

# Leicester City Council - Selective Licensing

## Frequently Asked Questions

### **What is Selective Licensing?**

The Housing Act 2004 allows local authorities to designate selective licensing areas in neighbourhoods if the area is experiencing one or more of the following conditions:

- Low housing demand (or is likely to become such an area)
- A significant and persistent problem caused by antisocial behaviour
- Poor property condition
- High levels of migration
- High level of deprivation
- High levels of crime

The decision on designating areas in Leicester for Selective Licensing will be made in early 2020. A decision will also be made on how long the designation will last. A designation can be in force for a maximum of five years.

### **How much will a licence cost and how will the licensing money be spent?**

A proposed licence fee would be set to finance administration of the Selective Licensing scheme and any intervention programmes. This income could only be used to help tackle the problems identified in the designated area(s).

### **Will licensed properties be inspected?**

If Selective Licensing is introduced in Leicester then officers will check that that licence conditions are being complied. Such checks are likely to involve inspections of properties.

### **When would landlords have to apply for a licence?**

There will be a requirement for a landlord to apply for a licence as soon as a designation comes into force. There will be a three-month notice period before any scheme begins, giving landlords time to make their applications in advance.

### **Is the proposal to license properties or landlords?**

The licence would be granted to the landlord or their agent/building manager. However, landlords will be required to hold a separate licence for each property they own. This is unless they own the freehold of a block of flats in which case one licence may cover the whole block.

### **What are the criteria for a property/landlord needing a licence?**

A licence would be required for all privately rented accommodation that is not already licenced as a house in multiple occupation (HMO). This means all properties rented to single households. It includes smaller shared properties that fall outside the statutory definition of an HMO.

### **Are there any properties that are exempt from licensing?**

Some properties would be exempt from licensing, including:

- Local Housing Authorities or Registered Social Landlords (Housing Associations) tenancies
- Where a family member rents the property from the owner
- Where the building owner lives in the home and rents rooms to up to two lodgers
- Long lease tenancies (21 years)
- Business tenancies
- Licensable HMO's (Houses in Multiple Occupation) under part 2 of the housing act 2004
- Properties where the council has taken action to close the property down.

**Is there a right to appeal if a license is refused?**

Yes, there is an appeal to the First Tier Residential Property Tribunal.

**Will the list of licensed premises and their landlords be made public?**

Yes, the addresses of all licenced properties and the names of the licence holder will be held on a public register which will be available to view freely online.

**Is there a 'fit and proper' test for landlords?**

Yes, all landlords applying for a licence will have to have a 'fit and proper' person check. This will include things like:

- Any unspent housing convictions, offenses involving fraud, violence or drugs
- Any offence listed in the Schedule 3 to the Sexual Offences Act 2003
- Any unlawful discrimination on the grounds of sex, colour, race, ethnic or disability in connection with the carrying out of any business.

**What will be the penalties for not having a licence?**

There could be an unlimited fine on prosecution; or a civil penalty of up to £30,000 per offence as an alternative to prosecution. The council is currently consulting on a proposed Civil Penalties scheme. The landlord may not then be 'fit and proper' to hold any other Housing Act licenses. There could also follow a rent repayment order of up to 12 months' rent.