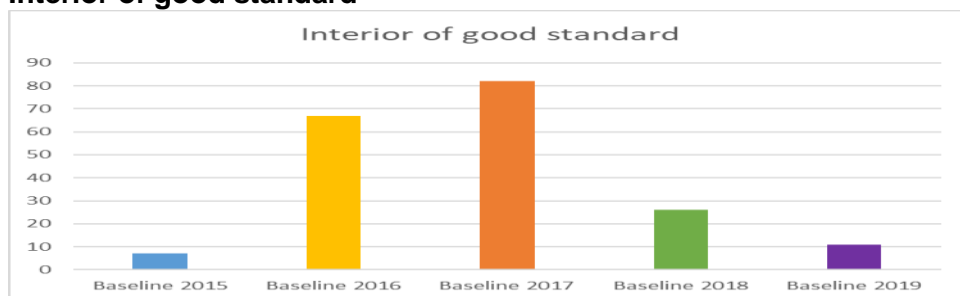
**Properties safe without CAT1 and CAT2 Hazards**



Data Source: FLARE data system

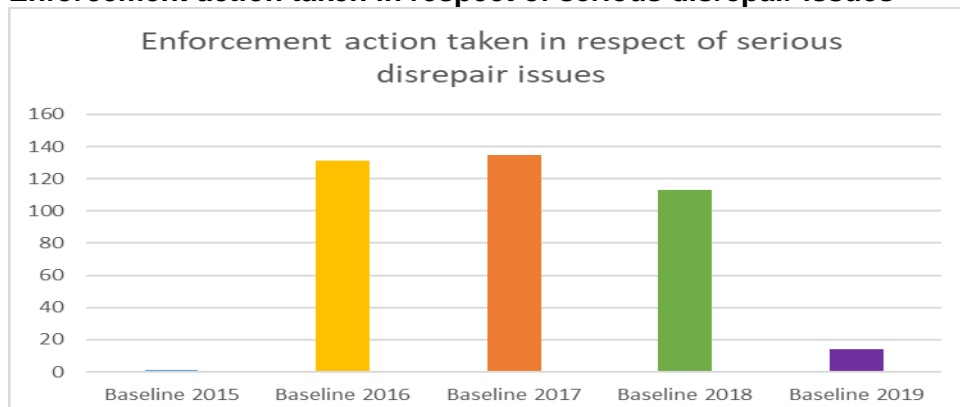
The above graph shows the number of properties safe without Cat1 and CAT 2 hazards. As with the previous graph the majority of the inspections were completed in 2016/17 (the first two years of the scheme) the number of inspections declined in 2018/19 due to the lower number of inspections required to be completed which is reflected in the figures.

**Interior of good standard**



Data Source: FLARE data system

**Enforcement action taken in respect of serious disrepair issues**



Data Source: FLARE data system

Case studies are provided to support the above (Appendix 6 – Case study 1 & 2.)

**Landlord Testimonial (Nigel Fick)** – “In a perfect world there would be absolutely no need for Selective Licensing. There would be no anti-social behaviour, all tenants would conduct their tenancies immaculately and private landlords would be aware of their responsibilities both to tenants and the public and share the information they have.

Regrettably that is not the world we live in. By definition, any area that is subject to Selective Licensing will have poor standards of private housing and higher than normal instances of anti-social behaviour and it is therefore essential that private landlords behave responsibly which is clearly not always the case.

If we are to have Selective Licensing it is of fundamental importance that the local authority team charged with the task does so with understanding and professionalism but also be firm enough to punish landlords who demonstrate an unwillingness to ‘ play ball ‘.

I would like to thank you and your team for being so helpful with our licence applications, with on-going advice and support, with helpful information and a boot up the backside when needed”.

## **8. Management Standards**

By introducing selective licensing the Council is fully utilising the suite of tools introduced by the Housing Act 2004 to address management standards and property conditions within the private rented sector. As part of a coordinated approach, Selective Licensing compels landlords to maintain good standards and raise the profile of problem properties. Through the increased awareness amongst the community and across agencies, Selective Licensing has become a valuable mechanism for identifying and dealing with bad practice amongst private landlords.

Whilst reputable landlords are provided assurance with a Selective Licensing scheme in place, those landlords whose business practices did not meet the required minimum standards are encouraged and supported to improve their management standards. Landlords who were not willing to work with the Council could face being refused a licence and ultimately having a Management Order imposed against the property which removes it from their control.

### **8.1 Tenancy Referencing**

The Tenancy Referencing Service offers a free service to member landlords which allows them to make informed choices about prospective tenants when letting properties in the Middlesbrough area.

A traffic light system is used to explain the results of the reference check. This lets landlords make an informed choice about whether or not to allocate a tenancy.

- Green: indicates no issues.
- Amber: may indicate that there has been no previous tenancy held, or there may have been some minor tenancy issues or rent arrears.
- Red: indicates evidence of eviction, anti-social behaviour, or high rent arrears.

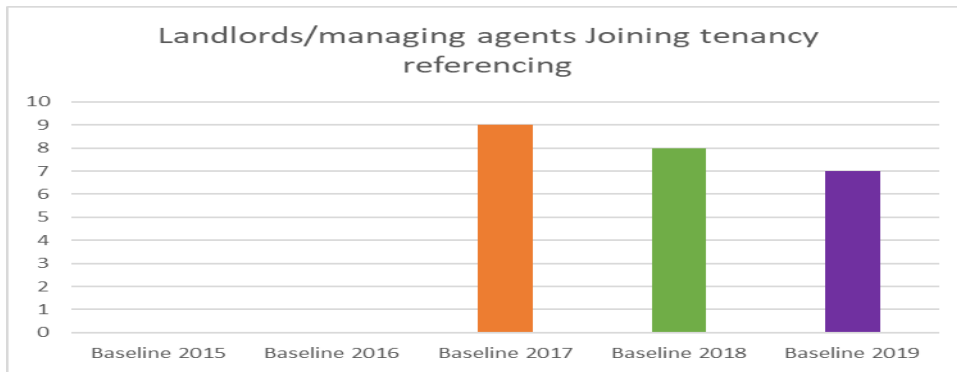
#### **Prior to the introduction of SLL:**

Landlord referencing existed but it was discretionary for landlords to join and use the service.

#### **After the introduction of SLL over the 5 year period:**

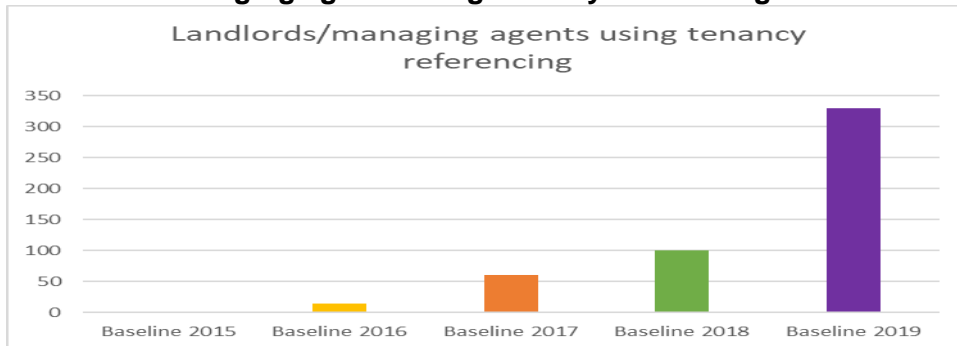
When SLL was introduced tenancy referencing became a mandatory condition of the licence, in addition to conditions requiring landlords to provide a copy of a tenancy agreement, up to date gas safety certificate and an anti-social behaviour plan.

#### **Landlords/managing agents joining tenancy referencing**



Data Source: FLARE data system

### Landlords/managing agents using tenancy referencing



Data Source: FLARE data system

**Conclusion: A licence condition of the scheme is that all landlords need to reference their tenants before placing them in a tenancy but can use any referencing service they choose. The graphs show that during the course of the scheme landlords have not only joined but are using the service. Recommendation for future SLL scheme: It is proposed that a mandatory condition is introduced for landlords to use Middlesbrough Council FREE referencing service as this is a robust service which is broader than the current scheme as it also looks at antisocial behaviour in previous tenancies.**

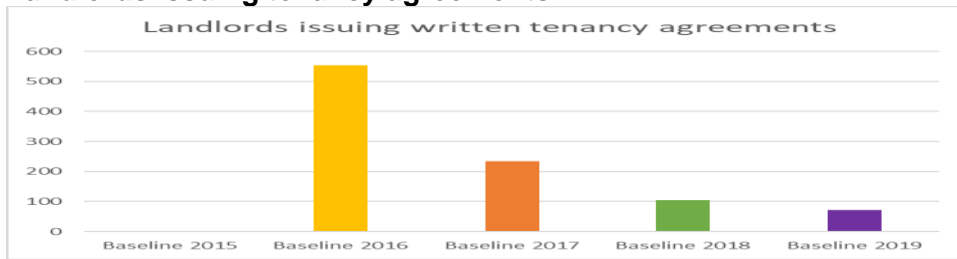
**Landlord Testimonial (Paul Norman)** - "For many years I prevented my clients (investors) and myself from purchasing /working in this area and told anyone who asked where to buy, not North Ormesby! Since Selective licensing has been rolled out my attitude to the area has changed dramatically due to the efforts by the team at the hub.

I can see, personally, the difference to the area and the type of tenants. I see a lot more builders vans here than I have ever seen in the street (we did have a few we managed and maintained before my change of heart). Houses look better generally, and it seems a concerted effort to remove the stigma from "Doggy" is slowly being removed for the landlords. As a comparison, to show our faith in the improvement, we are currently working on 8 refurbishment programmes in the area. In Middlesbrough, just 1!

The referencing is very good, I am an Accredited Landlord with the NLA, their referencing costs me £24 per time. It does not, however, tell me their history at previous address`s, nor their conduct, whether they have issues with housing benefits and rent etc. The service is much more beneficial to prospective and established landlords.

In my opinion, Selective Licensing has changed North Ormesby and it was much needed".

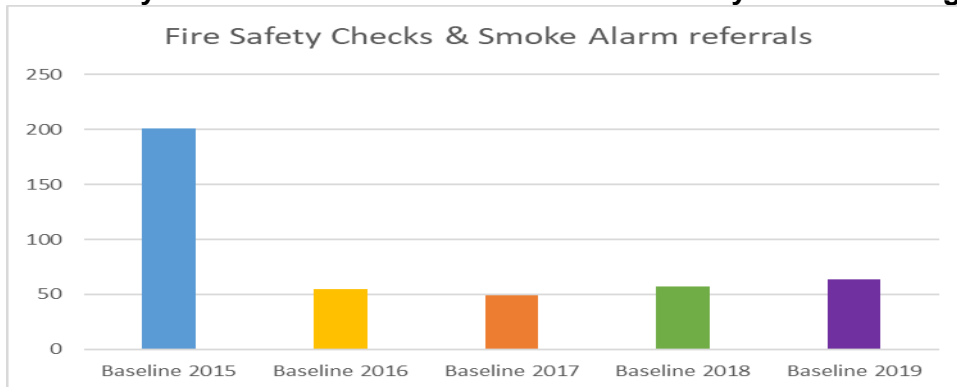
## Landlords issuing tenancy agreements



Data Source: FLARE data system

**Conclusion:** When landlords apply for a selective licence it is mandatory that they must upload a copy of the current tenancy agreement along with the application form. The decrease in numbers throughout the scheme is due to the number of applications received.

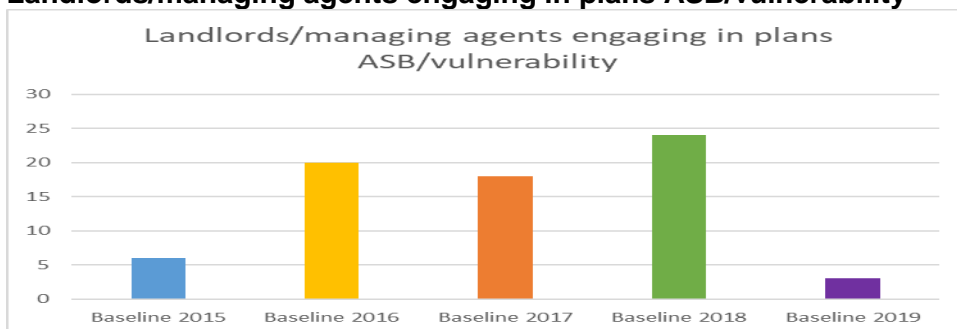
## Fire Safety Checks & Smoke Alarm referrals made by team following property inspection



Data Source: FLARE data system & Selective Licensing Spreadsheet

**Conclusion:** It is a mandatory condition that smoke alarms are fitted at each floor level within a property. At the start of the tenancy it is the landlord's responsibility to ensure alarms are fitted, during the tenancy it is the tenant's responsibility to ensure the alarms stay in a working condition. On each housing inspection every tenant is offered a home fire safety check with the fire brigade and if smoke alarms are not present or found to be not working new smoke alarms are requested. If these visits were not carried out there would a larger number of properties without adequate smoke and fire protection.

## Landlords/managing agents engaging in plans ASB/vulnerability



Data Source: FLARE data system

## 9. Antisocial Behaviour & Early Help

### 9.1 Antisocial Behaviour

Anti-social behaviour and crime can have a devastating effect on individuals and communities. It describes a wide range of everyday nuisance, disorder and crime from graffiti and noisy neighbours to harassment and street drug dealing. It is sometimes dismissed as trivial, but anti-social behaviour has a huge impact on victims' quality of life and it is often the public's number one priority when it comes to local concerns.

The types of anti-social behaviour that the Council's Community Safety Team regularly deals with



includes:

- Vandalism, graffiti, and other deliberate damage to property or vehicles
- Teenagers hanging around on the streets
- Rubbish or litter lying around
- Drug use and dealing
- Drunk or rowdy behaviour
- Chaotic families.

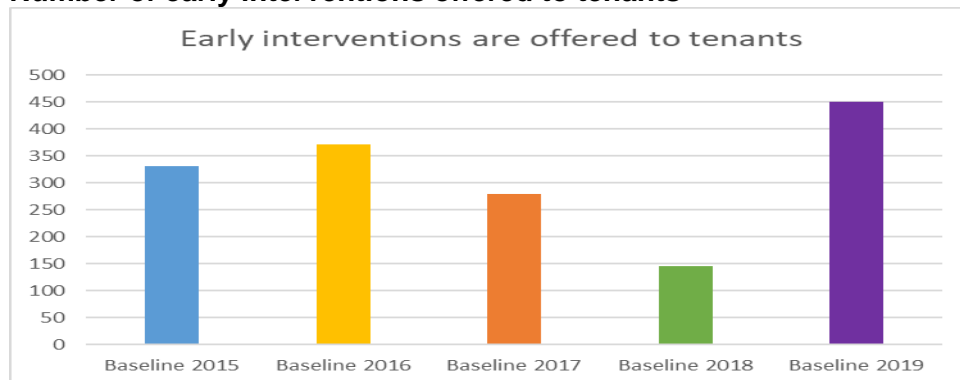
### Prior to the introduction of SLL:

In Middlesbrough between 2011/12 and 2013/14 there was a total of 1,917 complaints of anti-social behaviour received by the Council's Private Housing Enforcement and Anti-Social Behaviour Teams, an increase over that period of 67.9%.

Between October 2013 and September 2014, Cleveland Police also dealt with 732 cases of anti-social behaviour in North Ormesby. This was the second highest rate per population in the town. The ward with the highest rate was Middlehaven, which includes town centre related anti-social behaviour e.g. reports of drunk/rowdy behaviour, often handled by Street Wardens.

### After the introduction of SLL over the 5 year period:

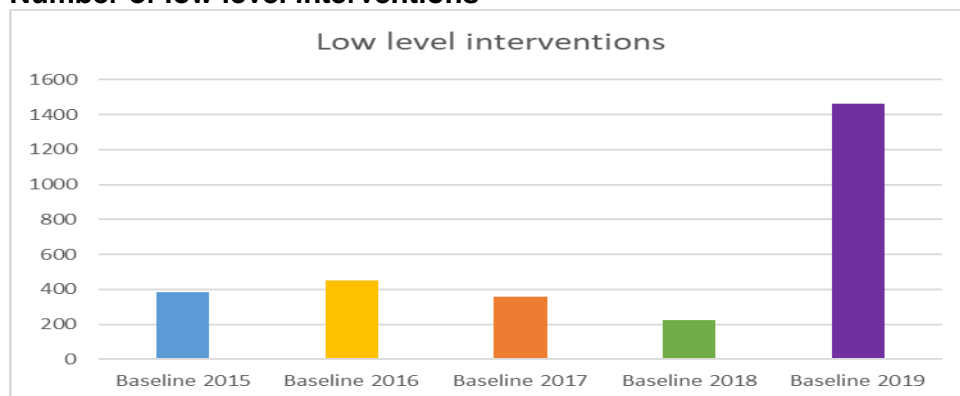
#### Number of early interventions offered to tenants



Data Source: FLARE data system

**Early interventions are:** referrals into other services for support.

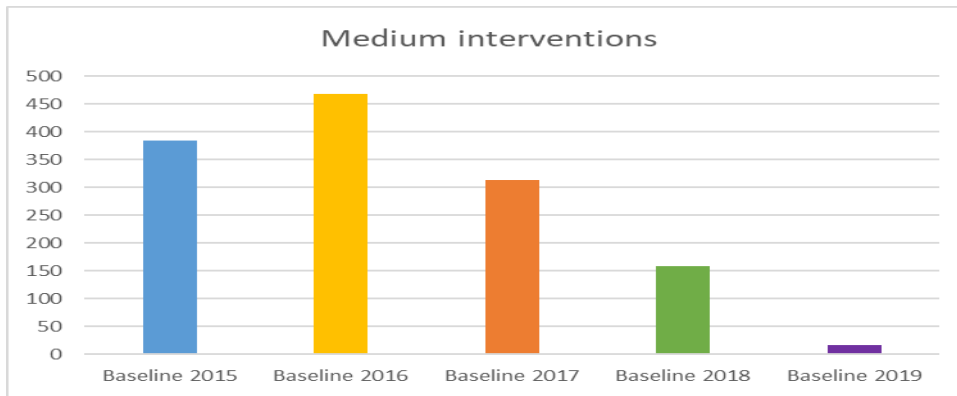
#### Number of low level interventions



Data Source: FLARE data system

**Low Interventions are:** cases open/closed, telephone call/e-mail, letter drop, diary sheets received, initial warning letters, motorbike warning letter, site meetings and joint patrols.

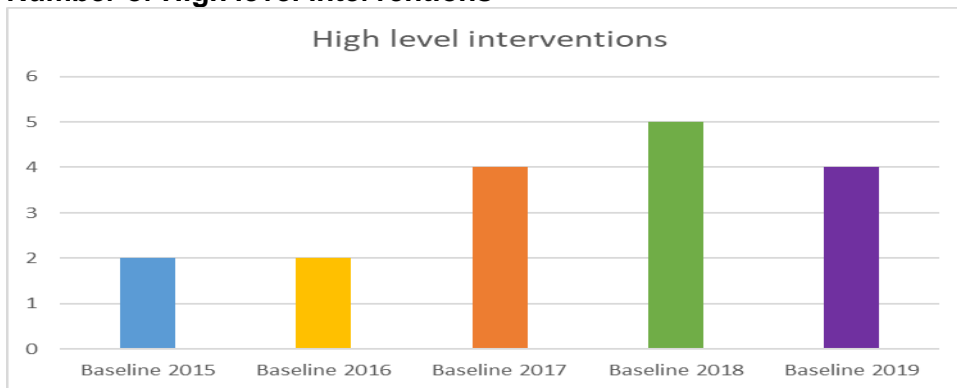
#### Number of medium interventions



Data Source: FLARE data system

**Medium Interventions are:** second warning letter, final warning, ABC issued, ABC breached, joint interviews and tenancy breach interview.

### Number of High level interventions

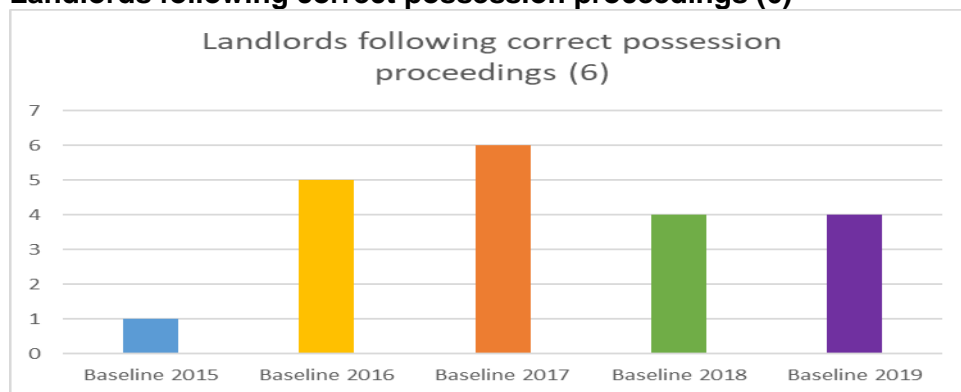


Data Source: FLARE data system

**High level interventions are:** Criminal Behaviour Orders, Civil Injunction, House Closures (all for high levels of persistent antisocial behaviour and a last resort after all low and medium level interventions have been exhausted).

**Conclusion:** It should be noted that in 2018 in line with Community Safety Neighbourhood Safety officers, the categories for the codes for early, low, medium and high interventions were reviewed. This resulted in a number of the previous early and medium interventions being moved into the low category which explains the discrepancy in figures. The figures demonstrate the wide range of interventions delivered as part of the SLL scheme to tackle antisocial behaviour.

### Landlords following correct possession proceedings (6)

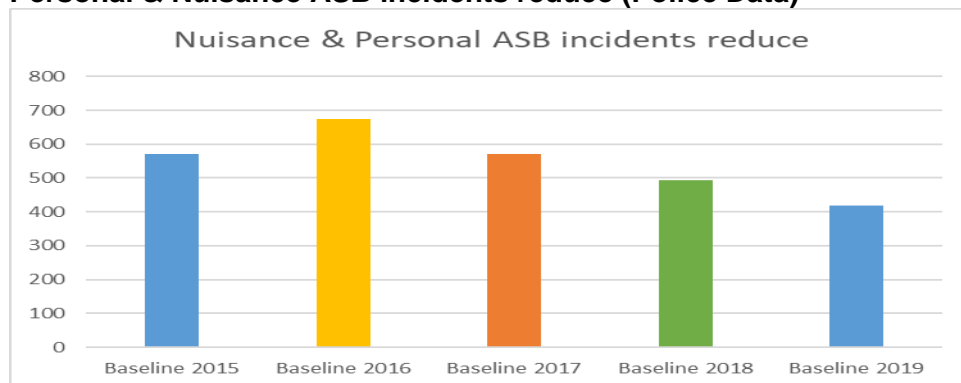


Data Source: FLARE data system

A Case Study is provided to support the above in Appendix 6 – Case Study 5

Landlords following correct possession proceedings are: Landlord’s serving section 8 or section 21 notices.

### Personal & Nuisance ASB incidents reduce (Police Data)



Data Source: police analyst data systems provided by Middlesbrough Council Data Analyst

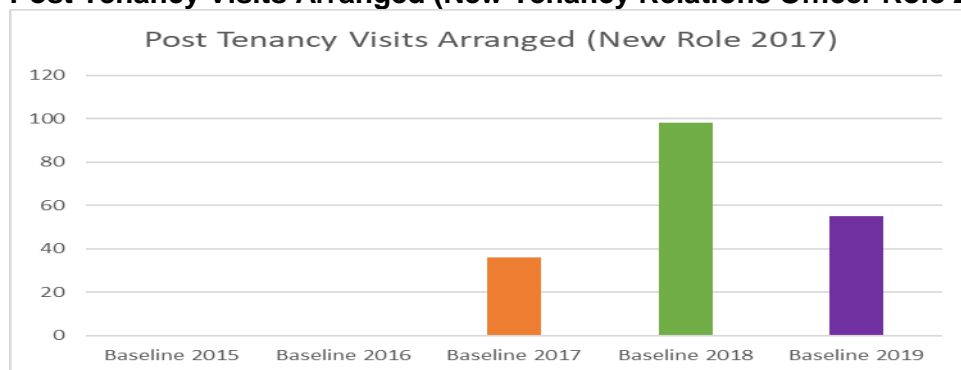
The personal and nuisance ASB incidents in North Ormesby (Police data) has reduced by 19% between 2015 and 2019.

### 9.2 Early Help

It was originally planned to offer Early Help interventions supported by Children’s Centre colleagues as part of the SLL intervention. A multi-agency/disciplinary team visit was made to each property which incorporated the housing standards inspection. This team was made up of representation from SLL team, Neighbourhood Safety Officer, Early Help Practitioners, Environmental Health Officer and Police, if required. It became apparent during the course of the scheme that the most vulnerable people requiring support were single lone adults with complex needs. The delivery of the scheme was amended to include a Tenancy Relation’s Role.

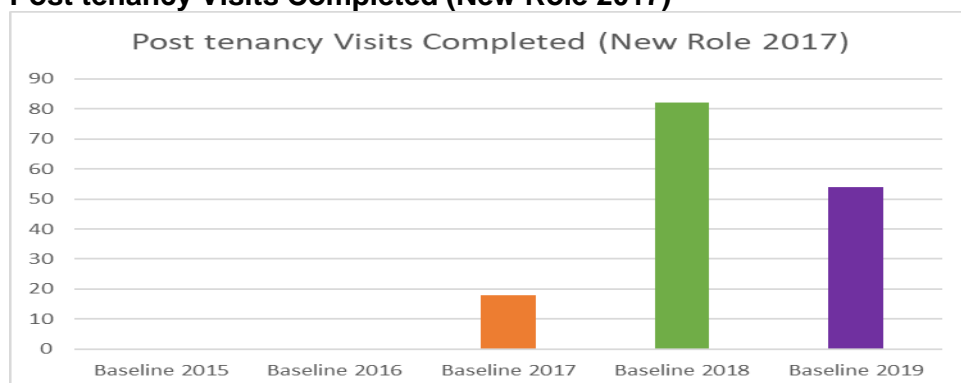
The inspection process is now carried out by the Selective Licensing Tenancy Relations Officer and Environmental Health Officer. This approach is to ensure that as well as checking compliance with the licence conditions, the tenants are helped and supported with any issues they may be facing. Issues may include substance misuse, parenting skills, unemployment; the team make referrals to relevant agencies and follow-up any actions. The services offered through the inspection team are of benefit to landlords, tenants and the wider community to help to reduce the turnover of tenants.

### Post Tenancy Visits Arranged (New Tenancy Relations Officer Role 2017)



Data Source: FLARE data system

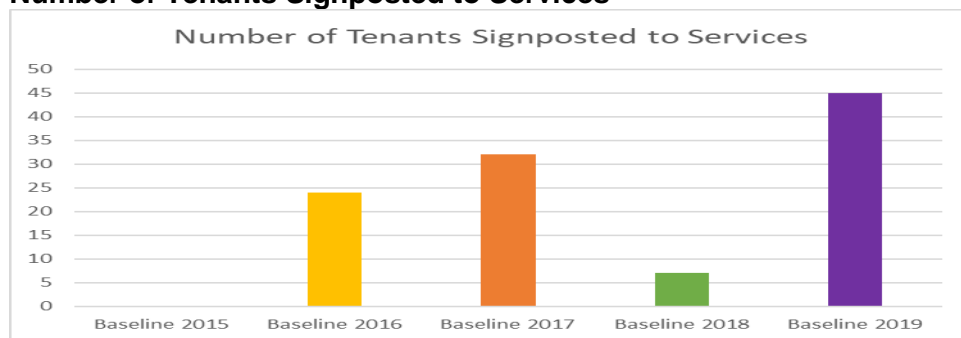
### Post tenancy Visits Completed (New Role 2017)



Data Source: FLARE data system

**Conclusion:** Post tenancy visits are carried out on all new tenancies. Part of the Tenancy relations officer role is to carry out a post tenancy visit approximately 4 weeks after the new tenancy has commenced to ensure that the tenant have settled into their new home and to discuss any concerns/issues they may have. If there is and history of previous anti-social behaviour this visit is conducted jointly with the Neighbourhood Safety Officer. A post tenancy visit appointment letter is normally sent (Post tenancy visits arranged figure) however some visits are not prearranged for example if a complaint is made. This explains why the number of post tenancy visits completed is greater than those arranged.

### Number of Tenants Signposted to Services

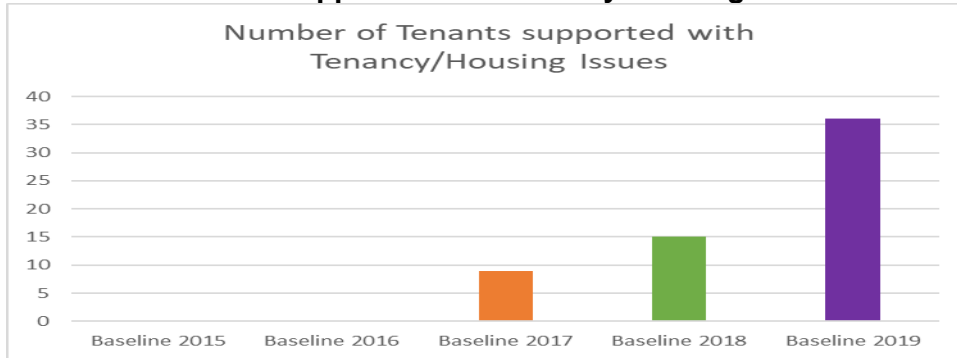


Data Source: FLARE data system

**Conclusion:** During inspection and post tenancy visits the tenancy relations officer discusses the tenant's needs and referrals into other services such as Mental Health, substance misuse and debt services. Without this SLL intervention these tenants may not access the services they require or access may be delayed. The SLL scheme has provided support to tenants

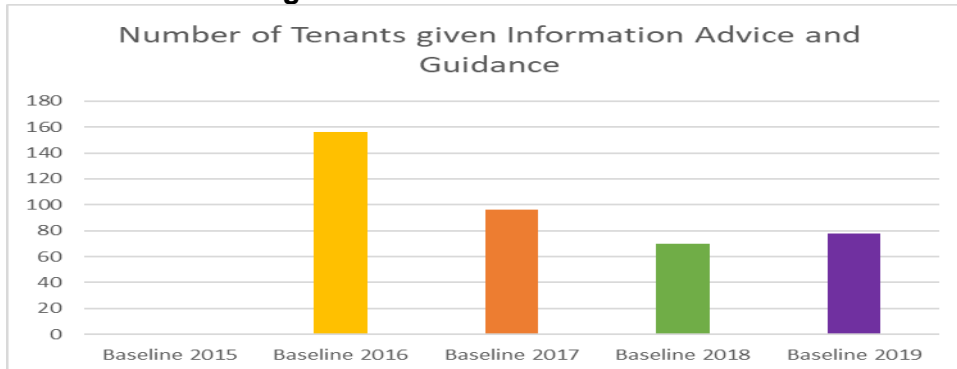
over the scheme. It is not clear why the number of people supported dipped in 2018.

### Number of Tenants supported with Tenancy/Housing Issues



Data Source: FLARE data system

### Number of Tenants given Information Advice and Guidance



Data Source: FLARE data system

**Conclusion: During inspection and post tenancy visits tenants are given information, advice and guidance on any matters arising, these can be tenancy issues, antisocial behaviour, information on refuse/recycling days, alley gates and more. These types of intervention assist in tackling anti social behaviour.**

### Case Study 3

**Landlord Testimonial** – “I would like to take this opportunity to thank the Selective Licencing Team for their continued help and support for the excellent service you provide. Personally I think the scheme has been a huge success and I can certainly see a lot of improvements in North Ormesby since the scheme began. It is reassuring for landlords that the team are on hand for help and advice when needed. The tenancy referencing is an excellent tool for landlords to have. I wish that more landlords would embrace the scheme as I am sure that if they did then together we could improve the environment for our tenants and also restore the slump in property values.

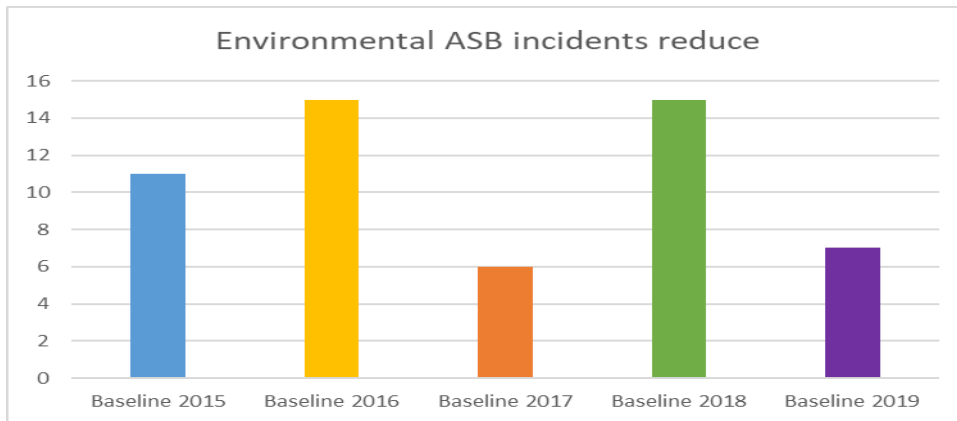
I sincerely hope that the scheme continues in the future as I feel that if it is stopped then standards would fall which would be detrimental to residents of North Ormesby and the reputable landlords who want to provide good quality housing in a safe environment”.

## 10. Environmental Nuisance

Environmental nuisance and fly-tipping was an issue in North Ormesby especially in and at the entrance to alleys.

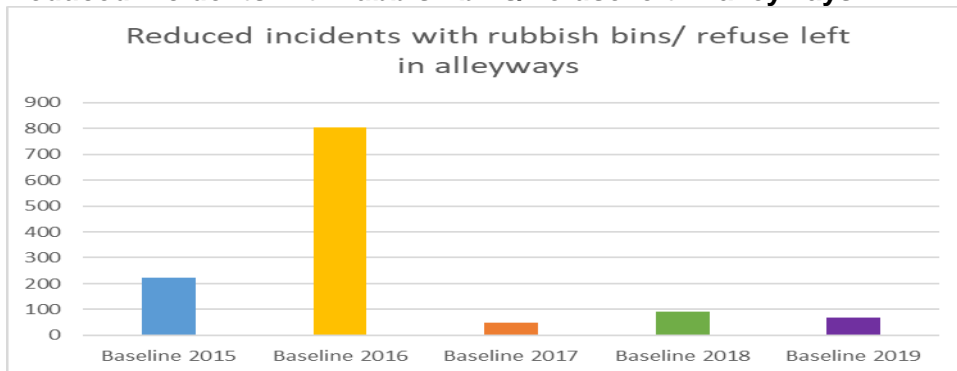
**After the introduction of SLL over the 5 year period:**

**Environmental ASB incidents reduce**



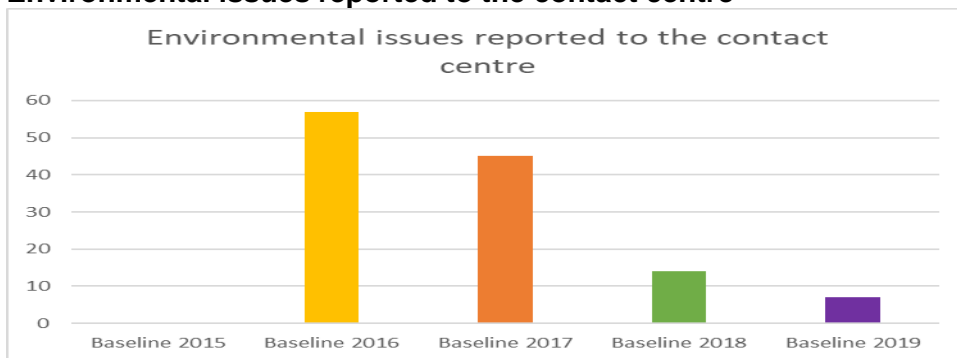
Data Source: police analyst data systems provided by Middlesbrough Council Data Analyst

### Reduced incidents with rubbish bins/ refuse left in alleyways



Data Source: Street scene operative's data into Microsoft Access report

### Environmental issues reported to the contact centre



Data Source: FLARE data system

**Conclusion: The Selective licensing team conduct daily walkabouts in the area and introduced a multi-agency walkabout fortnightly to address the issue. Any fly-tipping or rubbish identified by the team is reported to Middlesbrough Council contact centre. The walkabouts identify hotspots and problem areas and can implement early intervention to remove waste and to attempt to prevent further dumping. The figures show a reduction in the number of reported incidents of dumped waste and environmental issues reported to the contact centre.**

## 11. Application Process

### 11.1 Applications Received

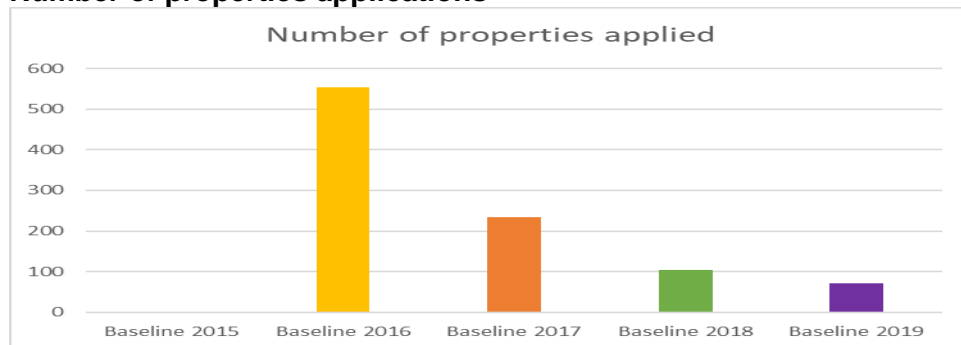
Within the designated area of North Ormesby all privately rented properties need a licence to operate. The owner of the rented property needs to make an application to the Council. The Council must be satisfied that of all the person with an interest in the property, the most appropriate person is the licence holder, this would usually be the property owner.

The licence is valid for a maximum of 5 years. Failing to apply for a licence could lead to prosecution and an unlimited fine. If prosecuted, this would lead to the licence holder no longer being classed as 'fit and

proper' and would mean they would need to find someone else to hold their licence and undertake the management of the property.

At the start of the scheme it was estimated that 550 properties would require licences, to date 934 properties have been licensed.

### Number of properties applications



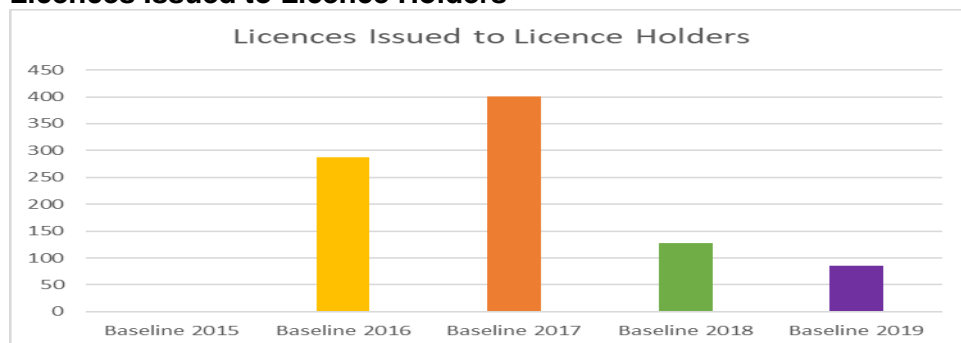
Data Source: FLARE data system

**Conclusion: The number of properties applying for the scheme have decreased over the course of the SLL scheme as most landlords have complied with the requirement to licence introduced in 2016. Applications have been received throughout the duration of the scheme due to the sale of properties and changes in tenure.**

### 11.2 Licences issued

Once a landlord has applied for a licence, the application is then checked and a notice of intention (draft licence sent including second payment link, once the second payment has been received the licence is issued.

#### Licences Issued to Licence Holders

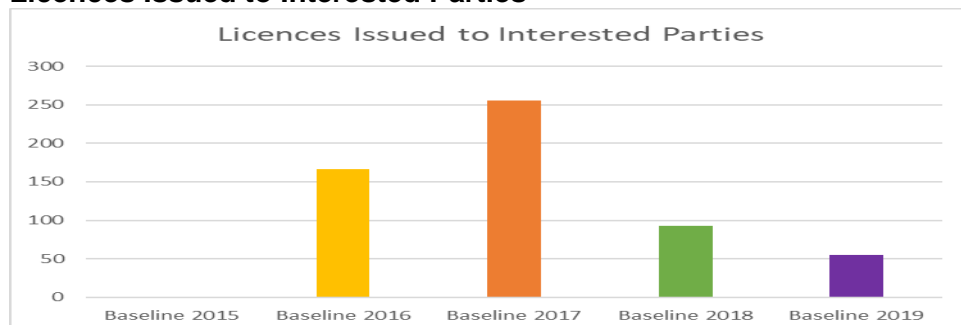


Data Source: FLARE data system

### 11.3 Licences issued to interested parties

If the property has an interested party in the property i.e. a mortgage company then we also issue a copy of the licence to the interested party.

#### Licences Issued to Interested Parties



Data Source: FLARE data system

## 12. Enforcement

Failing to apply for a licence could lead to prosecution and an unlimited fine. In addition to the fine the Council can apply for a Rent Repayment Order which allows amounts paid in connection with a tenancy or licence to be recovered for the period that the property should have been licensed.

### 12.1 Enforcement for non-compliance

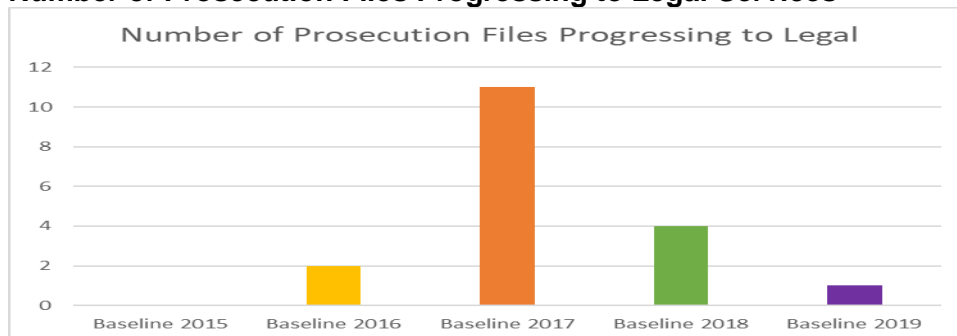
Landlords are given adequate time and support to apply for a Selective licence. They are sent an initial notification letter, giving 4 weeks to apply. If no application is received they are then sent a reminder letter incurring a £100 late fee and giving a further 14 days to apply for a licence. If an application is still not received we then pursue the landlord and take enforcement action for non-compliance with the scheme. Under the Housing Act 2004 a person commits an offence if he is a person having control of or managing a house which is required to be licensed under this Part (see section 85(1)) but is not so licensed.

#### Prior to the introduction of SLL:

No enforcement was taken against landlords in the North Ormesby ward.

#### After the introduction over the 5 year period:

#### Number of Prosecution Files Progressing to Legal Services



Data Source: FLARE data system & Selective Licensing Legal Data spreadsheet

**Conclusion: The number of prosecution files shown were submitted to Legal Services for non-compliance with the scheme. Some landlords responded at the summons stage and applied for a licence therefore the case did not progress to a hearing. The low number of cases indicate that most landlords have complied with the SLL scheme.**

There have been 7 prosecutions and the results of some of the legal proceedings are summarised below:

- 1 landlord pleaded guilty, fined £6000 (£500 per property) + £1000 costs. Landlord applied for licences after prosecution;
- 1 landlord found guilty in his absence, fined £5,500 (£500 per property) + £775 costs. The landlord still hadn't applied for licences so we applied for a Rent Repayment Order from the date of the offence he was convicted (it was successful and he was required to pay back 5 Months (£20,000) housing benefit payments).
- 3 further cases resulted in 2 successful prosecutions (1 fined £926 & 1 fined £2,546) and 1 landlord applying.
- 7 landlords were summonsed but applied for licences before the court date, and after liaison with Legal Services and it was decided that it was not in the public interest to continue with these prosecutions

Case study provided to support the above in Appendix 6 – Case Study 4

### 12.2 Partnership working



The SLL team work in close partnership with other services and agencies to maximise the impact of the scheme, service include police, fire brigade, community groups, youth groups and other council's services such as street warden service and environmental services. It was initially planned that SLL would be a multi-agency team and include Police, Fire Service and Social Care (similar to the place based working) and working together with landlords. It is envisaged that this multi-agency approach will be achieved through the delivery of the Locality based working arrangement proposed for North Ormesby and SLL will work closely alongside the other agencies as part of this set up, benefiting from the close ground level working.

**Police Testimonial (Inspector Snaith)** - "I would publically say that both I and Cleveland Police fully support Selective licensing. It is an excellent process that supports the interests of the landlords, ensures safe and suitable accommodation for tenants and also helps to improve the quality of the broader community.

I would fully support its expansion into other areas within Middlesbrough.

I think there is an excellent working relationship with the Police and following our meeting last week, we will continue to improve this relationship"

### **13. Scheme Audits and Evaluations**

#### **13.1 MHCLG Independent Review of Selective Licensing schemes**

An Independent Review of the Use and Effectiveness of Selective Licensing was carried out by Ministry of Housing, Communities and Local Government (MHCLG) in June 2019 and was updated in September 2019.

The survey results indicated that the most common reasons for the introduction of a SLL scheme are:

- poor housing conditions
- pervasive anti-social behaviour
- deprivation, and
- low demand.

When the London boroughs are excluded from the calculation, low demand as a reason for the introduction of selective licensing is relatively common.

With only one exception, all local housing authorities with schemes in operation considered their schemes to be at least "fairly effective" in tackling one or more of the issues licensing was introduced to address. 41% of local authorities reported their schemes were "very effective", 51% were "fairly effective" and only 9% were "fairly ineffective" or "very ineffective". This clearly indicates that the local authorities currently operating SLL schemes find it to be an effective policy tool.

The review overall indicates that SLL is effective policy tool with many schemes achieving demonstrable positive outcomes. This study also finds that schemes appear to be more successful as part of a wider, well planned, coherent initiative with an associated commitment of resources, as opposed to those schemes implemented in isolation which have more limited outcomes. This finding entirely consistent with the aims of the Housing Act.

#### **13.2 Middlesbrough Council Scrutiny Panel Review**

In 2018 Middlesbrough Council Scrutiny Panel reviewed the North Ormesby scheme. The Panel were extremely supportive of the scheme:

- They recognised the achievements made through SLL in the North Ormesby ward, including improving community confidence which has led to increased reporting of anti-social behaviour and crime to the SLL team.
- They were extremely complimentary of the work achieved, and applauded the Selective Licensing Team for their efforts.
- They Panel also learned that in November 2017, the team had been awarded Outstanding Contribution to Prevention at the Cleveland Community Safety Awards.

Throughout the investigation, the Panel made reference to the issues within Gresham and University wards and the increasing number of private rented housing properties. The Panel were of the opinion that the excellent work achieved since the introduction of Selective Licencing in North Ormesby and hoped that any future schemes would mirror this model.

Members asked about the potential for a Selective Landlord Licensing town wide scheme which they considered would have benefits across the whole town. However, many of the wards in Middlesbrough do not meet the legislative criteria to introduce a SLL scheme such as that the area is, or is likely to become, an area of low housing demand; and; that the area is experiencing a significant and persistent problem caused by anti-social behaviour; and would put the Council at risk of legal challenge.

Additionally, if rolled out on an Early Help basis, it would almost certainly be cost prohibitive. If it was run more simply, as a licensing regime, it is unlikely to have significant impacts on supporting residents' needs".

### **13.3 Middlesbrough Council Internal Audit**

An internal audit of the SLL scheme in North Ormesby was carried out in January 2019, prior to the implementation of the Newport SLL scheme. The audit found that the scheme has strong control measures, there were no recommendations and had exceeded the Council's expectations.

## **CONCLUSION**

In accordance with the guidance from Local Government Regulation, the effectiveness of the NO Selective Landlord Licensing has been measured against the following:

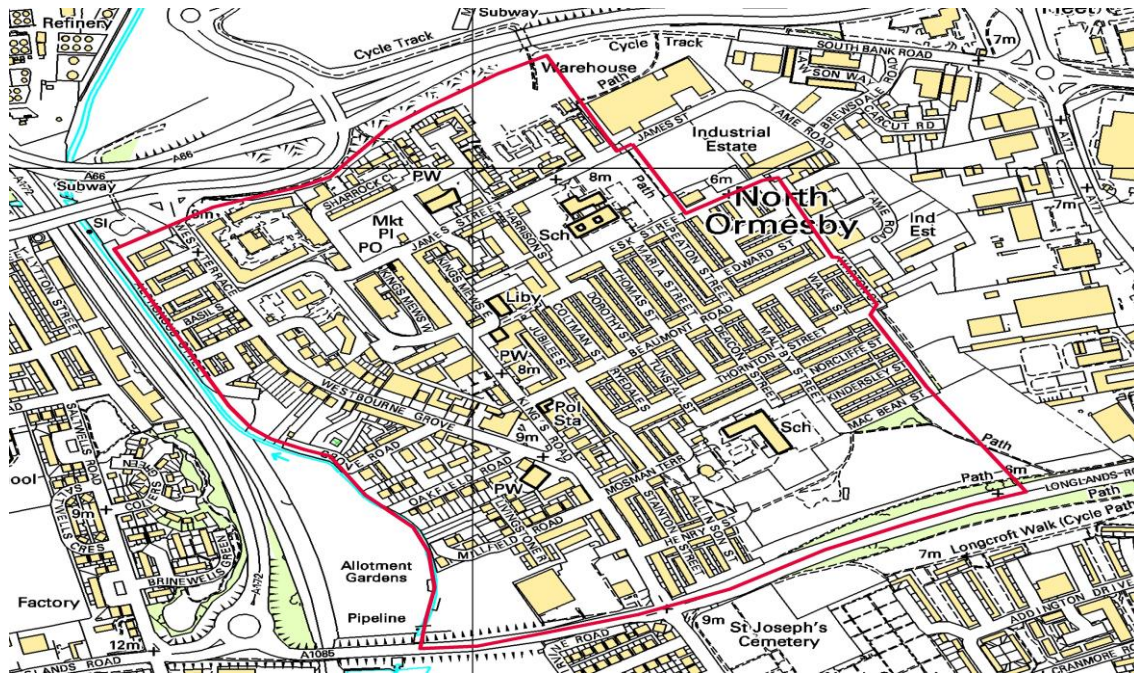
- reducing anti social behaviour attributable to the private rented sector;
- improving management standards in the private rented sector;
- increasing housing demand;
- improving the environment; and
- contributing to the effectiveness of partnership working to improve the quality of life.

The above evaluation of outcomes and performance have demonstrated that Selective Landlord Licensing in North Ormesby has resulted in a wide range of positive outcomes and benefits to the community, landlords, tenants and owners, both directly and indirectly, including:

- Improved management and condition of privately rented accommodation.
- Supported landlords in dealing with anti-social tenants.
- Educating tenants about their responsibilities and their impact of their behaviour on the community and neighbours.
- Encouraged tenants to recognise when properties are of a sub-standard condition and what options are available to them.
- Promotion of landlord aspiration to let property to a higher standard and to act in a professional manner.
- Encouragement of landlords not to take tenants with a poor reference.
- Improvement of the image and desirability of the area.
- Improved values of property in the area.
- Encouraging a change to the tenure mix of the area. Protect investment in the area.
- Working with those landlords who are not providing good quality accommodation or managing their tenancies effectively and removing "rogue landlords" altogether.
- Reduced tenant turnover leading to sustainable communities, creating communities where tenants want to remain.
- Encouraged the use of reputable managing agents when landlords are inexperienced or "absentee".
- Raising community confidence through the appropriate use of enforcement powers against landlords who are failing to comply with the provisions of the Housing Act 2004.

## **APPENDICES**

Appendix 1 - Map of designated area



Appendix A – Proposal Document

## Appendix 2 – Fit & Proper Person Check

### FIT AND PROPER PERSON CHECKS

#### LIST OF CONVICTIONS, CAUTIONS, REPRIMANDS OR WARNINGS

##### **CATEGORY 1 OFFENCES**

A conviction for these offences will usually result in the Licence application being rejected.

##### **Offences of Fraud or other dishonesty**

- Benefit fraud (offences under ss111A and 112 of the Social Security Administration Act 1992)
- Theft
- Forgery
- Burglary
- Conspiracy to defraud
- Obtaining money or property by deception
- People trafficking

##### **Offences of violence**

- Murder
- Manslaughter
- Arson
- Malicious harm (s20 Offences against the Person Act 1861)
- Possession of a firearm
- Possession of an offensive weapon
- Actual bodily harm (s47 Offences Against the Person Act 1861)
- Grievous bodily harm (s18 Offences Against the Person Act 1861)
- Robbery
- Riot
- Affray
- Any racially aggravated offence (Crime and Disorder Act 1988)
- Common assault
- Common assault which is racially aggravated
- Assault occasioning actual bodily harm

##### **Offences relating to drugs**

- Possession of class a drugs
- Supply of drugs

##### **Sexual and indecency offences**

- Rape
- Soliciting
- Indecent assault
- Indecent exposure
- Any other offence under Schedule 3 of the Sexual offences act 2003

##### **Housing Act Offences**

- Protection from Harassment Act 1997
- Protection from Eviction Act 1977

- Any conviction for failure to comply with the licensing regime as set out in the Housing Act 2004 (s95)
- Provision of false or misleading information (s238 of Housing Act 2004)
- Obstruction (s241 of the Housing Act 2004)
- Failure to comply with a licence condition (s95 of the Housing Act 2004)
- Failure to hold a relevant licence (s72 of the Housing Act 2004)
- Breach of improvement notices and prohibition orders (s35.6 s32.2b of the Housing Act 2004)
- Public Health Acts of 1936 and 1961
- The Building Act 1984
- Environmental Protection Act 1990
- Town and Country Planning Act 1990
- Prevention of Damage by Pests Act 1949
- Local Government (Miscellaneous Provisions) Acts of 1982 and 1976
- Housing Grants, Construction and Regeneration Act 1996
- Local Government and Housing Act 1989
- Housing Act 2004

### **CATEGORY 2 OFFENCES**

A conviction for these offences will be viewed seriously and, following further investigation, could result in the licence application being rejected. Alternatively a one year Licence may be issued.

#### **Offences of dishonesty**

- Handling or receiving stolen goods
- Theft

#### **Offences of violence**

- Violent disorder
- Police assault
- A caution, reprimand or warning for any Category 1 offences will be classed as a Category 2 offence.

### **CATEGORY 3 OFFENCES**

A conviction, caution, reprimand or warning for these offences may also be taken into account and further information will be requested in order to determine the relevance of these offences. If deemed to be relevant or sufficiently severe, these offences could result in the licence application being rejected. Alternatively a one year Licence may be issued.

#### **Offences of violence**

- Common assault
- Criminal damage
- Obstruction
- All other offences relating to dishonesty, drugs, sexual and indecency, Housing and Landlord and Tenant.
- A caution, reprimand or warning for any Category 2 offences will be classed as a Category 3 offence.

#### **Appendix 3 – Licence Conditions**

## Mandatory Conditions Schedule 4 Housing Act 2004

### 1. Gas

If gas is supplied to the house, the Licence holder shall provide to Middlesbrough Council a Gas Safety Certificate issued within the previous 12 months at the time of the application and thereafter annually.

**Reason: Mandatory condition required by Schedule 4 of the Housing Act 2004.**

### 2. Electrical appliances

The Licence holder shall 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.

**Reason: Mandatory condition required by Schedule 4 of the Housing Act 2004.**

### 3. Furniture and furnishings

The Licence holder shall 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.

**Reason: Mandatory condition required by Schedule 4 of the Housing Act 2004.**

### 4. Smoke alarms

The Licence holder shall 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 Middlesbrough Council on demand.

**Reason: Mandatory condition required by Schedule 4 of the Housing Act 2004 and to comply with minimum fire safety standards LACORS.**

### 5. Tenant references

The Licence holder shall request references for prospective tenants, subject to condition number 7.

**Reason: Mandatory condition required by Schedule 4 of the Housing Act 2004**

## 6. Terms of occupation

The Licence holder shall 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.

**Reason: Mandatory condition required by Schedule 4 of the Housing Act 2004**

### Additional Conditions of Licence imposed by Middlesbrough Council

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

## 7. Tenant references

The Licence holder shall obtain references for prospective tenants via the Council's Tenant Referencing Service.

**Reason: To reduce anti-social behaviour.**

## 8. Number of occupiers

The Licence holder shall ensure that the number of occupants in the property does not cause overcrowding.

**Reason: To ensure that the premises comply with Middlesbrough's space and amenity standards.**

## 9. Heating and Insulation/Energy Efficiency

The Licence holder shall provide a copy of a valid Energy Performance Certificate. Also, when requested during the period of the Licence, to complete and return to the authority, an energy efficiency assessment questionnaire of the licensed property.

**Reason: To safeguard the health and well-being of the occupants with regards to the reduction of fuel poverty and national energy efficiency measures and to be aware of the statutory requirements for Energy Performance Certificates (EPCs).**

## 10. Property management

The Licence holder shall ensure that:

- a) all repairs to the house or any installations, facilities or equipment within it are carried out by competent and suitably qualified persons, for example Corgi

registered operatives for gas appliances and an electrical contractor who is a member of an approved scheme, such as NICEIC, BSI, NAPIT, ELECSA or BRE.

- b) all occupants of the house receive written confirmation detailing arrangements in place to deal with repairs and emergencies and report nuisance and anti-social behaviour;
- c) if accommodation is provided on a furnished basis and includes electrical appliances, copies of user manuals or equipment provided as part of the agreement for the occupation of the house;
- d) all occupiers are made aware of the licence and conditions.

**Reason: To safeguard the health, safety and well-being of occupants.**

### 11. Fire safety

The Licence holder shall produce a Fire detection and alarm certificate on request, where the property is in a House in Multiple Occupation.

**Reason: To safeguard the health, safety and well-being of occupants in the event of fire. The Fire Safety Guidance is provided by LACORS, see**

[www.lacors.gov.uk](http://www.lacors.gov.uk).

<http://www.lacors.gov.uk/lacors/upload/19175.pdf>

### 12. Carbon Monoxide

The Licence holder shall install and maintain in good working order a carbon monoxide detector to the property.

**Reason: To ensure a safe living environment for tenants. There are approximately 50 deaths per year in the UK due to carbon monoxide poisoning, including one case in Middlesbrough.**

### 13. Security

The Licence holder shall ensure that:

- a) 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;
- b) where window locks are fitted, keys are provided to the relevant occupant;
- c) where previous occupants have not surrendered keys, a lock change is undertaken prior to new occupants moving in; and,
- d) where alley gates are installed to the rear of the licensed property, tenants are aware of how to obtain a key.

**Reason: To safeguard the health, safety and well-being of occupants.**



#### **14. External areas, refuse and waste**

The Licence holder shall ensure that:

- a) the exterior of the property is maintained in a reasonable decorative condition and state of repair, including the removal of graffiti;
- b) the tenants are instructed in their responsibilities to maintain at all times any garden, yard and other external areas within the curtilage of the house, and ensure they are kept in a reasonably clean and tidy condition;
- c) the tenants are instructed in their responsibilities in respect of refuse storage and disposal, to include details of what day refuse collections take place and what type of receptacle to use for household waste and recycling;
- d) where they are aware of a pest problem or infestation at the property, they will take steps to ensure that a treatment program is carried out to eradicate it. Records shall be kept of such treatment programs and these shall be provided to the Council on demand;
- e) access is available at all times to adequate, external, refuse storage.

**Reason: To ensure that the domestic hygiene and condition of the licensed property is maintained.**

#### **15. Training**

The Licence holder and/or Manager shall undertake property management training courses or information days, where required to do so by the Council. The training/information days will be provided by Middlesbrough Council.

**Reason: To enable the Council to provide licence holders with the knowledge and expertise to improve the management of their properties.**

#### **16. Management / Anti-social behaviour**

The Licence holder shall take reasonable and practical steps to reduce or prevent anti-social behaviour by persons occupying or visiting the house and the use of premises for illegal purposes.

The Licence holder shall:

- a) provide a written action plan to Middlesbrough Council outlining procedures for dealing with anti-social behaviour at the time of application. This must be reviewed annually and submitted on request;
- b) obtain tenant references prior to granting a tenancy as to previous tenancy conduct, including behaviour of that of the proposed occupier and household;
- c) provide the local authority, upon request, the full names and dates of birth of

each occupant of the property;

- d) if he/she receives a reference request for a current or former tenant he must refer the matter to Middlesbrough Council's tenancy referencing service who will carry out the reference on their behalf;
- e) cooperate with Middlesbrough Council, Cleveland Police and other agencies in resolving complaints of anti-social behaviour or criminal activity. The Licence holder and/or their nominated Managing Agent must not ignore or fail to take action against any complaints regarding their tenants. Written records of action taken, if any, shall be maintained and made available for inspection by an authorised officer of Middlesbrough Council on request;
- f) ensure that the appropriate authorities (namely Middlesbrough Council and Cleveland Police) are informed, where they have reason to believe that their tenant's behaviour involves criminal activity;
- g) contact the tenant within 14 days if a complaint is received, or criminal or anti-social behaviour is discovered. The tenant must be informed of the allegations of their behaviour in writing and of the consequences of its continuation. The Licence holder should maintain contact with the Council's Neighbourhood Safety Team in order to monitor complaints and take appropriate action;
- h) endeavour to attend home visits, interviews, multi-agency meetings or case conferences arranged by the Council or Police as and when necessary;
- i) make regular (at least quarterly) 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. Written records of inspections made, conditions noted and actions taken as a result shall be maintained and made available for inspection by an authorised officer of Middlesbrough Council;
- j) ensure that each tenant is made aware that they are responsible for their own behaviour and the behaviour of other occupiers and visitors. Tenants shall be made aware that if they, other occupiers, or their visitors: engage in criminal activity within the locality, or cause nuisance or annoyance to neighbours; or 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; or 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 Section 21 of the Housing Act 1988 or pursuant to Grounds 13 or 14 of Schedule 2 to the Housing Act 1988;
- k) ensure that the occupants of the property are aware of the services available to them and how they can report nuisance and anti-social behaviour to the local authority.

**Reason: To safeguard the well-being of occupants, persons visiting the**

**premises and persons in the immediate locality.**

**17. Notification / consultation of changes**

The Licence holder and Managing Agent shall consult with Middlesbrough Council before making any material changes to the layout, amenity provision, fire precautions or occupation of the house. They must inform Middlesbrough Council of:

- a) details of any unspent convictions not previously disclosed to the local authority that may be relevant to the Licence holder and/or the property manager and their fit and proper person status and in particular any such conviction in respect of any offence involving fraud or dishonesty, or violence or drugs or any offence listed in Schedule 3 to the Sexual Offences Act 2003;
- b) details of any finding by a court or tribunal against the Licence holder and /or the manager that he/she has practiced unlawful discrimination on grounds of sex, colour, race, ethnic or national origin or disability in, or in connection with, the carrying on of any business;
- c) details of any contravention on the part of the Licence holder or manager of any provision of any enactment relating to housing, public health, environmental health or landlord and tenant law which led to civil or criminal proceedings resulting in a judgment or finding being made against him/her;
- d) information about any property the Licence holder or manager owns or manages or has owned or managed for which a local housing authority has refused to grant a licence under Part 2 or 3 of the Act, or has revoked a licence in consequence of the Licence holder breaching the conditions of his/her licence;
- e) information about any property the Licence holder or manager owns or manages or has owned or managed that has been the subject of an Interim or Final Management Order under the Housing Act 2004;
- f) the property becoming empty;
- g) changes to liability insurance;
- h) notification of repossession/foreclosure;
- i) successful claims against the Licence holder for default of tenancy deposits;
- j) change in managing agent or the instruction of a managing agent;
- k) the undertaking of substantial works to the property, including conversions and modernisations or emergency problems relating to fire, flood or disaster and the tenants are made temporarily homeless.

**Reason: To safeguard the health, safety and well-being of occupants in the event of changes during the period of the Licence.**

**18. Absence**

The Licence holder shall have in place suitable emergency and other management arrangements in the event of their absence. The name and contact details of the Licence holder and/or manager must be supplied to each occupier and must also be on display in a prominent place.

**Reason: to safeguard the health, safety and well-being of occupants in the event of temporary absence of persons in control.**

## **19. Compliance inspections**

The Licence holder shall allow the Council to undertake Licence compliance checks. Council officers will give the Licence holder at least 24 hours notice of these checks and produce valid authorisation at the time of visit. If the inspection is because the Council suspects there has been a breach of Licence conditions then no notice period will be provided.

**Reason: To ensure that the property complies with the Housing Act 2004 and Licence conditions.**

## **Appendix 4 – Exemptions**

Properties that are exempt from requiring a licence are those that are:

1. Subject to a Prohibition Order, under Section 20 of the Housing Act 2004, that has not been suspended.
2. Business premises.
3. Houses in Multiple Occupation (HMO) that require a statutory HMO licence.
4. Tenancies for agricultural land/holdings.
5. Controlled by a local housing authority, Police authority, Fire and Rescue authority or a Health Service body.
6. Occupied solely by students undertaking a full-time course of further or higher education, and where the person managing or in control of it is the educational establishment.
7. Tenancies granted for more than 21 years and the agreement does not allow the landlord to end the tenancy earlier than the term of the lease (the property must be occupied by the original person who was granted the tenancy or members of their family).
8. The tenant is a member of the landlord's family. (The house must be the occupier's main residence. The person granting the occupancy must be the freeholder or leaseholder, which is for a period of more than 21 years. This lease must not contain a provision allowing the landlord to end the tenancy earlier than the term of the lease);
9. Tenancies or licences granted for the occupancy of a holiday home.
10. Accommodation that the occupier shares with the landlord or licensor or a member of the landlord or licensor's family.

## **Appendix 5 – Fee Structure**

### **Fee and charging structure for the implementation of Selective Licensing in North Ormesby.**

Part 3 of the Housing Act 2004 enables the Council to require the application for a Licence to be accompanied by a fee fixed by the Council.

The Council is not permitted to make a profit from the introduction of a Selective Licensing scheme and any surplus must be ring-fenced to the scheme. The fees should, however, take account of all costs incurred in carrying out all duties under this part of the Act.

#### **Standard Fees**

To meet the costs involved in running the North Ormesby Selective Licensing Scheme it is proposed to charge fees of:

- £580 per Single Occupancy Household Unit
- £20 per Fit and Proper Person Check – in respect of the proposed Licence Holder and the proposed manager (if a different person from the Licence Holder)

Where a licence is refused or revoked, the applicant or licence holder will not be entitled to any refund of fees and will be required to pay any outstanding charges linked to the application.

Applications resulting from a change in ownership of a licensed property will be charged the full standard fee.

Owners should give careful consideration to the person designated as Licence holder as licences run for a maximum of 5 years and are non-transferable. If the licence holder changes for any reason, the full licence fee is payable by the first licence holder and the new licence holder will also need to pay the full standard fee. The new licence holder will not incur a penalty charge as long as the application form, fees and documentation are received within three months of the change of ownership/manager.

Applications for licences in the last six months of the designation will be eligible for a reduced fee of 50%, where properties have not been licensable prior to the 6 month deadline.

#### **Multiple unit charges<sup>1</sup>**

- Fee per property up to and including 5 units - £605
- Fee for each additional unit over 5 within the same building under the same control as proposed licence holder - £20

The Council wants a Selective Licensing fee structure that rewards landlords who comply in a timely manner and will also look to recoup its additional costs where landlords fail to come forward during the licensing timescales or provide incomplete applications which requires additional work from the team.

The Council also recognises the current economic climate for landlords and is therefore willing to consider, a 12 month payment plan, by direct debit terms, for landlords. The Council will welcome views from landlords on a final fee structure via the consultation process.

**Method of Payment**

Full amount to accompany the application, or 12 monthly Direct Debit payment set up for full amount. Payments other than Direct Debit can be made in full by cheque, debit or credit card. A charge of 2.5% will be added to your payment if you use a credit card.

If any changes, or default, are made on a direct debit agreement, this will breach licence conditions and impair any discounts offered on the standard fee.

## Appendix 6 – Case Studies

**Case Study 1 - HHSRS** - The SLL Team had arranged numerous inspection visits to a property but the tenant repeatedly wouldn't allow access. An evening visit was made and the tenant finally opened the door. The tenant was initially angry as he was confused as to who his managing agent was as they kept changing. The tenant agreed for officers to carry out the inspection which highlighted at least four Category 1 (most serious) Hazards in the property. These included; no boiler, no heating, no hot water, the bathroom roof falling in (which was propped up with pole), the kitchen was inaccessible and had no cooking facilities. Due to the condition of the property and the hazards identified, a Prohibition Order was served. The Landlord has since installed a new boiler, new kitchen (including cooking facilities), new bathroom roof, bathroom suite, new rear windows downstairs and a new back door. The landlord has also informed the tenant that he is going to supply new carpets in the property downstairs.

Before and after photographs:



**Case Study 2 - Inspection Visits** - Prior to inspection visits to a landlords three properties we completed checks on the Gas Safe register to make sure that the Gas Engineer who completed the Gas Safety Checks on all three properties was registered as Gas Safe, however he was not found.



During the visits we made the landlord aware of this issue, the landlord was concerned and tried to contact the Engineer but he would not answer his phone. The Engineer has carried out work for the landlord for many years, and had become like a friend.

The landlord phoned the Gas Safe register and they advised him the engineer was not registered.

The Environmental Health Officer who was present on the inspection spoke to the landlord about his concerns and advised he would report this.

It turns out the engineer was registered but was suspended in 2014 for not allowing an engineer from the Gas Safe Register to inspect his work, and the engineer should not have issued the certificate for the three properties, and an investigation will be carried out by the gas safe register.

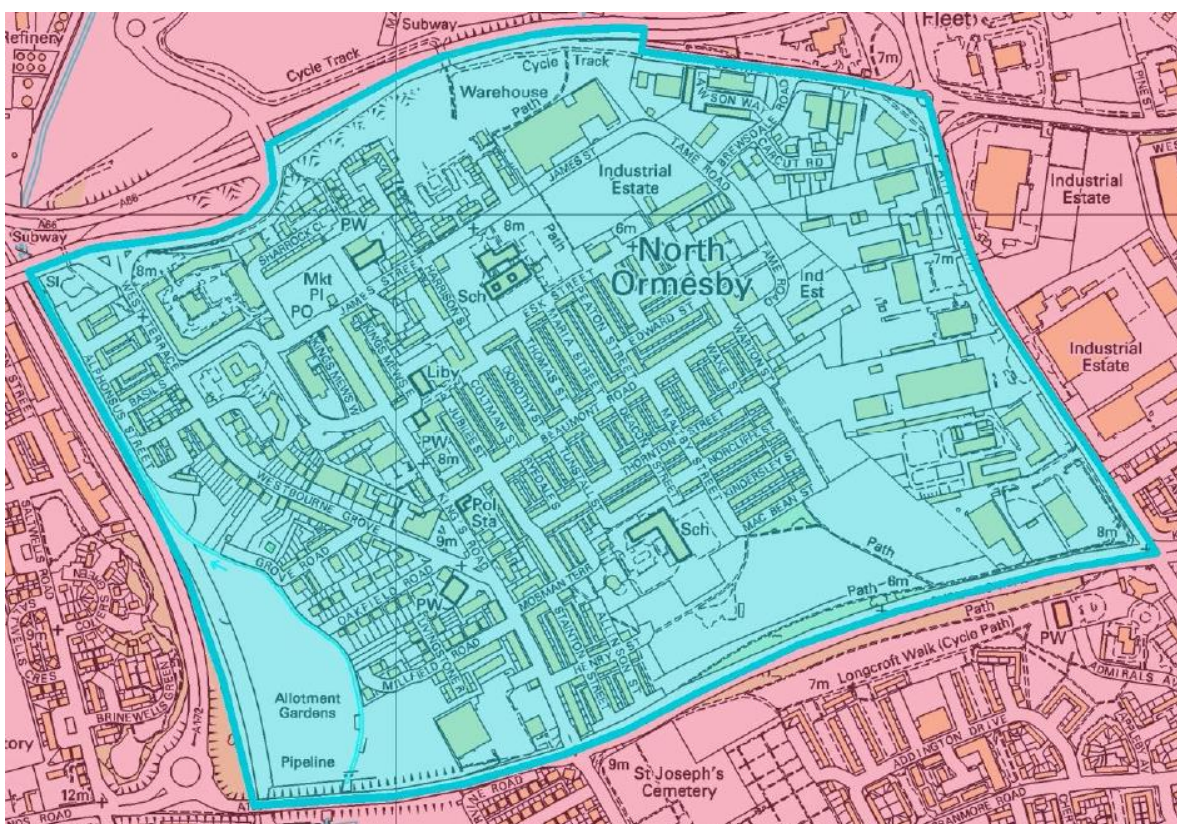
**Case Study 3 - Tenancy Relations** - During a tenancy inspection visit with a landlord, it was identified that the tenant was struggling with his mental health issues due to spiralling debts. Whilst at the property a debt enforcement agency arrived to reclaim goods to the value of the debt. Both the Officer and landlord negotiated on the tenant's behalf, providing evidence that the property was a furnished tenancy and that his only belongings were his clothing and toiletries. The SLL Officer arranged an appointment for the tenant to attend Citizens Advice and also made a referral to Firmer Foundations (mental health support). During the Citizens Advice appointment the tenant disclosed significant debts therefore a Debt Relief Order was applied for (due to his severe mental health issues) and a food bank voucher was issued. The tenant has now applied for different benefits and is receiving the much needed support he required.

**Case Study 4 - Housing Benefit Fraud** - A role within the Selective Licensing scheme is to investigate any landlord who fails to comply with the Selective Licensing Scheme. On one particular occasion we investigated a landlord who had active benefit claims for two of the properties they owned and managed in North Ormesby. As part of the investigation we were required to go door knocking and try to speak to the tenants so that we could build a better picture. However after speaking to the tenants neighbours it was established despite the fact the landlord had active claims for both of these properties, one of the properties had been empty for over 6months and the second property had been empty for over 3 years meaning the landlord had been claiming up to 3 years' worth of benefits. This information was passed onto the Benefits Fraud team who are investigating this matter. If this had not been investigated as part of Selective Licensing then maybe this landlord would still be claiming fraudulently.

**Case Study 5 - Neighbourhood Safety Officer** - A tenant who had been housed by a landlord after a referral from the mental health team had sustained his tenancy for 18 months but after support was withdrawn from mental health services he became involved in antisocial behaviour in the house and visitors took advantage of him. There were allegations of noise disturbance, shouting, fighting and drug misuse at the property and also criminal damage to the house. Visitors were climbing in and out of windows and dealing drugs in the back alley.

The Neighbourhood Safety officer (NSO) liaised with residents and obtained evidence of these incidents and residents completed diary sheets. The NSO contacted the landlord who was willing to work with the scheme to resolve the problem. The tenant had had warnings but took no notice. The landlord served a section 21 but the tenant would not leave when he was supposed to. The NSO contacted the homeless and housing advice team and arranged for the tenant to present himself with the relevant documentation to obtain support and he was offered new accommodation with support. He has now moved and residents nearby report it is quiet. The landlord has agreed to reference any new prospective tenants once the house has been refurbished.

# Proposal by Middlesbrough Council to introduce Selective Licensing in North Ormesby



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## **ABOUT THIS CONSULTATION**

The Housing Act 2004 gives the Council powers to introduce Selective Licensing for privately rented properties in areas experiencing low housing demand and/or significant and persistent anti-social behaviour. The purpose of such schemes is to improve standards of property management in the private rented sector. The Council can make the 'designation' if it believes this will, when combined with other measures, lead to improved social and economic conditions in the area.

The Council proposes to introduce Selective Licensing in North Ormesby, as outlined on the map at Appendix 1. The Council's proposal is made on the grounds that North Ormesby is an area of low housing demand.

This document explains why the Council believes Selective Licensing is needed in North Ormesby, how it will operate alongside and complement other measures, the improvements it will bring about and why alternative remedies are insufficient.

The Council wants to hear from those who are likely to be affected by the proposed scheme, including local tenants, landlords, managing agents and other members of the community who live or operate businesses or provide services within the proposed designation. This includes local residents and those who operate businesses or provide services in the surrounding area outside of the proposed designation who are likely to be affected. This wider consultation area is also outlined on the map at Appendix 1.

Details of how to respond to the consultation are set out from page 12.

The consultation will last for a period of 10 weeks, starting on 12 January 2015 and closing on 23 March 2015. After this time the results will be published, including a summary of the responses received and how these have either been acted on or not, giving reasons in each case.

The Council will make a final decision on Selective Licensing after it has fully considered the responses to the consultation.

Should the Council decide to introduce a scheme then all affected parties will be formally notified 3

months in advance of it coming into operation.

## **CHALLENGES FACING NORTH ORMESBY**

North Ormesby is experiencing major challenges associated with social and economic decline:

- between 2007 and 2010 the area showed the most significant increase in deprivation across the whole town;
- a burgeoning private rented sector with evidence to suggest poorly managed properties are feeding a concentration of anti-social behaviour and crime in the area, borne out by the BIG Local whose survey has confirmed it as a key concern for residents;
- equivalent crime levels to Gresham (the area with the highest recent crime levels in the town);
- high levels of social isolation particularly amongst older people; and,
- low levels of resilience to welfare reform impacts.

A significant and concerning pattern of housing and subsequent social decline in parts of North Ormesby can be identified:

- the older terraced properties are no longer the first time buyers 'house of choice' they have been in previous generations;
- the low demand for two bedroom terraced properties has led to private sector landlords purchasing properties at relatively cheap prices;
- some, but by no means all, of these landlords have housed tenants who have gone on to present a wide range of problem behaviours further fuelling low demand levels;
- there are a high number of empty properties in the area; and
- this concentration of issues has seen a broad range of social problems manifest themselves from drug and alcohol abuse to domestic violence and high crime levels.

Whilst North Ormesby may not always be recognised as the most disadvantaged area against every statistical measure, the rate of its decline, it's vulnerability in terms of crime, social isolation, and the impact of welfare reform provides a particularly compelling picture of chronic need – especially in conjunction with the apparent housing market failure. If not

addressed, this decline could threaten the long-term stability of the area.

## **LOW HOUSING DEMAND**

The Council is looking to introduce Selective Licensing in North Ormesby on the basis that there is compelling evidence of low housing demand. In line with legislation and guidance the Council has considered the indicators of low housing demand described in the following section. The evidence points to an area with a high incidence of private renting, low property prices, a transient tenant population and high proportion of empty properties.

### **Tenure mix**

North Ormesby has a disproportionately high level of private rented properties and very low levels of owner occupation. It consists of approximately 1,750 properties, of which 38% are privately rented. Approximately 39% are owner-occupied and 18% are social rented.

The level of private renting in North Ormesby contrasts markedly with the rest of the town and the national rate of 16.8%.

In the 10 year period between 2001 and 2011, North Ormesby has seen a major change in its tenure mix.<sup>2</sup> Owner occupation decreased by 17.7%, the social rented sector decreased by 16.9%, in contrast the private rented sector increased by 118.2%.

### **Empty properties**

The problems empty properties cause for local communities are well known, but in summary they:

- deny homes to those in need;
- attract vermin, crime, arson, vandalism, fly-tipping and anti-social behaviour;
- are a source of anxiety for owners and neighbours;
- reduce the value of neighbouring properties; and,
- as a consequence, are a drain on public services and budgets.

At the end of September 2014, according to Council Tax records, there were 68 long-term empty properties in North Ormesby, which equates to 3.9% of total stock. North Ormesby has the second highest proportion of long term empties than other areas in Middlesbrough. This position contributes to a

negative image causing uncertainty for established residents and making it hard to attract people to the area.

### **Property values**

With average sales prices in North Ormesby at £48,000<sup>3</sup>, they are amongst the lowest in the town. Gresham's property value are of a similar price £47,400 where the average price in other town centre wards are higher (£64,000 in Middlehaven and £98,000 in University). The average house price for Middlesbrough is £124,000). A number of factors are at play, including the disproportionate levels of private rented properties when compared with other parts of the town, high levels of crime, anti-social behavior and deprivation, and empty properties. These older terraced properties are no longer the first time buyers 'house of choice' they have been in previous generations.

Anecdotal evidence has been obtained from local estate agents who were asked about the price of properties, location and length of time on the market. Their responses are summarised below.

- Prices range from £25k-£30k up to £55k dependent on the particular location. Those purchasing properties in North Ormesby tend to be investors looking to buy to rent. Properties can be well kept/decorated to a good standard but the location is the issue and limits the selling price. Sales can take from three to eight months.
- Prices are dropping and interest is from investors only not first or second time buyers. Two bedroom properties are selling for £25k to £40k, with three bedroom properties selling for £30k to £50k . Prices have halved in the past three to four years. The condition is not an issue and the sale is completed based on price. There has been a rise in repossessions, or simply moving out of the area.
- Sale price is very much dependent on the location within North Ormesby. Properties around the Beaumont Road area are the ones that sell for very low prices with investor interest and selling for around £22k-£25k.

### **Turnover**

The presence of a more transient population typically housed in privately rented

<sup>2</sup> National Statistics, Household Tenure QS405EW (2001 & 2011)

<sup>3</sup> Land Registry, Sold Prices, August 2013 to July 2014.

accommodation can have a negative impact on the stability and desirability of an area. It can also affect community integration and investment

and affect school performance negatively. Transience can also attract disadvantaged people to the area, which in turn can lead to increased social deprivation.

Concentrations of one and two person younger adult households are associated with the private rented sector in North Ormesby along with a higher level of turnover of tenancies. In North Ormesby 25.7% of the resident population is aged between 20 and 34 compared to 21.5% across Middlesbrough. Population turnover rates from the Office for National Statistics (2009-2010) identified that the Middle Super Output Area for North Ormesby had one of the highest rates of inflow of people aged 25 to 64 in Middlesbrough.

Council Tax records provide a guide as to the proportion of properties experiencing turnover in the North Ormesby area. Of the 1,791 Council Tax accounts in 2013/14 a change occurred in 72.8% of them, requiring a new account to be created, affecting 705 properties (39%). In the preceding year a change requiring a new account to be created occurred on 85.8% of accounts, affecting 870 properties (50%).

### **Housing stock condition**

Middlesbrough's Private Sector Stock Condition Survey (PSSCS) 2008 identified North Ormesby as having the highest proportion of non-decent dwellings in Middlesbrough at 60.5%. Non-decent homes do not meet current statutory minimum standards, are not in a reasonable state of repair, do not have reasonably modern facilities and fail to provide a reasonable degree of thermal comfort.

North Ormesby also recorded the highest non-decency remedial cost score by area (£40.3m and an average of £3,685, per non decent dwelling).

The same survey identified North Ormesby as having the largest proportion of vulnerable households (74.2%) living in non-decent homes.

North Ormesby was also found to have by far the highest proportion of homes with a Category 1 hazard (37.8%). Examples of Category 1 hazards include:

- inadequate heating
- absence of working fire alarms
- leaking roof

- broken rail on a steep stairway
- lack of physical security, such as doors and windows not closing or locking properly.

North Ormesby also had the lowest SAP rating (40) – this compares the energy performance of different homes and is measured on a scale of 1 to 100. The higher the rating the lower the fuel costs.

### **Housing disrepair**

The Council received 145 complaints of housing disrepair in private rented property in North Ormesby between 2011/12 and 2013/14, this equates to 8.4% of the private rented properties in North Ormesby, the town average being 3.4%.

The Council forwarded 41 pre-formal schedules of work to landlords in North Ormesby between 2011/12 and 2013/14 (2.4% of private rented housing in the area) with the town average being 0.6%.

The Council served 9 statutory repair notices on landlords in North Ormesby between 2011/12 and 2013/14.

### **Illegal eviction/harassment**

Between 2011/12 and 2013/14 there were 16 complaints of illegal eviction and harassment in North Ormesby, which is the highest rate in the town within the private rented sector.

### **Anti-social behaviour**

Anti-social behaviour and crime can have a devastating effect on individuals and communities. It describes a wide range of everyday nuisance, disorder and crime from graffiti and noisy neighbours to harassment and street drug dealing. It is sometimes dismissed as trivial, but anti-social behaviour has a huge impact on victims' quality of life and it is often the public's number one priority when it comes to local concerns.

Anti-social behaviour that the Council's Community Safety Team regularly needs to deal with includes:

- Vandalism, graffiti, and other deliberate damage to property or vehicles
- Teenagers hanging around on the streets
- Rubbish or litter lying around
- Drug use and dealing
- Drunk or rowdy behaviour
- Chaotic families.



There was a total of 1,917 complaints of anti-social behaviour received by the Council's Private Housing Enforcement and Anti-Social Behaviour Teams, an increase over that period of 67.9%.

Between October 2013 and September 2014, Cleveland Police also dealt with 732 cases of anti-social behaviour in North Ormesby. This is the second highest rate per population in the town. The ward with the highest rate was Middlehaven, which includes town centre related anti-social behaviour e.g. reports of drunk/rowdy behaviour, often handled by Street Wardens.

### **Crime**

North Ormesby is experiencing some of the highest levels of criminal activity in Middlesbrough. Between October 2013 and September 2014 there were 716 crimes reported in North Ormesby. Middlehaven has the highest rate, however, this area includes crime associated with town centre retail and the nighttime economy.

## **WIDER INDICATORS**

### **Index of Multiple Deprivation (IMD)**

The IMD 2010 identifies areas of multiple deprivation for each local authority area as a whole and also for smaller areas within each local authority known as Lower Layer Super Output Areas (LSOAs).

The IMD is a relative measure of deprivation and is based on a variety of indicators. Each of the 32,482 LSOAs in England are assigned a score based on deprivation levels, and also a rank based on each of the scores. Rankings for the 326 English districts and boroughs are also calculated. Middlesbrough has a rank of average score of 8 meaning it is the 8th most deprived local authority area in England.

In 2010 the 2 LSOAs for North Ormesby were in the 10% most deprived nationally being ranked 326 and 328 of 32,482 LSOAs. Both LSOAs had declined since 2007 with one showing the biggest decline in Middlesbrough, falling by 1,172 places.

The North Ormesby and Brambles Farm ward is the third most deprived ward in the town, and

has declined since 2004<sup>4</sup>.

### **Unemployment**

Benefit dependency is a major concern with over 30% of the North Ormesby and Brambles Farm working age population claiming at least one of the key out of work benefits compared to 19.2% in Middlesbrough.

The North Ormesby and Brambles Farm ward has the highest rate of youth unemployment in the town (14.0%), and the fourth highest rate of long-term unemployment (3.6%), compared to Middlesbrough as a whole (6.7%) and (1.8%) respectively.<sup>5</sup>

### **Fuel poverty**

Fuel poverty in England is measured by the Low Income High Costs indicator, which considers a household to be in fuel poverty if they have fuel costs that are above average, and if they were to spend that amount they would be left with an income below the official poverty line.

The key drivers behind fuel poverty are: the energy efficiency of the property, the cost of energy, and the household income.

North Ormesby has a rate (30.9%)<sup>6</sup> of its households living in fuel poverty, almost three times the national rate (10.4%).

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<sup>4</sup>

[www.middlesbrough.gov.uk/index.aspx?articleid=2135](http://www.middlesbrough.gov.uk/index.aspx?articleid=2135)

<sup>5</sup> Tees Valley Unlimited, Ward Statistics, September 2014.

<sup>6</sup> Gov.UK Fuel poverty: sub-regional data under low income high cost indicator, 2012.

## **HOW THE PROPOSED SELECTIVE LICENSING SCHEME WILL WORK**

### **Licence application**

Within the designated area all privately rented properties will need a licence to operate. The owner of the rented property will need to make an application to the Council. The Council must be satisfied that of all the person with an interest in the property, the most appropriate person is the licence holder, this would usually be the property owner.

The licence will be valid for a maximum 5 years, although the Council has discretion to grant the licence for a shorter period of time where there are problems with the application such as evidence of insufficient management. Failing to apply for a licence could lead to prosecution and a fine of up to £20,000. If prosecuted, this would lead to the licence holder no longer being classed as 'fit and proper' (see below) and would mean they would need to find someone else to hold their licence and undertake the management of the property.

### **Fit and Proper Person test**

As part of the application process, proposed licence holders and managers will be required to prove that they are "fit and proper persons" and that they have satisfactory management arrangements in place, including those for dealing with anti-social behaviour. A plan for how they will handle complaints of anti-social behaviour will need to be submitted with the application.

When deciding whether a landlord and/or managing agent is "fit and proper" the Council will look at whether they have:

- Committed any serious criminal offences (fraud, violence, drugs or sexual offences)
- Discriminated illegally against anyone
- Breached laws that relate to renting property.

To check this, all applications will require detailed information from the landlord and any relevant managers. Any significant and relevant convictions, cautions, reprimands and warnings will not necessarily mean that an application for a Licence will be refused. Offences have been allocated into categories 1, 2 and 3, with Category 1 being regarded as the most serious (Appendix 2). Where the Council has concerns, applicants will be required as part of the licence conditions to seek a Disclosure Scotland.

There will be a fee to cover the Council's costs of carrying out the fit and proper person checks, which will be £20.00 per person. Landlords with multiple properties will only be required to pay this fee once, if it is the same owner and manager.

### **Licence conditions**

The license holder will have to satisfy a number of conditions. Breaches of these licence conditions could lead to prosecution and a fine of £5,000.

Mandatory conditions relate to the following requirements:

- a landlord must obtain references from all persons wishing to occupy the property;
- landlords must produce gas certificates;
- electrical appliances must be kept safe;
- the property must have working smoke alarms; and,
- each tenant must be provided with a written tenancy agreement.

The Council is proposing to include a number of discretionary conditions which relate to the management of the property, including: ensuring the number of occupiers does not cause overcrowding with the property, to supply a copy of the Energy Performance Certificate to the Council, to fit carbon monoxide detectors to the property, and have a suitable anti-social behavior plan in place. The proposed licence conditions are attached to this document at Appendix 3.

### **Refusal to grant a licence**

If the licence application is refused, and there is no reasonable prospect of the property being licensed in the near future, the Council can apply for an Interim Management Order to take over the management of the property for up to one year or until such time as the owner is able to rectify the reasons for the licence being refused. If the owner is unable to rectify the problems then the Council can apply for a Final Management Order to take on the management for up to 5 years.

In some circumstances rather than refuse the licence, it may be possible for the owner to apply for a temporary exemption notice. This allows 3 months for the owner to take such steps as are necessary so the property no longer requires a licence e.g. the property has been sold to an owner-occupier.

## **Failure to apply**

Failing to apply for a licence could lead to prosecution and a fine of up to £20,000.

In addition to the fine the Council can apply for a Rent Repayment Order which allows amounts paid in connection with a tenancy or licence to be recovered for the period that the property should have been licensed.

## **Exemptions**

There are certain properties that are exempt from applying for a licence, they are detailed at Appendix 4.

## **Inspection programme**

The Council will inspect all private rented properties within the area. High risk properties that are known to be problematic will be prioritised. The inspection programme will check for compliance with selective licensing conditions including:

- the working order and positioning of smoke alarms;
- carbon monoxide detector;
- tenancy agreements supplied to the tenant;
- property management arrangements.

Compliance action will be taken against landlords who breach licence conditions. Landlords will not be deemed to be 'fit and proper' if housing offences are proven against them in the courts.

The inspections will be on a multi-agency/disciplinary team, this could include a Licensing Officer, Police, Neighbourhood Safety Officer and Social Care Early Help Practitioners. This approach is to ensure that as well as checking compliance with the licence conditions, the tenants are helped and supported with any issues they may be facing. Issues may include substance misuse, parenting skills, unemployment; the team will make referrals to relevant agencies and follow-up any actions. It must be stressed that only the time of the licensing officer checking compliance with the licence conditions will be charged to the licence fee.

The other services offered through the Early Help Team will be of benefit to landlords, tenants and the wider community to help to reduce the turnover of tenants.

## **License fees**

The Housing Act 2004 gives the Council the power to charge landlords a fee for all costs it incurs carrying out its Selective Licensing functions. The Act also allows the Council to take into account costs incurred in carrying out functions in relation to Interim and Final Management Orders (so far as they are not recoverable under that part of the Act).

The Council proposes to charge a basic fee of £580.00 for a licence.

The proposed fee structure is set out in detail at Appendix 5. The Council aims to reward landlords, who come forward to comply in a timely manner. The Council is also proposing to look at payment plans over twelve months, by direct debit.

Income from the licence fees is ring fenced meaning that it can only be used for this project and not for any other reason. It is anticipated the scheme will require 4.5 FTEs and an Apprentice to operate.

## **POTENTIAL BENEFITS OF THE SELECTIVE LICENSING SCHEME**

It is anticipated that introducing this scheme in North Ormesby will have a number of benefits to the community, landlords, tenants and owners, both directly and indirectly, including:

- Improved management and condition of privately rented accommodation.
- Support for landlords in dealing with anti-social tenants.
- Reductions in levels of anti-social behaviour.
- Educating tenants about their responsibilities and their impact of their behaviour on the community and neighbours.
- Encouraging tenants to recognise when properties are of a sub-standard condition and what options are available to them.
- Promotion of landlord aspiration to let property to a higher standard and to act in a professional manner.
- Encouragement of landlords not to take tenants with a poor reference.
- Improvement of the image and desirability of the area.
- Improved values of property in the area.
- Encouraging a change to the tenure mix of the area. Protect investment in the area.

- Working with those landlords who are not providing good quality accommodation or managing their tenancies effectively and removing “rogue landlords” altogether.
- Reduced tenant turnover leading to sustainable communities, creating communities where tenants want to remain.
- Encourage the use of reputable managing agents when landlords are inexperienced or “absentee”.
- Raising community confidence through the appropriate use of enforcement powers against landlords who are failing to comply with the provisions of the Housing Act 2004.

The Council aims to build better working relations with landlords in the area and concentrate resources on eradicating bad practice by some landlords.

License conditions will help to ensure that vulnerable tenants are living in accommodation where the management is capable of dealing with their needs.

It will also help the Council to better target resources in dealing with anti-social tenants and enforce against unprofessional landlords.

Selective Licensing will seek to develop a more consistent level of property management services among all private landlords in the area, thus assisting prospective private tenants in making a positive, confident choice about their next home.

Reputable landlords can be assured that if a Selective Licensing scheme were in place, those landlords whose business practices do not meet the required minimum standards would be encouraged and supported to improve their management standards. Landlords who are not willing to work with the Council could face being refused a licence and ultimately having a Management Order imposed against the property.

### **HOW SELECTIVE LICENSING WILL SUPPORT STRATEGIES FOR THE AREA**

Housing plays a fundamental role in delivering sustainable communities, facilitating social and environmental improvements and promoting economic growth. The Council believes that Licensing has an important role to play and offers valuable support to existing initiatives to tackle

empty homes, prevent homelessness, create sustainable, high quality neighbourhoods and reduce anti-social behaviour.

### **Mayor’s Vision and the Council’s Change Programme**

The proposal for North Ormesby clearly links to the Mayors Vision in terms of its contribution to a learning town, in which families and communities thrive, and a town that continues to transform. It contributes directly to a number of the Change Programme outcomes, specifically:

- Providing services and support to communities such that people have more fulfilling lives, feel safe and their need for support services reduces.
- Achieving longer and healthier lives, reducing health inequalities and protecting the local population from environmental hazards and incidents.
- Providing support to help families and adults in need and, maximise their independence such that dependency on services reduces.

### **Health and well-being**

Housing has an important impact on health and well-being: good quality appropriate housing in places where people want to live has a positive influence on reducing deprivation and health inequalities by facilitating stable/secure family lives. This in turn helps to improve social, environmental, personal and economic well-being. Conversely, living in housing which is in poor condition, overcrowded or unsuitable will adversely affect the health and well-being of individuals and families.

As mentioned, the Licensing Team will promote multi-agency case intervention strategies where problems are identified.

### **Private rented sector**

Many properties in the sector provide decent accommodation and are well managed by landlords. Selective licensing will be a vital tool in driving up standards. It will reduce the negative impact on neighbourhoods of poor landlords and encourage greater awareness and a sense of responsibility in landlords and tenants alike.

The Council’s Housing Enforcement team will continue to employ a wide range of tools to tackle poor property condition, inadequate tenancy management and improve conditions in

the private rented sector. These tools include:

- Mandatory HMO Licensing
- Tenant Referencing
- Empty Property Enforcement
- Housing Health and Safety Rating System (HHSRS)

By introducing selective licensing the Council is fully utilising the suite of tools introduced by the Housing Act 2004 to address management standards and property conditions within the private rented sector. As part of a coordinated approach, Selective Licensing will compel landlords to maintain good standards and raise the profile of problem properties. Through the increased awareness amongst the community and across agencies, Selective Licensing will become a valuable mechanism for identifying and dealing with bad practice amongst private landlords.

### **Anti-social behaviour**

Selective Licensing will help to ensure that landlords meet their statutory duties regarding tenancy management and will encourage and assist them to deal with issues of anti-social behavior by taking appropriate and effective action where they receive a complaint about their tenants.

There is a range of other initiatives that are targeted at reducing crime and anti-social behaviour operating across the North Ormesby area and the Selective Licensing team will work in close partnership with other services and agencies to maximise the impact and contribute to improved community safety.

The Licensing Team will promote multi-agency case intervention strategies where problems are identified, which can include actions for the Police, the Youth Offending Team, ASB, and Housing Enforcement teams. Landlords will be offered support and advice to help tackle anti-social behaviour from their tenants.

### **Prevention of Homelessness Strategy**

The private rented sector has a central role to play in offering a decent alternative to owner-occupation or social rented housing. The sector makes a significant contribution to meeting the housing needs of vulnerable people and in many cases has prevented homelessness and minimised the use of temporary accommodation. The Council continues to work in partnership

with the private rented sector and Selective Licensing will strengthen this partnership by increasing the number of landlords working with the Council with well-managed, good quality accommodation.

By strengthening the partnership between landlords and the Council, Selective Licensing can contribute to the prevention of homelessness through effective tenancy management that minimises ASB, tackles rent payment issues in a timely and constructive manner and offers a housing option for some of the most vulnerable households in need of a home.

The Localism Act 2011 enabled the use of suitable offers of accommodation in the private rented sector and allowed this sector to be used to discharge the main homelessness duty. Against the backdrop of high demand but a shortage of accessible, affordable social housing, the sector has increasingly become a valuable resource for offering a range of more easily accessible housing solutions for homeless households, but elements of poor management contribute to repeat homelessness. Licensing has the potential to effect long term positive change in the sector and to provide considerable benefits to homeless households.

It is anticipated that the Selective Licensing scheme will help achieve a long-term reduction in the culture of 'tenancy hopping', i.e. the practice of households who are frequently homeless due to anti-social behaviour, and who may be aided by rogue landlords to move around the sector, which prevents underlying behavioural issues from being tackled and which blights local communities.

### **Empty homes**

In Middlesbrough there were 657 private homes empty for six months or more in September 2014. The Council has already begun to tackle this issue and to date has, amongst other things, secured funding from the Homes and Communities Agency and adopted an Empty Homes Action Plan to bring empties back into use.

An important part of the strategy to tackle empty homes is actively targeting owners and providing them with information on the incentives available and the reasons why empty properties are a poor financial option. A range of promotional and marketing measures will be introduced.

In some cases encouraging owners will not be enough and the Council will need to take strong enforcement action. It is anticipated that Selective Licensing will help strengthen the partnership between landlords and the Council and the benefits Licensing will deliver to the area will contribute to tackling problem empty properties in North Ormesby.

### **The BIG Local and North Ormesby Neighbourhood Action Plan**

The BIG Local is a community structure based in North Ormesby and formed through a £1m Lottery grant. They recently completed (August 2013) a community survey with over three hundred and fifty residents of the area. The three clear priorities which emerged during that consultation were:

- problems associated with the private rented sector;
- anti-social behaviour;
- street condition.

The Council has concluded there is an urgent need to take strong and immediate action to halt the slide of the area. However, it has also recognised that traditional forms of public sector intervention are no longer applicable and there is a need to re-focus interventions around supporting communities to practice greater levels of self-management, by focusing on strengthening those activities and structures which underpin that ability. In light of this it has agreed to formulate a comprehensive response to address the social and economic issues arising in North Ormesby and endorsed the implementation of an eighteen month strategic intervention in the area.

Selective Licensing will have an important role to play given the priorities identified by the community and the fact that it responds to the need to develop a more radical partnership response to the problems in the area.

### **ALTERNATIVE REMEDIES AND WHY THE COUNCIL CONSIDERS THEY ARE INSUFFICIENT**

The Council has considered whether there are any other courses of action available that might provide an effective method of achieving the objectives that the designation is intended to achieve.

The following paragraphs consider other powers and projects that are available to the Council and why they could not replace the proposed Selective Licensing Designation in North Ormesby.

### **Accreditation**

Accreditation is a mechanism for helping landlords or agents to meet agreed standards of competence, skills and knowledge about the business of owning, managing or letting a private rented home.

Accreditation is supported nationwide by a wide range of stakeholders, including the Government, landlord associations, local authorities, Shelter, the National Union of Students and the Chartered Institute of Environmental Health. It can aid the supply of good-quality, well-managed homes.

Accreditation attracts a limited number of landlords, mainly those already providing appropriate management standards and who are motivated to improve the reputation of the private rented sector. Such schemes do not have an intensive impact in any one area, nor do they tackle the worst privately rented properties, as due to the voluntary nature the worst landlords will not engage with the Council or join the scheme.

Experience shows that it is resource intensive to encourage the poorer landlord to join accreditation and when asked to make improvements due to its voluntary nature many landlords fail to comply showing that accreditation cannot tackle the worst standards of property condition and management practices.

### **Enforcement of housing standards**

The Housing Act 2004 introduced the Housing Health and Safety Rating Scheme (HHSRS) which allows local authorities to inspect privately rented properties to ensure the condition of that property does not have an adverse effect on the health, safety or welfare of tenants or visitors to that property. Where necessary the Council will serve statutory enforcement notices to ensure the condition is improved.

The current service is in the main reactive - a complaint will be made and an inspection will determine whether action needs to be taken.

Whilst this approach does improve property conditions it does not have a concentrated impact in one area. In addition this power does not tackle property management standards. Through the selective licensing designation and associated training advice and support, landlords will recognise what improvements need to be made to their properties reducing the need for action under the HHSRS.

In addition the Council will continue to undertake proactive property inspections in the designation area, offering advice and where necessary taking enforcement action to improve property conditions. Improved property conditions will assist in retaining tenants and attracting occupants to the area assisting in tackling low demand.

### **Management Orders**

Part 4 of the Housing Act 2004 introduced the use of Management Orders. The general effect of a Management Order is that the Council takes control of the property, although legal ownership does not transfer from the landlord. There are two forms of Management Order, interim and final. Interim lasts for a period of 12 months which can then be followed by a final Management Order which lasts for a maximum of 5 years.

Once a Management Order is in place the Council takes over the management of the property. The occupiers pay their rent to the Council and any repair costs such as routine repairs or building insurance are taken from the rent before any surplus is given to the owner (landlord).

This power only deals with individual properties and is resource intensive.

This approach does not present a long term solution to address poor management of privately rented stock as the property is returned to the original owner who may not necessarily have improved their management standards in the interim.

The Council will use Management Orders in the designation area as a last resort to deal with landlords who fail to comply with selective licensing and improve their management standards.

### **Private Sector Leasing Scheme**

A Private Sector Leasing Scheme is where the Council takes out a lease, normally 3 to 5 years in duration, from a private owner or landlord on their property. The Council then uses the property to provide affordable accommodation for homeless families.

There is no guarantee that landlords, especially the worst, will join the scheme and the Council cannot compel them to do so. As with Management Orders the scheme does not address poor management practices as the landlord does not gain experience, advice or training during the lease meaning that once handed back management standards will once again be unsatisfactory.

In summary the alternative options to selective licensing would require some, if not all, of the finance from the Council, which in turn comes from everyone paying Council Tax.

Selective Licensing will be self-financing, paid for by the licence applicants and not the community.

### **Alternative approaches – summary**

There is no single solution and each alternative will have its limitations. No single intervention, including Selective Licensing, can solve the problem and therefore a co-ordinated strategy is required which links a full range of agencies and services using various interventions.

Problems relating to the use of the alternatives to Selective Licensing can include the following:

- They are expensive and there is the likelihood that some of the finance required would need to be collected from Council Tax. This seems unjust when many of the problems are caused by the lack of effective tenancy management. Selective Licensing will be self-financing, paid for by landlords.
- The use of Management Orders on all problematic properties would be neither appropriate nor feasible, given the number of properties. The Council must act in a proportionate manner and a heavy handed approach would undermine efforts to work with landlords to improve standards. Selective Licensing provides an opportunity

to continue to forge partnerships with otherwise anonymous private landlords and provide training and support, where the use of these orders does not.

- Alternatives do not adequately tackle the private tenant's behaviour. This could result in the same "problem" tenant being left to float within an area without any real targeted tenancy enforcement and where required, supported tenancy referral. The proposed Selective Licence conditions include a requirement for the landlord to seek references when allocating the property and to deal with any complaints of anti-social behaviour from their tenants (and/or their visitors/children).
- None of these tools provides a long-term solution to the training of inexperienced landlords whose business would benefit, either because they are not fit, or because of their poor management arrangements.
- Whilst Selective Licensing is only to be used in areas where authorisation is sought and given, many private landlords have properties across the entire town and indeed across local authority borders. Therefore, improvements attained in management standards will have a trickledown effect and will benefit tenants and communities across wider areas.

### **CONSULTATION – OPPORTUNITIES TO ENGAGE & RESPOND**

The consultation is being carried out over a 10 week period, and will be widely publicised using various channels of communication.

The consultation will start on 12 January 2015 and close on 23 March 2015.

Once the consultation has been completed the results will be published and made available to the local community.

The Council is required to consult with local residents, including tenants, landlords, managing agents and other members of the community who live or operate businesses or provide services within the proposed designation and those in the surrounding area which is shown on the map at Appendix 1.

Everyone who responds to this consultation will have their views fully considered. A comprehensive engagement and consultation process with partners, stakeholders and customers will include:

- Private landlords
- Private tenants
- Local communities
- Tenant and resident associations
- Landlord associations
- Citizens Advice Bureau
- Registered Social Landlords
- Local community committees
- Locally elected members
- Local businesses
- Middlesbrough Police
- Other Council service areas.



### **Methods of consultation**

Consultation will be taking place using the following methods:

- Direct mail to landlords and residents.
- Direct mail to local community groups.
- Press release to local media/press.
- Information on Middlesbrough Council's website.
- Drop-in sessions for landlords, tenants, other residents, businesses and other agencies (details will be included in letters posted to all consultees).
- Email to all Ward Councillors.
- Email to all relevant Council service areas.

### **How to respond to the consultation**

A questionnaire will be available to complete on the Council's website, a paper version of which can be downloaded from the website. It will also be available to collect from the receptions of the Civic Centre, Town Hall and Middlesbrough House.

All questionnaires and comments should be returned to: Housing Service, Middlesbrough Council, P.O. Box 504, Civic Centre, Middlesbrough, TS1 9FY.

If you would like any further information about the Selective Licensing proposals please contact: Michael Quinn, Principal Housing Needs & Enabling Officer.

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**Equality Impact Assessment Level 1: Initial screening assessment**

<b>Subject of assessment:</b>	Selective Licensing Designation.			
<b>Coverage:</b>	Designate the selective landlord licensing scheme in the remainder of Newport.			
<b>This is a decision relating to:</b>	<input type="checkbox"/> <b>Strategy</b>	<input type="checkbox"/> <b>Policy</b>	<input type="checkbox"/> <b>Service</b>	<input type="checkbox"/> <b>Function</b>
	<input type="checkbox"/> <b>Process/procedure</b>	<input checked="" type="checkbox"/> <b>Programme</b>	<input type="checkbox"/> <b>Project</b>	<input type="checkbox"/> <b>Review</b>
	<input type="checkbox"/> <b>Organisational change</b>	<input type="checkbox"/> <b>Other (please state)</b>		
<b>It is a:</b>	<b>New approach:</b>	<input type="checkbox"/>	<b>Revision of an existing approach:</b>	<input type="checkbox"/>
<b>It is driven by:</b>	<b>Legislation:</b>	<input type="checkbox"/>	<b>Local or corporate requirements:</b>	<input checked="" type="checkbox"/>
<b>Description:</b>	To use powers within the Housing Act 2004 to designate the area of Newport for Selective Landlord Licensing of privately rented properties over a period of 5 years, with the aim of improving the social and economic standards for all local stakeholders, reversing issues of low demand, reducing anti-social behaviour and improving property management standards.			
<b>Live date:</b>	November 2022			
<b>Lifespan:</b>	5 years (November 2027)			
<b>Date of next review:</b>	12-18 months following implementation to check progress against outcomes framework, and to consider whether the scheme may be expanded to other wards affected by similar issues of low demand.			

Screening questions	Response			Evidence
	No	Yes	Uncertain	
<b>Human Rights</b> Could the decision impact negatively on individual Human Rights as enshrined in UK legislation?*	√	<input type="checkbox"/>	<input type="checkbox"/>	It is considered that the implementation of the scheme will not have an unjustified or disproportionate adverse impact upon any of the stakeholder groups affected by the scheme
<b>Equality</b> Could the decision result in adverse differential impacts on groups or individuals with characteristics protected in UK equality law? Could the decision impact differently on other commonly disadvantaged groups?*	√	<input type="checkbox"/>	<input type="checkbox"/>	It is considered that the implementation of the scheme will not have an adverse differential impact on groups or individuals with characteristics protected in UK equality law, or other commonly disadvantaged groups
<b>Community cohesion</b> Could the decision impact negatively on relationships between different groups, communities of interest or neighbourhoods within the town?*	√	<input type="checkbox"/>	<input type="checkbox"/>	It is considered that implementation of the scheme will have a positive impact upon community cohesion in respect of stabilising the area and enabling better relationships between different groups and communities of interest in the designated area.
<b>Next steps:</b> <ul style="list-style-type: none"> <li>➡ If the answer to all of the above screening questions is No then the process is completed.</li> <li>➡ If the answer of any of the questions is Yes or Uncertain, then a Level 2 Full Impact Assessment must be completed.</li> </ul>				

<b>Assessment completed by:</b>	Louise Kelly	<b>Head of Service:</b>	Judith Hedgley
<b>Date:</b>	17/02/2022	<b>Date:</b>	17/02/2022

\* Consult the Impact Assessment further guidance appendix for details on the issues covered by each of these broad questions prior to completion.