

Managing Director Decision Record

Part 4 of the Council's Constitution
Emergency Powers



Date: 23rd March 2020

Item: Selective Licensing 2020

Report by: Andrew Palmer, Assistant Director Housing and Built Environment

Decision type: Cabinet

Decisions:

1. That Cabinet considers the evidence base and outcome of the consultation on a replacement selective licensing scheme as set out in Appendix 1 & 2 of this report
2. That subject to Secretary of State approval, a new 5-year selective licensing scheme (as designated under section 80(7) of the Housing Act 2004) covering all privately rented dwellings in the 6 wards of Braybrooke, Castle, Central St Leonards, Gensing, Old Hastings and Tressell is introduced on completion of the current 2015 selective licensing scheme in October 2020.
3. That the rationale for a replacement scheme is supported on the grounds of the higher than average levels of privately rented accommodation and the poor property conditions that exist in those wards
4. That Cabinet delegate to the Assistant Director Housing and Built Environment responsibility for agreeing the final document requesting confirmation of the selective licensing designation from the Ministry of Housing, Communities and Local Government (MHCLG) in consultation with the Chief Legal Officer.
5. That the licensing conditions proposed in Appendix 5 of this report are agreed.
6. That the proposed fee structure in Appendix 3 of this report is adopted.



Reasons:

1. The current Hastings Borough Council Selective Licensing Scheme 2015 is due to end on the 25 October 2020. Following a review of the 2015 Scheme (the “2015 Scheme”) it has been determined that whilst there has been a reduction in anti-social behaviour in the 7 wards subject to licensing, there remain wards in the borough that have a large proportion of private rented properties in poor condition. Following a review of the available evidence, consultation has been carried out on the option of declaring a further scheme on (completion of the current scheme in October 2020).
2. It is now proposed that a further selective licensing scheme is introduced covering a reduced geographic area; that being the wards of Braybrooke, Castle, Central St Leonards, Gensing, Old Hastings and Tressell (the proposed “2020 Scheme”). As the proposed new scheme will cover more than 20% of all private rented accommodation in the borough it will require confirmation by the Secretary of State.
3. In all the six wards selected for the proposed 2020 Scheme the proportion of the private rented sector homes is greater than the national average. In three of the wards (namely Castle, Central St Leonards and Gensing) more than half of the properties are privately rented. Whilst the evidence from the review of the 2015 Scheme has identified an improvement in anti-social behaviour in those wards, there remain serious issues with regards to housing conditions in the private rented sector within those wards. Over 31% of homes in the area covered by the 2015 scheme do not meet the decent homes standard and almost 14% have a category one hazard (that being a hazard to the occupants of the property that would require the council to intervene).
4. Applications to the Secretary of State for confirmation of a selective licensing scheme are required to be made in a prescribed form.
5. The Housing Act 2004 allows the council to include conditions on licenses that regulate the condition, contents, management, use and occupation of the house concerned.
6. As with the 2015 Scheme it is proposed to charge a fee to cover the cost of running the new scheme. The proposed fees have been set to achieve a balance between ensuring that the council can operate a successful, properly funded and adequately resourced scheme whilst keeping fees

to the minimum level for landlords. The Council cannot by law profit from the scheme and proposes to apply the principle of full cost recovery.

Decision made in consultation with:

	For	Against	Abstain
Councillor Forward			
Councillor Fitzgerald	x		
Councillor Batsford	x		
Councillor S Beaney	x		
Councillor Chowney	x		
Councillor Evans	x		
Councillor Rogers	x		
Councillor Lee			
Councillor Patmore		x	

Signed:



Jane Hartnell
Managing Director
Hastings Borough Council