

**This proposal document sets out
the Council's reasons for
proposing a Selective Licensing
designation for the Colne Area**

Pendle Borough Council

**Proposal to approve a Selective
Licensing Area**

**Housing, Health and Economic
Development Service**

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INTRODUCTION

1. Selective licensing was introduced by the Housing Act 2004. It allows local housing authorities to designate selective licensing areas in neighbourhoods experiencing low housing demand and/or significant and persistent anti-social behaviour. A designation can be in force for a maximum of five years.
2. Within a designation area all privately rented properties require a licence to operate. The owner of the rented property will need to make an application to the Council for a licence. The licence is valid for a maximum of five years and will contain a series of conditions that the licence holder must meet. Breaches of licence conditions are a criminal offence, as is the failure to apply for a licence that could lead to a prosecution and a fine up to £20,000.
3. This report sets out the reasons and a proposal to designate areas of Colne in the borough as a selective licensing area, see Plan 1. The area originally covered the Waterside ward and following a Council Executive meeting on 17th March 2016 the boundary has been extended to include some areas of Vivary Bridge and Horsfield wards.
4. The Waterside area suffers from the effects of low housing demand and is an area appropriate for the introduction of selective licensing in-line with Part 3 of the Housing Act 2004. This report sets out the detailed information supporting the proposal.
5. This report will support the Council in making its decision on whether or not to introduce selective licensing in Colne and will support the consultation on any proposal.
6. Following consultation the Council will consider all responses received to the consultation, together with any other relevant information, and then prepare a report for the Council's Executive for a decision on whether the areas of Colne should be designated as a selective licensing area.

WHAT IS A SELECTIVE LICENSING SCHEME?

Legal Framework and Guidance

7. This section of the report summarises the legal requirements necessary for the introduction of selective licensing in an area.
8. The relevant legislation is contained within the Housing Act 2004, supported by two guidance documents published by the Department of Communities and Local Government.
 - (a) *Approval Steps for Additional and Selective Licensing Designations in England*; and
 - (b) *Guide to the Licensing and Management Provisions in Parts 2, 3, and 4 of the Housing Act 2004 (Draft, January 2010)*.
 - (c) *Selective licensing in the private rented sector A guide for local authorities March 2015* Further reference to the legislation and guidance within the document refer to the above unless stated otherwise.
9. Selective licensing is a regulatory tool provided by the Housing Act 2004. Part 3 of the Housing Act 2004 gives local authorities the power to designate the whole of, or parts of, their district for Selective licensing provided that one of two specific conditions is met:
 - (a) 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 persons together with the local housing authority, contribute to the improvement of the social or economic conditions in the area; or
 - (b) that the area is experiencing a significant and persistent problem caused by anti-social behaviour; and that some of 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 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.
10. The Act goes on further to state that 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 numbers of residential premises which are available to buy or rent and the length of time for which they remain unoccupied.
11. Guidance produced by Communities and Local Government *Approval steps for Additional and Selective Licensing Designations in England* adds that local housing authorities should also consider other factors in determining low demand which may include:
- (a) a lack of mixed communities in terms of tenure, e.g. a high proportion of rented property, low proportion of owner-occupied properties;
 - (b) a lack of local facilities, e.g. shops closing down;
 - (c) the impact of the rented sector on the local community, e.g. poor property condition, anti-social behaviour etc.; and
 - (d) criminal activity.
12. *Selective licensing in the private rented sector A guide for local authorities March 2015* introduced additional factors that could be used to designate an area
- (a) low housing demand (or likely to become such an area)
 - (b) a significant persistent problem caused by anti-social behaviour
 - (c) poor property condition
 - (d) high levels of migration
 - (e) high levels of deprivation
 - (f) high levels of crime
13. Section 81 of the Act requires local authorities to show how a Selective licensing designation will improve an area, and how the designation will work alongside other existing policies or measures that are already being taken for example:
- (a) the authority must ensure that any exercise of the power is consistent with the authority's overall housing strategy;

- (b) the authority must also seek to adopt a coordinated approach in connection with dealing with homelessness, empty properties and anti-social behaviour, both:
 - (i) as regards combining licensing under this Part with other courses of action available to them; and
 - (ii) as regards combining such licensing with measures taken by other persons.
- 14. The authority must not make a particular designation under section 80 unless:
 - (a) they have considered whether there are any other courses of action available to them (of whatever nature) that might provide an effective method of achieving the objective or objectives that the designation would be intended to achieve; and
 - (b) they consider that making the designation will significantly assist them to achieve the objective or objectives (whether or not they take any other course of action as well);
 - (c) finally, before making a designation, the legislation requires local authorities to take reasonable steps to consult persons who are likely to be affected by the designation and consider any representations made in accordance with the consultation.

Consequences of Designating a Selective Licensing Area

- 15. If a Selective licensing area is designated, any private landlord wishing to operate within the designated area must apply for a licence for every tenanted house within the designated area. The power does not permit local housing authorities to require licensing of houses that have been made exempt under the Selective Licensing of Houses (Specific Exemptions) (England) Order 2006 (such as business tenancies, tenancies with a term over 21 years, holiday lettings, etc.), or property that is subject to a tenancy or licence granted by a body which is registered as a social landlord under Part 1 of the Housing Act 1996.
- 16. An application for a licence would need to be submitted for each property in accordance with specified requirements. The Council is entitled to charge a fee that accompanies the application. Further details relating to the proposed fee and fee structure can be found in Appendices 2 and 3.
- 17. As part of this application process, proposed licence holders and managers will be required to provide information that they are “fit and proper persons” and that they have satisfactory management arrangements in place, including dealing with anti-social behaviour. Further details of the proposed “fit and proper person” criteria can be found in Appendix 4. In circumstances where the Council are not satisfied that the licence holder or manager are a

“fit and proper person”, and/or the management arrangements are unsatisfactory, then it can refuse to grant a licence.

18. The licence is valid for up to five years. A licence will have conditions attached and there are both mandatory and discretionary conditions. The mandatory conditions relate to circumstances covering the conditions that:
 - (a) a landlord must obtain references from all persons wishing to occupy the property, landlords must produce gas certificates;
 - (b) electrical appliances must be kept safe;
 - (c) the property must have working smoke alarms; and
 - (d) each tenant must be provided with a written tenancy agreement.
19. The Council can also include discretionary conditions and these relate to the management of the property. The proposed licence conditions are attached to this document as Appendix 5.

Implications of Renting out a Property Without a Licence

20. It is a criminal offence to rent a property in an area designated to be a selective licensing area without a licence. Failure to apply for a licence could lead to prosecution, with the penalty of a criminal conviction and a maximum fine of £20,000.
21. A landlord of an unlicensed property is unable to serve a section 21 notice under the Housing Act 1988 in relation to a short hold tenancy of the whole or part of any property which is an “unlicensed house”.

Management Orders

22. Part 4 of the Housing Act 2004 introduced the use of Management Orders. The Council has a duty to make a management order where they consider either:
 - (a) the property ought to be licensed, but is not, and the Council considers there is no reasonable prospect of it granting a licence in the near future; and
 - (b) it is necessary to take steps to ensure the health, safety and welfare of persons occupying the property, or persons living in or owning properties in its immediate vicinity, are protected.
23. An Interim Management Order (IMO) allows the Council to take possession of the house against the immediate landlord, and subject to existing rights to occupy allows the Council to:

- (a) do anything in relation to the house, which could have been done by the landlord including repairs, collecting rents etc.;
- (b) spend monies received through rents and other charges for carrying out its responsibility of management, including the administration of the house; and
- (c) create new tenancies (with the consent of the landlord).

Breach of Licence Conditions

24. A licence holder (or person bound by the licence conditions) will also commit a criminal offence if they fail to comply with any condition of a licence. This offence is punishable by a fine not exceeding £5,000.

HOUSING AND LOW DEMAND IN PENDLE

Pendle

25. The Borough of Pendle is situated in North East Lancashire on the edge of the Pennines. It was formed following local government re-organisation in 1974 and takes its name from Pendle Hill, which dominates the skyline in the West. It comprises the former Municipal Boroughs of Colne and Nelson, the former Urban Districts of Barnoldswick, Barrowford, Brierfield, Earby and Trawden, together with various Parishes previously administered by Burnley and Skipton Rural District Council. Around 89,300 people live in the Borough with the Council working in partnership with other organisations such as Liberata, Pendle Leisure Trust and Housing Pendle to provide services. Textiles played a major part in the industrial development of the area. One of the Council's highest priorities is the expansion and diversification of the local economy with manufacturing employing over half the workforce. Through advice, development initiatives and financial assistance, the Council aims to encourage both investment into the area and the development of existing business. The towns and villages of Pendle all share in the history and culture of the Pennine borders. They are set in a dramatic landscape, which ranges from rich pasture to open moorland, dominated by the historic Pendle Hill. Pendle links to the national motorway system via the M65
26. A number of challenges remain and Pendle ranks the eighteenth most deprived district out of the 354 districts in England. The proportion of the Pendle population who live within the most deprived (10%) Lower Layer Super Output Areas or LSOA has decreased from 29.8% of Pendle's population in 2010 to 28.1% in 2015. However there are 16 neighbourhoods that are ranked in the lowest 10% nationally

Housing in Pendle

27. From the 2011 Census there were 39,620 dwellings in Pendle. The housing stock in Pendle differs substantially from the national average with 55% of dwellings built before 1919 (compared with 23.6% nationally). This is especially the case within the older terraced housing areas, including Waterside. These urban areas are also characterised by high proportions of two-up, two-down terraced homes dating from the period 1880–1919. Terraced housing makes up 63.26% of the housing in Waterside.
28. In terms of tenure, the statistics from the 2011 Census show that owner-occupation, either owned outright or with a mortgage, was 75.1% in Pendle compared with 63.6% for England and Wales. Pendle has a higher level of properties rented from private landlords at 18.1% compared with 16.7% in England and Wales. Only 11.6% of properties in Pendle are rented from Registered Social Landlords (Census 2011) compared with 17.6% in England and Wales.

29. Private renting has been on the increase nationally. The proportion of private rented properties in Pendle has risen from 9.3% in 2001 to 18.1% and from 8.8% in England and Wales to 15.3%.

Table 1 – Tenure of households – Pendle and England and Wales

Tenure	Pendle Households (No)	Pendle Households (%)	England and Wales (%)
All households	37,348	100.0	100.0
Owned	25,490	68.25	63.6
Owned: Owned outright	13,435	36.0	30.8
Owned: Owned with a mortgage or loan	12,145	32.5	32.7
Shared ownership (part-owned and part-rented)	73	0.2	0.8
Social rented	4,333	11.6	17.6
Social rented: Rented from council (Local Authority)	2,104	5.6	9.4
Social rented: Other	2,229	6.0	8.2
Private rented	6,760	18.1	16.7
Private rented: Private landlord or letting agency	6,192	16.6	15.3
Private rented: Other	568	1.5	1.4
Living rent-free	602	1.6	1.4

Source: 2011 Census

Low Housing Demand in Pendle

30. Low demand in the housing market in Pendle has been a problem for some time. The problem manifests itself in a high level of vacant properties, low property values, high levels of private renting and poor housing conditions.
31. Urban areas of Pendle was officially designated part of the Housing Market Renewal (HMR) Pathfinder by the Government in 2002 due to low demand housing. This boundary was drawn up using data on three key variables house prices, empty homes and privately rented homes, all seen as key indicators of low demand. This boundary known as the “intervention area” defined the area considered to be suffering from low demand – the area of Waterside under consideration in this report fell within this boundary.
32. To respond to these significant issues of low demand, Pendle became part of the Pennine Lancashire HMR pathfinder (known as Elevate) and worked proactively to address low demand in the intervention area including the Waterside area of Colne.
33. The Coalition Government ended the HMR programme in 2010. The Council, in conjunction with its partners, continues to address the worst areas of low-demand housing within the resources available.

34. To address such problems, early in 2012 the Council successfully bid for and secured resources from the Communities and Local Government (CLG) to deliver the Clusters of Empty Homes Programme.
35. This programme totalled around £1.4 million which enabled us to bring 113 long term empty properties back into use. The programme included an Empty Homes Loan Scheme.
36. Four areas were selected for inclusion in the programme. One of these was the Waterside area – covering the area being proposed for selective licensing. Subsequently Pendle extended the Empty Homes Loan Scheme borough wide
37. The Private Sector House Condition Survey 2009 (PSHCS) found that the proportion of properties with a category 1 hazard in Pendle is 22.1% compared with 12% across all tenures found in the English Housing Survey 2013-14. The main cause of the category 1 hazards in Pendle was due to excess cold where the properties do not have adequate heating or Insulation.
38. At present there are almost 1306 empty private sector properties in Pendle, a third (429) of these have been empty for over two years. In March 2009 there were 2,131 empty properties in the borough. The main reason for this fall has been the Council's proactive approach to empty properties.
39. Empty homes often cluster to form more than 20% of the total housing stock in some areas. This “abandonment” attracts associated problems of anti-social behaviour (ASB), crime and fly tipping.

Crime and Anti-Social Behaviour

40. As well as significant and persistent low demand affecting parts of Pendle, there are also significant crime and anti-social behaviour issues in parts of the borough. Many of these are related to the economic, social and environmental deprivation found in the urban parts of the borough.
41. Multi-agency working and evidence from local residents also confirms that a number of the crime and anti-social behaviour issues in these areas stem from privately rented property (houses in poor condition, fly tipped backyards, property theft from empty homes); or from tenants in such property (noise nuisance, anti-social behaviour, drugs, thefts).

THE COLNE AREA SELECTIVE LICENSING PROPOSAL

42. This section of the report explains how and why the Council believes the conditions for selective licensing apply within the proposed area of the Borough, see Plan 1.
43. In addition to the legal framework, the Council has made use of the following reference sources:
- Selective Licensing in the private rented sector: A guide for local authorities (DCLG, 2015).
 - Selective Licensing of Privately Rented Housing (England and Wales) (Wilson, 2015).
 - Approval Steps for Additional and Selective Licensing Designations in England (DCLG, 2010).
 - Guide to the Licensing and Management Provisions in Parts 2, 3, and 4 of the Housing Act 2004 (DCLG, 2010).

Why Choose the Colne Area for a Proposed Selective Licensing Designation?

44. It is proposed that Pendle Borough Council designate the areas of Colne outlined in blue on Map 1 as a selective licensing area. The black boundary shows the wider consultation area. A list of the streets to be included within the proposed selective licensing area can be found in Appendix 1.
45. The proposed licensing area consists of 2409 properties, of which it is estimated 656 (27%) are privately rented homes. The majority of the housing included in the proposed designation area is pre-1919 terraced housing, set out in the traditional grid-iron pattern. The latest figures show that 67 (2.8%) of the houses in the area are empty.
46. The housing market in the Waterside area started to show signs of low demand (with increasing void levels, increased levels of private rented properties, properties with poor housing conditions and higher levels of social deprivation and increased crime) in the late 1990s. The symptoms of low demand are severe and worsening.

Why is Selective Licensing Needed in the Proposed Area?

47. The Council proposes to designate a Selective Licensing area in the Colne Area of Pendle because the area is experiencing significant low housing demand and the local authority is satisfied that “designating” an area will, when combined with other measures, lead to improved social and economic conditions in the area.
48. Within this proposal document, the Council will make the case for Selective Licensing on the basis of low housing demand. Whilst the area still suffers

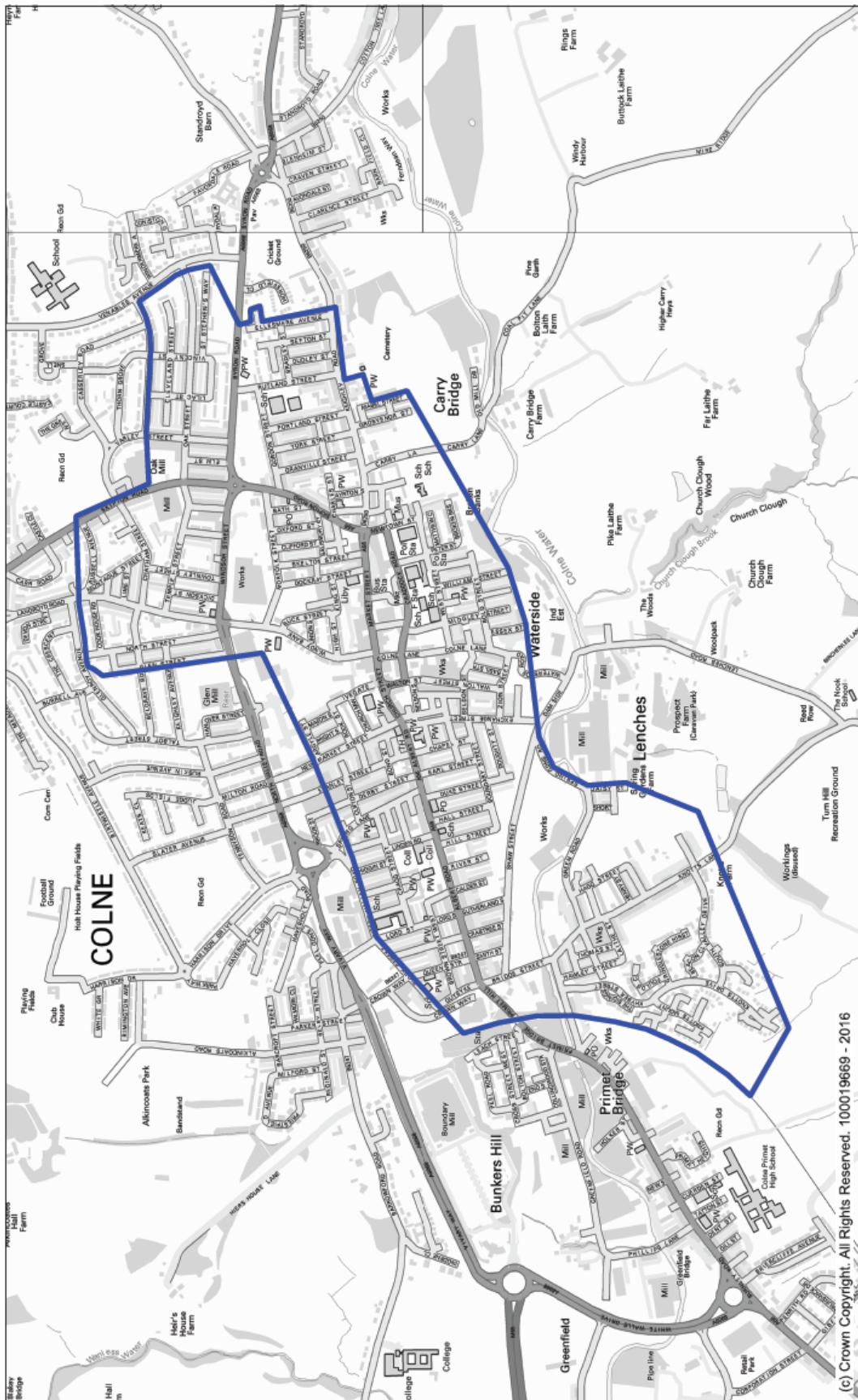
from persistent Anti-Social Behaviour (ASB), and in comparison to other wards the level remains one of the highest in the Borough, there are limitations on how current data, in particular data from the police, is collected and how it can be linked directly to the private rented sector.

49. Selective Licensing, when combined with other measures – such as the Empty Homes Strategy and work on crime and anti-social behaviour – will contribute to the improvement of the social and economic conditions in the area.
50. Selective Licensing is an important component of the wider housing strategy and is the only option available to the local authorities that compels landlords to look at how they manage their rented properties and, where required, make improvements to management practices. It is important that significant investment aimed at improving the built environment of the area is supported by initiatives to ensure the effective management practices are operating for those properties in the private rented sector, and that the area is sustainable as a mixed tenure environment with a range of housing options.

What Are the Local Indicators Which Show That the Proposed Area Is Suffering from Low Housing Demand?

51. This section of the document presents the information that demonstrates that the area proposed for Selective Licensing is still suffering the effects of low demand. The evidence detailed below presents a number of separate indicators that when taken together build a strong argument to demonstrate an area in low demand. In particular, a high proportion of private rented property, significantly low property prices and a high incidence of empty homes.
52. The following analysis includes data from a variety of sources. The proposed licensing boundary has been drawn after analysing the data and assessing conditions on the ground and using local knowledge and intelligence.
53. The geographical data referred to in this report varies. It includes the following:
 - Ward level data for Waterside ward based on the 2011 Census wards, Map 2;
 - Seven super output areas have been identified. These cover an area greater than the proposed Selective Licensing area but are the “best fit” within the proposed licensing boundary and give detailed and more localised figures for this area not available from any other source;
 - Property-specific data from Pendle Borough Council.
54. The proposed area covers parts of seven Lower Super Output Areas (E01025205, E01025207, E01025208, E01025223, E01025220, E01025226, and E01025227).

Plan 1 – Proposed Selective Licensing Area



Key

Proposed selective licensing boundary

Date: 20/07/2016

Scale: 1:2,500

55. Table 2 shows a comparison of the private rented sector in Pendle's wards. This reveals that Waterside ward is the highest in the Borough with 656 (27%) private rented dwellings.

Table 2: Private Renting in Pendle Borough, 2011

Tenure	Owner-Occupied (no.)	Social Rented (no.)	Private Rented (no.)	Living Rent-Free (no.)
Pendle	25580	4333	6760	602
North West	1941564	550481	462899	38818
England	64.1	17.7	16.8	295110
Barrowford	1729	167	363	28
Blacko & Higherford	686	7	69	20
Boulsworth	1852	104	282	26
Bradley	1246	536	604	56
Brierfield	1352	144	345	48
Clover Hill	1360	317	497	38
Coates	1725	216	392	27
Craven	1841	111	511	35
Earby	2003	242	395	32
Foulridge	627	20	91	9
Higham & Pendleside	619	14	77	11
Horsfield	1459	448	501	47
Marsden	964	296	216	19
Old Laund Booth	550	46	58	9
Reedley	1643	129	170	19
Southfield	1334	377	627	51
Vivary Bridge	1455	579	346	31
Walverden	1027	94	272	26
Waterside	1327	388	656	31
Whitefield	781	98	288	39

Data – Census 2011 (ONS)

56. Table 3 shows that more than 610 (25%) in Waterside were privately renting from a landlord or agency, significantly higher than the rate for Pendle as a whole (16.6%).
57. Within LSOA E01025227, which entirely falls within the Colne Area Selective Licensing proposal, sees private renting rising to over 50.5%.

Table 3: Households Renting from Landlord or Letting Agency in the Waterside Area

Area	Renting from Landlord or Letting Agency (No)	Renting from Landlord or Letting Agency (%)
E01025226	222	36.4%*
E01025227	308	50.5%*
E01025228	80	13.1%*
Waterside	610	9.8%**
Pendle	6,192	16.6%
England	3,401,675	15.4%

% * - of Waterside's rented
% ** - of Pendle's rented property

Source: 2011 Census

58. Whether at ward level, LSOA level or within the actual proposed boundary, all the data shows private renting is at a significant level in Waterside and increasing.
59. This high level of private rented properties is an indicator of low demand for owner-occupation in the area.

Empty Homes

60. Empty homes are a further key indicator of low demand in an area.
61. Waterside was the sixth highest ward figures out of twenty in Pendle for Empty homes.

Table 4: Empty Homes from Council Tax Records

Ward	01/04/2015	2015 Rank
Barrowford	112	13
Blacko & Higherford	40	17
Boulsworth	114	12
Bradley	218	2
Brierfield	177	5
Clover Hill	179	4
Coates	110	14
Craven	144	7
Earby	137	8
Foulridge	40	18
Higham & Pendleside	38	19
Horsfield	122	10
Marsden	68	16
Old Laund Booth	29	20
Reedley	93	15
Southfield	225	1
Vivary Bridge	124	9
Walverden	116	11
Waterside	167	6
Whitefield	180	3
Pendle	2433	

Source: Pendle BC Council Tax

Length of Time Homes Stay Empty

62. Table 5 shows the length of time homes stay empty.

Table 5: Length of time homes stay empty

Ward	Empty Homes	6 months to 2 Years		Empty 2 yrs or more	
	Total	No.	%	No.	%
Barrowford	59	47	79.66	12	20.34
Blacko & Higherford	14	8	57.14	6	42.86
Boulsworth	70	54	77.14	16	22.86
Bradley	119	75	63.03	44	36.97
Brierfield	122	74	60.66	48	39.34
Clover Hill	123	84	68.29	39	31.71
Coates	38	33	86.84	5	13.16
Craven	80	46	57.50	34	42.50
Earby	56	46	82.14	10	17.86
Foulridge	11	6	54.55	5	45.45
Higham & Pendleside	17	14	82.35	3	17.65
Horsfield	61	48	78.69	13	21.31
Marsden	35	30	85.71	5	14.29
Old Laund Booth	11	6	54.55	5	45.45
Reedley	36	25	69.44	11	30.56
Southfield	127	91	71.65	36	28.35
Vivary Bridge	57	40	70.18	17	29.82
Walverden	72	44	61.11	28	38.89
Waterside	67	35	52.24	32	47.76
Whitefield	126	67	53.17	59	46.83
Pendle	1301	873	67.10	428	32.90

Source: Pendle Borough Council, Empty Property Database

63. The latest figures suggest that within the Waterside ward, 67 of the homes are empty; which is 2.8% of the homes in the area. In this area, homes are more likely to remain empty for longer. Table 5 shows that the Waterside ward has the highest percentage of long term empty homes, with 32 (47.8%) having been empty for two years or more.

Property Values

64. The profile of the housing stock in the Waterside ward means that residents are disproportionately likely to be living in low-value homes.

65. In October 2015, 2,030 homes in the Waterside ward were in Council Tax Band A¹ around 84% of all homes.

¹ Valuation Office Agency

Table 6: Median House Prices in Pendle and Waterside

2012					
	Qtr 1	Qtr 2	Qtr 3	Qtr 4	Average
Pendle	£ 80,000.00	£ 76,250.00	£ 87,950.00	£ 81,250.00	£81,375
Colne	£82,250.00	£78,000.00	£100,000.00	£91,375.00	£90,681
Waterside	£ 50,000.00	£ 50,000.00	£ 74,000.00	£ 63,500.00	£52,375
2013					
	Qtr 1	Qtr 2	Qtr 3	Qtr 4	
Pendle	£79,975.00	£85,000.00	£82,500.00	£85,000.00	£81,362
Colne	£95,000.00	£99,500.00	£104,000.00	£100,750.00	£87,906
Waterside	£66,375.00	£65,000.00	£73,000.00	£50,000.00	£59,375
2014					
	Qtr 1	Qtr 2	Qtr 3	Qtr 4	
Pendle	£ 85,500.00	£ 90,000.00	£ 90,000.00	£ 86,000.00	£83,118
Colne	£98,500.00	£ 99,000.00	£97,750.00	£ 90,000.00	£96,312
Waterside	£50,000.00	£ 70,000.00	£30,000.00	£ 68,500.00	£54,625

Source: <http://www.zoopla.co.uk/house-prices/>

66. Table 6 shows that from 2012-2014 average house prices were consistently lower on average for Waterside than the rest of Colne and the Borough as a whole. Caution needs to be exercised in interpreting such data: they are based on low levels of overall transactions. Nevertheless, what they show is a picture of persistent low demand. The comparison with the rest of Colne is significant as both areas have similar terraced housing, reasonably vibrant amenities and good private and public transport links.
67. In undertaking an analysis of property values, under the 2004 Act, a comparison should be made with comparable areas (e.g. in terms of housing, local amenities etc.).

Turnover

68. In order to assess property turnover two indicators have been considered: property sales and the creation of new Council Tax records.
69. In terms of house sales, property turnover in the Waterside area has been low over the last three years based on the number of house sales as a percentage of the number of properties within the area.
70. Whilst this reinforces the conclusion that the area is affected by low demand, given the low turnover figure in the Borough, much of this is down to the depressed state of the UK housing market since 2007.
71. Table 7 shows the number of times new records were created for Council Tax purposes during 2013/14. These changes do not solely relate to the creation of a record for a new occupier; however, they do give an indication of the number of changes that occur and it is estimated that two-thirds of

these changes do relate to new occupiers. Waterside ranks as the second highest in the Borough.

Table 7: Property Turnover from Council Tax Records

Ward	No of Council Tax Records Created	% of Council Tax Accounts Created	Rank (High to Low)
Southfield	1247	179.94	1
Waterside	745	107.50	2
Bradley	744	107.36	3
Vivary Bridge	702	101.30	4
Whitefield	693	100.00	5
Clover Hill	693	6.50	6
Craven	671	96.83	7
Horsfield	650	93.80	8
Brierfield	622	89.75	9
Marsden	573	82.68	10
Earby	562	81.10	11
Walverden	522	75.32	12
Coates	483	69.70	13
Barrowford	469	67.68	14
Boulsworth	408	58.87	15
Reedley	325	46.90	16
Blacko & Higherford	189	27.27	17
Higham & Pendleside	129	18.61	18
Old Laund Booth	116	16.74	19
Foulridge	113	16.31	20
Pendle Total	10656	1444.17	

Source: Council Tax Data

72. Property turnover through sales is low, but the creation of Council Tax records is high which could indicate an unstable community. When turnover is looked at in relation to low house prices and high incidents of vacant properties, it is another indicator to support the low demand for the housing stock in that area. Anecdotal evidence from residents and local agencies suggests that there is a high turnover within the private rented sector with tenants moving, often at short notice, from one property to another.

Housing Conditions

73. The 2009 House Condition Survey (HCS) for Pendle states that 14,400 dwellings were non-decent. This represents 36.3% of the housing stock and is only slightly below than the national average of 36.7%.
74. The HCS also shows that 20.9% of Category 1 hazards are associated with private rented sector properties.
75. The most common Category 1 hazards are excess cold, falling on stairs and falls on the level. The highest rate of Category 1 hazards were found in

medium/large terraced houses (27.7%) followed by small terraced houses (26.5%), with the lowest rates being bungalows (7.8%) and low rise purpose built flats (5.4%).

76. The survey found that 30.6% of pre-1919 properties had a Category 1 hazard compared with only 3.8% of post-1980 constructed properties.
77. Further evidence of property condition impacting on residents comes from housing disrepair cases emanating from the private sector and reported to the Council. Table 8 demonstrates that Waterside had the second highest rate of disrepair cases since 2013/14.

Table 8 – Housing Disrepair Cases in Pendle, 2011–13.

Ward	2014/15			2013/14			2012/13		
	HP1	HP2	Total	HP1	HP2	Total	HP1	HP2	Total
Barrowford	0	0	0	1	1	2	0	7	7
Blacko & Higherford	0	0	0	0	0	0	0	0	0
Boulsworth	0	0	0	1	5	6	0	3	3
Bradley	2	8	10	5	9	14	3	17	20
Brierfield	2	5	7	2	6	8	2	16	18
Clover Hill	2	7	9	2	5	7	3	20	23
Coates	1	4	5	3	2	5	1	5	6
Craven	2	5	7	4	5	9	1	6	7
Earby	0	1	1	0	2	2	0	6	6
Foulridge	0	0	0	0	0	0	1	1	2
Higham & Pendleside	0	0	0	0	0	0	0	0	0
Horsfield	1	6	7	1	4	5	0	7	7
Marsden	2	4	6	1	2	3	0	6	6
Old Laund Booth	0	0	0	0	0	0	0	2	2
Reedley	1	0	1	0	4	4	0	2	2
Southfield	8	11	19	6	26	32	6	27	33
Vivary Bridge	0	4	4	1	13	14	1	7	8
Walverden	3	5	8	2	7	9	1	9	10
Waterside	3	13	16	4	16	20	1	15	16
Whitefield	2	4	6	2	14	16	1	10	11
Pendle	29	77	106	35	121	156	21	166	187

Source: Pendle Council

78. Other incidents reported to Pendle Council demonstrate the added problems poor property management, empty homes and homes in poor condition have on local residents, Table 9.

Table 9 – Enviro-crime reported to Pendle BC

Enviro-crime reported to Pendle BC 2014/15	
	Waterside
Dogs	26
Accumulations of waste	78
Property Open to Access	10
Defective Premises	8
Total	122

Source: Pendle Borough Council (Flare Database)

79. Latest figures for Waterside show the number of complaints the council has had to deal with relating to properties being open to access (10); defective premises (8); accumulations on domestic property (78) – usually fly-tipped backyards; and ASB and dog-related complaints.

Living Environment, Population, Households and Benefits

Living Environment

80. Pendle ranks as the 18th most deprived district out of the 354 districts in England on the 2010 Index of Multiple Deprivation. The three Lower Super Output Areas within the Waterside boundary rank as the 684th (E01025227 / Pendle 007B); 1,422th (E01025226 / Pendle 007A); and 14,390th (E01025228 / Pendle 007C) most deprived areas out of 26,593 Super Output Areas in the country.
81. Both Pendle 007A and 007B in Waterside score highly for deprivation in a variety of domains. Both are in the top 10% in the country for overall deprivation and employment deprivation. Moreover, both are in the top 10% for health deprivation and deprived living environments. Indeed, Pendle 007B is ranked 228th out of 32,482 LSOAs in England for living environment deprivation.

Population

82. The 2011 Census returns show the Waterside ward had a total population of 5,180 living in 2,409 households.
83. The age profile of the ward's population differs slightly from that of the Borough as a whole, Table 10.

Table 10: Waterside and Pendle Borough Age Profile

Age Group	Pendle		Waterside	
	No	%	No	%
0–4	6362	6.72	383	7.39
5–10	6561	7.01	345	6.66
11–16	6473	7.18	354	6.83
17–29	15296	16.90	965	18.63
30–45	18561	20.92	1162	22.43
46–65	22741	26.02	1335	25.77
66–75	7339	8.45	397	7.66
76–89	5509	6.05	220	4.25
90+	610	0.68	19	0.37
Total	89,452		5,180	

Source: Census 2011, ONS

Households

84. Table 10 shows that Waterside has a higher proportion of young adults aged 17-29 with 965 (18.6%) compared to the rest of the Borough with 15296 (16.9%). The area also has a higher proportion of single-adult households with 669 (28%) compared with 7,946 (18%) for the rest of the Borough.
85. This is an important factor to be considered in the light of the Selective Licensing proposal. Concentrations of young adult households is usually associated with the private rented sector and a higher level of turnover of stock/tenancies.
86. The 2011 Census also suggests that 1181 (23%) of residents in the three LSOAs considered they had a long-term health problem or disability that limits day-to-day activity a lot. This compares with just over 21% for Pendle as a whole.

Benefits

87. Benefit dependency in general is also an important factor in the ward. The number of people receiving benefits within Waterside is an indicator of the economic status. The proportion of the population claiming the benefits listed in Table 11 are consistently higher than all of the other wards. Waterside is the second highest in the Borough with 605 (25%) of the population.

Table 11: Benefit Claimants, Pendle Wards

Ward	Job Seeker	ESA and Incapacity	Lone Parent	Other income related benefits	Total number of claimants
Bradley	95	510	70	40	715
Waterside	95	425	50	35	605
Clover Hill	85	390	35	25	535
Southfield	70	365	50	35	520
Horsfield	45	335	45	25	450
Brierfield	65	300	35	25	425
Vivary Bridge	55	295	50	5	405
Reedley	25	265	25	15	330
Whitefield	45	240	30	15	330
Walverden	55	210	25	15	305
Earby	50	210	15	0	275
Coates	25	175	25	15	240
Marsden	25	195	20	0	240
Craven	15	175	15	25	230
Boulsworth	10	130	5	5	150
Barrowford	15	110	10	5	140
Foulridge	5	35	0	0	40
Old Laund Booth	10	25	0	0	35
Higham and Pendleside	0	30	0	0	30
Blacko and Higherford	5	10	0	0	15

Source: Waterside Ward Profile 2013

88. This comparatively high level of benefit dependency in the ward means that the population will be disproportionately affected by benefit changes that could increase tenancy turnover and detrimentally affect the viability of the private rented sector in the area.

Anti-Social Behaviour (ASB) and Crime

89. Waterside has the highest number of crimes per thousand of the population. It is also the second worst area in Pendle on the indicator of calls to the Police, Table 12.

Table 12: Crimes and calls to the Police, Pendle wards January 2015-December 2015

	Crimes Per Thousand Population	Calls to Emergency Services		
		Police	Fire	Ambulance
Barrowford	31.7	881	31	499
Blacko & Higherford	12.8	345	9	119
Boulsworth	28.7	842	35	403
Bradley	83.2	3007	73	1373
Brierfield	63.3	2213	51	933
Clover Hill	66.9	2167	51	757
Coates	20.2	744	41	511
Craven	29	1070	39	607
Earby	29.1	1300	45	490
Foulridge	29.7	323	8	156
Higham & Pendleside	34.1	386	5	108
Horsfield	76.4	2139	39	835
Marsden	56.2	1007	29	473
Old Laund Booth	32.9	262	6	118
Reedley	43.1	1435	33	620
Southfield	88.9	2539	56	1025
Vivary Bridge	58.3	2065	49	782
Walverden	60.8	1706	35	559
Waterside	112	2876	76	892
Whitefield	92.1	1948	32	677
District Average	56			
County Average	65.2			

Source: Safer Lancashire - January 2015 - December 2015 inclusive

90. Between January 2015 and December 2015 there were a total of 385 reports to the police regarding anti-social behaviour (Safer Lancashire). This is a reduction in the number of cases of anti-social behaviour in the ward of Waterside compared to the same period for the previous year which was 441. However, the rate of reported incidents per thousand population at 112 is significantly higher than that for Pendle (56) and Lancashire (65.2), see Table 12.
91. Table 13 shows the data for various categories of recorded crimes for the ward, the Borough, and the County:

Table 13: Crime and Anti-Social Behaviour in Waterside January 2015–December 2015.

	January 2014 to December 2014	January 2015 to December 2015	Year on Year Difference	Percentage Change	Pendle District Average (January 2015 to December 2015)	Lancashire County Average (January 2015 to December 2015)
Calls to the Police	2931	2876	-55	-1.9%	327	363.4
Calls to the Ambulance Service	857	892	35	4.1%	133.4	148.7
Calls to the Fire and Rescue Services	72	76	4	5.6	8.3	10.3
Total Recorded Crime	572	580	8	1.4%	56	65.2
Violence Against the Person	114	117	3	2.6%	13.6	17.9
Calls to the Police about Domestic Violence	102	122	20	19.6%	10.6	11.3
Calls to the Ambulance Service where Violence Involved	6	16	10	166.7%	1.7	2
All Drug Offences	8	21	13	162.5%	2	1.8
Numbers Killed or Serious Injured on the Roads	4	1	-3	-75%	0.3	0.4
Serious Acquisitive Crime	83	97	14	16.9%	9.9	8.7
Robbery	5	0	-5	n/c	0.2	0.3
All Burglary	112	94	-18	-16.1%	19.5	19.1
Domestic Burglary	29	42	13	44.8%	8.5	7.9
All Vehicle Crime	63	68	5	7.9%	7.3	6
Theft of a Vehicle	6	10	4	66.7%	1.3	1.4
Theft from a Vehicle	43	45	2	4.7%	4.8	3.7
All Criminal Damage (including Arson)	68	71	3	4.4%	9.2	11.2
Deliberate Fires	20	13	-7	-35%	1.2	1.7
Deliberate Vehicle Fires	0	0	0	0%	0	0
Calls to the Police about Anti-social Behaviour	441	385	-56	-12.7%	48.8	53.7

Source: Safer Lancashire

92. During January 2015- December 2015, the ward of Waterside had higher rates of crime on all measures when compared with Pendle.

HOW DOES SELECTIVE LICENSING SUPPORT THE COUNCIL'S HOUSING STRATEGY?

93. This section demonstrates how the proposed Selective Licensing designation is consistent with the overall housing strategy for the borough and will form part of a wider strategic framework for improving housing across Pendle.
94. The introduction of Selective Licensing in Pendle is key to the Council's strategy to tackle low demand, improve the quality of homes within the borough and create a balanced housing market to support social and economic improvements.
95. Housing plays a fundamental role in delivering sustainable communities, facilitating social and environmental improvements and promoting economic growth. The Council believe that Selective Licensing has an important role to play and offers valuable support to existing initiatives to tackle empty homes, prevent homelessness, create sustainable, high quality neighbourhoods and reduce anti-social behaviour.

Pendle's Sustainable Community Strategy 2008-18

96. The strategy has the following eight objectives:
 1. To support confident communities that are socially cohesive, creative, tolerant and considerate of the needs of all ages and cultures.
 2. To create and sustain a dynamic, competitive and healthy local economy - providing the jobs of the future and the talents and skills to fill them.
 3. To create a vibrant housing market offering a mix of high quality and affordable housing for all.
 4. To create a Borough in which people feel safe and crime continues to fall.
 5. To help people to live long, healthy and independent lives.
 6. To deepen our understanding and respect for the environment.
 7. To do all we can to give our children and young people the best start in life and the opportunity to achieve their full potential.
 8. To help older people live their lives in the way they choose and to support their independent and active living.

Pendle Council's Strategic Plan 2013/14 to 2016/17

97. The Council has four Strategic Objectives which contribute to the priority outcomes of the Sustainable Community Strategy:
 1. Working with partners and the community to sustain service of good value.

2. Helping to create and sustain jobs with strong economic and housing growth.
 3. Ensuring a clean, healthier, safer and cohesive Pendle
 4. Maintaining a sustainable, resilient and efficient organisation
98. Within Objective 2 Selective Licensing is a key action to help to enable the provision of housing that meets local needs and aspirations in terms of quality

Pennine Lancashire Housing Strategy 2009–29

99. The Council's housing strategy is framed within the Pennine Lancashire Housing Strategy and Pendle shares a number of key strategic objectives with partnering local authorities across Pennine Lancashire.
100. The strategy sets out a series of actions intended to support the transformation of the economy in Pennine Lancashire and recognises the importance of both growth and renewal in the housing market. The strategy contains a specific aim to progress “the development and promotion of landlord licensing and accreditation to foster closer working with local authorities enabling promotion of private rented accommodation as a ‘decent’ alternative to social housing.”
101. The strategy also aims “for the Local Authorities to work collaboratively and on a larger scale to raise the standards of management and property condition in the private rented sector”.
102. Selective Licensing supports this aim and the strategy in general through the specific intention to raise the standard of management and contribute to improvements in property condition, creating a good quality rented product in the housing market.

Prevention of Homelessness Strategy 2012-2017

103. Pendle Borough Council's Homelessness Strategy has three central aims that are supported by Selective Licensing:
To prevent homelessness by
- Ensuring greater awareness of homelessness services
 - Ensuring access to good quality housing advice in a range of formats
 - Continuing to provide bonds to help people access the private sector

To continue to ensure that there is a safety net of accommodation for people who are or who may become homeless by

- Implementing the No Second Night Out initiative
- Developing more emergency 'out of hours' options
- Helping supported lodgings schemes attract more host families

To provide support to people who are or may become homeless or who have been homeless and need support to prevent them from becoming homeless again by

- Developing initiatives across Lancashire boroughs through funding received from Communities & Local Government
- Work with private sector landlords to help maintain tenancies
- Seek funding to ensure that current projects are able to continue

104. Improving the management of the private rented sector through selective licensing will help to maintain tenancies.

Pendle Tenancy Strategy 2013

105. Pendle Borough Councils tenancy strategy has four central aims

1. To work collectively to ensure that the requirements in the Localism Act enhance our collective progress in meeting the housing priorities across Pendle i.e.:-
 - The fundamental need to build and maintain sustainable communities
 - To ensure the most efficient use of the Borough's housing stock to meet local housing need
 - To target resources effectively to households in greatest need
2. To complement Pendle's Homelessness Strategy and the prevention agenda and the B-with-us sub regional choice-based lettings scheme (including the Housing Register and allocation policy). These policies define the process for allocating affordable housing in the borough and sub-region and contribute to the on-going work to reduce homelessness.
3. To provide a consistency of approach and delivery. This strategy will complement and work with the Pennine Lancashire and other sub regional approaches which are already established.
4. To ensure that across Lancashire, this borough tenancy strategy contributes to maximise the use of existing and future affordable housing provision for households in need.

106. The Council is clear that the private rented sector has a central role to play in meeting housing need across the borough. As owner-occupation becomes increasingly more difficult to achieve, it is not an option or indeed the choice for everyone. As we see a significant rise in the number of households choosing to rent privately from 8.73% in 2001 to 11.1% in 2011 (Census 2001 and 2011) it is crucial that this sector can offer a decent alternative to owner-occupation or social rented housing.
107. The private rented sector also makes a significant contribution to meeting the housing needs of vulnerable people and in many cases has prevented homelessness and minimised the use of temporary accommodation. The Council continues to work in partnership with the private rented sector and Selective Licensing will strengthen this partnership by increasing the number of landlords working with the Council with well-managed, good quality accommodation.
108. The Council offers advice and assistance to homeless households together with a number of measures to prevent homelessness. The Private Sector Bond Scheme is available to households who cannot afford to pay cash bonds for private rented accommodation and through Selective Licensing the Council can be confident that residents have access to well-managed accommodation that will meet the minimum standards required.
109. By strengthening the partnership between landlords and the Council both Accreditation and Selective Licensing can contribute to the prevention of homelessness through effective tenancy management that minimises ASB, tackles rent payment issues in a timely and constructive manner and offers a housing option for some of the most vulnerable households in need of a home.

Empty Homes Work

110. Tackling empty homes has been an intrinsic part of the Council's wider housing strategy to address low demand for many years and is highlighted as a key priority in the Pennine Lancashire Housing Strategy. The vacant property section of this document sets out the challenges faced by the borough and there are a number of strategic initiatives that the Council uses to address the problem, ranging from information and advice through to enforcement.
111. Throughout this document there is reference to empty homes which the council is working hard to reduce. The Empty Property Loan scheme is designed to encourage the owners of long term empty property to bring them back into use. Working together with Selective Licensing, this scheme will help strengthen the partnership between landlords and the Council and support a more pro-active approach to tackling problem empty properties.

Neighbourhood Regeneration

- 112. Despite the ending of the HMR programme, the Council has continued to prioritise neighbourhood work where possible within reduced budgets to tackle low demand and improve housing choice.
- 113. Pendle is working with its partners to bring about redevelopment of sites that were cleared through HMR introducing new, modern affordable housing for both sale and rent. The Council have also ensured the refurbishment of empty properties bought in as part of the programme.
- 114. By the end of the HMR programme around 520 properties had been improved in Pendle through group repair. The main purpose of the group repair schemes was to improve properties, stabilise and give confidence to residents in an area through works to external elevations. This work included stone cleaning, reroofing new windows and doors, pointing, rebuilding of front garden walls where required and gutter replacement.
- 115. The council has continued to work with its partners and in 2015 the redevelopment of Walton Street Colne was completed bringing 25 long term vacant properties back into use for affordable rent along with improvements to the street scene as part of the development. Walton Street is in the proposed Selective Licensing Area
- 116. Selective Licensing will support the Council's neighbourhood regeneration work by ensuring that the private rented sector makes a positive contribution to a sustainable mixed tenure neighbourhood that offers a range of housing options for current and future residents of the Borough.

Working with the Private Rented Sector

- 117. The Council has long held the view that a positive relationship with the private rented sector is of mutual benefit to both parties and residents of the borough. Through programmes to tackle empty homes, prevent homelessness, address issues of low demand and improve housing standards the Council has worked with the private rented sector to strengthen this partnership and deliver effective solutions.
- 118. To achieve this aim the Council supports the Landlords Sector Forum that meet periodically to discuss issues of particular relevance to the sector and update landlords on recent developments and offer advice and assistance on a range of topical issues.
- 119. The Council see this partnership as an important strand of the housing strategy that contributes to improving property standards and management practices across the sector.

Tackling Anti-Social Behaviour

120. Selective Licensing will support the strategic aims of the Community Safety Partnership to reduce crime and disorder. Selective Licensing will work in partnership with the anti-social behaviour team, the Police, Landlords and tenants to encourage and assist Landlords and Agents to deal with issues of ASB.

CURRENT ACTIVITY IN THE WATERSIDE WARD

Housing Condition

121. The Council currently reacts to tenants' complaints about disrepair through the enforcement service which addressed 32 cases in 2014/15 in Waterside. Through the Selective Licensing Area, private rented properties will be inspected to ensure all are free from serious hazards.

Empty Homes Work

122. The Council is also working in partnership with owners and private landlords to bring long-term vacant properties back into use through the provision of financial assistance and advice to enable landlords looking to bring long-term vacant properties back into use within the area.
123. The designation of Selective Licensing will ensure that those properties brought back in to use as private rented accommodation achieve the desired standards of management and make a positive contribution to the neighbourhood. The Selective Licensing designation will also give homeowners the confidence to invest in their properties.

Policing and the Community

124. The resident led Waterside Neighbourhood Action Group meets monthly and discusses issues around community safety and anti-social behaviour which are then passed on to either the Police or the Council.
125. The Colne Community Safety Partnership is linked to the Area Committee and currently meets monthly offering residents the opportunity to meet with the Police and local councillors from the Borough and Town councils around community safety and anti-social behaviour issues.
126. The Council currently part funds the Police Community Support Officer service in Pendle. As a result a monthly meeting is held to task the PCSOs with issues of concern to the Council including those of residents groups such as Waterside Neighbourhood Action Group.
127. Although monthly PACTs (Police and Communities Together) no longer operates in Colne, the Police are increasingly using social media and virtual PACTs to interact with residents Waterside.
128. The PACT process gives residents the chance to have a say on how the neighbourhood is policed and monitor the police's performance.
129. The information provided above highlights that the Selective Licensing scheme would not be working in isolation; it would act as a hub, coordinating

actions and responses from a wide range of partner agencies, such as police, Sure Start, landlords and residents groups. Through the monitoring of the area and the regular resident meetings all issues raised are monitored until a resolution is achieved.

OPTION APPRAISAL

130. The option appraisal below looks at other powers and projects that are available to the Council with the reasons why they could not replace the proposed Selective Licensing designation in the Waterside area.

Accreditation

131. Accreditation was first introduced in the 1990s mainly in university towns as a mechanism for helping landlords or agents to meet agreed standards of competence, skills and knowledge about the business of owning, managing or letting a private rented home.
132. Accreditation is supported nationwide by a wide range of stakeholders, including the Government, landlord associations, local authorities, Shelter, the National Union of Students and the Chartered Institute of Environmental Health. It can aid the supply of good quality, well-managed homes.
133. Pendle's accreditation scheme was launched in 2000 as a partnership between the Council, private rented sector landlords and managing agents who rent out properties in the Pendle area.
134. The Council actively encouraged landlords to join the scheme but despite us developing a Pennine Lancashire wide set of standards take up of the scheme was low with only 20 landlords joining the scheme representing 44 properties. However, the accredited properties do offer improved conditions and enhance living conditions for tenants and residents living in Pendle.
135. Landlord Forums are organised and are open to all landlords. Through these events we aim to update landlords on current issues in the private rented sector, improve relationships and learn their good practice and experiences to pass onto other landlords.
136. Whilst the number of accredited landlords is low in Pendle our experience shows that accreditation attracts a limited number of only those landlords that already provide appropriate management standards and are motivated to improve the standards and reputation of the private rented sector.
137. Whilst we see Accreditation and the Landlords forums as important schemes to work with landlords and improve standards it does not have an intensive impact in any one area of the Borough, nor does it tackle the worst privately rented properties, as due to the voluntary nature the worst landlords will not engage with the Council or join the scheme. Experience shows that it is resource-intensive to encourage the poorer landlords to join accreditation and when asked to make improvements due to its voluntary nature many landlords fail to comply showing that accreditation cannot tackle the worst standards of property condition and management practices within Pendle.

Enforcement of Housing Standards

138. The Housing Act 2004 introduced the Housing Health and Safety Rating Scheme (HHSRS) which allows local authorities to inspect privately rented properties to ensure the condition of that property does not have an adverse effect on the health, safety or welfare of tenants or visitors to that property. Where necessary, the Council will serve statutory enforcement notices to ensure the condition is improved.
139. The current level of property inspections, between 250 and 300 per year across Pendle, are in the main based upon a reactive service; a complaint will be made to the local authority which will then undertake a HHSRS inspection to determine whether action needs to be taken. Whilst this approach does improve property conditions, it is sporadic across the Borough and does not have a concentrated impact in one area. In addition, this power does not tackle property management standards. Through the selective licensing designation landlords will attend development days which cover all aspects of property management including property condition. Through training, advice and support, landlords will recognise what improvements need to be made to their properties reducing the need for action under the HHSRS.
140. In addition, the Council will continue to undertake proactive property inspections in the designation area, offering advice and where necessary taking enforcement action to improve property conditions across the designation area. Improving property conditions will assist in retaining tenants and attracting occupants to the area assisting in tackling low demand.

Management Orders

141. Part 4 of the Housing Act 2004 introduced the use of Management Orders but advised that these orders should not be used if other enforcement options will remedy the problem. The general effect of a Management Order is that the Council takes control of the property, although legal ownership does not transfer from the landlord. There are two forms of Management Order: interim and final. Interim lasts for a period of 12 months which can then be followed by a final Management Order which lasts for a maximum of five years.
142. Once a Management Order is in place the Council takes over the management of the property. The occupiers pay their rent to the Council and any repair costs such as routine repairs or building insurance are taken from the rent before any surplus is given to the owner (landlord).
143. This power only deals with individual properties and is resource-intensive especially as the Council no longer has any stock of its own. In some cases, even retention of the full rental income may not be adequate to properly maintain and manage the property, in which case additional costs would end up being borne by the council tax payer.

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

A Private Sector Leasing Scheme

145. A Private Sector Leasing Scheme is where the council takes out a lease, normally three to five years in duration, from a private owner or landlord on their property. The council then uses the property to provide affordable accommodation. The Council has transferred its housing stock and would therefore need to procure an external company to manage the properties.
146. There is no guarantee that landlords, especially the worst, will join the scheme and the Council cannot compel them to do so. As with Management Orders, the scheme does not address poor management practices as the landlord does not gain experience, advice or training during the lease meaning that once handed back management standards will once again be unsatisfactory.

Table 14: Option Appraisal

Option	Strength	Weakness	Risk
Accreditation	Improves relationships between the Council, landlords and managing agents, improves management standards, improves property condition, promotes good practice, improves the reputation of the private rented sector	Voluntary so cannot compel landlords to join the scheme nor improve property condition or standards of management	The worst landlords will not join. Limited effect on a concentrated area as only the more motivated landlords will join
Enforcement of Housing Standards	Legal requirement. Improves property conditions	Reactive rather than proactive. Relies upon the tenant complaining, some of whom may be too scared. Does not improve management practices	Resource-intensive and not self-financing
Management Orders	Removes the property from an irresponsible landlord. Improves management standards. Is a forceful sanction for those landlords that do not comply with selective licensing	Does not tackle poor management techniques and therefore does not provide a long-term solution to unsatisfactory practices. Intervention is as a last resort for a small number of properties	Resource-intensive. Relies upon an external company managing the properties
Introduce a Private Sector Leasing Scheme	Does not improvement management standards of landlords who choose not to join the scheme. Reactive rather than proactive	Contributes to homelessness prevention	Resource-intensive. Relies upon an external company managing the properties
Selective Licensing	Legal requirement. Improves property condition. Improves property management. Promotes good practice. Reduces levels of ASB. Area-based administration of the scheme is self-financed	Maximum of five years. Includes those landlords that already show responsible letting	Monitoring of the scheme is extremely resource-intensive on staff time. Landlords may try and illegally evict tenants. Landlords may try and avoid licensing. Landlords may leave the area, creating more vacant

147. In summary, the alternative options to selective licensing would require some, if not all, of the finance from the Council, which in turn comes from everyone paying Council Tax. Selective Licensing will continue to be entirely self-financing, paid for by the licence applicants and not the community. This is an approach that the majority of residents agree with as many of the problems within the area are caused by irresponsible property management practices.
148. The alternative options do not compel a landlord to address tenant behaviour or ensure landlords seek references when allocating their properties.. Landlords will be able to continue to access advice and support from the Council to deal with problematic tenant behaviour.
149. The alternative options do not provide a long-term solution to the training of inexperienced landlords whose business and subsequently the community would benefit from improved management practices.

150. The alternative options are not area-based and can only tackle a small number of properties. Selective Licensing tackles all privately rented properties in the proposed designation area. There are a significantly high number of the private rented properties within the area. To improve the conditions, standards of management and reputation of the private rented properties in the designation area a collective approach is required: dealing with a small number of private rented properties will not assist in improving conditions.
151. The other options of accreditation, the enforcement of property standards and management orders will be used not as an alternative to selective licensing but as support tools as part of an integrated programme of measures to improve the social and economic conditions of the area.
152. Whilst there is always the risk with selective licensing that landlords may illegally evict tenants, leave the area or try to avoid licensing. Through robust monitoring procedures the team will find all privately rented properties. Any reports of illegal evictions will be investigated immediately and where required sanctions taken against that landlord.

WHY SELECTIVE LICENSING IS NEEDED IN COLNE

153. This report has been prepared to support Pendle Council in the proposed designation of a selective licensing area in parts of Colne.
154. The report has had regard to the legislative requirements for making a selective licensing proposal and also the guidance in determining the need for the introduction of selective licensing.
155. The Council's proposal has carefully considered the housing market within the proposed designation area and the Council is of the opinion that the area is suffering from low housing demand. The key indicators being tenure, property values, turnover, empty homes, anti-social behaviour and crime.
156. **Tenure** – analysis of the tenure for the Waterside area has highlighted a higher volume of private rented property than both the Borough and the County, and similar wards in Pendle. The private rented sector has also grown since 2001.
157. **Property values** – values within the Waterside area have been assessed against figures for Colne and Borough wide Median property prices in Waterside have been found to be significantly lower than these areas. In 2014 the median house price paid across Waterside was £54,638 compared to £83,118 for the Borough and £96,312 for Colne.
158. Most of the property in the proposed licensing area is Council Tax Band A.
159. **Turnover** – the turnover of property suggests low demand for housing in the Waterside area with 30.9% of properties changing resident in a 12 month period
160. **Empty Homes** – Whilst the Waterside area has a lower than average level of empty properties there is evidence to suggest that when a property becomes empty they tend to stay empty for a longer period of time. Of the 67 long term empty properties 35 have been empty for over 2 years
162. **Anti-social behaviour** – although the level of ASB has reduced within waterside ward over the last 12 months the area continues to suffer worse problems than other similar terraced housing areas. Over the last 12 months the Police received 385 calls about ASB: the Pendle district average is 48.8 and the Lancashire average 53.7.
163. **Crime** – during 2014–15, the Waterside ward had the highest rates of crime on all measures when compared with the whole of the borough.
164. **Supporting the Council's Housing Strategy** – this report has highlighted how selective licensing in the Colne area is consistent with the Council's overall housing strategy.

165. ***Coordinated action*** – the report highlights a number of other initiatives in the area that will be coordinated with selective licensing, including work around homelessness, empty homes and anti-social behaviour.
166. ***Options appraisal*** – in seeking to make this designation the Council has assessed other courses of action. None is considered suitable in an area of such intense low demand and high levels of private rented accommodation to be effective in achieving the objectives this designation is intended to achieve. Making this designation will significantly assist the Council to achieve these objectives, alongside the complementary measures detailed in this report.
167. In conclusion, based on the evidence contained within this report, the Council proposes that a designation of selective licensing in the Colne area is necessary to support the ongoing regeneration initiatives within and adjacent to the designation area and Borough wide to promote economic growth and address low housing demand. Selective licensing is a key initiative amongst these combined measures to ensure private rented properties are managed responsibly strengthening the community and creating a sustainable mixed tenure neighbourhood.

HOW TO RESPOND TO THE COUNCIL'S PROPOSAL TO DESIGNATE PARTS OF COLNE AS A SELECTIVE LICENSING AREA

168. The consultation exercise will be carried out from 22nd August 2016. The following methods of consultation will be used:

- Questionnaire mailed to landlords.
- Questionnaire to be hand-delivered to all residents and businesses within the consultation area.
- Questionnaires available to be completed online.
- Press release to local newspapers.
- Posters to be displayed in community buildings and businesses.
- Information on the Council's website.
- Information leaflets to promote the drop-in sessions and questionnaire.
- Information in the members' information pack.

To make any comments on the proposal please contact:
Private Sector Housing (Selective Licensing) Team on 01282 661028 or
email housing.standards@pendle.gov.uk

169. Detailed below is how the Council will consult with key groups:

Tenants and Residents

A questionnaire will be hand-delivered to each household within the area by Council officers to ensure delivery. The questionnaire will provide basic information regarding the proposal, it will provide details of how to obtain further detailed information, and will request the completion of a short survey. There will also be informal drop-in sessions so that residents can call in at any time and have the opportunity to talk to council officers about the proposal.

The council has prepared information leaflets to be provided at community buildings, schools and nurseries that provide basic information regarding the proposal; it will provide details of how to obtain further detailed information, and how to respond to the proposals.

Landlords, Letting Agents, Managing Agents

A questionnaire will be mailed to each known landlord, managing agent, and letting agent that operate within the area. The questionnaire will provide basic information regarding the proposal, it will provide details of how to obtain further detailed information, and will request the completion of a short survey. The Council will organise two landlord meetings, the dates for which will be confirmed.

Feedback will be provided in detail following each session to all landlords.

Local Businesses

A questionnaire will be hand-delivered to each local business within the area by Council officers to ensure delivery. The questionnaire will provide basic information regarding the proposal, it will provide details of how to obtain further detailed information, and will request the completion of a short survey. The Council has prepared information posters and leaflets to be provided to local businesses, to be displayed that provide basic information regarding the proposal, details of how to obtain further detailed information, and how to respond to the proposals.

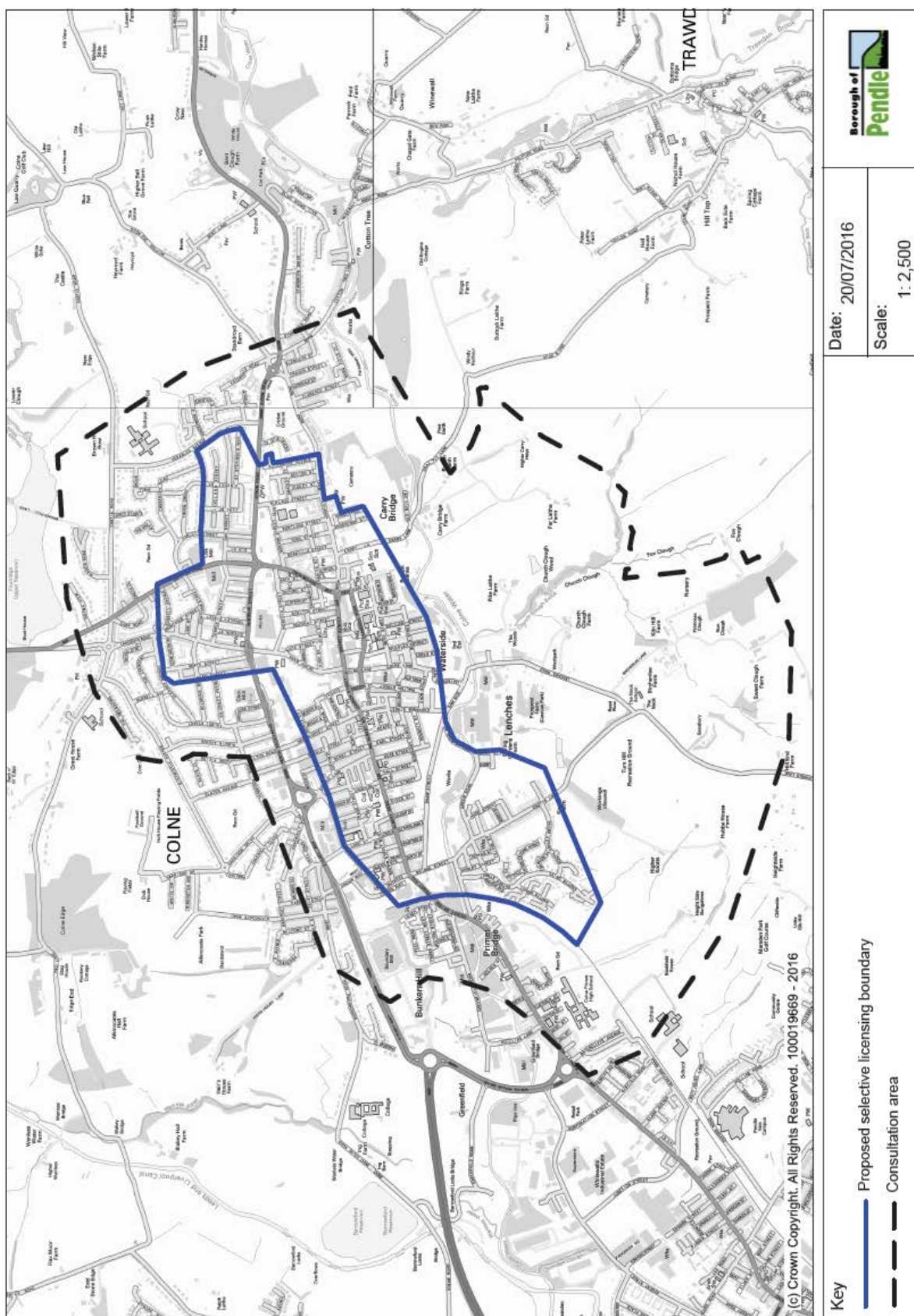
Ward Councillors

All councillors will be provided with an information pack. This information will provide full details of the proposal, the consultation plans, and they will be asked to provide feedback/comments about the proposal. Officers will be meeting with the councillors of the wards that are affected by the proposal.

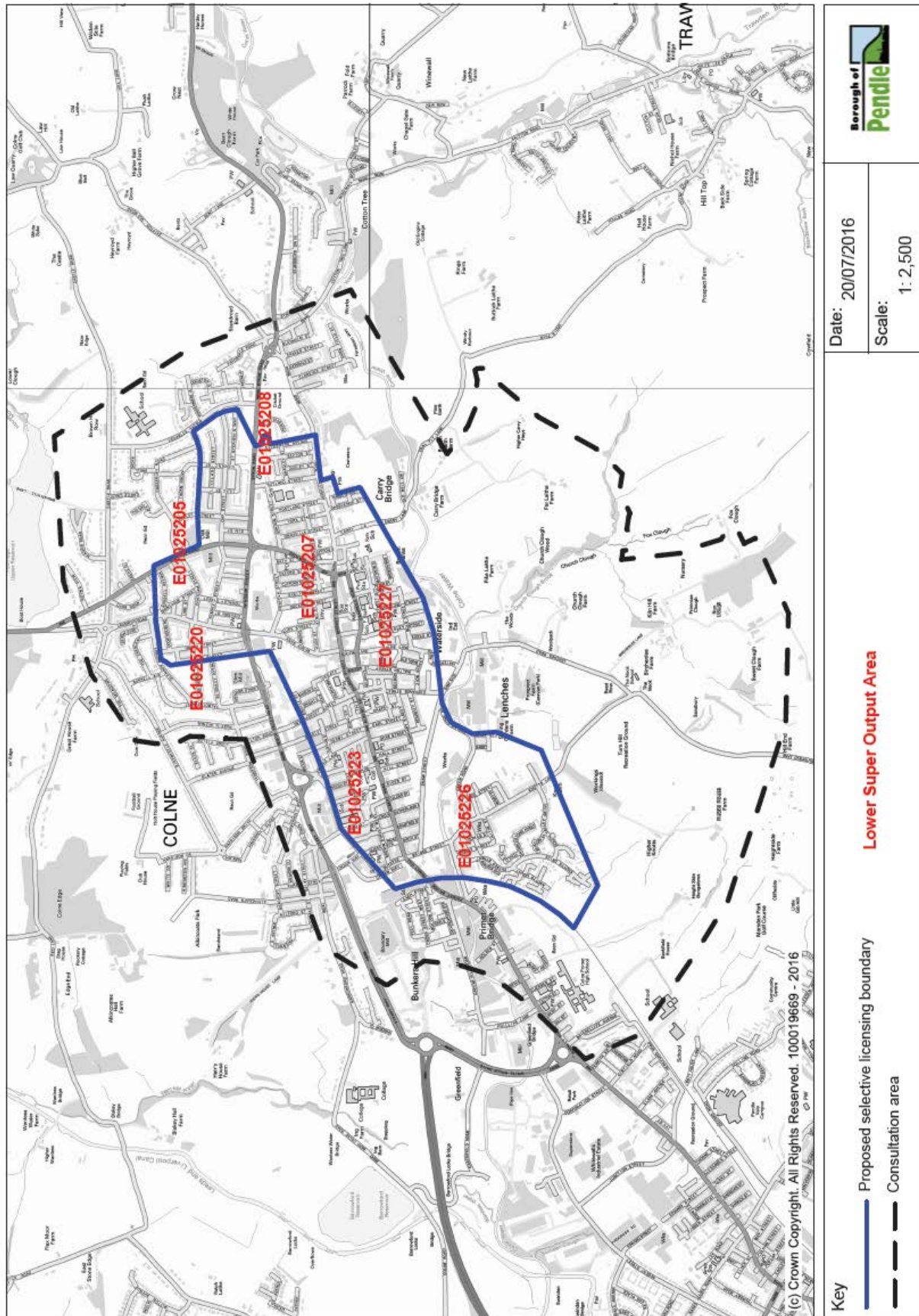
Relevant Council Departments

All relevant departments will have been consulted during the preparation of the proposal document. As part of the consultation process all relevant departments will be provided with the proposal and will be asked to provide feedback/comments about the proposal.

MAP 1 – PROPOSED BOUNDARY AND THE WIDER CONSULTATION BOUNDARY



MAP 2 – THE PROPOSED BOUNDARIES WITH THE LOWER SUPER OUTPUT AREAS



APPENDIX 1 – LIST OF STREETS IN THE PROPOSED DESIGNATION

All	Albert Road
All	Allendale Street
All	Angel Way
All	Atkinson Street
All	Atkinson Street
All	Ayrton Street
All	Back Albert Road
All	Back Atkinson Street
All	Back Bond Street
All	Back Boundary Street
All	Back Brown Street
All	Back Cambridge Street
All	Back Chapel Street
All	Back Derby Street
All	Back Duke Street
All	Back Earl Street
All	Back Hall Street
All	Back Lune Street
All	Back Zion Street
All	Basil Street
All	Bath Street
All	Beacon Close
42-44 Evens, 37-43 Odds	Belgrave Road
All	Bence Street
All	Birtwistle Hyde Park
All	Birwistle Fold
All	Blucher Street
All	Bold Street
All	Bond Street
All	Boundary Street
All	Bradley Street
All	Bridge Street
All	Bristol Street
All	Bright Street
All	Broken Banks
All	Brown Street East
All	Brown Street West
All	Buck Street
All	Burrans Meadow
1 to 51 Odds	Byron Road
All	Calder Street
All	Cambridge Street

All	Catercliffe Bank
All	Centaur Court
All	Chapel Fold
All	Chapel Street
All	Charles Street
All	Chatham Crescent
All	Chatham Street
All	Church Meadows
All	Church Street
All	Clayton Street
All	Cleveland Street
All	Clifford Street
All	Clifton Street
All	Colne Lane
All	Cook House Road
All	Cotton Court
All	Cotton Mill Works
All	Crabtree Street
All	Craddock Road
All	Cragg Street
All	Cross Hagg Street
All	Cross Helliwell Street
All	Cross School Street
All	Cross Skelton Street
All	Cumberland Street
All	Daisy Street
1-73 Odds, 2-30 Evens	Derby Street
All	Dewhurst Street
All	Dickson Street
All	Dockray Court
All	Dockray Street
All	Dockray Yard
All	Doughty Street
All	Dudley Street
All	Duke Street
All	Earl Street
All	Ellesmere Avenue
All	Elm Street
All	Empress Street
All	Essex Street
All	Exchange Street
2-108 Evens	Fern Street
All	Fothergill Street
All	Foulds Close
All	Fountain Street
All	Glen Street

All	Gordon Street
All	Granville Street
All	Green Road
All	Grindlestone Hirst
All	Grosvenor Street
All	Guysyke
All	Hagg Street
All	Hall Street
All	Harold Street
All	Hartley Street
All	Hawley Street
All	Hendly Court
All	Henry Street
All	Higgin Street
All	High Street
All	Hill Street
All	Ivegate
All	Ivegate Mews
All	James Street
1-119 Odds, 2-112 Evens	Keighley Road
All	Khyber Street
All	King Street
All	Knotts Drive
All	Knotts Lane
All	Knotts Mount
All	Knowsley Street
All	Laithe Street
All	Lancaster Street
All	Lark Street
All	Lilac Street
All	Lime Street
All	Linden Road
9-121 Odds, 10-70 Evens	Langroyd Road
All	Lord Street
All	Lower School Street
All	Lune Street
All	Mabel Street
All	Market Place
All	Market Street
All	Mason Street
All	Matthew Close
All	Melling Court
All	Midgley Street
All	Mitchell Street
All	Montague Street
All	Moorhead Street

All	New Bath Street
All	Nelson Street
All	New House Street
1-69 Odds, 2-52 Evens	New Market Street
All	New Oxford Street
All	Newtown Street
All	Nicholas Street
All	Nineveh Street
All Odds	Norfolk Street
All	North Street
257-263	North Valley Road
All	Oak Street
All	Oxford Street
All	Paddock Top Mews
All	Parliament Street
All	Parsonage Street
All	Patten Street
All	Peerart Court
All	Pendlemist View
All	Peter Birtwistle Close
All	Peter Street
All	Portland Street
All	Primet Hill
All	Primrose Hill
All	Princess Street
All	Queen Street
All	Raglan Street
All Evens	Rigby Street
All	River Street
All	Robert Street
All	Rook Street
All	Rutland Street
All	Salisbury Street
All	School Street
All	Sefton Street
All	Seldon Street
All	Shaw Street
All	Shed Street
All	Short Street
All	Skelton Street
2-158 Evens, 1-163 Odds	Skipton Road
All	Smith Street
All	South Valley Court
All	South Valley Drive
All	Spring Court
All	Spring Gardens Road

All	Spring Lane
All	Spring Place
All	Spring Yard
All	St Andrews Close
All	St Georges Close
All	St John Street
All	St Stephens Way
1-35 Odds, 2-4 Evens	Stanley Street
All	Stratford Way
All	Sun Street
All	Sutherland Street
All	The Park
All	The Sidings
All	Thomas Street
All	Townley Street
All	Union Street
All	Valley Heights
2-72 Evens, 1-37 Odds	Varley Street
All	Vincent Street
All	Wallace Hartley Mews
All	Walton Street
All	Water Street
All	West Exchange Street
All	West Street
All	William Street
All	Windsor Street
All	Windy Bank
All	York Street
All	Zion Street

APPENDIX 2 – PROPOSED FEE

Application Fee:	£770.00
Discount for payment within 6 months of designation	£154
Late payment charge (applications received after 12months from Designation	£77

* To receive the early application discount the applicant must submit a fully completed application form and all requested documentation within 6 months of the designation area coming into force. Payment must be received in full or a direct debit payment plan agreed. Failure to continue to make the annual direct debit payment will result in the loss of the early application discount.

APPENDIX 3 – PROPOSED FEE STRUCTURE

Proposed Fee and Charging Structure for the Implementation of Selective Licensing

Introduction

1. Part 3 of the Housing Act 2004 outlines that the Authority may require the application to be accompanied by a fee fixed by the authority.
2. The Authority is not permitted to make a profit from the introduction of Selective Licensing programme and any surplus must be ring-fenced for use on the scheme. The fees should, however, take account of all costs incurred in carrying out all duties under this part of the Act.
3. The Council has approved the new proposed fee for the implementation of Selective Licensing in Waterside.

Role of Charging Structure

4. The purpose of this document is to establish a transparent charging policy.
5. The fees have been reviewed in line with the above recommendation; this has considered the revised staffing structure for the proposed designation of the Waterside area.
6. Applications will be charged the full amount to accompany the application form. At the Council's discretion a payment plan or direct debit may be established to agree to payments to be made over an agreed period of time.

Reduced Fees

7. Applications for licences in the last six months of the designation will be eligible for a reduced fee of 50%. This is where properties have not been licensable prior to the six-month deadline.
8. Applications for a property during the designation will be based on the agreed fee structure.
9. Applications resulting from a change in ownership of a licensed property will be charged the full standard fee.

Fee Reimbursements

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

Fee Amounts

11. The structure is based on:
 - (a) the staff time taken to process the application; and
 - (b) the costs of delivering the designation, including staffing, on costs, and internal recharges.

Fee Discounts

12. An early application discount will be applied to the overall cost of the fee if the applicant submits a fully completed application form and all requested documentation within 6 months of the designation area coming into force. Payment must be received in full or a direct debit payment plan agreed. Failure to continue to make the annual direct debit payment will result in the loss of the early application discount.

Payment Methods

15. Payment in full should be made with the application documents.
16. Where the applicant experiences difficulty in paying the full amount, a payment plan may be agreed, enabling the full amounts to be paid in instalments, at the Council's discretion any such plan/agreement can only be repaid by direct debit.

APPENDIX 4 – FIT AND PROPER PERSON CRITERIA

Fit and Proper Person and Management Arrangement Criteria for Selective Licensing

1. Part 3 of the Housing Act 2004 outlines that, when deciding whether to grant a licence or not the local authority (the “Authority”) is required to look at three aspects of the management of the property (the “Property”) and if these are satisfactory then it must grant a licence:
 - The proposed licence holder (the “Licence Holder”).
 - The proposed manager (the “Manager”) (if a different person from the Licence Holder).
 - The proposed management arrangements (the “Property Management Arrangements”).
2. The application will be checked to determine whether:
 - the proposed Licence Holder is a fit and proper (“Fit and Proper”) person to be the Licence Holder and is, out of all the persons reasonably available to be the Licence Holder in respect of the house, the most appropriate person to be the Licence Holder;
 - the proposed Manager of the house is either – the person having control of the house, or a person who is an agent or employee of the person having control of the house;
 - that the proposed Manager is a fit and proper person to be the Manager;
 - that the proposed Property Management Arrangements for the house are satisfactory; and
 - all persons involved in the management of the property are to be identified and assessed under the Fit and Proper person criteria.
3. The Authority will ensure through this procedure that:
 - each case will be determined on its own merit; and
 - each specific offence, incident or issue will be considered in terms of its relevance to the holding of a Licence or to management and will take into account the gravity of the offence.
4. Where the information contained in the initial application is insufficient to determine suitability, we may contact the applicant to request further

information. Where no other information is available or forthcoming, the Authority can refuse to grant the licence on grounds of insufficient evidence.

Definition of Fit and Proper Person Criteria

5. A Fit and Proper person means that they are morally suitable.
6. In determining whether a person is Fit and Proper the Housing Act 2004 Section 89 outlines the test. This includes assessing whether there has been any:
 - offences involving fraud, or other dishonesty, or violence or drugs, or any offence listed in Schedule 3 to the Sexual Offenders Act 2003;
 - unlawful discrimination on grounds of sex, colour, race, ethnic or national origins, or disability; or
 - breaches of housing or land lord and tenant law.
7. When determining if the person is Fit and Proper the Authority will consider the following:
 - (a) They are without any significant and relevant convictions, cautions, reprimands and warnings.
 - (b) If involved in managing the house, they have the necessary experience and/or managerial skills and competence to successfully manage the property in accordance with satisfactory Management Arrangements.
 - (c) They are aware of, and sensitive to, the needs of all sections of society.
 - (d) They are willing to engage with the Authority in the licensing procedure.
 - (e) They have suitable Management Arrangements and funding arrangements.

Application Process – How we will determine whether a person meets the Fit and Proper Criteria

The Licence Holder and Manager will be assessed under each of the following categories to determine whether they meet the Fit and Proper person requirements. They are without any significant and relevant convictions, cautions, reprimands and warnings

8. The applicant is to provide copy photo identification, such as Passport or Driving licence, of the proposed Licence Holder.
9. The applicant is to provide a current Disclosure Scotland for the proposed Licence Holder and Manager.

10. Any significant and relevant convictions, cautions, reprimands and warnings showing up under this check will not necessarily mean that an application for licence will be refused. However, the nature of some offences will be viewed more seriously than others. Offences have been categorised into “Category 1”, “Category 2” and “Category 3”, where Category 1 is to be regarded as the most serious.
11. Due regard to the full circumstances surrounding the offence will be given if involved in managing the house; they must have the necessary experience and/or managerial skills and competence to successfully manage the property in accordance with satisfactory management standards.
12. Checks will be made with other departments and other local authorities, to check the applicant, proposed Licence Holder or Manager regarding performance in handling disrepair complaints, dealing with anti-social behaviour, compliance with legal notices to identify any concerns relating to Management Arrangements.
14. The applicant is to provide information relating to out-of-hours emergencies, anti-social behaviour, tenancy deposits, lettings and repairs reporting procedures.
15. The Management Arrangements provided in the application will be assessed against the Property Management Arrangements.

They are aware of, and sensitive to, the needs of all sections of society

16. Through the application form, Applicants must demonstrate an understanding of the needs of people from all sections of society.
17. That their Property and Arrangements are promoted and accessible to all, without discriminating against race, colour, gender, religion, ethnic or national origin disability (where appropriate) or sexual preference; and are promoted and available to people whose backgrounds may include such circumstances as homelessness, mental health problems, bankruptcy, etc. where the provision of support where necessary enables that person to successfully manage their tenancy.
18. That all information relating to the tenancy, property and tenant rights and responsibilities is presented in a format accessible and understandable by the individual; and

That the management of their property does not contravene relevant legislation and standards, such as the Race Relations Act and Statutory Code of Practice on Racial Equality in Housing.

They have suitable management structures and funding arrangements

19. The Licence Holder must reside within the United Kingdom.

20. In addition to those financial responsibilities outlined in the Property Management Arrangement, the Authority would expect a successful licence applicant to have suitable funding arrangements in place to effectively deal with repairs, etc. when they arise.
21. As part of the application process, potential Licence Holders will have to show that they have suitable financial management procedures in place to ensure contingency funds are available for any repair or emergency remedial works needed. Further investigation, for example credit reference checks or examination of bank account statements, may be required.

They are willing to engage with the Authority in the licensing procedure.

22. In addition to assessing compliance with current and previous licence criteria, the Authority will take into account the way in which the applicant has engaged with any previous licensing or enforcement procedures, both within or outside the Authority. The fact that the prospective Licence Holder may have been successful in mandatory licence applications is not sufficient evidence on its own to fully demonstrate engagement with previous application or enforcement processes.
23. It should be noted that this document and the Fit and Proper Person criteria is not exhaustive and the Authority reserve the right to amend the Fit and Proper Person criteria and the Property Management Arrangements from time to time in line with government directives or through service or policy development. Any amendments changes to the document or the Criteria will be published and sent to existing Licence Holders and Managers.

Property Management Arrangements

It is expected that all information for the prospective tenant referred to in this document will be in a format and method understandable to them and makes it possible for queries or concerns to be easily raised.

The Licence Holder and Manager are to ensure that there are satisfactory Property Management Arrangements in place, below are the standards that the Authority require for each property.

Standard 1 – Letting Practices

Licence Holder or Manager will be expected to demonstrate that they have a letting procedure in place that:

- Actively encourages applicants from all backgrounds and makes clear that prospective tenants will not be discriminated against due to their race, colour, gender, religion, sexual orientation, ethnicity, disability or national origin or age.
- Provides clear information to prospective tenants about the property including rent levels, due dates and increase dates, deposits, receipts, the terms and

conditions of the tenancy, charges (including service charges), a rent book and payment methods.

- Includes referencing procedures. These procedures should not merely be credit references, but should include character references to indicate their suitability as a tenant. Wherever possible, references should be obtained from the previous two landlords or, where this is not possible, from an employer, educational professional or other responsible person who knows the prospective tenant well. It is not advisable to rely on references from friends or family members. Home visits should also be carried out to check the tenant's housekeeping.
- Provides clear information on who has responsibility for the payment of all utility charges and Council Tax.
- Provides clear information about how deposits are to be held under the Tenancy Deposit Scheme, which was introduced by Part 6 of the Housing Act 2004.
- Ensures prospective tenants are made aware of the standard operating procedures, such as emergency repairs, hours of contact, etc.
- Provides the tenant, on receipt of a deposit, with an inventory describing the state of the property and contents. Where practicable, photographic evidence should be included.

Standard 2 – Creating the Tenancy

The Tenancy Agreement issued must comply with current legislation. All parties included in the tenancy agreement should be aware of their rights and responsibility under the agreement and landlords should be able to demonstrate that they have made every reasonable effort to ensure the tenants awareness.

This could include providing clear, written descriptions of:

- the terms on which the property is to be occupied;
- an address in England or Wales for the tenant to use to serve notice;
- contact details for the landlord, agent or representatives, including emergency and “out-of-hours” information;
- repair-reporting procedures including maximum response times;
- local facilities and amenities, including refuse collection/recycling days, neighbourhood watch and residents’ association details, post offices and shops etc.;
- acceptable behaviour clauses. Tenants should be provided with clear information about the level of behaviour expected of them whilst in the tenancy

and their responsibilities both to the property and to their new neighbours and wider community. The information should also include examples of behaviour constituting antisocial behaviour and nuisance, as well as explaining clear consequences of displaying such behaviours.

Standard 3 – Managing the Tenancy

They must make every possible step to ensure their tenants are able to live peacefully within their property. More specifically, they must:

- ensure any repairs are undertaken within a reasonable timescale;
- ensure the property is free from disrepair;
- carry out quarterly checks of the property;
- promptly tackle any anti-social or nuisance behaviour emanating from the property, whether perpetrated by the tenants or people visiting or living with them;
- respect the privacy of the tenant, for example by giving adequate notice and ensuring permission is given (usually no less than 24 hours) before access to the property is needed; and
- tackle any breaches of the tenancy agreement promptly, and take any necessary action.

Standard 4 – Tackling Anti-social Behaviour

The Authority recognises the difficulties faced by private landlords in addressing issues of anti-social behaviour, particularly relating to Possession Proceedings.

- The tenancy should contain acceptable behaviour clauses. Tenants should be provided with clear information about the level of behaviour expected of them whilst in the tenancy and their responsibilities both to the property and to their new neighbours and wider community. The information should also include examples of behaviour constituting anti-social behaviour and nuisance, as well as explaining clear consequences of displaying such behaviours.
- Ensure there is a clear procedure for dealing with ASB, including warning letters, home visits and an escalation process.
- Landlords and Agents should seek advice from the Authority as soon as they become aware of nuisance or anti-social behaviour being perpetrated by their tenants or people visiting or living with them.
- The Authority and partners will work with landlords, managers and agents to develop an appropriate course of action for each case. This could include referral to mediation services, requesting action to regain possession of the property, the provision of a support service to the tenant.

- Where complaints against the property continue, Licence Holders and Managers will be requested to demonstrate measures undertaken to address the issues.
- Good references for tenants that have caused ASB should not be provided in order to move a tenant on. Landlords, Managers and agents must always provide accurate and honest references to other landlords or agents on request.

Standard 5 – Ending a Tenancy

Licence Holder or Manager must be able to demonstrate a satisfactory understanding of relevant legislation and procedures.

Unless a tenant clearly surrenders the property or the tenancy is ended by mutual agreement evidenced in writing, the correct legal notice must be served in order for the landlord to regain possession of the property. If the tenant fails to leave the property following the granting of a possession order, a Bailiff's Warrant must be obtained in order to evict the tenant.

The authority expects applicants, Licence Holders and managers to be able to evidence that:

- they will comply with current legislation in order to gain possession of the property;
- tenants are issued with clear information regarding the arrangements for bringing the tenancy to an end. This information must include clear guidance regarding the condition of the property expected at the end of the tenancy and the consequences of failing to meet this standard; and
- that the Tenancy Deposit Scheme is used to promptly and efficiently return deposits and that any deductions are justified with evidence of expenditure, made available to the tenant.

Standard 6 – Other Relevant Issues

In addition to the specific standards outlined above, the Authority may take into consideration the following points:

- That the Licence Holder or manager be suitably located to the licensable property to ensure adequate management, especially with regards to accessing the property, arranging repairs and being available to the tenants. Whilst each application will be considered individually, it is the view of the Authority that it is difficult to successfully manage a property when the landlord or agent are based a significant distance away, particularly overseas. In such circumstances, the Authority would expect a local managing agent to be employed, within a 40-minute drive of the property.

- That the applicant, landlord, manager or agent has a significant history of legal notices, work in default or enforced sales. Such a history will be considered to be an indication of poor management in relation to repairing obligations.
- That the applicant, landlord, manager or agent has no significant history of frequent and substantive complaints and/or successful civil actions relating to the unreasonable withholding of deposits. Such a history will be considered to be an indication of poor management in terms of collection and return of deposits.
- That the applicant, landlord, manager or agent has no history of frequent and substantial complaints from tenants relating to conduct considered constituting harassment or attempted or actual unlawful eviction. Such a history will be considered to be an indication of unsatisfactory management arrangements.
- That the applicant, landlord, manager or agent has not breached any current or previous management regulations applicable to HMOs. Any such breach will be considered to be an indication of unsatisfactory management arrangements.

List of Convictions, Cautions, Reprimands or Warnings

Category 1 Offences

A conviction for these offences will usually result in the licence application being rejected.

Offences of Dishonesty

- Benefit fraud (offences under ss111A and 112 of the Social Security Administration Act 1992)
- Forgery
- Burglary
- Conspiracy to defraud
- Obtaining money or property by deception

Offences of Violence

- Murder
- Manslaughter
- Arson
- Malicious harm (s20 Offences against the Person Act 1861)
- Possession of a firearm
- Possession of an offensive weapon

- Actual bodily harm (s47 Offences Against the Person Act 1861)
- Grievous bodily harm (s18 Offences Against the Person Act 1861)
- Robbery
- Riot
- Affray
- Any racially aggravated offence (Crime and Disorder Act 1988)

Offences Relating to Drugs

- Supply of drugs
- Sexual and indecency offences
- Rape
- Soliciting
- Indecent assault
- Indecent exposure
- Any other offence under Schedule 3 of the Sexual offences act 2003

Housing Act Offences

- Protection from Harassment Act 1997
- Protection from Eviction Act 1977
- Any conviction for failure to comply with the licensing regime as set out in the Housing Act 2004 (s95)
- Provision of false or misleading information (s238 of Housing Act 2004)
- Obstruction (s241 of the Housing Act 2004)
- Failure to comply with a licence condition (s95 of the Housing Act 2004)
- Failure to hold a relevant licence (s72 of the Housing Act 2004)
- Breach of improvement notices and prohibition orders (s35.6 s32.2b of the Housing Act 2004)

Category 2 Offences

A conviction for these offences will be viewed seriously and, following further investigation, could result in the licence application being rejected:

- Offences of dishonesty
- Handling or receiving stolen goods
- Theft
- Offences of violence
- Violent disorder
- Police assault
- A caution, reprimand or warning for any Category 1 offences will be classed as a Category 2 offence.

Category 3 Offences

A conviction, caution, reprimand or warning for these offences may also be taken into account and further information will be requested in order to determine the relevance of these offences. If deemed to be relevant or sufficiently severe, these offences could result in the licence application being rejected:

- Offences of violence
- Common assault
- Criminal damage
- Obstruction
- All other offences relating to dishonesty, drugs, sexual and indecency,
- Housing and Landlord and Tenant.
- A caution, reprimand or warning for any Category 2 offences will be classed as a Category 3 offence.

APPENDIX 5 – PROPOSED LICENCE CONDITIONS

PENDLE BOROUGH COUNCIL SELECTIVE LICENCE CONDITIONS

In these conditions, “Property” is meant to refer to the building or part of a building, which is licensed under Part 3 of the Housing Act 2004 (“the Act”). “Authority” is meant to refer to the Local Housing Authority, namely Pendle Borough Council.

Housing Act 2004 Prescribed Conditions

1. If gas is supplied to the Property, the Licence Holder must produce to the Authority annually for their inspection, a Gas Safety Certificate obtained in respect of the Property within the last 12 months.
2.
 - (a) The Licence Holder must keep electrical appliances and furniture provided by him in the Property in a safe condition; and
 - (b) Must supply to the Authority on demand a declaration made by him as to the safety of such appliances and furniture.
3. The Licence Holder must:
 - (a) ensure that a working smoke alarms are installed on each storey of the property whether or not it is used as living accommodation; and
 - (b) ensure that a carbon monoxide alarm is installed in any room in the house which contains a solid fuel burning combustion appliance
 - (c)
 - (i) keep each such alarm prescribed in 3a and 3b above in good condition and proper working order; and
 - (ii) supply to the Authority on demand a declaration made by him as to the condition and positioning of such alarms.
4. The Licence Holder must provide each occupier of the Property with a written statement of the terms and conditions on which they occupy the Property (“the Tenancy Agreement”). The Licence Holder shall provide a copy of the Tenancy Agreement to the Authority on demand. The Licence Holder shall also ensure that the Tenancy Agreement:
 - (a) complies with current legislation; and
 - (b) includes reference to the conduct of tenant, residents and visitors in respect of anti-social behaviour).
5. The Licence Holder must obtain references from all persons wishing to occupy the Property and provide a copy of the said references to the Authority on demand.

Conditions Relating to the Property

6. The Licence Holder must inform the Authority of any changes to the positioning or type of smoke alarm fitted in the Property.
7. The Licence Holder must ensure that the Property is free from disrepairs which include serious Category 1 hazards and high Category 2 hazards. The Authority may carry out an assessment of the property using the government's Housing, Health and Safety Rating System (HHSRS) to determine any potential hazards and provide a report detailing any required repairs and include a timescale within which they should be completed.
8. The Licence Holder must produce to the Authority a valid Periodic Inspection Report or Electrical Installation Condition Report for the whole of the electrical installations within the Property in accordance with current IEE wiring regulations. Such a report should be provided by a competent person (to comply with Part P of the Building Regulations). The first such report must be supplied by the Licence Holder to the landlord licensing team of the Authority within the first 12 months of the licence period.
9. The Licence Holder must ensure, throughout the period of the licence, that the Property is covered by a valid Periodic Inspection Report or an Electrical Installation Condition Report. Where the report expires during the term of the licence, an up-to-date Electrical Installation Condition Report must be provided to the landlord licensing team of the Authority within 28 days of the expiry date.
10. Should any remedial works be identified the licence holder must ensure the following actions are carried out for whichever report is applicable:

Periodic Inspection Report

- (a) Code 1 recommendations – which are imminently dangerous, should be remedied within 48 hours following the date of the report.
- (b) Code 1 recommendations – which are less serious, and Code 2 recommendations should be remedied within 28 days following the date of the report.

Electrical Installation Condition Report

- (a) Classification Code C1 – “Danger present and immediate remedial action required”, should be remedied within 48 hours following the date of the report.
- (b) Classification Code C2 – “Potentially dangerous and urgent remedial action required”, should be remedied within 28 days following the date of the report.

The Licence Holder must inform the licensing team of the Authority upon completion of such repairs/works.

11. If accommodation within the Property is provided on a furnished basis or includes electrical appliances, the Licence Holder must ensure that following the carrying out of a Portable Appliance Test ("PAT"), the appliances are clearly labelled with the date of the test and the date on which the next test is due.
12. The Licence Holder shall ensure that any furniture supplied at the start of a tenancy or licence is in a safe and good condition (in line with Furniture and Furnishing Regulations (Fire) (Safety) Regulations 1988) and maintained or replaced as far as is the Licence Holder's responsibility throughout the tenancy (under the terms and conditions of the Tenancy Agreement).
13. Where the Property is let as furnished, the Licence Holder must ensure that there is adequate and relevant insurance cover or the appropriate means to replace the furniture provided as part of that tenancy, should it be damaged or stolen by persons other than the lawful occupier of the Property.
14. Where any works are to be carried out to the Property, the Licence Holder must ensure the appropriate consent from Building Control at Pendle Borough Council is obtained prior to works commencing, if the nature of the works requires it.
15. If the Property becomes a Property in Multiple Occupation, the Licence Holder must ensure that the Property is compliant with the Authority's standards for Houses in Multiple Occupation and notification must be given to the Enforcement team of the nature of the accommodation being offered.
16. Access must be provided to a Technical Officer from the Authority to enable them to carry out an inspection of the Property on a mutually convenient date within the period of the licence.

Management of the Licensed Property

17. The Licence Holder must provide the occupiers of the Property, with details of the following:
 - name of the Licence Holder;
 - a contact address and daytime telephone number; and
 - an emergency contact number.

This information must be supplied within 28 days of receipt of the licence document and must be clearly displayed in a prominent position within the Property. An emergency contact telephone number for the Licence Holder and/or Management Agency shall also be available and notified to the Authority if not already done so.

18. The Licence Holder must ensure that occupants of the Property receive written confirmation detailing the arrangements that have been put in place to deal with repair issues and emergencies should they arise.
19. The Licence Holder must ensure that all repairs are carried out within a reasonable timescale which can be stipulated by the Authority, to the Property or any installations, facilities or equipment within it, are to be carried out by competent and reputable persons and that they are completed to a reasonable standard.
20. The Licence Holder must provide each occupant of the Property with copies of user manuals for any installations or equipment provided as part of the agreement for the occupation of the Property.
21. The Licence Holder must display at all times it is in force, a copy of the licence certificate and licence conditions, in a prominent position inside the Property where all occupiers are able to view the said documents.
22. The Licence Holder must arrange to undertake a detailed inventory to be agreed with each occupant upon commencement of their occupation of the Property and kept on file by the Licence Holder at the Licence Holder's business address.
23. The Licence Holder and/or Manager will not discriminate against prospective occupiers of the Property on the grounds of race, disability, gender, religion or sexual orientation.
24. The Licence Holder must act lawfully and reasonably in requiring any advanced payments from occupiers, in handling rents, in returning deposits and in making deductions from deposits. The Licence Holder must provide any occupiers or prospective occupier with the following information:
 - the amount of rent payable;
 - the details of any deposit required;
 - details of what the deposit covers, the deposit scheme it has been deposited into (within 14 days) and arrangements for return;
 - the frequency of payments;
 - the details of any utilities or other charges included in the rent;
 - the responsibility for payment of council tax;
 - the responsibility for payment of utilities and arranging provision of such.

25. The Licence Holder (and their agent where an agent has been appointed) must attend one Landlord Development Day during the period in which the licence is in force and must undertake any additional Property management training courses that the Authority from time to time require to be undertaken (save that if their duly appointed agent is accredited by the Authority, the Licence Holder shall not need to attend and the accredited agent may attend on the Licence Holder's behalf).
26. The Licence Holder must inform the licensing team of the Authority within 10 working days of any changes in their circumstances which would affect the management of the Property, namely;
- (a) details of any unspent² convictions not previously disclosed to the Authority that may be relevant to the Licence Holder and/or the Property manager and their fit and proper person status and in particular any such conviction in respect of any offence involving fraud, dishonesty, violence or drugs or any offence listed in Schedule 3 to the Sexual Offences Act 2003;
 - (b) details of any finding by a court or tribunal against the Licence Holder and/or the Manager that he/she has practised unlawful discrimination on grounds of sex, colour, race, ethnic or national origin, religion, sexual orientation or disability in, or in connection with, the carrying on of any business;
 - (c) details of any contravention on the part of the Licence Holder or Manager of any provision of any enactment relating to housing, public health, environmental health or landlord and tenant law which led to civil or criminal proceedings resulting in a judgment or finding being made against him/her;
 - (d) information about any property the Licence Holder or Manager owns or manages or has owned or managed which has been the subject of a control order under section 379 of the Housing Act 1985 in the five years preceding the date of the application; or any appropriate enforcement action described in section 5{2} of the Act;
 - (e) information about any property the Licence Holder or Manager owns or manages or has owned or managed for which a local housing authority has refused to grant a licence under Part 2 or 3 of the Act, or has revoked a licence in consequence of the Licence Holder breaching the conditions of his/her licence;

² The Rehabilitation of Offenders Act 1974 enables some criminal convictions to become "spent", or ignored, after a "rehabilitation period". A rehabilitation period is a set length of time from the date of conviction. After this period, with certain exceptions, an ex-offender is not normally obliged to mention the conviction when applying for a job or obtaining insurance, or when involved in criminal or civil proceedings.

- (f) information about any property the Licence Holder or manager owns or manages or has owned or managed that has been the subject of an Interim or Final Management Order under the Housing Act 2004;
 - (g) advertising of the Property for sale;
 - (h) change in Managing Agent or the instruction of a Managing Agent;
 - (i) the undertaking of any substantial works to the Property including conversions and modernisations.
27. The Licence Holder and/or their Manager are required to make no less than quarterly visits to the Property. In the event a payment of rent is missed, a visit must be made to the Property no later than one month from the date payment was due to ensure that the Property is secure and has not been abandoned.
 28. The Licence Holder must ensure that any persons involved with the management of the Property are “fit and proper persons” for the purposes of the Act.
 29. The Licence Holder must ensure that the water supply and drainage system serving the Property is kept clean and maintained in good repair and proper working order.
 30. The Licence Holder must not unreasonably cause or permit the water supply or drainage system that is used by the occupiers of the Property to be interrupted.
 31. The Licence Holder must not unreasonably cause or permit the gas or electricity supply that is used by the occupiers of the Property to be interrupted.
 32. The Licence Holder must ensure that all common parts and fixtures at the Property are maintained and in a safe condition including (but not limited to) handrails, windows, stair coverings, fixtures, fittings and appliances.
 33. The Licence Holder must upon request by the Authority during the period of the licence obtain and return to the Authority an Energy Performance Certificate for the licensed Property if a new tenancy has been or is created subsequent to 1 October 2008.
 34. The Licence Holder must on demand complete and return to the Authority any correspondence from Pendle Borough Council or its partners regarding the closure of rear alleyways using gating in the vicinity of the Property.
 35. Where there are alley-gates installed to the rear of the licensed Property, the Licence Holder must:
 - take responsibility for holding a key for any alley-gates which are in place or installed; and

- at the time of letting, provide all new tenants with a key for the alley-gates; and
- ensure that any tenant for the time being of the Property is aware of the requirements of the alley-gating scheme.

Security

36. Where window locks are fitted, the Licence Holder must ensure that keys are provided to the relevant occupant.
37. Where previous occupants have not surrendered keys, the Licence Holder must arrange for a lock change to be undertaken, prior to new occupants moving in.
38. The Licence Holder will ensure the front and rear doors of the Property are secure and fitted with good quality locking systems.
39. Where a burglar alarm is fitted to the Property, the Licence Holder will inform the occupant in writing as to how the code may be changed and in what circumstances they are allowed to do so.

Occupation

40. The Licence Holder shall ensure that the Property is not overcrowded and the occupancy level at the Property is in accordance with the criteria as determined by the Rent Officer (Housing Benefits Functions) Order 1997 Schedule 2, Size Criteria.

Environmental Management and Amenity of the Neighbourhood

41. The Licence Holder shall ensure that suitable and adequate provision for refuse storage and collection is made at the Property and that Pendle Borough Council's arrangements for refuse collection including recycling are adhered to. This shall include the provision of closable bins of suitable capacity as specified by the said Council. Arrangements shall be made immediately for the proper collection and disposal of any rubbish additional to that within the bins and such rubbish shall be stored within the curtilage of the Property and at the rear if feasible. The Licence Holder shall ensure that all tenants are aware that all refuse containers are to be returned within the curtilage of the Property on the same day that they are emptied by the said Council.
42. The Licence Holder shall ensure that the exterior of the Property is maintained in a reasonable decorative order and in reasonable repair.
43. The Licence Holder must ensure that all outbuildings, yards, forecourts and gardens surrounding the Property are maintained, in reasonable repair and ensure that the tenant is aware of their responsibility to keep them in a clean, tidy and safe condition and free from infestations.

Preventing and Reducing Anti-social Behaviour

- 44. The Licence Holder must take all reasonable and practicable steps for preventing and dealing with antisocial behaviour. The Licence Holder and/or his Manager must undertake an incremental process of investigation of any complaints which have been made either directly to them, or via the Authority, regarding their occupiers. For the purposes of these conditions, anti-social behaviour is taken to comprise behaviour by the occupants of the Property and/or their visitors, which causes a nuisance and/or harassment, alarm or distress to other occupants of the Property, to lawful visitors to the Property or to persons residing in or lawfully visiting the locality of the Property.
- 45. The Licence Holder is required to provide the Authority upon request the full names and dates of birth of each occupant of the Property.
- 46. The Licence Holder must ensure that the occupants of the Property are aware of the services available to them and how they can report nuisance and anti-social behaviour to the Authority.
- 47. The Licence Holder and/or their nominated agent must have the facilities to receive and respond to initial complaints about their occupiers' behaviour.
- 48. The Licence Holder must provide free of charge an honest and accurate reference relating to existing or past tenants to other potential landlords.

Fees

- 49. The Licence Holder must ensure that any monies are paid in respect of the licensing fee to the Authority, in line with the Fee and Charging Structure.

