

Medway Council – Selective & Additional Licensing Proposal

What is Selective Licensing and how does it work?

The Housing Act 2004 gives Councils the power to designate areas within their district as subject to Selective Licensing provided one of the following criteria is met:

(a) That the area is, or is likely to become, an area of low demand and that making the designation will, when combined with other measures taken in the area by the Council or by other persons together with the Council, contribute to improvement if the social or economic conditions in the area;

OR

(b) That the area is experiencing a significant and persistent problem caused by anti-social behaviour and that some or all of the private sector landlords who have let premises in the area are failing to take steps to combat the problem that it would be appropriate for them to take and that making the designation will, when combined with other measures taken in the area by the Council, or by other persons together with the Council, lead to a reduction in, or elimination of, the problem.

All landlords in Medway would have to obtain a licence from the Council subject to a number of exemptions set out below:

- Properties which are required to be licensed as a House in Multiple
- Occupation (HMO) under Part 2 of the Housing Act 2004 (which are already
- subject to a licensing system).
- Properties subject to a temporary exemption.
- Properties subject to a management order.
- Properties let by a Local Authority or registered provider.
- Properties let under tenancies or licences described as 'exempt' from the requirement to be licensed by the Selective Licensing of Houses (Specified Exemptions) (England) Order 2006/370.

Every privately rented flat, house or room (unless already licensed as a HMO under the existing mandatory scheme) will require a licence to operate in the area. 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.

A person would have to apply to the Council for a licence in accordance with certain requirements which the Council would specify. In particular, the Council is entitled to require that the application is accompanied by a fee.

Landlords who own a property within the designated area will need to apply for a licence for each of the units of accommodation they own.

What is additional licensing and how does it work?

The Housing Act 2004 gives Councils the power to designate areas within their district as subject to Additional Licensing which allows for regulation of smaller or atypical HMOs that are not covered by the mandatory HMO licensing criteria. Like selective licensing, these are implemented at the discretion of the local authority to address concerns about poorly managed properties with the aim to improve property conditions and management standards in areas where HMOs present significant health and safety risks or contribute to local housing issues.

Landlords within the designated areas who own HMOs that three or more persons from two or more households who share basic amenities, will require a licence.

Licence Conditions

Conditions will apply to both additional and selective licensing, include items relating to the management of the property, fire safety and dealing with problems of ASB. There will also be a requirement that landlords provide references for tenants that move on from their properties. When applying for a license, the landlord will have to provide evidence that they and those involved in the management of the premises are 'fit and proper person'. The Council has the power to refuse to grant a licence to an applicant; however, applicants have the right to appeal against the Council decision relating to the refusal to grant a licence, variation or revocation of licences. Details of the appeal process will be included with any refusal letter.

Recommended Selective Licensing Proposal

Single designation – Poor Housing Conditions
Wards to be consulted –

- Chatham Central & Brompton
- Fort Pitt
- Gillingham North
- Gillingham South
- Luton Strood North & Frindsbury
- Watling

Recommend Additional Licensing Proposal

Wards to be consulted for designation –

- Chatham Central & Brompton
- Fort Pitt
- Gillingham North
- Gillingham South
- Watling

Objectives of the Medway's Selective and Additional licensing scheme

- Improve housing conditions
- Improve management standards
- Reduction of ASB and repeat ASB incidents
- Increased awareness of the minimum standards to be expected in rented accommodation and what their other rights are when renting in the private rented sector