

Report of:	Executive Member for Regeneration Director for Adult Social Care and Health Integration
Submitted to:	Executive
Date:	7 March 2023
Title:	Selective Landlord Licensing - Responses to the Consultation and Approval to Designate the Newport 2 Area
Report for:	Decision
Status:	Public
Strategic priority:	Physical environment
Key decision:	Yes
Why:	Decision(s) will incur expenditure or savings above £150,000
Urgent:	No
Why:	Not Applicable

Executive summary

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 18th 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 9th December 2014 Executive approved proposals for introducing Selective Landlord Licensing in Middlesbrough and a further report to Executive on 14th July 2015 saw the implementation of the scheme in North Ormesby which commenced on 1st January 2016. Executive approval was granted for the introduction of SLL in part of Newport ward on 13th June 2019 (Newport 1) and the re-designation of North Ormesby ward was granted on 14th 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 21st November 2022 and 30th 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 th 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

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