

Selective Licensing Designation - Cliftonville West and Margate Central Wards, Margate

1 Introduction

Thanet District Council is introducing a selective licensing designation covering an area of Cliftonville West and Margate Central wards.

Thanet District Council is taking this action as part of a wider regeneration programme for the area following the latest results of the published indices of multiple deprivation. The indices look at the relationship between income, employment, health, education and skills, housing, crime and the living environment. Despite being located in the South East which is considered an affluent region, Thanet ranks 65 out of 354 based on the indices of multiple deprivation 2007 with 1 being the most deprived and 354 being the least deprived (Office of National Statistics 2007). The office of national statistics also provides information on individual super output areas within the district and the areas covered by Margate Central and Cliftonville West wards are in the bottom 3% of the most deprived areas nationally and are the two most deprived wards in the South East of England (IMD).

The reasons behind the decline of these wards are complex. Thanet was a popular holiday destination but has struggled to restructure its economy following the decline of this industry which has led to serious socio-economic challenges. Despite a wide range of actions and interventions in recent years, the area's ranking in deprivation compared to other areas of the country has declined significantly since 2004.

Today, this disadvantage manifests itself through entrenched worklessness and benefit dependency; a high level of privately rented accommodation much of which is both in poor condition and is poorly managed, a highly transitory population with an annual turn over of residents exceeding 30% and considerable inequalities in health with life expectancy significantly lower than elsewhere in the county. (see section 2.1-2.4)

One of the major challenges in Margate Central and Cliftonville West is the built environment. In Cliftonville West in particular the Victorian seaside properties are characterised by large terraced houses or guest houses and hotels, over several floors with small gardens. Since the decline in Thanet's tourism this type of property has lent itself to be used as small flats, and houses in multiple occupation, being too large for retention as a single household family home, with very few traditional guest houses or B&B's remaining. The increase in this type of accommodation at the lower end of the rental market has led to a change in the type and tenure of housing, and consequently a change in the demographic profile of the area.

With restricted opportunities for employment in recent years, these properties have become easily accessible housing for benefit dependent individuals and less attractive to home owners. As owner occupiers sell up and move out, market values have reduced over time and the large properties have become attractive investments for landlords to purchase and sub divide, creating additional flats and Houses in Multiple Occupation (HMOs).

Many single person, benefit dependent households are transient and this has led to a high turnover of residents. A significant number of people move into the area from other parts of the country and outside of the UK, as well as constant movement between properties within the ward. There remains a core community of households who have pride in the area but the constant movement of the privately rented sector means it is difficult to maintain and develop any feeling of community and this contributes to the area scoring poorly on community cohesion indicators.

In 2005 the District Council declared the wards of Cliftonville West and Margate Central as a Neighbourhood Renewal Area (NRA). Despite considerable attention and financial support for the area progress on improving the deprivation indicators has been slow and in some cases has declined. Property values have slumped and households in poverty have continued to grow. The area has many absentee landlords, high levels of privately rented accommodation which is often poorly managed and in poor condition, and a high number of empty properties. This cycle of decline is inextricably linked with social problems of worklessness, poor health, crime and anti social behaviour. It is not surprising that the area is commonly seen as rundown, an undesirable place to live and contributing negatively to the overall reputation of Thanet.

Despite all these issues the area of Cliftonville West continues to be a priority for Thanet Council, Kent County Council and NHS Eastern and Coastal Kent. It is viewed as an area with considerable prospects for the future with determination from some members of the community, public services and the voluntary sector to work in partnership and make a positive difference to the current profile of these wards and the quality of life of the residents.

There will need to be a range of approaches that are well co-ordinated in order to have a significant impact on the problems faced in these wards. There is no one solution to the regeneration of the area but a comprehensive mix of tools to deal with unemployment, health, crime, anti social behaviour and the economy.

The Margate Task Force is a new initiative which is working to integrate housing and environmental regeneration with a wider multi-agency approach to tackle the high level of socio-economic problems in the area, characterised by a disproportionate concentration of vulnerable individuals and families.

The Task Force team comprises Police, Housing, Community Safety, Youth Workers, and Family Intervention. It will take the lead in tackling crime and anti-social behaviour; ensuring that vulnerable individuals and families receive the support they need in the local community. The Task Force's priority is to engage

with the community through residents, youth and business groups working in partnership to agree shared objectives and activities which can be positively delivered.

The introduction of a selective licensing scheme in specified areas of Cliftonville West and Margate Central forms part of a toolkit to tackle the various issues in the area. This intervention is underpinned by an agreed long-term strategy and neighbourhood plan, shaped and directed through community engagement, for addressing the significant issues faced in the Cliftonville West and Margate Central wards, alongside a comprehensive housing intervention plan. It will compliment the range of activities and action plans in place to achieve regeneration for the two wards by helping to deal with low demand, anti social behaviour, regulate the private rented sector and ensure that residents have access to good quality, properly managed accommodation.

It is essential that members of the community are engaged with this proposal and have the opportunity to make comment. The draft proposal was circulated for comment through a consultation process that began on 6th September 2010 and ended on 15th November 2010. **[A copy of the draft proposal and details of the consultation process can be found in appendix one \(http://thanet.gov.uk/publications/housing/selective-licensing-scheme/appendix-1/\)](http://thanet.gov.uk/publications/housing/selective-licensing-scheme/appendix-1/)**.

This final document has been amended from the draft proposal to reflect the comments and suggestions received through the consultation process. It sets out the detail behind the proposal, the reasons why making a designation will enhance the existing activity and provides details of the results of the consultation.

This scheme's Designation was approved the council's Cabinet on 12th January 2011.

2. The Profile of Cliftonville West and Margate Central

It is well documented that the wards of Cliftonville West and Margate Central rank amongst the most deprived wards nationally. The profile of these two wards provides some explanation and background as to the links between the deprivation and the difficulties in dealing with the issues associated with this area. The following information provides indicative evidence of a much wider problem across the two wards where the combined effect of all these issues have led to an area that is suffering from high levels of crime and anti social behaviour, and a lack of cohesion in the community with a negative impact on the community and public services.

2.1 Population and their needs

There are approximately 12,300 people living in the two wards. The population in the area is particularly transient with more than 30% of residents moving in and out of the area on an annual basis. (Total Place project 2009 Final report 19th February 2010 and Census 2001)

In October 2009, the Housing Regeneration Team at Thanet District Council began a pro-active programme of inspection called 'Your Home, Your Health'. There are two main aims of the project and these are as a referral mechanism for residents to access services they might not normally access and to collect data about the area and the households living in the area. This programme involves the systematic inspection of all properties in the proposal area, one street at a time. This programme is currently on going and has provided valuable data on the properties in the area. The project has highlighted that more than 80% of residents in the survey area are not originally from Thanet. Around 21% are from elsewhere in Kent, 43% are from elsewhere in the UK and 19% are from outside of the UK.

Given the transient nature of the residents makes it is difficult to establish a comprehensive understanding of local needs and to make a lasting impact by tailoring services to meet those needs.

In particular providing health care to vulnerable individuals and promoting healthy lifestyles is a challenge. This community has a high concentration of people with mental health problems as well as long term health issues such as cardio-vascular disease, cancer and heart disease living in the area. (Total Place project 2009 Final report 19th February 2010)

Poor health is manifest in the fact that life expectancy at birth for males in Cliftonville West is 69.2 years, 18 years lower than the best rate in the county. The average life expectancy in Margate Central is 72.7 years (2004-2008 pooled data) 7 years shorter than the best in Kent. (Total Place project 2009 Final report

19th February 2010).

A disproportionate number of people in Cliftonville West receive health related benefits including 9.4% in receipt of Disability Living Allowance and 18.5% in receipt of Incapacity Benefit, this is the second worst in Kent, the first being Margate Central. Incapacity Benefit claims relating to residents with a mental health issue and /or behavioural disorders account for 53.7% of claims in Cliftonville West.

There is a concerning level of mental health needs in the local population confirmed by the fact that a third of (34%) of all GP referrals in Thanet to secondary mental health services emanate from these two wards.

Worklessness is an endemic feature of the area and Margate Central ranks seventh nationally in welfare dependency at 63%. Of the working age population 39% of people in the two wards are without gainful activity. (Total Place project 2009 Final report 19th February 2010).

Family poverty is also linked to the above mentioned issues and is a significant feature in the community. 15% of Thanet's Children's Social Services casework is undertaken in these two wards. This includes a disproportionate number requiring statutory intervention. (Total Place project 2009 Final report 19th February 2010).

It is well documented that Thanet experiences high levels of placement of Looked after Children from out of the area, as well as supporting its own considerable numbers of vulnerable children and young people. In Kent there are 2,948 Looked After Children (LAC). This figure is made up of 1,195 Kent children, of which 264 are placed in Thanet and 25 are placed in these two wards. Kent also supports 9,876 children under Section 17 (Children In Need). 1,000 of these children are in Thanet, with 155 placed in these two wards.

Of the 2036 school aged pupils in the area, 53 (2.6%) have a Statement of Special Educational Needs. This represents 9.2% of all Thanet's children with a Statement (678).

There is evidence of considerably higher than average poor school attendance and exclusions among children and young people living in Margate Central and Cliftonville West. This in turn can lead to an increase in minor crime and anti social behaviour and a risk of deteriorating behaviour in the community. Within the two wards (Cliftonville West and Margate Central), the Kent Youth Offending Service has 87 customers annually, 17% of the Thanet total. Cliftonville West is the worst ward for youth offending in Kent accounting for 15% of youth crime in the district.

Older people living in the private rented sector and in residential care provision in the two wards represent another fragile group requiring support to prevent risk of harm. There are over 200 people who receive significant Adult Social Care

services including 140 elderly, 60 with learning disabilities and 13 with physical disabilities. There are 98 units of accommodation, funded through Supporting People, in the area, equivalent to 26% of the Thanet total of 434. In total, there are 10 accommodation-based service providers providing 98 units, of which 5 providers are for people with learning disabilities (35 units), 3 providers are for people with Mental Health Problems (20 units), 1 provider for young people at risk (23 units) and 1 provider for homeless families. (Total Place project 2009 Final report 19th February 2010)

2.2 Housing Tenure

One of the main distinguishing features of this area and arguably at the heart of the problem is the over-supply of mainly substandard private rented accommodation. Work through the 'Your Home, Your Health' project has identified that in some streets more than 80% of the properties are privately rented. The average for privately rented property in Thanet is 28.5% which is still very high compared to a national average of 14%. This is a symptom of the current housing market and the high levels of people on means tested benefits that are unable to access the housing market. Despite the house prices having recently reduced and the value of property in Cliftonville West being particularly low, the area is more attractive to investment landlords with a demand for low rent accommodation rather than owner occupiers.

45% of properties are in single-person households and this 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 which in turn leads to a higher density of the population with some overcrowding issues. The high level of rented property means that the level of home ownership has reduced significantly with some streets only showing around 10% of properties being owner occupied and this figure appears to be falling.

In addition to the high levels of rented accommodation and low levels of owner occupied properties there are high levels of empty properties. The Your Home Your Health survey has identified that up to 20% of units are empty in some streets and in some cases whole buildings that have been converted into a number of flats are vacant and boarded up.

There are 3029 empty dwellings (4.8% of total dwellings) of which 1429 (2.67%) are long term empty. Within the two wards, 16% - 20% of housing stock is empty, 50% of which is long term, resulting in an excess of cheap properties on the market.

A unit of temporary accommodation in these two wards costs £105 per week, compared to around £410 per week in London, illustrating why it is such an attractive prospect for agencies in the current financial climate to place vulnerable people in these properties. (Total Place project 2009 Final report 19th February 2010).

2.3 Housing Condition

Figures provided by the Building Research Establishment (BRE) show that between 58 and 85% of properties within Cliftonville West have at least one category one hazard as assessed under the Housing Health and Safety Rating system. This is an indicator of substandard accommodation that does not meet the decent homes standard. The latest stock condition survey carried out in 2008, identified that the most common hazards found in a property related to excess cold through inadequate heating and insulation; fire through a lack of or inadequate fire detection; falls on stairs, on uneven surfaces and through insecure windows or broken railings and crime through poorly secured flats and common areas of buildings. This is further supported by the data mentioned in 2.4 which details the level of crime and incidents of fire. The Council's Housing Regeneration Team received 647 complaints about the property conditions in privately rented accommodation in 2009 and this figure has been rising year on year across the District. Of those 647, 408 complaints were made about property in Cliftonville West and Margate Central Wards. This accounts for more than 60% of the team's time being spent within these two wards with the majority being Clintonville West due to the higher concentration of residential properties.

The Housing Regeneration Team have increased the level of enforcement activity that is undertaken and last year served 103 statutory notices as well as issuing 12 prohibition orders/emergency prohibition orders. In Cliftonville West and Margate Central Wards, 64 notices were served accounting for 60% of all the notices served and 11 prohibition orders/emergency prohibition orders made accounting for 92% of the total made.

Although not all complaints result in formal action the number of complaints received is indicative of the level of disrepair to properties in the sector and that landlords are not maintaining their properties to a reasonable standard.

2.4 Public Sector Activity

The features of disadvantage described in 2.1 and the nature of the housing stock have a significant impact on local services both in terms of the public services and the local community environment.

A research project looking at the combined costs to public sector services within the two wards was carried out earlier this year. The 'Total Place' submission showed that around £110million of public money is being spent in just two wards. This is 12% of the total public spend in Thanet which totals £886 million. 12% of spend covers a population of just 12,300 which is 9% of the total population of Thanet (130,200) (ONS 2009).

The high costs and impact on public agencies such Kent Fire and Rescue, Police, District Council Community Safety, Environmental Health, Waste and Recycling

Services, Health, Housing, Social Services and Substance Misuse agencies are detailed below:

- The area suffers from a number of fires both deliberate and accidental each year. The Fire Service attended 215 deliberate fires in 2009/2010 across Thanet and this is one of the highest levels in Kent. However, the ward of Cliftonville West has the highest number of call outs for deliberate dwelling fires. As a result of these fires 2 people suffered serious injuries and 9 had to be rescued from their homes.
- Thanet's average incident rate for fire is 4.3 fires per 1,000 population. The rate in Cliftonville West is double that rate at 10.2 fires per 1,000 population and is the highest rate across all the wards in Thanet. This means that significant resources from the Fire Service are spent in this area.
- Crime is also a significant problem in Cliftonville West and Margate Central. These two wards have some of the worst crime rates in Kent with a combined crime rate of 247.3 per 1000 population; the average for Kent is 71.3 per 1000 population. Cliftonville West had 386 reported violent crimes compared to the ward average of 133 in Thanet. This is almost three times the average. Burglary linked to local problematic drug users, accounts for 153 crimes a year in Cliftonville West alone against a Thanet ward average of 33. Again these figures make this a key area of target for the Police.
- Problems with dumped rubbish are also resource intensive for the council. Additional collections at a cost of £5500 to the council per year are on top of the normal collection services and the addition of Euro bins to some roads cost £45 per list per week. These costs do not include the additional costs in attending to callouts about dumped rubbish and other waste related issues.
- In the last year, twelve Acceptable Behaviour Agreements (ABAs) were served at an average cost of £230 in tax payers money (KCC 2010). Two Anti Social Behaviour Orders have been served at an average cost of between £5,768 and £29,001 and two injunctions carried out by officers at a cost of £1,249.39. Overall, a single neighbourhood dispute will cost the authorities £778 (KCC, 2010).
- The per capita spend across the primary care trust (PCT) NHS Eastern and Coastal Kent is £1571 per capita whereas in Margate it is £1935
- On acute hospital care alone the PCT spends an average of £440 per head of population for these two wards, compared with £361 per head of population for the PCT area as a whole.
- A high proportion of Margate Central and Cliftonville West population use Accident and Emergency sites across NHS Eastern and Coastal Kent particularly the Queen Elizabeth Queen Mother hospital in Thanet. There are a high number of repeat attendees for minor conditions (some more than ten times per annum) and a high proportion of GP unregistered patients come from these two wards.

In 2005 Cliftonville West was declared as a renewal area. Additional resource was directed to this work in the form of a small team dedicated to responding to issues in the area and administering small grants to improve the frontage of the

properties. The efforts of this team have identified the need for a wider partnership approach which has led to the development of the Margate Task Force. The area also benefited from investment from the Safer, Stronger Communities Fund (SSCF) which helped deliver projects for the community.

These have all had a positive impact on the area but have not directly tackled the internal conditions of the properties or dealt with continued anti social behaviour issues. Although the Council has always responded to complaints relating to housing condition and anti social behaviour this only deals with a small proportion of the problems.

In 2007 the Council also led on a multi agency enforcement approach called 'Operation Cleansweep'. This is an intensive approach to tackle specific areas in partnership with other enforcement services such as the police, fire service, immigration, and community safety. A street where significant issues have arisen is targeted for a series of days in order to present a visible force within the area. Again this is a continuing programme of activity and is a highly successful model for enforcement. There have been a number of successes through the scheme and this approach will continue to have an important role in the enforcement and delivery of selective licensing.

In 2009 the Council introduced a proactive property inspection programme called 'Your Home Your Health'. There are two main aims to this approach. The first is as a multi agency referral form to assist residents in accessing a number of services that they may not normally be aware of. These services range from finding a dentist or a doctor, quitting smoking and healthy living advice, to benefit advice and debt management, to accessing community groups and befriending services. The second aim is to collect information about the properties, the tenure, and the population. So far this has provided some useful information to allow us to direct services appropriately. 'Your Home, Your Health' runs in partnership with the NHS and services across Kent County Council and Thanet DC and has successfully linked a number of residents to services that have improved their health, safety and welfare.

Selective licensing will support the activity that is currently being undertaken but also bridge the gap that has been identified by dealing with the problems associated with rented accommodation and anti social behaviour. At the same time the housing intervention strategy that is currently being developed will address the re-structuring and re-balancing of the tenure mix of the area. The re-balancing approach, combined with selective licensing aims to deal with the low demand aspect of the area, looking at ways to work in partnership with developers and registered social landlords to redevelop empty and derelict buildings into family homes for owner occupation where possible.

3. Legislative Framework

3.1 Housing Act 2004 – Types of Discretionary licensing

Under parts 2 and 3 of the Housing Act 2004 (the Act) Local Authorities have the power to introduce a discretionary licensing scheme.

There are two types of scheme that can be considered; Additional Licensing and Selective licensing.

Additional licensing under section 56 of the Act allows the local authority to extend the Mandatory HMO licensing scheme to include other types of HMO. Section 56 (2) states that;

‘The authority must consider that a significant proportion of the HMOs of that description in the area are being managed sufficiently ineffectively as to give rise, or to be likely to give rise, to one or more particular problems either for those occupying the HMOs or for members of the public.’

Work was undertaken in 2007 to look at the viability of introducing an Additional HMO licensing scheme. Some basic consultation and research was undertaken at this time; however, although there are significant numbers of buildings within the area which are converted into flats, data on the area suggests that many of these do not fall within the definition of an HMO under the Act (s254 and s257). All those properties that fall within the mandatory licensing scheme already have a licence and the remaining buildings are generally flat conversions carried out since 1991. This means that they are not HMO under section 257 of the Act and therefore, this type of discretionary licensing would only be applicable to a small number of problems and be unlikely to have a significant impact on the issues in the area or the quality of the rented accommodation.

Selective licensing is a regulatory tool provided by Section 80 of the Act. This section states that a selective licensing scheme can be declared if one of two general conditions is met. The first relates to low housing demand:

Section 80 (3.)

‘ the area is, or is likely to become, an area of low housing demand and 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.

Section 80 (4) 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.'

The second relates to anti social behaviour:

Section 80 (6)

(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).'

A document issued by Communities and Local Government in 2007 'Approval steps for additional and selective licensing designations in England' provides guidance on how to apply for a discretionary licensing designation. Up until April 2010 all designations had to be agreed by the Secretary of State, however the Housing Act 2004: Licensing of Houses in Multiple Occupation and Selective Licensing of Other Residential Accommodation (England) General Approval 2010 provides the local authority with the power to designate a selective licensing scheme.

The guidance states that a designation may be made if the area to which it relates satisfies one or both of the conditions.

In order to meet these conditions sufficient evidence must be presented. The guidance provides an outline of the information that should be evidenced.

The guidance says:

'Low Housing Demand

When deciding if an area is suffering from, or likely to become, an area of low

housing demand, section 80 (4) of the Act requires LHAs to consider the following factors:

- The value of residential premises in the area, in comparison to the value of similar premises in other areas which the authority considers to be comparable (whether in terms of type of housing, local amenities, availability of transport).
- The turnover of occupiers of residential premises. (in both rented and bought sectors).
- The number of residential premises which are available to buy or rent, and the length of time for which they remain unoccupied.
- LHAs should also consider other factors that may include:
- A lack of mixed communities in terms of tenure, for example, a high proportion of rented property, low proportion of owner occupied properties.
- A lack of local facilities, for example, shops closing down.
- The impact of the rented sector on the local community, for example, poor property condition, anti-social behaviour etc.
- Criminal activity.

The second set of factors above are examples of the types of characteristics which an area suffering from low demand, or is likely to become such an area, could demonstrate. These examples are clearly not exhaustive characteristics of an area in low demand, neither are the factors mutually exclusive.

Anti-Social Behaviour

Section 80 (6) (a) of the Act gives LHAs the power to make a Selective Licensing designation if “the area is experiencing a significant and persistent problem caused by anti-social behaviour.”

An area can be deemed to be suffering from significant and persistent anti-social behaviour if it suffers from:

- Crime: tenants not respecting the property in which they live and engaging in vandalism, criminal damage, burglary, robbery/theft and car crime.
- Nuisance Neighbours: intimidation and harassment; noise, rowdy and nuisance behaviour; animal related problems; vehicle related nuisance. Tenants engaged in begging; anti-social drinking; street prostitution and kerb-crawling; street drugs market within the curtilage of the property.
- Environmental Crime: tenants engaged in graffiti and fly-posting; fly-tipping; litter and waste; nuisance vehicles; drugs paraphernalia; fireworks misuse in and around the curtilage for their property.

Section 80 (6) (b) of the Act requires LHAs to consider that:

- Some or all of the private sector landlords who have let premises in the area are failing to take action to combat such problems that it would be appropriate for them to take.

A landlord has responsibility to ensure persons he has permitted to reside at a property do not cause an annoyance or nuisance to other persons residing in it, or other persons living, working or visiting the immediate neighbourhood. If anti-social behaviour is being carried out within the immediate vicinity of the property and is being caused by the occupiers of it, then it would be reasonable to expect a landlord to ensure that those persons are not conducting themselves in a way that is adversely impacting on the local community. This applies equally to visitors to the property.' (Approval steps for additional and selective licensing designations in England, CLG)

The Guidance is clear on the information the local authority is required to provide. Section 4 details the proposal for a selective licensing scheme in Thanet and the evidence that this type of scheme is needed.

3.2 Properties covered by selective licensing

By making the designation, all privately rented accommodation in the designated area will require a licence. Owners of rented properties will be required to make an application to the Council for a licence and will need to nominate either the manager or the owner to be the licence holder.

Section 79(2) details those houses that are covered and this is defined as a whole house that is occupied either under

- a) a single tenancy or licence
- b) under two or more tenancies or licences in respect of different dwellings contained in it.

This definition has been interpreted to mean the following:

- a) A house let under a single tenancy only requires one licence.
- b) Where the freeholder of a building containing a number of flats, owns all the flats and lets those flats on tenancies or licences (not including long leasehold), then the freeholder will be required to apply for one licence to cover the whole building containing the flats.
- c) A building containing flats where each flat is owned by a long leaseholder and the flats are individually rented out, the leaseholder will be required to apply for a licence for their individual flat.
- d) A building containing flats where there is a mixture of different long leaseholders and accommodation owned by the freeholder, each of the leaseholders would require an individual licence for their flat or flats and the remaining accommodation would require a licence applied for by the freeholder.

e) Landlords who own more than one 'house' under the above definitions within the designated area will need to apply for a licence for each of those houses.

f) Houses being used as houses in multiple occupation and are not covered by the Mandatory licensing scheme, will need a licence and the owner or manager will be required to apply.

Exemptions

There are exemptions from the scheme and these can be found in appendix three.

3.3 Licence Applications and Fees

Section 87 of the Act details the application process for a licence. In particular this section states that an application must be made in accordance with such requirement as specified by the authority. It also states that the authority may require the application to be accompanied by a fee fixed by the authority. When fixing fees under this section of the Act the local housing authority may take into account all costs incurred by the authority in carrying out their functions under this part of the legislation and all costs incurred in carrying out their functions under Part 4 of the Act chapter 1 which relates to management orders.

Details on the application process and how Thanet propose to calculate the fee are detailed in section 4.

The application process is detailed within the Act and there are subsequent regulations detailing the contents of an application form. This includes providing information on the property layout, certificates for gas, furniture and fire safety. The Licensing and management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006 schedule 2 provides full details on what must be included within in an application this includes determining if the manager or proposed licence holder is a fit and proper person. This requires the declaration of any unspent convictions, unlawful discrimination and prosecutions under housing, public health, environmental health or landlord and tenant law.

3.4 Conditions and penalties

Once an application has been made the local authority must consider whether to grant or refuse the licence. If the licence is granted it will have conditions attached to it. Section 90 and Schedule 4 of the Act details the mandatory licence conditions that must be included, however there is provision for the local authority to add additional conditions that are either specific to the licence in question or that are locally agreed to address specific issues.

'A licence under Part 2 or 3 must include the following conditions.

1. Conditions requiring the licence holder, if gas is supplied to the house, to produce to the local housing authority annually for their inspection a gas safety certificate obtained in respect of the house within the last 12 months.
2. Conditions requiring the licence holder—
 - a) to keep electrical appliances and furniture made available by him in the house in a safe condition;
 - b) to supply the authority, on demand, with a declaration by him as to the safety of such appliances and furniture.
3. Conditions requiring the licence holder—
 - a) to ensure that smoke alarms are installed in the house and to keep them in proper working order;
 - b) to supply the authority, on demand, with a declaration by him as to the condition and positioning of such alarms.
4. Conditions requiring the licence holder to supply to the occupiers of the house a written statement of the terms on which they occupy it.

Additional conditions to be included in licences under Part 3

5. A licence under Part 3 must include conditions requiring the licence holder

to demand references from persons who wish to occupy the house.'

Section 4 will provide details of those additional conditions that are likely to be included by Thanet council under this scheme.

A licence would be valid for 5 years; however, the local authority has the discretion to grant the licence for a shorter period of time where there are problems with the application such as evidence of insufficient management.

Once the licence has been issued the licence holder must comply with the conditions attached to the licence. Where there is a breach of those conditions the licence holder may be prosecuted with a fine of up to £5,000 per breach.

If the licence application is refused the local authority must instigate an interim management order. This is where the local authority takes over the management of the property for up to one year or until such time as the owner is able to rectify the reasons for the licence being refused. If the owner is unable to rectify the problems then the local authority can apply for a Final management order where they take on the management for up to 5 years.

In some circumstances rather than refuse the licence it may be possible for the

owner to apply for a temporary exemption notice under section 86 of the Act. This allows 3 months for the owner to take such steps as are necessary so the property no longer requires a licence.

Where a property requires a licence but the owner has not applied for one the owner can be prosecuted. Failing to apply for a licence could lead to prosecution and a fine of up to £20,000.

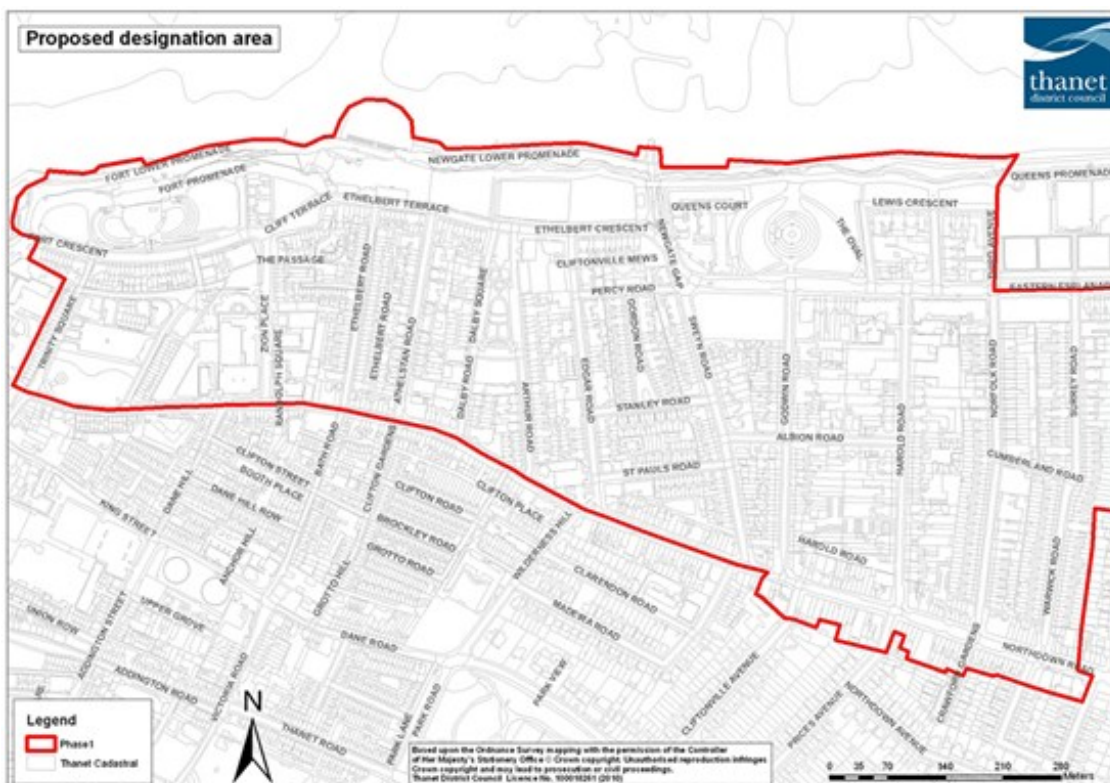
In addition to the fine there is a provision under section 96 of the Act for a Rent Repayment Order. This allows amounts paid in respect of a house or other periodical payment payable in connection with a tenancy or licence to be recovered for the period that the property should have been licensed.

Under section 98 of the Act there is also a restriction on terminating tenancies where a property is not licensed. This section states that 'No section 21 notice may be given in relation to a short hold tenancy of the whole or part of an unlicensed house so long as it remains a house'.

4. The Proposal

It is proposed that Thanet District Council designate the area outlined in red on the map below as a selective licensing area (a larger version of the map can be found in appendix 2 with a detailed street list). This area has been chosen due to the high level of privately rented accommodation. The nature of this accommodation and the way in which these properties are used has led to substantial problems in the area which are detailed in this section. Should the designation be made it will last for 5 years and is intended to tackle low housing demand, reduce anti social behaviour, and deal with the poor management of privately rented accommodation in a combined approach with other initiatives and strategies.

Map: Proposed designation area



4.1 Evidence to support the scheme

Based on the guidance document 'Approval steps for additional and selective licensing designations in England' Thanet District Council believes it has sufficient evidence to support the need to introduce such a scheme both in regard of low housing demand and anti social behaviour.

4.1.1 Low Housing Demand

Property value

The value of residential premises in the area is much lower than the rest of Thanet and the average across Kent. The Total Place project carried out in 2009 (Final report 19th February 2010) and the feasibility study carried out by DTZ on behalf of Kent County Council 'Intervention and delivery Model Draft Report' April 2010, show that the average price of property in Thanet is £164,263 (2009). The average house price in Cliftonville West and Margate Central is £119,916. Below provides average house prices for comparison against a selection of towns across the south east.

Town	Overall Average 2009	Flat average 2009
Cliftonville West/Margate Central wards	£119,916	79,875
Thanet	£164,263	No data
Margate	£161,367	£106,647
Broadstairs	£183,968	£101,900
Ramsgate	£173,038	£103,417
Hastings	£177,805	£110,197
Brighton	£251,726	£176,090

The value of property in Cliftonville West and Margate Central is significantly lower than other areas of Thanet. It is also lower than Hastings which has very similar problems to Thanet with similar types of property. However, when compared to Brighton the values of property in the proposed area are half that of Brighton. Although it could be argued that Brighton is not comparable to Cliftonville and Margate, the types of property, the coastal problems and the coastal economy are comparable, and these values are the aspiration for the proposed area.

Turnover of residents

The area has a significant turnover of residents. Based on the 2001 census, the population movement for both Cliftonville West and Margate Central is over 30% per year. Across Kent and the south east the turnover is 12% and 3% respectively.

Movement around Cliftonville West can be broken as follows:

People moving into Cliftonville West - 16% of the turnover for that ward per

annum,

People moving within Cliftonville West - 3% of the population movement per annum and

People moving out of the ward - 13% of the population movement annually.

The high level of transience in Cliftonville West and Margate Central of over 30% makes it hard for community networks to be developed and maintained.
(Census 2001)

Tenure

Thanet as a whole has a high level of privately rented accommodation at 28.5% of the stock. In this particular area however there is a significant lift in the numbers. There are around 3200 units of accommodation in the proposed area information supplied by housing benefits suggest that in September 2010 nearly 1500 households in the area were in receipt of housing benefit which is an indicator of privately rented property. This does not include those properties where tenants are not claiming benefit and results from the 'Your Home Your Health' scheme suggest that some streets have more than 80% privately rented accommodation. There are some streets with around 10% owner occupation, which is extremely low and it appears that this may drop further.

Local Facilities

There are a significant number of empty properties and empty shops in the area. Around 52 commercial units are currently empty, mainly situated in Northdown Road although there are a number of commercial units dispersed throughout the proposed area including some nightclubs. In 2005 there were 297 commercial units (not including sports halls, schools and surgeries) with very few national chains supporting the main shopping street. 151 shops were registered in the area being small independent stores and second hand furniture stores. There are 41 offices but letting agents and estate agents have not been classified separately and appear to come under this definition. There appears to be less commercial units in the area than were present in 2005 but there is no up to date evidence to support this at present. Based on the current figure of vacant units approximately 17.5% across the proposed area are vacant. Part of Northdown Road is covered by this proposal and there are plans for the economic redevelopment of this area as part of the overall neighbourhood and regeneration plans.

Property condition

The English House survey (2008) shows that 23% of privately owned or rented property in England has at least one category one hazard as assessed under the Housing Health and Safety Rating system (part one of the Housing Act 2004). This is an indicator of substandard accommodation that has the potential

to have an effect on the health of the occupier whether through illness or accident. Properties that have a category one hazard are considered to be non-decent (Decent Homes Standard June 2006). Figures provided by the Building Research Establishment (BRE) show that between 58 and 85% of properties within Cliftonville West have at least one category one hazard

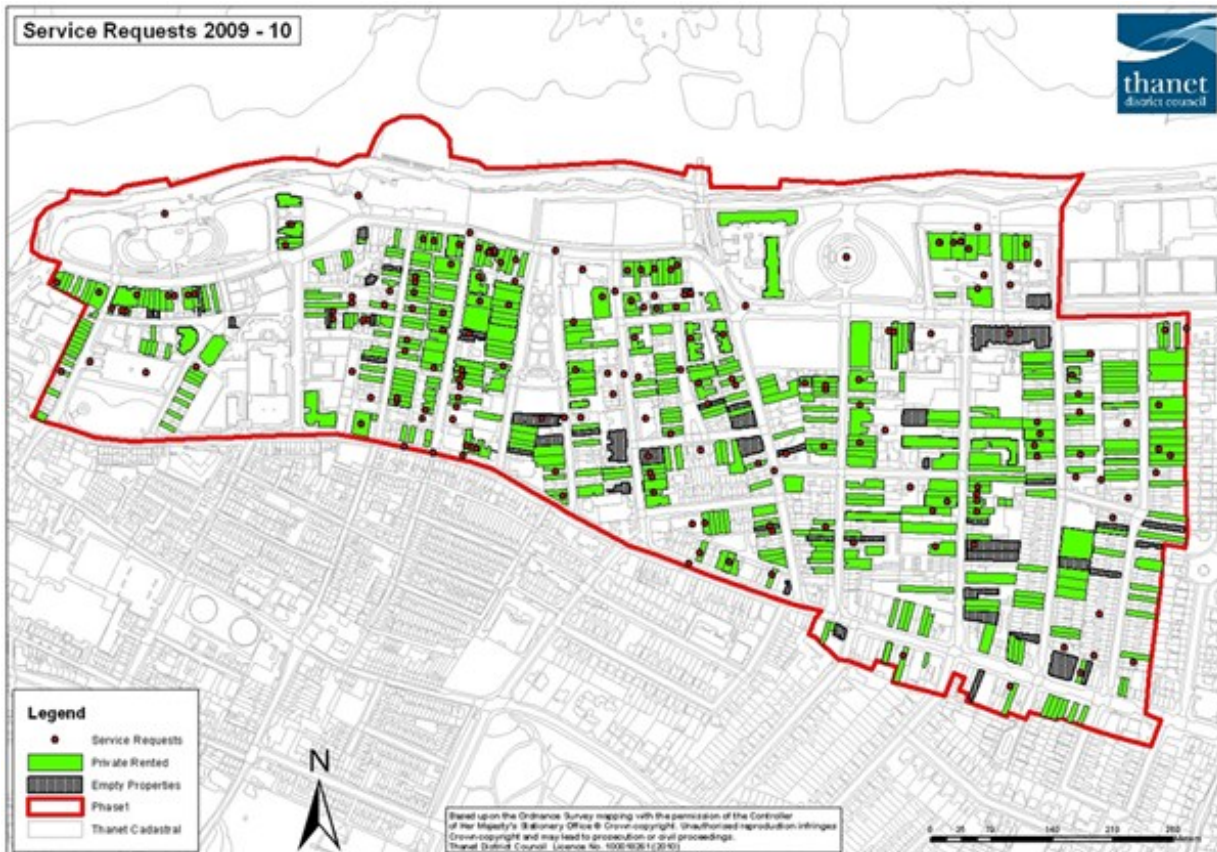
Section 2.3 of this report also details information about property condition. In general the properties within the area are either in substantially poor condition or suffering from neglect and poor maintenance. The Council's Housing Regeneration Team receive a large number of complaints each year about substandard accommodation, 647 complaints were received in 2009 and this figure has been rising year on year across the District. 408 of these complaints were made about property in Cliftonville West and Margate Central Wards. This accounts for more than 60% of the team's time being spent within these two wards. The majority of complaints are in the proposal area due to the high levels of rented accommodation.

Level of privately rented properties and empty property.

The proposed area has approximately 3200 units of accommodation of which approximately 20% are empty (680 units). Housing benefit data shows that there are at least 1500 claims that indicate a privately rented unit. In addition there are rented units that have not yet been identified who are not claiming a benefit. In total it is estimated that between 2200 and 2500 are privately rented. This is between 70 and 80% of the stock and in some streets the level has been found to be in excess of 80%. The average level of privately rented across Thanet is 28.5% (2008 stock condition survey) and the national average is now 15%.

The map below shows the known rented properties in the proposed area as recorded in September 2010. It also shows the location of service requests received by the Council in respect of housing conditions and anti social behaviour. This includes complaints about; dumped rubbish, noise nuisance from music, dog fouling, vandalism, graffiti, and other types of noise nuisance in 2009-2010

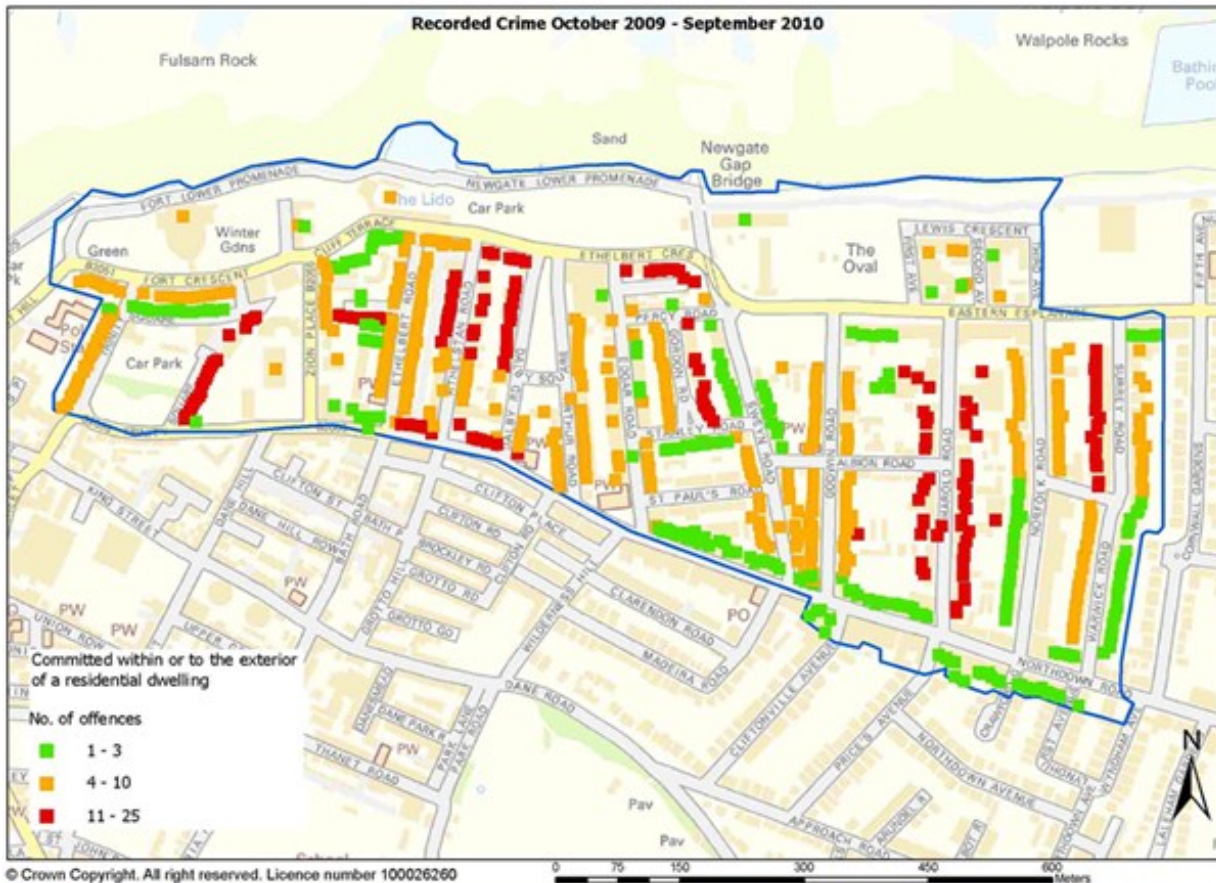
Map: Service Requests 2009/10



More than 80% of poor housing conditions and anti social behaviour activity relates to privately rented property. This information is subject to the limitations of data protection and therefore the exact nature and location of the requests cannot be shown. The map above does however show a relationship between these complaints and rented property.

Criminal activity

The map below plots the recorded crime across the proposed area between October 2009 and October 2010. This area suffers significant crime compared to the rest of the district. The data is plotted by postcode and shows that almost all properties in the area have been subject to crime in the past year.



This includes the following types of crime burglary, criminal damage, drug offences, fraud and forgery, robbery, sexual offences, shoplifting, theft from a vehicle, theft of a vehicle, and violence against a person. A total of 416 offences have been committed in the past year. 68% of the offenders are unemployed, 11.2% are students in education and the remainder (20.8%) are mainly low skilled workers. The addresses of the offenders are recorded by the police on entering custody. Although Kent Police are unable to give precise figures they have indicated that the majority of offenders are private tenants. In total Thanet had 10,843 offences of which 3,106 were detected (28.6%). 527 offenders live in Cliftonville West ward and 416 (54.6%) live within the proposal area. The map on page 25 shows the relationship between levels of crime and rented property.

4.1.2 Anti social behaviour

Anti-social behaviour is any activity that impacts on other people in a negative way. The term 'anti-social behaviour' includes a variety of behaviour covering a whole range of selfish and unacceptable activity that can blight the quality of community life. Other terms such as 'nuisance', 'neighbour disputes' and 'disorder' are also used to describe some of this behaviour.

The legal definition of behaving in an anti-social manner is found in **Section 1(1) of the Crime and Disorder Act 1998** (<http://www.legislation.gov.uk/ukpga>) . Many agencies tackling anti-social behaviour have adopted this definition for use in relation to anti-social behaviour orders (ASBOs) and for more general

purposes. The Act defines anti-social behaviour as:

'acting in an anti-social manner , that is to say, in a manner that caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household as himself'

This means that a complaint of anti-social behaviour cannot be made against a perpetrator who lives in the same household as the complainant'.

For the purpose of seeking a **housing injunction or a demotion order**, anti-social behaviour is defined in the Housing Act 1996 (as amended by **s13 and 14 Anti-Social Behaviour Act 2003** (<http://www.legislation.gov.uk/ukpga/2003/38/contents>)) as:

'conduct which is capable of causing nuisance or annoyance'.

Another generalised definition of anti-social behaviour used by agencies is;

“Anti-social behaviour is any aggressive, intimidating or destructive activity that damages or destroys another person's quality of life”.

Under the Housing Act 2004 section 57 (5) anti social behaviour is defined as “anti-social conduct on the part of occupiers of, or visitors to, residential premises which causes or is likely to cause a nuisance or annoyance to persons residing, visiting or otherwise engaged in lawful activities in the vicinity of such premises, or which involves or is likely to involve the use of such premises for illegal purposes”. For the purposes of this selective licensing proposal the Housing Act definition must be used.

Crime, nuisance and environmental crime.

Cliftonville West and Margate Central have been the highest wards for anti social behaviour compared to the rest of Thanet for many years. Currently, levels of ASB in the two wards make up 24% of all ASB across Thanet and 24% of total crime in Thanet. That amounts to 247.3 crimes per 1000 population, set against the county average of 71.3 per 1000 population (KCC, 2010).

As there is a high percentage of properties that are privately rented in these two wards, it is reasonable to suggest there is a link between anti social behaviour and rented property. Landlords are expected to play a part in combating antisocial behaviour as part of their role in managing their properties; however, the experience of Community Safety Officers indicates that many private landlords have not been taking this role on board. They do not appear to be requiring references and are not considering the suitability of tenants for a property. Some landlords are unwilling to deal with their anti social tenants when contacted by Thanet District Council and Police. It is expensive and time consuming for local services to deal with anti social behaviour often requiring input from a number of services such as community safety officers, waste and

recycling, environmental health, private sector housing, Kent Police and Social Services.

Kent Police have received 783 calls regarding anti social behaviour in the Cliftonville West ward and 1005 in Margate Central ward between 25 November 2009 and 25 November 2010. That is a total of 1788 calls, relating to issues that could have been resolved through the provisions of a tenancy agreement, such as disturbances, neighbour disputes, fighting, noise, prostitution and threatening behaviour.

In the last year in Cliftonville West, 12 Acceptable Behaviour Agreements (ABAs) were served; two Anti Social Behaviour Orders and two injunctions were carried out by officers.

On a recent multi agency 'cleansweep' operation in Cliftonville West over thirty three properties were visited in the Cliftonville area. These had been identified as the most recent to contribute to the most significant issues with regards to crime and anti social behaviour. Half of the tenants questioned did not have to provide references before moving in and over half did not have to give a deposit. These types of issues are encouraging tenants that may have been previously evicted due to anti social behaviour to move to properties within this area, without proper support and where there is poor management.

Further evidence is highlighted by other recent cleansweep operations in the two wards, where 72 false benefit claims were identified, 25 premises were identified as having inadequate or no fire detection and 15 alleyways had to be cleared of dumped rubbish.

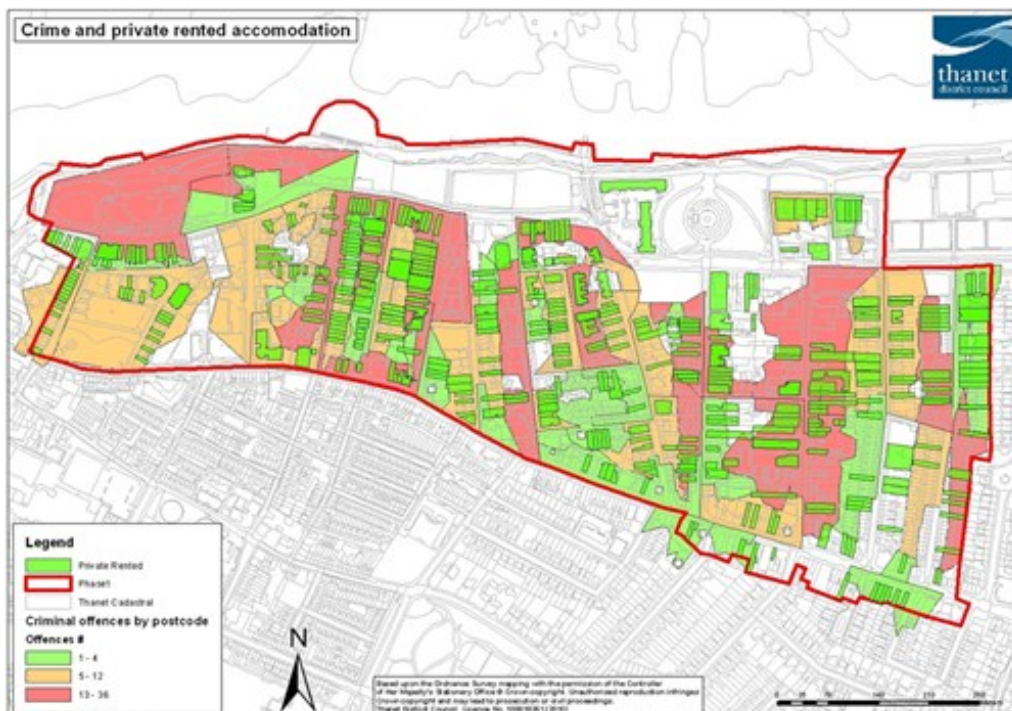
A total of 189 fixed penalty notices have also been served in the last year within the two wards. This equates to 39 tickets for dog fouling, 136 for litter and 14 for incorrect waste disposal. Significantly, 95% of all fixed penalty notices issued across Thanet are in Margate Central and Cliftonville West.

Dumped rubbish is also an element of anti social behaviour and can have a huge effect on the community. In roads where fly tipping is particularly problematic, an additional daily vehicle has had to be added to remove waste on top of the normal collection timetable. Euro bins have also been placed in some roads within the two wards in an attempt to deal with the issue; however, officers still have to attend to call outs relating to rubbish issues and arranging for its removal on a regular basis.

There have been 416 criminal offences in the area over the past year. Of those offences, fraud and forgery, burglary, drugs offences and criminal damage make up 35% of the total. These are areas where better management of properties could make a difference through identifying tenants involved with drugs, being aware of the potential for associated crime and then being prepared to contact the council or police as appropriate. Burglary can be prevented by ensuring the security of the accommodation is sufficient to prevent unauthorised access to the property, and fraud can be prevented by

ensuring anomalies in benefit claims and payments are identified and reported to the council as soon as possible for investigation.

The Map below shows the relationship between crime and privately rented accommodation. The crime is shown on a post code basis and there are few areas where there has been no crime associated with it over the past year. Due to the high levels of rented accommodation it is reasonable to suggest there is a link between rented the detected crime.



Although there are a significant number of powers available to deal with the individuals who are involved in anti social behaviour there is a significant problem with landlords either avoiding their responsibility in dealing with tenant behaviour or do not realise that they have a responsibility.

Selective licensing will apply to all landlords within the proposed area. Although this may seem unfair to those landlords who believe that they are dealing with anti social behaviour and are managing their properties effectively, there are many who are unaware that they may need to change the way they deal with their property. As such, it is necessary for the scheme to cover the whole area identified in the map in order to cover the roads and properties where significant problems are found and reach those that have been able to avoid contact with the council for many years.

The council is unable to determine who is a 'good' or 'bad' landlord. This is subjective and open to interpretation and therefore impossible to administer fairly. Many landlords who would consider themselves 'good' landlords can fall foul of the legislation as they may not be up to date or know where to get the support they require. Therefore it is necessary for the scheme to apply to everyone without exception. (There are exemptions to the scheme refer to

appendix three).

Selective licensing will provide the council with the additional powers to ensure that landlords are responsible for those elements of their tenant's behaviour that are within their control through tenancy agreements. With better regulation all landlords will be required to adhere to acceptable standards for managing their properties, including taking references and taking action against tenants if they are regularly anti social.

The ways in which the council will assist with this are detailed in section 5.

4.2 Fees

In calculating the fee Thanet DC has set out the process for handling a licence application. This process includes the costs relating to publicity (to ensure compliance from landlords and ensure residents and tenants are aware of the scheme), the administrative process involved in handling an application, the legal processes involved in proposing the licence and conditions and finally making the decision to either grant the licence or refuse it. Each part of the process has been assessed on the average amount of time each stage will take a different level of officer within the team. The amount of time, in minutes, is then calculated against the costs of that officer's time in minutes.

This process has identified that the costs incurred to carry out the function of selective licensing is £525 per licence application.

Having taken account of the comments and recommendations made during the consultation period the following fee structure is proposed. The fee structure is based on the definitions set out in the Act for a 'house' with the baseline fee being £525 per application. It includes a discount for early valid applications (valid means that all required paperwork and the fee have been supplied), and an additional discount for landlords accredited through the Kent Landlord Accreditation scheme. Other accreditation schemes may be considered and will be dealt with on an individual basis. Members of alternative schemes will need to contact the council so that the scheme can be checked and verified before any discount is agreed.

There is also a discount for multiple dwellings owned by the same freeholder or leaseholder within the same building. The £240 for each additional flat has been calculated using the same method as described above. However since it is not necessary to carry out all the processes some have been omitted. Officer time is still required in assessing the plans of each flat, checking individual certificates and considering the conditions, and therefore there is additional cost associated with a multiple application.

	Fee for applications made on or before 30 June 2011	Fee for applications made after 30 June 2011
Dwellings (occupied by a		

single family household)	Accredited Landlords (KLAS)	Non-accredited Landlords	Accredited Landlords (KLAS)	Non-accredited Landlords
House (any number of bedrooms)	£375	£425	£425	£525
Self-contained flat (any number of bedrooms)	£375	£425	£425	£525
Non-self-contained flat (any no. of bedrooms)	£375	£425	£425	£525

Buildings containing flats (excluding certain types of HMO) (This type of application is available to landlords who own the freehold interest of the premises concerned and let one or more flats within it and to a landlord who owns multiple flats in the same building but does not own the freehold)	Fee for applications made on or before 30 June 2011		Fee for applications made after 30 June 2011	
	Accredited Landlords (KLAS)	Non-accredited Landlords	Accredited Landlords (KLAS)	Non-accredited Landlords
Fee for first FLAT (either self-contained or non-self-contained)	£375	£425	£425	£525
Fee for each additional FLAT (within the same building under the same control as the proposed licence holder)	£240	£240	£240	£240

Example fee calculation: Landlord A owns the freehold interest in a building containing five self-contained flats. Flats 1, 2 and 3 are not subject to a lease and are let by Landlord A on assured short hold tenancies. The other two flats are owned by long leaseholders. Flat 4 is owner-occupied by the long leaseholder; as such, there is no requirement to apply for a licence for that flat. Flat 5 is owned by a leaseholder, Landlord B, who sub-lets the flat to a tenant on an assured short hold tenancy. Landlord A can apply for one licence for the entire building which excludes Flats 4 and 5. If Landlord A is an accredited landlord and he makes his application before 30th June 2011, he will be charged £375 for the first flat and £240 for each additional flat. The total cost will therefore be £855. Landlord B will need to apply for a licence for Flat 5, which would cost £375 if he was an accredited landlord and applied on or before 30 June 2011.

Houses in multiple occupation (HMOs) (including bedsit type properties with shared amenities, shared houses, and flats in multiple occupation) (Note: HMOs subject to mandatory licensing under Part 2 of the Housing Act 2004 are subject to a different fee structure)	Fee for applications made on or before 30 June 2011		Fee for applications made after 30 June 2011	
	Accredited Landlords (KLAS)	Non-accredited Landlords	Accredited Landlords (KLAS)	Non-accredited Landlords
HMOs (with 2 – 5 units of accommodation)	£613	£663	£663	£763
HMOs (with 6 – 9 units of accommodation)	£647	£697	£697	£797
HMOs (with 10 – 14 units of accommodation)	£707	£757	£757	£857
HMOs (with 15 – 19 units of accommodation)	£1004	£1054	£1054	£1154
HMOs (with 20 – 29 units of accommodation)	£1268	£1318	£1318	£1418
HMOs (with 30 – 39 units of accommodation)	£1531	£1581	£1581	£1681
HMOs (with 40 – 49 units of accommodation)	£1795	£1845	£1845	£1945
HMOs (with 50 or more units of accommodation)	£2059	£2109	£2109	£2209

Although this is a more complicated approach, it is fairer and less resource intensive for both the landlord and council staff. This means that the council will be able to administer licences in a timely fashion and concentrate resources on inspection and enforcement more effectively. The council is keen that landlords contact us to discuss their applications where they are unsure on the fee that is appropriate to them.

4.3 Application process

Thanet DC will be operating an on line application process. This will be a system that uses a pre-set standard application process and will submit licence applications electronically. Correspondence will then be via e-mail wherever possible.

If the designation is agreed in January 2011 then the designation will become operative in April 2011. Between February and April 2011 it will be possible to make an early application before the scheme is operative. The operative date is the date at which the council can start to exercise its enforcement powers under the scheme.

4.4 Proposed conditions on the licence

In addition to the mandatory licence conditions discussed in 3.4 the council has the power to introduce additional conditions that may be property specific or area specific.

The following is an example of the type of additional conditions that are likely to be attached.

Anti-social behaviour

The licence holder (and the manager if applicable) must take all reasonable steps to resolve any anti-social behaviour problems caused by occupiers of, and visitors to, the house. The reasonable steps must be appropriate and proportional.

The licence holder (and the manager if applicable) must fully co-operate with the Police and Council officials where reports of anti-social behaviour have been made in respect of the house.

The licence holder must have a formal procedure in place to deal with any occupier or visitor to the house who perpetrates any form of anti-social behaviour.

The licence holder must, on demand, supply to the Council a written statement describing the formal system he/she has adopted for dealing with anti-social behaviour problems caused by occupiers and visitors.

The licence holder (and the manager if applicable) can demonstrate compliance with this condition by contacting the Council as soon as he/she becomes aware that there are anti-social behaviour problems associated with the house and by following the advice given by the Council in every respect.

For the purpose of this licence, “anti-social behaviour” means conduct on the part of occupiers of, or visitors to, the house:

- (a) which causes or is likely to cause a nuisance or annoyance to persons residing, visiting or otherwise engaged in lawful activities in the vicinity of the house, or
- (b) which involves or is likely to involve the use of the house for illegal purposes.

Property specific conditions may relate to the amenities in the property or the occupation level. Area specific conditions will include conditions around anti social behaviour and waste disposal. There may be other conditions relating to specific issues experienced over the course of licensing that need to be managed.

5. Results of the consultation

5.1 Background

Before deciding whether to adopt a selective licensing scheme for the area, Thanet District Council carried out a consultation to gather the views of residents, landlords and others who may be affected, on the proposals.

5.2 Methodology

Members of the public were invited to submit feedback on the proposal by completing a short survey or by written representation (by post or e-mail).

- All home owners, landlords, tenants and residents within the designated area were contacted by direct mail to promote the consultation. This included a copy of the survey and a free post address was provided for replies. Address details for this mail out were taken from current land registry records.
- A copy of the survey was available to complete online, with a link from the council's front page promoting the consultation. On the website members of the public were also able to view a full copy of the proposal, a map of the designated area, a list of streets included within the scheme and responses to the most frequently asked questions.
- Copies of the survey and the full proposal document were available to collect at Thanet's Gateway Plus or could be issued upon request.
- The consultation was promoted to news and media groups and was featured in most of the local media outlets, including the free newspapers.
- Local community groups, organisations, agencies and ward councillors were contacted by direct mail with details of the consultation.
- Three drop-in sessions were held during the consultation period for members of the public to provide an opportunity to talk directly to council housing officers, to view full copies of the proposal and to make any comments on the scheme. One of the drop-in sessions was targeted specifically for landlords. Drop-ins were scheduled during day time and evening hours and were held within the Cliftonville/Margate area.
- Posters were displayed during the consultation period within the designated area promoting the consultation and drop-in sessions.
- Members of the Housing Regeneration Team also attended meetings set up by landlord groups and this included a landlord forum.
- Copies of the consultation leaflet were provided in alternative languages and were promoted at local community events.

The consultation was open from 6 September – 15 November 2010.

5.3 Responses

709 responses were submitted.

- 579 surveys completed
- 77 representations submitted by hard copy
- 46 representations submitted electronically
- 7 representations from stakeholders

5.4 Summary of findings

- Within the survey the majority of people agreed that anti-social behaviour within this area is an issue (80%) and that this is something the council should be tackling (84%).
- When asked whether people agreed or disagreed that a selective licensing scheme would help, responses were more split with 49% agreeing and 44% disagreeing. The breakdown of responses indicates that the majority (82%) of those who disagreed with the scheme were landlords.
- 67% of residents agreed that the scheme was a good idea for the area.
- When those who disagreed were asked what they think could help to address the issues, the most frequent response was more or improved policing in the area and for local agencies to use the powers currently available to them.
- Although the majority of written representations agreed that there are problems within the area most did not agree with the proposals in their current format.
- The most frequent concerns raised by those who were against the current proposals have been identified below.

Please note this is only a summary of responses, full representations are available on request.

1. Against blanket licence – not fair or appropriate to target good landlords.

Most good landlords are already maintaining properties to a good standard, are providing the necessary safety regulations and carefully vet their tenants. Most also felt that tenants within their properties were not contributing to incidents of anti-social behaviour. Those with managing agents felt that all of the criteria listed within the proposal were already being met. There was strong feeling that the council should be specifically targeting poor landlords with sub standard accommodation and more frequent cases of anti-social behaviour. Good landlords felt they were being targeted to pay for the results of poor landlords.

2. Concerned about the cost

Most landlords raised concerns about the amount being charged per licence, particularly those with multiple properties within the area. The feeling was the money being charged for the licence would be taken away from the upkeep of

the building and some expressed concerns that they would simply not be able to afford it. Frustrations were evident with those who had invested money in renovating properties to a high standard. Concerns were also raised about the costs incurred by taking those who didn't pay to court and criminalising otherwise law abiding citizens based on their financial situation. Suggestions put forward were to reduce the amount, to allow for instalments or payment plans for those with larger amounts and also to charge a smaller amount to good landlords. Most people did not feel it was fair to charge the same amount across the board. Other concerns regarding cost were around the level of on-going costs covered by landlords already. Some felt if implemented, the licence could lead to good landlords leaving the area. Others were concerned that the subsequent rise in rents would have a detrimental impact on working tenants.

3. Legislation already in place/duplication

Concern was raised that the scheme was not clear about any additional powers the scheme would create and that the issues within the area could be resolved by current powers. Most felt that raising standards in the area was desirable but that this was achievable through current legislation and were not sure that the licence would bring anything different to the table. Others felt that the money raised by Council Taxes was sufficient to cover the work that's needed in the area.

4. Not clear how the fee would be used to deliver outcomes.

The comment was raised that the proposal did not give enough specific detail about how the fee would be used. People wanted to know how much of the fee would be used directly within the area to address the problems rather than to just administer the scheme.

They felt the expected benefits of the scheme were very clear in the proposal (e.g. better quality tenants, less anti-social behaviour and eventual rise in values) but this seemed aspirational and there wasn't enough evidence given of exactly how this would work and that this has been achieved in other areas. More evidence is needed about how tangible benefits will be achieved and about how this will have an impact on anti-social behaviour. Also some questioned whether anti-social behaviour, which they feel mostly occurs outside, is the responsibility of the landlord.

5. Lack of evidence of the link between landlords and anti-social behaviour

Although most recognised that there are issues in the area they felt there was no direct evidence between landlords and anti-social behaviour, where is the link? Feel that private landlords are being used to pay for wider social problems, particularly those issues that people felt had been brought on by the council (e.g. TDC planning policy allowing the high number of flats in the area and the high numbers of vulnerable people from outside the area being housed etc).

Some questioned the statistics within the document and felt there wasn't enough evidence provided and that more was needed to drill down to identify the types of tenants causing the problems. As part of this argument landlords also questioned why social landlords were not included. Is this an admission that these problems don't exist in social housing? If not, why is this fair and what will the council do to address the issues in these types of housing?

6. Questions about the boundary

Questions were raised about the boundary line. Some specific examples were raised of properties in roads with very low or no anti-social behaviour, why are they included? Suggestions were raised to target hot spot areas rather than the whole area, as they felt this would be a far better use of resources to target the areas with known problems.

7. Negative impact on property market and housing provision

Fears were raised that high charges would drive out good landlords, make it more difficult to secure mortgages, create more empty properties and lead to a crash in the market in this area. Others felt that it was impossible for the council to predict a rise in values as this is more effected by wider market forces. The frustration was raised that the council is penalising those who have chosen to invest in the area and that the scheme would have a detrimental affect.

8. Issues with court system

Concerns were raised that the time taken to deal with anti social tenants is too long and not helpful to landlords. Landlords who were trying to deal with problem tenants had difficulties with evicting them, and also with tenants being advised by Council Housing Officers to stay. Landlords felt that they were already doing what they could to deal with the problem but that the legal system works against them. Others asked if once this scheme was in place if the system would be revised or improved.

9. Benefits/LHA payment

Many landlords were unhappy with the current payment of LHA to tenants. They felt that in the incident of anti-social behaviour payments should be withheld and many others felt that payment should go back direct to landlord rather than to tenant. Many felt it was unfair that the council is targeting landlords when the tenants actually causing the anti-social behaviour should be dealt with.

10. Alternative solutions

Those who opposed the scheme felt that the desired affects could be achieved

by other means, for example more investment into the area, more jobs and better education. They also felt that more should be done to work with the ethnic minority groups.

5.6 Survey results

1. How strongly do you either agree or disagree that anti-social behaviour is an issue in this area?

	Base	No reply	Landlord in designated area	Landlord outside designated area	Tenant in designated area	Resident in designated area	Resident outside designated area
Base	577	31	167	45	79	222	57
No reply	4 (0.7%)	-	1 (0.6%)	1 (2.2%)	-	2 (0.9%)	-
Strongly agree	322 (55.8%)	18 (58.1%)	42 (25.1%)	20 (44.4%)	50 (63.3%)	165 (74.3%)	38 (66.7%)
Agree	141 (24.4%)	5 (16.1%)	58 (34.7%)	11 (24.4%)	21 (26.6%)	40 (18.0%)	12 (21.1%)
Disagree	38 (6.6%)	1 (3.2%)	21 (12.6%)	3 (6.7%)	6 (7.6%)	8 (3.6%)	3 (5.3%)
Strongly disagree	33 (5.7%)	3 (9.7%)	18 (10.8%)	8 (17.8%)	1 (1.3%)	2 (0.9%)	2 (3.5%)
Don't know	39 (6.8%)	4 (12.9%)	27 (16.2%)	2 (4.4%)	1 (1.3%)	5 (2.3%)	2 (3.5%)

In total those who agree: 463 (80.2%) Landlords: 131 (62%) Residents: 326 (91%)

In total those who disagree: 71 (12.3%) Landlords: 56 (26%) Residents: 22 (6%)

Those who don't know: 39 (6.8%)

NOTE: The figures in the table represent the number of responses. In some cases respondents ticked more than one box and therefore both responses have been counted. As an example some respondents who are landlords are also residents in the area. The figures in the base column represent the number surveys completed. This is the case for all the results shown.

2. How strongly do you either agree or disagree that this is something that the council should be tackling?

	Base	No reply	Landlord in designated area	Landlord outside designated area	Tenant in designated area	Resident in designated area	Resident outside designated area
Base	577	31	167	45	79	222	57
No reply	6 (1.0%)	-	2 (1.2%)	1 (2.2%)	-	3 (1.4%)	-
Strongly agree	366 (63.4%)	17 (54.8%)	67 (40.1%)	24 (53.3%)	49 (62.0%)	183 (82.4%)	42 (73.7%)
Agree	117 (20.3%)	9 (29.0%)	53 (31.7%)	8 (17.8%)	21 (26.6%)	21 (9.5%)	11 (19.3%)
Disagree	37 (6.4%)	-	21 (12.6%)	5 (11.1%)	4 (5.1%)	8 (3.6%)	1 (1.8%)
Strongly disagree	34 (5.9%)	4 (12.9%)	15 (9.0%)	7 (15.6%)	3 (3.8%)	3 (1.4%)	2 (3.5%)
Don't know	17 (2.9%)	1 (3.2%)	9 (5.4%)	-	2 (2.5%)	4 (1.8%)	1 (1.8%)

In total those who agree: 483 (83.7%) Landlords: 152 (72%) Residents: 327 (91%)

In total those who disagree: 71 (12.3%) Landlords: 48 (23%) Residents: 21 (6%)

Those who don't know: 17 (2.9%)

3. How strongly do you either agree or disagree that a selective licensing scheme would help?

	Base	No reply	Landlord in designated area	Landlord outside designated area	Tenant in designated area	Resident in designated area	Resident outside designated area
Base	577	31	167	45	79	222	57
No reply	6	-	2 (1.2%)	1 (2.2%)	-	3 (1.4%)	1 (1.8%)

no reply	(1.0%)	-	1 (0.0%)	1 (2.2%)	-	5 (1.4%)	1 (1.0%)
Strongly agree	213 (36.9%)	7 (22.6%)	11 (6.6%)	7 (15.6%)	31 (39.2%)	127 (57.2%)	30 (52.6%)
Agree	68 (11.8%)	5 (16.1%)	12 (7.2%)	2 (4.4%)	12 (15.2%)	33 (14.9%)	8 (14.0%)
Disagree	58 (10.1%)	1 (3.2%)	22 (13.2%)	7 (15.6%)	11 (13.9%)	18 (8.1%)	2 (3.5%)
Strongly disagree	194 (33.6%)	14 (45.2%)	117 (70.1%)	28 (62.2%)	17 (21.5%)	21 (9.5%)	14 (24.6%)
Don't know	38 (6.6%)	4 (12.9%)	4 (2.4%)	-	8 (10.1%)	20 (9.0%)	2 (3.5%)

In total those who agree: 281 (48.7%) Landlords: 32 (15%) Residents: 241 (67%)

In total those who disagree: 252 (43.7%) Landlords: 174 (82%) Residents: 83 (23%)

Those who don't know: 38 (6.6%)

5.7 Addressing the comments/concerns

The proposal document has been revised with more detail on how the scheme will be administered and delivered.

1. Against blanket licence - This has been addressed in section 4.
2. Concerns about the costs - This has been addressed in Section 4.
3. Legislation already in place - This is addressed in sections 4 and 6.
4. Use of the fee - This has been addressed in sections 6 and 7.
5. Lack of evidence - This is addressed in sections 2 and 4.
6. The boundary - This is addressed in section 4.
7. Negative impact on property market - This has been addressed in sections 7 and 8.
8. Issues with the court system - This is partially dealt with by section 8 but can not be addressed fully by this document.
9. Benefits and LHA payments - This is partially dealt with by section 8 but can not be addressed fully by this document.
10. Alternative solutions - This is addressed by sections 2, 6 and 7.

The comments around the evidence have been reviewed and additional data and evidence provided. The fee structure has been re-worked and adapted to accommodate those landlords with multiple properties. Additional Information has been provided on why the proposed area has been chosen and why all

landlords have been included and the practicalities in trying to omit 'good landlords' from the scheme. More information on the existing powers has been included and the gaps in this legislation identified showing the areas that selective licensing will add to the legislative tool kit. Work has been done on the benefits for landlords and this work is ongoing. This report is unable to address the concerns raised around housing benefit legislation or the court system although there will be work in the future with departments in the council to look at ways of streamlining these areas where possible.

6. Enforcement and delivery

6.1 Current relevant legislation and its use

Appendix five provides details on the legislative tools currently being used across the community and enforcement service and the housing regeneration team.

The range of existing legislation and tools available to deal with property condition, management and anti social behaviour are used regularly across the area, however these powers alone have been unable to deal with the growing issues around anti social behaviour and property condition.

Currently, as mentioned in section 4, the community safety team and housing regeneration team have carried out the following enforcement activity over the past year.

12ABAs, 2 ASBO's, 2 Injunctions, 189 fixed penalty notices for dog fouling, litter and incorrect waste disposal, 12 Prevention of damage by pests act notices, 64 Housing Act notices, and 11 Prohibition/Emergency prohibition orders. (provided by Community Safety and Housing Regeneration records).

There is significant use of the legislation compared to many local authorities and this has served to highlight the need for additional powers to tackle management.

Experience of the mandatory licensing scheme that was introduced in 2006 for certain types of House in Multiple Occupation (HMO) has been successful. Within Margate Central and Cliftonville West there are 25 licensed HMOs. The scheme has allowed the Council to effectively regulate this sector using the additional powers provided by the legislation. It has had the effect of providing the council with a contact point through the licence holder. This allows the council to take swift action when issues arise, either through contacting the licence holder informally or taking enforcement action as appropriate. It has allowed the council the opportunity to build a working relationship with the landlord to ensure that enforcement action is prevented and has led to many of these properties either being improved as HMOs or the redevelopment of the building into alternative accommodation.

By dealing with the management of the properties the council has the opportunity to build better relationships with landlords in the area. This leads to less regulation against those that are carrying out their duties and more enforcement against those that are not.

It is often assumed that the proposed area is mainly HMO accommodation however the majority of these properties fall outside of this definition. Selective licensing will provide the tools to deal with management issues in all privately rented properties. It will ensure that all new tenants are referenced and that

there is a better match between landlords and tenants. This will help to ensure that vulnerable tenants are living in accommodation where the management is capable of dealing with their needs. The council intends to set up a referencing scheme to assist with this (see benefits of the scheme). It will also help the council to target resources in dealing with anti social tenants and enforce against unprofessional landlords.

It is also intended that the Kent landlord accreditation scheme will have a role to play in this by encouraging landlords to become accredited, gain training and develop a level playing field for landlords where poor landlords become unacceptable in the market place. The discounts offered to accredited landlords are intended to cover the cost of joining the scheme and attending the first training session.

6.3 Delivery of the scheme

It is intended that should the scheme be agreed by Thanet District Council cabinet on 12th January 2011, the Housing Regeneration Team will be in a position to accept early applications from February 2011. There will also be a publicity plan surrounding the scheme to ensure that landlords in the area are aware of their responsibilities well in advance of the scheme becoming operative. Once the scheme becomes operative three months after the date of the designation the team are able to use their enforcement powers. The team do not intend to begin an intensive enforcement programme until July 2011 when the discounted fee ends, however after this date there will full enforcement of the scheme and the other legislative tools discussed in appendix five.

It is intended that licence applications in the main will be made as an online application to assist in the efficiency of issuing licences. It is the intention to deal with all licence applications as soon as possible and within 6 months of receipt. Once a valid application has been made enforcement action relating to selective licensing is suspended until the licence has either been granted or refused. Once granted, compliance with the conditions of the licence will be checked throughout the period of the licence.

Street by Street inspection programme

Enforcement will follow a number of different approaches. It is intended that the Housing Regeneration Team will begin a street by street inspection programme in January 2011. The purpose of this programme is to carry out the 'Your Home Your Health' scheme, inspect properties in respect of their condition, cross reference rented property with licence applications and to take action where an application has not been received, and to check licence conditions for those properties where a licence has been granted.

The following is a draft of the proposed sequence for the street inspection programme. This is subject to change but gives an idea of the approach that is

being considered:

Programmed Activity - street by street approach	Proposed dates
Dalby Square, Arthur Road, Dalby Road	Survey complete will need to return for licensing
Cliff Terrace, Fort Crescent, Fort Road, Ethelbert Crescent, Ethelbert Terrace	Survey complete will need to return for licensing
Ethelbert Road, Ethelbert Gardens, Zion Place	Due to begin in the area in January 2011
Athelstan Road and Northdown Road Nos 35-85	Due to begin in the area in March 2011
Trinity Square	Due to begin in the area in June 2011
Edgar Road, Ethelbert Terrace 18-28, Percy Road	Due to begin in the area in August 2011
Stanley Road, Gordon Road, St Pauls Road	Due to begin in the area in November 2011
Sweyn Road, Northdown Road Nos 95-155	Due to begin in the area in January 2012
Albion Road, Godwin Road	Due to begin in the area in March 2012
Harold Road, Northdown Road Nos 159-221 244-292	Due to begin in the area in June 2012
Eastern Esplanade, First, Second, Third Avenues, Lewis Crescent	Due to begin in the area in August 2012
Cumberland Road, Norfolk Road, Northdown Road Nos 223-241	Due to begin in the area in November 2012
Warwick Road, Surrey Road, Northdown Road Nos 243-263	Due to begin in the area in January 2013

Risk assessment approach

In addition to the street by street programme there will also be a form of risk assessment. Thanet DC intends to target the poorer landlords using a risk assessment based on existing knowledge of the property and the management

arrangements. Where there is a high risk of problems, this property will be targeted out of sequence to the rest of the programme in a multi agency approach through the Margate Task Force. This will involve officers from different disciplines coming together to deal with the issues in their entirety using the most appropriate legislation for the issues concerned.

6.4 Resources

Thanet District Council has received £500,000 from Kent County Council to increase the size of the Housing regeneration team in order to deliver an enhanced enforcement service. This funding has allowed the recruitment of 4.5 Housing Improvement Officers to carry out the enforcement work and 0.5 Housing Improvement Assistant to assist with the additional administration associated with increased enforcement.

Combined with the existing team there are now 8.5 officers available for enforcement including the delivery of selective licensing.

The KCC funding will only support the additional officers for 2 years; however the fees received through selective licensing will be ring fenced to the Housing Regeneration Team to be used to extend the contracts of some or all of these officers for the life of the licensing scheme.

Based on the new fee structure it has been calculated that selective licensing fees will account for approximately £500,000 - £650,000 of income over the 5 year period. This is based on the potential that the number of rented units will reduce during the licensing period as some may become empty, change ownership into owner occupation or may be exempt from the scheme. There are approximately 2200 rented units, however under the new fee structure a large proportion of these will only require one licence application. On average a building converted into flats contains six units. Therefore the potential income is significantly reduced than if each unit required a licence at £525.

Based on these variables the scheme will operate for 5 years and any income from the scheme will be ring fenced towards salaries for as many staff as possible and towards the development of the benefits detailed in section 7. The staff will be matched by the involvement of staff from other services through the Margate Task Force who will provide the expertise in the dealing with the residents needs as well as anti social behaviour.

7. Benefits of a designation

There are a number of long term and short term benefits to introducing such a scheme. So far, as a result of the selective licensing consultation a number of benefits have been experienced.

The consultation exercise led to an unprecedented response rate of more than 10% of those people who were consulted. Response rates in consultations are usually around 1-3%. This level of response means that people are engaged regardless of whether this is positively or negatively, with the process and means that any subsequent actions will be easier to deliver in the future. It has also meant that this final proposal has been able to address the concerns and recommendations raised, thereby tailoring the scheme to meet those needs and suggestions.

Landlords and residents who have not contacted the council before made representation and showed that they are ready to see changes in the area. Officers from the council attended forums and public meetings to discuss the scheme and address concerns and encourage responses to be submitted. Officers were well received by both residents and landlords and showed that we are prepared to listen and work together.

Enhanced services

- This service aims to support private landlords by offering advice and taking forward the most severe cases of anti social behaviour that cannot be dealt with by landlords alone. Where a case is urgent or advice is required landlords and residents should contact [**community.safety@thanet.gov.uk**](mailto:community.safety@thanet.gov.uk) ([**mailto:community.safety@thanet.gov.uk**](mailto:community.safety@thanet.gov.uk)). This will be picked up an officer and dealt with as a priority.
- The Housing Regeneration Team, Community Safety and Kent Police have also been working jointly on a new tenant disclosure form to assist landlords with the referencing requirement of selective licensing. The aim is to give landlords the opportunity to contact the council for basic information on a prospective tenant. This will make it easier to ensure that tenants and landlords are more successfully matched and that eviction is less likely.
- The Council's Housing Options Team will be able to advise and support landlords who have tenants that have fallen into rent arrears and/or those whose behaviour maybe causing them to be at risk of eviction from their home. The Housing Options Team will attempt to engage with the tenants to establish the causes of things like rent arrears and seek to address any issues regarding housing benefit problems, ensuring the tenant is receiving the correct benefits, provide some debt advice, assist in arranging repayment arrangements with landlords and refer to any necessary support or advice agencies where appropriate. Where landlords need to

regain possession of their properties for other matters, such as to carry out major repairs, the Housing Options Team will try to assist tenants in obtaining alternative accommodation.

- The Margate Task Force work programme profiles streets, sites, and properties in the area which are a cause for concern as a result of crime, nuisance behaviour and risk to the local community. The programme identifies lead agencies and officers/professionals and where appropriate the regulatory tools to be applied to address the problem.

Information sharing protocols among Task Force partners ensures that personalised information is used on a secure basis to identify individuals in the community who (i) are vulnerable and require support (ii) pose a risk to themselves and/or others and require support and monitoring to address their behaviour. Examples include:

- Families at risk of eviction through their anti-social behaviour have swift access to family intervention or Social Services to help them engage in positive behaviour to break the cycle of difficulties.
- Development of an assertive outreach approach to providing drug treatment services in the community where need is high and take up is currently low.
- High levels of non school attendance among children in the East European migrant community in Cliftonville West is being addressed through close liaison with the Education Welfare Service, schools and targeted truancy sweeps, as well as working with migrant families to reinforce the importance of school and identifying barriers faced within the migrant community.

Other benefits

Low housing demand will be addressed through selective licensing but also through the housing intervention strategy that is currently being developed. This will look at ways of changing the tenure mix of the area. Partnership working between Thanet District Council, the Homes and Communities Agency and Kent County Council is looking at support and investment to work with private developers and registered social landlords in purchasing some of the empty and derelict properties and developing them into more suitable accommodation. This will result in significant changes to the way in which some streets look in the future.

Other expected benefits for the area through this scheme and the associated work being carried out as described above include:

- Reduced levels of anti social behaviour
- Improved management and condition of privately rented accommodation
- Support for landlords in dealing with anti social tenants
- Education for tenants in their responsibilities to behave in a tenant like manner

- Education for tenants to ensure they only live in properties that meet a minimum standard
- Promotion of the landlord accreditation scheme and the aspiration to let property to a higher standard
- and to act in a professional manner with well written tenancy agreements, inventories and protected deposits
- Encouragement of landlords not to take tenants with a poor reference
- Development of a tenant referencing system to enable landlords to make informed decisions when letting property
- Improvement of the image and desirability of the area
- Encouragement in the market to increase rents and values of property in the area
- Encouraging a change to the tenure mix of the area

8. Successful schemes in other areas

Selective licensing has been successfully implemented in a number of areas across the country. There are 13 schemes currently operative, all at different stages of their designation. The following provides a summary of some of those schemes that have been running long enough to have carried out some evaluation of their scheme so far.

Middlesbrough

Selective Licensing in Middlesbrough was introduced in June 2007, and phased in on a 'street by street' basis in areas experiencing high levels of crime and anti-social behaviour. The strategy was to challenge the private tenants and families causing anti social behaviour, encourage them to engage with support agencies, assist tenants to modify their behaviour and help them sustain their tenancy. Support for families and/or individuals is an essential component of the intervention strategy.' Middlesbrough update May 2010.

The evaluation document indicates that there has been a considerable increase in the uptake of the services that Middlesbrough provide for landlords in particular the tenancy referencing service where the requests for such references have doubled to 150 per month. Implementation of the selective licensing scheme has led to increased engagement with landlords in the area.

Salford Pathfinder

There is some evidence that property prices within the nominated area have risen and property turn over has decreased across the project area.

Void rates have shown a clear downward trend. The reporting of ASB at first showed an increase which is thought to be because more people felt able to report incidents once the issue had been raised as part of the scheme and has subsequently fallen as a result of this intervention.

Gateshead

There has been a dramatic increase in membership of the Landlords Association. Almost half of the new members joining since July 2007 have properties in the Licensing area when the scheme became operational.

There has been a substantial increase in the number of accredited properties in the area. Currently 118 properties have reached this status in the area, resulting in more decent homes in the private rented sector. One third of all properties accredited in Gateshead in the last year are in the Licensing area.

Of those properties where works were carried out to bring up to the

accreditation standard, landlords have on average spent over £2000 per property on improvements.

Both agents and landlords have generally shown more commitment to the area, improving properties, being more proactive with difficult tenants and participating in training events held by the Team to improve management skills.

Where deficiencies in the management of tenants and properties occur, these have been highlighted in the application process and are part of ongoing actions being carried out by the Team to safeguard tenants and improve property conditions.

Feedback from residents has been positive.

The scheme has complemented other works in the area particularly the block improvement schemes

Landlords have been quicker to respond to issues relating to anti social behaviour arising from their tenants, understanding that this may affect their status as a licence holder.

Thanet DC is fortunate that it has a positive relationship with a number of authorities that have already been through this process and can share best practice. There is also support from Local Government Regulation to guide the council through the designation.

9. Conclusion

Before a final decision can be made on whether a selective licensing designation should be made, section 81 of the Housing Act states that the council must consider how this fits with the Housing Strategy and how it will provide a co-ordinated approach to homelessness, empty properties and anti social behaviour.

These elements have been discussed throughout this document in terms of the work being carried out by the Community Safety and Enforcement Service and the Margate Task Force (sections 4 and 8).

Empty properties are being addressed through the housing intervention strategy and this strategy also addresses homelessness through the provision of more suitable accommodation. (Sections 4 and 8).

Dealing with the issues in the proposed area also forms part of the corporate plan; has been identified by the Total Place submission in February this year and is seen as a priority by all public sector services.

Homelessness issues have also been considered and under the benefits of the scheme there will be close working to ensure tenancies are stabilised as far as possible (Section 8).

This proposal has covered the main elements of the CLG Guidance 'Approval steps for additional and selective licensing designations in England' and the legislation and selective licensing is considered to be an appropriate course of action.

Many causes of lower level anti social behaviour in the area could be dealt with by landlords. Proper waste disposal, noise, and conduct within the property can all fall within the terms of a tenancy agreement. Despite attempts to engage with landlords there is reluctance by many to get involved and take responsibility in this way. Thanet District Council is committed to taking responsibility for enforcement against perpetrators of anti social behaviour using the powers it has available to it and will provide the support that both landlords and tenants need to tackle these problems. However, in order for Thanet District Council to be successful, it needs the commitment from the landlords and at present that commitment is not yet there.

This is evidenced throughout the document by the experience of the community safety service in engaging landlords, the fact that landlords rarely call the unit for assistance, that complaints are still being made about the quality of accommodation and notices still need to be served.

Low housing demand will also be dealt with by reducing the level of crime and anti social behaviour. There is a clear link between the reputation of an area, the levels of investment and the market value of the properties. High levels of anti

social behaviour affect the reputation significantly.

These are the reasons for a selective licensing scheme. The scheme will require landlords to engage with the council and its partners and work with us to reduce the anti social behaviour and poor management as part of the wider regeneration of the area.

The council is encouraged by the level of responses received to the consultation and the clear indication that both residents and landlords agree that there is a problem that needs to be addressed. Many did not agree with the selective licensing scheme in the format presented in the consultation document. This final proposal document has considered all of these representations and provides a more comprehensive explanation to support the need for a selective licensing scheme.

Appendix 1 Draft Proposal used in consultation

Introduction

Thanet is located to the north east of Kent in the South East of England. The South East is considered to be an affluent region and yet Margate Central and Cliftonville West wards are in the bottom 3% of the most deprived wards nationally and are the two most deprived wards in the South East of England (IMD).

Thanet was a popular holiday destination but has struggled to restructure its economy following the decline of this industry and this has led to serious deprivation challenges. Despite a wide range of actions and interventions in recent years, the area's ranking in deprivation compared to other areas of the country has declined significantly since 2004. This deprivation is manifested in numerous ways through high levels of worklessness and benefit dependency; a highly transitory populations with an annual turn over of residents exceeding 30%, and considerable inequalities in health, with life expectancy significantly lower than elsewhere in the county.

One of the major challenges in Margate and Cliftonville West is the built environment. In Cliftonville West in particular, the Victoria seaside properties are characterised by large terraced houses or guest houses and hotels, over several floors with small gardens. Since the decline in Thanet's tourism, this type of property has lent itself to be used as small flats, and houses in multiple occupation, being too large for retention as single household family homes, with very few traditional guest houses or B&B's remaining. The change in the type and tenure of housing, and consequently a change in the demographic profile of the area.

With little opportunity for employment in recent years, these properties have become easily accessible housing for benefit dependent individuals and less attractive to home owners. As owner occupiers sell up and move out, market values have reduced over time and the large properties have become attractive investments for landlords to purchase and sub divide, creating additional flats and Houses in Multiple Occupation (HMOs).

Many single person benefit dependent households are transient and this has led to a high turnover of residents. A significant number of people move into the area from other parts of the country and outside the UK, as well as constant movement between properties within the ward. There remains a core community of households who have pride in the area but the constant movement of the privately rented sector means it is difficult to maintain and develop any feeling of community and this contributes to the area scoring poorly on community cohesion indicators.

In 2005 the District Council declared the wards of Cliftonville West and Margate

Central as a Neighbourhood Renewal Area (NRA). Despite considerable attention and financial support for the area, progress on improving the deprivation indicators has been slow and in some cases has declined. Property values have slumped and levels of deprivation have continued to remain high. The area has many absentee landlords, high levels of privately rented accommodation, which is often poorly managed and in poor condition, and high numbers of empty properties. From a social perspective there are high levels of worklessness, poor health, high levels of crime and anti-social behaviour and physical and social deprivation. It is not surprising that the area is perceived to be rundown and contributing negatively to the overall reputation of Thanet.

Despite all these issues the area of Cliftonville West continues to be a priority for Thanet Council, Kent County Council and East Coast Kent NHS. It is viewed as an area with considerable prospects for the future with determination from the community, public sector services and voluntary services to intervene and make a difference to the current profile of this ward.

The Margate Task Force, which is due to be launched in September 2010, draws together a co-ordinated and focussed multi-agency approach to tackling the high level of socio-economic problems in the area, characterised by a disproportionate concentration of vulnerable individuals and families.

The Task Force team structure will take the lead in co-ordinating integrated working around key priorities and adding significant capacity to existing work around community safety such as anti-social behaviour, tackling crime, supporting vulnerable individuals and families, and housing. This intervention is underpinned by an agreed long-term strategy and neighbourhood plan, shaped and directed through community engagement, for addressing the significant issues faced in the Cliftonville West and Margate Central wards, alongside a comprehensive housing intervention plan.

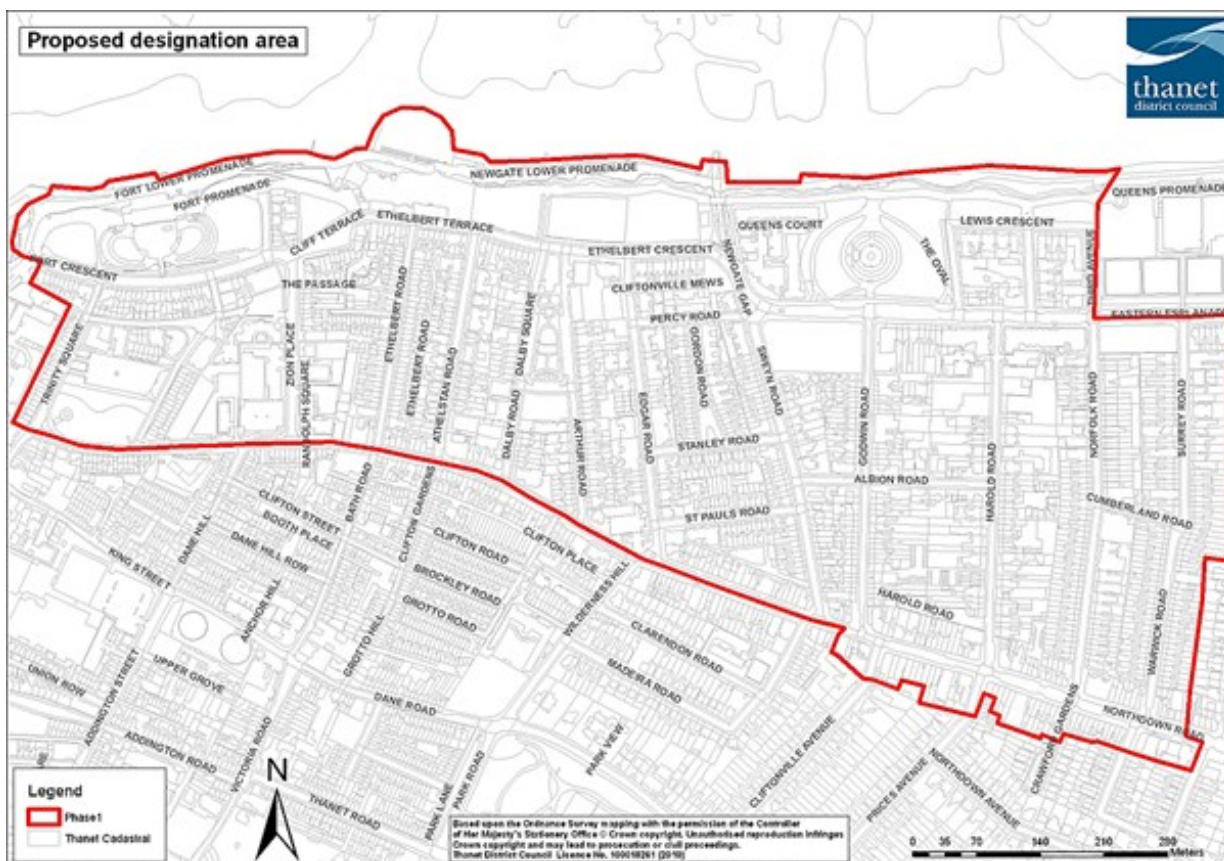
It is proposed that the community are engaged with this proposal and have the opportunity to make comment. This document sets out the detail behind the proposal and the reasons why making a designation will enhance the existing activity and welcomes any views or comments. Section 6 provides details on how to make representation.

Following the 10 week consultation period, a final report will be submitted to Thanet District Council's Cabinet meeting in December for a decision on whether to proceed with designation.

2 The Proposal

It is proposed that Thanet District Council designate the area outlined in red on the map below as a selective licensing area.

Map: Proposed designation area



The designation will be used to tackle anti-social behaviour in the area and to assist in improving the quality and the management of rented accommodation.

Every privately rented flat, house or room (unless already licensed as a HMO under the existing mandatory scheme) will require a licence to operate in the area and landlords will be responsible for making an application to the Council.

It is proposed that the selective licensing scheme will be declared in December 2010 and will become operative in April 2011. The designation will last for 5 years until December 2015.

Initially it is expected that compliant landlords will apply for a licence shortly after the designation, however it will be necessary to introduce a comprehensive enforcement programme to capture un-licensed properties. Enforcement will be carried out on a phased approach starting in the worst streets for levels of anti social behaviour. This will be combined with a targeted approach for individual properties identified on a priority basis through the Margate Task Force and through the Housing Intervention programme.

3 What is a Selective Licensing Scheme?

Selective licensing is a regulatory tool provided by the Housing Act 2004 (the Act). Section 80 of the Act allows local housing authorities to designate areas suffering from either significant and persistent anti-social behaviour and/or low housing demand.

By making the designation, all privately rented accommodation in the designated area will require a licence. Owners of rented properties will be required to make an application to the Council for a licence and will need to nominate either the manager or the owner to be the licence holder.

Landlords who own more than one property within the designated area will need to apply for a licence for each of the units of accommodation they rent out. The licence is valid for up to 5 years and will contain a series of conditions that the licence holder will be required to comply with. These conditions will include items relating to the management of the property, fire safety and anti-social behaviour. There will also be a requirement that landlords provide references for tenants that move on from their properties.

The Housing Regeneration Team will be responsible for ensuring compliance with the designation and will be supported by the Margate Task Force. Where a breach of licence conditions is identified the licence holder may be prosecuted with a fine of up to £5,000 per breach. Failing to apply for a licence could lead to prosecution and a fine of up to £20,000.

The Housing Regeneration Team will be carrying out a programme of pro-active inspection and is expected to take a zero tolerance approach where un-licensed properties or breaches of conditions are found. They will also be assessing the physical condition of the property and will be able to take enforcement action against the licence holder to reduce any hazards that are found and make any improvements that are necessary.

Although the penalties to non-compliant landlords can be high the aim of the scheme is to deal with the anti-social behaviour of some tenants. In order to tackle this it will be necessary to support landlords in dealing with anti-social tenants. The Housing Regeneration Team will be looking at ways in which to best deliver this support through the Margate Task Force and other partner organisations.

There will be a charge for the licence and this will be £525 per licence. If the designation is agreed in December 2010 then designation will become operative in April 2011. Between January and April 2011 it will be possible to make an application and it is proposed that there will be a discount for those that submit an application before the operative date. It is also proposed that landlords who are accredited with the Kent Landlord Accreditation Scheme will also benefit from a discount. Further information will be supplied in January should the designation be successful.

4 Why do we need a Selective Licensing Scheme?

Although both the wards of Cliftonville West and Margate Central have issues relating to anti social behaviour, it would not be feasible to declare the whole area as part of the designation due to staff resource implications.

The focus for this designation is, in the main, focused on the part of the ward of Cliftonville West due to the higher proportion of residential accommodation and the link between anti social behaviour and rented accommodation. If the designation is successful it may be that further designations are considered in the future.

4.1 Anti-social behaviour

Anti social behaviour is a concern within the ward and forms the main reason for this proposal.

The area suffers from a number of fires both deliberate and accidental each year. The Fire Service attended 215 deliberate fires in 2009/2010 across Thanet and this is one of the highest levels in Kent. However, the ward of Cliftonville West has the highest number of call outs for deliberate dwelling fires experiencing 13 last year. As a result of these fires 2 people suffered serious injuries and 9 had to be rescued from their homes.

Thanet's average incident rate for fire is 4.3 fires per 1,000 population. The rate in Cliftonville West is double that rate at 10.2 fires per 1,000 population and is the highest rate across all the wards in Thanet.

Crime is also a significant problem in Cliftonville West and Margate Central. These two wards have some of the worst crime rates in Kent with a combined crime rate of 247.3 per 1000 population; the average for Kent is 71.3 per 1000 population .

Cliftonville West had 386 reported violent crimes compared to the ward average of 133 in Thanet. This is almost three times the average.

Burglary linked to local problematic drug users, accounts for 153 crimes a year in Cliftonville West alone against a Thanet ward average of 33.

Within the two wards (Cliftonville West and Margate Central), the Youth Offending Service has 87 customers annually. This represents 17% of the Thanet total. Cliftonville West is the worst ward for youth offending in Kent accounting for 15% of youth crime in Thanet.

Approximately 15% of KCC's children's social work cases in Thanet are found in these two wards. This includes a disproportionate number requiring statutory

intervention.

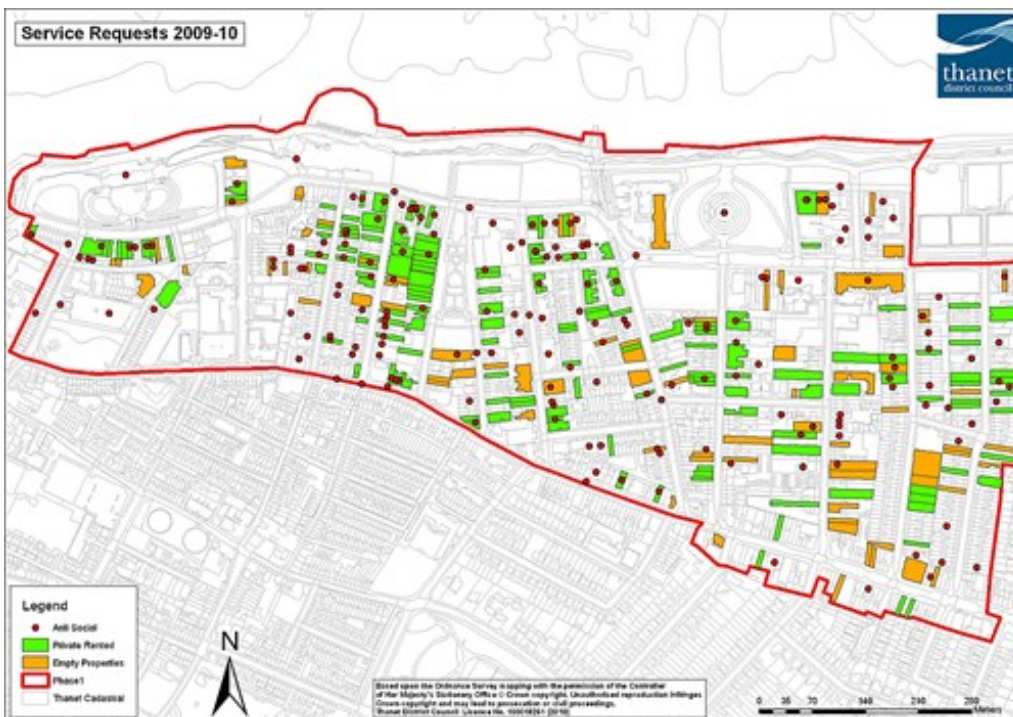
745 of Incapacity Benefit claims were for mental health and behavioural disorders from a total of 1390 in the area (53.7%).

Approximately 34% of all GP referrals in Thanet to secondary mental health services emanate from these two wards.

From July 01 2009 - July 01 2010 a total of 188 fixed penalty notices were issued for littering and dog fouling across the district. 14% of those notices were served within Cliftonville West.

As indicated by some of the statistics shown above the area of Cliftonville West suffers from a significant problem of anti social behaviour. The map below indicates the levels of service requests received by Thanet DC in 2009/10 relating to antisocial behaviour and privately rented properties. It also plots known empty properties.

Map: Service Requests 2009/10



The map shows that across the area there are a number of properties that are linked to anti social behaviour. This only shows the level of activity by Thanet DC and does not show the calls and activity relating to crime and disorder and therefore the map should be read in conjunction with the general statistics already provided.

In order to qualify for a selective licensing scheme there must be evidence of a link between the housing and a significant and persistent problem of anti social behaviour. The data and map clearly show that this is the case, however there is

data missing on exactly how many properties are privately rented. As information becomes available this map will be updated.

Based on the available data that has been mapped, there are clear hotspot areas. The 'hotspots' will form the basis of a prioritisation for the enforcement programme but it is considered appropriate to designate this whole area to ensure a comprehensive approach is taken to deal with the issues.

By designating the whole area detailed in the map above the risk of problems migrating to other wards is reduced. The nature of the housing stock in this area is so unique that it is unlikely that other wards will be affected in the same way. So far, of those authorities that already have a selective licensing scheme, there appears to be no evidence that the problems migrate to other areas. The aim of the scheme is to tackle the root cause of the anti social behaviour rather than moving it from property to property. Evaluation of the scheme will form an important part of this project and this will include an impact assessment on surrounding areas.

4.2 Housing Tenure

One of the main distinguishing features of this area and arguably at the heart of the problem is the over-supply of mainly substandard private rented accommodation. In October 2009, the Housing Regeneration Team at Thanet District Council began a pro-active programme of inspection called 'Your Home, Your Health'. This programme involved the systematic inspection of all properties in the area, one street at a time. This programme is currently on going and has provided valuable data on the properties in the area. So far the data collected has identified that in some streets more than 80% of the properties are privately rented. The average for privately rented property in Thanet is 28.5% which is still very high compared to a national average of 13%. This is a symptom of the current housing market and the high levels of people on means tested benefits that are unable to access the housing market. Despite the house prices having recently reduced and the value of property in Cliftonville West being particularly low, the area is more attractive to investment landlords with a demand for low rent accommodation rather than owner occupiers.

45% of properties are in single-occupation and this is largely due to the number of small flats and HMOs. 58% of properties are flats compared to the Kent average of 16% and 30 properties in the area already have a mandatory HMO licence. The level of home ownership has reduced significantly with some streets only showing around 10% of properties being owner occupied and this figure appears to be falling. This type of accommodation has an impact on the diversity of the community with less family accommodation available which in turn leads to over occupation and overcrowding.

In addition to the high levels of rented accommodation and low levels of owner occupied properties there are high levels of empty properties. Up to 20% of units are empty in some streets and in some cases whole buildings that have

been converted into a number of flats are empty and boarded up.

4.3 Housing Condition

Figures provided by the Building Research Establishment (BRE) show that between 58-and 85% of properties within Cliftonville West have at least one category one hazard as assessed under the Housing Health and Safety Rating system. This is an indicator of substandard accommodation that does not meet the decent homes standard. Following a stock condition survey for the whole of Thanet in 2008, it is likely that properties will contain disrepair issues that will lead to a risk of exposure to the cold through inadequate heating and insulation, and an increased risk of fire, falls, and crime. This is further supported by the data mentioned in 4.1 which details the level of crime and incidents of fire.

4.4 Population

The population in the area is particularly transient with a 34% annual 'churn'. Work through the 'Your Home, Your Health' project has highlighted that more than 80% of residents in the survey area are not originally from Thanet. Around 21% are from elsewhere in Kent, 43% are from elsewhere in the UK and 19% are from outside of the UK.

The transient nature of the residents makes it extremely difficult to understand the needs of the residents in the area and to make a lasting impact by tailoring services to meet those needs.

The average life expectancy in Margate Central is 72.7 years (2004 -2008 pooled data) - 17 years shorter than the best in Kent. Life expectancy at birth for males in Cliftonville West is 69.2 years, almost 18½ years below the best county average. Key killers for this population are circulatory disease (highest mortality rates in Thanet) and all cancers.

The area also has high levels of people in receipt of benefits. 39% of people are in receipt of at least one benefit which is the worst in Kent. 9.4% are in receipt of Disability Living Allowance and 18.5% receive Incapacity Benefit this is the second worst in Kent the first being Margate Central.

4.5 Current Activity

Given the data collected, it is considered appropriate that a selective licensing designation should be considered. However, it is important to ensure that this scheme compliments existing projects and activity.

In 2005 Cliftonville west was declared as a renewal area. Additional resource was directed to the area in the form of a small team dedicated to responding to issues in the area and administering small grants to improve the frontage of the properties. The work of this team has identified the need for a much larger more

integrated approach which has led to the development of the Margate Task Force. The area also benefited from investment from the Safer, Stronger Communities Fund (SSCF) which helped deliver projects for the community.

These have all had a positive impact on the area but have not directly tackled the internal conditions of the properties or dealt with continued anti social behaviour issues. Although the Council has always responded to complaints relating to housing condition and anti social behaviour this only deals with a small proportion of the problems leaving the remaining area largely un-regulated.

In 2007 the Council also led on a multi agency enforcement approach called 'Operation Cleansweep'. Again this is a continuing programme of activity and is a highly successful model for enforcement. There have been a number of successes through the scheme and this approach will continue to have an important role in the enforcement and delivery of selective licensing.

In 2009 the Council introduced a proactive property inspection programme called 'Your Home Your Health'. There are two main aims to this approach. The first is as a multi agency referral form to assist residents in accessing a number of services that they may not normally be aware of. These services range from finding a dentist or a doctor, quitting smoking and healthy living advice, to benefit advice and debt management, to accessing community groups and befriending services. The second aim is to collect information about the properties, the tenure, and the population. So far this has provided some useful information to allow us to direct services appropriately. 'Your Home, Your Health' runs in partnership with the NHS and services across Kent County Council and Thanet DC and has successfully linked a number of residents to services that have improved their health safety and welfare.

It is intended that selective licensing will support the activity that is currently being undertaken but also bridge the gap that has been identified by dealing with the problems associated with rented accommodation and anti social behaviour.

5 What are the Benefits of having a Designation?

It is the intention of the Council to designate specified areas of Cliftonville West and Margate Central as a selective licensing scheme. Although a selective licensing scheme provides the council with the powers to regulate the private rented sector it is the intention to work with landlords to reduce anti social behaviour and improve housing conditions. It is expected that introducing such a scheme will have a number of benefits to the community, landlords, tenants and owners, both directly and indirectly.

Expected benefits include:

- Reduce levels of anti social behaviour

- Improved management and condition of privately rented accommodation
- Support for landlords in dealing with anti social tenants
- Education for tenants in their responsibilities to behave in a tenant like manner
- Education for tenants to ensure they only live in properties that meet a minimum standard
- Promotion of the landlord accreditation and the aspiration to let property to a higher standard and to act in a professional manner with well written tenancy agreements, inventories and protected deposits
- Encouragement of landlords not to take tenants with a poor reference
- Development of a tenant referencing system to enable landlords to make informed decisions when letting property
- Improvement of the image and desirability of the area
- Encouragement in the market to increase rents and values of property in the area
- Encouraging a change to the tenure mix of the area

Selective licensing has been successfully implemented in a number of areas across the country. Middlesbrough was one of the first and has reported positive results following the first 18 months of the scheme. In particular, there has been evidence that as a result of the intervention, anti social behaviour has decreased and the level of privately rented accommodation has also decreased. There has also been a slight increase in property value despite the current housing market being slow. The London Borough of Newham has also introduced a scheme that is analogous to the proposal for Cliftonville West in that there is high anti social behaviour but being in the south east of England where housing demand is considered high. The Newham scheme became operative on the 1st March 2010 and Newham have already started to see a clear reduction in anti social behaviour, in particular environmental crime. The scheme has received support from professional landlords who have commented that it has had a positive impact on their business.

Thanet DC is fortunate that it has a positive relationship with a number of authorities that have already been through this process and can share best practice. There is also support from Local Government Regulation to guide the council through the designation.

It is expected that this scheme, working along side other intervention projects in the area, will have a significant impact on anti social behaviour issues and consequently the housing tenure of the area.

6. How do I make comments on this proposal?

For general enquiries about this consultation

please contact:

Email: Hannah.Thorpe@thanet.gov.uk
(<mailto:Hannah.Thorpe@thanet.gov.uk>) Corporate Communications and Marketing Officer.

To make any comments or observations about this proposal please send these to:

Selective Licensing Consultation

Thanet District Council

Freepost SEA 8273

Or you can leave comments on line using our Consultation Page.

Consultation will be taking place using the following methods:

- Direct mail to landlords and residents.
- Direct mail to local community groups (this includes a number of harder to reach groups).
- Press release to local media/press.
- Posters – some translated into other languages – working with Migrant helpline.
- Article in Thanet Matters/Your Say.
- Information on TDC website

Groups to be consulted include

Landlords, Letting Agents/Estate Agents

Direct mail – all landlords/agents will be sent a letter explaining what the proposal is and how it will affect them as landlords.

As part of the mail out, a feedback form will be included providing landlords with an opportunity to give their views on the proposal.

The letter will also advertise details of a drop in session to be held during in the evening. The drop in sessions will be informal so landlords can call in at any time. The sessions will be held so that landlords can find out more about the proposal, ask any questions and provide any comments/feedback. TDC Private Sector Housing Staff will be on hand to answer any questions.

Landlords' board/forum will be advised of the consultation and will be invited to

comment. If a meeting of the board/forum is held during the consultation period then the consultation will be added to the agenda and/or Housing Officers will attend to promote this.

Tenants and residents in Cliftonville West

Mail drop - All properties in Cliftonville West will be mail dropped a flyer about the scheme. The flyer will explain what the scheme is and what it means for tenants/residents.

On the reverse of the flyer there will be a short tear off survey/feedback form to give tenants the chance to provide any comments on the proposal.

The flyer will also advertise details of a number of road show dates which will be held throughout the consultation period at a number of venues in Cliftonville West. The road show will be held during the daytime and some evenings to ensure those who work are also able to attend.

The road show sessions will be informal so tenants can call in at any time. The sessions will be held so that tenants can find out more about the scheme, ask any questions and provide any further comments. TDC Housing Regeneration Staff will be on hand to answer any questions.

Ward Councillors for Cliftonville West

Ward Councillors will be contacted (by letter/e-mail) ahead of a general mail out to all councillors. This letter will provide details of the proposal as well providing the full consultation plans for the area. They will be asked to provide any feedback/comments about the proposal.

Stakeholders/partners/community groups in Cliftonville West

Community groups will be contacted (by letter/e-mail) with details of the proposal. They will be advised of the road show dates and will be asked to promote the consultation to their members. A few copies of the flyer (going out to tenants) will be included within the letter and they will be invited to provide any comments or feedback.

Where relevant TDC officers may wish to visit any well attended community group meetings/forums/PACT panels throughout the consultation period to promote the scheme.

The consultation will need to be flagged up to Margate Renewal Partnership and also to the 'This is Margate' group to ensure that they are aware of the consultation.

Shelter, NLA and CAB will also be consulted.

Relevant TDC Staff

An e-mail will be sent to relevant TDC staff to advise them of the proposal. For any teams who may experience a significant impact from the proposal (e.g. Community Safety) a meeting should be set up to discuss the implications and to provide an opportunity for council officers to provide suggestions and feedback on the proposal.

All residents in Cliftonville West

A press release will be issued to local media/press to promote the consultation, including the dates and venues of the road show.

Posters will be placed around Cliftonville West advertising the consultation. The posters will be translated into Czech/Slovak and placed in public spaces, as well as asking some local venues (cafes/pubs/community centres) to display them.

Information will be available on the council website so any people with internet access will be able to find out more about the proposal as well as completing an online comments/feedback form. (Completed in SNAP).

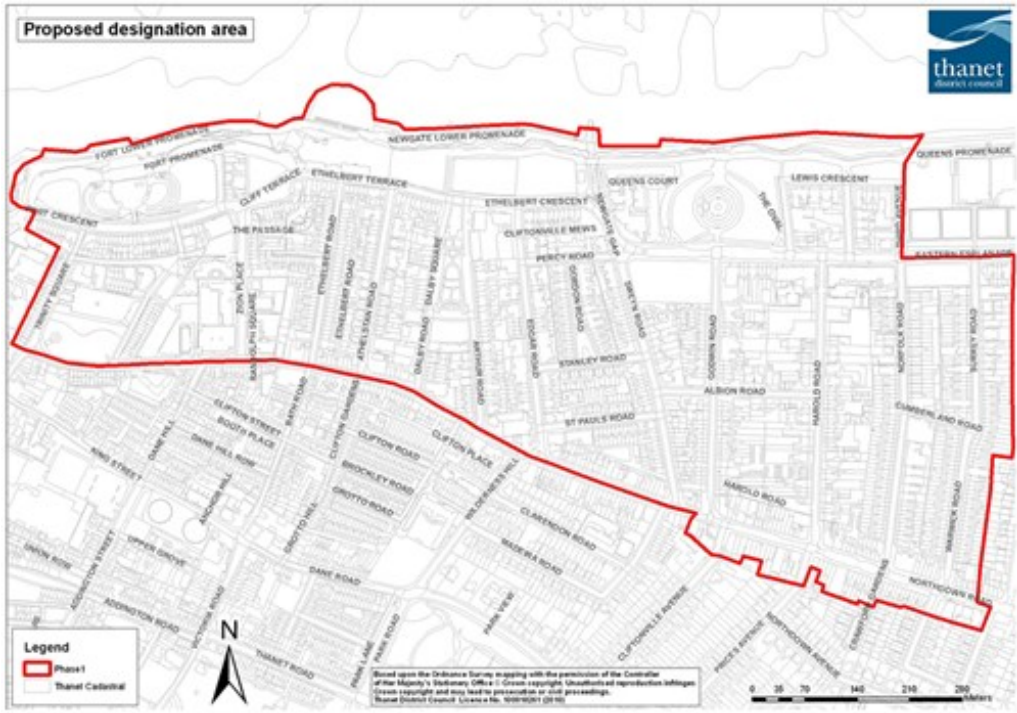
The road show will be held in public open spaces so any member of the public will be able to find out more about the proposal and will have the opportunity to ask questions or to provide comments.

All TDC councillors

A letter/e-mail will go to all TDC Councillors to advise them of the proposal for Cliftonville West.

Appendix 2 Large map of the area and street list

Proposed Designation Areas



Street Names

- Albion Road
- Arthur Road
- Athelstan Road
- Cliff Terrace
- Cliftonville Mews
- Cumberland Road
- Dalby Road
- Dalby Square
- Eastern Esplanade Odd No's 1-87 & Even No's 2-12
- 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 1-257 & Even No's 206-310
- Percy Road
- Queens Parade
- Sandown Cottages
- Second Avenue
- St Paul's Road
- Stanley Road
- Surrey Road
- Sweyn Road
- Third Avenue
- Trinity Square No's 1-68
- Warwick Road
- Zion Place

Appendix 3 Formal Notice to Designate

The Thanet District Council (Designation of an Area for Selective Licensing) Order 2011.

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 Thanet District Council (Designation of an Area for Selective Licensing) Order 2011.
2. This designation is made on [12th January 2011] and shall come into force on 12th April 2011.
3. This designation shall cease to have effect on 5th April 2016 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 house[1] 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 Act[2];
 - (b) the tenancy or licence of the house has been granted by a registered social landlord[3];
 - (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
 - (e) the house is occupied under a tenancy or licence which is exempt under the Act[4] 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]

Date and authentication by the Council.

Pursuant to paragraph 3 of the Housing Act 2004: Licensing of Houses in Multiple Occupation and Selective Licensing of Other Residential Accommodation (England) General Approval 2010, the designation has the Secretary of State's general approval for the purposes of section 82(1)(b) of the Act.

The Common Seal of Thanet District Council

was hereunto affixed in the presence of:

- Member
- Solicitor

Notes:

[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)

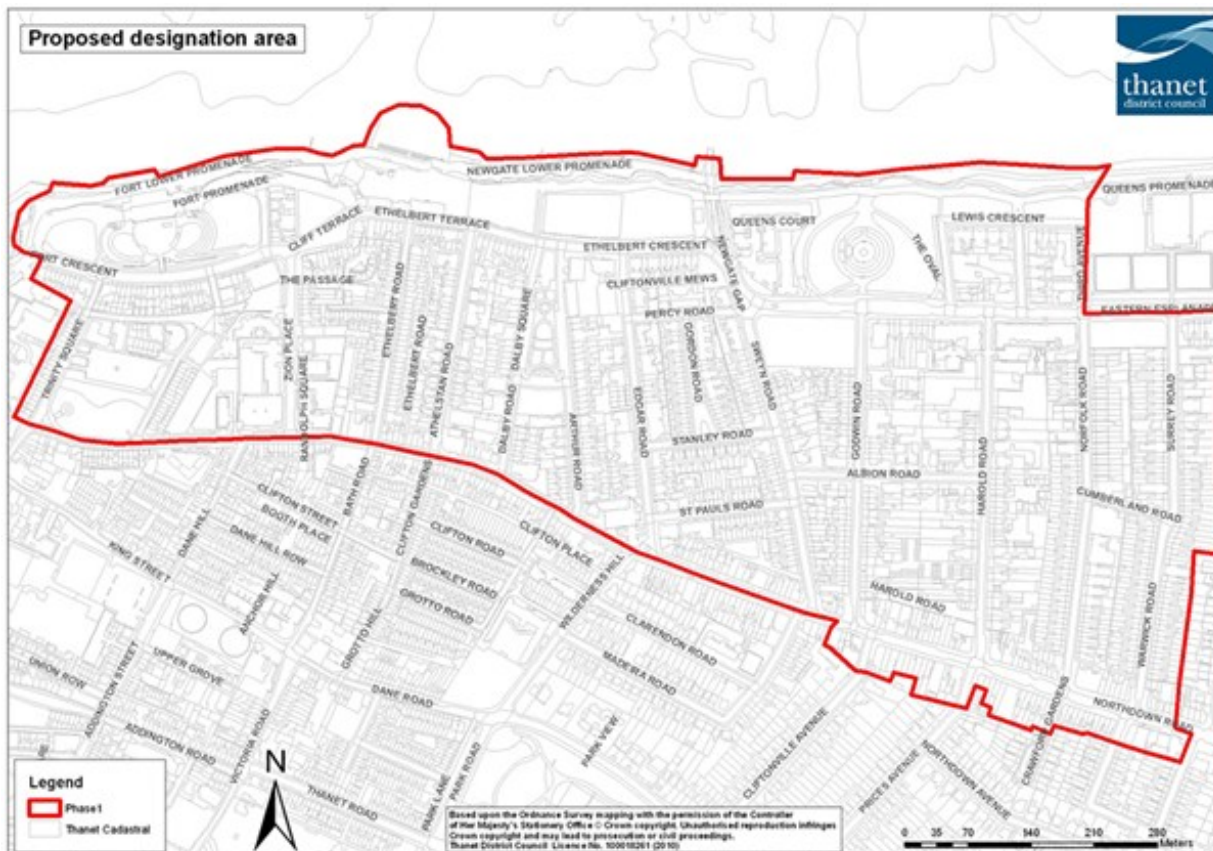
[3] Section 79 (3) of the Act. For the definition of a Registered Social Landlord see Part 1 of the Housing Act 1996

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

[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 373/2006

Annex A - Map of Designated Area



Annex B - Exempted Tenancies or Licences[7]

Prohibition of occupation by law

1. A tenancy or licence of a house[8] or a dwelling[9] 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 premises[10];

(c) a tenancy under which agricultural land, exceeding two acres, is let together with the house[11];

(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 holding[12].

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 controlled[13] 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;
- (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 1998[14];
- (e) The Prison Rules 1998[15];
- (f) The Young Offender Institute Rules 2000[16];
- (g) The Detention Centre Rules 2001[17];
- (h) The Criminal Justice and Court Service Act 2000 (Approved Premises) Regulations 2001[18];
- (i) The Care Homes Regulations 2001[19];
- (j) The Children's Homes Regulations 2001[20];
- (k) The Residential Family Centres Regulations 2002[21].

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 or higher education at the specified establishment[22] 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 Act[23]

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 his 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).

Holidaylets

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:

- (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 the other member of the coupleand
 - (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.

Notes:

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

[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

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

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

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

[17] SI 238/2001. 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 850/2001

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

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

[22] SI 3213/2002 as amended by SI 664/2004, SI 865/2004 and SI 3168/2004

[22] See the schedule to The Houses in Multiple Occupation (Specified Educational Establishments) (England) (No 2) Regulations 2006 for the list of specified bodies

[23] The relevant codes of practice are approved under SI 646/2006 - The Housing (Approval of Codes of Management Practice) (Student Accommodation) (England) Order 2006.

Appendix 4 Legislative tools to deal with anti-social behaviour and housing conditions

Anti-social behaviour

Behaviour	Enforcement	Support	
Domestic Noise	Acceptable Behaviour Contracts or Agreements	Mediation Warnings and agreements Individual Support Orders if ASBO freestanding and aged 10 to 17.	s153a, B, C and D, Housing Act 1996 (as amended by part 2 of the Anti Social Behaviour Act 2003 and Police and Justice Act 2005)
	Fixed Penalty Notice for night noise		s222, Local Government Act 1972 (as amended by the Police and Justice Act 2006)
	Injunction, Demoted Tenancy, Possession and Eviction		s1, Crime and Disorder Act 1998 (as updated by the Police Reform Act 2002)
	Injunction for public nuisance		S9(4a) Noise Act 1996, s83 Clean Neighbourhoods and Environment Act 2005 and s79-80 Environmental Protection Act 1990
	Anti Social Behaviour Order (ASBO free-standing or on conviction).		
	Noise Abatement Notice, Prosecution for breach (Anti Social Behaviour Order on conviction)		
Rowdy or Nuisance Behaviour	Acceptable Behaviour Contracts or Agreements	Family group counselling	s222, Local government Act 1972 (as amended by the Police and Justice Act 2006)
Gang activities	Dispersal of Groups	Youth Diversion	
	Injunction for public Nuisance	Parenting Contracts	s8, Crime and Disorder Act 1998 (as amended by the Anti Social Behaviour Act 2003 and Police and Justice Act 2005)
	Parenting Order (also provides support)	Parenting Orders	s11, Crime and Disorder Act 1998
	Child Safety Order (children under 10; also provides support)	Warnings and agreements	
	Local child curfew scheme (children under 16)	Restorative justice	
	Anti Social Behaviour Order (ASBO free-standing or on conviction).	Alcohol treatment	
		Individual Support Orders if ASBO freestanding and aged 10 to 17.	s14, Crime and Disorder Act 1998
Rowdy or Nuisance Behaviour			s1, Crime and Disorder Act 1998 (as updated by the Police Reform Act 2002)
(Continued)	s153A, B, C and D, Housing		

Gang activities	Act 1996 (as amended by part 2 of the Anti Social Behaviour Act 2003 and Police and Justice Act 2005)		
	Part 1a, Anti Social Behaviour Act 2003 (as amended by s118, sched 20, Criminal Justice and Immigration Act 2008)		
	Part 4, Policing and Crime Act 2009 (commencing 01st April 2010)	Prohibitive and Positive requirements	
Hoax Calls to Emergency Services	Anti Social Behaviour Order (ASBO free-standing or on conviction). Acceptable Behaviour Contracts or Agreements	Education schemes Youth schemes run by local emergency services involving education and reparation work. Youth Diversion Individual Support Orders if freestanding and aged 10 to 17.	
Verbal and Physical abuse	Acceptable Behaviour Contracts or Agreements	Warnings and agreements	s8, Crime and Disorder Act 1998 (as amended by the Anti Social behaviour Act 2003 and the Police and Justice Act 2005)
Criminal damage		Parenting Order (also provides support)	
Graffiti	Fixed Penalty Notice		
Fly Posting	Defacement Removal Notice	s43, 48-52, Anti Social Behaviour Act 2003 and s96, Clean Neighbourhoods and Environment Act 2005	
Unauthorised distribution of literature	Anti Social Behaviour Order (ASBO free-standing interim without notice or ASBO on conviction).		
Violence and threat of violence	Prosecution	s1, Criminal Damage Act 1971	
	Anti Social Behaviour Order	s131(2) and s132(1), Highways Act 1980	
Verbal and Physical abuse (continued)	s2, Protection from Harassment Act 1997		
	Housing Act 1996 as		

Criminal damage	amended by Part 2 of the Anti social behaviour act 2003 and Police and Justice Act 2005)		
Graffiti			
Fly Posting		Individual Support Orders if freestanding and aged 10 to 17.	
Unauthorised distribution of literature	s222, Local government Act 1972 (as amended by the Police and Justice Act 2006)		
Violence and threat of violence	s1, Crime and Disorder Act 1998 (as updated by the Police Reform Act 2002)		
Hate Crime	Prosecution		
	s1, Crime and Disorder Act 1998 (as updated by the Police Reform Act 2002)	Individual Support Orders if freestanding and aged 10 to 17.	
Drugs / Substance Misuse	Acceptable Behaviour Contracts or Agreements	Physical and mental health needs	
	Injunction, Demoted tenancy, possession and eviction (breach of tenancy)	Drug treatment Counselling	
	s222, Local government Act 1972 (as amended by the Police and Justice Act 2006)	Compulsory drugs testing for trigger offences (s2, Drugs Act 2005)	
	S1-11, Anti Social Behaviour Act 2003	Assessment by drugs specialist	
		Restrictions on bail to assess defendants drugs use	
	s1, Crime and Disorder Act 1998 (as updated by the Police Reform Act 2002)	Individual Support Orders if freestanding and aged 10 to 17. Drug Intervention Order if 18 or over	
	Closure powers for Class A drugs		
		Physical and Mental Health Services	

Drug Dealing	s153b, Housing Act 1996 (as amended by Part 2 of the Anti Social Behaviour Act 2003)	Drug Treatment	
	s1, Crime and Disorder Act 1998 (as updated by the Police Reform Act 2002)	Individual Support Orders if freestanding and aged 10 to 17. Drug Intervention Order if 18 or over	
Animal Related Nuisance Irresponsible dog ownership Consistent Barking Allowing dogs to intimidate individuals Dog fouling	Acceptable Behaviour Contracts or Agreements	Warnings and Agreements Mediation Education	
	s80, Environmental Protection Act 1990		
	s2 and s8(1), Noise Act 1996		
	Housing Act 1996 (as amended by Part 2 of the Anti Social Behaviour Act 2003 and Police and Justice Act 2005)	Education	
	S55-59(2), Part 1, Chap 6 Clean Neighbourhoods and Environment Act 2005 and Dog Control Orders Regulations 2006	Warnings and Agreements Mediation Education	
Dog fouling	s1, Crime and Disorder Act 1998 (as updated by the Police Reform Act 2002) Anti Social Behaviour Order (ASBO free-standing or on conviction).		
	Animal Welfare Act 2006	Warnings and Agreements Mediation Education	
	Dangerous Dogs Act 1991 and amendment 1997, Dogs Act 1871		

Licencing and alcohol related nuisance

Licencing and Alcohol related nuisance	Licencing Act 2003	<p>Licencing</p> <p>Drink Banning Orders</p> <p>Injunction for public Nuisance</p> <p>Premises Closure Notice</p> <p>Premises Closure Order</p> <p>Anti Social Behaviour Order (ASBO free-standing interim without notice or ASBO on conviction).</p> <p>Right of Entry</p> <p>Ban on Alcohol consumption in Public Places Order</p> <p>Alcohol Disorder Zone</p> <p>Illegal sales of Alcohol by or for under 18's</p>	<p>Warnings and Agreements</p> <p>Family group counselling</p> <p>Youth Diversion</p> <p>Prosecution</p> <p>Parenting Contracts</p> <p>Parenting Orders</p> <p>Restorative Justice</p> <p>Alcohol treatment</p> <p>Voluntary Alcohol dependency support courses.</p> <p>Individual Support Orders if ASBO freestanding and aged 10 to 17.</p> <p>Partnership agencies linked working</p>
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Property conditions and management

Legislation	Relevant section	What it is used for
Housing Act 2004	Sections 11/12	Improvement notice to reduce or remove unacceptable hazards from the home
	Sections 20/21	Prohibition orders to prohibit the use of all or part of a premises
	Sections 28/29	Hazard awareness used to draw the owners attention to a hazard in the property where a formal notice is not yet necessary.
	Section 40	Emergency Remedial Action. Works area carried out by the council to reduce a significant hazards where there is an imminent risk of serious harm
	Section 43	Prohibition order prohibit the use of all or part of the premises where there is imminent risk of

		serious harm
	Sections 102/103/113	Management orders the management of the property is taken over by the local authority.
	Sections 133/136	Empty Dwelling Management Orders. Used to assist in bringing empty properties back into use where the property is managed by the local authority
The Management of Houses in Multiple Occupation (England) Regulations 2006		Used to deal with management issues in HMOs where the other legislative tools are unable to deal with the issue. No notice provision prosecution only.
Environmental Protection Act 1990	section 80	Notices can be served if the officer is of the opinion that there is a statutory nuisance at the premises. The premises must be deemed prejudicial to health or a nuisance.
Building Act 1984	section 59/60	Used to deal with defective drainage issues in existing buildings
Building Act 1984	section 64/65	Used where sanitary conveniences are insufficient or in need of replacement and are considered prejudicial to health or a nuisance
Building Act 1984	section 76	Used where the property is so defective so as to be prejudicial to health. This notice notifies the person responsible of the local authority's intention to remedy the problem (similar to work in default).
Public Health Act 1936	section 45	Used where there are defective sanitary conveniences due to their repair and/or cleansing ability. They must be in such a state as to be prejudicial to health or a nuisance.
Public Health Act 1961	section 17	Where any drain, private sewer, water closet, waste pipe or soil pipe has not been maintained and can be repaired for less than £250.
Local Government (Miscellaneous Provisions) Act 1976	section 33	Used where services such as the water supply are due to be, or have been, cut off to a domestic property.
Prevention of Damage by Pests Act 1949	section 4	Used where there is evidence of or harbourage of pests at a property.
Local Government (Miscellaneous	section 16	Used to formally request information about a

Provisions) Act 1976	section 10	premises or a person.
Police and Criminal Evidence Act 1984, Criminal Procedures and Investigation Act 1996, Regulation of Investigatory Powers Act 2000		Used in relation to interviews under caution, prosecution and gathering evidence.

There are other pieces of legislation used to deal with empty properties such as the Compulsory Purchase order process, Town and Country Planning Act 1990 section 215, and Enforced sales.