

Housing Services

Selective Licensing in Margate Central and
Cliftonville West

Proposal to make a further selective licensing designation

FOR DECISION

Cabinet: 19 January 2016

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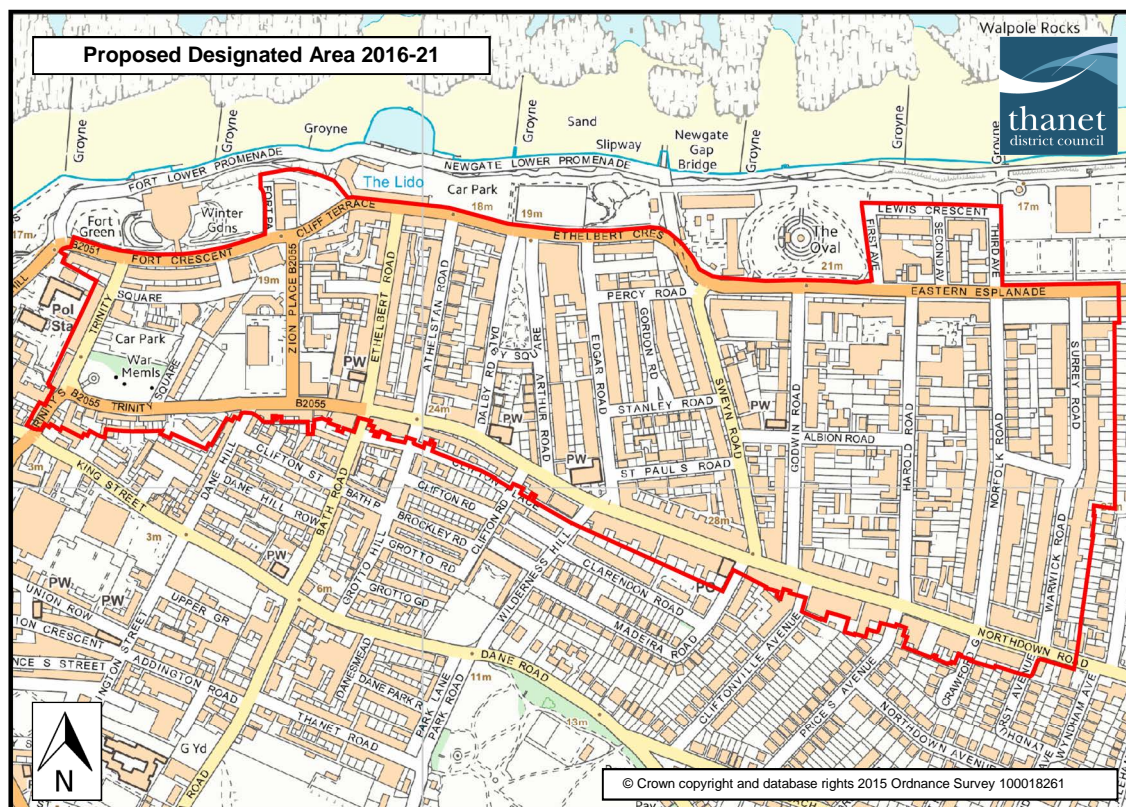
1. Introduction

1. On 12 January 2011, Thanet District Council (the council) designated parts of the electoral wards of Margate Central and Cliftonville West as a selective licensing area under section 80 of the Housing Act 2004. The five year designation came into force on 21 April 2011 and will expire on 20 April 2016.
2. The designation requires private landlords to obtain a licence from the council and comply with a range of licence conditions. The scheme does not apply to owner-occupied or housing association homes.
3. Selective licensing was introduced to help tackle low housing demand and anti-social behaviour and to improve housing conditions and management standards in the private rented sector. The initiative is an important aspect of the council's wider regeneration activities in Margate.
4. A legal challenge to the scheme, which had a significant impact on its effectiveness in the first two years, and a high level of general non-compliance, has affected progress. Nevertheless, there are now fewer empty properties, less anti-social behaviour and a greater number of better managed and safe homes. Consequently, the council believes that the scheme has so far been successful.
5. While much has been achieved through selective licensing, it is clear that the initial five-year designation will not provide enough time in which to effect long-lasting change in the area. As such, a proposal to make a further selective licensing designation was subject to public consultation between 17 August 2015 and 26 October 2015. The proposal concerns an area substantially similar to that already designated.
6. The comprehensive 50-page consultation document provided an overview of the current scheme and set out the details of the proposed five-year designation (proposed to begin on the day after the existing designation expires). It also provided the evidence required to support such a designation and described the range of complementary initiatives the council is currently pursuing. For the avoidance of excessive and unnecessary duplication, the information presented in the consultation document is not repeated in full here. The reader is therefore directed to the consultation document at this point, which is attached in Annex A.
7. This document reviews the results of the public consultation and sets out the council's position in respect of the key issues highlighted by the responses received. It also finalises the proposal such that the council's Cabinet may make an informed decision when they convene on 19 January 2016 to decide whether or not to make a further selective licensing designation.

2. Overview of consultation proposal

8. A map showing the proposed selective licensing designation, as subject to a 10 week public consultation, is shown below. The proposed designation concerns an area substantially similar to that already subject to a selective licensing designation and which is due to end on 20 April 2016.

Figure 1: Map of proposed designated area (2016-21)



9. The proposed designation would, if agreed on 19 January 2016, become operative on 21 April 2016 and expire on 20 April 2021.
10. The proposed area includes some parts of Northdown Road and Trinity Square that are not currently subject to selective licensing. This boundary amendment increases the number of potentially licensable dwellings by around 150. Therefore, the landlords of around 2,300 privately rented dwellings would be in need of a selective licence from the council in the event of a further designation. However, existing selective licences would remain valid until they expired.
11. All landlords would be required to pay a licence fee upon application. The licence fees proposed in the consultation document were based on the concept that any new scheme should minimise the financial burden on landlords. It was therefore proposed that licence fees are reduced as much as is reasonably possible, without jeopardising the council's ability to undertake its statutory functions under selective licensing.
12. The licence conditions that would apply to the new scheme would be similar to those currently in use. Licences would therefore include conditions regarding occupancy restrictions and management standards (including responsibilities relating to tenant referencing; the use of written agreements for occupation; anti-social behaviour; crime; waste management; property maintenance; and furniture, electrical, gas and fire safety).

13. The designation was proposed on the basis that the area is an area of low housing demand which also suffers from poor housing conditions and high levels of deprivation, crime and anti-social behaviour.
14. A further designation would be expected to contribute to:
 - An improvement in the social and economic conditions in the area;
 - A reduction in anti-social behaviour;
 - An improvement in general housing conditions;
 - A reduction in the level of deprivation; and
 - A reduction in crime.

3. English Indices of Deprivation 2015

15. Chapter 4 of the consultation document sets out the supporting evidence for the proposed designation. Paragraphs 159 to 169 dealt with the English Indices of Deprivation. However, the consultation document was written before the latest edition of the indices was published on 30 September 2015. This section updates the evidence in relation to deprivation within the proposed area.
16. The term deprivation covers a wide range of issues and refers to unmet needs caused by a lack of resources of all kinds, not just financial. The English Indices of Deprivation attempt to measure multiple deprivation by taking into account a range of factors, known as domains. The indices have identified seven distinct domains, namely: Income; Employment; Health and Disability; Education Skills and Training; Barriers to Housing and Services; Living Environment; and Crime.
17. The seven distinct domains are combined, using appropriate weights, to calculate the Index of Multiple Deprivation (IMD). This is an overall measure of multiple deprivation experienced by people living in a certain area.
18. For the purposes of the IMD, England has been broken down into 32,844 relatively similar areas known as Lower-layer Super Output Areas (LSOAs). Each LSOA relates to a geographical area in which around 1,500 people reside. The IMD ranks every LSOA in England according to its relative level of deprivation, with ranking 1 being the most deprived and 32,844 being the least deprived.
19. The most recent edition is now IMD 2015, which was published on 30 September 2015. This edition was based on the approach, structure and methodology used for the three previous editions, namely IMD 2004, IMD 2007 and IMD 2010, and as such is comparable. Most of the data used for compiling IMD 2015 relates to the 2012/13 financial year.
20. There are 84 LSOAs in Thanet. Five are partially contained within the proposed designated area. Their rankings (out of 32,844) are shown in the table below:

Figure 2: IMD rankings by edition

LSOA Area Code	Approximate Location	IMD 2004 Ranking Total Count: 32,482	IMD 2007 Ranking Total Count: 32,482	IMD 2010 Ranking Total Count: 32,482	IMD 2015 Ranking Total Count: 32,844
E01024678	Area around Trinity Square (Around a quarter of the LSOA is contained within the proposed designated area)	829	167	81	21
E01024657	Area around Ethelbert Road (This LSOA is substantially contained within the proposed designated area)	404	399	33	4
E01024658	Area around Sweyn Road (Around 60% of this LSOA is contained within the proposed designated area)	1416	631	595	233
E01024660	Area around Norfolk Road (This LSOA is substantially contained within the proposed designated area)	1777	670	339	117
E01024659	Area around Northdown Avenue (Only a small area of this LSOA is contained within the proposed designated area)	6482	5979	5608	2739

Source: Office of the Deputy Prime Minister; Department for Communities and Local Government

21. The above table shows that the deprivation rankings have deteriorated significantly in all five LSOAs between the comparable indices. The four LSOAs currently ranked 4, 21, 117 and 233 are all within the 1% most deprived areas in England.
22. The LSOA ranked 4, which concerns an area around Ethelbert Road, Athelstan Road and Dalby Square, is substantially located in the heart of the proposed designation. Only an area of Jaywick, near Clacton-on-Sea, and two areas adjacent to the seafront in Blackpool are more deprived.
23. The following table illustrates the deprivation rankings at Thanet district level, where 1 is the most deprived and 84 is the least deprived.

Figure 3: Thanet District level IMD rankings by edition

LSOA Area Code	Approximate Location	IMD 2004 Total Count: 84	IMD 2007 Total Count: 84	IMD 2010 Total Count: 84	IMD 2015 Total Count: 84
E01024678	Area around Trinity Square (Around a quarter of the LSOA is contained within the proposed designated area)	3	1	3	2
E01024657	Area around Ethelbert Road (This LSOA is substantially contained within the proposed designated area)	2	3	2	1
E01024658	Area around Sweyn Road (Around 60% of this LSOA is contained within the proposed designated area)	4	4	5	5
E01024660	Area around Norfolk Road (This LSOA is substantially contained within the proposed designated area)	5	5	4	4
E01024659	Area around Northdown Avenue (Only a small area of this LSOA is contained within the proposed designated area)	20	22	23	16

Source: Office of the Deputy Prime Minister; Department for Communities and Local Government

24. The following table illustrates the deprivation rankings at Kent county level, where 1 is the most deprived and 1,065 is the least deprived.

Figure 4: Kent county level IMD rankings by edition

LSOA Area Code	Approximate Location	IMD 2004 Total Count: 1,047	IMD 2007 Total Count: 1,047	IMD 2010 Total Count: 1,047	IMD 2015 Total Count: 1,065
E01024678	Area around Trinity Square (Around a quarter of the LSOA is contained within the proposed designated area)	3	1	3	2
E01024657	Area around Ethelbert Road (This LSOA is substantially contained within the proposed designated area)	2	3	2	1
E01024658	Area around Sweyn Road (Around 60% of this LSOA is contained within the proposed designated area)	5	4	7	7
E01024660	Area around Norfolk Road (This LSOA is substantially contained within the proposed designated area)	6	5	4	5
E01024659	Area around Northdown Avenue (Only a small area of this LSOA is contained within the proposed designated area)	74	77	94	51

Source: Office of the Deputy Prime Minister; Department for Communities and Local Government

25. The above tables show that the area proposed for designation is one of the most deprived in England.
26. The data used in the compilation of IMD 2015 was primarily from the 2012/13 financial year. Enforcement of the current selective licensing designation did not start until the 2013/14 financial year, owing to it being subject to a legal challenge.
27. The proposed area is unique, owing to its history and built environment. Many of the surrounding areas do not suffer from such entrenched deprivation. The four LSOAs contained within the immediately adjacent ward of Cliftonville East have considerably different deprivation profiles. For comparison, these are shown in the table below:

Figure 5: IMD rankings of LSOAs in Cliftonville East by edition

LSOA Area Code	Approximate Location	IMD 2004 Ranking Total Count: 32,482	IMD 2007 Ranking Total Count: 32,482	IMD 2010 Ranking Total Count: 32,482	IMD 2015 Ranking Total Count: 32,844
E01024653	Area around Knockholt Road and Eastchurch Road	24,962	22,145	21,947	23,881
E01024654	Area around Northdown Road and Elmstone Gardens	19,176	17,803	16,799	15,668
E01024655	Area around Northdown Road and Gloucester Road	24,095	24,156	22,185	18,617
E01024656	Area around Lonsdale Gardens and Princes Gardens	13,793	13,533	11,276	8,500

28. It is worth noting that the deprivation rankings should be considered in relative terms. It cannot be simply assumed that an area has become more deprived because a ranking has deteriorated between editions. It may be that deprivation in the area has lessened, but that other areas have improved faster and overtaken the area in the rankings.

4. Results of the public consultation

Overview

29. The council undertook a wide-ranging 10 week (and one day) public consultation between 17 August 2015 and 26 October 2015.
30. Throughout the consultation period, the council's website featured an obvious pictorial link on its homepage which guided interested persons to the public consultation press release. This page included links to the 50-page consultation document, available in web format or downloadable as a PDF, and the online survey.
31. The consultation survey included six key questions and gave the option to make other comments. Responses could also be made in writing separately to a freepost address or by email.
32. The consultation prompted 384 survey responses, and 20 other separate written responses received by post or by email. As such, there were 404 responses in total.

Consultation methods

33. Chapter 6 of the consultation document set out how the public consultation was to be comprehensively publicised. The various stakeholders specified in the consultation document (other than those mentioned in "Direct mailings" below) were emailed or written to in the first few days of the public consultation.
34. The extent to which the other means of consultation took place is set out below.

Direct mailings

35. To help ensure that all persons likely to be affected by the proposed designation were fully consulted, the council wrote directly to the following:
 - Property owners in the proposed area, both freehold and leasehold;
 - Current selective licence holders and named managers;
 - Addresses in the proposed area, both residential and commercial;
 - Residents and businesses in roads surrounding the proposed area;
 - All known letting/managing agents operating in Thanet.
36. Each letter included a colour leaflet explaining the proposal and a hard copy of the consultation survey.
37. Around 5,800 letters addressed to residents and businesses in and around the proposed area were hand-delivered by council staff on Friday 14 August 2015. Over 4,000 further letters addressed to property owners, licence holders/named managers, and letting/managing agents were posted by Royal Mail on the same day.

Landlord drop-in sessions

38. Two bookable drop-in sessions were held for landlords and managing agents at the council offices in Margate. An afternoon session was held on 01 September 2015 between 2pm and 5pm, and an evening session was held on 24 September 2015 between 5pm and 8pm.
39. All owners of property in the proposed designated area, all current licence holders/named managers, and all known letting/managing agents in Thanet received a direct mailing, which included details of both events.

40. Council staff arranged for four consultation stations to be available at both events, each to be staffed by two officers. Both sessions were divided into 20 minute slots, making 36 bookable slots available at each session.
41. At the afternoon session, six slots were booked and there were five attendances. At the evening session, five slots were booked and there were five attendances. Overall, of the 72 available slots, 10 were taken. Officers answered questions and invited consultation responses to those who attended.

Public open day

42. A public open day was held on 06 October 2015 at St. Anne's Church Hall, Devonshire Gardens, Cliftonville, where officers were on hand between 10am to 4pm to answer questions about the proposal. Around 27 interested persons attended during the day.

Public and social media

43. Five half-page colour adverts were placed in local newspapers to promote the public consultation. Three were placed in the KM Thanet Extra (26 August 2015, 16 September 2015 and 14 October 2015), and two were placed in the Isle of Thanet Gazette (04 September 2015 and 02 October 2015).
44. Social media, namely Twitter and Facebook, was also used to promote the public consultation. The council tweeted six times and made five Facebook posts while the consultation was open.

Street signage

45. Some 62 A4 sized laminated colour signs promoting the public consultation were fixed to lamp posts in and around the proposed area during the consultation period.

Survey responses

46. The consultation prompted 384 survey responses.

Respondent groups

47. To consider varying opinions, the survey asked respondents to identify their interest in one of seven ways. The table below sets out the extent to which these groups were represented in the survey.

Figure 6: Number of survey responses received by respondent group

No.	Respondent Group	Number	Percentage
1	A private landlord with properties in the proposed area	71	18.5%
2	A private landlord with no properties in the proposed area	7	1.8%
3	A tenant renting from a private landlord in the proposed area	57	14.8%
4	A housing association or council tenant living in the proposed area	16	4.2%
5	An owner-occupier living in the proposed area (not a landlord or tenant)	156	40.6%
6	A resident living in Margate, but outside the proposed area	48	12.5%
7	Other	29	7.6%
	Total:	384	100%

48. The interest of respondent groups 1 to 6 is self-evident. The table below clarifies the interests of the "Other" 29 respondents.

Figure 7: "Other" respondents – Nature of interest

Respondent type	Number	Percentage
Managing/letting agent	6	20.7%
Thanet resident (but outside Margate)	6	20.7%
Owner of holiday home	3	10.3%

Business operating in area	3	10.3%
Charity/voluntary sector	3	10.3%
Non-TDC public service	2	6.9%
Former resident	1	3.4%
Club	1	3.4%
Landlord group	1	3.4%
Registered social landlord	1	3.4%
Trustee of property	1	3.4%
Non-resident part property owner	1	3.4%
Total:	29	100%

Overall results

49. The survey asked six key questions. These are identified in the table below, together with the overall results of the survey.

Figure 8: Survey questions and overall results

No.	Question	Yes	No	Don't Know	Totals
1	Do you think anti-social behaviour is a problem in the proposed area?	292 (76.0%)	44 (11.5%)	48 (12.5%)	384 (100%)
2	Do you think crime is a problem in the proposed area?	268 (69.8%)	41 (10.7%)	75 (19.5%)	384 (100%)
3	Do you think the proposed area suffers from poor housing conditions?	300 (78.1%)	40 (10.4%)	44 (11.5%)	384 (100%)
4	Do you think the proposed area is a desirable place in which to live?	115 (29.9%)	224 (58.3%)	45 (11.7%)	384 (100%)
5	Do you think the council should be taking action to improve the management of privately rented homes in the proposed area?	319 (83.1%)	37 (9.6%)	28 (7.3%)	384 (100%)
6	Do you think a further five year Selective Licensing Scheme would benefit the area?	283 (73.7%)	66 (17.2%)	35 (9.1%)	384 (100%)

50. Of the 384 respondents, 279 (72.7%) made further written comments in addition to answering the survey questions. These representations are discussed below.
51. The majority of survey respondents were in support of a further selective licensing designation, with 73.7% in favour and 17.2% against. Public support for selective licensing appears to be getting stronger. The public consultation survey carried out for the current designation in 2010 revealed that while there was public support, it was less obvious, with 49% in favour and 44% against. The following table highlights increased support from landlords and residents living in the area.

Figure 9: Support for selective licensing – Comparison between 2010 and 2015

	All landlords			Residents living in proposed area		
	For	Against	Don't Know	For	Against	Don't Know
Public Consultation 2010 Survey responses: 579	15.1%	82.1%	2.8%	67.4%	22.3%	10.3%
Public Consultation 2015 Survey responses: 384	26.9%	61.5%	11.5%	85.2%	6.1%	8.7%

Results by respondent group

52. The survey results in respect of each question, broken down by respondent group, are shown in the tables below. For each question a second table has been included which collates the results to show how three distinct groups have answered, they being:
- o All private landlords (respondent groups 1 and 2);

- Residents living in the proposed area (respondent groups 3, 4 and 5);
- All respondents, excluding landlords (respondent groups 3, 4, 5, 6 and 7).

53. Question 1 asked respondents whether they thought anti-social behaviour (ASB) was a problem in the proposed area. The results are shown in the tables below.

Figure 10: Question 1 – Do you think anti-social behaviour is a problem in the proposed area?

No.	Respondent Group	Yes	No	Don't Know	Total Count
1	A private landlord with properties in the proposed area	31 (43.7%)	26 (36.6%)	14 (19.7%)	71 (100%)
2	A private landlord with no properties in the proposed area	6 (85.7%)	0 (0.0%)	1 (14.3%)	7 (100%)
3	A tenant renting from a private landlord in the proposed area	37 (64.9%)	10 (17.5%)	10 (17.5%)	57 (100%)
4	A housing association or council tenant living in the proposed area	16 (100%)	0 (0.0%)	0 (0.0%)	16 (100%)
5	An owner-occupier living in the proposed area (not a landlord or tenant)	136 (87.2%)	8 (5.1%)	12 (7.7%)	156 (100%)
6	A resident living in Margate, but outside the proposed area	39 (81.3%)	0 (0.0%)	9 (18.8%)	48 (100%)
7	Other	27 (93.1%)	0 (0.0%)	2 (6.9%)	29 (100%)
	Overall results	292 (76.0%)	44 (11.5%)	48 (12.5%)	384 (100%)

Figure 11: Question 1 – Do you think anti-social behaviour is a problem in the proposed area? (COLLATED GROUPS)

No.	COLLATED Respondent Group	Yes	No	Don't Know	Total Count
8	All private landlords (Respondent Groups 1 and 2)	37 (47.4%)	26 (33.3%)	15 (19.2%)	78 (100%)
9	Residents living in the proposed area (Respondent Groups 3, 4 and 5)	189 (82.5%)	18 (7.9%)	22 (9.6%)	229 (100%)
10	All respondents, excluding landlords (Respondent Groups 3, 4, 5, 6 and 7)	255 (83.3%)	18 (5.9%)	33 (10.8%)	306 (100%)

54. Overall, a high percentage of respondents (76%) were of the opinion that anti-social behaviour is a problem in the proposed area. Whilst high, this is slightly down from the 2010 consultation, when 80% of respondents were of this opinion.
55. A high proportion of residents living in the area, some 82.5%, thought ASB was a problem. Private landlords were less certain with a smaller proportion, 47.4%, being of that opinion.
56. Question 2 asked respondents whether they thought crime was a problem in the proposed area. The results are shown in the tables below.

Figure 12: Question 2 – Do you think crime is a problem in the proposed area?

No.	Respondent Group	Yes	No	Don't Know	Total Count
1	A private landlord with properties in the proposed area	35 (49.3%)	21 (29.6%)	15 (21.1%)	71 (100%)
2	A private landlord with no properties in the proposed area	4 (57.1%)	0 (0.0%)	3 (42.9%)	7 (100%)
3	A tenant renting from a private landlord in the proposed area	35 (61.4%)	7 (12.3%)	15 (26.3%)	57 (100%)
4	A housing association or council tenant living in the proposed area	15 (93.8%)	0 (0.0%)	1 (6.3%)	16 (100%)

5	An owner-occupier living in the proposed area (not a landlord or tenant)	119 (76.3%)	12 (7.7%)	25 (16.0%)	156 (100%)
6	A resident living in Margate, but outside the proposed area	36 (75.0%)	1 (2.1%)	11 (22.9%)	48 (100%)
7	Other	24 (82.8%)	0 (0.0%)	5 (17.2%)	29 (100%)
	Overall results	268 (69.8%)	41 (10.7%)	75 (19.5%)	384 (100%)

Figure 13: Question 2 – Do you think crime is a problem in the proposed area? (COLLATED GROUPS)

No.	COLLATED Respondent Group	Yes	No	Don't Know	Total Count
8	All private landlords (Respondent Groups 1 and 2)	39 (50.0%)	21 (26.9%)	18 (23.1%)	78 (100%)
9	Residents living in the proposed area (Respondent Groups 3, 4 and 5)	169 (73.8%)	19 (8.3%)	41 (17.9%)	229 (100%)
10	All respondents, excluding landlords (Respondent Groups 3, 4, 5, 6 and 7)	229 (74.8%)	20 (6.5%)	57 (18.6%)	306 (100%)

57. When compared to ASB, slightly fewer respondents thought crime was a problem in the area, but the proportion was still high at 69.8%. Again, there was differing opinion among residents living in the area and landlords, with 73.8% of such residents and 50% of landlords believing crime was a problem.
58. Question 3 asked respondents whether they thought the proposed area suffered from poor housing conditions. The results are shown in the tables below.

Figure 14: Question 3 – Do you think the proposed area suffers from poor housing conditions?

No.	Respondent Group	Yes	No	Don't Know	Total Count
1	A private landlord with properties in the proposed area	31 (43.7%)	29 (40.8%)	11 (15.5%)	71 (100%)
2	A private landlord with no properties in the proposed area	5 (71.4%)	1 (14.3%)	1 (14.3%)	7 (100%)
3	A tenant renting from a private landlord in the proposed area	41 (71.9%)	7 (12.3%)	9 (15.8%)	57 (100%)
4	A housing association or council tenant living in the proposed area	15 (93.8%)	0 (0.0%)	1 (6.3%)	16 (100%)
5	An owner-occupier living in the proposed area (not a landlord or tenant)	143 (91.7%)	0 (0.0%)	13 (8.3%)	156 (100%)
6	A resident living in Margate, but outside the proposed area	42 (87.5%)	1 (2.1%)	5 (10.4%)	48 (100%)
7	Other	23 (79.3%)	2 (6.9%)	4 (13.8%)	29 (100%)
	Overall results	300 (78.1%)	40 (10.4%)	44 (11.5%)	384 (100%)

Figure 15: Question 3 – Do you think the proposed area suffers from poor housing conditions? (COLLATED GROUPS)

No.	COLLATED Respondent Group	Yes	No	Don't Know	Total Count
8	All private landlords (Respondent Groups 1 and 2)	36 (46.2%)	30 (38.5%)	12 (15.4%)	78 (100%)
9	Residents living in the proposed area (Respondent Groups 3, 4 and 5)	199 (86.9%)	7 (3.1%)	23 (10.0%)	229 (100%)
10	All respondents, excluding landlords (Respondent Groups 3, 4, 5, 6 and 7)	264 (86.3%)	10 (3.3%)	32 (10.5%)	306 (100%)

59. Overall, more than three-quarters of respondents (78.1%) thought the area suffered from poor housing conditions. Among residents living in the area, the percentage was higher at 86.9%. There were more mixed opinions among landlords, but more landlords than not (46.2% compared to 38.5%) were also of the opinion that the area suffered from poor housing conditions.
60. Question 4 asked respondents whether they thought the proposed area was a desirable place in which to live. The results are shown in the tables below.

Figure 16: Question 4 – Do you think the proposed area is a desirable place in which to live?

No.	Respondent Group	Yes	No	Don't Know	Total Count
1	A private landlord with properties in the proposed area	31 (43.7%)	25 (35.2%)	15 (21.1%)	71 (100%)
2	A private landlord with no properties in the proposed area	1 (14.3%)	6 (85.7%)	0 (0.0%)	7 (100%)
3	A tenant renting from a private landlord in the proposed area	23 (40.4%)	27 (47.4%)	7 (12.3%)	57 (100%)
4	A housing association or council tenant living in the proposed area	2 (12.5%)	13 (81.3%)	1 (6.3%)	16 (100%)
5	An owner-occupier living in the proposed area (not a landlord or tenant)	55 (35.3%)	88 (56.4%)	13 (8.3%)	156 (100%)
6	A resident living in Margate, but outside the proposed area	1 (2.1%)	40 (83.3%)	7 (14.6%)	48 (100%)
7	Other	2 (6.9%)	25 (86.2%)	2 (6.9%)	29 (100%)
	Overall results	115 (29.9%)	224 (58.3%)	45 (11.7%)	384 (100%)

Figure 17: Question 4 – Do you think the proposed area is a desirable place in which to live? (COLLATED GROUPS)

No.	COLLATED Respondent Group	Yes	No	Don't Know	Total Count
8	All private landlords (Respondent Groups 1 and 2)	32 (41.0%)	31 (39.7%)	15 (19.2%)	78 (100%)
9	Residents living in the proposed area (Respondent Groups 3, 4 and 5)	80 (34.9%)	128 (55.9%)	21 (9.2%)	229 (100%)
10	All respondents, excluding landlords (Respondent Groups 3, 4, 5, 6 and 7)	83 (27.1%)	193 (63.1%)	30 (9.8%)	306 (100%)

61. Fewer than a third of respondents (29.9%) thought the proposed area was a desirable place in which to live. Around twice as many (58.3%) thought it was not. The views expressed by landlords were reasonably balanced, with 41.0% thinking it was desirable and 39.7% thinking it was not. Landlords with property in the area were the only respondent group to think the area was desirable.
62. Just over a third of residents living in the proposed area (34.9%) thought the area was a desirable place to live; whereas, over half (55.9%) thought otherwise. Only 2.1% of Margate residents living outside the area thought the proposed area was a desirable place to live.
63. Question 5 asked respondents whether they thought the council should be taking action to improve the management of privately rented homes in the proposed area. The results are shown in the tables below.

Figure 18: Question 5 – Do you think the council should be taking action to improve the management of privately rented homes in the proposed area?

No.	Respondent Group	Yes	No	Don't Know	Total Count
1	A private landlord with properties in the proposed area	34 (47.9%)	27 (38.0%)	10 (14.1%)	71 (100%)
2	A private landlord with no properties in the proposed area	6 (85.7%)	0 (0.0%)	1 (14.3%)	7 (100%)
3	A tenant renting from a private landlord in the proposed area	41 (71.9%)	8 (14.0%)	8 (14.0%)	57 (100%)
4	A housing association or council tenant living in the proposed area	16 (100%)	0 (0.0%)	0 (0.0%)	16 (100%)
5	An owner-occupier living in the proposed area (not a landlord or tenant)	150 (96.2%)	0 (0.0%)	6 (3.8%)	156 (100%)
6	A resident living in Margate, but outside the proposed area	44 (91.7%)	1 (2.1%)	3 (6.3%)	48 (100%)
7	Other	28 (96.6%)	1 (3.4%)	0 (0.0%)	29 (100%)
	Overall results	319 (83.1%)	37 (9.6%)	28 (7.3%)	384 (100%)

Figure 19: Question 5 – Do you think the council should be taking action to improve the management of privately rented homes in the proposed area? (COLLATED GROUPS)

No.	COLLATED Respondent Group	Yes	No	Don't Know	Total Count
8	All private landlords (Respondent Groups 1 and 2)	40 (51.3%)	27 (34.6%)	11 (14.1%)	78 (100%)
9	Residents living in the proposed area (Respondent Groups 3, 4 and 5)	207 (90.4%)	8 (3.5%)	14 (6.1%)	229 (100%)
10	All respondents, excluding landlords (Respondent Groups 3, 4, 5, 6 and 7)	279 (91.2%)	10 (3.3%)	17 (5.6%)	306 (100%)

64. All respondent groups, including landlords, thought the council should be taking action to improve the management of privately rented homes in the proposed area, with 83.1% in favour. The proportion in favour increases to 91.2% when landlord groups are excluded.
65. Question 6 asked respondents whether they thought a further five year Selective Licensing Scheme would benefit the area. The results are shown in the tables below.

Figure 20: Question 6 – Do you think a further five year Selective Licensing Scheme would benefit the area?

No.	Respondent Group	Yes	No	Don't Know	Total Count
1	A private landlord with properties in the proposed area	16 (22.5%)	46 (64.8%)	9 (12.7%)	71 (100%)
2	A private landlord with no properties in the proposed area	5 (71.4%)	2 (28.6%)	0 (0.0%)	7 (100%)
3	A tenant renting from a private landlord in the proposed area	41 (71.9%)	9 (15.8%)	7 (12.3%)	57 (100%)
4	A housing association or council tenant living in the proposed area	12 (75.0%)	0 (0.0%)	4 (25.0%)	16 (100%)
5	An owner-occupier living in the proposed area (not a landlord or tenant)	142 (91.0%)	5 (3.2%)	9 (5.8%)	156 (100%)
6	A resident living in Margate, but outside the proposed area	43 (89.6%)	1 (2.1%)	4 (8.3%)	48 (100%)
7	Other	24 (82.8%)	3 (10.3%)	2 (6.9%)	29 (100%)
	Overall results	283 (73.7%)	66 (17.2%)	35 (9.1%)	384 (100%)

Figure 21: Question 6 – Do you think a further five year Selective Licensing Scheme would benefit the area? (COLLATED GROUPS)

No.	COLLATED Respondent Group	Yes	No	Don't Know	Total Count
8	All private landlords (Respondent Groups 1 and 2)	21 (26.9%)	48 (61.5%)	9 (11.5%)	78 (100%)
9	Residents living in the proposed area (Respondent Groups 3, 4 and 5)	195 (85.2%)	14 (6.1%)	20 (8.7%)	229 (100%)
10	All respondents, excluding landlords (Respondent Groups 3, 4, 5, 6 and 7)	262 (85.6%)	18 (5.9%)	26 (8.5%)	306 (100%)

66. The majority of survey respondents were in support of a further selective licensing designation, with 73.7% in favour and 17.2% against. Amongst residents living in the area, there was a higher level of support at 85.2%. Only landlords with properties in the proposed area were against a designation.

Separate written responses

67. There were 20 separate written responses submitted in addition to the 384 survey responses received. The following table shows the interest of these 20 respondents.

Table 22: Number of separate written responses received by respondent group

No.	Respondent Group	Number	Percentage
1	Thanet Landlords' Focus Group	1	5%
2	Landlord Association (NLA, RLA and SLA)	3	15%
3	Public agency (Margate Task Force and Kent Fire & Rescue Service)	2	10%
4	Private landlord with properties in the proposed area	7	35%
5	Managing agent	1	5%
6	Owner-occupier in proposed area	2	10%
7	Resident in nearby road	1	5%
8	Unclear	3	15%
	Total:	20	100%

68. The responses received varied in length and nature. With some, it was not clear as to whether the respondent was in support of selective licensing or not. As such, each of the 20 responses were placed into one of six categories, namely:
- Clearly in favour;
 - Inclined to favour;
 - Clearly against;
 - Inclined to be against;
 - Mixed (qualified support with some uncertainty);
 - Unclear (no indication either way).

69. The following table illustrates the nature of support for selective licensing among those who submitted a separate written response.

Table 23: Nature of support for selective licensing among respondents who made a separate written response

Respondent Type	Clearly in Favour	Inclined to Favour	Clearly Against	Inclined to be Against	Mixed	Unclear
Thanet Landlords' Focus Group	0	0	0	0	1	0
Landlord Association (NLA, RLA and SLA)	0	0	2	0	1	0
Public agency (Margate Task Force and Kent Fire & Rescue Service)	2	0	0	0	0	0

Private landlord with properties in the proposed area	0	2	4	1	0	0
Managing agent	0	0	0	0	0	1
Owner-occupier in proposed area	2	0	0	0	0	0
Resident in nearby road	0	0	0	0	0	1
Unclear	2	0	0	0	0	1
Total Count:	6 (30%)	2 (10%)	6 (30%)	1 (5%)	2 (10%)	3 (15%)

70. When viewed together, the separate written responses reveal a relatively balanced viewpoint, with broadly equal numbers being for and against the proposed designation.
71. To clarify the general positions of some of the key respondents, summaries of their separate written responses have been provided below.

Landlord associations

72. The National Landlords Association (NLA) believes that as the current scheme has not had five years to run, its success or failure cannot be properly analysed. Therefore, any lessons learnt from the current scheme cannot be incorporated into that proposed. It also states that landlords have limited ability to deal with ASB and that licensing does not provide additional influence. It further believes that discretionary licensing is not an appropriate response to some of the cited issues, for example, crime. Nevertheless, the NLA has suggested a further designation could be made, but only for a period of two years, with an option for a third. However, it also believes that other, non-licensing, options should also be considered. The NLA would like to see further fee reductions for compliant landlords and other rewards considered.
73. The Residential Landlords Association (RLA) opposes a further selective licensing designation. It argues that selective licensing is burdensome and expensive, with compliant landlords being mostly affected. It further states that it is ineffective at reducing ASB, has a detrimental effect on mortgages, and has the potential for displacement. There were also concerns about certain selective licensing conditions, with objections to the requirement to provide electrical installation condition reports and the imposition of occupancy limits that are lower than statutory standards.
74. The Southern Landlords Association (SLA) is fundamentally against a further selective licensing designation on the primary basis that, in its opinion, it would be unlawful as Parliament did not intend licensing to be used over long periods of time, over large areas. The SLA does not believe the proposed designation is justified.

Thanet Landlords' Focus Group

75. The council formed the Thanet Landlords' Focus Group (TLFG) in collaboration with landlord representatives in 2008. Currently, the TLFG meets three times a year and is made up of 15 landlords and managing agents who own or manage residential properties in the Thanet area. The primary aim of the TLFG is to increase the level of understanding and communication between the council and local private sector landlords and managing agents
76. The TLFG's main concern was that, owing to the judicial review, the current scheme was ineffective in its first two years, as enforcement could not begin until 2013. Accordingly, it believes a second scheme should not be considered before 2018 (five years after enforcement began). This would allow the council more time to review the current scheme and understand its full impact. Before any new scheme is implemented, the TLFG would like to see continued and further use of other enforcement powers.

77. However, the TLFG does believe that the current scheme has benefitted the area, and it could support a new designation in two years' time if fees were reduced for compliant landlords and if short term Council Tax exemptions could be made for void periods.

Public agencies

78. The Margate Task Force (MTF) is a multi-agency initiative set up to help tackle the wide-ranging issues faced in Margate Central and Cliftonville West. Based in the centre of Margate, the MTF comprises 14 co-located agencies and groups, including Kent Police, Kent Fire & Rescue Service, Kent County Council and the NHS. The MTF strongly supports the renewal of selective licensing as it believes it is a valuable tool in tackling the many problems faced in the Cliftonville area, and says: *"It is a key initiative in our longer term social justice strategy and operational multi-agency approach."*
79. The Kent Fire & Rescue Service (KFRS) fully supports selective licensing in Margate as it successfully contributes to making homes safer places in which to live.

Combined results

80. The results of both the survey and the separate written responses may be combined to provide an overall indication of the level of support for a further selective licensing designation. For this purpose, the separate written responses which were clearly in favour, or inclined to favour, have been deemed to be in support of selective licensing. Those which were clearly against, or inclined to be against, have been deemed to be not in support of selective licensing. Unclear responses have been deemed to be "Don't know", as have mixed responses.
81. Therefore, 291 respondents (72%) were in support of selective licensing, 73 (18%) were against, and 40 (10%) were unsure.

Key issues identified during the consultation

82. The 279 written comments submitted via the survey and the 20 separate written responses have been carefully reviewed by the council. The key issues highlighted by the 299 written submissions were:
- Waste problems – rubbish, bins, litter, fly-tipping, dog fouling, vermin, and discarded furniture such as mattresses and sofas;
 - Crime and ASB – drugs, alcohol abuse, theft, noise, and loitering groups;
 - Housing conditions in the private rented sector – disrepair, unsafe homes, poor management and maintenance, appearance, and overcrowding;
 - Rogue, neglectful, and absentee landlords;
 - Desire to see more enforcement action and property inspections;
 - Problem tenants who lead chaotic lifestyles;
 - Licence fees and administrative burdens – costs to landlords, whether good or bad, and further costs associated with preparing applications and bringing properties up to standard.

5. Council response to key issues raised during the public consultation

- 83. In preparing this final proposal, the council has carefully considered all of the representations received during the public consultation.
- 84. In this section, the main issues highlighted by the written submissions and some more specific issues are discussed and a council response provided.

Waste problems

- 85. A significant number of responses highlighted concerns about waste. Waste issues were cited more than any other concern. Dumped rubbish, bin problems, litter, fly-tipping, dog fouling, vermin, discarded belongings (most notably mattresses and sofas) both on the highway and on private land, and inadequate provision for waste storage in flatted accommodation were issues of particular concern for many respondents.

Council response

- 86. The council acknowledges that the problem is very real and impacts upon people living in the area all too often. Irresponsible landlords and tenants are often to blame.
- 87. Landlords cannot be held responsible for the actions of their tenants, but they can contribute to alleviating the waste problems being experienced in the area. The council has chosen to use its discretionary power to incorporate a waste condition within its current selective licensing designation. Current licence holders are required to make suitable arrangements for the storage and disposal of waste and to ensure that all new occupiers are made aware of waste collection arrangements. Common areas and the external areas of unoccupied dwellings must also be kept clear of waste at all times.
- 88. It is proposed that any new designation would continue to incorporate a specific waste condition. Furthermore, to help tackle these concerns, any opportunity to reinforce or expand this condition would be explored in the event of a further designation.
- 89. Under the current scheme, selective licensing officers have worked with Street Scene Enforcement (the team responsible for waste enforcement) to enforce the waste condition. As the financial penalties associated with selective licensing tend to be more significant than traditional waste enforcement notices, this enforcement route can be more persuasive and lead to quicker resolutions.
- 90. However, in view of the consultation responses, the council's enforcement capabilities have been reviewed. It is now proposed that the number of officers authorised to enforce selective licensing is significantly increased. Officers working in Street Scene Enforcement will now themselves be able to take direct enforcement action under selective licensing.
- 91. As selective licensing is concerned with property management, it is worth noting that there are limitations to what can be achieved. Enforcement action can only be taken against licence holders or named managers where there is clear evidence of failure to comply with the waste condition. Enforcement action cannot be taken directly against a tenant under selective licensing.

Crime and anti-social behaviour

- 92. Many respondents were concerned about crime and ASB in the proposed area, which includes waste related ASB (as discussed separately above). Among the issues highlighted were problems associated with drugs, alcohol abuse/street drinking, theft, noise nuisance, criminal damage, and loitering groups.

93. There were also concerns raised by landlords about how selective licensing can have an impact on crime and ASB levels.

Council response

94. The statistical evidence set out in the consultation document clearly shows that the area is blighted with higher than average levels of crime and ASB. Residents living in and around the area are acutely aware of this situation.
95. As with waste problems, landlords cannot be held responsible for the actions of their tenants, but they can, more often than not, have some influence on the behaviour of their tenants. The council believes that a good landlord would, once they became aware a tenant of theirs was engaged in unacceptable activities that had a detrimental effect on neighbours, try to take some steps to resolve the situation. It is accepted that a landlord has limited options other than to give verbal and written warnings and in extreme cases to evict the tenant(s). However, the threat of eviction may, in some circumstances, bring about a resolution. Clearly, the council does not want to see tenants lose their homes and would hope it would not come to that in most cases.
96. Landlords do not need to be alone in facing difficult tenants. The council and the Margate Task Force (which includes Kent Police) have teams that can help, in particular the Community Safety Team (ASB) and Environmental Health (Noise). Any landlord who asks for help and advice will receive it. The council recognises that as well as rogue landlords, there are rogue tenants.
97. The council has chosen to use its discretionary power to incorporate an ASB condition within its current selective licensing designation. It simply requires the licence holder to take reasonable steps to try and deal with any ASB caused by their tenants and to co-operate with the council and Police as necessary. In the event of a new designation, such a condition would be continued; however, the condition would be reviewed and expanded to encompass criminal activity.
98. The council's review of its enforcement capabilities mentioned above has included areas other than waste enforcement. Officers working in the Community Safety Team (ASB) and Environmental Health (Noise) will now themselves be able to take direct enforcement action under selective licensing.
99. It is also worth noting that a mandatory condition of selective licensing relates to tenant referencing. All licence holders, in any selective licensing scheme, must require a reference from any person wishing to take up occupation in one of their licensed dwellings. In support of this requirement, the council introduced a free Tenant Referencing Scheme, which aims to help landlords make informed letting choices. The scheme provides prospective tenants with a tenant referencing card that shows a red, amber or green rating for each of the following: credit/debt history, criminal activity, ASB/nuisance, and tenancy breaches/refusals. The council proposes to continue the scheme, free of charge, in the event of a further designation.

Housing enforcement

100. A large number of respondents cited issues with housing conditions in the private rented sector, including rogue, neglectful and absentee landlords, disrepair, unsafe housing, poor management and maintenance, neglected external appearance, and overcrowding. Many respondents also wanted to see more enforcement action and property inspections.

Council response

101. The council accepts that there are many private landlords (and some agents) operating in the proposed area who fail to take their management responsibilities seriously. In the last two years, the council has robustly enforced the current scheme, serving nearly 600 breach of licence condition notices and taking over 20 successful prosecutions

against non-compliant landlords; the highest fine being £20,000. Of the 943 properties inspected so far, over half have been found to contain one or more health and safety hazard requiring council intervention. Despite these efforts, there remains much to do.

102. Poor housing conditions can have serious consequences for the health, safety and well-being of residents. As such, in the event of a new designation, the council would continue to prioritise enforcement, using selective licensing and all other reasonably available legislative powers to ensure homes are well-managed and safe.
103. The council also recognises that proactive inspections of licensed properties are essential to providing effective and meaningful results. While the council is not under a duty to routinely inspect licensed premises, it would continue with a routine inspection programme if a new designation is made. The council would attempt to inspect every dwelling at least once, after which it would focus on those which were deemed to suffer from ineffective management.

Licence fees

104. Many landlords felt that the licence fees should be further reduced, or even removed. The requirement to pay a licence fee was the primary reason why many landlords objected to a further designation.

Council response

105. In preparing the consultation proposal, the council fully acknowledged that landlords would want fees set at the lowest possible level. It therefore proposed significantly reduced licence fees, with discounts available for accredited landlords and early renewal.
106. Currently, the fee for a typical licence, for a non-accredited landlord, is £587 for a five year licence. To renew such a licence in the proposed scheme would cost only £395 (if an early application was made). However, if the landlord was accredited, this would be further reduced to £345, which equates to £1.33 per week. For landlords making a single application for a whole building containing flats, the additional flats would only cost £136 each. This is around half the current fee of £267. The proposed fees were reduced as much as was reasonably possible. Any further reduction would jeopardise the council's ability to undertake its statutory functions under selective licensing. As such, no further fee reductions are proposed.

Accredited landlord discount

107. The proposal document stated: *"For the purposes of selective licensing, an accredited landlord is a landlord who is accredited with the Kent Landlord Accreditation Scheme (KLAS). KLAS is delivered through the UK Landlord Accreditation Partnership. A landlord who is accredited with the National Landlords Association (NLA) may also benefit from the discount."*
108. The Residential Landlords Association (RLA) asked why the accredited landlord discount was not available to landlords signed up to their accreditation scheme, namely the Residential Landlords Association Accreditation Scheme (RLAAS).

Council response

109. The council has considered this consultation response and reviewed the RLAAS scheme. As a consequence, the council has decided to allow fully accredited members of RLAAS to benefit from the accredited landlord discount.

Early application discounts for newly licensable dwellings

110. The proposed area includes dwellings in Northdown Road (even numbers 2 to 206) and Trinity Square (numbers 67 to 94) that are not included in the current scheme. Clarification was asked about these newly licensable dwellings and how they could be subject to an early application discount.

Council response

111. The current scheme became operative on 21 April 2011 and an early bird discount was available for all applicants until 31 July 2011. It therefore seems reasonable to offer a similar opportunity for landlords affected by the boundary enlargement.
112. Applicable only to newly affected dwellings in Northdown Road (even numbers 2 to 206) and Trinity Square (numbers 67 to 94), an early bird discount will be available until 31 July 2015. The licence application fee would be £345 for an accredited landlord and £395 for non-accredited landlords.

Licence renewal applications

113. There was concern that existing licence holders would have to complete wholly new licence applications. It was felt that this would be burdensome.

Council response

114. In law, no licence may be issued for a period longer than five years; as such, all landlords would be required to make a second application at some stage during the proposed designation.
115. Licence applications must be made in accordance with relevant legislation and the council has no discretion in this matter. However, regulations issued by Government allow for a renewal application to be made that requires less information than is required for a new application. The information that must be provided is prescribed by the regulations and a renewal application is only made if the application is made whilst the original licence remains in force. If an application is made after the original licence expires, it must be a new full application.
116. In the event of a second designation, the council would explore ways of making the renewal process as easy as possible, without compromising legislative requirements.

Use of existing powers

117. Some responses suggested that the council should use existing legislation to tackle rogue landlords and not selective licensing.

Council response

118. While it is accepted that there are some overlapping legislative provisions, selective licensing remains a powerful and unique legislative tool that can have a tangible impact on problematic areas where there is a higher than average level of privately rented accommodation.
119. Selective licensing provides the council with additional powers to ensure management standards are sufficiently maintained. The use of licence conditions has allowed the council to impose responsibilities on landlords that would otherwise be unenforceable. In addition, where there are overlapping legislative provisions, the use of selective licensing can make for quicker and more efficient resolutions to housing related problems.

120. As selective licensing enhances and widens the range of enforcement options, the council is of the opinion that it is an effective means of promoting good management standards, better housing conditions, and wider regeneration in the area.
121. The Government introduced selective licensing to help councils increase their chance of successfully tackling areas such as Cliftonville.

Why is selective licensing applied to all landlords? Can you exempt good landlords?

122. A number of responses questioned why all landlords in the proposed designated area would be required to obtain a further licence. Some comments suggested that landlords who had been compliant with the current scheme should be exempt from any further licensing requirements.

Council response

123. Selective licensing is a strategic area-based intervention. A local authority may designate their whole district or an area (or a number of areas) within its district for the purposes of selective licensing. Once made, a local authority has no power to determine its own exemptions within a designated area. Only dwellings subject to statutory exemption, as set out in the Housing Act 2004 and The Selective Licensing of Houses (Specified Exemptions) (England) Order 2006 (SI 2006/370) are exempt.
124. The exemptions specified in the Housing Act 2004 (sections 79 and 85) are:
- Dwellings let by a registered social landlord;
 - Houses in multiple occupation (HMOs) already subject to mandatory licensing;
 - Dwellings subject to a temporary exemption notice (issued by the local authority when a landlord is taking immediate steps to stop the dwelling requiring a licence); and
 - Dwellings subject to a management order (under which the local authority has taken control of the dwelling).
125. The above-mentioned regulations exempt dwellings that are subject to certain types of tenancies and licences. These relate to dwellings (units of accommodation) that:
- Cannot lawfully be occupied because they are subject to a Prohibition Order;
 - Are let under specified types of tenancies (which are not assured tenancies), namely:
 - Business tenancies (Landlord and Tenant Act 1954);
 - Tenancies where the premises are licensed for the sale of alcohol;
 - Tenancies relating to agricultural land where more than two acres is let with the dwelling;
 - Specified tenancies relating to agricultural holdings, etc.
 - Are let by a local housing authority, a police authority, a fire and rescue authority, or a health service body;
 - Are regulated by other forms of legislation, such as the Children Act 1989 and the Prison Act 1952 (see Schedule 1 of *The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006* (SI 2006/373) for the full list of enactments);
 - Are let to students where the dwelling is managed or controlled by an approved educational establishment;

- Are occupied by long leaseholders, where the lease has been granted for a period longer than 21 years and where the landlord has no right to end the lease early (other than by forfeiture);
- Are let to members of the landlord's family, who use the dwelling as their only or main residence;
- Are let as a holiday home;
- Are occupied by persons (lodgers) who share their amenities (WCs, bathrooms, kitchens and living rooms) with their permanently resident landlord.

Proposed boundary of designated area

126. Eighteen respondents made representations about the size of the proposed designated area. Thirteen respondents suggested that the boundary should be enlarged to include other areas (most notably mentioned was the areas immediately south and west of the proposed boundary), three thought the area was appropriate, and two thought the area could be smaller.

Council response

127. As few respondents (4.5%) mentioned the proposed boundary and only two (0.5%) thought it should be smaller, the council has concluded that there are no serious public concerns about the size of the proposed designation.
128. In terms of other areas in the district, the council has already decided to carry out further research with a view to determining whether there are any other discrete areas in Thanet that could be considered for selective licensing. The initial scoping exercise will begin in 2016.

Duration of designation

129. The National Landlord Association (NLA) suggested that any proposed designation should be of a shorter duration, suggesting a period of two years, with an option for a third. It was inferred that this would make up for the period lost during the judicial review when the current scheme was not enforceable.

Council response

130. The NLA is a professional organisation which does much to educate landlords and promote good conduct.
131. The suggestion, on first look, appears to be a reasonable one. However, having carefully considered the proposal, the council does not believe a shorter scheme would benefit good landlords, and further believes that it would make it harder to tackle those that are less compliant.
132. As stated above, the proposed fee only covers the cost of processing a licence application. Therefore, whether a licence is granted for two, three or five years, there would be no difference in licence fee charged: the work required to be completed by the council is the same. Bearing in mind that the licence fee appears to be the fundamental objection from landlords, a shorter designation would not financially benefit any of the compliant landlords who made their licence applications in year one of the current scheme. Their five year licences will expire in 2016-17 and they would be obliged to make a renewal application early in any new designation.
133. The licence conditions imposed by selective licensing should not be onerous for good landlords, as they are likely to be complying with them already by operating sound businesses. Accordingly, whether they are in receipt of a two, three or five year licence is unlikely to be of significant consequence. A good landlord should not be putting themselves at risk of prosecution.

134. However, there are landlords that were slower to make applications, many of which required a certain degree of persuasion. Some chose to await the outcome of the judicial review. As such, there are numerous landlords with licences expiring in what would be years three and four of the proposed designation. Accordingly, those that required greater encouragement could avoid the need to obtain a second licence if the designation was only of two or three year duration. Clearly, this would be inequitable and reward those that failed to comply with the current scheme in a timely fashion.
135. A five year designation would allow the council the time needed to ensure that all landlords complied with the scheme.
136. However, a review of any new designation would be carried out on a yearly basis. If appropriate to do so, the council would consider revoking the designation earlier than planned.

Incentives and rewards for compliant landlords

137. Some respondents thought good landlords should be given more incentives and rewards under selective licensing.

Council response:

138. There are good landlords operating in the proposed designated area. The fee structure proposed offers two forms of discount, one for accredited landlords and one for early application or renewal. The council would expect good landlords to be accredited and to make their application(s) in a timely fashion. As such, good landlords would be able to benefit from reduced licence fees.
139. The council would explore other potential incentives and rewards, but in the current financial climate, the scope for any further financial reward would be extremely limited.
140. However, the council believes that compliant landlords could somehow be recognised for providing good quality accommodation in the proposed area. In the event of a further designation, the council would consult with the Thanet Landlords' Focus Group and landlord associations to consider how best this could be done.

6. Proposed fee structure

141. Following the public consultation, some minor amendments have been made to the proposed fee structure. The finalised fee proposals are set out below.

Licence fees for dwellings

Figure 24: Licence fees for dwellings

Dwellings Licences For dwellings, whether a house or flat, occupied by a single family household or by two persons sharing	Accredited Landlords	Non-accredited Landlords
Standard licence application fee	£389 (£1.50 per week*)	£439 (£1.69 per week*)
Early bird new licence application fee (Only available to applicants of newly licensable dwellings in Northdown Road (even numbers 2 to 206 only) and Trinity Square (numbers 67 to 94 only) who make a valid licence application on or before 31 July 2016)	£345 (£1.33 per week*)	£395 (£1.52 per week*)
Early renewal licence application fee (Only available to applicants who make a valid renewal licence application at least six weeks before their current licence is due to expire)	£345 (£1.33 per week*)	£395 (£1.52 per week*)

*Equivalent weekly cost if a five year licence is granted (for illustrative purposes only).

Licence fees for landlords owning buildings containing flats

Figure 25: Licence fees for landlords owning buildings containing flats

Buildings Licences Only available to a landlord who lets two or more flats within the same building AND is the freeholder (only a single licence required)	Accredited Landlords	Non-accredited Landlords
<u>Standard licence application fees</u> Fee for first flat Fee for each additional flat (within the same building)	£389 £136*	£439 £136*
<u>Early bird new licence application fees</u> (Only available to applicants of newly licensable dwellings in Northdown Road (even numbers 2 to 206 only) and Trinity Square (numbers 67 to 94 only) who make a valid licence application on or before 31 July 2016) Fee for first flat Fee for each additional flat (within the same building)	£345 £136*	£395 £136*
<u>Early renewal licence application fees</u> (Only available to applicants who make a valid renewal licence application at least six weeks before their current licence is due to expire) Fee for first flat Fee for each additional flat (within the same building)	£345 £136*	£395 £136*

*Equivalent weekly cost is £0.52 for each additional flat, if a five year licence is granted (weekly cost is shown for illustrative purposes only).

Licence fees for landlords owning more than one flat in a building without owning the freehold

142. Under the existing designation, all landlords who own more than one flat within a single building are eligible for the multiple flat discount. However, owing to legislative restrictions, the council can only issue a single buildings licence when the landlord is in control of the whole building. Where a landlord owns more than one flat, but is not in control of the freehold, the council cannot issue a single licence for the whole building and must require individual licence applications for every flat. As such, there is no administrative savings for the council. Nevertheless, the council has honoured this discount throughout the current scheme.

The proposed fee reduction for additional flats associated with a single buildings licence would not be viable when multiple licence applications need to be processed. However, the council does not propose to charge the actual cost of processing each of these additional licences; instead, it proposes a fee capped at the current rate (£267), as shown in the table below.

Figure 26: Licence fees for landlords owning more than one flat in a building without owning the freehold

Capped Licence Fees Only available to a landlord who lets two or more flats within the same building, but is NOT the freeholder (multiple licences required)	Accredited Landlords	Non-accredited Landlords
<u>Standard licence application fees</u> Fee for first flat CAPPED fee for each additional flat (within the same building)	£389 £267*	£439 £267*
<u>Early bird new licence application fees</u> (Only available to applicants of newly licensable dwellings in Northdown Road (even numbers 2 to 206 only) and Trinity Square (numbers 67 to 94 only) who make a valid licence application on or before 31 July 2016) Fee for first flat CAPPED fee for each additional flat (within the same building)	£345 £267*	£395 £267*
<u>Early renewal licence application fees</u> (Only available to applicants who make a valid renewal licence application at least six weeks before their current licence is due to expire) Fee for first flat CAPPED fee for each additional flat (within the same building)	£345 £267*	£395 £267*

*Equivalent weekly cost is £1.03 for each additional flat, if a five year licence is granted (weekly cost is shown for illustrative purposes only).

Licence fees for houses in multiple occupation (HMOs)

143. Selective licensing fees for houses in multiple occupation (HMOs) with shared facilities are proposed to be similar to those charged for mandatory HMO licences under Part 2 of the Housing Act 2004. The following HMO licence fees have already been set for the 2016/17 financial year.

Figure 27: Selective licensing fees for houses in multiple occupation (HMOs)

Selective Licensing HMO Fees For HMOs with shared amenities, including bedsit type properties, shared houses, and flats in multiple occupation	Accredited Landlords	Non-accredited Landlords
HMOs (with 2 to 5 units of accommodation)	£753	£853
HMOs (with 6 to 9 units of accommodation)	£791	£891
HMOs (with 10 to 14 units of accommodation)	£859	£959
HMOs (with 15 to 19 units of accommodation)	£1,192	£1,292
HMOs (with 20 to 29 units of accommodation)	£1,486	£1,586
HMOs (with 30 to 39 units of accommodation)	£1,782	£1,882
HMOs (with 40 or more units of accommodation)	£2,078	£2,178

Accredited landlord discount

144. For the purposes of selective licensing, an accredited landlord is a landlord who is fully accredited with any of the following:
- Kent Landlord Accreditation Scheme (KLAS), which is delivered through the UK Landlord Accreditation Partnership;
 - National Landlords Association Accreditation Scheme (NLA Accreditation);
 - Residential Landlords Association Accreditation Scheme (RLAAS).
145. A landlord with ordinary membership of the NLA or RLA (without accreditation status) would not be eligible for the discount.

146. A landlord who uses a managing agent accredited by one of the above schemes would be eligible for the discount if the managing agent agreed to be named on the licence and be bound by its conditions. Named managers would be at risk of prosecution if they failed to comply with the licence conditions without reasonable excuse.

Landlords with large portfolios

147. Portfolio landlords who owned 15 or more dwellings in need of a selective licence would be able to take advantage of a payment plan. Such landlords would be required to pay 25% of all fees due upon application, and would then be given up to a year after the granting of their licence to make full and final settlement of all fees owed to the council.

Duration of licences granted

148. A licence would normally be granted for a period of five years and no further fees would be payable during the life of the licence. However, the council would reserve the right to grant a licence for a shorter period, if appropriate to do so, having regard to the particular circumstances of an individual case. No pro-rata licence fee rebate would be payable if a licence was issued for a period of less than five years.

Non-transferability of licences

149. In accordance with section 91(6) of the Housing Act 2004, all licences are non-transferrable. Each new licence application would require payment of the appropriate fee.

Early revocation

150. If the council agreed to the early revocation of a selective licence, no pro-rata rebate of the licence application fee would be payable.

Review of licence fees

151. All selective licensing fees would be reviewed each financial year.

7. Authority to make a designation

Legal tests

152. Before any council can consider making a selective licensing designation it must ensure that the area in question meets certain legal tests.
153. Until 27 March 2015, an area could only be designated for the purposes of selective licensing if it met at least one of the two legal tests (known as conditions) set out in section 80 of the Housing Act 2004 relating to low housing demand and anti-social behaviour. However, on this date the Government introduced four new sets of conditions by making The Selective Licensing of Houses (Additional Conditions) (England) Order 2015 (SI 2015/977). The council may now designate an area if:
 - It is, or is likely to become, an area of low housing demand; or
 - It has a significant and persistent problem with anti-social behaviour where the inaction of private landlords is a contributory factor; or
 - Following a review of housing conditions, it is believed that the area is suffering from significant housing condition problems and the council intends to inspect the dwellings concerned (NEW); or
 - It has experienced a recent influx in migration, and where the migrants are primarily occupying privately rented accommodation (NEW); or
 - It suffers from a high level of deprivation which particularly affects the occupiers of privately rented accommodation (NEW); or
 - It suffers from a high level of crime that affects residents and businesses in the area (NEW).
154. The four new legal tests are subject to pre-qualification criteria. They may only be applied if a high number of properties in the proposed area are privately rented and that those properties are occupied under assured tenancies or licences.

Conclusion

155. Having carefully considered the situation, the council is of the opinion that five of the six tests are met in respect of the area proposed for designation. A designation based on migration is not proposed. The evidence to support this opinion is set out in Chapter 4 of the consultation document.

General approval by Secretary of State

156. Prior to 01 April 2010, all selective licensing designations had to be approved by the Secretary of State (SoS). Between this date and 31 March 2015 a general approval, issued by the SoS, allowed councils to designate selective licensing areas without the need for obtaining Government approval, as long as a ten week public consultation had taken place.
157. However, the 2010 general approval was revoked on 01 April 2015 and replaced with one that also includes size restrictions on new schemes. Any new designation that is over a certain size must be approved by the SoS.
158. Any designation that (either by itself, or in combination with other selective licensing designations made by the council) would cover more than 20% of the geographical area of the district is excluded from the 2015 general approval. Furthermore, any designation that (either by itself, or in combination with other selective licensing designations made by the council) would affect more than 20% of privately rented homes in the district (based on Census data) would also be excluded.

Geographical size

159. Thanet comprises an area of 10,329 hectares (39.9 square miles). The area proposed for designation is approximately 47.7 hectares (0.18 square miles) in size, which represents 0.46% of the district in terms of geographical area. The proposed designation would not require approval from the SoS owing to its geographical size.

Proportion of private rented sector

160. According to the 2011 Census, there were 14,151 households privately renting in Thanet. Therefore, SoS approval would be required for any scheme(s) that included more than 2,830 privately rented homes. The area proposed for designation includes approximately 2,500 privately rented homes, of which around 2,300 would require a selective licence.
161. The council has a high level of confidence in the numbers estimated for the private rented sector. The data is not based on modelled estimates, but on tenure investigations of every dwelling in the proposed area. As such, SoS approval would not be required for the proposed designation, owing to the number of private rented homes affected.

Public consultation

162. The requirement to consult persons who are likely to be affected by the proposed designation for not less than 10 weeks has been met. The wide-ranging public consultation, which took place between 17 August 2015 and 26 October 2015, was open for a period of 10 weeks and one day.

Conclusion

163. Not affected by the size restrictions and having carried out a 10 week (and one day) public consultation, the council has authority to designate the area proposed for selective licensing under "The Housing Act 2004: Licensing of houses in multiple occupation and selective licensing of other residential accommodation (England) General Approval 2015".

Designation and operative dates

164. In accordance with section 82 of the Housing Act 2004, any designation made by the council cannot come into force within three months of the designation date.
165. If the council decides to make the proposed designation on 19 January 2016, the designation may come into force on 21 April 2016, as there would be more than three months between the two dates. As the current designation is due to expire on 20 April 2016, this would allow for a continuous selective licensing scheme in the Cliftonville area.

Housing strategy

166. In accordance with section 81(2) of the Housing Act 2004, the proposal to introduce a selective licensing designation must be consistent with the council's overall housing strategy. The council's Housing Strategy 2012-2016 makes it clear that tackling poor quality private sector housing is a high priority and also highlights the need for targeted interventions in Margate Central and Cliftonville West. The proposal to designate a further selective licensing scheme is therefore wholly consistent with the council's current housing strategy.

Homelessness, empty properties and anti-social behaviour

167. In accordance with section 81(3) of the Housing Act 2004, the council has adopted a co-ordinated approach in connection with dealing with homelessness, empty properties and ASB.

Homelessness

168. In 2013, the council introduced a Landlord Liaison Service to provide a proactive approach to preventing homelessness. Landlord Liaison Officers, selective licensing staff and the Margate Task Force routinely work together to prevent homelessness whenever possible.

Empty properties

169. The council's Housing Intervention Project (part of the Live Margate initiative, together with selective licensing and the Margate Task Force), concerns the purchase, repair and conversion of empty properties to bring them back into use as family homes. The council is also actively using informal and enforcement methods to bring long-term empty properties back into use.

Anti-social behaviour

170. A number of council teams together with the Margate Task Force have been using selective licensing and their existing powers to deliver a joined up response to the ASB problems faced in the proposed area. Further enforcement capabilities are proposed in the event of a further designation.

Alternative courses of action

171. In accordance with section 81(4) of the Housing Act 2004, the council has considered whether there are any courses of action, other than selective licensing, that might achieve the same objectives in the proposed area. After careful consideration, the council has come to the conclusion that a further selective licensing designation is the most appropriate course of action in the circumstances, and that it will significantly assist it in achieving its objectives.

8. Licence conditions

172. Selective licences must contain the mandatory licence conditions set out in Schedule 4 of the Housing Act 2004. Under section 90 of the same act, the council may also include discretionary licence conditions which relate to the management, use and occupation of licensed premises.

Mandatory licence conditions

173. The prescribed conditions require licence holders to:
- Provide the council with gas safety certificates every year (if gas is supplied);
 - Keep any electrical appliances and furniture provided by the landlord in a safe condition, and to supply the council, upon demand, with a declaration as to the safety of such appliances and furniture;
 - Provide smoke alarms on every level and keep them in good working order, and to supply the council, upon demand, with a declaration as to the condition and positioning of such alarms;
 - Provide carbon monoxide alarms in rooms containing a solid fuel burning appliance and keep them in good working order, and to supply the council, upon demand, with a declaration as to the condition and positioning of such alarms;
 - Issue residents with a written statement of the terms of occupation (for example, a tenancy agreement or licence); and
 - Require references from prospective tenants.
174. These conditions would be included in all new licences in the event of a further designation.

Discretionary licence conditions

175. The council has successfully used a range of discretionary licence conditions throughout the current designation and proposes to continue doing so if a further designation is made. It is not proposed to specify the exact wording of the proposed conditions here, but to set out general principles. Allowing officers the flexibility to amend licence conditions in specific cases, to deal with particular issues or problems, is invaluable.
176. The principles of the proposed discretionary licence conditions are set out below.

Occupation limits

177. Overcrowding was a concern for a number of respondents during the public consultation. Overcrowding has been linked to a number of health outcomes, such as psychological distress, mental disorders, increased hygiene risks, increased accident risk, and the spread of contagious disease. Particularly relevant is the increased waste produced by overcrowded premises.
178. Under the existing designation, the maximum number of permitted persons and households has been specified on all licences. This would also be continued under the proposed designation.
179. To determine the limits under the current scheme, the council has taken into account the size of rooms that could reasonably be made available for sleeping. As a general guide for officers, a room has been deemed suitable for one person if it is over 6.5m² and for two persons if it is over 10 m². The main living room or living area is not counted for sleeping purposes. This is guidance only, and an officer would take a view

on the dwelling as a whole, also taking into account available amenities. As small children need at least as much space as adults, each child, irrespective of age, has been counted as one person.

180. In the event of a further designation, the council would continue to use these guidelines to set occupation limits. However, taking into account some concerns about every child being counted as one person, the licence conditions would be amended to discount all children aged under one.
181. The primary purpose of setting occupation limits is to prevent landlords knowingly over-occupying premises. A sensible approach to enforcement is always taken, as there are times when a landlord has done nothing wrong, but becomes aware of over-occupation. The council will always work with licence holders in such circumstances to decide on a suitable course of action.
182. These guidelines are not based on the statutory overcrowding standards set out in Part X of the Housing Act 1985. The council is not obliged to replicate the absolute minimum standards set out under this provision and believes that a more sensible approach to crowding and space is appropriate based on the principles of risk assessment set out in the Housing Health and Safety Rating System (HHSRS).

Anti-social behaviour

183. As mentioned previously, the council has incorporated an ASB condition within existing licences that requires licence holders to take reasonable steps to try and deal with any ASB associated with their tenants and to co-operate with the council and Police as necessary.
184. In the event of a new designation, the use of an ASB condition would be continued; however, the condition currently in use would be reviewed in consultation with the council's Community Safety Team and the Margate Task Force to identify whether it could be improved.

Crime and security

185. While no crime condition is included within existing licences, a security condition is in use which requires licence holders to provide tenants with window lock keys (if such locks are fitted) and to maintain door and window security measures in good repair. For buildings licences there is also a requirement to keep any fitted intercom system in good working order to help prevent unauthorised entry.
186. A crime and security condition would be included in any future designation. The security aspect would be similar to the existing; however, the crime element would be limited in scope. Licence holders would be expected to notify the Margate Task Force (or Police) of any known criminal activity on the part of their tenants. More generally licence holders would be expected to co-operate with any criminal investigations.
187. In the event of a new designation, the council's Community Safety Team and the Margate Task Force would be fully consulted on the exact details of this proposed licence condition.

Waste management

188. Currently, licence holders are required to make suitable arrangements for the storage and disposal of refuse produced by their tenants. They are also required to notify tenants of the refuse collection arrangements and to keep the external areas of void properties tidy and clear of rubbish.
189. Any opportunity to reinforce or expand this condition would be explored in the event of a further designation in consultation with the council's Street Scene Enforcement Team.

General maintenance

190. Existing licence holders are required to maintain licensed premises in good repair and to put in place suitable arrangements for carrying out routine and emergency repairs. Improvements, alterations, and adaptations are not generally required under selective licensing as it is not usually the most appropriate mechanism for dealing with housing related hazards. However, carrying out routine repairs and maintenance in a timely fashion is a function of management.
191. In the event of a further designation, licence conditions relating to routine repairs and maintenance would be incorporated into all new licences.

Electrical safety (Installations)

192. Like many other local authorities the council has, under the current scheme, required licence holders to hold electrical installation condition reports (EICRs) that are at not more than five years old, and to ensure that the council is provided with a copy. A small number of respondents felt this was excessive, as it was not generally a legal requirement for privately rented accommodation (apart from houses in multiple occupation).
193. Many electrical installations that have been inspected as a consequence of selective licensing have been found to be unsafe. The council believes the condition to require EICRs is in the public interest, as many defects are not always obvious, and testing by a competent person can reveal serious safety issues. This is an efficient way to ensure tenant safety. The council's view is that undertaking regular EICRs demonstrates good property management, which is consistent with the aims of selective licensing. For rented accommodation, the Electrical Safety Council recommends that periodic inspection and testing is carried out at least every five years or on the change of a tenancy, whichever comes first.
194. Accordingly, the council propose to include such a licence condition in the event of a further designation.

Fire safety

195. In addition to the mandatory requirement to provide smoke alarms, current licence holders are required to ensure that all other fire safety installations and equipment provided in the licensed premises are kept in good repair and proper working order at all times. Regular inspections and servicing are also required where appropriate. In cases where the licence holder is a leaseholder, the licence holder must not frustrate the freeholder in their fire safety duties.
196. In respect of a buildings licence which includes common areas, the licence holder is required to provide the council with a written copy of suitable and sufficient fire risk assessment in respect of the building (such a written assessment is required under the Regulatory Reform (Fire Safety) Order 2005). All means of escape from fire must be kept clear and free from obstruction.
197. In the event of a further designation, the current licence conditions relating to fire safety would be carefully reviewed in consultation with the Kent Fire & Rescue Service, but the expectation would be that they would remain largely similar.

Duty to notify the council

198. Licence holders and named managers are required, within specified timescales, to notify the council of any relevant changes, such as a change of ownership, address or management arrangements. They are also required to declare any matter that could affect their status as a fit and proper person. Such notification requirements would be continued in the event of a further designation.

Other licence conditions

199. There are times when it is reasonable to include additional conditions on certain licences to deal with specific issues. There may also be a need in the future to include other types of licence condition in response to local issues or changes in legislation.
200. Changes or additions to the standard licence conditions would only be possible with the approval of a senior officer. Any revised licence conditions would only relate to the management or use or occupation of licensed premises.

9. Conclusion

201. Parts of Cliftonville suffer from a wide range of entrenched problems that arose out of many years of socio-economic change; a situation that is not uncommon in other coastal communities. Indeed, the 2015 English Indices of Deprivation reveal that all but one of the top ten most deprived areas (LSOAs) are in seaside towns, and unfortunately, for the first time, an area in Cliftonville is in this top ten (out of 32,844). Much of the area proposed for designation is in the 1% most deprived.
202. As one of the most deprived areas in England, it suffers from high levels of crime and anti-social behaviour, low housing demand, and poor housing conditions. Selective licensing can provide additional powers to help the council tackle poorly managed privately rented property. As around 70% of the accommodation is in the private rented sector (national average 19%), improved management standards in this sector should contribute to an overall improvement in living conditions in the area. This should lead to a better quality of life for residents in all tenures.
203. The current scheme, which was introduced in 2011, has been successful in bringing about improvements in housing management and conditions. There is now a greater number of safe and well-managed homes in the private sector. The scheme has also contributed to wider benefits, such as a reduction in anti-social behaviour. However, owing to the judicial review and the high level of non-compliance being experienced, progress has been slower than expected. Many landlords have been reluctant to comply with the scheme and so enforcement activity has remained high. There remains much to be done and the initial five-year designation will not provide enough time in which to effect long-lasting change in the area.
204. There are six legal tests that must be considered before designating an area for the purposes of selective licensing. The evidence presented in the consultation document, and finalised in this proposal, clearly shows that the proposed area is suffering from significant and deep-rooted issues. While the tests are subjective, the weight of evidence would appear to be overwhelming in respect of five of the six tests. As such, a designation based on low housing demand, anti-social behaviour, housing conditions, deprivation and crime is possible.
205. Public opinion is clearly of vital importance when considering an area-based strategic intervention such as selective licensing. The 10-week public consultation revealed that there is unequivocal support for a further designation, with 72% of all respondents in favour and only 18% against. There is less support among private sector landlords, but this was to be expected. However, the proportion of landlords in support of selective licensing has increased since 2010. Selective licensing makes it harder for poor quality landlords to prosper and good landlords should have nothing to fear in terms of how they manage and maintain their properties.
206. The council have general approval to designate the proposed area without the need to obtain confirmation from the Secretary of State.

Equality Impact and Customer Needs Analysis

207. An Equality Impact and Customer Needs Analysis (EICNA) of the proposed designation has been carried out and is attached in Annex B.
208. The EICNA did not identify any adverse impacts associated with the proposed designation having regard to the Protected Characteristics or the aims of the Public Sector Equality Duty. However, the proposed designation would help to minimise disadvantage and contribute to the needs of some Protected Characteristics, namely Age, Disability and Race.

Proposed Designation Document

209. A draft copy of the proposed Designation has been attached in Annex C.

Annexes

Annex A – Public consultation document

Housing Services

Selective Licensing in Margate Central and
Cliftonville West

Proposal to make a further selective licensing designation

Public Consultation

17 August 2015 – 26 October 2015

August 2015

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Public Consultation: A Summary

What is proposed?

Thanet District Council is proposing to designate certain parts of the electoral wards of Margate Central and Cliftonville West as a selective licensing area under section 80 of the Housing Act 2004. The proposed designation concerns an area substantially similar to that already subject to a selective licensing designation and which is due to end on 20 April 2016. It is proposed that the new designation would begin on 21 April 2016 and last for five years.

What is a selective licensing designation?

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

Why is the council proposing to do this?

The area in question suffers from a wide range of entrenched problems that arose out of many years of socio-economic change; a situation that is not uncommon in other coastal communities. As one of the most deprived areas in England, it suffers from high levels of crime and anti-social behaviour, low housing demand, and poor housing conditions. Selective licensing can provide additional powers to help the council tackle poorly managed privately rented property. As around 70% of the accommodation is in the private rented sector (national average 19%), improved management standards in this sector should contribute to an overall improvement in living conditions in the area. This should lead to a better quality of life for residents in all tenures.

The current scheme, which was introduced in 2011, has been successful in bringing about improvements in housing management and conditions. There is now a greater number of safe and well-managed homes in the private sector. The scheme has also contributed to wider benefits, such as a reduction in anti-social behaviour. However, owing to the high level of non-compliance being experienced, progress has been slower than expected. Many landlords have been reluctant to comply with the scheme and so enforcement activity has remained high. There remains much to be done and the initial five-year designation will not provide enough time in which to effect long-lasting change in the area.

How can I have my say?

The council wants your views and comments on this proposal. A ten-week public consultation will run from 17 August 2015 to 26 October 2015. Go online at www.thanet.gov.uk to have your say or email: consultation@thanet.gov.uk. Alternatively, you can write to us at:

Freepost RTKH-XSAU-LLJG
Thanet District Council
Selective Licensing
PO Box 9
Margate
CT9 1XZ

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

Chapter 1: Introduction

Background

1. Thanet District Council (the council) is the local housing authority for the district of Thanet, which is located on the East Kent coast and includes the three seaside towns of Margate, Ramsgate and Broadstairs. It has a population of approximately 134,200.
2. Local housing authorities are empowered under Part 3 of the Housing Act 2004 to introduce selective licensing schemes in all or parts of their area. Once a scheme has been introduced, all privately rented accommodation situated within the designated area must be licensed, unless subject to statutory exemption. Prior to April 2015, an area could only be designated if it was, or was likely to become, an area of low housing demand and/or it had a significant and persistent problem with anti-social behaviour where the inaction of private landlords was a contributory factor.
3. A selective licensing designation cannot be made for a period longer than five years.

Introduction of selective licensing in 2011

4. Owing to both low housing demand and anti-social behaviour, the council made a selective licensing designation in respect of certain parts of the electoral wards of Margate Central and Cliftonville West on 12 January 2011. The designation was made under section 80 of the Housing Act 2004.
5. Suffering with high levels of crime, anti-social behaviour and deprivation, significant health inequalities, low housing demand, and a disproportionate number of poorly managed privately rented homes, the area concerned presents a particular challenge to the council and other public services. To help tackle some of the area's difficulties, the 2011 scheme was primarily introduced to:
 - o Increase housing demand, in a sustainable way, which encourages a mixed, balanced and vibrant community;
 - o Reduce the level of anti-social behaviour;
 - o Improve the management of housing in the private rented sector; and
 - o Improve housing conditions.
6. A comprehensive analysis of the area and the detailed reasons for the scheme's introduction can be found in the council's *Proposal to Declare a Selective Licensing Designation* (2011). This document can be found on the council's website.
7. The scheme requires private landlords to license their properties with the council and to effectively manage them. Licences include conditions regarding occupancy restrictions and management standards (including responsibilities relating to tenant referencing; the use of written agreements for occupation; anti-social behaviour; waste management; property maintenance; and furniture, electrical, gas and fire safety).

Judicial review

8. On 11 April 2011, a landlord association lodged a judicial review in the High Court alleging that the selective licensing scheme was unlawful. The landlord association was of the opinion that the area concerned did not meet the criteria for low housing demand or anti-social-behaviour.
9. Unfortunately, through no fault of either party, the judicial review was not heard until 30 and 31 October 2012. Following the two-day hearing, the High Court found in favour of Thanet District Council on 13 November 2012. The scheme was deemed to be lawful as both legal tests had been proved.

Timeline

10. The key dates relating to the current scheme are:

- 06 September 2010 to 15 November 2010 – Public consultation.
- 12 January 2011 – Decision taken by the council's Cabinet to implement a selective licensing scheme following a comprehensive review of the consultation responses.
- 11 April 2011 – Judicial review lodged in the High Court.
- 21 April 2011 – Scheme became operative. Since this date, all residential properties that are privately let to one or more tenants within the designated area have been required to be licensed (unless subject to exemption).
- 13 November 2012 – Judicial review dismissed.
- Spring 2013 – Enforcement activities and routine inspection programme commenced.
- 20 April 2016 – Existing designation will expire (five years after coming into force).

Where are we now?

11. The council and its partners are making considerable efforts to ensure the current scheme is successful. However, the designated area suffers from a wide range of entrenched problems that arose out of many years of socio-economic change; a situation that is not uncommon in other coastal communities. The challenges faced cannot be resolved overnight.
12. With less than a year to go before the current designation expires, the council is still finding it difficult to encourage many landlords to comply with the scheme. Many have been reluctant to make licence applications and numerous licence breaches have been identified.
13. There have been difficulties; however, the scheme has led to increased landlord and agent engagement. There are good landlords and agents operating in the area, and their assistance and professionalism are of paramount importance to the council's regeneration aspirations. The council is keen to support those who provide well-managed and safe accommodation by using selective licensing to help their businesses and their tenants thrive. A number of landlords and agents have made it very clear that they are supportive of the selective licensing scheme. Selective licensing helps to level the playing field.
14. Delivering the current scheme has clearly been challenging, particularly having regard to the significant delays caused by the judicial review and the high level of non-compliance experienced. Nevertheless, the evidence suggests that, in combination with other measures (in particular the Margate Task Force), the selective licensing scheme is having a positive effect on the designated area, and that should it end in April 2016, it would leave much undone. The hard won gains could be lost and property management standards in the private rented sector could again decline, leading to less favourable outcomes for residents. Government guidance recognises that selective licensing may have to be part of a long term strategy and that it does not provide instant solutions.
15. Selective licensing alone cannot guarantee housing regeneration, but it has proved to be a powerful legislative tool that can have a tangible impact on environmental conditions and the safety and quality of accommodation available.

Proposal to make a further selective licensing designation

16. Having carefully considered the current situation, the council is of the opinion that another five year designation would contribute to further improvements for residents and businesses in the area. The council therefore proposes to designate an area which is substantially similar to that currently designated for a further five year period from 21 April 2016 (the day after the existing scheme expires).
17. However, the views of everyone likely to be affected by such a designation are very important to the council. Before any decision is made, the council is undertaking a ten week public consultation to ascertain public opinion. This consultation document sets out the reasons why a further designation is believed to be appropriate in the circumstances.

Document structure

18. In considering any new proposal, it is clearly important to understand the scope of the current designation and how it is progressing. As such, Chapter 2 provides a brief overview of the current scheme.
19. Chapter 3 sets out the council's proposal for a new designation, which is the subject of this public consultation. The chapter identifies the area concerned and highlights key elements of the proposal.
20. Before making a proposal to designate a selective licensing area, the council must first be satisfied that at least one of the legal tests (or conditions) has been met. Chapter 4 identifies the six criteria for designation and deals with each in turn.
21. Selective licensing must be part of a coordinated response to problem areas. Chapter 5 highlights the complementary initiatives currently in place to support regeneration.
22. Chapter 6 provides information on how to make a response to this public consultation. It also lists the ways in which the consultation is being widely publicised.

Licensed premises

28. The following table shows how many dwellings were subject to a selective licence at the beginning of each financial year.

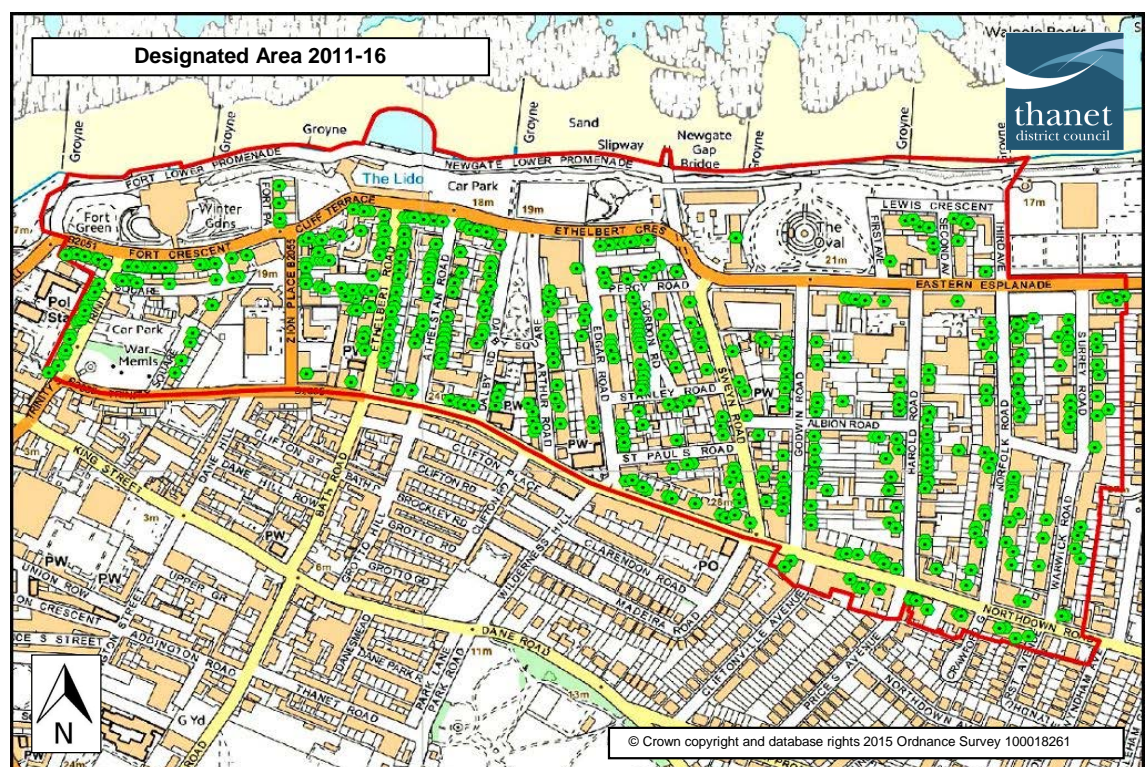
Figure 2: Number of licensed dwellings

	Position as at Specified Date				
	01 April 2011	01 April 2012	01 April 2013	01 April 2014	01 April 2015
Number of dwellings subject to a selective licence	0	791	1109	1347	1815

Source: Thanet District Council

29. The following map shows the locations of licensed premises as at 31 March 2015. It highlights the density and spread of privately rented accommodation. Markers are multi-layered and only one marker is shown per building plan. As such, many of the markers represent more than one licensed dwelling.

Figure 3: Map showing licensed premises as at 01 April 2015



Source: Thanet District Council

30. As of 01 April 2015, the council were processing 94 licence applications relating to 138 dwellings, and investigating a further 201 premises believed to be privately rented, but were not subject to a licence (or licence application). These properties are not shown on the above map.
31. Between 01 April 2013 and 31 March 2015, the council successfully ensured that 522 unlicensed dwellings were the subject of a valid licence application following enforcement action. When compared to the increase in number of licensed dwellings over the same period (706), the evidence suggests that many landlords are reluctant to make applications unless subject to council intervention.
32. Despite making significant efforts to avoid taking legal action, the council had, as of 01 April 2015, successfully completed 21 prosecutions in respect of landlords who were operating unlicensed premises without reasonable excuse. The highest fine was £20,000, the then maximum fine level. The average fine level was £3,742.86. As of 01 April 2015, no prosecutions pursued by the council were unsuccessful.

Routine inspection programme

33. Although not legally obliged to, the council intends to inspect as many licensed premises as possible during the life of the current scheme. An inspection programme began in May 2013 and is ongoing. During a routine inspection an inspector will assess whether the licence conditions are being complied with. The inspector will also make an assessment under the Housing Health and Safety Rating System (HHSRS).
34. Of the 782 routine licence inspections completed as of 01 April 2015, 484 revealed one or more breach of licence conditions. Officers are therefore encountering licensing problems in 62% of all inspections completed. Category 1 and/or 2 hazards were also identified in 49% of properties inspected (383). Around two-thirds of inspections (508) revealed concerns that required council intervention as a consequence of licensing breaches and/or hazards.
35. Where a breach of one or more licence condition has been identified, the licence holder (and manager if applicable) is contacted and advised of the breach(es) requiring attention, together with any category 1 or 2 hazards. In most cases, the licence holder will be sent a breach of condition notice outlining what must be done to remedy the situation. As of 01 April 2015, 431 such notices had been sent to licence holders.
36. In general, the breach of condition notice process has proved to be an effective means of improving management standards and housing conditions. The council always attempts to promote positive engagement with landlords following an inspection, as the primary aim is to improve management and safety standards as quickly as possible. Prosecution remains a last resort. However, the council has had to prosecute one landlord for breaching the conditions of his licence, for which he was fined £14,000.
37. Since the start of the scheme, 588 homes in the area have been made safe from health and safety hazards. Many of these were made safe as a consequence of the routine inspection programme.

Safety documentation

38. Most licences issued by the council require the licence holder to provide specified documents within certain timescales and/or at regular intervals. Examples include gas safety certificates, electrical condition reports, and fire safety risk assessments.
39. Unfortunately, the majority of such licence conditions were not being complied with. Compliance was estimated at being between 5 to 10% in the first three years of the scheme. Accordingly, a reminder process was initiated by the council. Licence holders who fail to provide documentation in accordance with their licence conditions now receive a reminder letter. As of 01 April 2015, 622 licence holders had been reminded to comply with their licence conditions, owing to their failure to supply the relevant documents. Enforcement action is taken if a reminder does not prompt a response.
40. These requirements have led to a large number of safety issues being highlighted to landlords and agents. In particular, many electrical installations have been found to be unsafe and been subject to remedial works as a consequence. Such problems may not have been otherwise identified if it was not for selective licensing.

Impacts on housing demand and anti-social behaviour

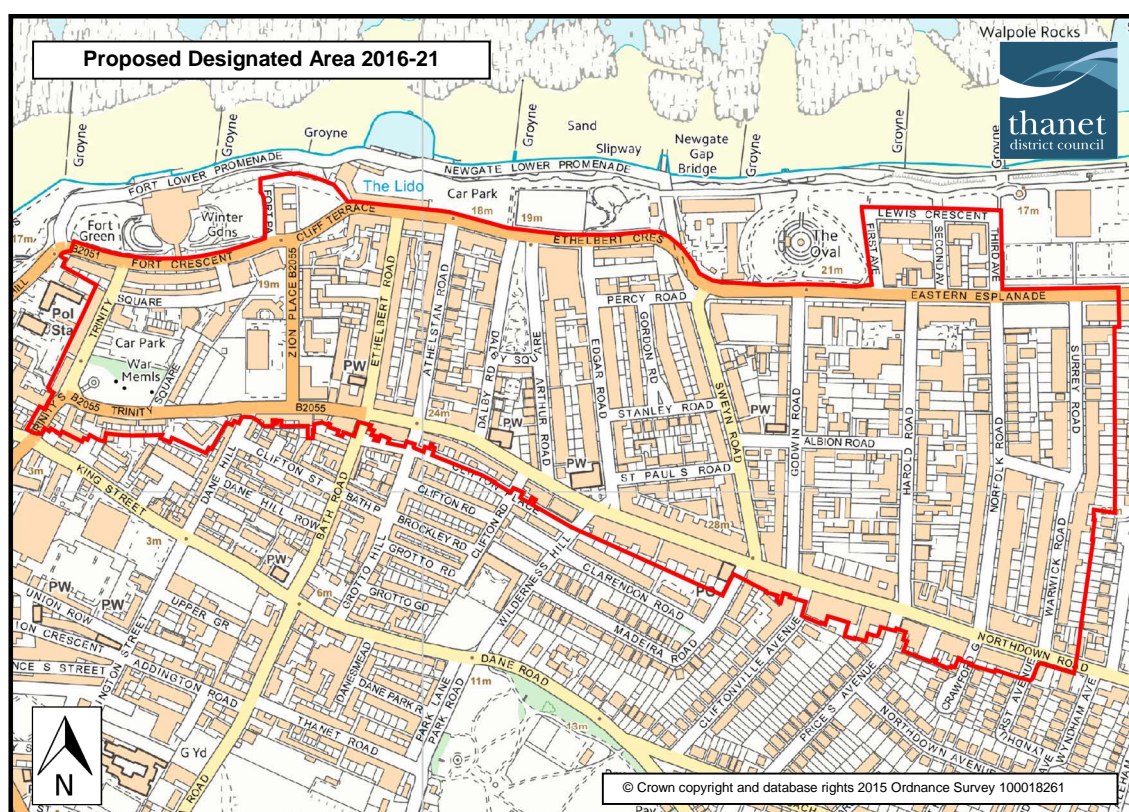
41. Since the beginning of the scheme, anti-social behaviour in the designated area has dropped by 28.7%; however, the housing demand situation is more mixed. While the number of empty properties has gone down, property values remain lower than surrounding areas and resident turnover remains high.
42. As the council is proposing a further designation on the basis of both housing demand and anti-social behaviour, these subjects are discussed more fully later in this proposal.

Chapter 3: Proposal for public consultation

Proposed designated area

43. The council believes that the currently designated area remains substantially appropriate. However, following consultation with relevant council departments and the Margate Task Force, there is clearly scope to make minor changes.
44. Some parts of Trinity Square and Northdown Road were excluded from the original scheme. Recent evidence suggests that there is no reason why these road sections should be purposely excluded from any new designation. These areas include 237 residential dwellings, of which approximately 158 (67%) are in the private rented sector. Around 27% of the occupiers of these dwellings have complained to the council about their housing conditions in the past five years, and two of the council's most recent housing prosecutions concerned rented homes in these excluded sections of road. Property management standards are in need of improvement.
45. It is also proposed that Queens Court on Queens Parade be set outside the designated area. It comprises 126 purpose-built flats, with very few licensable properties within. The building is almost entirely owner-occupied, and is subject to minimum age residency rules (55 and over). Owing to the building's location on the sea side of the seafront road, it may naturally fall outside any designation boundary.
46. A map showing the proposed selective licensing designation is shown below.

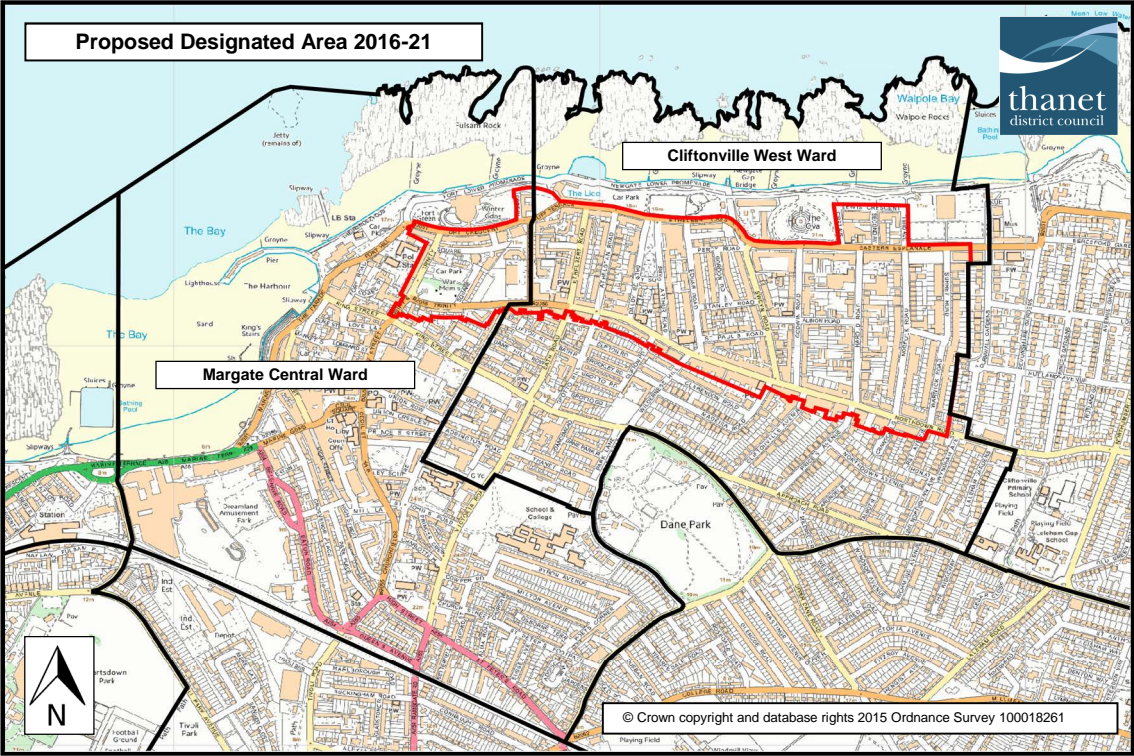
Figure 4: Map of proposed designated area (2016-21)



47. A larger map and a map which shows individual buildings in more detail (but without road names) is provided in Annex 1, together with a list of roads that would be affected by the proposed designation.

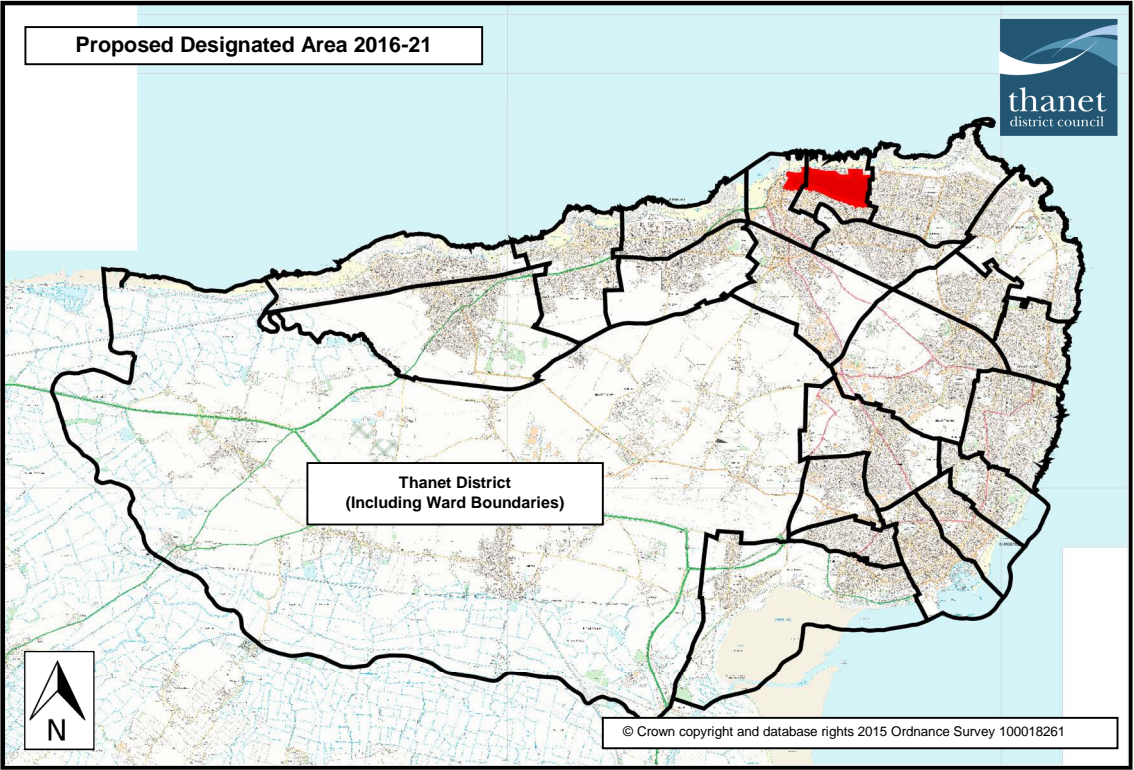
48. A map showing the proposed selective licensing designation in relation to the two electoral wards of Margate Central and Cliftonville West is shown below.

Figure 5: Map of proposed designated area in context of ward boundaries



49. A map showing the proposed selective licensing designation in relation to the district of Thanet is shown below.

Figure 6: Map of proposed designated area in context of Thanet district



Why this area? A brief historical context

50. The expansion of Margate eastwards of the historic fishing village came about following the arrival of the railways in the mid-19th century. The new railway line provided easy access to the coast for Londoners and those further afield who wanted to enjoy the beaches and benefit from the then famously health enhancing qualities of the coastal air. Margate's ensuing popularity led to the development of Cliftonville in the mid to late 1800's, when rows of ornate and terraced buildings sprung up to cater for the new visitors. Hotels, guesthouses and larger residences were densely built, usually over three to six storeys, with small frontages and rear yards. Many were constructed with large basement storeys.
51. In its heyday, Cliftonville was a highly desirable area with a viable economy based on tourism, but times change and the decline of the traditional English seaside holiday in recent decades has had a profound impact on the area. As visitor numbers fell, businesses that once catered for thronging crowds began to falter. Property owners had to sell up or diversify, and this led to many buildings being converted into flats or houses in multiple occupation (HMOs), such as bedsits. Many owners decided to create small flats in pursuit of the maximum number of rental units.
52. As more hotel and guesthouse businesses closed and owner-occupiers moved out, more private landlords moved in. The private rented sector became the dominant tenure at 70%, with many out-of-area landlords owning large portfolios.
53. In recent decades, the accommodation offer has largely been aimed at the lower end of the market. With many vulnerable households migrating inwards, the socio-economic shift has led to the area becoming one of the most deprived neighbourhoods in the country. The area is now characterised by high levels of worklessness, benefit dependency, crime and anti-social behaviour, poor educational achievement, and health inequalities.
54. While individual private landlords cannot be held responsible for these wider changes, a significant number are perpetuating the deprivation and poor health outcomes by offering poorly managed and unsafe homes.
55. Prior to selective licensing, the area was the subject of various council led interventions, such as the introduction of an HMO registration scheme with special control provisions in 1998 and the declaration of a Neighbourhood Renewal Area in 2005. The area also benefitted from substantial funding from the Safer, Stronger Communities Fund (SSCF) between 2006 and 2010.

General approval by Secretary of State

56. Prior to 01 April 2010, all selective licensing designations had to be approved by the Secretary of State (SoS). Between this date and 31 March 2015 a general approval, issued by the SoS, allowed councils to designate selective licensing areas without the need for obtaining Government approval, as long as a ten week public consultation had taken place.
57. However, the 2010 general approval was revoked on 01 April 2015 and replaced with one that includes size restrictions on new schemes. Any new designation that is over a certain size must be approved by the SoS.
58. Any designation that (either by itself, or in combination with other selective licensing designations made by the council) would cover more than 20% of the geographical area of the district is excluded from the 2015 general approval. Furthermore, any designation that (either by itself, or in combination with other selective licensing designations made by the council) would affect more than 20% of privately rented homes in the district (based on Census data) would also be excluded.

59. Thanet comprises an area of 10,329 hectares (39.9 square miles). The area proposed for designation is approximately 47.7 hectares (0.18 square miles) in size, which represents 0.46% of the district in terms of geographical area. The proposed designation would not require approval from the SoS owing to its relatively small geographical size.
60. According to the 2011 Census, there were 14,151 households privately renting in Thanet. Therefore, SoS approval would be required for any scheme(s) that included more than 2,830 privately rented homes. The area proposed for designation includes approximately 2,500 privately rented homes, of which around 2,300 would require a selective licence. SoS approval would not be required for the proposed designation.

Legal tests

61. Before any council can consider making a selective licensing designation it must ensure that the area in question meets certain legal tests.
62. Until 27 March 2015, an area could only be designated for the purposes of selective licensing if it met at least one of the two legal tests (known as conditions) set out in the Housing Act 2004. However, on this date the Government introduced four new sets of conditions. The council may now designate an area if:
 - It is, or is likely to become, an area of low housing demand; or
 - It has a significant and persistent problem with anti-social behaviour where the inaction of private landlords is a contributory factor; or
 - Following a review of housing conditions, it is believed that the area is suffering from significant housing condition problems and the council intends to inspect the dwellings concerned; or
 - It has experienced a recent influx in migration, and where the migrants are primarily occupying privately rented accommodation; or
 - It suffers from a high level of deprivation which particularly affects the occupiers of privately rented accommodation; or
 - It suffers from a high level of crime that affects residents and businesses in the area.
63. The council is of the opinion that five of the six tests are met in respect of the area proposed for designation. A designation based on migration is not proposed. The evidence to support this opinion is set out in Chapter 4.

Proposed timescales

64. Following the ten-week public consultation, the council will carefully review all representations made. A report will then be submitted to Cabinet in January 2016 for Member consideration and decision.
65. If the Cabinet decide to designate the area for the purposes of selective licensing, the designation would become operative on 21 April 2016 and last for a period of five years until 20 April 2021. If the Cabinet decide not to designate the area, the current designation will expire on 20 April 2016.
66. These timescales may be subject to change in the event of unforeseen circumstances.

Proposed licence fee structure

67. The council currently charges a licence application fee to cover the cost of the administration of the selective licensing scheme. This income is ring-fenced and only used for these purposes.

68. The fees have risen each year on the 01 April, in line with the council's standard percentage increase for fees and charges. For the 2015-16 financial year, the standard cost for a selective licence is £587 for non-accredited landlords and £487 for accredited landlords. Any landlord with more than one flat within a single building pays a reduced licence fee of £267 per additional flat.
69. The council believes that any new scheme should minimise the financial burden on landlords. It therefore proposes that licence fees are reduced as much as is reasonably possible, without jeopardising the council's ability to undertake its statutory functions under selective licensing. Proposed changes to the licensing process would allow fee reductions to be made.
70. The proposed fee structure is set out below:

Figure 7: Licence fees for dwellings

Dwellings Licence For dwellings, whether a house or flat, occupied by a single family household or by two persons sharing	Accredited Landlords	Non-accredited Landlords
Standard licence application fee	£389	£439
Early renewal licence application fee (if a valid application is made at least six weeks before the current licence is due to expire)	£345	£395

Figure 8: Licence fees for landlords owning buildings containing flats

Buildings Licence Only available to a landlord who lets two or more flats within the same building AND is the freeholder (only a single licence required)	Accredited Landlords	Non-accredited Landlords
<u>Standard licence application fees</u>		
Fee for first flat	£389	£439
Fee for each additional flat (within the same building)	£136	£136
<u>Early renewal licence application fees (if a valid application is made at least six weeks before the current licence is due to expire)</u>		
Fee for first flat	£345	£395
Fee for each additional flat (within the same building)	£136	£136

71. Under the existing designation, all landlords who own more than one flat within a single building are eligible for the multiple flat discount. However, owing to legislative restrictions, the council can only issue a single buildings licence when the landlord is in control of the whole building. Where a landlord owns more than one flat, but is not in control of the freehold, the council cannot issue a single licence for the whole building and must require individual licence applications for every flat. As such, there is no administrative savings for the council. Nevertheless, the council has honoured this discount throughout the current scheme.
72. The proposed fee reduction for additional flats associated with a single buildings licence would not be viable when multiple licence applications need to be processed. However, the council does not propose to charge the actual cost of processing each of these additional licences; instead, it proposes a fee capped at the current rate (£267). The proposed fee structure is out below:

Figure 9: Licence fees for landlords owning more than one flat in a building without owning the freehold

Capped Licence Fees Only available to a landlord who lets two or more flats within the same building, but is NOT the freeholder (multiple licences required)	Accredited Landlords	Non-accredited Landlords
<u>Standard licence application fee</u>		
Fee for first flat	£389	£439
CAPPED fee for each additional flat (within the same building)	£267	£267
<u>Early renewal licence application fees (if application is made at least six weeks before the current licence is due to expire)</u>		
Fee for first flat	£345	£395
CAPPED fee for each additional flat (within the same building)	£267	£267

73. As is the case with the current scheme, selective licensing fees for houses in multiple occupation (HMOs) with shared facilities are proposed to be similar to those charged for mandatory HMO licences under Part 2 of the Housing Act 2004. The fee structure for HMO licences can be viewed on the council's website.
74. For the purposes of selective licensing, an accredited landlord is a landlord who is accredited with the Kent Landlord Accreditation Scheme (KLAS). KLAS is delivered through the UK Landlord Accreditation Partnership. A landlord who is accredited with the National Landlords Association (NLA) may also benefit from the discount.
75. All licence fees would be reviewed each financial year.
76. A licence would normally be granted for a period of five years and no further fees would be payable during the life of the licence. However, licences are non-transferrable in accordance with section 91(6) of the Housing Act 2004.
77. Portfolio landlords who own fifteen or more dwellings in need of a selective licence would be offered a payment plan. Such landlords would be given up to a year after the granting of their licence to make full and final settlement of all fees owed to the council.

Licence conditions

78. Each new licence granted would be subject to a series of licence conditions, similar to those already in use under the current scheme. Licence conditions under selective licensing must include the mandatory conditions set out in Schedule 4 of the Housing Act 2004 and may include additional conditions relating to management, use and occupation.
79. In summary, the main conditions would require licence holders to:
 - Provide gas safety certificates annually (if gas is supplied);
 - Keep any electrical appliances and furniture provided in a safe condition;
 - Provide smoke alarms and keep them in good working order;
 - Issue residents with a written statement of the terms of occupation (e.g. a tenancy agreement or licence);
 - Require references from prospective tenants;
 - Provide electrical installation condition reports for the fixed wiring installations at intervals of not more than five years;
 - Appropriately manage anti-social behaviour, should it ever originate from their property;
 - Limit occupation of the property to the numbers of persons and households specified in the licence;
 - Make suitable arrangements for waste management;
 - Make suitable arrangements for completing routine repairs and maintenance;
 - Advise the council of any change in circumstances.
80. The council believes that such licence conditions are not onerous, and that good landlords are unlikely to find that their practices need be changed.

Existing licences

81. If a further designation is made, existing selective licences granted under the current scheme would remain valid under the new scheme until they expired. The expiry date is shown on the front page of each licence.

Penalties for non-compliance

82. There are a number of penalties associated with non-compliance.

Prosecution

83. There are two offences associated with selective licensing.
84. Failing, without reasonable excuse, to obtain a licence for a property which is required to be licensed is an offence. The offence is committed by the person having control of and/or the person managing the premises.
85. Once a licence is in force, the licence holder and/or manager (if applicable) would commit an offence if they breached any of the licence conditions without reasonable excuse.
86. Since 12 March 2015, a person committing either type of offence is liable on summary conviction to an unlimited fine.
87. The council would provide for the effective enforcement of any new scheme to help ensure its ultimate success. However, the council's approach would be to encourage compliance through engagement and advice, with prosecution remaining a last resort.

Restriction on terminating tenancies

88. No section 21 notice (Housing Act 1988) may be served in respect of an unlicensed property.

Rent Repayment Orders (RROs)

89. In certain situations, the council or a resident may make an application to the First Tier Tribunal for an RRO.
90. If a property is licensable and the council is of the opinion that an offence has been committed owing to the failure of the person having control of or managing the premises to make a valid licence application, the council may make an RRO application. An application can be made irrespective of whether the council decides to prosecute for the offence.
91. Council applications will concern the repayment of housing benefit monies paid in respect of an unlicensed property. Applications may only relate to periods of up to 12 months.
92. A resident may make an RRO application, but only if the council has successfully prosecuted the appropriate person for failing to licence the premises, or the council has been successful in making its own RRO. Resident applications may only be made in respect of rents they have paid over a period of up to 12 months.

Interim and Final Management Orders

93. In certain circumstances relating to unlicensed premises, the council has the power to make Interim and Final Management Orders. Such orders authorise the council to take control of the residential premises to which the order relates. This power is reserved for the most problematic properties and is only considered as a last resort.

Housing strategy

94. Any proposal to introduce a selective licensing designation must be consistent with the council's overall housing strategy.
95. The council's overarching housing vision in its Housing Strategy 2012-2016 is: *"To provide good quality housing, that is affordable, which meets people's changing needs and aspirations and is located within pleasant, safe and sustainable communities."*

96. One of the key objectives of the strategy is to: *"Make better use of the existing housing stock across all tenures and improve housing conditions"*. Recognising that the private rented sector is larger than average in Thanet, this objective highlights the need to fully utilise this resource as this sector plays an important role in providing homes for the people of Thanet. However, the council also recognised that while there are many good quality privately rented homes in the district, managed by responsible landlords, there are also many that are in need of improvement. Tackling these properties is seen as a high priority.
97. In particular, the two wards of Margate Central and Cliftonville West are highlighted as being in need of intervention. The strategy states that: *"We will not tolerate poor quality accommodation and where appropriate we will improve the condition and management of privately rented housing in the district. Targeted housing interventions in areas where there is a concentration of poor quality privately rented housing, in particular the selective licensing scheme in tandem with the 'Live Margate' housing intervention, will tackle concentrations of deprivation and substandard living conditions."*
98. The housing strategy will be updated in 2016 in line with the council's Corporate Plan and it is proposed that selective licensing remains a key initiative in its efforts to promote housing regeneration in Thanet.
99. The proposal to designate a further selective licensing scheme is therefore wholly consistent with the council's current housing strategy.

Expected benefits of a further designation

100. Selective licensing provides additional powers to help the council tackle poorly managed privately rented property. Better management standards in this sector should contribute to an overall improvement in conditions in the proposed designated area. In particular, the council would expect a further designation to contribute to:
 - An improvement in the social and economic conditions in the area;
 - A reduction in anti-social behaviour;
 - An improvement in general housing conditions;
 - A reduction in the level of deprivation; and
 - A reduction in crime.
101. Such improvements should lead to the area becoming more desirable. In the longer term, this should reveal itself in higher property and rental values, and a more stable community with less resident turnover.

Alternatives to selective licensing

102. The council has considered whether there are any courses of action, other than selective licensing, that might achieve the same objectives in the proposed area. After careful consideration, the council has come to the conclusion that a further selective licensing designation is the most appropriate course of action in the circumstances, and that it will significantly assist it in achieving the above-mentioned objectives.
103. The council did not come to this conclusion lightly. Selective licensing can have a substantial impact on landlord and agent behaviour. Over the past four years, council officers have seen previously indifferent landlords and agents gradually build up relationships with the council. It is a slow process, and it is often only the threat of court action that brings about meaningful communication, but it is working. For the area concerned, selective licensing has been the backbone of the wider strategy to promote regeneration.

104. Landlord accreditation is fully supported by the council and has its place in promoting good property management. The council works in partnership with other local authorities to deliver the Kent Landlord Accreditation Scheme and has offered licence fee discounts for members. However, anecdotal evidence suggests that many landlords and agents only signed up to receive the licence fee discounts, and would not have done so otherwise. Some landlords have also said they would not renew their membership if selective licensing is not continued. Moreover, many of the more difficult to deal with landlords operating in the area have not become accredited. As such, reliance on voluntary landlord accreditation, as an alternative to selective licensing, is not considered to be a viable option in respect of the proposed area.
105. Enhanced housing enforcement practices have been in place in the area for many years. While the current designation only accounts for 4.9% of Thanet's population, over half of the council's housing enforcement activity related to the proposed area in the decade leading up to the current designation. Nevertheless, the area continued to decline despite these additional efforts. It is only since the introduction of selective licensing that there have been signs of improvement.
106. The targeted use of Special Interim Management Orders is not a feasible alternative as the number of problematic properties in the area is significant.
107. Additional HMO licensing has also been discounted on the basis that traditional HMOs have been on the decline in the designated area since the introduction of planning policies to restrict them in 2006. With most properties in the area being three or more storeys high, those that are traditional HMOs are the subject of mandatory HMO licensing. Furthermore, many buildings were converted into flats in the 1990's and early 2000's and so are not HMOs under section 257 of the Housing Act 2004 ("converted blocks of flats"). The majority of dwellings in the area are one or two bedroom self-contained flats.
108. In terms of ASB, selective licensing has a wide-ranging impact. All licence holders are required to take reasonable steps to deal with ASB perpetrated by their tenants. While the council and the Police can, and do, intervene when such behaviour occurs, it is on a case by case basis. While the new tools and powers contained within the Anti-social Behaviour, Crime and Policing Act 2014 will allow more flexible use of interventions, no other mechanism, apart from selective licensing, can have such an immediate impact on an area dominated by the private rented sector and higher than average levels of ASB. When engaging with landlords in the currently designated area, the council's Community Safety Officers have found selective licensing to be a valuable asset in achieving successful outcomes. Selective licensing creates a culture in which landlords are more likely to tackle problems, rather than ignore them.
109. Other courses of action that will contribute to the above-mentioned objectives have already been implemented and are part of the coordinated response to the problems experienced in the area. These are described in Chapter 5: Complementary Initiatives.

Chapter 4: Supporting evidence

Overview

110. The council is of the opinion that the area proposed for designation meets five of the six legal tests set out in the Housing Act 2004 and regulations made thereunder. The designation is proposed on the basis of low housing demand, anti-social behaviour, housing conditions, deprivation, and crime. A designation based on migration is not proposed. Only one test needs to be proved to make a designation lawful.
111. The council considered data from a wide range of sources before coming to this conclusion. This chapter outlines the key evidence that supports the proposed designation.

Low housing demand

112. This legal test is set out in section 80(3) of the Housing Act 2004. For an area to be designated under this section, the conditions are:
 - (a) *that the area is, or is likely to become, an area of low housing demand; and*
 - (b) *that making a designation will, when combined with other measures taken in the area by the local housing authority, or by other persons together with the local housing authority, contribute to the improvement of the social or economic conditions in the area.*
113. Section 80(4) goes on to say:

In deciding whether an area is, or is likely to become, an area of low housing demand a local housing authority must take into account (among other matters) –

 - (a) *the value of residential premises in the area, in comparison to the value of similar premises in other areas which the authority consider to be comparable (whether in terms of types of housing, local amenities, availability of transport or otherwise);*
 - (b) *the turnover of occupiers of residential premises;*
 - (c) *the number of residential premises which are available to buy or rent and the length of time for which they remain unoccupied.*

Residential property values

114. The table below shows the average (mean) prices of properties in the selective licensing area over the last five years. Property postcodes and addresses have been used so that the data relates specifically to the area. These prices can be compared to the wider CT9 postcode area which covers Margate (excluding the selective licensing area). The analysis shows that average house prices are substantially lower than in the rest of Margate and that the gap has remained broadly the same over the last five years.

Figure 10: Average house prices in the selective licensing area compared to Margate (CT9 postcode area)

	2010-11	2011-12	2012-13	2013-14	2014-15
Selective licensing area	£113,200	£100,600	£91,100	£114,200	£123,000
Rest of Margate (CT9 excluding postcodes in the selective licensing area)	£159,400	£146,600	£151,500	£160,600	£173,900
Prices in the selective licensing area as a percentage of prices in the rest of Margate	71%	69%	60%	71%	71%

Source: Land Registry

115. House prices in the selective licensing area are also substantially lower than other similar coastal areas. The table below shows how average house prices vary between

the selective licensing area and Broadstairs and Ramsgate, the other main coastal towns in Thanet District; and, for comparison, the South East coastal towns of Hastings and Brighton. Prices in the area are half the level of prices in the neighbouring coastal town of Broadstairs, 74% of the level of prices in Margate as a whole, 71% of the level of prices in the rest of Margate (excluding the proposed area) and 69% of the level of prices in Ramsgate.

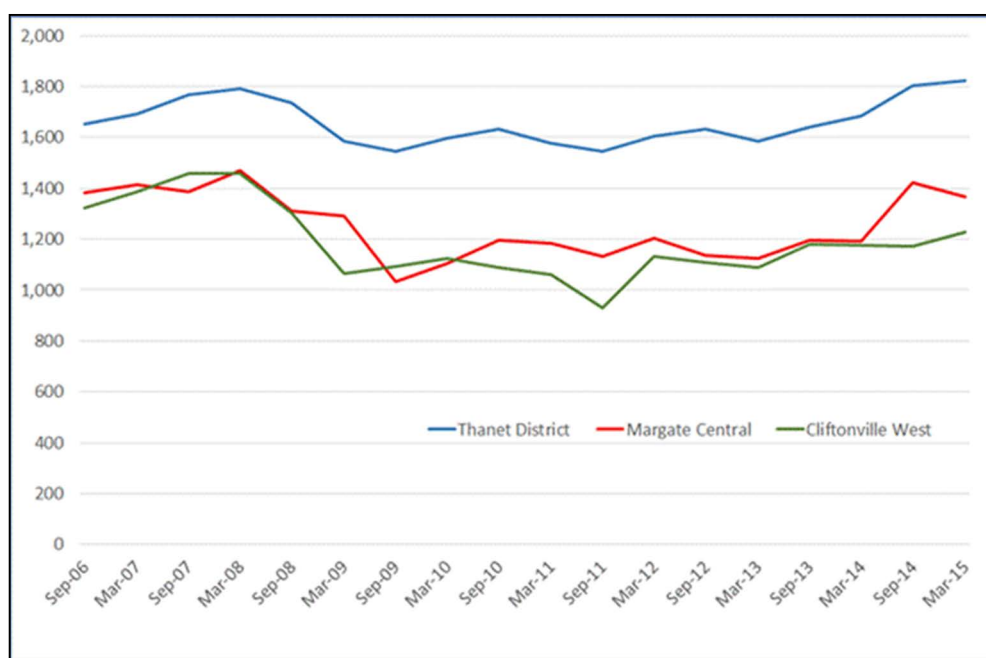
Figure 11: Average house prices in the selective licensing area compared to other coastal towns (2014-15)

Location	Average	Flats
Selective licensing area	£123,000	£83,200
Margate (including selective licensing area)	£166,500	£101,200
Broadstairs	£256,500	£197,200
Ramsgate	£178,500	£110,200
Hastings	£202,800	£111,300
Brighton	£324,700	£240,000

Source: Land Registry

116. This pattern is replicated when prices per square metre are analysed at ward level and in Thanet as a whole, as demonstrated in the chart below. This data controls for any difference in the mix of properties that are sold in particular areas, which would affect the calculation of average prices. On a like-for-like basis, there continues to be a consistent gap between the prices of residential properties in the two wards (Cliftonville West and Margate Central) and Thanet District as a whole.

Figure 12: Sales price, price per square metre (££); end May 2015 (Ward Level Analysis)



Source: Hometrack, Orbit Housing, Census 2011

117. The table below shows current house prices (May 2015) by size of property in the Cliftonville West and Margate Central wards compared to Thanet District. Average prices in Cliftonville West are 25% to 37% lower than those for Thanet as a whole.

Figure 13: Current house prices (Ward Level Analysis)

	Cliftonville West	Margate Central	Thanet District	Difference between Cliftonville West ward and Thanet District
1 bed prices (Flat)	£62,700	Not Available	£83,800	-25%
2 bed prices (Flat)	£92,000	£110,100	£145,900	-37%
2 bed prices (House)	£107,500	£130,900	£168,500	-36%
3 bed prices (House)	£155,000	£154,400	£209,800	-26%
4 bed Prices (House)	£200,700	£200,500	£272,300	-26%

Source: Hometrack, Orbit Housing

118. It is also to be expected that low demand for residential properties within the selective licensing area will be evidenced by rental values. The table below presents rents charged per month for Margate as a whole and for Thanet District. Margate is the lowest spatial area for which rental data is available from Hometrack. Rental values in Margate are lower than in Thanet as a whole. There is also very little difference between 30th percentile rents and median rents, suggesting that this is not a market under significant demand.

Figure 14: Monthly rental prices in Margate (CT9 Postcode Area) and Thanet District (May 2015)

Margate (CT9 Postcode Area)	1 bed	2 bed	3 bed	4 bed
Private - 30th Percentile	£375	£500	£670	£825
Private - 80% Median	£320	£440	£600	£715
Private - Median	£400	£545	£750	£895
Private - Upper Quartile	£445	£625	£800	£1,150
Thanet	1 bed	2 bed	3 bed	4 bed
Private - 30th Percentile	£400	£545	£700	£895
Private - 80% Median	£355	£475	£600	£780
Private - Median	£445	£595	£750	£975
Private - Upper Quartile	£495	£650	£825	£1,195

Source: Hometrack, Orbit Housing

Turnover

119. Transactions (house sales) in all areas of the UK fell sharply during the housing market downturn and, despite the recovery in house prices, they have not returned to the peak achieved in 2008. Sales in the selective licensing area only appear to have picked up in the last year (2014/15) though the rate of growth in sales is lagging behind Margate as a whole.
120. The table below shows that the volume of sales as a proportion of the housing stock is lower in the selective licensing area than in Margate as a whole and Thanet District. Just 3% of the housing stock is sold each year in the area, compared to 4% in Margate and Thanet. This indicates that ownership of property within the area is relatively stable, but this may reflect that the majority of property is owned by landlords rather than owner-occupiers. Landlords tend not to buy and sell as frequently; though turnover of tenants within these properties can be high.

Figure 15: Sales of residential properties in the selective licensing area over the last five years

	2010-11	2011-12	2012-13	2013-14	2014-15	% change over five years	Sales as a % of stock (2015)
Selective licensing area	72	73	50	78	104	+44%	3%
Margate (CT9 postcode area including selective licensing area)	479	519	514	650	841	+76%	4%
Thanet District	1,880	2,004	1,908	2,284	2,673	+42%	4%

Source: Land Registry

121. High turnover in the rented sector can be seen as an indicator of low housing demand and can also indicate that the population is transient and lacking stability. The presence of a large private rented sector, as evident in the selective licensing area, is itself likely to increase population turnover since most tenants are on assured shorthold tenancies and so it is much easier for tenants and landlords alike to end a tenancy.
122. Around 2,340 dwellings in the currently designated area are in the private rented sector. There are currently (as at end May 2015) 1,840 households claiming housing benefit within the area. With there only being a relatively small social rented sector (around 250), this suggests that a very high percentage of households in the private rented sector (more than 70%) are supported by housing benefit.
123. Housing benefit data shows that, in the last year, there were 996 changes of address amongst these claimants (see table below). Over half of the households (54%) living in the rented sector and supported by housing benefit moved home in one year. This is a higher level of turnover than the combined figure for the Cliftonville West and Margate Central wards (44% moved in the last year). Some households moved more than once so the number of unique households moving at least once in the year was 742. Nevertheless, this suggests a high turnover of tenants within the private rented sector in the area.

Figure 16: Households on Housing Benefit and moving property in the last year (2014-15).

Area	Number of households receiving housing benefit (HB)	Number of households receiving HB who moved within the rented sector in the last year	Percentage of households receiving HB who moved within the rented sector in the last year
Selective licensing area	1,840	996	54%
Margate Central and Cliftonville West wards	4,138	1,819	44%

Source: Thanet District Council (EK Services)

124. Census 2011 data also supports the assessment that the population of the selective licensing area is less stable than other areas. The Middle Layer Super Output Area (MLSOA), Thanet 001, covers the area, and other parts of Cliftonville West and Margate Central (but not the whole wards). In 2011, 72% of households in the MLSOA lived at the same address one year ago. This compares to 85% in Thanet as a whole and 86% in the South East and England.

Residential premises available to buy or rent

125. The table below shows the number of properties on the market in the selective licensing area and in Thanet District at the start of July 2015 (according to Rightmove).

Figure 17: Number of residential properties on the market to buy or rent (July 2015)

	For Sale		For Rent	
	Selective Licensing Area	Thanet District	Selective Licensing Area	Thanet District
All	123 (100%)	1,587 (100%)	31 (100%)	235 (100%)
Studio/1 bedroom	40 (33%)	270 (17%)	17 (55%)	118 (50%)
2 bedroom	59 (48%)	561 (35%)	14 (45%)	76 (32%)
3 bedroom	8 (7%)	329 (21%)	0 (0%)	26 (11%)
4 bedroom	5 (4%)	230 (14%)	0 (0%)	12 (5%)
5+ bedroom	11 (9%)	197 (12%)	0 (0%)	3 (1%)

Source: Rightmove (+/- 1% errors are present owing to rounding to the nearest whole %)

126. There is very little family sized accommodation available to buy or rent in the selective licensing area. Current sales and rentals are dominated by one and two-bedroom flats. Of the two-bedroom properties for sale at present, only one is a house.

127. The lack of availability of family sized properties, particularly houses, may be a factor in why households in work choose to rent in areas outside of Cliftonville. The lack of off-street parking in the proposed area may also be a factor. A poor reputation has also blighted the area in recent decades.
128. However, the evidence suggests there is not a particularly large number of rental properties on the market. It would seem, however, that benefit reliant tenants are fuelling demand for rental accommodation at the lower end of the market. With restricted choices, many such households may be accepting poor housing conditions, not by choice, but through necessity.

Empty properties

129. Areas with low housing demand are typically characterised by higher than average numbers of empty properties. While the number of empty homes in the selective licensing area has declined in recent years, the proportion of the housing stock standing empty remains high.
130. As of 14 April 2015, there were 1,883 empty homes in Thanet, according to Council Tax records. Compared to a total housing stock of 66,333, this represents 2.8% of all homes. Of these, 1,039 (1.6% of all homes) had been empty for longer than six months.
131. Of the 3363 homes in the selective licensing area, 228 were registered on 14 April 2015 as being empty. Empty homes therefore represent 6.8% of the total stock in the area, which is more than double the Thanet average. Of the 228 empty homes, 132 had been empty for longer than six months. As such, long-term empty homes account for 3.9% of the total stock in the selective licensing area. This is well over double the Thanet average of 1.6%.

Conclusion

132. Having considered a range of indicators, such as empty properties, property values, resident turnover, and the evidence presented below in respect of ASB, housing conditions, deprivation and crime, the council is of the opinion that the proposed area is suffering from low housing demand. As such, the council is satisfied that this legal test has been met.
133. A further selective licensing designation would, in combination with other measures the council is taking, lead to an improvement in the social and economic conditions in the proposed area.

Anti-social behaviour

134. This legal test is set out in section 80(6) of the Housing Act 2004. For an area to be designated under this section, the conditions are:
- (a) that the area is experiencing a significant and persistent problem caused by anti-social behaviour;*
- (b) that some or all of the private sector landlords who have let premises in the area (whether under leases or licences) are failing to take action to combat the problem that it would be appropriate for them to take; and*
- (c) that making a designation will, when combined with other measures taken in the area by the local housing authority, or by other persons together with the local housing authority, lead to a reduction in, or the elimination of, the problem.*
- “Private sector landlord” does not include a registered social landlord within the meaning of Part 1 of the Housing Act 1996 (c. 52).*

135. The following table shows the number of reported cases of anti-social behaviour in Thanet up to 31 March 2015. Anti-social behaviour is investigated by both the Police and the council's Community Safety Team.

Figure 18: Reported anti-social behaviour in Thanet

	Financial Year					
	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15
Number of ASB complaints made to the Police	10742	8412	7144	6212	5975	6082
Number of ASB complaints investigated by the council's Community Safety Team	740	354	519	710	703	462
Combined number of ASB complaints made to both the Police and the council	11482	8766	7663	6922	6678	6544

Source: Kent Police/Thanet District Council

136. The following table shows the number of reported cases of anti-social behaviour in the currently designated area up to 31 March 2015.

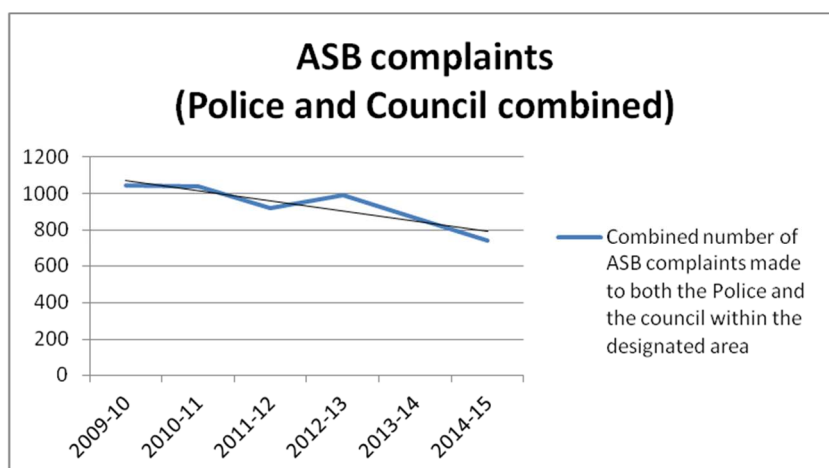
Figure 19: Reported anti-social behaviour in the currently designated area

	Financial Year					
	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15
Number of ASB complaints made to the Police	986	995	837	926	770	693
<i>Police ASB complaints as a % of Thanet total (Police only)</i>	9.2%	11.8%	11.7%	14.9%	12.9%	11.4%
Number of ASB complaints investigated by the council's Community Safety Team	55	45	81	64	99	48
<i>Council ASB complaints as a % of Thanet total (Council only)</i>	7.4%	12.7%	15.6%	9.0%	14.1%	10.4%
Combined number of ASB complaints made to both the Police and the council	1041	1040	918	990	869	741
<i>Combined number of Police and council ASB complaints as a % of Thanet total</i>	9.1%	11.9%	12.0%	14.3%	13.0%	11.3%

Source: Kent Police/Thanet District Council

137. The following chart shows the combined number of anti-social behaviour complaints made to both the Police and council in the currently designated area over the six-year period ending on 31 March 2015.

Figure 20: Anti-social behaviour in the currently designated area (six-year trend)



Source: Kent Police/Thanet District Council

138. Overall, the trend for reported ASB in the currently designated area is clearly downward, with the beginning of the decline coinciding with the start of selective licensing in 2011. Since the scheme began there has been a 28.7% reduction in ASB within the designated area.

139. The evidence suggests that selective licensing is contributing to a reduction in ASB. However, while encouraging, the number of ASB complaints made in the area remains disproportionate when compared to Thanet as a whole. In the 2014-2015 financial year, 11.3% of all Thanet's ASB complaints emanated from the designated area, yet residents only constitute 4.9% of the Thanet population.

Conclusion

140. With the area dominated by the private rented sector and suffering from more than double the average level of ASB, the council is of the opinion that the legal test for ASB has been met.
141. With continued multi-agency working arrangements with the Margate Task Force, a further selective licensing designation should contribute to a reduction in ASB levels.

Pre-qualification criteria

142. The four new tests or "sets of conditions" are set out in The Selective Licensing of Houses (Additional Conditions) (England) Order 2015 (SI 2015/977), hereinafter referred to as the "Order". However, before they can be applied, there are two initial legal tests that must first be met. They are set out in Article 3(1)(a) and (b), and are:
- (a) that the area contains a high proportion of properties in the private rented sector, in relation to the total number of properties in the area;*
- (b) that the properties referred to in sub-paragraph (a) are occupied either under assured tenancies or licences to occupy.*
143. According to the *English Housing Survey, Headline Report 2013-14* (published February 2015), 19% of all households in England were privately renting. According to the 2011 Census, the proportion of homes in the private rented sector in Thanet was higher at 23.78%.
144. Around 70% of all households are privately renting in the area proposed for designation. This is clearly a high proportion in comparison to the national and Thanet averages.
145. Through the existing scheme, the council has required a copy of the written statement of the terms of occupation used by each landlord at the licence application stage. Accordingly, the council is aware that almost every privately rented property in the proposed designated area is the subject of an assured shorthold tenancy agreement (AST).
146. In the council's opinion, the pre-qualification criteria have been met, and the four new sets of conditions may be applied if appropriate.

Housing conditions

147. This legal test is set out in Article 4 of the Order. For an area to be designated under this article (subject to Article 3), the conditions are:
- (a) that having carried out a review of housing conditions under section 3(1) of the [Housing Act] 2004 Act, the local housing authority considers it would be appropriate for a significant number of the properties referred to in article 3(1)(a) to be inspected, with a view to determining whether any category 1 or category 2 hazards exist on the premises;*
- (b) that the local housing authority intends to carry out such inspections as referred to in paragraph (a), with a view to carrying out any necessary enforcement action; and*
- (c) that making a designation will, when combined with other measures taken in the area by the local housing authority, or by other persons together with the local housing*

authority, including any licence conditions imposed under section 90 of the [Housing Act] 2004 Act, contribute to an improvement in general housing conditions in the area.

148. The council has long identified the proposed designated area as being an area of concern. As such, it has been under constant proactive review for some years. Various council and multi-agency initiatives, such as Operation Clean Sweep, Your Home Your Health, and Street Week (Margate Task Force) have proactively targeted the area and gathered street level data. Many inspections have been carried out and joint enforcement and engagement programmes undertaken. However, while housing conditions are gradually improving, there remains much still to be done.
149. Excluding housing complaints arising from the selective licensing routine inspection programme, the council received 755 complaints about housing conditions in the 2014-15 financial year. The following table breaks these down by ward.

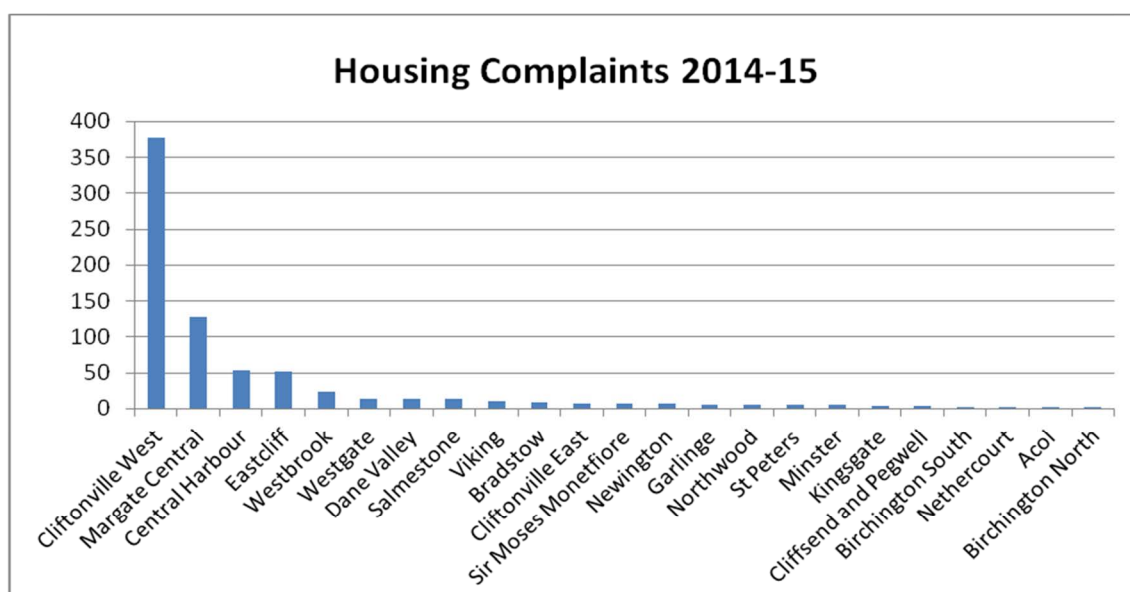
Figure 21: Housing complaints by ward (2014-15)

Electoral Ward	Housing Complaints	% of Total	Electoral Ward	Housing Complaints	% of Total
Cliftonville West	378	50.1	Newington	7	0.9
Margate Central	128	17.0	Garlinge	6	0.8
Central Harbour	53	7.0	Northwood	6	0.8
Eastcliff	52	6.9	St Peters	5	0.7
Westbrook	24	3.2	Minster	5	0.7
Westgate	14	1.9	Kingsgate	4	0.5
Dane Valley	14	1.9	Cliffsend and Pegwell	4	0.5
Salmestone	14	1.9	Birchington South	2	0.3
Viking	10	1.3	Nethercourt	2	0.3
Bradstow	9	1.2	Acol	2	0.3
Cliftonville East	8	1.1	Birchington North	1	0.1
Sir Moses Monestflore	7	0.9	THANET	755	100%

Source: Thanet District Council

150. With 67% of all housing complaints arising from Cliftonville West and Margate Central, it is clear that residents in these two wards experience the worst housing conditions in Thanet. The following chart acutely highlights the disproportionate nature of the housing problems.

Figure 22: Chart showing housing complaints by ward (2014-15)



Source: Thanet District Council

151. The council strongly believes that proactive inspections are key to improving housing conditions. As already highlighted above, the current selective licensing routine inspection programme has revealed a substantial number of housing issues, with around half (49%) of the 782 dwellings inspected containing category 1 or 2 hazards in need of remedial action.
152. While it has always been the intention to inspect as many licensed properties as possible by the end of the current scheme, only about half will be inspected. In addition to the delayed start owing to the judicial review and the high levels of enforcement action required, gaining access has been a time-consuming process. Experience has shown that the harder to access properties often contain some of the most vulnerable people living in some of the worst housing conditions.
153. With an additional 158 private rented properties in the proposed designated area, together with over 1,000 properties that will still be in need of inspection by the end of the current scheme, there would be scope for a significant number (circa. 1,200-1,300) to be inspected under a new designation. If a new designation were to be made, the council would make every effort to inspect these properties with a view to identifying and remedying any category 1 or 2 hazards and licensing breaches. Having regard to the evidence so far, a significant proportion of these properties will be in need of enforcement action to safeguard the health, safety and well-being of residents.
154. All current inspections are subject to a priority risk assessment. Once the initial phase of the inspection programme is completed, the council would revisit those already inspected on a worst-first basis.

Conclusion

155. Having reviewed the housing conditions in the proposed area, and in view of the proposal to continue its inspection programme, the council is of the opinion that the legal test for housing conditions has been met.
156. A further selective licensing designation would lead to an increased number of better managed and safer homes. This would contribute to an overall improvement in general housing conditions in the area.

Migration

157. This legal test is set out in Article 5 of the Order. For an area to be designated under this article (subject to Article 3), the conditions are:
 - (a) that the area has recently experienced or is experiencing an influx of migration into it;*
 - (b) that a significant number of the properties referred to in article 3(1)(a) are occupied by those migrants referred to in paragraph (a); and*
 - (c) that making a designation will, when combined with other measures taken in the area by the local housing authority, or by other persons together with the local housing authority, contribute to –*
 - (i) the preservation or improvement of the social or economic conditions in the area; and*
 - (ii) ensuring that the properties referred to in article 3(1)(a) are properly managed, and in particular, that overcrowding is prevented.*

Conclusion

158. Government guidance suggests that the migration test should relate to relatively recent increases in migration (say 15% over a 12 month period). Movement into the area is not a new phenomenon as higher than average levels of migration have been a theme

for some years. As such, the council does not propose to support a designation based on the migration test.

Deprivation

159. This legal test is set out in Article 6(1) of the Order. For an area to be designated under this article (subject to Article 3), the conditions are:
- (a) that the area is suffering from a high level of deprivation, which affects a significant number of the occupiers of properties referred to in article 3(1)(a); and*
 - (b) that making a designation will, when combined with other measures taken in the area by the local housing authority, or by other persons together with the local housing authority, contribute to a reduction in the level of deprivation in the area.*
160. Article 6(2) goes on to say:
- (2) In determining whether an area is suffering from a high level of deprivation, the local housing authority may have regard to the following factors in relation to the area –*
- (a) the employment status of adults;*
 - (b) the average income of households;*
 - (c) the health of households;*
 - (d) the availability and ease of access to education, training and other services for households;*
 - (e) housing conditions;*
 - (f) the physical environment; and*
 - (g) levels of crime.*

English Indices of Deprivation

161. The term deprivation covers a wide range of issues and refers to unmet needs caused by a lack of resources of all kinds, not just financial. The English Indices of Deprivation attempt to measure multiple deprivation by taking into account a range of factors, known as domains. The indices have identified seven distinct domains, namely:
- o Income;
 - o Employment;
 - o Health and Disability;
 - o Education Skills and Training;
 - o Barriers to Housing and Services;
 - o Living Environment;
 - o Crime.
162. Thirty-eight separate indicators, organised across the seven distinct domains are combined, using appropriate weights, to calculate the Index of Multiple Deprivation (IMD). This is an overall measure of multiple deprivation experienced by people living in a certain area.
163. For the purposes of the IMD, England has been broken down into 32,482 relatively similar areas known as Lower layer Super Output Areas (LSOAs). Each LSOA relates to a geographical area in which around 1500 people reside. The IMD ranks every LSOA in England according to its relative level of deprivation, with ranking 1 being the most deprived and 32,482 being the least deprived.
164. The most recent IMD is known as IMD 2010, which was published on 24 March 2011. This latest edition was based on the approach, structure and methodology used for the

two previous editions, IMD 2004 and IMD 2007, and as such is comparable. The next edition of the English Indices of Deprivation is due for publication in September 2015.

165. There are five LSOAs that are partially or wholly contained within the proposed designated area. Their rankings are shown in the table below:

Figure 23: IMD rankings by edition

LSOA Area Code	Approximate Location	IMD 2004 Ranking Total Count: 32,482	IMD 2007 Ranking Total Count: 32,482	IMD 2010 Ranking Total Count: 32,482
E01024678	Area around Trinity Square (Around a quarter of the LSOA is contained within the proposed designated area)	829	167	81
E01024657	Area around Ethelbert Road (This LSOA is substantially contained within the proposed designated area)	404	399	33
E01024658	Area around Sweyn Road (Around 60% of this LSOA is contained within the proposed designated area)	1416	631	595
E01024660	Area around Norfolk Road (This LSOA is wholly contained within the proposed designated area)	1777	670	339
E01024659	Area around Northdown Avenue (Only a small area of this LSOA is contained within the proposed designated area)	6482	5979	5608

Source: Office of the Deputy Prime Minister; Department for Communities and Local Government

166. The above table clearly shows that deprivation levels have deteriorated significantly in all five LSOAs between the comparable indices.
167. The LSOAs currently ranked 33 and 81 are within the 1% most deprived areas in England; those ranked 339 and 595 are within the 2% most deprived.
168. The following table illustrates the deprivation rankings at regional level. There are 84 LSOAs in Thanet, 1047 in Kent and 5319 in South-East England.

Figure 24: Regional IMD rankings by edition

LSOA Area Code	Approximate Location	Thanet Total Count: 84			Kent Total Count: 1047			SE England Total Count: 5319		
		2004	2007	2010	2004	2007	2010	2004	2007	2010
E01024678	Area around Trinity Square (Around a quarter of the LSOA is contained within the proposed designated area)	3	1	3	3	1	3	9	1	3
E01024657	Area around Ethelbert Road (This LSOA is substantially contained within the proposed designated area)	2	3	2	2	3	2	2	4	2
E01024658	Area around Sweyn Road (Around 60% of this LSOA is contained within the proposed designated area)	4	4	5	5	4	7	21	9	18
E01024660	Area around Norfolk Road (This LSOA is wholly contained within the proposed designated area)	5	5	4	6	5	4	27	11	11
E01024659	Area around Northdown Avenue (Only a small area of this LSOA is contained within the proposed designated area)	20	22	23	74	77	94	269	271	299

Source: Office of the Deputy Prime Minister; Department for Communities and Local Government

169. The above table shows that the area proposed for designation is one of the most deprived areas in South-East England.

Employment status

170. A high proportion of the resident population in Cliftonville West and Margate Central claim Job Seekers Allowance (JSA). The following table shows the number of claimants in all wards in Thanet as of April 2015. The percentage rate is the proportion of the resident population aged 16-64.

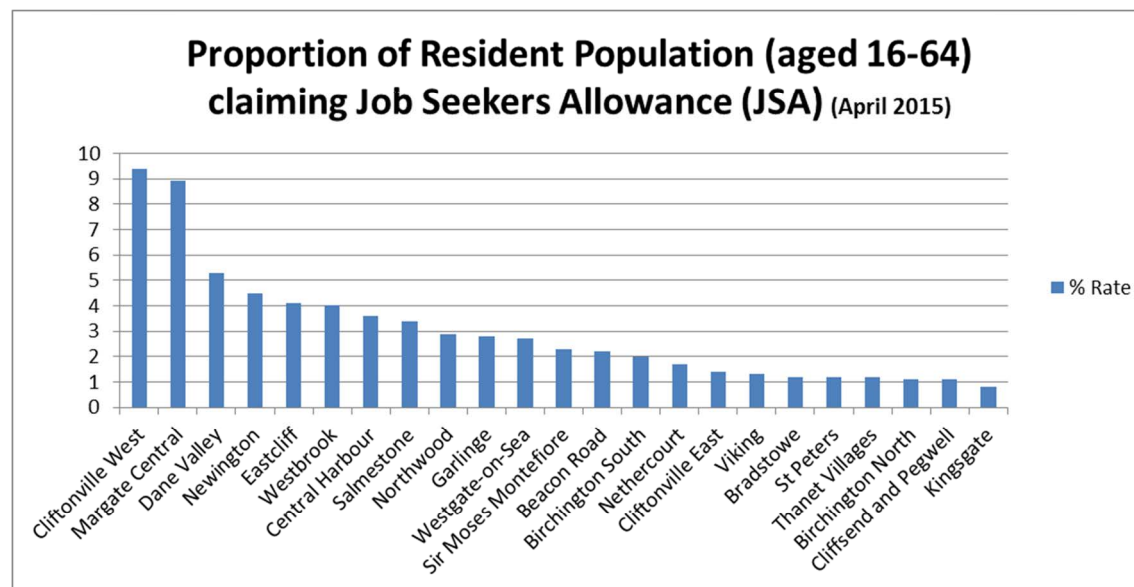
Figure 25: Resident population (aged 16-64) claiming JSA in Thanet by ward

Electoral Ward	Claimant Count	% Rate	Electoral Ward	Claimant Count	% Rate
Cliftonville West	545	9.4	Beacon Road	61	2.2
Margate Central	321	8.9	Birchington South	67	2.0
Dane Valley	242	5.3	Nethercourt	46	1.7
Newington	141	4.5	Cliftonville East	46	1.4
Eastcliff	209	4.1	Viking	54	1.3
Westbrook	106	4.0	Bradstowe	26	1.2
Central Harbour	193	3.6	St Peters	49	1.2
Salmestone	119	3.4	Thanet Villages	48	1.2
Northwood	113	2.9	Birchington North	20	1.1
Garlinge	85	2.8	Cliffsend and Pegwell	31	1.1
Westgate-on-Sea	117	2.7	Kingsgate	9	0.8
Sir Moses Montefiore	70	2.3	THANET	2,718	3.4

Source: Nomis

171. The following chart shows that the JSA claimant rates for Cliftonville West and Margate Central are significantly higher than the 3.4% Thanet average.

Figure 26: Proportion of resident population (aged 16-64) claiming JSA in Thanet by ward



Source: Nomis

Local Health Profiles

172. Public Health England publish online local health profiles for all electoral wards in England (www.localhealth.org.uk). The table below presents data that was accessed in June 2015 in respect of Cliftonville West. Information on a wide range of indicators is compared to the England average to highlight whether they are significantly worse than average, not significantly different from average, or significantly better than average.

Figure 27: Extract from local health profile for Cliftonville West (Public Health England)

Indicators	Cliftonville West	England Average	Compared to England Average
Income Deprivation (%)	39.6	14.7	▲
Low Birth Weight Births (%)	7.4	7.4	●
Child Poverty (%)	48.6	21.8	▲
Child Development at age 5 (%)	61.1	63.5	●
GCSE Achievement (5A*-C inc. Eng & Maths) (%)	38	58.8	▲
Unemployment (%)	16.1	3.8	▲
Long Term Unemployment (Rate/1,000 working age population)	56.6	10.1	▲
General Health - bad or very bad (%)	8.4	5.5	▲
General Health - very bad (%)	2	1.2	▲
Limiting long term illness or disability (%)	23.8	17.6	▲
Households with central heating (%)	95.4	97.3	▲
Overcrowding (%)	21.5	8.7	▲
Provision of 1 hour or more unpaid care per week (%)	8.3	10.2	●
Provision of 50 hours or more unpaid care per week (%)	2.7	2.4	●
Pensioners living alone (%)	37.4	31.5	▲
Older People in Deprivation (%)	41.7	18.1	▲
Obese Children (Reception Year) (%)	8.2	9.4	●
Children with excess weight (Reception Year) (%)	21.3	22.5	●
Obese Children (Year 6) (%)	20	19.1	●
Children with excess weight (Year 6) (%)	37.3	33.5	●
Children's and young people's admissions for injury (Crude rate/100,000 aged 0-17)	1544.4	1180.9	▲
Occasional smoker (modelled prevalence, age 11-15) (%)	1.3	1.5	●
Regular smoker (modelled prevalence, age 11-15) (%)	2.8	3.1	●
Occasional smoker (modelled prevalence, age 15) (%)	3.8	4	●
Regular smoker (modelled prevalence, age 15) (%)	8.4	8.7	●
Occasional smoker (modelled prevalence, age 16-17) (%)	5.6	5.9	●
Regular smoker (modelled prevalence, age 16-17) (%)	14.3	14.8	●
Deliveries to teenage mothers (%)	4.5	1.5	▲
Admissions for injuries in under 5s (Crude rate per 10,000)	209.5	139.6	▲
Emergency admissions in under 5s (Crude rate per 1000)	152.9	150	●
A&E attendances in under 5s (Crude rate per 1000)	718	509.5	▲
Obese adults (%)	26.9	24.1	●
Binge drinking adults (%)	16.8	20	●
Healthy eating adults (%)	23.2	28.7	●
Emergency hospital admissions for all causes (SAR)	147	100	▲
Emergency hospital admissions for CHD (SAR)	127.4	100	▲
Emergency hospital admissions for stroke (SAR)	113.4	100	●
Emergency hospital admissions for Myocardial Infarction (heart attack) (SAR)	110.3	100	●
Emergency hospital admissions for Chronic Obstructive Pulmonary Disease (COPD) (SAR)	156.7	100	▲
Incidence of all cancer (SIR)	111.5	100	●
Incidence of breast cancer (SIR)	91.7	100	●
Incidence of colorectal cancer (SIR)	108.5	100	●
Incidence of lung cancer (SIR)	131.2	100	●
Incidence of prostate cancer (SIR)	121.1	100	●
Hospital stays for self harm (SAR)	310.1	100	▲
Hospital stays for alcohol related harm (SAR)	165	100	▲
Emergency hospital admissions for hip fracture in 65+ (SAR)	165.9	100	▲
Elective hospital admissions for hip replacement (SAR)	84.2	100	●

CONSULTATION: Selective Licensing in Margate Central and Cliftonville West

Elective hospital admissions for knee replacement (SAR)	82	100	●
Life expectancy at birth for males (years)	70.6	78.9	▲
Life expectancy at birth for females (years)	78	82.8	▲
Deaths from all causes, all ages (SMR)	147	100	▲
Deaths from all causes, under 65 years (SMR)	225.9	100	▲
Deaths from all causes, under 75 years (SMR)	195.3	100	▲
Deaths from all cancer, all ages (SMR)	114.1	100	●
Deaths from all cancer, under 75 years (SMR)	115.5	100	●
Deaths from circulatory disease, all ages (SMR)	145.5	100	▲
Deaths from circulatory disease, under 75 years (SMR)	188.5	100	▲
Deaths from coronary heart disease, all ages (SMR)	145.1	100	▲
Deaths from coronary heart disease, under 75 years (SMR)	162.2	100	●
Deaths from stroke, all ages (SMR)	147.8	100	▲
Deaths from respiratory diseases, all ages (SMR)	153.1	100	▲

Key: ▲ Significantly worse than average; ● Not significantly different from average; ● Significantly better than average

Source: Public Health England

173. Of the 62 indicators provided by the local health profile, 32 are significantly worse than average, 29 are not significantly different from average, and only one was significantly better than average.

Conclusion

174. There are clearly significant deprivation problems existing in the area proposed for designation and as the private rented sector is the dominant tenure at 70%, there can be no doubt that residents in this sector are affected. Therefore, taking this into account, the council is of the opinion that the legal test for deprivation has been met.
175. As housing and health are inextricably linked, better managed and safer housing will contribute to improved health outcomes for residents. This will help tackle inequalities in health. Poor housing conditions and overcrowding are also linked to poor educational achievement. Selective licensing can help by limiting occupancy levels and ensuring that homes are maintained in a safe condition. In general terms, the life chances of residents living in the area will be increased as the social and economic conditions continue to improve. A further selective licensing designation should therefore contribute to a reduction in deprivation levels.

Crime

176. This legal test is set out in Article 7 of the Order. For an area to be designated under this article (subject to Article 3), the conditions are:
- (a) *that the area suffers from high levels of crime;*
 - (b) *that the criminal activity affects those living in the properties referred to in article 3(1)(a), or other households and businesses in the area; and*
 - (c) *that making a designation will, when combined with other measures taken in the area by the local housing authority, other persons together with the local housing authority or by the police, contribute to a reduction in the levels of crime in the area, for the benefit of those living in the area.*
177. The following table shows the number of reported crimes in Thanet and the currently designated area up to 31 March 2015.

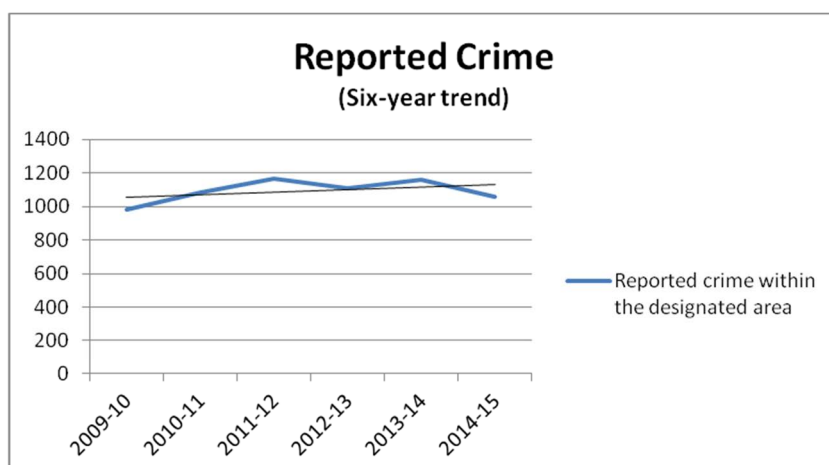
Table 28: Crime in Thanet and the currently designated area

	Financial Year					
	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15
Reported crime in Thanet	10,783	10,658	10,560	9,945	11,971	11,708
Reported crime in the currently designated selective licensing area	983	1,084	1,164	1,110	1,158	1,059
<i>Reported crime in the currently designated selective licensing area as a % of Thanet total</i>	9.1%	10.2%	11.0%	11.2%	9.7%	9.0%

Source: Kent Police

178. The following chart shows the number of reported crimes in the currently designated area over the six-year period ending on 31 March 2015.

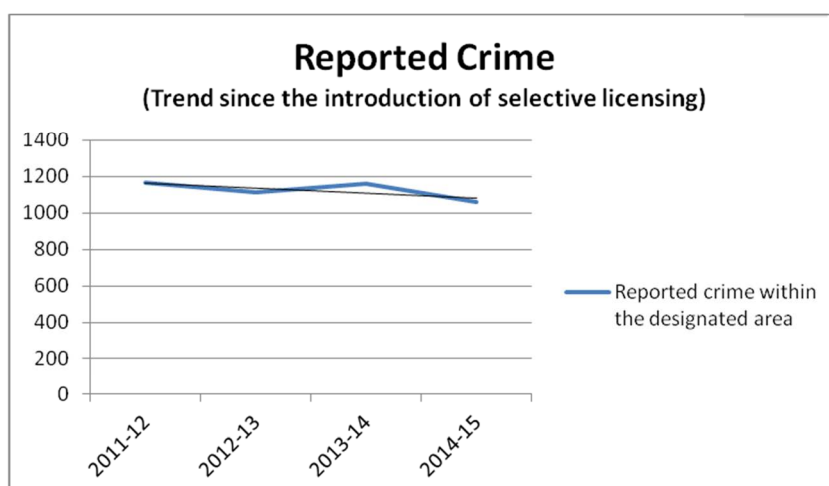
Figure 29: Six-year crime trend in currently designated area



Source: Kent Police

179. Over the six-year period from 2009-10 to 2014-15, the trend for reported crime in the currently designated area was marginally upward. However, since 2011-12, the financial year in which selective licensing began, the trend is marginally downward, as can be seen in the following chart.

Figure 30: Crime trend in currently designated area since 2011-12



Source: Kent Police

180. Reported crime in the currently designated area remains disproportionate when compared to Thanet as a whole. The residents in the currently designated area constitute 4.9% of the population of Thanet; whereas, reported crime in the area accounts for 9.0% of all Thanet crime (2014-2015).

Conclusion

181. With the area dominated by the private rented sector and suffering from higher than average levels of crime, the council is of the opinion that the legal test for crime has been met.
182. With continued multi-agency working arrangements with the Margate Task Force, a further selective licensing designation should contribute to a reduction in crime levels.

Chapter 5: Complementary initiatives

Strategic approach to regeneration

183. Selective licensing alone cannot guarantee wholesale regeneration in the designated area. It can only be part of the solution. Although there are many issues of concern, some of which will never be controllable at a local level, the council and its partners recognise that a holistic and joined-up response can achieve beneficial outcomes for the community in Margate. Therefore, other measures are being taken to contribute to an overall improvement in the Cliftonville area. The key measures are outlined below.

Live Margate

184. To support the wider regeneration of Margate, the council has embarked on a long term initiative to improve living conditions in the two electoral wards of Margate Central and Cliftonville West. The Live Margate initiative is made up of three important areas of work. These are:
 - Selective Licensing
 - Housing Intervention Project
 - Margate Task Force

Housing Intervention Project

185. The council has purchased a number of properties in the two electoral wards. These properties have been identified as problematic or potentially problematic, and purchases have included large houses in multiple occupation (HMOs) that had previously provided poor quality living accommodation. Most were empty and/or eyesore properties, and some had been associated with anti-social behaviour.
186. The project aims to bring these properties back into use as good quality family homes, where families can flourish and enjoy the benefits of well-maintained accommodation. This will help balance the communities in this area of Margate, where for many years the primary offer has been low quality small flats and bedsits.
187. It is hoped that the improvements being made will create a ripple effect, which will help to restore community pride and bring about private investment in the vicinity of converted and renovated properties.
188. The newly created homes are being retained by the council and offered to families in housing need. They will be managed by East Kent Housing on behalf of the council, where significant management support is in place to deal with any anti-social behaviour, should it ever arise.

Margate Task Force

189. The Margate Task Force is a multi-agency initiative that was set up to tackle the multi-faceted problems faced in the two electoral wards of Margate Central and Cliftonville West.
190. Fourteen agencies and groups are co-located in the main council offices in Margate, including the Police, Kent Fire & Rescue, Kent County Council and the NHS. The team commenced co-location in February 2012 and is operational, in that it has officers on the ground on a daily basis that can respond to a whole range of issues to deliver a joined-up response to the needs of the community.

191. The private rented sector is recognised as being at the heart of many of the problems experienced in the two wards. Selective licensing activities are therefore closely related to the work undertaken by the Task Force. Both initiatives support each other and joint working arrangements are contributing to shared successes.
192. In particular, the Task Force is key to providing a coordinated multi-agency response to anti-social behaviour. Based in the same building, the Police, Community Safety Officers and selective licensing staff all work together to respond quickly to problems as they arise. Selective licensing increases the options for resolution.

Empty homes intervention

193. The council has a proactive approach to reducing the number of empty homes in the Cliftonville area by taking a range of informal and formal actions to bring empty homes back into use. Council intervention is helping to increase housing supply and reduce the negative environmental and economic effects associated with empty properties.
194. The following table shows how many empty homes have been brought back into use within the currently designated area, as a consequence of some form of council intervention.

Figure 31: Empty homes brought back into use following council intervention

	Financial Year				
	2011-12	2012-13	2013-14	2014-15	Total
Number of empty homes brought back into use within the designated area following council intervention	58	51	13	20	142

Source: Thanet District Council

195. The above table shows that in the four year period since selective licensing was introduced, council intervention has helped bring 142 homes back into use. This represents 4.2% of the total housing stock in the currently designated area.
196. Despite these successes, there is still more than double the average number of empty homes in the area. Further council intervention is therefore needed as part of the coordinated response to the challenges faced in Cliftonville.

Landlord accreditation

197. The council is a partner authority which supports and promotes the Kent Landlord Accreditation Scheme, which is part of the UK Landlord Accreditation Partnership (UKLAP). The scheme aims to recognise good landlords and agents who have the skills needed to run a successful rental business and provide good quality and safe accommodation. An individual, partnership or company can become accredited. Since the scheme was launched over 150 landlords and agents who own or manage properties in the district have become members.
198. To become accredited, applicants must undertake a one-day training course and sign up to a code of conduct. Accreditation requires renewal every five years.
199. To encourage scheme participation, the council offers discounts on selective licensing fees for accredited landlords and for landlords who use accredited agents who agree to be bound by selective licensing conditions. This led to significant increase in membership in the period between 2011 and 2012.
200. The council acknowledges that voluntary accreditation has its limitations when trying to tackle non-compliant landlords. However, it wholly supports landlord accreditation and strongly believes that it can, through education and support, encourage landlords to offer a better service to their tenants.

Landlord Liaison Service (Homeless prevention)

201. In 2013, the council introduced a Landlord Liaison Service to provide a proactive approach to preventing homelessness. Landlord Liaison Officers work with landlords and tenants who are already in privately rented homes or who are looking to find homes in this sector.
202. The main aims of the service are to prevent households from becoming homeless by:
 - Early intervention;
 - Building stronger working relationships with landlords and letting agents;
 - Mediating between tenants, landlords and agents;
 - Securing accommodation in the private rented sector for households that are either homeless or in threat of homelessness;
 - Supporting vulnerable households;
 - Signposting households to other local support services.
203. The service also offers incentives for landlords. The newly launched Help to Move Scheme offers landlords the reassurance of tenant referencing, a favourable non-cash deposit that can be claimed against at the end of the tenancy for arrears, damage or loss, and support for both landlords and tenants throughout the tenancy.
204. Landlord Liaison Officers, selective licensing staff and the Margate Task Force routinely work together to prevent homelessness whenever possible. Joint working also ensures that only properly licensed premises are considered when securing accommodation in the private rented sector.
205. Selective licensing provides tenants with additional protection from eviction. A landlord may not serve a notice to quit under section 21 of the Housing 1988 in respect of an unlicensed dwelling. This ensures that selective licensing does not, for whatever reason, contribute to unnecessary evictions. It also helps to prevent retaliatory evictions in the event that a tenant approaches the council about poor housing conditions and the property is found to be unlicensed.

Tenant Referencing Scheme

206. To support the introduction of selective licensing, the council and Kent Police launched a tenant referencing scheme to help landlords and agents comply with their licence conditions.
207. Prospective tenants can apply to the council for a tenant reference card. Upon application, the council will make a series of checks with various council departments and the Police to identify whether there is any relevant history that would be of interest to a prospective landlord.
208. While exact information is not revealed, tenants receive a card, which is credit card sized, that shows four boxes. Each box represents a category:
 - Credit/debt history
 - Criminal activity
 - ASB/nuisance
 - Tenancy breaches/refusals
209. Each box is coloured using a traffic light approach, green, amber or red, to indicate the applicants rating.
210. While many landlords and agents choose to use other means of referencing, this scheme can provide additional information that would otherwise be unavailable.

211. The scheme aims to help landlords make informed choices and find suitable tenants for their properties. If a further selective licensing designation is made, the council would continue to operate the scheme, free of charge.

Waste enforcement

212. Waste management problems are a significant issue in Cliftonville, often cited by residents as one of their main concerns. Street Scene Enforcement Officers responsible for waste enforcement and selective licensing staff liaise closely to provide a coordinated response to waste issues as they arise. While selective licensing conditions cannot deal with every waste problem, there are situations in which they can provide an effective means of achieving a successful outcome.
213. The financial penalties associated with selective licensing tend to be more significant than traditional waste enforcement notices; as such, joint enforcement activities can be more persuasive and lead to quicker resolutions.

Dalby Square Townscape Heritage Initiative

214. The Dalby Square, Cliftonville, Townscape Heritage Initiative (THI) Grant Scheme officially started in January 2013, having been successful in a Stage II bid to the Heritage Lottery Fund (HLF). It is funded 75% by the HLF with 25% match funding from the council.
215. The THI grant scheme will run for five years, until December 2017. The objectives are:
- To raise awareness of the value and quality of the historic built environment;
 - To promote the repair of historic buildings in the Conservation Area using appropriate materials, detailing and workmanship;
 - To set an example of good practice in building conservation;
 - To reinforce an area's unique identity;
 - To help change residents' and visitors' perceptions of the area.
216. The THI applies to Dalby Square, Dalby Road and Arthur Road. Grants are available to assist with building repairs, reinstatement of historical architectural details, bringing vacant floor space within historical buildings back into use, and public realm work.
217. The three roads concerned are at the heart of the selective licensing area and so this initiative further enhances the prospects for housing regeneration.

Cliftonville Development Plan Document

218. This document sets out planning policies to redress factors, including the preponderance of small low quality flats, bed-sits, and non-self-contained accommodation which have served to fuel a cycle of deprivation and transience in the area. It was adopted in 2010 and its policies apply to an area that is very similar to that covered by the proposed selective licensing designation. The objectives of the Cliftonville Development Plan Document (CDPD) are:
- To contribute towards a more balanced pattern of types, sizes and tenures of residential properties in the area, reducing the transient nature of residents, by curtailing the development of small, low quality flats and bedsits;
 - To retain or increase the proportion of family houses in the area;
 - To help to attract long term commitments from families and individuals who will invest in high quality accommodation;
 - To encourage and stimulate quality tourist accommodation back to the area;

- To mitigate the impact of new development on the demand for on-street car parking.
- 219. The CDPD includes a number of planning policies which promote the retention of family sized homes and restricts the further provision of one bedroom flats, bed-sits and non-self-contained accommodation (HMOs) in the area.
- 220. This planning-based intervention is an important aspect of the council's wider regeneration activities. It prevents further imbalances of the housing stock from occurring.

Emerging Local Plan Policy

221. A new Local Plan is in preparation, which will set out planning policies for the entire district. Alongside the policies already included in the Cliftonville Development Plan Document, the draft Local Plan signifies the expectation that within the Cliftonville West and Margate Central wards proposals to provide residential accommodation must demonstrate compatibility with following objectives:
 - Improving poor quality homes;
 - Increasing the number of family homes;
 - Creating mixed settled communities where families and individuals will want to live; and
 - Improving the urban fabric or street scene and environment.

Chapter 6: How to make comments on this proposal

How to make representations

222. To respond to the public consultation, go online at www.thanet.gov.uk and complete the online survey.
223. Alternatively, written responses may be made to:
- Freepost RTKH-XSAU-LLJG
Thanet District Council
Selective Licensing
PO Box 9
Margate
CT9 1XZ
- Or by email: consultation@thanet.gov.uk
224. If you have a query which has not been addressed by this consultation document, please call 01843 577437 and an officer will be able to help.
225. The public consultation will be open from Monday 17 August 2015 to Monday 26 October 2015 inclusive.

Consultation methods

226. We will consult on this selective licensing proposal in the following ways:

Direct mailings by letter

227. A letter explaining the proposal and inviting responses will be sent to:
- Property owners in the proposed area, both freehold and leasehold;
 - Current selective licence holders and named managers;
 - Addresses in the proposed area, both residential and commercial;
 - Residents and businesses in roads surrounding the proposed area;
 - All known letting/managing agents operating in Thanet.
228. Persons receiving a direct mailing will be encouraged to respond online, but the option to make a response via a freepost address will be available.
229. Direct mailing will ensure that all landlords, owner-occupiers, residents and local businesses, in and around the proposed area, will be individually contacted.

Public and social media

230. The consultation will be fully publicised on the council's website at www.thanet.gov.uk, where online responses can be made. This document will also be available to download as a pdf document.
231. Advertisements will be placed in local papers during the consultation period, and press releases will be issued.
232. The council's Twitter and Facebook accounts will also publicise details of the consultation:



@ThanetCouncil



ThanetDistrictCouncil

Thanet Landlords' Focus Group

233. The council formed the Thanet Landlords' Focus Group in collaboration with landlord representatives in 2008. The group meets three times a year and is made up of 14 landlords and managing agents who own or manage residential properties in the Thanet area. The primary aim of the group is to increase the level of understanding and communication between the council and local private sector landlords and managing agents.
234. All members of the group will be consulted via their usual email addresses.

Landlord associations

235. The following landlord associations will be consulted directly by email:
- National Landlords Association (NLA);
 - Residential Landlords Association (RLA); and
 - Southern Landlords Association (SLA).

Thanet District Council Members

236. All Members of the council will be consulted via their official email addresses.
237. The Deputy Leader and Cabinet Member for Community Services and the Ward Councillors for Cliftonville West and Margate Central will be invited to a briefing session at the beginning of the consultation.
238. The Overview and Scrutiny Panel will also be consulted via direct email to the Chair.

Thanet District Council/EK Services staff

239. All relevant council/EK Services staff will be consulted directly via email. Teams working closely with selective licensing, or have the potential to be affected by the proposal, will be invited to a briefing session at the beginning of the consultation.
240. All staff will be able to find out more about the proposal at a staff drop-in session, which will be held in the first week of the consultation.

Margate Task Force

241. The Margate Task Force Lead Officer, currently a senior Kent Police Officer, will be consulted directly by email. Consultation through the Margate Task Force will ensure that the 14 partner agencies working in the area will be consulted directly, e.g. Kent Police, Kent Fire & Rescue Service, Kent County Council, the NHS, DWP, UK Border Agency, etc.

Members of Parliament (MPs)

242. The Members of Parliament for both the North and South Thanet constituencies will be consulted directly by email.

Local community groups

243. Relevant local community groups will be consulted by the most appropriate means. The initially identified groups include:
- ABC – A Better Cliftonville;
 - Cliftonville and Margate Futures Group;
 - Cliftonville Partnership;
 - Cliftonville Residents Action Group;
 - Cliftonville Residents Association;

- Dalby Square Resident Group;
- Edgar Road Residents Association;
- Gordon Road Area Street Scheme; and
- Pioneer Properties Margate.

Other stakeholders

244. Other stakeholders will be consulted by the most appropriate means. The initially identified stakeholders include:

- Age UK Thanet;
- Amicus Horizon;
- Citizens Advice Bureau (CAB);
- Cliftonville Community Centre;
- East Kent Mencap;
- Jewish Community Housing Association;
- KCA (Drug, Alcohol and Mental Health Services);
- London Borough of Hillingdon;
- Orbit South;
- Porchlight;
- Riverside Group;
- Sanctuary Housing;
- Shelter;
- St. Paul's Church;
- Southern Housing Group;
- Thanet Community Networks;
- The Bethesda Medical Centre;
- The Limes Medical Centre;
- Town & Country Housing Group;
- Turning Point.

Landlord drop-in sessions

245. The council will hold two bookable drop-in sessions specifically for landlords and letting/managing agents. Appointments must be booked in advance by calling 01843 577437. Both sessions will be held at the council offices in Margate. The dates are:

- Afternoon session: Tuesday 01 September 2015, between 2pm and 5pm;
- Evening session: Thursday 24 September 2015, between 5pm and 8pm.

Public open day

246. A public open day will be held on Tuesday 06 October 2015. Feel free to call in at any time between 10am and 4pm at St. Anne's Church Hall, Devonshire Gardens, Cliftonville, Margate, Kent, CT9 3AF.

247. No appointments are necessary and everyone will be welcome. Council officers will be on hand to answer any questions about the selective licensing proposal.

Street signage

248. Public notices publicising the consultation will be fixed to lamp posts in and around the proposed area for the duration of the 10 week consultation.

Access to paper copies of this consultation document

249. Copies of this proposal and associated leaflets will be available to view at Thanet Gateway Plus and Cliftonville Library for the duration of the consultation. Both locations have internet facilities for public use, which will enable you to complete the online survey.

Thanet Gateway Plus

Cecil Street, Margate, CT9 1RE
Telephone: 01843 577000

Opening times:

Monday:	9am – 6pm
Tuesday:	9am – 6pm
Wednesday:	9am – 6pm
Thursday:	9am – 8pm
Friday:	9am – 6pm
Saturday:	9am – 5pm
Sunday:	Closed

Cliftonville Library

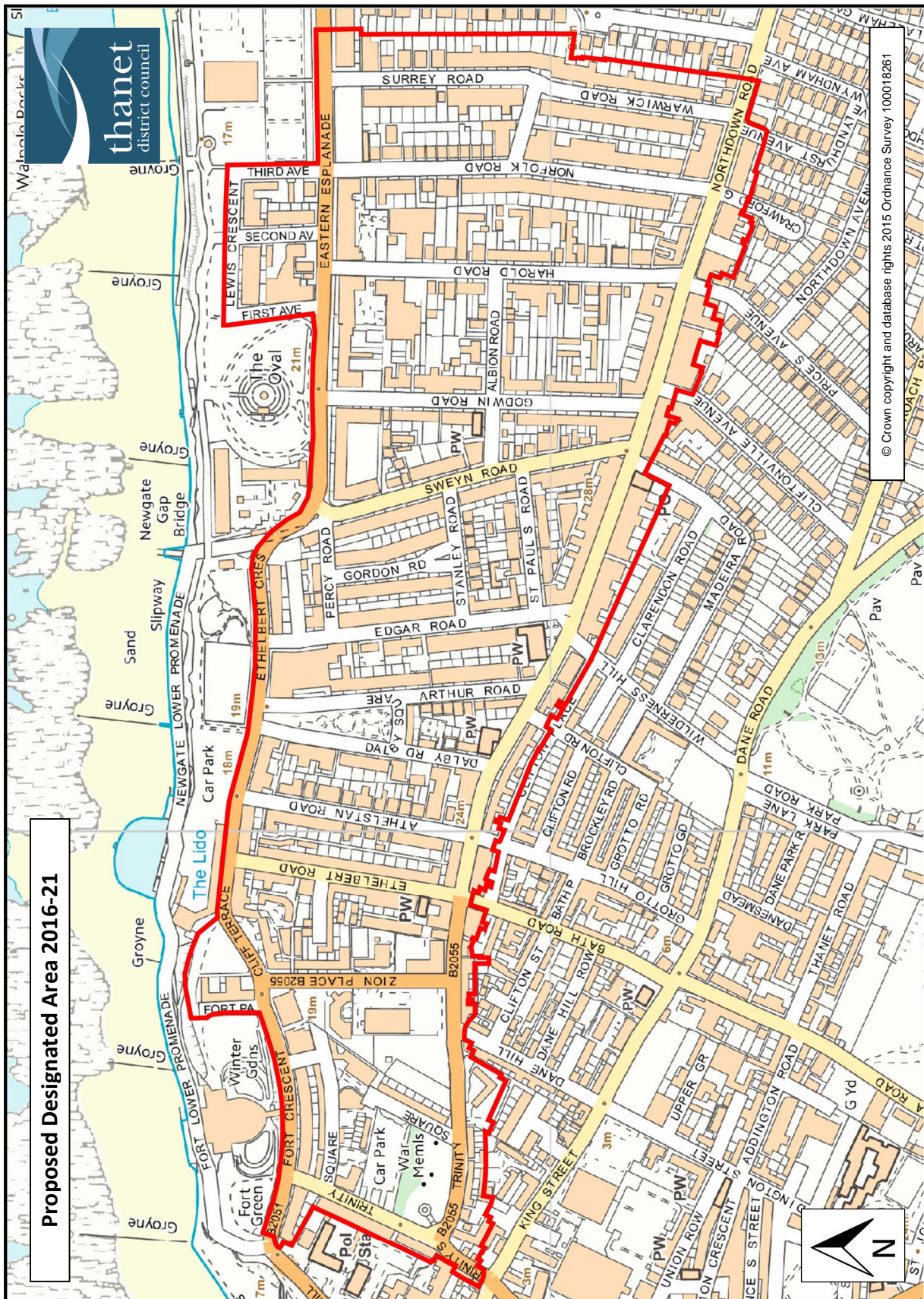
Queen Elizabeth Avenue, Margate, CT9 3JX
Telephone: 03000 413131

Opening times:

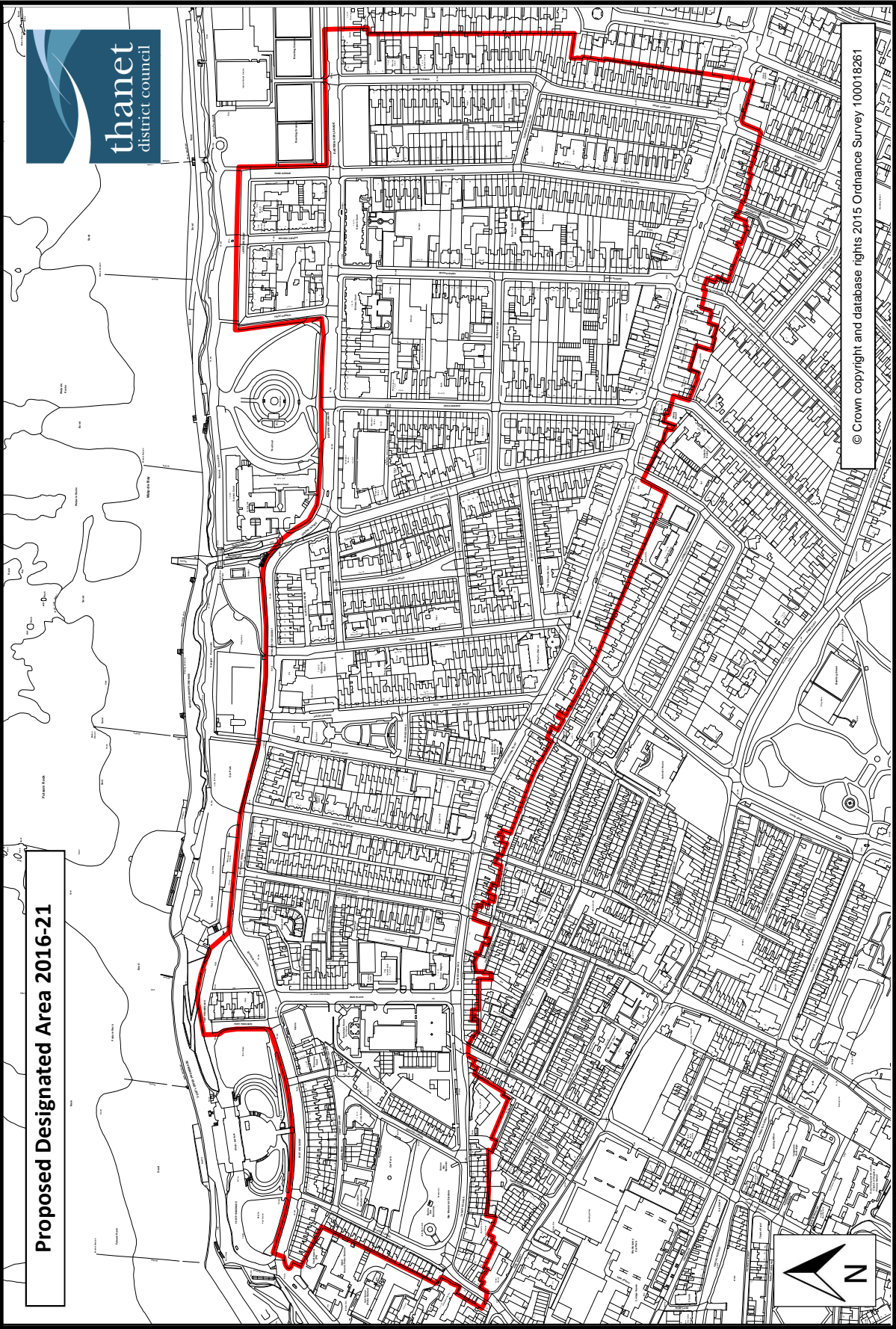
Monday:	9am – 6pm
Tuesday:	9am – 6pm
Wednesday:	Closed
Thursday:	9am – 6pm
Friday:	9am – 6pm
Saturday:	10am – 2pm
Sunday:	Closed

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Large map



Detailed map



Roads affected by the proposed designation

Street Names
Albion Road
Arthur Road
Athelstan Road
Cliff Terrace
Cliftonville Mews
Cumberland Road
Dalby Road
Dalby Square
Eastern Esplanade (Odd No's 1-85 and Even No's 2-12, 78 and 80)
Edgar Road
Edgar Walk
Ethelbert Crescent
Ethelbert Gardens
Ethelbert Road
Ethelbert Terrace
First Avenue
Fort Crescent
Fort Paragon
Godwin Bungalows
Godwin Road
Gordon Road
Harold Road
Lewis Crescent
Norfolk Road
Northdown Road (Odd No's 1-253 and Even No's 2-290)
Percy Road
Queens Parade
Randolph Square
Sandhurst Place
Sandown Cottages
Second Avenue
St Paul's Mews
St Paul's Road
Stanley Road
Surrey Road
Sweyn Road
The Passage
Third Avenue
Trinity Square (No's 1-94)
Warwick Road
Zion Place

Every attempt has been made to ensure that this list is as comprehensive as possible; however, the proposed designation is based on the geographical area delineated by the red line on the proposed designation map. The map overrides this list and is final and conclusive as to whether a property would or would not be subject to selective licensing should the designation be made.

03/12

If you would like a copy of this document in a different format such as Braille, audio or large print, or in another language please call
01843 577165

Annex B – Equality Impact and Customer Needs Analysis

Equality Impact & Customer Needs Analysis (EICNA)



Title	PROPOSAL TO MAKE A FURTHER SELECTIVE LICENSING DESIGNATION
Service, Portfolio & Ward	Housing Services, Community Services Parts of Margate Central and Cliftonville West
Date of review	18 November 2015
Review team	Report by: Louise Ritchings, Housing Licensing Officer Reviewed by: Richard Hopkins, Housing Regeneration Team Leader

Summary

The purpose of this review is to consider the equality implications of a further selective licensing designation in Cliftonville.

Headlines

- Thanet District Council (the council) is proposing to designate certain parts of Margate Central and Cliftonville West as a selective licensing area from 21 April 2016.
- A similar area is already subject to a selective licensing designation, which is due to expire on 20 April 2016.
- Unless subject to exemption, all privately rented properties within a designated area must be licensed with the council.
- Selective licensing requires landlords to comply with a range of conditions to ensure good property management.
- The proposed area suffers from a wide range of entrenched problems and high levels of deprivation.
- Around 70% of accommodation within the proposed designation is in the private rented sector.
- Selective licensing is part of the council's wider regeneration activities in Margate.
- A comprehensive public consultation was open from 17 August 2015 to 26 October 2015 which revealed a high level of public support for a further designation.
- The proposed designation would have a positive impact in respect of the Public Sector Equality Duty.
- Positive impacts have been identified when considering the protected characteristics of Age, Race and Disability.
- A further designation would have a neutral impact when considering the protected characteristics of sexual orientation, sex, religion, gender reassignment, pregnancy and maternity and marriage and civil partnership.

1.0 Introduction & background

A local housing authority (LHA) has the discretionary power to designate an area for the purposes of selective licensing if certain legal tests are met. A selective licensing area concerning parts of Margate Central and Cliftonville West came into force on 21 April 2011. Unless subject to exemption, all privately rented properties within the area must be licensed with the council. Selective licensing was introduced to help tackle low housing demand and anti-social behaviour, and is part of the council's wider regeneration

activities in Margate. The scheme requires landlords to comply with a range of conditions to ensure good property management.

The current selective licensing scheme has resulted in improvements in management standards and housing conditions and has contributed to wider benefits such as a reduction in anti-social behaviour. The council is proposing to designate a further selective licensing area which is substantially similar to that already subject to a designation under section 80 of the Housing Act 2004.

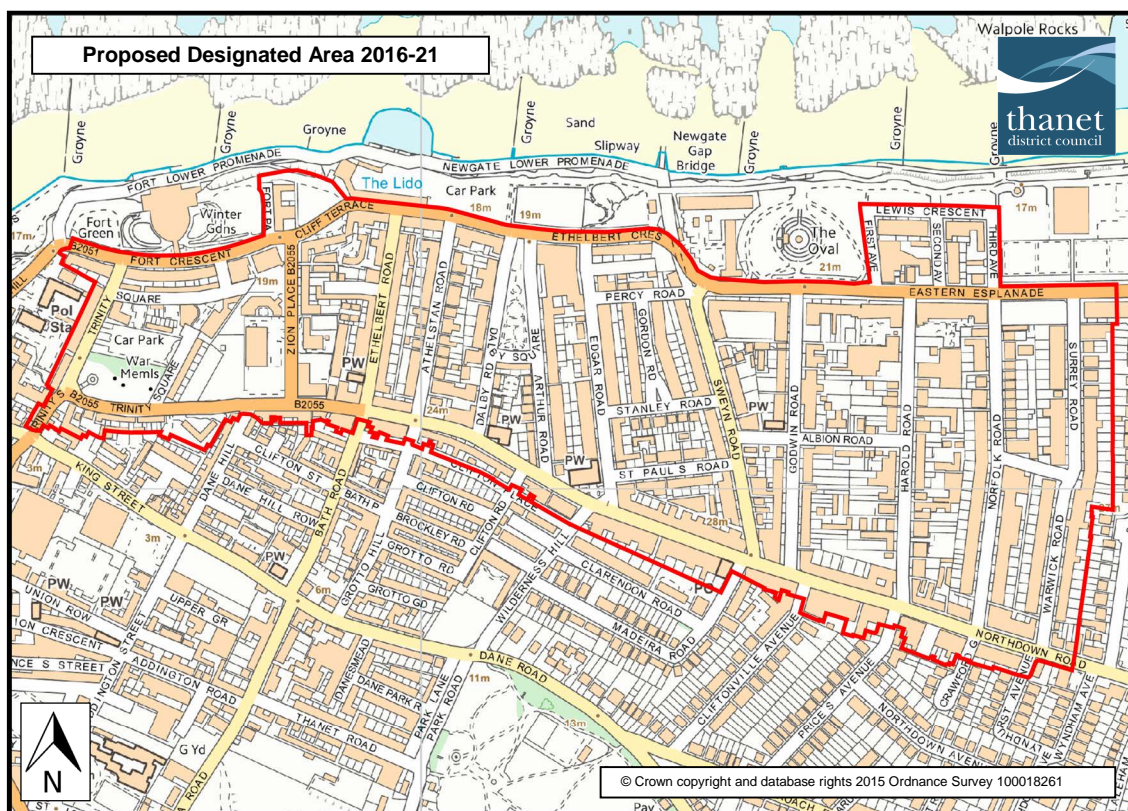
Whilst the current scheme has been successful in improving management standards and housing conditions, the proposed area continues to suffer from a wide range of entrenched problems including high levels of crime, anti-social behaviour and deprivation, low housing demand, and poor housing conditions. Selective licensing provides additional powers to help the council tackle these issues. It is proposed that a new designation would begin on 21 April 2016 and last for five years.

2.0 The Current Situation

At a council meeting on 30 July 2015, the council's Cabinet agreed to proceed with a public consultation on a further selective licensing designation.

The public consultation opened on 17 August 2015 and closed on 26 October 2015. The aim of the consultation was to ascertain public opinion before a final decision is made as to whether to make a further selective licensing designation.

A map showing the proposed selective licensing designation, as subject to the 10 week public consultation, is shown below.



2.1 Data Sources

Demographic Data (top level data)

According to the 2013 mid-year population estimates from the Office of National Statistics (ONS), Thanet has a population of approximately 136,800. The statistics show that the population includes 31,000 residents aged 65+, 81,000 residents aged 16-64 and 26,000 children aged between 0-15. According to the 2011 Census there are a total of 14,151 households living in the private rented sector in Thanet.

The 2011 Census reports that 122,657 of Thanet residents were born in the UK. Some 1,629 people have been resident in the UK for less than two years; 2,036 have been resident in the UK for two years or more but less than five years; 2,252 have been resident in the UK for five years or more but less than ten years, and 5,612 have been resident in the UK for ten years or more.

The 2011 Census provides data on the number of Thanet households that do not have English as a main language. There are 1,694 households in which nobody has English as a main language, and a further 232 households where no person aged 16 and over has English as a main language (but at least one person aged 3 to 15 does). Language barriers can prevent residents accessing appropriate services.

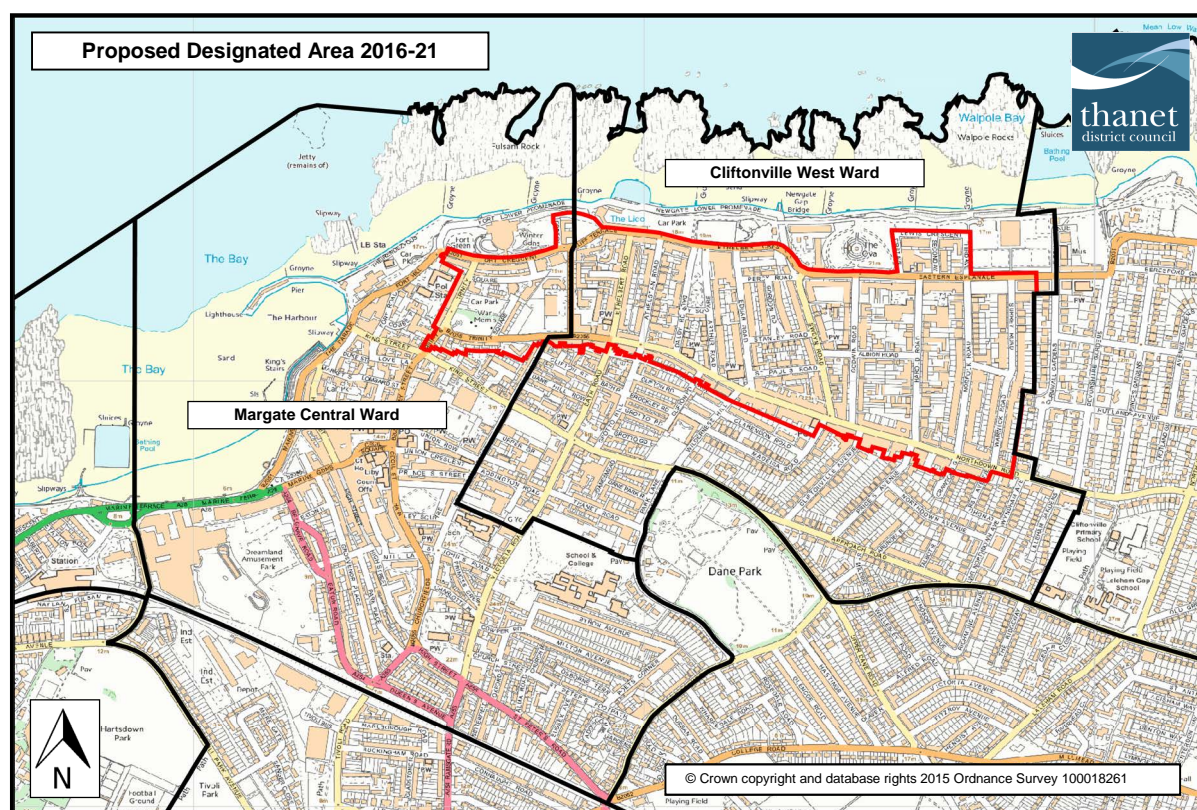
Statistics from the Department for Work & Pensions (DWP) provide information on the health profile of Thanet. As of February 2015, there were a total of 15,448 disability benefit claimants in Thanet. Disability benefits include Disability Living Allowance, Personal Independence Payments and Attendance Allowance. Thanet has 11,089 residents that are in receipt of disability benefits as a result of a physical disability. There are 2,487 disability claimants that are claiming as a result of a mental health condition and 1,730 claims are as a result of learning difficulties.

Ward Data

The proposed designated area covers parts of the electoral wards of Margate Central and Cliftonville West. As around 70% of dwellings are in the private rented sector (national average is 19%), the majority of homes are affected by the designation.

The 2013 mid-year estimates from the ONS suggest that Cliftonville West has a population of 9,530, whilst Margate Central is home to approximately 5,600 residents.

Below is a map showing the proposed selective licensing designation in relation to the two electoral wards of Margate Central and Cliftonville West.



The proposed area suffers from a wide range of entrenched problems that arose out of many years of socio-economic change. The English Indices of Deprivation (IMD) attempt to measure multiple deprivation by taking into account a range of factors including, health and disability, barriers to housing and services, living environment and crime. For the purposes of the IMD, England has been broken down into 32,844 relatively similar areas known as Lower-layer Super Output Areas (LSOAs). The most recent edition of the

IMD, which was published on 30 September 2015, clearly shows that the area suffers from high levels of deprivation.

There are 84 LSOAs in Thanet. Five are partially contained within the proposed designated area. Their rankings (out of 32,844) are shown in the table below:

IMD rankings by edition

LSOA Area Code	Approximate Location	IMD 2004 Ranking Total Count: 32,482	IMD 2007 Ranking Total Count: 32,482	IMD 2010 Ranking Total Count: 32,482	IMD 2015 Ranking Total Count: 32,844
E01024678	Area around Trinity Square (Around a quarter of the LSOA is contained within the proposed designated area)	829	167	81	21
E01024657	Area around Ethelbert Road (This LSOA is substantially contained within the proposed designated area)	404	399	33	4
E01024658	Area around Sweyn Road (Around 60% of this LSOA is contained within the proposed designated area)	1416	631	595	233
E01024660	Area around Norfolk Road (This LSOA is substantially contained within the proposed designated area)	1777	670	339	117
E01024659	Area around Northdown Avenue (Only a small area of this LSOA is contained within the proposed designated area)	6482	5979	5608	2739

The four LSOAs currently ranked 4, 21, 117 and 233 are all within the 1% most deprived areas in England.

Life expectancy at birth for males in Cliftonville West is 69 years; in Margate Central it is 71 years. Life expectancy is considerably shorter in these two wards when compared to the life expectancy for males in Thanet which currently sits at 77.6 years. Kent wide it is 79.9 years. This example highlights the health inequalities faced by residents in the proposed area.

A disproportionate number of people in Cliftonville West receive health related benefits including 8.5% in receipt of Disability Living Allowance, which is the highest percentage of all the wards across Thanet. There are also a high number of Attendance Allowance claimants (24.3% of residents are in receipt) living in Cliftonville West.

The 2011 Census revealed that the percentage of residents living in Cliftonville West that were born outside the UK is significantly higher than for Thanet as a whole. In the ward, 24.9% of residents were born outside the UK, whereas the Thanet average is 8.6%. The Margate Task Force have recorded over 40 different nationalities living in the two wards of Cliftonville West and Margate Central.

Some 41.8% of properties within Cliftonville West are single-person households, which is largely due to the number of small flats and HMOs. This type of accommodation has an impact on the diversity of the community with less family accommodation available. The high level of rented property means that the level of home ownership is low at around 17%.

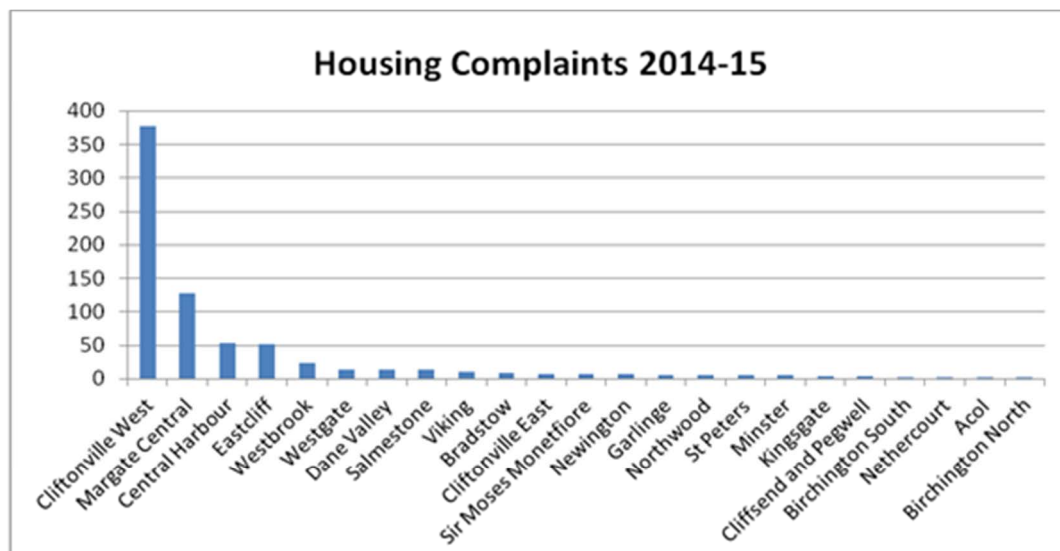
Service Level Data

The Housing Regeneration Team participates in a range of interventions aimed at improving the health, safety and well-being of people living in the private sector. As well as the routine inspection programme of all licensed properties, which follows a pro-active approach, the team also carry out inspections in response to complaints from the public.

One of the main distinguishing features of the proposed area is the oversupply of mainly substandard private rented accommodation. Through a routine inspection programme under the current selective licensing scheme, officers have carried out inspections in 943 licensed dwellings. Of these 66% revealed one or more breach of licence conditions. As a result of such breaches being identified, almost 600 breach of condition notices have been sent up to 31 October 2015.

As part of the licensing inspection programme, officers also attempt to carry out a property assessment under the Housing Health and Safety Rating System (HHSRS). Category 1 and/or 2 hazards were identified in 49% of licensed dwellings, which highlights the high level of poor housing conditions in the area.

Most of the council's service requests relating to poor housing conditions emanate from the Cliftonville West and Margate Central wards:



Other Equality Impact Analysis

Not applicable.

Getting input from stakeholders and interested parties

The council consulted on the selective licensing proposal in the following ways:

A letter explaining the proposal and inviting responses was sent to:

- Property owners in the proposed area, both freehold and leasehold;
- Current selective licence holders and named managers;
- Addresses in the proposed area, both residential and commercial;
- Residents and businesses in roads surrounding the proposed area;
- All known letting/managing agents operating in Thanet.

The consultation was fully publicised on the council's website, where the public were able to make online responses. Downloadable pdf versions of the consultation document were also made available.

Advertisements were placed in local papers during the consultation period, and press releases were issued. The council's Twitter and Facebook accounts also publicised details of the consultation.

Members of the Thanet Landlords Focus Group were consulted, as were the National Landlords Association (NLA), the Residential Landlords Association (RLA) and the Southern Landlords Association (SLA).

All members of the council were consulted via email and the Overview and Scrutiny Panel was consulted via direct email to the Chair. The Members of Parliament for both the North and South Thanet constituencies were also consulted.

Relevant stakeholders were consulted, including local community groups. These include, ABC – A Better Cliftonville, Cliftonville Partnership, Dalby Square Resident Group, East Kent Mencap, KCA (Drug, Alcohol and Mental Health Services), Porchlight, Age UK, Citizens Advice Bureau, Shelter, Thanet Community Networks and Turning Point. A full list of the local community groups and stakeholders consulted can be found in the consultation document.

Two bookable drop-in sessions specifically for landlords and letting/managing agents were held. A public open day was also held, where no appointments were necessary and everyone was welcome to discuss the consultation and have any questions answered. Help was also on hand to complete the survey for those requiring assistance.

The consultation prompted a total of 384 survey responses and 20 separate written responses.

Overall, 76% of survey respondents were of the opinion that anti-social behaviour is a problem in the proposed area, with 69.8% of respondents stating crime is a problem. More than half (58.3%) of the responses claimed that the area was not a desirable place in which to live.

The public consultation revealed a significant level of support for a further designation, with 72% in favour and 18% against. Public support for selective licensing appears to be getting stronger. The following table highlights increased support from landlords and residents living in the area, when compared to the 2010 selective licensing public consultation.

	All landlords			Residents living in proposed area		
	For	Against	Don't Know	For	Against	Don't Know
Public Consultation 2010 Survey responses: 579	15.1%	82.1%	2.8%	67.4%	22.3%	10.3%
Public Consultation 2015 Survey responses: 384	26.9%	61.5%	11.5%	85.2%	6.1%	8.7%

2.2 Impacts and benefits

Persons from vulnerable groups can sometimes have limited housing choices. In particular families with young children, older persons and those with a disability can find themselves in poor quality rented accommodation. Data collected from the selective licensing routine inspection programme revealed that a high number of properties within the area suffer from poor housing conditions. This has an effect on the health, safety and well-being of residents. However, certain housing deficiencies can have a more serious and harmful impact on people who have protected characteristics.

Age

Data from the local health profiles, published by Public Health England shows that hospital admissions for under 5's, A&E attendances in under 5's, and the general health of residents in Cliftonville West are all significantly worse than the England averages. Poor housing conditions such as damp and mould, excess cold and overcrowding will have a greater effect on the health of older persons and young children.

Housing and health are inextricably linked and so better managed and safer housing through selective licensing will ultimately contribute to improved health outcomes for residents of all ages and especially those vulnerable age groups that can be more affected by poor housing conditions.

Disability

Poor housing conditions can have a significant impact on disabled persons. Disabled persons may find it more difficult to access good quality housing, or to access help and support when required. For example, a person with a mental health condition could be living in poor housing conditions, but may not understand that help is available or could be reluctant to accept outside assistance. Officers would attempt to visit as many properties as possible within the designated area and by doing so would be able to identify and assist people that may not have otherwise have accessed the service.

There are no indications that disabled persons would be negatively impacted by a further designation. Through joint working with initiatives such as the Margate Task Force, there would be positive outcomes for this protected characteristic; namely, improvements to housing conditions and referrals to other support agencies.

Race

The proposed designated area is home to significant numbers of people who have moved to the area from outside of the UK. This has resulted in the area becoming multi-cultural with a number of languages being spoken. As such, there may be language barriers for some residents, who may find it difficult to access appropriate services.

Through initiatives such as the Margate Task Force, interpreters can be arranged, where necessary, to ensure the scheme is clearly communicated. The Margate Task Force works closely with Housing Licensing Officers, and where needed can arrange for an interpreter to attend routine inspections to ensure residents can benefit from the scheme and understand what help and support is available.

Other Protected Characteristics

A further designation will have a neutral impact when considering the protected characteristics of sexual orientation, sex, religion, gender reassignment, pregnancy and maternity and marriage and civil partnership.

2.3 Aims of the Public Sector Equality Duty Furthered

Eliminate unlawful discrimination – harassment, victimisation and any other conduct prohibited by the Act.

The selective licensing scheme is unlikely to be able to further this aim of the duty.

Advance equality of opportunity – between people who share a protected characteristic and people who do not share it by:

- removing or minimising disadvantages suffered by people due to their protected characteristics;
- meeting the needs of people with protected characteristics;
- encouraging people with protected characteristics to participate in public life or in other activities where their participation is low.

The proposed wards have a high level of vulnerable people with protected characteristics and many find themselves in poor quality housing.

Selective licensing has the ability to further this aim of the duty by minimising disadvantages suffered by people with protected characteristics by improving housing conditions that can cause or exacerbate existing health conditions/disabilities and reducing risks to personal safety.

The scheme can also help inform vulnerable and protected groups of their rights and signpost them to other agencies, where appropriate.

Foster good relations – between people who share a protected characteristic and people who do not share it, by tackling prejudice and promoting understanding between people with a protected characteristic and others.

Selective licensing helps to inform landlords of the consequences of poor housing and how it may affect those in vulnerable and protected groups. This can help to promote understanding between those with protected characteristics and those without.

3.0 Options

Age

There is no mitigation required for this characteristic as the impact of the proposed designation is positive.

Disability

As above, the impact of the proposed designation would be a positive one. However, in line with corporate mitigation measures, the documentation associated with the scheme would be made available in Braille, audio or large print as necessary.

Furthermore, any resident with a mental health condition who refused assistance under the scheme would potentially be subject to multi-agency intervention (e.g. KCC Social Services/NHS Mental Health Service) initiated by the Housing Regeneration Team, if it was absolutely clear that taking no action could result in that person being left at imminent risk of serious harm. As such, no person with a mental health condition will be excluded from benefiting from selective licensing owing to their condition. Any such intervention would always be undertaken in a sensitive manner under the guidance of the appropriate social and health care services.

Race

Where language barriers may be encountered the council will endeavour to arrange for an interpreter to be present during inspections and information could be provided in alternative languages.

4.0 Next Steps

It is clear that there are positive impacts in respect of some of the Protected Characteristics, namely Age, Race and Disability. Therefore, the implementation of a new selective licensing designation would make a positive contribution to the aims of the Public Sector Equality Duty.

The council's Cabinet will meet on 19 January 2016 to determine whether, or not, a further selective licensing designation should be made.

5.0 Review and Follow-up actions

Action	Responsible Officer	Completion date
Explore opportunities for collecting equality data from service users to inform service delivery, satisfaction and scheme performance.	Louise Ritchings	31 March 2016

Annex C – Proposed designation document

The Thanet District Council Designation of an Area for Selective Licensing 2016

Thanet District Council ("the Council") in exercise of its powers under section 80 of the Housing Act 2004 ("the Act") and all other enabling powers hereby designates for selective licensing the area described in paragraph 4.

CITATION, COMMENCEMENT AND DURATION

1. This designation may be cited as The Thanet District Council Designation of an Area for Selective Licensing 2016.
2. This designation is made on 19 January 2016 and shall come into force on 21 April 2016.
3. This designation shall cease to have effect on 20 April 2021 or earlier if the Council revokes the scheme under section 84 of the Act.

AREA TO WHICH THE DESIGNATION APPLIES

4. This designation shall apply to those parts of the Cliftonville West and Margate Central wards as are delineated and edged red on the map at Annex A.

APPLICATION OF THE DESIGNATION

5. This designation applies to any house¹ which is let or occupied under a tenancy or licence within the area described in paragraph 4 unless –
 - (a) the house is a house in multiple occupation and is required to be licensed under Part 2 of the Act²;
 - (b) the tenancy or licence of the house has been granted by a registered social landlord³;
 - (c) the house is subject to an Interim or Final Management Order under Part 4 of the Act;
 - (d) the house is subject to a temporary exemption under section 86 of the Act; or

¹ For the definition of "house" see sections 79 and 99 of the Act

² Section 55 of the Act defines which Houses in Multiple Occupation are required to be licensed under the Act. See also The Licensing of Houses in Multiple Occupation (Prescribed Descriptions) (England) Order 2005 (SI 2006/371)

³ Section 79 (3) of the Act. For the definition of a Registered Social Landlord see Part 1 of the Housing Act 1996.

- (e) the house is occupied under a tenancy or licence which is exempt under the Act⁴ or the occupation is of a building or part of a building so exempt as defined in Annex B.

EFFECT OF THE DESIGNATION

6. Subject to sub paragraphs 5(a) to (e) every house in the area specified in paragraph 4 that is occupied under a tenancy or licence shall be required to be licensed under section 85 of the Act.⁵
7. The Council will comply with the notification requirements contained in section 83 of the Act and shall maintain a register of all houses registered under this designation, as required under section 232 of the Act.⁶

INFORMATION AND ADVICE

8. Further information and advice about this designation can be obtained from: Housing Services, Thanet District Council, Cecil Street, Margate, Kent, CT9 1XZ. Telephone: (01843) 577437. Email: housing.conditions@thanet.gov.uk. Web: thanet.gov.uk.

Date and authentication by the Council

Pursuant to paragraph 4 of the Housing Act 2004: Licensing of Houses in Multiple Occupation and Selective Licensing of Other Residential Accommodation (England) General Approval 2015, the designation has the Secretary of State's general approval for the purposes of section 82(1)(b) of the Act.

Date: 19 January 2016

The Common Seal of Thanet District Council
was hereunto affixed in the presence of:

Member:

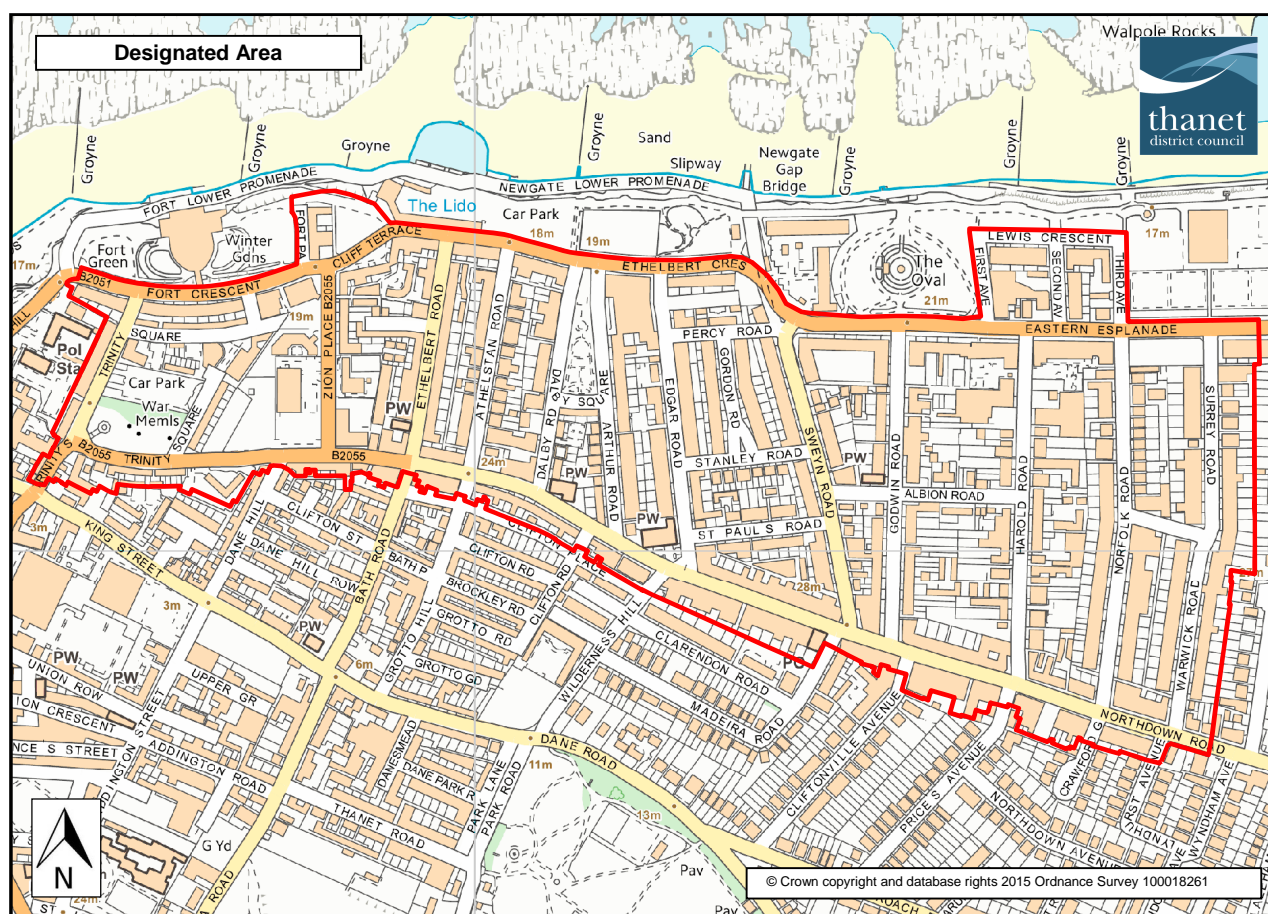
Solicitor:

⁴ Section 79 (4) of the Act and SI 2006/370

⁵ Section 86 of the Act provides for certain temporary exemption. As to suitability see section 89. Note, if the house is not suitable to be licensed the Council must make an Interim Management Order - see section 102.

⁶ Section 232 of the Act and paragraph 11 of SI 2006/373

Annex A - Map of Designated Area



Member:

Solicitor:

Annex B - Exempted Tenancies or Licences⁷

Prohibition of occupation by law

1. A tenancy or licence of a house⁸ or a dwelling⁹ within a house where the house or the dwelling is subject to a prohibition order made under section 20 of the Act the operation of which has not been suspended under section 23.

Certain tenancies which cannot be assured tenancies

2. A tenancy which cannot be an assured tenancy by virtue of section 1 (2) of the Housing Act 1988 comprised in Part of Schedule 1 of the Act and which is:
 - (a) a business tenancy under Part II of the Landlord and Tenant Act 1954;
 - (b) a tenancy under which the dwelling-house consists of or comprises premises, which, by virtue of a premises licence under the Licensing Act 2003, may be used for the supply of alcohol (within the meaning of Section 14 of that Act) for consumption on the premises¹⁰;
 - (c) a tenancy under which agricultural land, exceeding two acres, is let together with the house¹¹;
 - (d) a tenancy under which the house is comprised in an agricultural holding or the holding is comprised under a farm business tenancy if it is occupied (whether as tenant or as a servant or agent of the tenant), in the case of an agricultural holding, by the person responsible for the control of the farming of the holding, and in the case of a farm business tenancy, by the person responsible for the control of the management of the holding¹².

Tenancies and licences granted etc by public bodies

3. A tenancy or licence of a house or dwelling within a house that is managed or controlled¹³ by:
 - (a) a local housing authority;
 - (b) a police authority established under section 3 of the Police Act 1996 or the Metropolitan Police Authority established under section 5B of that Act;
 - (c) a fire and rescue authority under the Fire and Rescue Services Act 2004;

⁷ See The Selective Licensing of Houses (Specified Exemptions) (England) Order 2006 SI 2006/370

⁸ Sections 79 (2) and 99 of the Act

⁹ For the definition of a dwelling – see section 99 of the Act

¹⁰ See paragraph 5 of Schedule 1 of the 1988 Act as amended by section 198 (1) and paragraph 108 of schedule 6 of the Licensing Act 2003

¹¹ For the meaning of “agricultural land” section 26 (3) (a) of the General Rate Act 1967

¹² See paragraph 7 of Schedule 1 of 1988 Act as amended by section 40 and paragraph 34 of the Schedule to the Agricultural Tenancies Act 1995

¹³ For the definition of “person managing” and “person having control” see section 263 of the Act

- (d) a health service body within the meaning of section 4 of the National Health Service and Community Care Act 1990.

Tenancies, licences etc regulated by other enactments

- 4. A tenancy, licence or occupation of a house which is regulated under the following enactments:
 - (a) sections 87 to 87D of the Children Act 1989;
 - (b) section 43 (4) of the Prison Act 1952;
 - (c) section 34 of the Nationality, Immigration and Asylum Act 2002;
 - (d) The Secure Training Centre Rules 1998¹⁴;
 - (e) The Prison Rules 1998¹⁵;
 - (f) The Young Offender Institute Rules 2000¹⁶;
 - (g) The Detention Centre Rules 2001¹⁷;
 - (h) The Criminal Justice and Court Service Act 2000 (Approved Premises) Regulations 2001¹⁸;
 - (i) The Care Homes Regulations 2001¹⁹;
 - (j) The Children's Homes Regulations 2001²⁰;
 - (k) The Residential Family Centres Regulations 2002²¹.

Certain student lettings etc

- 5. A tenancy or licence of a house or a dwelling within a house –
 - (i) which is managed or controlled by a specified educational establishment or is of a specified description of such establishments and
 - (ii) the occupiers of the house or dwelling are undertaking a full time course of further

¹⁴ SI 1998/472 as amended by SI 2003/3005

¹⁵ SI 1999/728 as amended by SI 2000/1794, SI 2001/1149, SI 2002/2116, SI 2002/3135, SI 2003/3301 and SI 2005/869

¹⁶ SI 2000/3371 as amended by SI 2002/2117, SI 2002/3135 and SI 2005/897

¹⁷ SI 2001/238. Section 66 (4) of the Nationality, Immigration and Asylum Act 2002 provides that the reference to a detention centre is to be construed as a reference to a removal centre as defined in Part VIII of the Immigration and Asylum Act 1999

¹⁸ SI 2001/850

¹⁹ SI 2001/3965 as amended by SI 2001/865, SI 2003/534, SI 2003/1590, SI 2003/1703, SI 2003/1845, SI 2004/664, SI 2004/696, SI 2004/1770, SI 2004/2071 and SI 2004/3168

²⁰ SI 2001/3967 as amended by SI 2002/865, SI 2002/2469, SI 2004/664 and SI 2004/3168

²¹ SI 2002/3213 as amended by SI 2004/664, SI 2004/865 and SI 2004/3168

or higher education at the specified establishment²² and

- (iii) the house or dwelling is being managed in conformity with an Approved Code of Practice for the management of excepted accommodation under section 233 of the Act²³

Long leaseholders

6. A tenancy of a house or a dwelling within a house provided that –

- (i) the full term of the tenancy is for more than 21 years and
- (ii) the tenancy does not contain a provision enabling the landlord (or his successor in title) to determine it other than by forfeiture, earlier than at the end of the term and
- (iii) the house or dwelling is occupied by a person to whom the tenancy was granted or his successor in title or by any members of either of those person's family.

Certain family arrangements

7. A tenancy or licence of a house or a dwelling within a house where –

- (i) the person who has granted the tenancy or licence to occupy is a member of the family of the person who has been granted the tenancy or licence and
- (ii) the person who has granted the tenancy or licence to occupy is the freeholder or long leaseholder of the house or dwelling and
- (iii) the person occupies the house or dwelling as his only or main residence (and if there are two or more persons at least one of them so occupies).

Holiday lets

8. A tenancy or licence of a house or a dwelling within a house that has been granted to the person for the purpose of a holiday.

Certain lettings etc by Resident Landlord etc

9. A tenancy or licence of a house or a dwelling within a house under the terms of which the person granted the tenancy or licence shares the use of any amenity with the person granting that tenancy or licence or members of that person's family. An "amenity" includes a toilet, personal washing facilities, a kitchen or a living room but excludes any area used for storage, a staircase, corridor or other means of access.

Interpretation

10. In this Annex:

²² See the schedule to The Houses in Multiple Occupation (Specified Educational Establishments) (England) Regulations 2013/1601

²³ The relevant codes of practice are approved under SI 2010/2615 - The Universities UK/Guild HE Code of Practice for the Management of Student Housing 2010

- (a) a “person” includes” persons”, where the context is appropriate;
- (b) a “tenancy” or “licence” includes “a joint tenancy” or “joint licence”, where the context is appropriate;
- (c) “long leaseholder” in paragraph 7 (ii) has the meaning conferred in paragraphs 6 (i) and (ii) and in those paragraphs the reference to “tenancy” means a “long lease”;
- (d) a person is a member of the family of another person if –
 - (i) he lives with that person as a couple;
 - (ii) one of them is the relative of the other; or
 - (iii) one of them is, or is a relative of, one member of a couple and the other is a relative of the other member of the couple

and
 - (iv) For the purpose of this paragraph –
 - (1) “couple” means two persons who are married to each other or live together as husband and wife or in an equivalent arrangement in the case of persons of the same sex;
 - (2) “relative” means a parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew, niece or cousin;
 - (3) a relationship of the half-blood is to be treated as a relationship of the whole blood and
 - (4) a stepchild of a person is to be treated as his child.

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