

Cabinet

7 July 2021



Selective Licensing – amendment to a designation

Ordinary Decision

Report of Corporate Management Team

Amy Harhoff, Corporate Director of Regeneration, Economy and Growth

Councillor James Rowlandson, Cabinet Portfolio Holder for Resources, Investments and Assets

Electoral division affected:

Passfield and Peterlee West

Purpose of the Report

- 1 To inform Cabinet of a delegated decision that has been made for an urgent amendment to the areas approved by Cabinet (in September 2020), under the designation for areas meeting the condition of 'high levels of a significant and persistent problem with anti-social behaviour', for selective licensing.

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. Cabinet approved a designation for six areas based on data showing that the prevalence of anti-social behaviour (ASB) in the private rented sector in each of these six areas 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).
- 3 The data was re-run again at application stage to provide confidence in the requirement for selective licensing in these six areas. The prevalence data for ASB in the private rented sector in Howletch North was adjusted and is significantly lower than initially stated at the point of Cabinet approval.

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

Recommendation(s)

- 6 Cabinet is recommended to note:
 - (a) the delegated decision dated 22 December 2020 taken by the Corporate Director of Regeneration, Economy and Growth in consultation with the Portfolio Holder for Strategic Housing and Assets with regards to the removal of the Lower Super Output Area (LSOA) of Howletch North from 'Designation 2' (areas meeting the condition of anti-social behaviour), prior to the submission to the Secretary of State, in December 2020;
 - (b) the delegated decision was taken in accordance with the urgency powers provided for within the Officer Scheme of Delegation under Part 3, Table 1, paragraph 12 of the Constitution.

Background

- 7 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.
- 8 Within the 104 LSOAs, six were to be designated under the condition of high levels of anti-social behaviour. These six areas are: Catchgate North, Howletch North, Passfield North, Murton Central, Ferryhill Dean Bank South and Sunnybrow.
- 9 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.
- 10 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).

Main Implications

- 11 Following checks to the data regarding prevalence of anti-social behaviour in the private rented sector, it was concluded to remove the Lower Super Output Area known as Howletch North, which is in Peterlee, from proposals, and to submit the application for selective licensing for the remaining 103 LSOAs as per the Cabinet Report dated 16th September 2020. This is because the prevalence in that sector is significantly lower than initially stated at point of Cabinet approval.
- 12 The estimated private rented stock, to be covered by selective licensing in County Durham, remains at 42% (approved by Cabinet in September) and the area coverage remains at 32% (103 LSOAs from 324).

Conclusion

- 13 The decision to remove the LSOA of Howletch North urgently was required to:
 - ensure the correct housing data was included in the application to the Secretary of State, with the strongest case possible,
 - make an application to the Secretary of State before end of December, as agreed with the Ministry of Housing, Communities and Local Government.

- 14 It was concluded to remove the Lower Super Output Area known as Howlatch North, which is in Peterlee, and to submit the application for selective licensing for the remaining areas, as per the Cabinet Report dated 16 September 2020.
- 15 Due to the schedule of Cabinet dates, it was not possible to defer the amendment to the next meeting of Cabinet and, therefore, a delegated decision was urgently required to ensure the submission date (agreed with MHCLG) was met.

Background papers

- None.

Other useful documents

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

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

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Appendix 1: Implications

Legal Implications

Table 1, Paragraph 12 of the Officer Scheme of Delegation allows Chief Officers to exercise functions ordinarily reserved to other bodies (such as Cabinet) where it is impracticable to obtain authorisation from that body and where it is in the interests of the Council to do so. The decision must be reported (for information) to the next convenient meeting of that body.

Finance

The change will result in a small decrease in the income received from fees. Expenditure will be amended to ensure that the full cost of the scheme is met from the revised income to be received.

Consultation

All areas, including Howletch North, consulted upon during 2020.

Equality and Diversity / Public Sector Equality Duty

None.

Climate Change

Not applicable.

Human Rights

Not applicable.

Crime and Disorder

None.

Staffing

None.

Accommodation

None.

Risk

None.

Procurement

None.