



ECONOMY REGENERATION & HOUSING COMMITTEE

Wednesday, 27 March 2024

REPORT TITLE:	CONSIDERATION OF PROPOSAL TO IMPLEMENT SELECTIVE LICENSING IN PATERSON STREET AND ALL OF PARK CLOSE, BIRKENHEAD
REPORT OF:	DIRECTOR OF REGENERATION & PLACE

REPORT SUMMARY

Economy Regeneration & Housing Committee on 6th December 2023 agreed to implement a Selective Licensing Scheme (Scheme 4) in four Lower Super Output Areas (LSOAs) from 1st April 2024 until 31st March 2029. Paterson Street and Park Close are within one of these Lower Super Output Areas, known as Birkenhead West (code E01007127 / Wirral 016B), however the whole of Paterson Street and the even numbered properties of Park Close were absent from the list of properties included in the report presented to Committee on 6th December 2023 and therefore are not included within the Scheme 4 area. As a result, there are a number of properties within the Scheme 4 Area which cannot be subject to Selective Licensing requirements which would lead to an absence of Selective Licensing in part of the LSOA which has been identified through the evidence base previously presented to this Committee as a whole LSOA requiring a licensing scheme.

Due to the omission of Paterson Street and the even numbers of Park Close from the list of addresses presented to this Committee for inclusion in Scheme 4, a further decision by Committee is required to approve the application of Selective Licensing in these streets in a further Scheme (Scheme 4A) to ensure the designation applies under Section 80 of the Housing Act 2004.

Subject to Members' decision, the streets would be subject to a designation notice period to commence within seven days of the decision and last for 3 months. The designation would commence immediately after this notice period ended and would end on 31st March 2029.

The map and address list for Paterson Street and the even numbered properties in Park Close, are detailed in Appendix 1.

Selective Licensing Schemes contribute to Theme 4 of Wirral's Working Together Plan 2023-27 by working together to deliver people focused regeneration.

The Ward affected is Birkenhead & Tranmere.

This is not a key decision.

RECOMMENDATION/S

The Economy, Regeneration and Housing Committee is recommended to approve that:

1. delegated authority be granted to the Director of Regeneration and Place to take all necessary action to implement Selective Licensing Scheme 4A as set out in this report;
2. Selective Licensing Scheme 4A shall run until 31st March 2029; and
3. the selective licence fee shall be at the rate of £585.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 A report presented to Economy Regeneration & Housing Committee on 6th December 2023 set out the reasons for implementing a Selective Licencing Scheme (Scheme 4) in four designated areas in the borough. A robust evidence base supported the report to justify the targeting of proposed areas and support for the scheme was evidenced through feedback from a wide-ranging consultation exercise. The consultation survey showed that 84.9% of respondents either strongly agreed or agreed with selective licencing proposals compared to 10.3% who either strongly disagreed or disagreed.
- 1.2 One of the four designated areas agreed by Members for Selective Licencing designation included Paterson Street and Park Close. Paterson Street and the even numbers of Park Close were omitted from the list of guidance addresses presented to Economy Regeneration & Housing Committee on 6th December 2023 within Appendix 1. This was due to human error which occurred with the manual transfer from one document to another. To ensure these streets and properties are included in the scheme, a decision specific to these addresses is required by this committee to approve their inclusion and designation.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 The decision by Economy Regeneration & Housing Committee on 6th December 2023 was to approve that Selective Licencing shall apply in four Lower Super Output Areas including Birkenhead West (LSOA E01007127 / Wirral 016B), which incorporates all of Paterson Street and Park Close. Advice from counsel was taken that this Committee would need to approve separately the inclusion of these streets to ensure Selective Licencing applies across the Lower Super Output Areas, the evidence for which was set out in the robust Business Case previously presented to this Committee. No other option was considered at the time.
- 2.2 Failure to include Paterson Street and Park Close in a Selective Licencing Scheme at the same time as Selective Licencing Scheme 4 would go against the original recommendation approved by this Committee on 6th December 2023 that Selective Licencing shall apply in Birkenhead West (LSOA E01007127 / Wirral 016B) in which these addresses are located. There would also be an inconsistent approach to the strategic decision on which Selective Licencing is considered. This would result in an absence of Selective Licencing in part of the LSOA which has been identified through the evidence base previously presented to this Committee as a whole LSOA requiring a licencing scheme.

3.0 BACKGROUND INFORMATION

- 3.1 At the meeting of the Economy, Regeneration and Housing Committee on 6th December 2023, Members approved the following:
 1. Selective Licencing shall apply in Birkenhead West (LSOA E01007127 / Wirral 016B), Seacombe St Pauls (LSOA E01007273 / Wirral 008B), Bidston & St

James West (LSOA E01007123 / Wirral 011D) and Egremont North (LSOA E01007218 / Wirral 002A);

2. the Selective Licensing designation for the above four areas shall commence on 1st April 2024 and last until 31st March 2029;
3. the selective licence fee shall be at the rate of £585; and
4. any future eligible recharges are reserved for consideration of the review of the next Selective Licensing Scheme which will be brought to this Committee in 2024.

- 3.2 Appendix 1 published for the Committee meeting of 6th December 2023 listed all the affected streets apart from Paterson Street and the odd numbers of Park Close, Birkenhead. To ensure that all properties within these streets are subject to Selective Licensing, Members are requested to make a decision approving the inclusion of Paterson Street and the even numbers in Park Close as set out in Appendix 1 to this report, for inclusion within a new Selective Licensing Scheme 4A.

4.0 FINANCIAL IMPLICATIONS

- 4.1 The previous report set out to Members the full financial implications of the implementation of Selective Licensing Scheme 4 in respect of fees, income and projected expenditure to support this. These financial costs were presented with the inclusion of Paterson Street and Park Close.
- 4.2 As a direct result of this decision, there will be a requirement to issue a new designation notice for the two roads affected and this will cost in the region of £15,000 and will be funded within existing Housing Services budget.

5.0 LEGAL IMPLICATIONS

- 5.1 The Housing Act 2004 contains provisions for local authorities to licence the private rented sector in some circumstances. Selective Licensing is one form of licensing that can be used.
- 5.2 The Legal Services team has been working alongside officers within Housing Services to advise and guide on the legislative requirements of ensuring all properties in Paterson Street and Park Close are included within a Selective Licensing Scheme that can operate alongside the designation under the Selective Licensing Scheme 4. External legal opinion was provided to help inform this, which advised that the exclusion of the addresses from Appendix 1 accompanying the report presented to this Committee on 6th December 2023 would mean a decision is required to approve their designation. This ensures a continued sound legal basis for the introduction of Selective Licensing across the Scheme 4 areas.
- 5.3 There is no legal impact in making this proposed decision upon the decision made by this Committee on 6th December 2023. Selective Licensing Scheme 4A would operate alongside Selective Licensing Scheme 4.
- 5.4 There is a legal requirement under prescribed regulations to publicise any decision to designate a Selective Licensing area within a specified period of the decision. Failure to publicise within the specified deadline will render the designation unenforceable.

6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

6.1 Resource implications for the scheme were set out in the previous report of 6th December 2023 and remain unchanged as a result of including these two additional streets.

6.2 There are no ICT or Assets implications for the Council arising from this report.

7.0 RELEVANT RISKS

7.1 Risks associated with the introduction of Selective Licensing have been identified in the Risk Register which was approved by this Committee under Appendix 1.5 to the Business Case attached to the report presented to Members on 6th December 2023. As a result of existing controls and planned additional actions, no risks scores are flagged as red. The Risk Register will be reviewed and updated on an annual basis, at the same time as the planned annual monitoring reports are produced just after the end of each 12-month delivery period.

8.0 ENGAGEMENT/CONSULTATION

8.1 Consultation on the proposal to implement a new Selective Licensing scheme including the properties on Paterson Street and the even numbered properties in Park Close ran between 24th July and 2nd October 2023. Consultation included, amongst other places affected, the whole of Birkenhead West LSOA, including the properties omitted from the report to the Committee of 6th December 2023, as well as nearby residents and businesses. A full report on the consultation was presented to this Committee on 6th December 2023 as Appendix 3.

9.0 EQUALITY IMPLICATIONS

9.1 An Equality Impact Assessment (EIA) has been completed for Selective Licensing (hyperlink below).

<https://www.wirral.gov.uk/communities-and-neighbourhoods/equality-impact-assessments>

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

10.1 Selective Licensing is expected to reduce emissions of greenhouse gases by ensuring properties are meeting both minimum standards and incentivising landlords to improve the thermal performance of their properties, including through targeted promotional campaigns for financial support from schemes such as the Energy Company Obligation, the Home Upgrade Grant and any subsequent programmes. A discount will be provided on the standard licensing fee for properties within Energy Performance Certificate (EPC) Bands A-C, which is above the required minimum standard of EPC Band E.

11.0 COMMUNITY WEALTH IMPLICATIONS

11.1 While there are some portfolio landlords who live out of borough, many landlords who operate in the Selective Licensing area are landlords with just a few properties who are local to Wirral and who employ Wirral contractors to maintain their

properties, therefore creating benefit to local employment. Improving thermal efficiency of properties will help address fuel poverty which in turn will enable tenants to save money on household running costs and recycle more income into the local community.

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APPENDICES

Appendix 1 – Map and Address List Paterson Street and even numbers in Park Close

BACKGROUND PAPERS

1. *Consideration of proposal to implement selective licensing following consultation, Wirral Council Economy, Regeneration & Housing Committee, 6th December 2023.*
2. *Counsel advice paper Re: Wirral Borough Council – Selective Licensing Scheme, Oriol Chambers, 5th February 2024.*
3. *Approval Steps for additional and selective licensing designations in England, Department of Levelling Up, Housing & Communities, 2015, updated June 2023.*
4. *Selective Licensing of Privately Rented Housing December 2013, House of Commons*
5. *Selective Licensing of Housing (Additional Conditions) (England) Order 2015, Ministry for Housing, Communities and Local Government.*
6. *An independent Review of the Use and effectiveness of Selective Licensing, 2019, Ministry for Housing, Communities and Local Government.*

TERMS OF REFERENCE

This report is being considered by the Economy, Regeneration and Housing Committee in accordance with Section 4.2(h)(iv) of its Terms of Reference, the Authority's role and functions to strategic and private sector housing policies and as the housing authority including licensing schemes.

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Economy, Regeneration & Housing Committee: Consideration of proposal to implement selective licensing following consultation.	6 th December 2023
Economy, Regeneration & Housing Committee: Proposal to Consult on Selective Licensing Scheme.	17 th July 2023