

# Proposal to designate an Additional Licensing scheme in the Central area Final Scheme Proposal April 2016

**Blackpool Council**



# Proposal to designate an additional licensing scheme in Central Area, Blackpool

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## 1. Introduction

Blackpool is a coastal resort town in the north west of England. It is the most popular resort in the country with approximately ten million visitors annually. The 2011 census shows that 142,100 people live in Blackpool compared to 142,300 as at the last census in 2001, making it one of the most densely populated areas of the country. Ethnic minorities make up only a small proportion of the population and there are a higher proportion of older people than in many other areas. Blackpool, like other coastal towns in England, faces specific economic challenges. Tourism is the key industry but has been in decline for many years.

There are significant and growing levels of deprivation in Blackpool. The local economy is highly seasonal, with many low-paid jobs. Almost one third of the borough is now amongst the most deprived areas in the country, including the Central area.

This deprivation is manifested in numerous ways through high levels of worklessness and benefit dependency, with a highly transitory population leading to poor health and low life expectancy which are significantly worse than comparable areas, both regionally and nationally.

In Blackpool, the term transient is applied to those individuals, families or households who move frequently from address to address, have an address of a very temporary nature, or have no permanent address at all. Whilst the term itself is not necessarily a negative attribute, the families, households and individuals who move frequently between addresses often possess a chaotic lifestyle, which is often associated with negative social and economic characteristics that lead to an increased risk of social exclusion and other issues of deprivation or disadvantage.

Previous studies on transience have demonstrated a direct relationship between transience, homelessness, and reliance on benefits, and this is seen in certain geographic concentrations including the Central area. These parts of the borough are characterised by many properties that are privately rented, often including former holiday accommodation that has been converted into small flats. The prevalence of this type of accommodation and the fact that around 80% of the private rented sector is funded from Housing Benefits enables people from other parts of the country to come and stay.

A high proportion of transient households are single people who are benefits dependent. A significant number of people move in to the area each year from other parts of the country, with much smaller numbers from outside of the UK, but there is also a constant movement of existing residents, particularly within the large privately rented sector. This means that it is difficult to maintain and develop any feeling of community. There is more information on transience in section 4 of this document.

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Section 4 also describes the measures that the Council is already taking in the Central area. These have had some successes in tackling the issues across the area, but until properties within the private rented sector are better managed, they will continue to attract and tolerate tenants who cause problems for the community and degrade the street environment.

The Council held a public consultation between 17<sup>th</sup> July 2015 and 25<sup>th</sup> September 2015 on proposals to introduce selective and additional licensing to the Central Area. As a result of considering the responses to the consultation and having reviewed the proposal generally, Blackpool Council is proposing to introduce an additional licensing scheme within the Central area in order to have the powers to address these problems and the many knock on issues caused as a consequence. The proposal for additional licensing has been considered on its own merits, independently from the question of introducing any selective licensing scheme. Further work will be undertaken before a revised selective licensing proposal is brought forward.

A summary of the consultation and the Council's responses to the issues raised has been published alongside this final proposal document. The consultation is sufficient to inform these final proposals for additional licensing and no further consultation is required before proceeding. This is because the nature of the original proposals and the reasons for them were sufficiently set out to enable those consulted to consider the proposals intelligently and tender an intelligent response. In considering the responses to consultation and having reviewed the proposals generally, changes have been made to these final proposals including proceeding with additional licensing alone, but the changes are not such as to require further consultation.

Additional licensing applies to Houses in Multiple Occupation (HMOs), unless already covered by mandatory HMO licensing. Local authorities can introduce an additional licensing scheme where they think that there are a large number of HMOs in an area which are being managed badly and that this is causing problems for the tenants or members of the public.

In the selective licensing proposal for South Beach in 2011 it was said that several areas of the borough fit the criteria to be designated for selective licensing and that Claremont was the second area that would be recommended for a designation, followed by the remaining inner areas. These remaining inner areas were amalgamated into one Central area in the proposal document that was subject to consultation between July and September 2015 and forms the area of this final proposal for additional licensing.

Additional licensing gives the Council the ability to tackle internal and external property condition issues in smaller HMO's as well as impose management conditions. The map in section 3 shows the proposed designated area, which is formed from parts of the Bloomfield, Brunswick and Talbot ward areas.

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The Council's proposal for an additional licensing designation for the Central area is made on the grounds of a significant proportion of HMOs being managed sufficiently ineffectively as to give rise, or be likely to give rise to one or more particular problems either for those occupying the HMOs or for members of the public.

Despite a number of initiatives and actions which have taken place in the area, progress has been slow and the area has continued to decline. Property values have continued to be low compared with other areas and deprivation levels have continued to be high. The area has many absentee landlords and high levels of privately rented accommodation which is often poorly managed and in a poor condition, including high numbers of empty properties.

The area experiences high levels of worklessness, poor health, high levels of crime and anti-social behaviour, as well as physical and social deprivation. It is not surprising therefore that the area is perceived to be rundown and contributing negatively to the overall reputation of Blackpool.

## 2. Legislative Framework

### **Housing Act 2004 – Types of Discretionary licensing**

Under parts 2 and 3 of the Housing Act 2004 (the Act) Local Authorities have the power to introduce a discretionary licensing scheme. There are two types of scheme that can be considered - Additional Licensing and Selective Licensing. Additional Licensing gives Councils the ability to tackle issues in smaller HMOs around internal and external property conditions as well as management conditions. For other rented non HMO properties then Selective Licensing will address issues of the management of the properties.

The new General Approval that came in to place on 1<sup>st</sup> April 2015 says that where a Selective Licensing scheme would cover more than 20% of their geographical area or would affect more than 20% of privately rented homes in the local authority area, then these would require confirmation of the selective licensing scheme by the Secretary of State. This is the case for the Central area because the existing South Beach and Claremont Selective Licensing schemes already cover nearly 20% of all privately rented homes in the borough.

### **Additional Licensing**

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



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

Regarding Additional Licensing the law says that:

*"Section 56 of the Act gives powers to LHAs to designate areas, or the whole of the area, within their district, as subject to additional licensing in respect of some or all of the HMOs in its area that are not already subject to mandatory licensing."*

Those HMOs that fall within the definition of section 257, converted blocks of flats, are not subject to mandatory licensing, and local authorities that wish to license such properties need to follow the approval steps for Additional HMO Licensing.

## **Making the Case**

Section 3 details the proposal for the Additional Licensing scheme and Section 4 sets out the evidence that this type of scheme is needed.

Before making an additional HMO licensing designation for a particular area, a local authority must:

(a) Consider that a significant proportion of the HMOs of that description in the area are being managed sufficiently ineffectively as to give rise, or to be likely to give rise, to one or more particular problems either for those occupying the HMOs or for members of the public

(b) Have regard to any information regarding the extent to which any codes of practice approved under section 233 have been complied with by persons managing HMOs in the area

(c) Consider whether there are any other courses of action available to them (of whatever nature) that might provide an effective method of dealing with the problem or problems in question

(d) That making the designation will significantly assist them to deal with the problem or problems (whether or not they take any other course of action as well).

(e) Consult persons likely to be affected by the designation.

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## Properties covered by Additional Licensing

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

HMOs covered by the Additional Licensing designation are defined under Section 254 of the Housing Act 2004 as properties which meet one of the following tests:

1. Standard test - a house or flat which is let to 3 or more tenants who form 2 or more households and share basic amenities i.e. kitchen, bathroom or toilet or there is a lack of these facilities
2. Self-contained test - consists of self-contained flats and which is let to 3 or more tenants who form 2 or more households and who share one or more basic amenities
3. Converted building test - applies to a converted building which has one or more units of non self-contained accommodation in it even though some may be self-contained and which is let to 3 or more tenants who form 2 separate households
4. HMO test - Section 255 HMO declaration
5. Converted blocks of flats in which Section 257 applies - converted blocks of flats which do not comply with 1991 building regulations and where more than one third of flats are rented out on short term tenancies

There are a number of different potential ownership arrangements within affected HMOs, including some where the whole building is not owned by a single owner:

- a) Where the freeholder of a building containing a number of flats, owns all the flats and lets those flats on tenancies or licences (not including long leasehold), then the freeholder will be required to apply for one licence to cover the whole building containing the flats.
- b) In a building containing flats where each flat is owned by a long leaseholder and the flats are individually rented out, each leaseholder will be required to apply for a licence for their individual flat.
- c) In a building containing flats where there is a mixture of different long leaseholders and accommodation owned by the freeholder, each of the leaseholders would require an individual licence for their flat or flats and the remaining accommodation would require a licence applied for by the freeholder.
- d) Landlords who own more than one 'house' under the above definitions within the designated area will need to apply for a licence for each of those houses.

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## Licence Applications and Fees

Section 87 of the Housing Act 2004 details the application process for a licence. In particular this section states that an application must be made in accordance with such requirements as specified by the authority. It also states that the authority may require the application to be accompanied by a fee fixed by the authority.

When fixing fees under this section of the Act, the local housing authority may take into account all costs incurred by the authority in carrying out their functions under this part of the legislation and all costs incurred in carrying out their functions under Part 4 of the Act chapter 1 which relates to management orders.

The application process is detailed within the Act and there are subsequent regulations detailing the contents of an application form. This includes providing information on the property layout, certificates for gas, furniture and fire safety. The Licensing and management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006 schedule 2 provides full details on what must be included within an application, including information to determine if the manager or proposed licence holder is a fit and proper person.

This requires the declaration of any unspent convictions, unlawful discrimination and prosecutions under housing, public health, environmental health or landlord and tenant law. The Council will make full checks into a person's 'fit and proper' status and will also request full Police checks if necessary and request owners to submit a full DBS clearance via Disclosure Scotland.

Once an application has been made the local authority must consider whether to grant or refuse the licence and the licence holder must first pass the Fit and Proper Person Test as defined by the Housing Act 2004 (section 66 (2)). This test specifies that the local authority must take into account evidence of any of the conduct detailed below and also applies to anyone “associated or formerly associated with the proposed licence holder or manager “whether on a personal, work or other basis”, if relevant. The matters that the local authority needs to have a regard to are:

- Any offence involving fraud, or other dishonesty, or violence or drugs in section 3 of the Sex Offences Act 2003



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- Practised unlawful discrimination of the law in connection with the carrying out of any business
- Contravened any provision of the law relating to housing or landlord and tenant law – illegal eviction etc.
- Acted other than in accordance with any code of practice for the management of HMO's

N.B. Any “spent” convictions cannot be taken into account. However a lack of conviction may not mean that the incident was not relevant. The manager must send in with their application proof of their status and that they do not have any unspent convictions as specified above.

In the event that the landlord would not pass the fit and proper person test then he/she can nominate a manager in their place who must pass this test. If the local authority is not satisfied then it must refuse the application and give its reasons for this. The local authority **must** grant a licence if it is satisfied that:

- The HMO is reasonably suitable
- The licence holder would be a fit and proper person

## Conditions and Penalties

If the licence is granted it will have conditions attached to it. Section 90 and Schedule 4 of the Act details the licence conditions that must be included, however there is provision for the local authority to add further conditions that are either specific to the licence in question or that are locally agreed to address specific issues.

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

1. *Conditions requiring the licence holder, if gas is supplied to the house, to produce to the local housing authority annually for their inspection a gas safety certificate obtained in respect of the house within the last 12 months.*
2. *Conditions requiring the licence holder—*
  - a) *to keep electrical appliances and furniture made available by him in the house in a safe condition;*
  - b) *to supply the authority, on demand, with a declaration by him as to the safety of such appliances and furniture.*

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## 3. *Conditions requiring the licence holder—*

- a) to ensure that smoke alarms are installed in the house and to keep them in proper working order;*
- b) to supply the authority, on demand, with a declaration by him as to the condition and positioning of such alarms.*

## 4. *Conditions requiring the licence holder to supply to the occupiers of the house a written statement of the terms on which they occupy it.*

Further conditions to be included in licences under Part 3

## 5. *A licence under Part 3 must include conditions requiring the licence holder to demand references from persons who wish to occupy the house.'*

A full list of licence conditions is attached as appendix 2

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

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

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

In some circumstances rather than refuse the licence it may be possible for the owner to apply for a temporary exemption notice under section 86 of the Act. This allows 3 months for the owner to take such steps as are necessary so the property no longer requires a licence.

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

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

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

## 3. The Proposal

It is proposed that Blackpool Council designate the area outlined in blue on Map 1 below as the Additional Licensing area, with the area in green being the wider consultation area.

The designation will be used to tackle anti-social behaviour, property management and property conditions in the Central area.

Every affected HMO (unless already licensed as a HMO under the existing mandatory scheme or classed as a business let such as tied accommodation) will require a licence to operate in the area and landlords will be responsible for making an application to the Council for an additional licence.

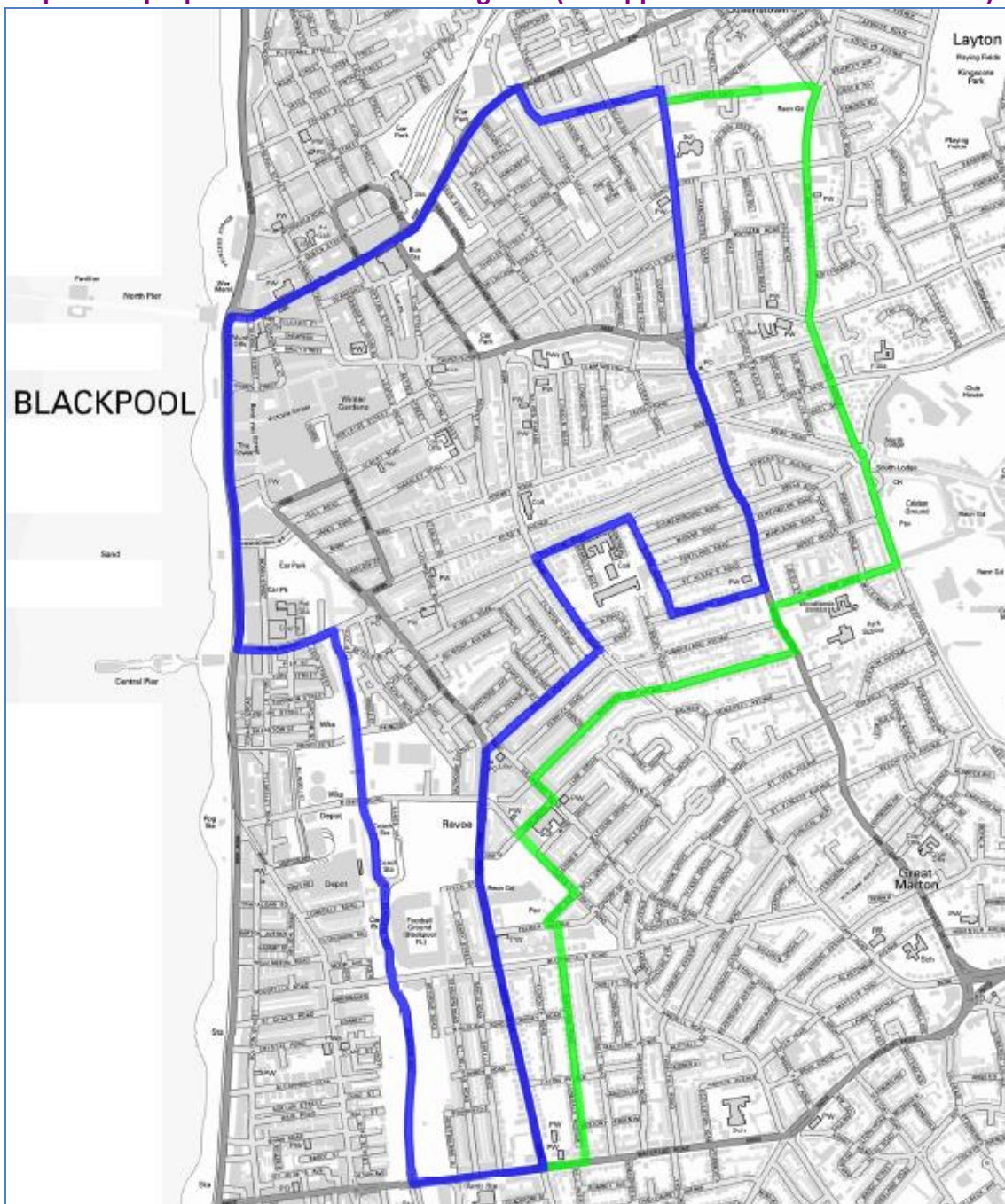
This includes HMOs defined under section 257 of the Housing Act 2004 which are buildings converted into and consisting entirely of self-contained flats **and**

- The standard of conversion does not meet at least that required by the Building Regulations 1991 **and**:
- Less than two-thirds of the flats are owner occupied.

Initially it is expected that compliant landlords will apply for the relevant licence shortly after the designation, however it will be necessary to introduce a comprehensive inspection programme to capture unlicensed properties. As with the South Beach and Claremont Selective and Additional Licensing schemes, enforcement will be carried out on a phased approach in order to effectively coordinate the tackling of identified problems.

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Map 1: The proposed additional licensing area (see appendix 1 for full list of streets)



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## THE PROPOSED LICENSING AREA IS DEFINED BY THE BLUE BOUNDARY WITH THE WIDER CONSULTATION AREA SHOWN BY THE GREEN BOUNDARY

To meet the costs involved in running these schemes it is proposed to charge fees for additional licensing of: -

- £670 for a property occupied by one household within an HMO
- £940 for a property with by up to five dwellings and
- £60 for each additional dwelling above five
- £140 for variations to an existing licence

It is also proposed to offer the following discounts: -

- |   |      |
|---|------|
| • Applications made during the first 3 months of the scheme for each property     | £100 |
| • Landlord is a member of the NWLA, NLA or RLA discount for first 5 properties    | £50  |
| • Landlord is a member of a Landlords Accreditation scheme for first 5 properties | £100 |

Landlords will **not** be able to claim both discounts if a member of the NWLA, NLA or RLA and also accredited with an Accreditation scheme.

For landlords with a large portfolio of properties the Council will consider allowing them to pay by instalments on a case by case basis depending on their financial circumstances and the full cost must be paid by the end of the first 12 months of the scheme.

If any details of a licence need to be changed then the landlord or managing agent has to apply for a variation of the licence; for example if the number of units of accommodation within a property changes, or the managing agent changes, then a fee of £140 applies. Where the property is sold the licence is not transferable and the new owner will need to apply for a new licence, but the fee will be limited to £140 where a valid existing licence was already in place.

If the designation is approved, the scheme will come into effect 3 months later to allow details of the scheme to be publicised within the designated area and amongst all interested parties.

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## 4. What is an additional licensing scheme and why do we need one?

Additional Licensing is a regulatory tool provided by the Housing Act 2004 (section 56). This allows local authorities to designate areas for an initial 5 years within their district as subject to additional licensing in respect of the HMOs in its area that are not already subject to mandatory HMO licensing.

By making the designation, all affected HMOs in the designated area not fitting into the definition of a mandatory licensable HMO will require a licence. Owners of rented properties will be required to make an application to the Council for a licence and will need to nominate either the manager or the owner to be the licence holder.

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

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

During the course of the designation the Housing Enforcement Team will be carrying out a programme of pro-active inspections and will take a firm approach where un-licensed properties or breaches of conditions are found, meaning that landlords in these circumstances are likely to be prosecuted. These enforcement activities will not be met from the revenue from fees.

The scheme intends to eradicate the anti-social behaviour of some tenants which is having a negative impact on the area and in order to tackle this will support landlords in dealing with anti-social tenants. Details of this approach are set out below.

### Why do we need an Additional Licensing Scheme?

This section of the document evidences that there is a clear link between private rented HMO properties in the area and anti-social behaviour and evidence of the poor management of HMOs leading to problems for their tenants and other members of the public.



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For Additional Licensing the local authority needs to show that:

- A *significant proportion* of the HMOs of that description in the area are being managed sufficiently ineffectively as to give rise, or to be likely to give rise, to *one or more particular problems either for those occupying the HMOs or for members of the public*
- Have regard to any information on the extent to which any codes of practice approved under section 233 have been complied with by persons managing HMOs in the area
- Consider whether there any other courses of action available to them (of whatever nature) that might provide an effective method of achieving with the objective or objectives that the designation would be intended to achieve, and
- 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).

The local authority must ensure that:

- The exercise of power is consistent with their overall housing strategy AND
- A coordinated approach in connection with dealing with homelessness, anti-social behaviour, regeneration and empty properties affecting the private rented sector is taken and that licensing is combined with other action taken by them and others
- Consider whether there are any other courses of action available that might provide an effective method of achieving what the designation is intended to achieve AND
- That making the designation will significantly assist them to achieve the objective(s)

## 4.1 Prevalence of HMOs and demography in the Central area

A very high proportion of properties in the Central area are in the private rented sector. From July 2008 the Council's Monitoring and Intervention in the Private Sector (MIPS) project has provided a detailed knowledge of tenure, ownership and management, condition of property, size and occupancy through comprehensive door to door survey work. Council records show that of 4,624 residential properties in the area, 2,702 are in the private rented sector. This means that an extraordinarily high 58.4% of all residential properties, including those empty at the time of survey, are in the private rented sector. At the time of Census 2011, the Census found that 53% of households were living in the private rented sector in the Central area compared with an average for Blackpool of 26.1% and for England of 16.8% [analysis of Census 2011].

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Of the 2,702 private rented sector properties in the proposed Central area, 954 (35.3%) are HMOs, reflecting the conversion of former guest house buildings and larger residential properties into small flats and bedsits as the demand for tourist accommodation has fallen over the last 40 years or so. The 20% of all residential properties in the area that are HMOs compares with a national average of 2% of properties being HMOs.

Mandatory licensing of HMOs currently allows local authorities to regulate larger HMOs, but the large majority of HMOs in Blackpool fall within the definition of small HMOs not covered by that legislation. In the Central area, there are currently 30 HMOs that fall within the mandatory HMO licensing regime. It is estimated that a further 700 HMOs in the Central area will fall within the remit of this Additional Licensing proposal. So while mandatory HMO licensing provides an important tool for regulating high risk HMOs its limited application means that it has little impact on the more widespread issues of poor management within the HMO stock. Additional licensing will apply to the large majority of HMOs in the area, and particularly those that are most difficult to manage.

The vast majority of HMOs in the Central area are populated by either single or two person households who are benefit dependent - 64.7% of privately rented homes in the area are single occupancy, and In the Bloomfield, Brunswick and Talbot ward areas over 75% of households in the private rented sector claim full Housing Benefit, with a further minority claiming partial Housing Benefit. Many tenants have identified problems including alcohol, drug and mental health issues as described in NHS Blackpool research in 2010.

It is recognised that an over concentration of HMO's in one area can have a negative impact on the neighbourhood and local public services as well as having a direct correlation to anti-social behaviour and other types of criminality.

Blackpool in general has a problem with transience; that is the movement of people into and out of the area, and the frequent movement of residents between addresses within the town. This is even more pronounced in the proposed area. Analysis of new Housing Benefit claimants between April 2013 and March 2014 showed the following for new claimants in each ward:

- Bloomfield - 11% had a previous address in Blackpool, whilst 89% had a previous address outside of Blackpool
- Brunswick - 16% had a previous Blackpool address whilst 84% had a previous address outside of Blackpool

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- Talbot - 15% had a previous address inside Blackpool, whilst 85% had a previous address outside of Blackpool

A recent study of changes to GPs' address registers looked at the movement in Blackpool as a whole and also into and out of each Council ward over a two year period. All three wards in the Central area have higher inward migration moves than the Blackpool average, with the figure for Bloomfield being more than three times the borough average. The three areas all had a higher than average number of moves within their areas during that time. The net population change for each of the three areas gave the three highest increases in population of any Council wards.

There were as well, though, a high number of people leaving each of the ward areas, with the rates for Bloomfield, Brunswick and Talbot of an average of 132, 114 and 121 respectively being much higher than the overall Blackpool average of 78 for each ward.

High levels of turnover affect community cohesion and stability, with there being a proven link between high population inflow rates in an area and crime levels. This churn of the area's population is also reinforced when compared against mobility within property tenure type. The 2010 English House Condition survey showed that the average length of time spent in owner occupied properties was 11 years; it was 7 years for social rented properties and just 1 year for privately rented.

The reason for this is perhaps illustrated by figures from the Office of National Statistics which show that there are far more non decent properties, more in serious disrepair with high levels of fuel inefficiency along with a poor quality of environment in the private rented sector tenure than any other form of tenure. The 2004 Blackpool Housing Needs Survey expanded on this by showing that in the central areas of Blackpool over 8% of people had moved within the last year in comparison to 3.5% for all households in Blackpool.

In addition to this 30.4% of households said that they wanted to leave the Blackpool area and cited poor quality neighbourhoods, anti-social behaviour/neighbour problems and a fear of crime as their top three reasons. The authors of the study went on to say that the levels of people giving these as their reasons for wishing to leave the area were by far the biggest they had found in any housing need reports, including major urban areas.

NHS Blackpool research in 2010 found that Bloomfield, Talbot, and Brunswick had a significantly higher number of Job Seekers Allowance (JSA) claimants than the Blackpool average, as well as significantly more claiming Invalidity Benefit (IVB), Severe Disablement Allowance (SDA) and Disability Living

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Allowance (DLA). They also had a significantly worse level of emergency hospital admissions and levels of mortality. When asked about their levels of health and disabilities, local residents gave answers that were again significantly worse than the Blackpool average in all three ward areas.

The Office for National Statistics (ONS) have set out some key indicators for economic and educational status in the Bloomfield, Brunswick and Talbot wards, which again when compared to Blackpool and national averages illustrate the nature of the problems being experienced in the area:

	Bloomfield	Brunswick	Talbot	Blackpool	England and Wales	Great Britain
<b>Economically Active (incl. unemployed) %</b>	66.9	68.1	73.2	74.4	76.8	
<b>Unemployed %</b>	18.9	18.1	15.0	10.6	7.6	
<b>Economically Inactive %</b>	33.1	31.9	26.8	25.6	23.2	
<b>Long term sick or disabled %</b>	13.6	12.2	10.5	8.9	4.6	
<b>No Qualifications %</b>	34.3	27.3	26.3	22.0	15.0	
<b>JSA claimants %</b>	8.7	4.8	6.0	3.5		2.0

A study by Sheffield University into people claiming incapacity benefit in 2009 showed that 22% of claimants in Blackpool had originated from somewhere else in the country compared with a typical figure of 10% and 17% for the next highest seaside town.

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

The ONS Index of Multiple Deprivation analyses deprivation by areas called Lower Super Output Areas (LSOAs), which split local authorities into much smaller areas of around 1,500 properties. In Blackpool there are 94 of LSOAs. All of the LSOAs in the Central area are in the 20% most deprived in England.

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This details a picture of an area experiencing a mix of poor housing with a disproportionately large number of HMOs of which the Council is satisfied that a significant percentage are being neglected by their landlords.

## 4.2 Impact of poorly managed HMOs in the Central area

### Evidence of poor conditions affecting the character and amenity of the area, and having an adverse impact on the health and welfare of tenants

The 2008 Private Sector House Condition Survey showed that 38.7% of all private sector dwellings in Blackpool were classed as non-decent compared to an average 27.1% in England. The same survey found that poor housing conditions in Blackpool are most associated with pre 1919 properties, the private rented sector (including HMOs), converted flats, occupiers on the lowest incomes and those in receipt of benefits. 46.7% of private sector dwellings occupied by vulnerable tenants are estimated to be non-decent. The most vulnerable tenants are concentrated in HMO properties in inner Blackpool.

The MIPS work found that a significant number of properties in the Central area are in a very poor condition with the highest risk factor and the worst levels of management.

In total in the period between 1<sup>st</sup> April 2014 to 15<sup>th</sup> May 2015 the Planning Enforcement Team had to investigate 595 complaints of in Blackpool as a whole, of which 120 (20%) were in Bloomfield, 64 (11%) were in Talbot and 24 (4%) were in the Brunswick area. So nearly a third of issues were in the two wards of Bloomfield and Talbot, out of 21 wards in Blackpool.

These complaints were predominantly to do with properties in poor external condition affecting the streetscape and wider community. Without interventions such as S.215 Notices being issued, many properties would only have continued to decay having a further detrimental effect on the tenants of those properties and the wider area as a whole.

### Evidence of poor management leading to anti-social behaviour and the welfare of the wider community

Anti-social behaviour, criminality and the poor management of HMOs are major concerns within the area and are central to the Council's proposals to implement an additional licensing scheme.

The Central area suffers from a disproportionately high number of deliberate fires each year. The Fire Service reported a total of 92 fires in the Bloomfield, Brunswick and Talbot areas between April to December 2014 and in the period between March 2014 to February 2015 there was a rate per thousand

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population of deliberate fires in Bloomfield of 3.3, in Brunswick of 2.5 and in Talbot of 3.2. This compares with an overall Blackpool average of 1.9 and a Lancashire average of 1.7.

Crime is a significant factor in the borough with Blackpool experiencing the highest recorded crime rates in Lancashire in the period from March 2014 to February 2015. Crime is especially high in the three ward areas in which the Central area is located. In Talbot there were 2,812 recorded incidents, or 424.9 incidents per thousand residents. In Bloomfield there were 1,761 recorded incidents of crime, equating to 254.2 per thousand residents. In Brunswick there were a total of 784 incidents, equating to 109.8 per thousand residents. These rates compare to 103.8 for Blackpool as a whole and 63.5 for Lancashire. Therefore, recorded crime was far higher in Talbot and Bloomfield than both Blackpool as a whole and Lancashire. The rate in Brunswick was just above the Blackpool average.

Figures recording calls to the Police about ASB in this period show there were 1,823 reported incidents in Talbot, 1,600 in Bloomfield, and 674 in Brunswick. As a rate per thousand residents, this equates to 275.5 for Talbot, 254.2 per thousand in Bloomfield, and 94.4 per thousand in Brunswick. These compare with 89.1 Blackpool wide and 53.7 per thousand in Lancashire. Anti-social behaviour levels in the Talbot ward, which is the largest part of the Central area, are over 300% higher than the Blackpool average and 500% higher than the county average.

Police data on the proposed Central selective licensing area for the period April 2014 to March 2015 shows that there were a total of 2,128 recorded incidents of ASB and 2,866 incidents of crime. Of the incidents of ASB, 1,105 came directly from private rented sector properties, which is 52% of the total. For incidents of crime, 1,219 came directly from private rented sector properties, which is 43% of the total.

Of the 2,702 private rented sector properties in the proposed Central area, 954 are HMO's. In those properties there were 498 incidents of ASB in that period and 475 incidents of criminality. This means that 45% of the ASB linked to private rented properties in the area came from the 35% of those properties classified as HMOs.

In terms of the criteria for Additional Licensing, the guidance stipulates that the local authority must:

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

The evidence on incidents of anti-social behaviour and criminality clearly shows that there is a significant problem in the affected wards, the proposed Central area, and specifically arising from private rented sector properties and HMOs in the area.



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Survey responses from local residents in the consultation proposal for selective and additional licensing in the Central area highlight the following 5 issues as residents' biggest concerns:

- Rubbish dumping,
- No sense of community,
- Neglected properties,
- Nuisance neighbours,
- Use of/dealing drugs

These issues are borne out by quantitative evidence. For example, in the year from April 2014 to March 2015 there were 589 reported incidents of rubbish dumping in Bloomfield, 578 in Brunswick and 565 in Talbot, illustrating that environmental issues are a big issue in the Central area and will be one of the major issues that Additional Licensing needs to tackle.

Poor management of HMOs by a significant number of landlords is a major contributor to these issues that affect members of the public in those communities. This can only be demonstrated through the day to day work of the Police and Council Enforcement team. There is strong evidence that many landlords are willing to house tenants without references or who are known to have a history of causing problems in previous accommodation. Many properties offer such a poor quality of accommodation that it is only attractive to people who have no other choices and are willing to accept anything. The quantitative evidence for this is the very high number of Improvement notices that are issued under Part 1 of the Housing Act 2004 because properties exhibit Category 1 hazards under the Housing Health and Safety Rating System (HHSRS) and the high number of successful prosecutions of landlords.

The scale of the issues is such that just focusing on the limited number of individual enforcement actions that result from tenants' complaints is insufficient to address the widespread issues. By licensing these HMOs, it is possible to require landlords to ensure that their tenants are suitable and behave in a way which doesn't result in nuisance or ASB, for example by the licence conditions requiring references to be taken.

The prevalence of issues of poor conditions and anti-social behaviour, the strong association between these issues and HMOs in general, and the very high proportion of HMOs that fall outside of mandatory licensing but would meet the criteria for additional licensing in the Central area, demonstrate that a significant proportion of HMOs falling within the additional licensing criteria are being managed ineffectively and are giving rise to problems for occupants and the wider public.

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## Evidence of the extent to which any codes of practice approved under section 233 have been complied with by persons managing HMOs in the area

A Code of Practice under S.233 of the Housing Act 2004 relating to student accommodation came into force on 25<sup>th</sup> November 2010. However, there are very few HMOs in the Central area which are not already covered by mandatory HMO licensing that provide student accommodation; the vast majority of HMOs within the remit of Additional licensing in the area are not subject to the Code of Practice, so it is not relevant to consider the extent to which landlords are complying with the Code in the Central area.

### **4.3 Alternative Courses of Action**

#### Alternatives to Additional Licensing – Approaches already taken in the area

As well as looking additional licensing as a tool to help us tackle anti-social behaviour, ineffective property management and related problems in the Central area, the Council has also used other methods in order to tackle the problems.

Blackpool Council, the Police, and other agencies work together to tackle ASB in Blackpool. The Police are the primary agency in respect of reports of rowdy behaviour, neighbour disputes, vehicle nuisance or incidents of drug or substance misuse.

Blackpool Council provides a response to noise complaints, dog barking and fouling, fly tipping and the removal of waste, graffiti and abandoned vehicles. Officers from The Council's Public Protection Department deal with a range of issues including those relating to the condition of housing and problems which relate to Houses in Multiple Occupation (HMOs).

The Central area covers parts of Bloomfield, Brunswick and Talbot wards and there are Neighbourhood Policing Teams in each area, who have a policing base in the heart of the communities. Officers work from these bases daily, maximising their availability and visibility to local people. The neighbourhood policing teams work closely with the Council and other agencies within the Community Safety Partnership working to tackle problems and this partnership approach has an excellent track record in reducing ASB and solving other problems affecting communities.

The Partnership's response to problems is coordinated through fortnightly tasking and coordinating meetings, where information is shared and action determined. The public can have their say at the monthly Police & Communities Together (PACT) meetings along with regular multi-agency 'walkabouts' coordinated by The Council identify issues affecting the physical environment.

The Housing Enforcement Team is proactive in identifying issues affecting residents and in particular the tenants of privately rented accommodation.

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The Police themselves respond to complaints of ASB and can back up Council staff where there are more serious public order issues, but since 2014's ASB, Crime and Policing Act, the Police rely on Council officers to use the most common tools of Community Protection Warnings and Notices. Council officers have issued 498 Community Protection Warnings, 77 Community Protection Notices, and initiated 7 Prosecutions since the 2014 Act came into force, which is amongst the most actions anywhere in the country.

Blackpool Council continues to work with a number of services and agencies to identify victims who are vulnerable and whose lives are seriously affected by ASB. Information is shared and resources combined to ensure effective action in dealing with perpetrators and supporting victims.

Although this joint approach to problems in the area has had many successes, the statistics given above about rates of ASB and criminality and regarding property management and condition show that these in themselves are not enough and that new approaches are needed to significantly reduce the issues in the different communities making up the proposed Central designated area that have so blighted the area for residents and business owners.

Another way in which Blackpool Council has sought other solutions to the problems experienced in the private rented sector in the area has been through the promotion of the Fylde Coast Landlords Accreditation Scheme, which was established in 2011 and was developed with the neighbouring councils of Fylde and Wyre, as well as with the Fylde Coast Landlords Forum and the Residential Landlords Association.

The aim of the scheme was to promote good practice and self-certified standards as set out by all parties involved for landlords owning both HMOs and other private rented sector property in the area and incentives were offered to landlords who sign up for the scheme.

Unfortunately to the disappointment of all parties the scheme has failed to capture the interest of landlords, with less than 25 having signed up for membership of it. In the Council's view, it will always be challenging to get widespread membership of voluntary accreditation schemes in a market like the one in the Central area of Blackpool, where tenants are undiscerning and many landlords are not interested in raising the quality of their offer. Accreditation schemes are least likely to attract landlords who are operating HMOs with the worst conditions and lowest standards of management. The widespread extent of the issues means that a more comprehensive approach is required.

## Alternatives to Additional Licensing – Consideration of New Approaches

There are a number of potential alternative approaches to issues of poor HMO management that have been tried in other parts of the country and considered as alternative approaches for the Central area.

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Some of these alternative approaches, such as that used in Doncaster, still use selective and/or additional licensing but outsource the verification of landlords' credentials and inspection of properties to ensure compliance with licence conditions. Given the extent and severity of issues in the Central area of Blackpool, and the tendency for properties to drift between holiday and HMO uses, it is considered that all affected landlords should have to comply with management conditions, and that using in-house staff to manage the licensing scheme ensures consistency with wider regulatory activity.

### Experiences of the South Beach Selective Licensing Scheme and the Claremont Selective and Additional Licensing schemes to date

The selective licensing scheme in South Beach started in March 2012 and by 31<sup>st</sup> May 2013 99% of all landlords and managing agents in the area had complied in applying for a licence.

A comprehensive programme of inspections of private rented properties started in September 2012 in order to see if licence conditions are being complied with and this has identified a number of management issues where further action has been necessary. The programme led to:

- 520 referrals to the Housing Enforcement Team
- 449 to various support services
- 308 to the Fire Authority
- 59 cases referred to the Anti Social Behaviour Liaison Officer
- 55 referrals to the Police

In the period 2012-13, 1,195 incidents of ASB occurred in South Beach of which 407 (33%) came from private rented sector properties in the area; this shows a reduction from the figures in 2010-11.

ASB figures for the whole South Beach area reduced from 1,772 in 2010-11 to 1,195 in 2012-13 (32.6% reduction). This compares with an overall Blackpool figure for incidents of ASB which saw a 30.6% reduction in cases.

For incidents of criminality in the private rented sector properties in South Beach, there was a reduction in numbers from 720 in 2010-11 to 333 in 2012-13, which is a reduction of 54%.

For all crime in the South Beach area in this period there was a reduction from 1,732 to 1,227, which is a reduction of 29.2%. This compares with a Blackpool average reduction of 12.6% in this period.

Recent information from the Police suggests that Anti-Social Behaviour levels across Blackpool are starting to increase again following a period of three years or so where there has been a general downward trend. This makes it all the more imperative to take the kinds of approaches that have proved to be effective in South Beach and Claremont and apply them to the Central area.

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One of the stated priorities for the South Beach and Claremont schemes was to appoint an officer funded by the licence fees to help act as a point of liaison with landlords and managing agents in order to help them to deal with anti-social behaviour and related criminality occurring in the area. The proposed additional licensing scheme in the Central area would include the appointment of similar posts.

Data from both the South Beach and Claremont schemes has shown that there have been steady reductions in incidences of ASB and related criminality and that can be in part attributed to the success of the roles in both areas.

In the first two full years of the scheme in South Beach that were measured from April 2013 to March 2015 there was an 18% reduction in ASB from private rented sector properties, reversing a continuing upwards trend in figures that had been seen in the area until the selective licensing scheme in South Beach was introduced.

The Claremont scheme has been going for a much shorter period, and trends usually seen elsewhere have shown increases in figures in the first 12 – 24 months of a scheme as problems are identified. For the year April 2014 to March 2015 however there was a 3% reduction in ASB coming from private rented sector properties.

Both officers work closely with a number of partner agencies as well as with local landlords and are involved in multi-agency interventions such as MARAC (Multi Agency Risk Assessment Conferences) and ASBRAC (Anti-Social Behaviour Risk Assessment Conferences). In addition, the ASB officers work closely with a number of internal partners such as Housing Enforcement and Environmental Protection. The nature of this co-operation has resulted in the ASB officers on the ground acting as the eyes and ears of these departments and identifying and referring issues at an early stage thus preventing escalation.

The following is a representative rather than definitive list of current partnerships.

- ASBRAC-monthly attendance and subsequent actions and interventions. Average ten cases per month
- NHPT (Neighbourhood Policing Teams) - weekly team meetings handling between ten and fifteen cases per week
- Fulfilling Lives-approximately twenty referrals since the scheme went live at the start of 2015
- PACT- Monthly x2 (South Shore only) between ten and fifteen ASB enquiries per month
- CALICO tenancy support - twenty referrals since the start of April 2015
- ADS (alcohol and drug services) 30 referrals per month
- Housing Options-30 referrals per month

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- Environmental protection-30 referrals per month
- Adult mental health-30 referrals per month

This reflects the broad range of approaches that both officers use in order to solve problems of ASB in the areas rather than landlords simply having to evict tenants, leading both to instability in the area and the problem merely being moved on.

Both officers use a range of enforcement and support based interventions including Acceptable Behaviour Contracts (ABCs), Community Protection Notices and Closure Orders. Each officer handles over 300 enquiries per year. Below is a series of case studies to illustrate the work carried out by the ASB officers funded through the existing Selective and Additional Licensing schemes.

## Case 1

An elderly man was being harassed by a small number of local school children who threw eggs and stones at his windows. Working as a team the ASB officers installed a number of covert cameras outside the target address as a visual deterrent. Following an incident of abuse at a local news agent CCTV footage was recovered from the premises and the ASB officer subsequently identified the offending youth through his contacts within local schools. The youth in question was visited at his home address by our officer and local police officers and his parents were spoken to. This resulted in the youth apologising to the elderly victim and a youth referral being made. This referral is the first stage in managing youths who are on the edge of offending behaviour and should hopefully prevent his behaviour escalating to more serious incidences.

## Case2

A prolific drug user and repeat criminal offender was actively terrorising occupants of the HMO in which he lives. Working closely with the landlord and local policing team the ASB officer instigated a number of strategies to manage his offending while gathering evidence for an ASBO. Over a number of months sufficient evidence was obtained to successfully apply for an ASBO. This was successful in part due to the fact that the ASB officer was able to demonstrate that he had taken an approach involving both support and enforcement elements. The ASBO was subsequently varied when the officer identified that the offender had moved to another premises within the selective licensing area. This early intervention was critical in preventing further problems at the new address.

## Case 3

Elderly man suffering from mental health and alcohol dependency issues is being victimised by local drug users who are abusing him physically and financially. He was initially referred through the ASBRAC process and following the ASBRAC meeting was rehoused in a safe house. Unfortunately he was



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subsequently targeted by a second set of offenders and moved for a second time. Ultimately the ASB officer identified a funding stream and arranged for the victim to be moved into an alcohol rehab programme out of the area.

## Case 4

A number of complaints were received regarding a dangerous dog which was attacking people and other dogs. Following a multi-agency meeting the South Beach ASB officer assumed responsibility for the issue and commenced an evidence gathering exercise. The officer obtained a large number of statements from local residents and prepared a file of evidence to support a prosecution. Initially the offender was issued with a CPN (Community Protection Notice) and was subsequently taken to court for a breach of this. At court he entered a guilty plea as the evidence was overwhelming and as a result received a Criminal Behaviour Order. From inception to conviction this took several months of intensive work both to gather evidence and manage the offender's behaviour and the victim's expectations, but has resulted in a much safer neighbourhood.

## Case 5

Two young men were identified as being responsible for emptying commercial waste bins on a regular basis, causing a nuisance to traders and local residents. Using covert cameras and contacts within the local community the men were identified and visited at their home address. Their home circumstances were found to be deplorable and a number of interventions were put into place to improve these, including working with the landlord to rectify faults within the living accommodation and assistance with benefits and finding work. Both males are now engaging well with the Fulfilling Lives initiative.

## **4.4 How does additional licensing fit into Blackpool's plans and wider housing strategies?**

### **a) Driving up standards**

One of the key strategic housing objectives of the Council is to continue to improve the quality of private sector properties. Figures elsewhere in this document illustrate the scale of problems encountered with the private rented sector, and the fact that it forms 26% of Blackpool's total housing stock stresses its importance to the town.

The Council acknowledges that many properties provide decent accommodation and are well managed by landlords, but with regard to those that are not, the Council believes that additional licensing will be a vital tool in driving up standards. It will reduce the negative environmental consequences of poor landlords and encourage both landlords and private sector tenants to play a more active part in the improvement of their neighbourhoods.

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## b) Homelessness

The Council is committed to ensuring safe and affordable privately rented accommodation and believes that additional licensing will assist in achieving this goal and does not anticipate that the proposal will impact negatively on homelessness in the borough. Through BC Lettings and the Council's Housing Options Team, the Council encourages landlords to not only improve their standards, but also to take on tenants in housing need, underpinned by pro-active support.

Blackpool Council is also making use of the powers introduced by the Localism Act 2012 to make offers of good quality private rented accommodation to discharge statutory duties to homeless people.

Additional Licensing aims to stabilise tenants in better managed homes, reducing the high turnover that can lead to homelessness. There will be cases where tenants need to be re-housed from accommodation that is found to be an immediate risk to their health and safety. In these cases, the Enforcement team will work closely with the Council's Housing Options service to ensure that alternative accommodation is made available.

Additional Licensing may make it less likely for people with troubled histories to find independent accommodation in the Central area, but the Council works closely with partner agencies to find appropriate accommodation, with the right support. Where the right support is in place and the wider community is not placed at risk, landlords should be able to offer accommodation and still comply with licence conditions.

## c) Transience Programme

Alongside the comprehensive inspection programme associated with the Council's selective and additional licensing schemes, the Council has invested in a transience team to reach out to vulnerable tenants. This is now independently funded following a successful bid to Government, with funding in place to work alongside the additional licensing programme in the Central area over the next three years. The team make contact with tenants and link them into support services and local community activities, training and employment. In this way, underlying problems are addressed and tenants start to develop in their confidence, skills, and sense of responsibility. This investment in pro-actively identifying and supporting vulnerable tenants is of considerable benefit to tenants themselves, their landlords, and the wider community.

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## d) Regeneration

Interventions through additional licensing will assist in regenerating communities and neighbourhoods through improved management of properties by licence holders.

The Council is currently undertaking the large scale redevelopment of 500 Council flats at Queens Park in the Brunswick ward, adjacent to the Central area, to deliver 199 attractive new homes. The second half of the re-development is currently starting on site, with completion due by March 2018. The Council is also facilitating the development of over 400 high quality new homes within the Central area at the Foxhall Village development. Both of these developments will complement the improvement of the private rented sector in the Central area, and together help to create a much more attractive and balanced housing offer.

## e) Anti-social behaviour

The Council already works to reduce anti-social behaviour in the area alongside partner agencies and residents. Additional licensing is a critical new tool that can be utilised to ensure that landlords manage their properties and tenants in an appropriate manner, and provides for the employment of a dedicated ASB Officer to assist licensed landlords in the Central area.

Without a dedicated ASB Officer in the area, landlords and local residents would only have access to the standard resources of the Council and Police, which are increasingly stretched. The standard resources will continue to be available in the Central area, and include the work of a small team of four officers within the Council who work to address ASB across Blackpool in co-ordination with the Police. The Police themselves respond to complaints of ASB and can back up Council staff where there are more serious public order issues, but since 2014's ASB, Crime and Policing Act, the Police rely on Council officers to use the most common tools of Community Protection Warnings and Notices. Council officers have issued 498 Warnings, 77 Notices, and initiated 7 Prosecutions since the 2014 Act came into force, which is amongst the most actions anywhere in the country.

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## 5. The benefits and risks of an additional licensing scheme

The Council's overall aim is to improve the quality of life for residents within the area by improving management of tenant behaviour and the condition of Houses in Multiple Occupation under the Additional Licensing scheme. The scheme will also benefit local businesses and visitors.

Additional Licensing is intended to help achieve the economic and social ambitions of Blackpool. Specific benefits will include:

- Reductions in levels of anti-social behaviour
- Improved management and condition of privately rented HMO accommodation
- Support for landlords in dealing with anti-social tenants
- Education for tenants in their responsibilities to behave in a tenant like manner
- Education for tenants to ensure they only live in properties that meet a minimum standard
- Encouraging landlords to operate to higher standards, acting in a professional manner with well written tenancy agreements, inventories and protected deposits
- Encouragement of landlords not to take tenants with a poor reference
- Improvement of the image and desirability of the area
- Improvement in the market to increase rents and values of property in the area

The key objective is to see a significant improvement in management and property conditions experienced in small HMOs in the area. Mandatory licensing of HMOs currently allows local authorities to regulate larger HMOs, but the large majority of HMOs in Blackpool fall within the definition of small HMOs not covered by that legislation. Only 30 of the 954 HMOs in the Central area fall within the mandatory licensing scheme, with Additional Licensing expected to cover another 700.

Additional licensing provides the Council with enhanced ability to regulate the private rented sector through the imposition of clear licensing conditions for all affected properties. It also enables resources to be provided in the area to address the long standing issues, especially through dedicated ASB Officers who assist landlords in dealing with problem tenants.

For the approach to succeed in reducing anti-social behaviour and criminality and improving the overall management and standards of property, it is important that the Council works closely with landlords and residents. It is expected that introducing this scheme into the Central area, alongside complementary investment, will have a range of benefits to landlords, tenants, and the wider community.

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## Monitoring the scheme and managing risks

Appendix 4 sets out potential risks of introducing an additional licensing scheme into the Central area and mitigating measures. It is important that progress is monitored and that the operation of the additional licensing scheme is refined to reflect this understanding of the scheme's impact.

It is proposed to measure the overall perception of problems within the area by repeating the questionnaires sent out to residents and landlords between 2-3 years after the start of the scheme, and also at the end of the project. As well as this, the amount of anti-social behaviour and criminality recorded in the area and relating directly to private rented sector tenants will be collected annually, together with information on property conditions in licensable HMOs.

Other figures have been used to indicate the levels of problems within the area and these will also be revisited during the course of the project to measure the impact of Additional Licensing.

In order to be clear and transparent it is proposed that performance is monitored not only by members and officers, but is also set out to the public through the Council's website. The Fylde Coast Landlords Forum will be invited to monitor the statistics too to maintain a positive relationship with Blackpool landlords.

## **6. Consultation on the proposal**

Consultation on a proposal for selective and additional licensing in the Central area ran from 17<sup>th</sup> July to the 25<sup>th</sup> September 2015. Interested parties were contacted through:

- Blackpool Council's website
- The Fylde Coast Landlords Forum
- 8 public consultation meetings
- 7,000 letters which were sent to residents, business owner and landlords within the proposed Central area as well as the wider consultation area.
- Press release to local media/press

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Responses to consultation were received through:

- 1,141 questionnaires completed by residents and local business owners
- 267 questionnaires completed by landlords
- comments recorded at public consultation meetings
- individual written responses from landlords
- written responses from landlord representative organisations – NLA and RLA

Blackpool Council has been asked to consider further consultation given the nature of concerns raised with the original proposal. We appreciate all feedback and a summary of the consultation that ran from 17<sup>th</sup> July to the 25<sup>th</sup> September 2015 and the Council's responses to the issues raised through consultation is published separately alongside this final proposal document. The original consultation was sufficient at the time because the nature of the proposal and reasons for the proposal were sufficiently set out and clear for all to understand. In considering the responses to consultation and having reviewed the proposal generally, changes have been made to the final proposal, including initially introducing Additional Licensing alone. These changes are not such as to require further consultation.

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## APPENDIX 1 CENTRAL DESIGNATED AREA NAMES

### Streets in proposed Central designated area

- Abingdon Street
- Adelaide Street
- Adelaide Street West
- Adelphi Street
- Albert Road
- Alfred Street
- Anderson Street
- Back Ribble Road
- Back Church Street
- Back Read Road
- Bank Hey Street
- Baron Road
- Belmont Avenue
- Bethesda Road
- Birley Street
- Bloomfield Road 31-67 & 76-92
- Boothley Road evens
- Buchanan Street
- Butler Street
- Cambridge Road
- Counce Street 2-180 & 1-131
- Cedar Square
- Central Drive
- Chadwick Street
- Charles Street
- Charnley Road
- Church Street
- Clifton Street
- Clinton Avenue
- Coleridge Road 36-78 & 29-69
- Cookson Street
- Coronation Street
- Corporation Street



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- Deansgate
- Devonshire Road 2-180 & 1-155
- Durham Road
- East Topping Street
- Edelston Road
- Edward Street
- Elizabeth Street
- Erdington Road
- Fairhurst Street
- Fenton Road
- Field Street
- Fisher Street
- Fleet Street
- Freckleton Street
- Gainsborough Road
- George Street
- Gloucester Avenue odd numbers, Gloucester Court
- Gorton Street
- Granville Road 1-27 & 2-100
- Grosvenor Street
- Handley Road
- Harrison Street
- Havelock Street
- Henry Street
- Heywood Street
- Hornby Road Lawn, Hornby, Park, Hilton, and Lincoln Courts, Courtfields
- Hull Road
- Ibbison Court
- Iddon Court
- Jameson Street
- Kent Road
- King Street
- King Street South
- Leamington Road
- Leeds Road
- Leicester Road
- Leopold Grove

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- Lincoln Road
- Liverpool Road
- Livingstone Road
- Longton Road
- Louise Street
- Manor Road
- Market Street
- Maudland Road
- Middle Street
- Milbourne Street
- Montrose Avenue
- Orme Street
- Oxford Road
- Palatine Road
- Park Road 1-147 & 2-100, St. Johns Court
- Parker Street
- Peter Street
- Platt Street
- Portland Road
- Princess Court
- Princess Street Princess Court, 50-52 & 27-35
- Priory Court
- Promenade
- Raikes Mews
- Raikes Parade Priory Court, Raikes Mews
- Reads Avenue
- Regent Road East
- Regent Road
- Ribble Road
- Rigby Road 100
- Ripon Road
- Rishton Street
- Rydal Avenue
- Salthouse Avenue
- Sands Way
- Saville Road
- Seed Street

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- Selbourne Road            St. Georges Court
- Selby Avenue
- Seymour Road
- Sheppard Street
- South King Street
- St. Albans Road
- St. Heliers Road
- Stanley Road
- Stansfield Street
- Talbot Road            20-286
- Talbot Square
- Topping Street
- Vance Road
- Victoria Street
- Victory Road
- West Street
- Westbourne Avenue
- West View
- Westwell Grove
- Whitegate Drive
- Whiteside Street
- Winifred Street
- Winstanley Grove
- Winifred Street
- Winstanley Grove
- Wood Street
- Woolman Road

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## APPENDIX 2: PROPOSED ADDITIONAL LICENCE CONDITIONS

<h3><u>Conditions of Additional Housing Licences</u></h3> <p>The Licence Holder must ensure that the premises fully comply with the conditions set out below unless notified otherwise. (In these conditions 'house' refers to the building or part of a building which is licensed in accordance with Part 2 of the Housing Act 2004</p>	
<b>1</b>	<b>Gas</b>
	<p>If gas is supplied to the house, the licence holder must provide to Blackpool Council a Gas Safety Certificate issued within the previous 12 months at the time of the application and thereafter annually or on demand.</p> <p><b>Reason: Mandatory condition required by Schedule 4 of the Housing Act 2004</b></p>
<b>2</b>	<b>Electrical Appliances</b>
	<p>The Licence Holder must keep all electrical appliances and furniture supplied in a safe condition and must provide a declaration as to their safety at the time of application and thereafter on demand.</p> <p><b>Reason: Mandatory condition required by Schedule 4 of the Housing Act 2004</b></p>
<b>3</b>	<b>Furniture and Furnishing</b>
	<p>The Licence Holder must ensure that furniture and furnishings supplied by them are compliant with the Furniture and Furnishings (Fire) (Safety) Regulations 1988 (as amended 1989 and 1993) and must provide a declaration as to their safety at the time of application and thereafter on demand.</p> <p><b>Reason: Mandatory condition required by Schedule 4 of the Housing Act 2004</b></p>
<b>4</b>	<b>Smoke Alarms:</b>
	<p>The Licence Holder must ensure that smoke alarms are installed in the property and kept in proper working order and provide a declaration as to their condition and positioning to Blackpool Council on demand</p> <p><b>Reason: Mandatory condition required by Schedule 4 of the Housing Act 2004 &amp; to comply with minimum fire safety standards LACORS</b></p>

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<b>5</b>	<b>Tenant references</b>
	<p>The licence holder must demand references from persons who wish to occupy the house and must provide evidence of pre-let reference checks undertaken to the Council upon request.</p> <p><b>Reason: Mandatory condition required by Schedule 4 of the Housing Act 2004</b></p>
<b>6</b>	<b>Terms of Occupation:</b>
	<p>The Licence Holder must supply to the occupiers of the house a written statement of the terms on which they occupy the property. A copy of the terms will be provided to the Council on demand.</p> <p><b>Reason: Mandatory condition required by Schedule 4 of the Housing Act 2004</b></p>
<b>7</b>	<b>Numbers of Occupiers</b>
	<p>The Licence Holder must ensure that rooms other than bedrooms are not used for sleeping purposes.</p> <p><b>Reason: to ensure that the premises comply with the space and amenity standards- see Fylde Coast Amenity and Space Standards guidance.</b></p>
<b>8</b>	<b>Energy Efficiency</b>
	<p>The Licence Holder is required upon request by the authority during the period of the licence period issued to complete and return to the authority an energy efficiency assessment questionnaire of the licensed property.</p> <p><b>Reason: To safeguard the health and wellbeing of the occupants with regards to the reduction of fuel poverty and national energy efficiency measures and to be aware of the statutory requirements for Energy Performance Certificates (EPCs).</b></p>
<b>9</b>	<b>Property Management</b>
	<p>The Licence Holder must ensure that:</p> <ul style="list-style-type: none"> <li>(a) All repairs to the house or any installations, facilities or equipment within it are carried out by competent and reputable persons;</li> <li>(b) All occupants of the house receive written confirmation detailing arrangements in place to deal with repairs and emergencies and report nuisance and anti-social behaviour;</li> <li>(c) If accommodation is provided on a furnished basis and includes electrical appliances, the Licence Holder must provide the occupier copies of user manuals or equipment provided as part of the agreement for the occupation of the house;</li> <li>(d) All occupiers are made aware of the licence and conditions.</li> </ul> <p><b>Reason: to safeguard the health, safety and wellbeing of occupants and reduce Anti-Social Behaviour</b></p>

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<b>10</b>	<b>Security</b>
	<p>The Licence Holder must ensure that:</p> <ul style="list-style-type: none"> <li>(a) The security provisions for the access to the dwelling (including but not limited to locks, latches, deadbolts and entry systems) must be maintained in good working order at all times;</li> <li>(b) Where window locks are fitted, the Licence Holder will ensure that keys are provided to the relevant occupant;</li> <li>(c) Where a burglar alarm is fitted to the house, the Licence Holder will inform the occupant in writing the circumstances under which the code for the alarm can be changed, and provide details when required on how this can be arranged;</li> <li>(d) Where previous occupants have not surrendered keys, the Licence Holder will arrange for a lock change to be undertaken, prior to new occupants moving in;</li> <li>(e) Where alley gates are installed to the rear of the licensed property, the licence holder must take responsibility for holding a key and make satisfactory arrangements for the occupiers access;</li> <li>(f) The front door of an HMO must be fitted with a mortice lock (thumb turn) or equivalent, to five-lever security level. The lock must comply with 20(c) below.</li> </ul> <p><b>Reason: to safeguard the health, safety and well-being of occupants in the event of fire and entry by intruders and reduce ASB.</b></p>
<b>11</b>	<b>External areas, refuse and waste</b>
	<p>The Licence Holder must ensure that:</p> <ul style="list-style-type: none"> <li>a) The exterior of the property is maintained in a reasonable decorative order and state of repair;</li> <li>b) At all times any gardens, yards and other external areas within the curtilage of the house are kept in reasonably clean and tidy condition and free from rodent infestation;</li> <li>c) Suitable and adequate provision is made for storage of refuse generated in the property and that occupants use receptacles provided by the Council for storage prior to collection. The receptacles or plastic refuse sacks where receptacles have not yet been issued must not be exposed for a period longer than 12 hours prior to collection and must not cause obstruction at any time;</li> <li>d) Access must be available at all times to adequate, external, refuse storage.</li> </ul> <p><b>Reason: to ensure that the domestic hygiene and condition of the licensed property is maintained and reduce ASB</b></p>
<b>12</b>	<b>Training</b>
	<p>The Licence Holder and/or Manager will need to demonstrate competence of managing private rented accommodation and shall undertake property management training courses where required to do so by the authority.</p> <p><b>Reason: to enable the Council to provide licence holders with the knowledge and expertise to improve the management of their properties and reduce ASB.</b></p>

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13	<b>Management/ Anti-Social Behaviour</b>
	<p>The Licence Holder must take reasonable and practical steps to reduce or prevent anti-social behaviour by persons occupying or visiting the house and the use of premises for illegal purposes.</p> <p>The licence holder must:</p> <ul style="list-style-type: none"> <li>(a) Provide a written action plan to Blackpool Council outlining procedures for dealing with anti-social behaviour at the time of application. This must be reviewed annually and submitted on request;</li> <li>(b) Obtain recent tenant references prior to granting a tenancy as to previous tenancy conduct, including behaviour of the proposed occupier and household. The Licence Holder needs to have due regard to what the reference says and be satisfied that the tenant is not likely to cause any anti-social behaviour.</li> <li>(c) If a Licence holder receives a reference request for a current or former tenant for the purposes of an application to rent a property from another Licence Holder he must respond to the request in writing within a reasonable period and either i) decline the request for a reference ; or ii) when giving a reference state whether or not he is aware of any allegations of anti-social behaviour made against the tenant and if such allegations have been made give details of the same including details of whether (to his knowledge) the allegations have been admitted or have been found proven in any court or tribunal;</li> <li>(d) Cooperate with Blackpool Council, Lancashire Constabulary and other agencies in resolving complaints of anti-social behaviour. The Licence Holder and/or their nominated managing agent are required to undertake an investigation of any complaints regarding their tenants. Written records of these will be required;</li> <li>(e) The licence holder/management agents must make regular (at least monthly) inspections of the property to ensure that the property is in a decent state of repair and that the occupiers are not in breach of tenancy terms and conditions;</li> <li>(f) Ensure that each tenant is made aware that they are responsible for their own behaviour and the behaviour of other occupiers and visitors. Tenants must be made aware that if they, other occupiers, or their visitors: Cause nuisance or annoyance to neighbours; or use abusive or threatening language or behaviour to neighbours; or fail to store or dispose of refuse properly; or cause damage to fixtures, fittings, fire prevention or alarm equipment or installations, or to the fabric of the premises; or fail to give access to the landlord or his agent for the purpose of maintaining communal areas or, upon reasonable notice, to inspect or undertake works within their accommodation. They will be liable to enforcement action which may include possession proceedings either under the terms of the tenancy, pursuant to s.21 of the Housing Act 1988 or pursuant to Grounds 13 or 14 of Schedule 2 to the Housing Act 1988.”</li> </ul> <p><b>Reason: to safeguard the wellbeing of occupants, persons visiting the premises and persons in the immediate locality and reduce ASB. See Blackpool Council’s ASB guidance.</b></p>
14	<b>Notification/Consultation of Changes</b>
	<p>The Licence Holder and managing agents must consult with Blackpool Council before making any material changes to the layout, amenity provision, fire precautions or occupation of the house and must inform Blackpool Council of:</p> <ul style="list-style-type: none"> <li>(a) Details of any unspent convictions not previously disclosed to the Local 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 or dishonesty, or violence or drugs or any offence listed in Schedule 3 to the Sexual Offences Act 2003;</li> <li>(b) Details of any finding by a court or tribunal against the Licence Holder and /or the manager that he/she</li> </ul>



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	<p>has practiced unlawful discrimination on grounds of sex, colour, race, ethnic or national origin or disability in, or in connection with, the carrying on of any business;</p> <p>(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;</p> <p>(d) 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;</p> <p>(e) 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;</p> <p>(f) The property becoming empty;</p> <p>(g) Changes to liability insurance;</p> <p>(h) Notification of repossession/foreclosure;</p> <p>(i) Successful claims against the licence holder for default of tenancy deposits;</p> <p>(j) Change in managing agent or the instruction of a managing agent;</p> <p>(k) The undertaking of substantial works to the property, including conversions and modernisations or emergency problems relating to fire, flood or disaster and the tenants are made temporarily homeless.</p> <p><b>Reason: to safeguard the health, safety and wellbeing of occupants in the event of changes during the period of the licence and reduce ASB.</b></p>
<b>15</b>	<b>Absence</b>
	<p>The licence holder is required to have in place suitable emergency and other management arrangements in the event of their absence. The name and contact details of the licence holder and/or manager must be supplied to each occupier and must also be on display in a prominent place.</p> <p><b>Reason: to safeguard the health, safety and wellbeing of occupants in the event of temporary absence of persons in control and reduce ASB.</b></p>
<b>16</b>	<b>Compliance inspections</b>
	<p>The licence holder must allow the Council to undertake compliance checks. Council Officers will give the licence holder 24 hours' notice of these checks and produce valid authorisation at the time of visit.</p> <p><b>Reason: To ensure that the property complies with the Housing Act 2004 and licence conditions.</b></p>
<b>17</b>	<b>Amenity and space standards</b>
	<p>The Licence Holder must ensure that the house is compliant with both the Fylde Coast Council's Space and Amenity Standards and national standards for HMOs according to the type of accommodation offered.</p>

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	<p><b>Reason: to ensure that the premises comply with the national minimum standards or adopted by Blackpool Council for Houses in Multiple Occupation.</b></p>
<b>18</b>	<b>Heating and Insulation</b>
	<p>The Licence Holder must provide adequate and efficient space heating and/or thermal insulation such as to be capable of maintaining an indoor temperature of at least 21°C in habitable rooms including bathrooms when the outdoor temperature is –1°C. The heating must be energy efficient, time and temperature controllable by the tenants</p> <p><b>Reason: To safeguard the health and wellbeing of the occupants with regards to excess cold and to comply national prescribed standards for HMOs (SI 373).</b></p>
<b>19</b>	<b>Common Areas</b>
	<p>The Licence Holder must ensure that:</p> <ul style="list-style-type: none"> <li>(a) Common areas, including shared living rooms, kitchens, hallways, etc are not used for sleeping, either by tenants or their guests;</li> <li>(b) Corridors, stairways and lobbies are fitted with emergency lighting in accordance with BS5266;</li> <li>(c) A cleaning regime is demonstrated on request to ensure that all corridors, stairways, lobbies and all exit routes are kept free from obstruction and combustible material;</li> <li>(d) Smoking is not permitted in any common areas and ‘no smoking’ signs should be displayed. (Health Act 2006).</li> </ul> <p><b>Reason: to safeguard the health, safety and wellbeing of occupants in the event of fire, crowding, space and to comply with the Management of HMOs (England) Regulations 2006</b></p>
<b>20</b>	<b>Fire Safety</b>
	<p>The Licence Holder shall ensure that :</p> <ul style="list-style-type: none"> <li>(a) All fire precautions provided to the Premises, namely fire doors, automatic fire alarm and emergency lighting system (s) are maintained in full working order at all times;</li> <li>(b) All fire detection systems; means of escape and fire-fighting equipment installed in the property is at least annually serviced by a competent person and is adequately maintained and tested in accordance with the manufacturer’s instructions. A current test certificate is required at the time of application and thereafter on demand;</li> <li>(c) The main entrance/exit doors and all unit doors leading to common areas are openable from the inside without the use of a key;</li> <li>(d) The fire routine notice detailing action to be taken in the event of fire is clearly worded and displayed in a central location e.g. next to main entrance/exits;</li> <li>(e) A fire blanket 1m conforming to current British standards is provided in each kitchen;</li> </ul>

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	<p>(f) All premises are fully compliant with the current LACORS (Local Authorities Coordinators of Regulatory Services) Fire Safety Guidance. See <a href="http://www.lacors.gov.uk">www.lacors.gov.uk</a>.</p> <p><b>Reason: to safeguard the health, safety and wellbeing of occupants in the event of fire and comply with fire safety precautions standards adopted by Blackpool Council. Full Fire Safety Guidance is provided by LACORS, see <a href="http://www.lacors.gov.uk">www.lacors.gov.uk</a>.</b></p>
<b>21</b>	<b>Electrical Installations</b>
	<p>The Licence Holder must supply a current (i.e. within the previous 5 years) Domestic Electrical Installation Periodic Report for the whole of the electrical installations to Blackpool Council at the time of application and thereafter on demand. All recommendations for urgent attention and improvement (Codes 1 and 2) must be carried out within 2 months of the report.</p> <p><b>Reason: to safeguard the health, safety and wellbeing of occupants in the event of electrical hazards and to comply with the Management of HMOs (England) Regulations 2006.</b></p>

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## Appendix 3: Legislative Tools to deal with Anti-Social Behaviour and Housing Conditions

### Anti-social behaviour

Behaviour	Legislation	Enforcement	Support
<b>Domestic Noise</b>	s2 and s8(1), Noise Act 1996 (updated by s42 of the Anti Social Behaviour Act 2003)	Acceptable Behaviour Contracts or Agreements	Mediation
	s153a, B, C and D, Housing Act 1996 (as amended by part 2 of the Anti Social Behaviour Act 2003 and Police and Justice Act 2005)	Fixed Penalty Notice for night noise  Injunction, Demoted Tenancy, Possession and Eviction	Warnings and agreements
	s222, Local Government Act 1972 (as amended by the Police and Justice Act 2006)	Injunction for public nuisance	
	s1, Crime and Disorder Act 1998 (as updated by the Police Reform Act 2002)	Anti Social Behaviour Order (ASBO free-standing or on conviction.	Individual Support Orders if ASBO freestanding and aged 10 to 17.
	S9(4a) Noise Act 1996, s83 Clean Neighbourhoods and Environment Act 2005 and s79-80 Environmental	Noise Abatement Notice,	

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	Protection Act 1990	Prosecution for breach (Anti Social Behaviour Order on conviction)	
<b>Rowdy or Nuisance Behaviour and Gang activities</b>	S30-36, Anti Social Behaviour Act 2003.	Acceptable Behaviour Contracts or Agreements	Family group counselling
	s222, Local government Act 1972 (as amended by the Police and Justice Act 2006)	Dispersal of Groups	Youth Diversion
	s8, Crime and Disorder Act 1998 (as amended by the Anti Social Behaviour Act 2003 and Police and Justice Act 2005)	Injunction for public Nuisance	Parenting Contracts
	s11, Crime and Disorder Act 1998	Parenting Order (also provides support)	Parenting Orders
	s14, Crime and Disorder Act 1998	Child Safety Order (children under 10; also provides support)	Warnings and agreements
	s1, Crime and Disorder Act 1998 (as updated by the Police Reform Act 2002)	Local child curfew scheme (children under 16)	Restorative justice
		Anti Social Behaviour Order (ASBO free-standing or on conviction.	Alcohol treatment
	s153A, B, C and D,	Injunction, Demoted	Individual Support Orders if ASBO freestanding and aged 10 to 17.

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<b>Rowdy or Nuisance Behaviour and Gang activities(Continued)</b>	Housing Act 1996 (as amended by part 2 of the Anti Social Behaviour Act 2003 and Police and Justice Act 2005)	Tenancy, Possession and Eviction	
	Part 1a, Anti Social Behaviour Act 2003 (as amended by s118, sched 20, Criminal Justice and Immigration Act 2008)	Premises Closure Order	
	Part 4, Policing and Crime Act 2009 (commencing 01st April 2010)	Gang injunctions (GANGBO's)	Prohibitive and Positive requirements
<b>Hoax Calls to Emergency Services</b>	s1, Crime and Disorder Act 1998 (as updated by the Police Reform Act 2002)	Anti Social Behaviour Order (ASBO free-standing or on conviction.  Acceptable Behaviour Contracts or Agreements	Education schemes  Youth schemes run by local emergency services involving education and reparation work.  Youth Diversion  Individual Support Orders if freestanding and aged 10 to 17.
<b>Verbal and Physical abuse</b>	s224, Town and Country Planning Act 1990	Acceptable Behaviour Contracts or	Warnings and agreements

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<b>Criminal damage</b>	s8, Crime and Disorder Act 1998 (as amended by the Anti Social behaviour Act 2003 and the Police and Justice Act 2005)	Agreements	Mediation
<b>Graffiti</b>		Parenting Order (also provides support)	
<b>Fly Posting</b>		Fixed Penalty Notice	Restorative Justice
<b>Unauthorised distribution of literature</b>	s43, 48-52, Anti Social Behaviour Act 2003 and s96, Clean Neighbourhoods and Environment Act 2005	Defacement Removal Notice	Individual Support Orders if freestanding and aged 10 to 17.
<b>Violence and threat of violence</b>	s1, Criminal Damage Act 1971	Anti Social Behaviour Order (ASBO free-standing interim without notice or ASBO on conviction.	
	s131(2) and s132(1), Highways Act 1980	Prosecution	
<b>Verbal and Physical abuse (continued)</b>	s2, Protection from Harassment Act 1997	Prosecution (and restraining Order or ASBO on conviction)	Individual Support Orders if freestanding and aged 10 to 17.
<b>Criminal damage</b>	Housing Act 1996 as amended by Part 2 of the Anti social behaviour act 2003 and Police and Justice Act	Injunction (without notice), Demoted tenancy, possession and eviction	
<b>Graffiti</b>			



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<b>Fly Posting</b>	2005)			
	<b>Unauthorised distribution of literature</b>	s222, Local government Act 1972 (as amended by the Police and Justice Act 2006)		Injunction for public Nuisance
	<b>Violence and threat of violence</b>	s1, Crime and Disorder Act 1998 (as updated by the Police Reform Act 2002)		Anti Social Behaviour Order (ASBO free-standing interim without notice or ASBO on conviction.
<b>Hate Crime</b>	s28, Crime and Disorder Act 1998	Prosecution	Individual Support Orders if freestanding and aged 10 to 17.	
	s1, Crime and Disorder Act 1998 (as updated by the Police Reform Act 2002)	Anti Social Behaviour Order (ASBO free-standing interim without notice or ASBO on conviction.	Physical and mental health needs  Drug treatment	
<b>Drugs / Substance Misuse</b>	Housing Act 1996 as amended by Part 2 of the Anti social behaviour act 2003 and Police and Justice Act 2005)	Acceptable Behaviour Contracts or Agreements	Counselling  Compulsory drugs testing for trigger offences (s2, Drugs Act 2005)	
		Injunction, Demoted tenancy, possession and eviction (breach of tenancy)		

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	s222, Local government Act 1972 (as amended by the Police and Justice Act 2006)	Injunction for public Nuisance	Assessment by drugs specialist
	S1-11, Anti Social Behaviour Act 2003	Closure powers for Class A drugs	Restrictions on bail to assess defendants drugs use
	s1, Crime and Disorder Act 1998 (as updated by the Police Reform Act 2002)	Anti Social Behaviour Order (ASBO free-standing or on conviction).	Individual Support Orders if freestanding and aged 10 to 17.  Drug Intervention Order if 18 or over
<b>Drug Dealing</b>	S1-11, Anti Social Behaviour Act 2003	Closure powers for Class A drugs	Physical and Mental Health Services
	s153b, Housing Act 1996 (as amended by Part 2 of the Anti Social Behaviour Act 2003)	Anti Social Behaviour Injunction and Eviction (breach of Tenancy)	Drug Treatment
	s1, Crime and Disorder Act 1998 (as updated by the Police Reform Act 2002)	Anti Social Behaviour Order (ASBO free-standing or on conviction).	Individual Support Orders if freestanding and aged 10 to 17.  Drug Intervention Order if 18 or over
<b>Animal Related Nuisance</b>		Acceptable Behaviour Contracts or Agreements	Warnings and Agreements
	s80, Environmental	Noise Abatement	

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<b>Irresponsible dog ownership</b>	Protection Act 1990	notice, Prosecution for failure to comply	Mediation
<b>Consistent Barking</b>	s2 and s8(1), Noise Act 1996	Penalty notice for Night Noise	Education
<b>Allowing dogs to intimidate individuals</b>	Housing Act 1996 (as amended by Part 2 of the Anti Social Behaviour Act 2003 and Police and Justice Act 2005)	Injunction or Demoted Tenancy	
<b>Dog fouling</b>	S55-59(2), Part 1, Chap 6 Clean Neighbourhoods and Environment Act 2005 and Dog Control Orders Regulations 2006	Fixed Penalty Notice  Dog Control Orders	Warnings and Agreements  Mediation Education
	s1, Crime and Disorder Act 1998 (as updated by the Police Reform Act 2002)  Anti Social Behaviour Order (ASBO free-standing or on conviction).	Individual Support Orders if freestanding and aged 10 to 17.	
	Animal Welfare Act 2006	Improvement notices  Acceptable Behaviour Contracts or Agreements	Warnings and Agreements  Mediation

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			Education
	Dangerous Dogs Act 1991 and amendment 1997, Dogs Act 1871	Acceptable Behaviour Contracts or Agreements  Anti Social Behaviour Order  Destruction Orders	

<b>Licensing and Alcohol related nuisance</b>	Licensing Act 2003	Licensing	Warnings and Agreements
		Drink Banning Orders	Family group counselling
		Injunction for public Nuisance	Youth Diversion
		Premises Closure Notice	Prosecution
		Premises Closure Order	Parenting Contracts
		Anti Social Behaviour Order	Parenting Orders
			Restorative Justice

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		<p>(ASBO free-standing interim without notice or ASBO on conviction).</p> <p>Right of Entry</p> <p>Ban on Alcohol consumption in Public Places Order</p> <p>Alcohol Disorder Zone</p>	<p>Alcohol treatment</p> <p>Voluntary Alcohol dependency support courses.</p> <p>Individual Support Orders if ASBO freestanding and aged 10 to 17.</p> <p>Partnership agencies linked working</p>
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### Property conditions and management

Legislation	Relevant section	What it is used for
Housing Act 2004	Sections 11/12	Improvement notice to reduce or remove unacceptable hazards from the home
	Sections 20/21	Prohibition orders to prohibit the use of all or part of a premises
	Sections 28/29	Hazard awareness used to draw the owners attention to a hazard in the property where a formal notice is not yet necessary.
	Section 40	Emergency Remedial Action. Works area carried out by the council to reduce a significant hazards where there is an imminent risk of serious harm
	Section 43	Prohibition order prohibit the use of all or part of the premises where there is imminent risk of serious harm
	Sections 102/103/113	Management orders the management of the property is taken over by the local authority.
	Sections 133/136	Empty Dwelling Management Orders. Used to assist in bringing empty properties back into use where the property is managed by the local authority

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



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Local Government (Miscellaneous Provisions) Act 1976	section 16	Used to formally request information about a premises or a person
Police and Criminal Evidence Act 1984, Criminal Procedures and Investigation Act 1996, Regulation of Investigatory Powers Act 2000		Used in relation to interviews under caution, prosecution and gathering evidence.

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## Appendix 4: Risk Assessment Table

Description of Risk	Description of Impact	Probability of Risk	Level of Impact	Risk prevention, management or mitigation
<p>1a. Landlords do not apply or are reluctant to apply for licences.</p> <p>1b. Landlords apply for Judicial Review of the designation.</p>	<p>ASB and other problems are not resolved.</p> <p>Landlords operate illegally.</p> <p>LA resources are taken up with enforcement and prosecutions.</p> <p>LA resources are taken up with defending an application for Judicial Review.</p>	Medium	High	<p>Undertake a thorough consultation process with plenty of opportunities for input, and effective communication of new scheme.</p> <p>Landlords also engaged with by means of the Fylde Coast Landlords Forum.</p> <p>Wide range of detailed evidence gathered to support the scheme</p> <p>Intended outcomes of the proposals promoted to landlords, including an overall improvement in the area.</p> <p>Proposals prepared following all available guidance and best practice learned from other local authorities including those whose schemes have been the subject of Judicial Review applications.</p>
<p>2. A number of landlords evict tenants and sell their properties or leave them vacant. Speculative landlords choose to invest elsewhere</p>	<p>Increase in abandoned and vacant properties.</p> <p>Loss of rental properties</p> <p>Increase in homelessness.</p>	Medium	High	<p>The Council's strategy is to encourage alternative tenures and the de-conversion of HMOs into a smaller number of units with a better balance of house types. A reduction in HMO uses would be consistent with this transition.</p> <p>Empty properties will be monitored and managed as part of the scheme.</p> <p>There is sufficient capacity within the local market to mean that a small reduction in total numbers of homes available will not lead to increased homelessness.</p> <p>The Housing Options Team will work closely with the Enforcement team around</p>

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				individuals at risk of homelessness because of enforcement action, finding them alternative accommodation.
3. Local Authority inadequately manages the scheme or inadequately resources the scheme	<p>Need to revoke the designation before the end of the 5 year period.</p> <p>ASB and other problems are not resolved.</p> <p>Resources spent in the research and implementation of the scheme are wasted.</p> <p>Inadequate resources in place to undertake other statutory and non-statutory functions.</p>	Low	High	<p>Full business model drafted to show resource implications for the duration of the scheme and management decisions made on the basis of this.</p> <p>Fees set to cover proportionate costs of the scheme.</p> <p>Additional staff employed as necessary to administer scheme, undertake property inspections and help ensure existing statutory functions are maintained and minimise impact on non-statutory functions.</p> <p>Competent and experienced staff employed as necessary.</p> <p>Scheme is managed and resourced for the five year life of the scheme.</p>

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## Appendix 5 – Proposed designation

### Blackpool Borough Council Designation of an area for additional HMO licensing

#### Blackpool Borough Council Designation of an Area for Additional Licensing of Houses in Multiple Occupation 2016

Blackpool Borough Council in exercise of their powers under section 56 of the Housing Act 2004 (“the Act”) hereby designates for additional licensing of Houses in Multiple Occupation (“HMOs”) the area described in paragraph 4.

#### CITATION, COMMENCEMENT AND DURATION

1. This designation may be cited as Blackpool Borough Council Designation for an Area for Additional Licensing of Houses in Multiple Occupation 2016.
2. This designation is made on 4th April 2016 and shall come into force on 4<sup>th</sup> July 2016.
3. This designation shall cease to have effect on 3<sup>rd</sup> July 2021 or earlier if the Council revokes the scheme under section 60 of the Act.  
NB the designation will be reviewed by the 4<sup>th</sup> April 2018.

#### AREA TO WHICH THE DESIGNATION APPLIES

4. This designation shall apply to the Central area as delineated and edged blue on the map and in the streets listed at Annex A.

#### APPLICATION OF THE DESIGNATION

5. This designation applies to all HMOs within the area described in paragraph 4 unless -
  - (a) the building is of a description specified in annex c (Buildings that are not HMOs for the purpose of the Act- other than Part 1);
  - (b) the HMO is subject to an Interim or Final Management Order under Part 4 of the Act;
  - (c) the HMO is subject to a temporary exemption under section 62 of the Act; or
  - (d) the HMO is required to be licensed under section 55 (2) (a) of the Act (mandatory licensing).<sup>1</sup>

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<sup>1</sup> For the application of mandatory licensing see SI 371/2006 – The Licensing of Houses in Multiple Occupation (Prescribed Descriptions) (England) Order 2006

## EFFECT OF THE DESIGNATION

6. Subject to sub paragraphs 5(a) to (d) every HMO of the description specified in that paragraph in the area specified in paragraph 4 shall be required to be licensed under section 61 of the Act.<sup>2</sup>
7. Blackpool Borough Council will comply with the notification requirements contained in section 59 of the Act and shall maintain a register of all houses registered under this designation, as required under section 232 of the Act.<sup>3</sup>

This designation is made on the    day of April 2016 and

**THE COMMON SEAL of**  
**THE BLACKPOOL BOROUGH**  
**COUNCIL** was hereunto  
affixed in the presence  
of: -

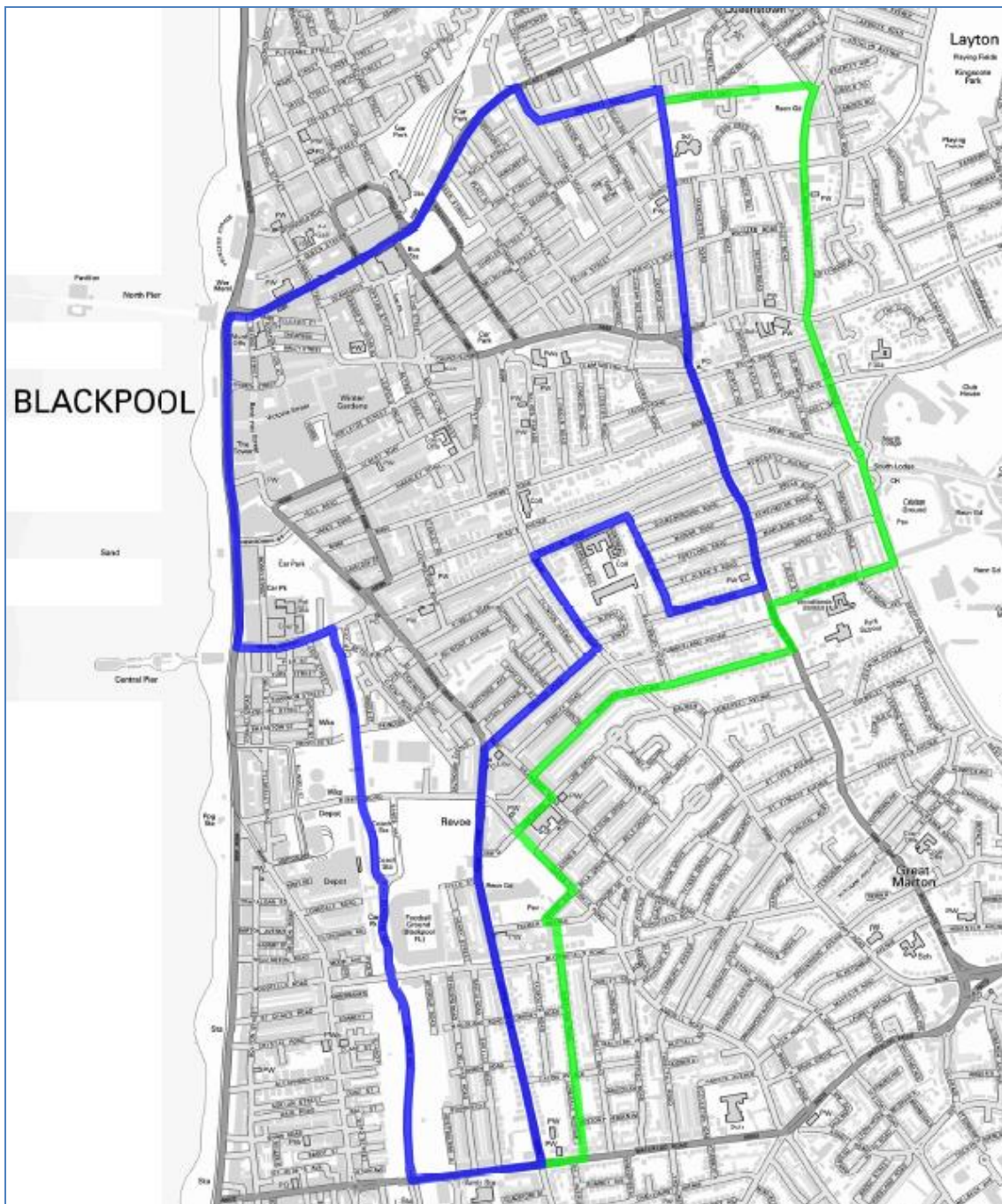
Head of Legal Services

<sup>2</sup> Section 62 of the Act provides for certain temporary exemption. As to suitability see section 64. Note, if the house is not suitable to be licensed the Council must make an Interim Management Order-see section 10

<sup>3</sup> Section 232 of the Act and paragraph 11 of SI 373/2006

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## Annex A: – paragraph 4: Map of Designated Area



The designated area is marked by the blue boundary line

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## **Streets in proposed Central designated area**

- Abingdon Street
- Adelaide Street
- Adelaide Street West
- Adelphi Street
- Albert Road
- Alfred Street
- Anderson Street
- Back Ribble Road
- Back Church Street
- Back Read Road
- Bank Hey Street
- Baron Road
- Belmont Avenue
- Bethesda Road
- Birley Street
- Bloomfield Road 31-67 & 76-92
- Boothley Road evens
- Buchanan Street
- Butler Street
- Cambridge Road
- Counce Street 2-180 & 1-131
- Cedar Square
- Central Drive
- Chadwick Street
- Charles Street
- Charnley Road
- Church Street
- Clifton Street
- Clinton Avenue
- Coleridge Road 36-78 & 29-69
- Cookson Street
- Coronation Street
- Corporation Street
- Deansgate
- Devonshire Road 2-180 & 1-155
- Durham Road
- East Topping Street

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- Edelston Road
- Edward Street
- Elizabeth Street
- Erdington Road
- Fairhurst Street
- Fenton Road
- Field Street
- Fisher Street
- Fleet Street
- Freckleton Street
- Gainsborough Road
- George Street
- Gloucester Avenue    odd numbers, Gloucester Court
- Gorton Street
- Granville Road        1-27 & 2-100
- Grosvenor Street
- Handley Road
- Harrison Street
- Havelock Street
- Henry Street
- Heywood Street
- Hornby Road            Lawn, Hornby, Park, Hilton, and Lincoln Courts, Courtfields
- Hull Road
- Ibbison Court
- Iddon Court
- Jameson Street
- Kent Road
- King Street
- King Street South
- Leamington Road
- Leeds Road
- Leicester Road
- Leopold Grove
- Lincoln Road
- Liverpool Road
- Livingstone Road
- Longton Road
- Louise Street
- Manor Road



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- Market Street
- Maudland Road
- Middle Street
- Milbourne Street
- Montrose Avenue
- Orme Street
- Oxford Road
- Palatine Road
- Park Road 1-147 & 2-100, St. Johns Court
- Parker Street
- Peter Street
- Platt Street
- Portland Road
- Princess Court
- Princess Street Princess Court, 50-52 & 27-35
- Priory Court
- Promenade
- Raikes Mews
- Raikes Parade Priory Court, Raikes Mews
- Reads Avenue
- Regent Road East
- Regent Road
- Ribble Road
- Rigby Road 100
- Ripon Road
- Rishton Street
- Rydal Avenue
- Salthouse Avenue
- Sands Way
- Saville Road
- Seed Street
- Selbourne Road St. Georges Court
- Selby Avenue
- Seymour Road
- Sheppard Street
- South King Street
- St. Albans Road
- St. Heliers Road
- Stanley Road
- Stansfield Street

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- Talbot Road 20-286
- Talbot Square
- Topping Street
- Vance Road
- Victoria Street
- Victory Road
- West Street
- Westbourne Avenue
- West View
- Westwell Grove
- Whitegate Drive
- Whiteside Street
- Winifred Street
- Winstanley Grove
- Winifred Street
- Winstanley Grove
- Wood Street
- Woolman Road

## **Annex B: – Paragraph 5: HMOs subject to the designation**

For the purpose of this designation and subject to the following eight paragraphs an HMO is a building or part of a building which is occupied by three or more persons in two or more households.

1) A building or a part of a building is an HMO if:-

- a) it consists of one or more units of living accommodation not consisting of a self-contained flat or flats;
- b) the living accommodation is occupied by persons who do not form a single household (see section 258);
- c) the living accommodation is occupied by those persons as their only or main residence or they are to be treated as so occupying it;
- d) their occupation of the living accommodation constitutes the only use of that accommodation;
- e) rents are payable or other consideration is to be provided in respect of at least one of those persons' occupation of the living accommodation; and
- f) two or more of the households who occupy the living accommodation share one or more basic amenities or the living accommodation is lacking in one or more basic amenities.

2) A self-contained flat is an HMO if paragraphs 1(b) to 1(f) apply.

3) A converted building or a part of a converted building is an HMO if:-

- a) it is a converted building;

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b) it contains one or more units of living accommodation that do not consist of a self-contained flat or flats (whether or not it also contains any such flat or flats);

c) the living accommodation is occupied by persons who do not form a single household;

d) the living accommodation is occupied by those persons as their only or main residence or they are to be treated as so occupying it ;

e) their occupation of the living accommodation constitutes the only use of that accommodation; and

f) rents are payable or other consideration is to be provided in respect of at least one of those persons' occupation of the living accommodation.

4) Persons are to be regarded as not forming a single household unless:-

a) they are all members of the same family, or

b) their circumstances are circumstances of a description specified for the purposes of this section in regulations made by the appropriate national authority.

5) A person is a member of the same family as another person if:-

a) those persons are married to each other or live together as husband and wife (or in an equivalent relationship in the case of persons of the same sex);

b) one of them is a relative of the other; or

c) one of them is, or is a relative of, one member of a couple and the other is a relative of the other member of the couple.

6) For those purposes:-

a) a "couple" means two persons who are married to each other or otherwise fall within 5(a);

b) "relative" means parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew, niece or cousin;

c) a relationship of the half-blood shall be treated as a relationship of the whole blood; and

d) the stepchild of a person shall be treated as his child.

7) A person is to be treated as occupying a building or part of a building as their only or main residence if it is occupied by the person:-

a) as the person's residence for the purpose of undertaking a full-time course of further or higher education;

b) as a refuge, or

c) in any other circumstances which are circumstances of a description specified for the purposes of this section in regulations made by the appropriate national authority.

8) "refuge" means a building or part of a building managed by a voluntary organisation and used wholly or mainly for the temporary accommodation of persons who have left their homes as a result of—

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- a) physical violence or mental abuse, or
- b) threats of such violence or abuse, from persons to whom they are or were married or with whom they are or were co-habiting.

## **Annex C: – Paragraph 5(a): Buildings that are not HMOs for the purpose of the Act<sup>1</sup>**

### **Buildings controlled or managed by public bodies etc<sup>2</sup>**

1. A building where the person managing or having control of it is<sup>3</sup>:

- (a) a local housing authority;
- (b) a police authority established under section 3 of the Police Act 1996 or the Metropolitan Police Authority established under section 5B of that Act;
- (c) a fire and rescue authority under the Fire and Rescue Services Act 2004;
- (d) a health service body within the meaning of section 4 of the National Health Service and Community Care Act 1990;
- (e) a body which is registered as a social landlord under Part 1 of the Housing Act 1996.

### **Buildings regulated by other enactments<sup>4</sup>**

4. A tenancy, licence or occupation of a house which is regulated under the following enactments:

- (a) sections 87 to 87D of the Children Act 1989;
- (b) section 43 (4) of the Prison Act 1952;
- (c) section 34 of the Nationality, Immigration and Asylum Act 2002;
- (d) The Secure Training Centre Rules 1998<sup>5</sup>;
- (e) The Prison Rules 1998<sup>6</sup>;
- (f) The Young Offender Institute Rules 2000<sup>7</sup>;
- (g) The Detention Centre Rules 2001<sup>8</sup>;
- (h) The Criminal Justice and Court Service Act 2000 (Approved Premises) Regulations 2001<sup>9</sup>;
- (i) The Care Homes Regulations 2001<sup>10</sup>;
- (j) The Children's Homes Regulations 2001<sup>11</sup>;
- (k) The Residential Family Centres Regulations 2002.<sup>12</sup>

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<sup>1</sup> Schedule 14 of the Act and SI 373/2006

<sup>2</sup> Paragraph 2 of schedule 14

<sup>3</sup> For the definition of “person managing” and “person having control” see section 263 of the Act

<sup>4</sup> Paragraph 3 of schedule 14 and paragraph 6 (1) and schedule 1 of SI 373/2006

<sup>5</sup> SI 472/1998 as amended by SI 3005/200

<sup>6</sup> SI 728/1999 as amended by SI 1794/2000, SI 1149/2001, SI 2116/2002, SI 3135/2002. SI 3301/2003 and SI 869/200

<sup>7</sup> SI 3371/2000 as amended by SI 2117/2002, SI 3135/2002 and SI 897/20

## **Certain student lettings etc<sup>13</sup>**

5. A building –

- (i) which is managed or controlled by a specified educational establishment or is of a specified description of such establishments and
- (ii) the occupiers of the house or dwelling are undertaking a full time course of further or higher education at the specified establishment<sup>14</sup> and the house or dwelling is being managed in conformity with an Approved Code of Practice for the management of excepted accommodation under section 233 of the Act.<sup>15</sup>

## **Religious communities<sup>16</sup>**

6. A building which is occupied principally for the purpose of a religious community whose principal occupation is prayer, contemplation, education or the relief of the suffering except if the building is a converted block of flats to which section 257 of the Act applies.

## **Buildings occupied by owners<sup>17</sup>**

7. A building which is only occupied by –

- (i) one or more persons who hold the freehold or a leasehold interest granted for a term of more than 21 years of the whole, or any part of, the building

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- (ii) and/or any member of the household<sup>18</sup> of that person or persons but this exemption does not apply to a converted block of flats to which section 257 of the Act applies, except for ascertaining the status of any flat within the block.

## **Buildings occupied by Resident Landlord etc<sup>19</sup>**

8. A building which is occupied by a person or persons to whom paragraph 7 applies (subject to the proviso therein) and no more than two other persons<sup>20</sup>, not forming part of the owner's household.

## **Buildings occupied by two persons<sup>21</sup>**

9. Any building which is only occupied by two persons (forming two households)

## **Meaning of "building"**

10. In this annex a "building" includes a part of a building.

<sup>8</sup> SI 238/2001. Section 66 (4) of the Nationality, Immigration and Asylum Act 2002 provides that the reference to a detention centre is to be construed as a reference to a removal centre as defined in Part VIII of the Immigration and Asylum Act 1999

<sup>9</sup> SI 850/2001

<sup>10</sup> SI 3965/2001 as amended by SI 865/2001, SI 534/2003, SI 1590/2003, SI 1703/2003, SI 1845/2003, SI 664/2004, SI 696/2004, SI 1770/2004, SI 2071/2004 SI and SI 3168/200

<sup>11</sup> SI 3967/2001 as amended by SI 865/2002, SI 2469/2002, SI 664/2004 and SI 3168/2004

<sup>12</sup> SI 3213/2002 as amended by SI 664/2004, SI 865/2004 and SI 3168/2004

<sup>13</sup> Paragraph 4 of schedule 14

<sup>14</sup> See the schedule to The Houses in Multiple Occupation (Specified Educational Establishments) (England) (No 2) Regulations 2006 for the list of specified bodies

<sup>15</sup> The relevant codes of practice are approved under SI 646/2006 – The Housing (Approval of Codes of Management Practice) (Student Accommodation) (England) Order 2006

<sup>16</sup> Paragraph 5 of schedule 14

<sup>17</sup> Paragraph 6 of Schedule 14

<sup>18</sup> For the definition of "household" see section 258 (2) and paragraphs 3 and 4 of SI 373/2006 Paragraph 6 of Schedule 14

<sup>19</sup> Paragraph 6 of schedule 14 and SI 373/200

<sup>20</sup> Paragraph 6 (2) of SI 373/200

<sup>21</sup> Paragraph 7 of schedule 1