

**Report to the Private Rented Sector Forum**  
**AGM**  
**31<sup>st</sup> March 2022**  
**Selective Licensing Update**

**1. Purpose**

To update members of the PRSF on the progress of the Selective licensing Schemes.

**2. Completion of the Burnley Wood, Leyland Road and Ingham Street designations**

The designations for the above three areas came to a close on 14<sup>th</sup> November 2021. A prosecution of a landlord operating without a licence took place on the 17<sup>th</sup> February 2022 where the owner was found guilty of failing to apply for a licence for the property.

|                      | Civil Penalty<br>Failure to apply | Civil Penalty<br>Breach of<br>condition | Prosecution |
|----------------------|-----------------------------------|---|-------------|
| Burnley Wood         | 2                                 | 1                                       | 1           |
| Leyland Road         | 3                                 |   |             |
| Ingham &<br>Lawrence | 1                                 | 1                                       |             |

**3. Gas Certificate Monitoring: Burnley Wood with Healey Wood and Leyland Road Selective Licensing Area. March 2022 Update.**

In September 2021, officers identified 659 licensed properties in Burnley Wood with Healey Wood (BWHW) and the Leyland Road area (LR) where the gas certificate we held on file had expired.

Between September and November, officers contacted managers and licence holders requesting that they provide valid certificates.

The majority of those contacted were able to provide a valid certificate, complying with condition 1 of their licence to provide a copy upon request.

In some cases, the property had become vacant, and therefore a certificate was not required. In other cases, the property had been sold, and therefore the conditions of the licence were no longer applicable and the Council would not

consider a breach had occurred. Where appropriate, certificates were requested from new owners.

The project also uncovered several properties where management of the property had moved to another agent; certificates were then sought from the new managing agents.

The table below shows the cases which remain, i.e. no certificate has been provided, and no reasonable excuse has been provided for why the certificate has not been provided, e.g. property has become vacant or changed hands.

Results recorded 18th March 2022:

| <b>Area</b>  | <b>No. Req.</b> | <b>Outstanding Nov 2021</b> | <b>Outstanding Feb 2022</b> | <b>Outstanding March 2022</b> |
|--------------|-----------------|-----------------------------|-----------------------------|-------------------------------|
| <b>BWHW</b>  | 358             | 66 (18%)                    | 46 (13%)                    | 32 (9%)                       |
| <b>LR</b>    | 301             | 37 (12%)                    | 20 (7%)                     | 8 (3%)                        |
| <b>Total</b> | 659             | 103 (16%)                   | 66 (10%)                    | 40 (6%)                       |

The majority of the outstanding certificates are in BWHW (32). Within this area, the highest numbers of outstanding certificates are concentrated in the following streets: Dall St (10), Branch Road (5), Reed St (4), Springfield Road (3) and Parkinson Street (3). There is no such concentration in LR.

Of those 32 outstanding certificates, 22 properties are owned by just two landlords with large portfolios (14 and 8 each from the above table). Both landlords operate large portfolios across the borough. The Council has served a civil penalty of £5000 on one of these landlords, despite this sanction no further certificates have been provided. A prosecution case for a further 5 properties has now been prepared for the same landlord. The Council is in the process of serving a further civil penalty for the second landlord; the amount is still to be determined. Further to this action, the Council will assess the Fit and Proper person and management arrangements at properties under their control in the licensing areas.

Since October 2021, the Council has issued a total of 6 notices of intent to serve a financial penalty, and three final notices, for breaching the condition. Three notices of intent and two final notices were rescinded due to compliance from the licence holder, where the Council deemed they had no longer committed a breach or it was not in the public interest to pursue the case.

There are 18 properties remaining where we have not yet received a certificate, under the control of 16 landlords. The Council will be writing to these landlords in the next week with a final request to provide the certificate. Those that do not comply will face further legal action and referral to the Health and Safety Executive. Failure to comply will also affect any future applications for licences in Burnley, and existing licences they may hold.

#### **4. Progress on current designations**

The total number of properties that are required to be licensed is 2519 across all four designation areas. Of these, 78% have been licensed with work

ongoing to ensure the remaining properties that require a licence are identified and processed.

During the year 395 applications were submitted, the total number of applications received from the start of the designations is 2607.

Progress made as of 21st March 2022 for Trinity, Gannow, Queensgate, Daneshouse & Stoneyholme :

| <b>Area</b>                         | <b>No of Part 3 properties</b> | <b>No of apps received</b> | <b>No licensed</b> | <b>No Revoked</b> | <b>No Refused</b> |
|-------------------------------------|--------------------------------|----------------------------|--------------------|-------------------|-------------------|
| <b>Trinity</b>                      | 723                            | 707                        | 551                | 22                | 3                 |
| <b>Gannow</b>                       | 494                            | 489                        | 407                | 26                |                   |
| <b>Queensgate</b>                   | 730                            | 714                        | 568                | 20                |                   |
| <b>Daneshouse &amp; Stoneyholme</b> | 572                            | 515                        | 433                | 8                 | 3                 |

#### **5. Enforcement for dealing with those properties not licensed:**

| <b>Area</b>                         | <b>Civil penalties in progress</b> | <b>Civil Penalty Final notice served</b> | <b>Prosecution cases found guilty</b> | <b>Prosecution cases with legal</b> |
|-------------------------------------|------------------------------------|--|---------------------------------------|-------------------------------------|
| <b>Trinity</b>                      | 2                                  |  | 3                                     | 1                                   |
| <b>Gannow</b>                       |                                    | 1  |                                       |                                     |
| <b>Queensgate</b>                   |                                    | 1  |                                       |                                     |
| <b>Daneshouse &amp; Stoneyholme</b> | 4                                  | 1  |                                       | 1                                   |

During the year we made one Interim Management Order in the Trinity designation. The reason for making the order was due to the licence being refused for the property. There is no prospect of the property being licensed in the near future, and there are no satisfactory management arrangements in place to manage the property. The order means the Council steps into the shoes of the landlord and will take over management responsibility for the property for 12 months.

#### **6. Communication**

We delivered a resident newsletters at the end of August 2021 for Queensgate and Daneshouse/Stoneyholme and on the 22<sup>nd</sup> February in Gannow and Trinity.

We produced a landlord newsletter which was distributed on the 27<sup>th</sup> July 2021.

## **7. Area Audits**

Each designation boundary has been divided into zones, and each of these zones has been planned to receive an intensive audit prior to the end of the designation period.

### **Queensgate**

The first area audit was successfully completed in the Pheasantford Street area on the 10<sup>th</sup> December 2021. Where it targeted a number of streets including: Pheasantford St, Cobden St, Bar St, Ribblesdale St, Shackleton St and Bromsgrove Road. It also included 41-75 Briercliffe Road (odds), 1-28 Heath St (odds and Evens) and 2-46 Cleaver St (odds and Evens).

277 properties included in the area, 141 classed as licensable, 14 properties were identified where an application for a licence had not been submitted. Applications have been requested and action will be taken for the failure to apply. Action is ongoing for those in breach of the licence conditions for failing to have a EICR or GSC.

10 properties were identified as not having waste disposal equipment which were subsequently provided with a Refuse bin, white sack and blue boxes along with stickers for bins and a collection day calendar. 1 Fixed penalty notice for side waste.

### **Gannow**

On the 17<sup>th</sup> January 2022 the Bivel Street area of Gannow was audited where it targeted Redruth Street, Bread Street, Shale Street, Monmouth Street, Penistone Street, Bivel Street, Granby Street, Cairo Street, Cotton Street, Pickles Street and part of Tunnel Street.

Out of a total of 154 properties in this area 70 are classed as licensable. 61 are licensed with 9 currently in the process of becoming licensed.

We found one property had a dirty back yard, the owner was sent a 7 days notice to clear the yard. One property was found to not have a wheelie bin, the manager was contacted to ensure they provide their tenant with a bin. It's a condition of the licence to ensure waste disposal equipment is provided at the start of the tenancy.

Of the 70 properties, 15 were found to have an external disrepair item that has been reported to the landlords. These in the main were broken gates, perished pointing or leaking gutters.

### **Trinity**

On the 24<sup>th</sup> February 2022 the Albion Street area of Trinity was audited where it targeted, Baker Street, Albion Street, Piccadilly Road, Sefton Terrace, Sefton Avenue, Raglan Road, Every Street, Willis and Ellis Street.

Out of 154 properties, 82 are required to be licensed with 64 licences granted. 57 of the 82 were identified as having external disrepair issues. 14 DBY's were

identified, 10 properties with missing bins. 7 of the occupants were issued with section 80 notice and 1 issued with a section 4 notice.

All issues have been reported to landlords, with a follow up audit to take place to monitor compliance.

### **Daneshouse & Stoneyholme**

On the 25th February 2022 The New Hall Street area was audited where it targeted New Hall Street, Francis Street, Violet Street, Cameron Street, Howsin Street, Evelyn Street, Abel Street (130-178 & 143-151), Grey Street (135-141 & 148-174), Spencer Street (1-31 & 2-32) and Elm Street (62-98).

There are 279 properties in the area with 122 classed as Part 3 requiring a Selective Licence of which, 90 are already licenced and 16 have applications in progress. 16 properties were identified as having not applied for a licence and were operating illegally.

One property was identified as having no wheelie bin. The property that did not have a wheelie bin was one of the dirtiest back yards.

One privately rented property was identified as not having sufficient smoke detection. 73 out of the 106 licenced landlords and those that have applied were identified as having not sub-mitted an up to date gas certificate since becoming licenced or applying.

The audit identified 42 of the 122 Part 3 properties as having some sort of disrepair that required attention by the landlords. These in the main were broken gates, perished pointing, damaged yard walls or leaking gutters.

All issues have been reported to landlords, with a follow up audit to take place to monitor compliance.

## **8. Application to the Secretary of State for Burnley wood and Leyland Road, Phase 2.**

On the 19<sup>th</sup> January 2022 the Council's executive gave approval for the making and submission of an application to the Secretary of State for further selective licensing designation areas in Burnley Wood with Healey Wood and the Leyland Road area.

The application for the Burnley Wood with Healey Wood and The Leyland Road area was submitted on the 1<sup>st</sup> February 2022, we received confirmation of their receipt on the 7<sup>th</sup> February 2022 and it is currently with the Secretary of State.

## **9. Daneshouse and Stoneyholme reminder letters**

On 14th March reminder letters were sent to 51 landlords responsible for 49 properties where the Council believes a licence is required but no application has been received. The deadline for making an application is 25th March. After this date, Officers will proceed with legal action against the persons in control of unlicensed properties in this area. Civil penalty action is ongoing for two

landlords operating in the area, with a further four cases ready to be served imminently.

#### **10. Trinity reminder letters**

On week commencing 28th March reminder letters will be sent to approximately 40 landlords where the Council believes a licence is required but no application has been received. The deadline for making an application will be 14 days. After this date, Officers will proceed with legal action against the persons in control of unlicensed properties in this area. One landlord has been prosecuted for failing to apply for 3 licences in Trinity. Two civil penalty cases are currently being prepared.

#### **11. Banning Orders and the Rogue landlord Database**

In January 2022 officers received training on the legislation and the use of Banning Orders and the Rogue Landlord Database, for use where a landlord has committed banning order offences. The team are now actively looking to implement this legislative tool.

#### **12. Outstanding EICR, GSC and EPC certificates**

The team has worked closely with the officer implementing the Minimum Energy Efficiency Scheme project and action is being taken through selective licensing where failings have been identified. Training has been undertaken recently to enable officers to enforce the new legislative powers in relation to the failure to obtain an EICR. Priority properties are currently being identified through the area audits.