

## Newcastle City Council

### Consultation on the Proposed Selective Licensing Scheme

### Frequently Asked Questions

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#### Consultation

#### What are you consulting on?

We are consulting on a new proposed Licensing Scheme for private rented accommodation.

The proposed scheme will impact properties across two areas; Greater High Cross, and Byker Old Town.

#### Why are you consulting?

Section 80 (9) of the Housing Act 2004 states that when considering designating an area for Selective Licensing the local housing authority must:

- \* Take reasonable steps to consult persons who are likely to be affected by the designation, and,
- \* Consider any representations made in accordance with the consultation.

#### How long does consultation last?

The formal consultation process starts on Monday 9<sup>th</sup> November 2020 and lasts for 12 weeks, ending on Sunday 31<sup>st</sup> January 2021.

#### How can I have my say?

During this time an online consultation survey will be available via an online via <https://www.letstalknewcastle.co.uk/consultations/info/331> this is the primary landing page for the consultation, we can add the links to the various documents here.

Due to Social Distancing requirements drop-in consultation sessions will not take place but online consultation sessions will be available via Microsoft Teams. Follow this link to access the event.

- \* [Wednesday 18<sup>th</sup> November 2020 4pm to 5pm.](#)
- \* [Monday 11<sup>th</sup> January 2021 12 to 1pm.](#)

You do not need a log in or access codes to join the event. A video of the event will be available afterwards if you are unable to attend at either time. Please feel free to email any questions prior to the event to [LicensingConsultation@newcastle.gov.uk](mailto:LicensingConsultation@newcastle.gov.uk)

A printed copy of the survey and FAQs can also be made available upon request from the civic centre, prior notice will be required. If you have any additional comments or questions email [LicensingConsultation@newcastle.gov.uk](mailto:LicensingConsultation@newcastle.gov.uk)

## What happens once the consultation has finished?

A consultation report will be produced to record the views and opinions gathered. Three options are then available to the Council:

- \* To not designate any further property licensing schemes at this time.
- \* To designate a property licensing scheme in Newcastle, but with variations to that originally proposed in this document
- \* To designate the property licensing scheme as detail in this document. The final decision will be made by Newcastle City Council Cabinet.

Anyone who has taken part in the consultation and provided an email address will be updated on the final decision.

Updates will also be made at <https://www.letstalknewcastle.co.uk/consultations/info/331> and on the councils social media pages

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## The Proposed Scheme

### How can I find more information on the proposed scheme?

To view and comment on the proposed scheme go to <https://www.letstalknewcastle.co.uk/consultations/info/331>

### How was the proposed licensing scheme area chosen?

We used evidence to determine the proposed boundary. The evidence confirmed

- \* Areas that have more than 20% private rented accommodation
- \* Levels of anti-social behaviour (ASB)
- \* Levels of crime

This evidence was collated to indicate properties and areas where licensing would make improvements to the lives of residents and communities.

## What is Selective Licensing?

The Housing Act 2004 allows Local Authorities to implement Selective Licensing for private rented properties within a designated area. This means that landlords in that area must apply for a licence and meet certain licence conditions for the duration of the licence.

For Selective Licensing the Local Authority must be satisfied that one of the following issues are present, and that licensing will help to improve the issue:

- \* Low demand
- \* Significant or persistent problems caused by anti-social behaviour
- \* Poor housing conditions
- \* Significant number of properties occupied by migrants
- \* High levels of deprivation
- \* High Levels of crime

The aim of the licensing scheme is to improve the management of these properties to ensure that they have a positive impact on the area.

## Why is licensing needed?

The evidence shows that a significant proportion of private rented properties in Newcastle are suffering from poor property and management standards, and there is a high level of ASB. Licence conditions will help to ensure that:

- \* Anti-social behaviour and crime in the area is managed and tackled
- \* Properties are maintained in line with legal requirements and licence conditions.
- \* All tenancies are well managed.
- \* Landlords and managing agents involved in managing properties are fit and proper.
- \* Criminal landlords are targeted, and appropriate action taken against them.

## What are the benefits of Licensing?

We believe licensing will:

- \* Reduce anti-social behaviour
- \* Encourage landlords to act in a professional manner
- \* Improve the quality and management of properties

- \* Ensure landlords and agent are readily identifiable
- \* Protect vulnerable groups within privately rented accommodation
- \* Help develop safe and secure neighbourhoods.

### **As a landlord, why is anti-social behaviour my responsibility?**

Landlords are responsible for ensuring that the behaviour of their tenants in the home and its immediate vicinity does not cause a nuisance to the community. Landlords are expected to challenge inconsiderate behaviour and to work with the council and police to manage incidents of anti-social behaviour by their tenants, which relate to the tenancy.

### **Are there alternative things the Council could do instead of licensing?**

Newcastle Council has implemented a range of services supporting the private rented sector such as Landlord Accreditation, Rent Deposit Scheme, and Landlord Training. These services are voluntary and have a limited impact on poorly managed properties.

Enforcement action usually relies on residents reporting issues; the fear of eviction and lack of understanding of their rights means many tenants don't report problems.

Licensing provides clear property and management standards and provides a proactive inspection process to identify and deal with problem properties.

### **What evidence is there that licensing is needed?**

The proposed licensing designation is for Selective licensing based principally on the grounds of anti-social behaviour, although it will also improve other factors.

Evidence for the scheme can be found by going to <https://www.letstalknewcastle.co.uk/consultations/info/331>

### **How many properties would need a licence under the proposal?**

Based on the proposed scheme it is estimated that there are

- \* 522 privately rented properties in the Byker Old Town designation
- \* 349 privately rented properties in the Greater High Cross designation

### **How can I find out which properties or area may be included in the proposed licensing scheme?**

Maps of the proposed boundaries can be found here <https://www.letstalknewcastle.co.uk/consultations/info/331>.

## I thought there was already HMO and Selective licensing schemes in Newcastle? How will these be impacted?

These licensing designations will complement the designations which were introduced in April 2020.

If you currently have an HMO licence under the mandatory scheme you would not need to take any further action if this scheme is implemented.

## The Licence

### Is this a property or landlord licence scheme?

This is a property licence scheme. Every property a landlord owns within the proposed boundary would need its own licence.

### How long would a licence last?

A Selective Licensing Scheme can be designated for a maximum of 5 years.

Professional landlords who apply for a licence and comply with the law will be issued with a licence for the duration of the scheme. Landlords who fail to apply or have a history of non-compliance will be issued a 1-year licence. This will ensure that criminal landlords are more closely regulated and pay more.

### As a landlord do I need to meet licence conditions?

Yes, the licence holder will need to be a 'Fit and Proper Person'. The property will also have to meet certain standards. Adequate arrangements also need to be in place to tackle anti-social behaviour by tenants.

Details of the proposed licensing conditions can be found by going to <https://www.letstalknewcastle.co.uk/consultations/info/331>.

### Would a property licence be transferable?

A property licence is not transferable to another property, person or organisation.

### Could I be exempt from requiring a licence?

There are some properties that are exempt from licensing, for example:

- \* The tenancy or licence has been granted by a registered social landlord

- \* The property is subject to an Interim or Final Management Order under the Housing Act 2004
- \* The property is covered by a temporary exemption notice
- \* Certain tenancies associated with business premises, Licensing Act 2003 premises, agricultural land or agricultural holdings;
- \* Buildings managed by a local housing authority, police or fire & rescue authority or a health service;
- \* Buildings already regulated under certain other statutory provisions (Schedule 1 to SI 2006 Number 373)
- \* Holiday homes;

### Would an empty property need a licence?

No, a licence is only required if the property is privately rented and occupied.

### What would happen if a landlord failed to apply for a licence?

It is a legal requirement for landlord to apply for a licence, and a criminal offence if a landlord fails to do so. This could result in a financial penalty of up to £30,000 or an unlimited fine if prosecuted through the courts.

The council may make a Management Order to take control of a private rented property, and a landlord can be ordered to repay up to 12 months' rent to the tenant through a Rent Repayment Order if convicted.

## The Licence Fee

### How much will a licence cost?

The exact licence fee cannot be determined until consultation has been completed and the details of the scheme are confirmed. It is estimated that a Selective Licence will cost £650.

### Is this a money-making scheme for the Council?

No, the money is ringfenced and can only be spent on the running and administration of the licensing scheme.

### How will the money be spent?

This will fund assessment and processing of applications, property inspections, investigating breaches in licensing condition, tenancy and ASB staff to support landlords and tenants.

## Information for Tenants

### What are the benefits for me?

Selective licensing will improve the management of privately rented properties and help protect tenants who live in private rented homes, which are poorly managed and maintained.

Tenants can be reassured that properties are required to meet certain standards and know where to go if property conditions are below standard or in disrepair.

Homes should be kept safe, secure and in a good state of repair. Tenants may see economic benefits, for example reduced heating bills as house maintenance and conditions improve.

Selective Licensing will mean that private landlords, or their agents, will have to show that they are 'fit and proper' and have no criminal convictions which may affect the management of the property; they have satisfactory management and financial arrangements, as well as having adequate procedures for dealing with problem tenants. Management arrangements will include things such as making sure the property is safe to live in and issuing the tenant with a written tenancy agreement.

Landlords will not be able to serve a section 21 notice of eviction where a property should be licensed but is unlicensed.

## Other Questions

### I am a social tenant, or I own my own home within the area, how will this affect me?

The proposed scheme would not directly affect you but, if it were to be implemented, you may see some improvements within the area. Every privately rented property within the proposed selective licensing area would require a licence. We believe, under this proposed scheme, monitoring of the licence conditions would help improve the conditions and management of privately rented property, which we hope would lead to an overall improvement to the environment and the area.

### How do I report disrepair or anti-social behaviour associated with a private rented property?

Complete our [Housing Complaint Form](#) to report any issues of disrepair, noise or anti-social behaviour.

**Other Questions: How do I report disrepair or anti-social behaviour associated with a private rented property?**