

Cabinet

December 2020

**Selective Licensing – amendment to
the designation for Anti-Social Behaviour
Key Decision No.**



Report of Regeneration, Economy and Growth

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**Councillor Kevin Shaw, Cabinet Portfolio Holder for Strategic
Housing and Assets**

Electoral division(s) affected:

Passfield and Peterlee West

Purpose of the Report

- 1 To agree an urgent amendment to the areas approved by Cabinet under the designation of 'high levels of a significant and persistent problem with anti-social behaviour', for selective licensing- prior to submission to the Secretary of State for Housing, Communities and Local Government for their consideration.

Executive summary

- 2 In September 2020, Cabinet approved 104 Lower Super Output Areas (LSOAs), from the 324 LSOAs in County Durham, to be included in the selective licensing application to be made to the Secretary of State.
- 3 Cabinet approved the designation for these six areas based on data showing that the prevalence of anti-social behaviour (ASB) in the private rented sector in each area was higher than the county average *and* above the prevalence of ASB in the social housing sector (or that both tenure types were contributing to the ASB levels).
- 4 The data has been re-run at application stage to provide confidence in the requirement for selective licensing in these areas. The prevalence data for ASB in the private rented sector in Howletch North has now been adjusted and is significantly lower than initially stated at point of Cabinet approval.

- 5 It is concluded to remove the Lower Super Output Area known as Howletch North, which is in Peterlee, and to submit the application for selective licencing for the remaining 103 LSOAs as per the Cabinet Report dated 16th September 2020.
- 6 The estimated private rented stock, to be covered by selective licensing in County Durham, will remain at 42% (approved by Cabinet in September) and the area coverage will remain at 32% (103 LSOAs from 324).

Recommendation(s)

- 7 It is recommended to remove the Lower Super Output Area (LSOA) of Howletch North from 'Designation 2' (areas meeting the condition of anti-social behaviour), prior to submission to the Secretary of State. This LSOA has an estimated 188 PRS properties.
- 8 Removing the LSOA will reduce the number of LSOAs in this designation to five: Cathgate North, Passfield North, Murton Central, Ferryhill Dean Bank South and Sunnybrow.

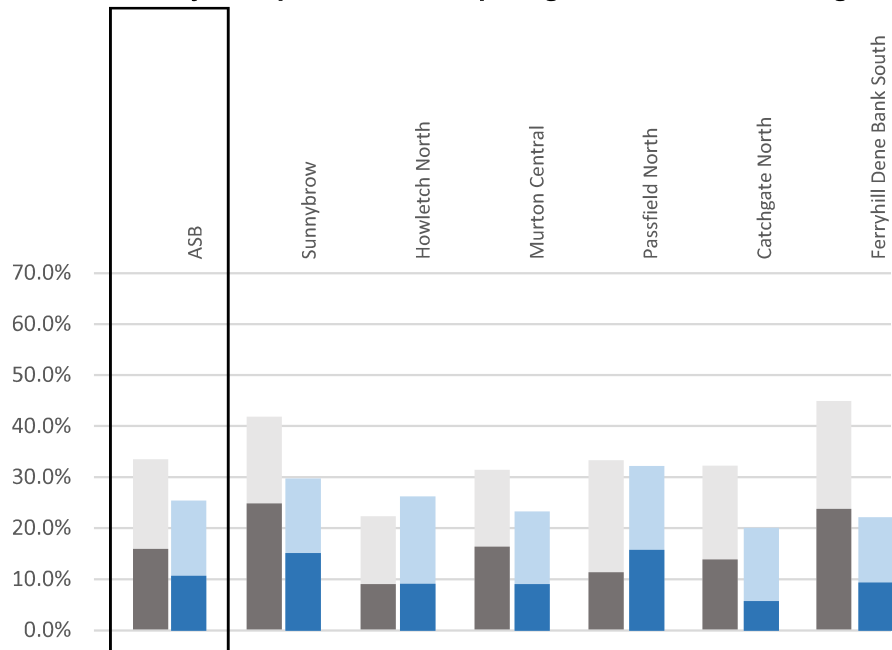
Background

- 9 In September 2020, Cabinet approved 104 Lower Super Output Areas (LSOAs), from the 324 LSOAs in County Durham, to be included in the selective licensing application to be made to the Secretary of State.
- 10 Within the 104 LSOAs, six were to be designated under the condition of high levels of anti-social behaviour. These six areas are: Cathgate North, Howletch North, Passfield North, Murton Central, Ferryhill Dean Bank South and Sunnybrow.
- 11 To meet the criteria for a designation under the condition of anti-social behaviour (ASB), an area must have levels of ASB that are significant and persistent, and there is reason to believe the PRS is not being properly managed.
- 12 Cabinet approved the designation for these six areas based on data showing that the prevalence of ASB in the private rented sector in each area was higher than the county average *and* above the prevalence of ASB in the social housing sector (or that both tenure types were contributing to the ASB levels).

Corrected prevalence data

- 13 The data has been re-run at application stage to provide confidence in the requirement for selective licensing in these areas. The prevalence data for ASB in the private rented sector in Howletch North has now been adjusted and is significantly lower than initially stated at point of Cabinet approval.

Chart 1: LSOAs by ASB prevalence comparing PRS to social housing



Grey = PRS, dark grey is repeat incidents at a property; Blue = social, dark blue is repeat incidents at a property.

Options

- 14 Only two options were available in considering the submission- to remove the LSOA due to the new information, or leave the area included and explain to Government the change in prevalence rates. As it is a relatively minor change in scale compared to the overall coverage, and there is full confidence in the review figures, it is felt to be unhelpful to Government and, to the submission, to retain the area within the designation.
- 15 It should be noted that both the original Cabinet Report and this delegated decision will be submitted as part of the submission to Government.

Main implications

- 16 The estimated private rented stock, to be covered by selective licensing in County Durham, will remain at 42% (approved by Cabinet in September) and the area coverage will remain at 32% (103 LSOAs from 324).

Conclusion

- 17 The LSOA of Howletch North has 22% prevalence of ASB in the private rented sector (PRS) over the last three years. The county average is 19%, so Howletch North is above average for ASB incidents in the PRS. However, importantly, chart 1 below shows the prevalence is noticeably higher in the social housing sector - with 26% of social housing in the area experiencing an ASB incident in the previous three years. The other five areas in this designation have higher prevalence in the PRS than social housing.
- 18 Although it is reasonable to suggest that tackling ASB issues in Howletch North may be assisted through selective licensing, it would also be reasonable to state that the management of the PRS is *not* predominantly a factor in the overall anti-social behaviour incidents within the LSOA.
- 19 The decision to remove the LSOA of Howletch North urgently is required to:
- ensure deadlines can be met internally (the allocation of staff time within the Housing Solutions service has already been committed) and recruitment has progressed to develop the implementation plan ;
 - make an application to the Secretary of State before end of December, as agreed with the Ministry of Housing, Communities and Local Government – Civil servants have programmed in the submission with relevant resources;
 - the programme is already significantly behind schedule largely due to delays in consultation following the Covid 19 Pandemic and required lockdown. To not submit prior to end of December risks a further significant delay due to Government reprogramming the consideration of the submission which would also impact on the Council's resources and costs of implementation.
 - This scheme has been forwarded as a critical in improving the health and safety of residents in the private sector stick as a result any delays should be avoided.
- 20 It is concluded to remove the Lower Super Output Area known as Howletch North, which is in Peterlee, and to submit the application for selective licencing for the remaining areas as per the Cabinet Report dated 16th September 2020.

Background papers

- None

Other useful documents

- Cabinet papers, key decision, Selective Licensing - 16th September 2020

<https://democracy.durham.gov.uk/ieListDocuments.aspx?CId=154&MId=11952>

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Appendix 1: Implications

Legal Implications

Selective licensing applications are subject to Judicial Review. This could occur whether an amendment to the areas is made or not, but a weakness in meeting the criteria would add weight to any challenge.

Finance

None

Consultation

All areas including Howletch North, consulted upon during 2020.

Equality and Diversity / Public Sector Equality Duty

None.

Climate Change

n/a

Human Rights

n/a

Crime and Disorder

None.

Staffing

None.

Accommodation

None.

Risk

None.

Procurement

None.