

Q&A on Selective Licensing

What is Selective Licensing and why introduce it in Mansfield?

The Housing Act 2004 provides councils with the power to introduce licensing of privately rented properties in selected areas with the aim of improving conditions for local tenants and the surrounding community.

Selective Licensing requires all private rented properties within the designated area to be licensed. Certain standards and conditions are required to be met for a licence to be granted.

We recognise that there are many good landlords in the licensing areas, however there are also problems associated with poor quality or hazardous rented property, transient populations, poorly behaved tenants, and anti-social behaviour which can have a detrimental effect on the community.

As an area becomes less attractive, properties are left empty or increasingly are purchased by speculative investors. These landlords may have no interest in the area and often rent to tenants who have not been properly vetted, leading to further anti-social behaviour and decline.

Under the terms of the new schemes the council believes that Selective Licensing will benefit the designated areas by increasing demand for property by:

- Ensuring privately rented properties are well managed.
- Tackling unprofessional landlords and supporting good landlords.
- Ensuring the local area is a more attractive place to live.
- Encouraging responsible residents to stay.

What areas will it cover?

Selective licensing is being considered in designated areas around the town centre areas and Market Warsop.

If you are unsure as to whether your property falls within the designated area, please contact us:

email: selectivelicensing@mansfield.gov.uk

How long will the Selective Licensing scheme last for?

The Selective Licensing scheme lasts for a maximum of 5 years. If your application is successful, your licence will be issued for 5 years from the date of your application being received.

Improving the quality of housing in Mansfield is one of the council's main priorities in the new corporate plan: Towards 2030. We believe that whether you rent from a social landlord or a private landlord – you should be able to expect a home of a good standard, which is well managed and maintained.

What about good landlords who already manage their properties well?

A significant number of property owners or managers already deliver good quality and well managed homes. We cannot exempt them from the scheme.

Is the council using licensing fees as a money making scheme?

The council is not permitted to obtain financial gain from the fees paid through the licensing process. The fees have been calculated using an updated version of the Local Government Association (LGA) model, which the council also used to determine the fees for our mandatory licensing scheme. The fee charged will cover the costs associated with administering the

Licensing Scheme over the length of the scheme (5 years), so there may be surpluses at the beginning of the scheme that will be used in following years when there are fewer applications.

Do any other local authorities locally operate a selective licensing scheme?

There are a number of other councils that have or are operating selective licensing schemes including Gedling Borough Council, Nottingham City Council and Ashfield District Council.

How would I apply for a Selective Licence for my property?

If a Selective Licensing scheme is designated, you will be able to apply for a licence via the council's website. A link to this will be made available at the time the application process opens.

How long would a Selective Licence application take for the council to process?

The time taken to process an application varies dependent on what information and documentation is provided when an application is made.

We cannot put a definitive timescale on the processing of an application but would endeavour to process all applications expediently. Once an application has been confirmed to be completed by the council, with no matters outstanding, landlords would be able to operate within the designated areas whilst this is being processed.

How would I pay for my Selective Licence?

If a Selective Licensing scheme is designated, you will be able to pay for your Selective Licence via the application portal. The application fee will be split in to two parts. The second part of the payment will be required prior to a final licence being granted.

If I have more than one property, would I need a Selective Licence for each?

If you have more than one private rented sector property which falls within a designated Selective Licensing area, a licence will be needed for each property.

Would a licence transfer to a new buyer if I sell my property during a Selective Licensing scheme?

No, selective licences cannot be transferred from one person to another. If you sold a property during a Selective Licensing scheme you would need to contact the Council so that the existing licence could be revoked, and the purchaser would need to apply for a new license if the property remained in the private rented sector.

Will my property be inspected before a Selective Licence is issued?

The council is proposing to inspect 100% of licensable properties if a Selective Licensing scheme is designated. The inspections will take place over the course of the five-year period, and this can either happen before or after the licence is granted. During the five-year period of any scheme, the council will also respond to any complaints about properties and utilise its existing regulatory powers to deal with any issues that are not covered under the selective licensing conditions.

If the proposed schemes do progress and are approved, when would they come into force?

Subject to the consultation and subsequent approval, the proposed designation would be planned to commence in April 2025.

Properties exempt from selective licensing scheme

The legislation allows certain properties to be exempt from licensing. These properties include:

- The Selective Licensing of Houses (Specified Exemptions) (England) Order 2006
- Those managed or controlled by Registered Social Landlords or local housing authorities.
- Buildings regulated by other legislation such as Mandatory HMO licensing.
- Holiday lets.
- Tenancies under a certain long lease
- Business tenancies or where the council has taken action to close the property.
- Homes occupied by close relatives of the owner.

If you feel you are exempt from licensing, please complete a Licence Exemption Form, where you can state your reasons for the exemption. In all these circumstances you will need to provide evidence of the arrangement and the reason for your exemption. Further enquiries will then be made to determine the exemption.

If we do not agree that the property is exempt, you will be asked to apply for a licence.

Penalties

You can apply for a licence before you rent your property. You should do this because once the property is being rented, if you haven't applied for a licence, you could be committing an offence and you risk the following:

- A Civil Penalty Notice of up to £30,000.
- Your tenants or the Council applying for a Rent Repayment order.
- This could end up with 100% of a year's worth of rent being paid back to the tenant or the Council.
- A prosecution including an unlimited fine and a criminal record.
- Being put on the 'National Rogue Landlord Database (GOV.UK Website)'
- Being banned from working as a landlord (and losing the licence to rent anywhere in England) for at least 12 months, and in some cases indefinitely.