

Appendix 1

**DRAFT - Statement of Case for Selective Licensing Areas in**

**Burnley Wood with Healey Wood and Leyland Road**

**June 2021**

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## **1. INTRODUCTION**

- 1.1 Selective Licensing was introduced by the Housing Act 2004. It allows local housing authorities to designate selective licensing areas in neighbourhoods if the area is experiencing one or more of the following conditions:
- a. Low housing demand (or is likely to become such an area)
  - b. A significant and persistent problem caused by antisocial behaviour
  - c. Poor property condition
  - d. High levels of migration
  - e. High level of deprivation
  - f. High levels of crime
- 1.1.1 A designation area can be in force for a maximum of 5 years. Within a designation area all privately rented properties (subject to legislative exemptions) require a licence to operate. The owner of the rented property will need to make an application to the Council for a licence. The licence is valid for a maximum of 5 years and will contain a series of conditions that the licence holder must meet. To breach the licence conditions is a criminal offence, as is the failure to apply for a licence, which could lead to a prosecution with an unlimited fine or a maximum civil penalty of £30,000.
- 1.1.2 This document sets out the proposal and reasons for proposing to designate the Burnley Wood with Healey Wood and Leyland Road area of the Borough for selective licensing.
- ### **1.2 The Strategic Significance to Burnley**
- 1.2.1 The Community Strategy for Burnley; Burnley's Future 2017 to 2020 sets out an ambitious vision to be achieved by 2032. It is based around the three main themes of Prosperity; how we will grow the economy, People; how we will help people lead healthier lives and help the next generation to realise its potential and thirdly, Places; how we will improve housing and make the neighbourhoods in the borough cleaner, greener and safer.
- 1.2.2 Burnley is moving towards the realisation of this vision; the economy is growing and the population is starting to increase. This growth is being assisted by multiple large-scale regeneration activities including train connectivity to Manchester, expansion of the University of Central Lancashire Burnley Campus, heritage led developments, new business parks, town centre improvements and new housing. All of which is creating an attractive option for people to live, work and study in Burnley.
- 1.2.3 Central to supporting our successful growth is ensuring the Borough offers the right quality and type of accommodation to meet current and future demand. Well managed, good quality private rented accommodation plays a significant role in our housing offer and is an important sector within our diverse housing market.
- 1.2.4 There is however pockets of low demand in the inner areas of Burnley where there are significantly high numbers of private rented properties which are not operating to the required standard. This has contributed to creating areas of low demand, which deters people from moving into, or remaining in these neighbourhoods. Selective licensing is an important part of the wider housing strategy to tackle this low demand and problematic neighbourhood characteristics. Our approach is to take a targeted and coordinated approach that brings together a range of initiatives that tackle empty homes, environmental crime, anti-social behaviour, poor housing conditions and unsatisfactory management practices. Selective licensing is central to this neighbourhood regeneration strategy; it coordinates activity and works with both residents and landlords to have the maximum impact in a designated area.

This in turn helps to improve the housing and neighbourhoods which contributes to achieving Burnley's vision for the Borough.

## **2. WHAT IS A SELECTIVE LICENSING SCHEME?**

### **2.1 Legal Framework and Guidance**

2.1.1 This section of the document summarises the legal requirements necessary for the introduction of selective licensing in an area.

2.1.2 The relevant legislation is contained within the Housing Act 2004 ("The Act") and The Selective Licensing of Houses (Additional Conditions) (England) Order 2015 supported by two guidance documents published by the Department of Communities and Local Government.

*a) Approval Steps for Additional and Selective Licensing Designations in England; and*

*b) Selective licensing in the private rented sector; A Guide for local authorities*

2.1.3 Selective licensing is a regulatory tool provided by the Act; it gives local authorities the power to designate the whole of, or parts of, their district for selective licensing provided that the area is experiencing one or more of the conditions detailed in paragraph 1.1 of this document.

2.1.4 In considering whether to designate an area for selective licensing on the grounds of property condition, migration, deprivation and crime the local housing authority may only make a designation if the area has a high proportion of property in the private rented sector. If the area has more than 19% of private rented properties it can be considered as having a high proportion of this type of accommodation.

2.1.5 When considering whether to make a selective licensing designation a local housing authority must first identify the objective or objectives that a designation will help it achieve.

2.1.6 The local housing authority must also consider whether there are any other courses of action available to it that would achieve the same objective or objectives as the proposed scheme without the need for the designation to be made.

2.1.7 If the problems of anti-social behaviour are only associated with a small number of properties, a local housing authority should consider making a Special Interim Management Order, rather than a selective licensing designation to cover those properties associated with the anti-social behaviour.

2.1.8 Only where there is no practical and beneficial alternative to a designation should a scheme be made. If the local housing authority decides there is no practical and beneficial alternative to the scheme, it must only make the designation if it is satisfied that the scheme will significantly assist it in achieving its objective or objectives together with other actions the local housing authority may be taking.

2.1.9 Any designation made must ensure that the exercise of the power is consistent with their overall housing strategy. It must seek to adopt a coordinated approach in connection with other initiatives such as dealing with homelessness, tackling empty properties and addressing anti-social behaviour.

## **2.2 Consequences of designating a selective licensing area**

- 2.2.1 If a selective licensing area is designated, any private landlord wishing to operate within the designated area must apply for a licence for every tenanted house within the designated area. The power does not permit local housing authorities to require licensing of houses that have been made exempt under the Selective Licensing of Houses (Specific Exemptions) (England) Order 2006 (such as business tenancies, tenancies with a genuine term over 21 years, holiday lettings etc.), or a property that is subject to a tenancy or licence granted by a body which is registered as a social landlord under Part 1 of the Housing Act 1996.
- 2.2.2 An application for a licence would need to be submitted for each property in accordance with specified requirements. The Council is entitled to charge a fee that accompanies the application.
- 2.2.3 As part of this application process, proposed licence holders and managers will be required to provide information that they are “fit and proper persons” and that they have satisfactory management arrangements in place, including dealing with anti-social behaviour and repairs. Further details of the proposed “fit and proper person” criteria can be found in Appendix 1. In circumstances where the Council are not satisfied that the licence holder or manager are a “fit and proper person”, and/or the management arrangements are unsatisfactory, then it can refuse to grant a licence.
- 2.2.4 The licence is valid for up to 5 years. A licence will have conditions (Appendix 2) attached that are either mandatory or discretionary conditions. The Council can also include discretionary conditions relating to the management of the property.

## **2.3 Implications of renting out a property without a licence**

- 2.3.1 It is a criminal offence to rent a property in an area designated to be a selective licensing area without a licence. Failure to apply for a licence could lead to prosecution, with the penalty of a criminal conviction and an unlimited fine or a civil penalty up to £30,000.
- 2.3.2 A landlord of an unlicensed property is unable to serve a section 21 repossession notice under the Housing Act 1988 in relation to a short hold tenancy of the whole or part of any property which is an ‘unlicensed house’.
- 2.3.3 The Council can apply to the First Tier Tribunal for a Rent Repayment Order. The Order requires the landlord to repay the Council the amount of housing benefit paid during the period in which the property operated without a licence.
- 2.3.4 Part 4 of the Housing Act 2004 introduced the use of Management Orders. The Council has a duty to make a management order where they consider either:
  - a) The property ought to be licensed, but is not, and the Council considers there is no reasonable prospect of it granting a licence in the near future; and
  - b) It is necessary to take steps to ensure the health, safety and welfare of persons occupying the property, or persons living in or owning properties in its immediate vicinity, are protected.

2.3.5 An Interim Management Order (IMO) allows the Council to take possession of the house against the immediate landlord, and subject to existing rights to occupy allows the Council to:

- a) do anything in relation to the house, which could have been done by the landlord including repairs, collecting rents etc;
- b) spend monies received through rents and other charges for carrying out its responsibility of management, including the administration of the house; and
- c) create new tenancies (with the consent of the landlord).

## **2.4 Breach of licence conditions**

2.4.1 A licence holder (or person bound by the licence conditions) will also commit a criminal offence if they fail to comply with any condition of a licence. This offence is punishable by a fine not exceeding £5,000 or by a way of a civil penalty notice not exceeding £30,000.

## **3. BURNLEY'S PROFILE**

### **3.1 The Borough**

3.1.1 Burnley borough is situated in Pennine Lancashire. It covers an area of 11,072 hectares (42 square miles). Its compact urban area, stretching along the two river valleys of the Brun and Calder, is surrounded by the moorland countryside of the South Pennines to the south and east, and the Forest of Bowland (Area of Outstanding Natural Beauty) and the gritstone outcrop of Pendle Hill to the north. Coal Clough wind farm, which is visible from many parts of Burnley, dominates the skyline to the south east of the town, while nearby, the landmark panopticon, the Singing Ringing Tree, overlooks the town from the hills at Crown Point. There are two main urban settlements, Burnley and Padiham, and a number of small villages and hamlets in the rural area.

3.1.2 Much of Burnley's character and distinctiveness today derives, not only from its attractive Pennine setting, but also from its development during the Industrial Revolution. This gave the inner parts of the urban area their distinctive sandstone terraces in grid-iron street patterns, mills and fine parks.

### **3.2 Population**

3.2.1 The borough's population at the time of the 2011 Census was 87,059. The most recent ONS 2018 mid-year population estimate indicates a small increase in Burnley's population to 88,920, the highest population since 2002, and the 6th consecutive year of growth.

### **3.3 Deprivation**

3.3.1 In the 2019 Index of Multiple Deprivation (IMD) Burnley was ranked the 11th most deprived area out of 317 local authority areas in England (based on rank of average scores). The most prevalent form of deprivation in the borough relates to health and disabilities.

3.3.2 The health of people in Burnley is affected by high levels of deprivation and worklessness. Life expectancy for both men and women are lower than the Lancashire and England average but is rising for women. According to the Burnley Health Profile 2019 life expectancy is 11.5 years lower for men and 4.5 years lower for women in the most deprived areas of Burnley than in the least deprived areas.

3.3.3 Levels of unemployment have reduced significantly in Burnley in the last five years to 5.1%<sup>1</sup>, this is however still higher than the Northwest (4.2%) and National (4.6%) figures. Unemployment can influence the affordability of the housing market resulting in fewer households being able to become homeowners, and more demand for rented accommodation.

### **3.4. Housing Type**

3.4.1 From the 2011 Census there were 37,550 dwellings in Burnley, increasing to 41,850 in 2020 (Valuation Office 2020). The housing stock in Burnley differs substantially from the national average with 71.25% of dwellings built before 1919 compared with 23.6% nationally.

3.4.2 Burnley has a much higher proportion of terraced housing than England or the region as a whole. According to the 2011 Census, 50.1% of Burnley's housing stock consisted of terraced houses compared to the regional average of 30% and England average of 24.5%. Much of the terraced housing stock comprises pre-1919 two bedroomed terraced houses and this constrains choice in the housing market.

3.4.3 The previous Pathfinder Housing Market Renewal (HMR) scheme recognised that poor condition, high vacancy rates and a lack of quality and choice of housing, in particular an oversupply of small two bedroomed Victorian terraced housing without gardens, were key drivers of housing market failure.

3.4.4 Analysis by council tax band shows that in 2020, 60.9% of dwellings in Burnley were in the lowest band 'A' compared to the average for England of 24.2%. The proportion is decreasing gradually. The highest tax bands of 'F' to 'H' accounted for 9.2% of properties in England but constitute just 1.2% in Burnley (Valuation Office 2020).

### **3.5 Housing Tenure**

3.5.1 Census data shows that between 2001 and 2011 there has been a significant decrease in the number of Burnley residents in owner occupation and an increase in the percentage in private rented accommodation.

3.5.2 Private renting has been on the increase nationally. The proportion of private rented properties in Burnley estimated to have risen from 19.4% in 2011 to 23% in 2018 compared to 19.8% in England<sup>2</sup>.

3.5.3 The Burnley Strategic Housing Market Assessment (SHMA 2016) suggested that owner occupation is particularly high in the rural parts of the Borough, and that private rented accommodation is more concentrated in the urban areas of Burnley and Padiham.

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<sup>1</sup>APS modelled unemployment rate NOMIS 2020

<sup>2</sup> ONS subnational dwelling stock by tenure 2018. Estimates of the number and percentage of owner-occupied and privately-rented dwellings, for subnational geographies in England. These research outputs are not official statistics on dwelling stock by tenure. These outputs must not be reproduced without this disclaimer.

**Table 1 – Tenure of households – Burnley and England and Wales**

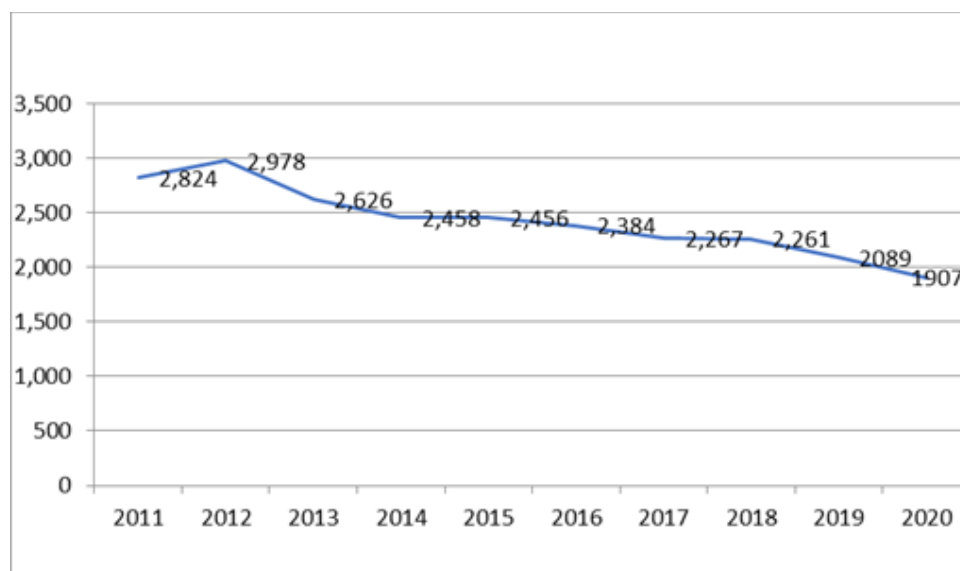
Tenure	Burnley Households (no.)	Burnley Households %	England and Wales %
All households	37,550	100.0	100.0
Owned	24,408	65.0	63.6
Owned: Owned outright	11,815	31.5	30.8
Owned: Owned with a mortgage or loan	12,593	33.5	32.7
Shared ownership (part owned and part rented)	79	0.2	0.8
Social rented	5,281	14.1	17.6
Private rented	7,267	19.4	16.7
Private rented: Private landlord or letting agency	6,664	17.7	15.3
Private rented: Other	603	1.6	1.4
Living rent free	515	1.4	1.4

Source: 2011 Census

## 3.6 Empty Homes

3.6.1 In 2020, there were 1907 empty homes in the borough, 4.6% of the overall housing stock. As detailed in the graph below the vacancy rate in Burnley has reduced significantly since 2011 but remains higher than the average for England of 2.7% and Lancashire at 3.3%.

**Figure 1 Number of empty homes in the Borough (Source: Council Tax-Local Authority Level Data)**



3.6.2 In 2020, 780 or 40.9% of Burnley's empty homes had been vacant for six months or more. This represents a decrease in the number from 2019 (914), and a decrease in percentage from 2019 (43.8%). These 'long term vacants' represent 1.9% of all properties in the borough.

3.6.3 The long-term vacants tend to cluster in some of the inner urban areas of the borough, affecting the appearance of an area and having a negative impact on residents as they attract anti-social behavior, fly tipping and vandalism.



- 3.6.4 Strong progress has been made in the three identified housing regeneration neighbourhoods. The programme in Burnley Wood is complete. Developer Keepmoat has completed over 240 new homes in conjunction with Accent who delivered 24 of these as 'affordable' homes. In Southwest Burnley, Keepmoat have also completed their programme of new build housing delivering 180 units by 31 March 2019. In Daneshouse, by 31 March 2020, developer Gleeson had completed 59 units with a further 134 planned, and at Stoneyholme had completed 50 units. Great Places Housing Group had completed 59 new homes, 53 of which were 'affordable' homes.

### **3.7 Fuel Poverty**

- 3.7.1 The Department of Energy and Climate Change (DECC) defines fuel poverty through the 'low-income high costs' method of calculation. A household is defined as 'fuel poor' if:
- A household has required fuel costs that are above the median level; and
  - Were the household to spend that amount, they would be left with a residual income below the official poverty line.
- 3.7.2 Across Lancashire Burnley saw the largest improvement with 2.8% fewer households in fuel poverty from 2017 to 2018. In 2018 13.6% of households in Burnley were living in fuel poverty which is still higher than the Lancashire (12.6%) and England (10.9%) figures (Fuel Poverty Lancashire County Council 2018).
- 3.7.3 In 2018 within Burnley, 3 urban neighbourhoods (LSOAs) had levels of fuel poverty above 30%, which is an improving position on 2017 when 6 urban neighbourhoods (LSOAs) had levels of fuel poverty above 30%. (BEIS - Lower Super Output Areas). From the three neighbourhoods; two are located in the Daneshouse and Stoneyholme selective licensing area.

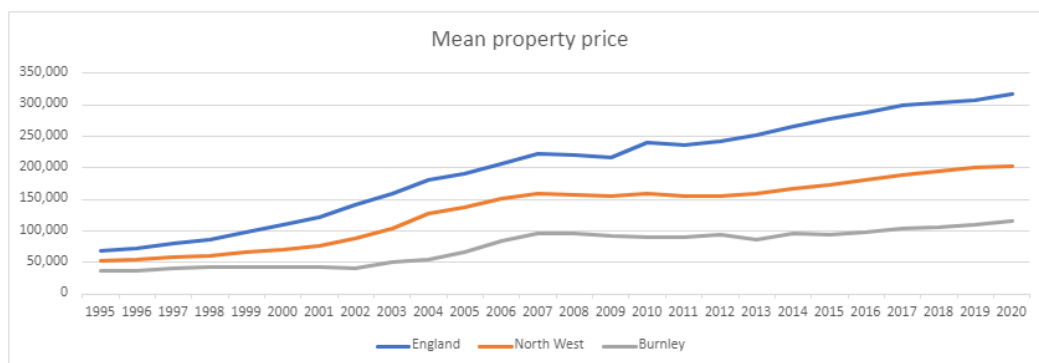
### **3.8 Stock condition**

- 3.8.1 The most up to date and comprehensive survey of the condition of dwelling stock in the borough is contained within the Council's House Condition Survey (June 2009). This survey covered all tenures including properties owned by Registered Providers and concluded that 17,700 properties failed the Decent Homes Standard, equivalent to 43.6% of the total housing stock. This is higher than the equivalent figure for England in the same period at 36.7%. The proportion of non-decent dwellings by tenure were; owner occupied 45.5%, privately rented 46.3%, and housing association 31.3%.
- 3.8.2 The majority of dwellings were non-decent due to thermal comfort failure at 32.1% followed by Category 1 Hazards at 25.3%. 10.4% of the stock failed the disrepair criterion with 1.1% lacking modern facilities and amenities.

### **3.9 Housing Market**

- 3.9.1 In 2019 mean house prices in Burnley were around 37% of the national average for England and Wales and 55% of the regional average - a slight narrowing of the relative gap from the previous year continuing the recent trend. There is a marked difference between house prices in the rural area and the more urban parts of the borough.

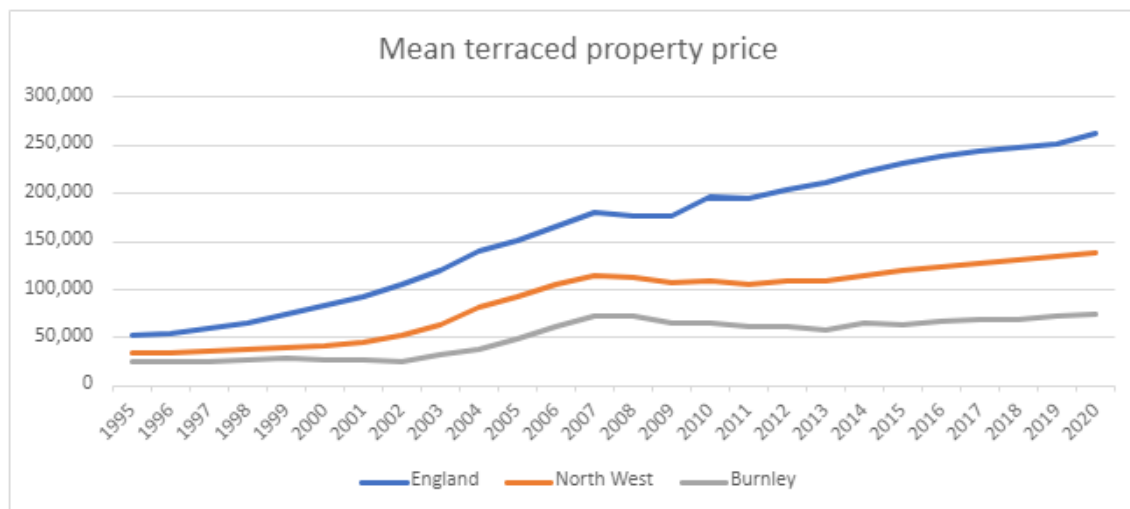
**Figure 2 Mean residential property prices in Burnley, North West and England Dec 1995 to Sept 2020**



Source: ONS data sets release March 21.

3.9.2 Figure 3 shows the mean house prices for terraced properties in Burnley compared to the region and England. There is a notable narrower gap between the Burnley and regional terraced houses compared to all property types.

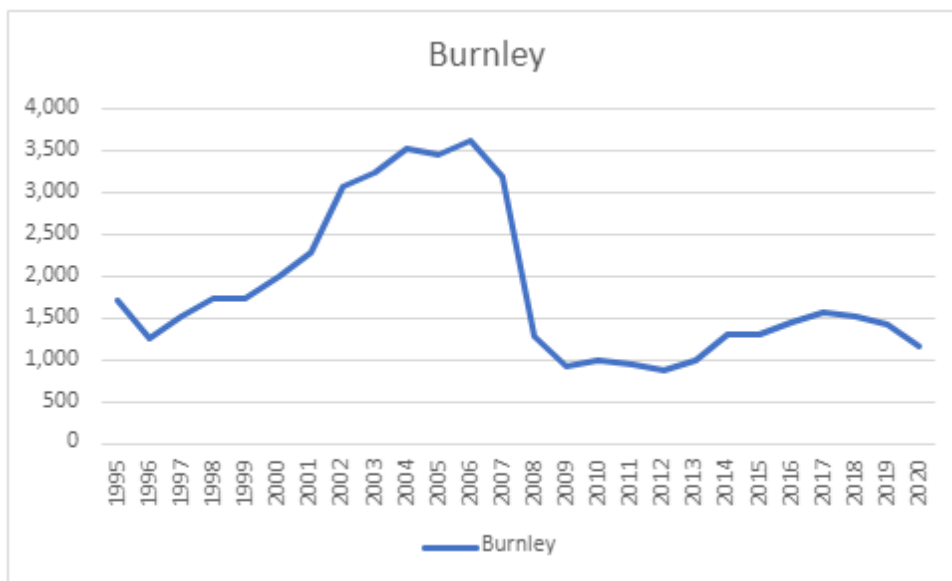
**Figure 3 Mean terraced property prices in Burnley, North West and England Dec 1995 to Sept 2020**



Source: ONS data sets release March 21.

3.9.3 Pre-recession dwelling sales in Burnley (2002-2007) totaled over 3,000 transactions per annum. Since 2007 when the figure stood at 3,121, transactions have more than halved. This was followed by a number of years of stagnating and falling sales. However, they have increased significantly in the last 4 to 5 years suggesting some recovery in the local housing market.

**Figure 4 The number of property sales in Burnley Dec 1995 to Sept 2020**



Source: ONS data sets release March 21.

3.9.5 There are many local and wider economic factors which influence house price and sales trends and many of these factors are themselves being monitored e.g. employment levels, deprivation, population size and profile, crime rates, housing stock condition, land availability and household size. Other macro-economic factors such as mortgage availability, interest rates, government incentives, tax regimes, building regulations etc. will also significantly influence house prices and sales trends.

### 3.10 Crime and Anti-Social Behaviour (ASB)

3.10.1 Compared to other districts in Lancashire and the country as a whole, Burnley has relatively high levels of crime (the second highest rate in Lancashire). For 2019/20, the crime rate was 121 per 1,000 population, compared to a Lancashire rate of 95.9 per 1,000 population.<sup>3</sup>

3.10.2 Lancashire Insight shows that in 2018/19 there was a notable decrease in ASB across the borough; in 19/20 many of the wards started to see an increase in cases. Between April 2020 and March 2021, cases of ASB in Burnley increased by 80%, compared to 75% for Lancashire. From March 2020, breaches of coronavirus legislation were recorded as ASB, which the Council believes will account for a number of those cases, as well as increased “neighbour intolerance” due to lockdown restrictions.

## 4. THE PROPOSED SELECTIVE LICENSING AREAS

4.1 The selective licensing areas are monitored throughout the duration of the designations. The Interim Report for 2016 to 2021<sup>4</sup> details the progress made in the Burnley Wood with Healey Wood, Leyland Road and Ingham/Lawrence Street selective licensing areas. These designation areas started on the 15<sup>th</sup> November 2016 and are due to end on the 15<sup>th</sup> November 2021.

4.1.1 The Interim report found that:

<sup>3</sup> Crime in Lancashire 2019/20 [crime in lancashire](#)

<sup>4</sup> [HOUS Selective Licensing Report-17065.pdf \(burnley.gov.uk\)](#)

- House values increased between 15/16 and 19/20 in the three designation areas. House values in the same period went up by around 10% across Burnley, which was reflected in the Leyland Road area. In Burnley Wood with Healey Wood they rose by 12%, and in the Ingham and Lawrence Street area by 23%. This shows increasing levels of confidence in the property market within the licensing areas.
- Fuel poverty has decreased by improved energy performance ratings. Across the three selective licensing areas, 22 properties have increased their rating to meet the minimum standard. This compares to just 5 properties improving their rating in the six years prior to the schemes coming into force.
- The number of vacant properties has reduced in each of the three designation areas.
- The number of recorded cases of dirty backyards has reduced since the start of the designations and has reduced to very low levels in the Ingham and Lawrence Street area. In 2019/20 there was an increase in resident complaints in the Leyland Road area, and a very slight increase in the Burnley Wood with Healey Wood area.
- In 2018/19 the council undertook a painting and replacement gutter scheme of 150 properties in the Ingham and Lawrence Street selective licensing area. The scheme was undertaken to support the work of selective licensing and the empty homes programme, and to improve the external appearance of the properties to help attract people into the area.
- Since 2017 there has been a steady decline of recorded cases of anti-social behavior in the Leyland Road and Ingham and Lawrence Street areas. Burnley Wood with Healey Wood saw a sharp decline, followed by a small increase in the 2019/20. All three areas recorded lower numbers of cases in 2019 than 2015: Burnley Wood with Healey Wood reduced by 36%, Leyland Road by 56%, and Ingham and Lawrence Street by 41%.

4.1.2 The Interim report clearly evidences improvements in low housing demand within all three selective licensing designation areas. A further analysis of smaller zones within and surrounding the designation areas, except for Ingham and Lawrence Street shows that further improvements could be made. Sections 5 and 6 of this document presents the findings of this analysis specifically for the Burnley Wood with Healey Wood and the Leyland Road areas.

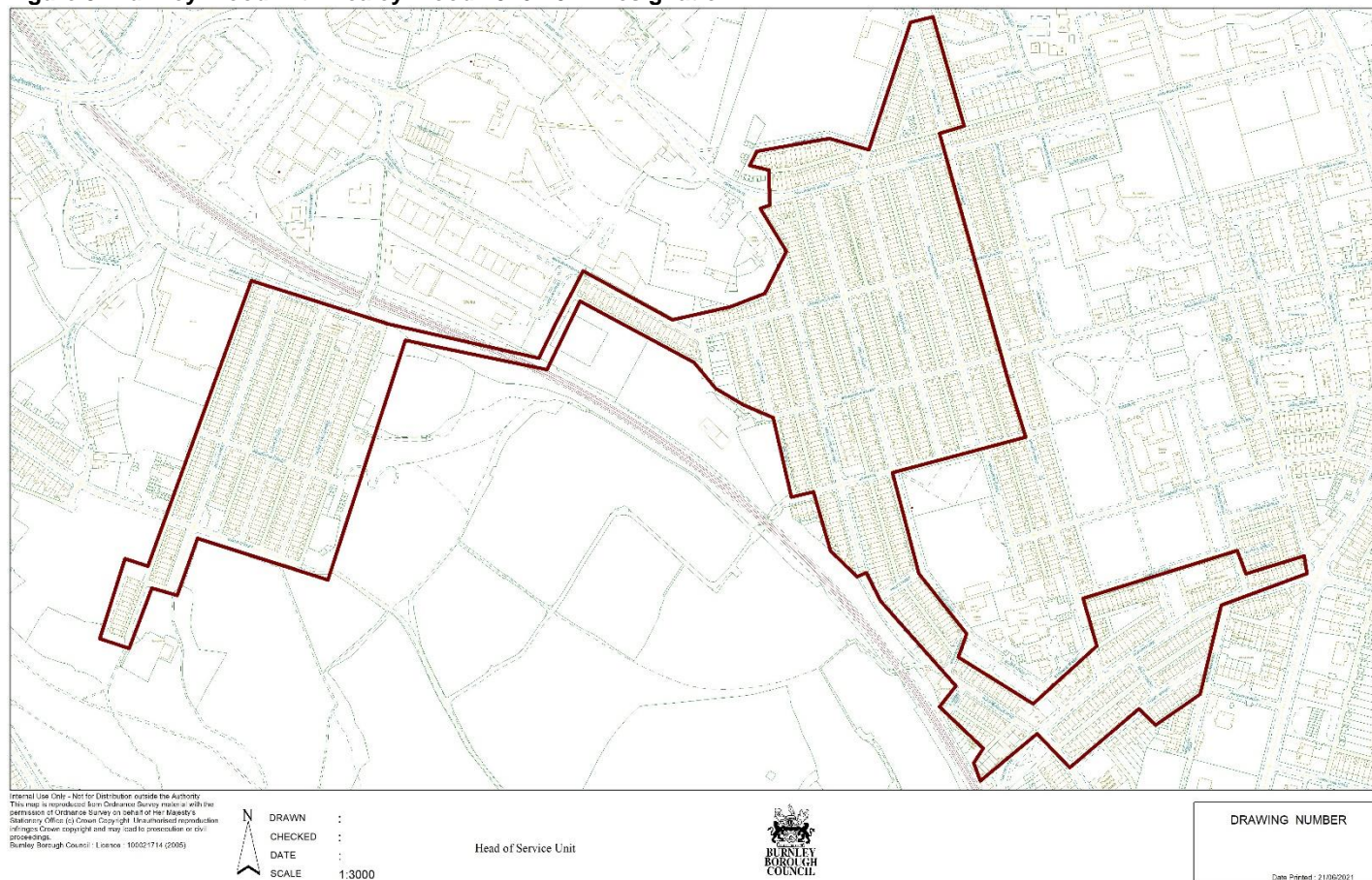
4.1.3. The Council consider that the improvements made in the Ingham and Lawrence Street designation area have sufficiently improved the low demand for housing without the need for a further designation area.

# 5. The Burnley Wood with Healey Wood Proposed Designation

## 5.1 Background

5.1.1 The Burnley Wood with Healey Wood area was designated as an area subject to selective licensing by the Council's Executive on 15<sup>th</sup> February 2016, which was confirmed by the Secretary of State on 15<sup>th</sup> July 2016. It came into force on 15<sup>th</sup> November 2016, and will end on 15<sup>th</sup> November 2021. Figure 5 shows the boundary of this designation.

**Figure 5: Burnley Wood with Healey Wood 2016-2021 Designation**



5.1.2 The designation covers a large residential area of over 1200 properties, of which 49% are privately rented.

5.1.3 Throughout the designation, the Council has monitored several key indicators of low housing demand. As the scheme draws to a close, the Council has assessed these indicators in order to determine the effectiveness of the scheme, and whether this area, or other similar areas, would benefit from a further selective licensing designation.

5.1.4 The area shown in Figure 5 can be split into three distinct zones:

- Zone 1: Healey Wood
- Zone 2: Marlborough Street to Hufling Lane via Hollingreave Road
- Zone 3: Central Burnley Wood

5.1.5 By assessing key indicators, the Council is satisfied that Zone 2 has seen sufficient improvements in housing demand, such that it would no longer benefit from a selective licensing designation. Whilst still above average, the percentage of private rented homes here is lower than Zones 1 and 3 and there are greater numbers of owner occupiers. House

values are also notably higher in Zone 2. Council data shows levels of antisocial behaviour are much lower than neighbouring zones (and below the rate for the borough), and the area suffers from less environmental crime compared to the neighbouring zones. The number of long-term empty properties is comparable with the borough. The number of disrepair complaints received in the last two years in Zone 2 is slightly above the wider designation level, as is the number of properties recording an F or G rating on an Energy Performance Certificate (though this is on a par with the borough figure).

5.1.6 The Council are however satisfied that the properties recording lower energy performance rates in Zone 2 can be addressed in the remaining months of the current designation, and that when taken together with other indicators, the general picture is one of an improved area which would be unlikely to benefit significantly from further selective licensing.

**Table 2: Key Indicators Burnley Wood with Healey Wood 2016 - 2021**

	Burnley Wood with Healey Wood Designation	Zone 1: Healey Wood	Zone 2: Marlborough St – Hollingreave Road – Hufing Lane	Zone 3: Central Burnley Wood	Burnley Borough
Private Rented	49%	45%	39%	59%	23% <sup>5</sup>
Owner Occupied	36%	44%	45%	23%	63% <sup>6</sup>
House Values (20/21)	£47,446	£44,964	£56,655	£43,322	£114,189 (2020 figure)
Antisocial behaviour cases (20/21 resident complaints as % of homes)	1.97%	2.11%	0.65%	3.08%	0.9%
Dirty back yards recorded by Council (20/21 as % of homes)	8.4%	6%	4.1%	13.7%	2.2%
Vacant Homes 2 years + (March 21 as % of properties)	2.8%	2.8%	1.7%	3.9%	1.5%
Disrepair Complaints (20/21 as % of private rented homes)	3.9%	3.1%	4.4%	3.9%	Data not available
EPC – F&G Rating (June 2020 as % of homes)	3.4%	3.9%	3.9%	2.7%	3.3%

*Sources: Tenure - Selective Licensing Database, March 2021; House Values – Land Registry, March 2021; Antisocial behaviour and dirty back yards – Council Records March 2021; Disrepair Complaints – Housing Enforcement Database, March 2021; EPC Ratings – EPC register, June 2020.*

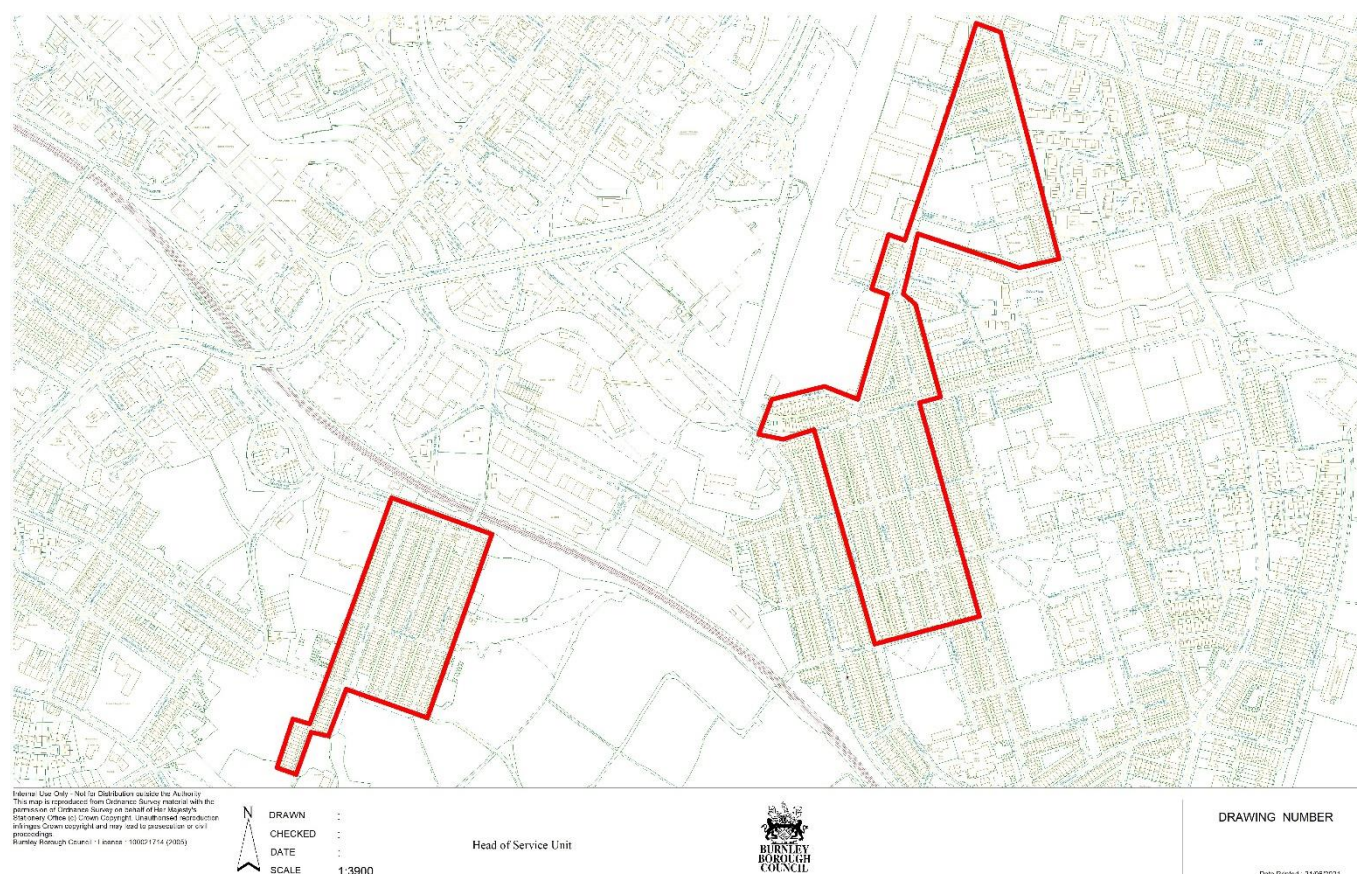
5.1.7 The Council is proposing to consult on designating a selective licensing area which would include Zone 3 (Central Burnley Wood), along with a small number of streets to the north of the current boundary where there is sufficient evidence of low demand for housing. The Council has also considered whether Healey Wood would benefit from a second designation and proposes that there is sufficient evidence to warrant undertaking a public consultation regarding the inclusion of this area. Figure 6 shows the new proposed boundary for the Burnley Wood with Healey Wood designation 2022 to 2027.

<sup>5</sup> See footnote 2

<sup>6</sup> See Footnote 2



**Figure 6: Proposed Burnley Wood with Healey Wood Designation Boundary 2022 to 2027**



5.1.8 The vast majority of the Burnley Wood area of the designation lies within the Rosehill with Burnley Wood ward, with a small number of streets lying within the Bank Hall ward. Healey Wood lies within the Trinity ward. When assessing ward data for this area, this document focuses on data for the wards where most of the designation is situated.

## 5.2 Housing Tenure

5.2.1 The following table shows a comparison of the private rented sector in Burnley's wards using Census data from 2011. This shows that the Trinity ward, where part of the proposed designation is situated, has the highest percentage of private rented properties in the borough. The Rosehill with Burnley Wood ward, where the remaining part of the proposed designation is situated, has lower levels of private renting at a ward level, comparable with the borough average.

**Table 3 Tenure of households – ward level**

Table 5: Tenure of households – ward level					
Tenure (%)	Owner Occupied (%)	Social Rented (%)	Private Rented (%)	Living Rent Free (%)	Rank
Burnley Average	65.2	14.1	19.4	1.4	
Lancashire (12 districts)	71.5	12.1	15.1	1.3	
England	64.1	17.7	16.8	1.3	
<u>Burnley Wards</u>					
Bank Hall	45.4	21.3	29.6	1.8	2
Briercliffe	83.4	3.5	10.6	1	10
Brunshaw	58.2	28.6	10.3	1.4	11



Cliviger with Worsthorne	88.5	2	7.5	1.2	13
Coal Clough with Deerplay	69.4	19.7	8.3	1.3	12
Daneshouse/Stoneyholme	54	13.2	26	3.6	3
Gannow	65.1	12.8	19.1	1.3	7
Gawthorpe	57	15.6	24.1	1.3	4
Hapton with Park	67.9	14.4	15.5	1	8
Lanehead	67.7	14.2	15.3	0.9	9
Queensgate	65.7	5.3	25	1.2	5
Rosegrove with Lowerhouse	60.9	20.4	15.3	1.7	9
Rosehill with Burnley Wood	64	14.7	19.4	1.2	6
Trinity	51.9	12.3	32.8	1.1	1
Whittlefield with Ightenhill	83.2	7.1	8	1	14

Source: Census 2011

5.2.2 Table 4 shows a more detailed analysis of tenure within the current and proposed licensing areas. The data shows that the proposed designation area is made up of 54% private rented properties. This figure is comparable with other existing licensing areas.

**Table 4: The number and percentage of private rented properties in the selective licensing areas**

Existing Selective Licensing Designation Areas	Number of Properties	No PRS	% PRS
Trinity 2019- 2024	1348	653	48
Gannow 2019- 2024	958	481	50
Queensgate 2019- 2024	1617	741	46
Daneshouse and Stoneyholme 2019- 2024	1790	621	35
Burnley Wood with Healey Wood 2016 - 2021	1268	619	49
Leyland Road Area 2016 - 2021	675	418	62
Ingham & Lawrence 2016 -2021	169	90	53
Proposed Selective Licensing Areas	Number of Properties	No PRS	% PRS
Burnley Wood with Healey Wood 2022 -2027	914	498	54
Leyland Road 2022 - 2027	772	469	61

Source- Current selective licensing area data

## 5.3 Fuel Poverty

5.3.1 Since April 2020 landlords may not let a property to a new tenant if the rating on the Energy Performance Certificate (EPC) is below “E”. The purpose of the EPC is to show prospective tenants the energy performance of the dwelling they are considering renting, and gives a good indication of property condition within an area. Table 5 shows the numbers of properties within the current and proposed designation areas that currently have an EPC below an “E”. The figures include owner occupied properties, as well as privately rented.

**Table 5: Properties with EPC rated below “E” by current and proposed selective licensing area.**

Existing Selective Licensing Designation Areas	Number of Properties	Number of properties rated below “E”	% of properties rated below “E”
Trinity 2019- 2024	1348	105	7.8%
Gannow 2019- 2024	958	33	3.4%
Queensgate 2019- 2024	1617	99	6.1%
Daneshouse and Stoneyholme 2019- 2024	1790	38	2.1%

Burnley Wood with Healey Wood 2016 - 2021	1268	43	3.4%
Leyland Road Area 2016 - 2021	675	33	4.9%
Ingham & Lawrence 2016 -2021	169	5	3%
<b>Proposed Selective Licensing Areas</b>	<b>Number of Properties</b>	<b>Number of properties rated below "E"</b>	<b>% of properties rated below "E"</b>
Burnley Wood with Healey Wood 2022 - 2027	914	27	3%
Leyland Road 2022 - 2027	772	33	4.3%

Source: Energy Performance of Buildings Data England and Wales, MHCLG, 2020

5.3.2 During the current Burnley Wood with Healey Wood designation, officers have been working with landlords to ensure that they have brought their homes up to the required minimum standard, and can evidence this with a valid EPC of minimum rating "E". The licensing team continue to work with landlords to achieve this, and are liaising with Trading Standards to take action against those landlords that fail to reach the standard.

5.3.3 A number of the properties ranked below "E" are owner occupied. The Council has alternative ways to tackle these through the Green Homes Grant. Burnley are part of a consortium of Lancashire authorities known as Cosy Homes in Lancashire who have successfully secured funding from Round 1b and 2 of the Green Homes Local Authority Delivery Scheme. The selective licensing team will be working with CHiL to ensure the EPC ratings of the owner-occupied properties are also improved.

5.3.4 Licences are not granted at properties where the EPC is below standard, which has resulted in all of the licensing areas with the exception of Trinity recording lower than borough averages of F/G rated properties. Work continues to replicate this trend in Trinity. This demonstrates that the licensing schemes are effective at improving energy efficiency and associated property condition. Without the application process of the licensing scheme, many of these properties would not have improved their rating.

5.3.5 The proposed designation currently has 3% (27 properties) rated below "E". This is slightly below the Burnley average of 3.3% thanks in part to the work of the selective licensing team. A further designation would ensure that the Council is able to undertake proactive inspections at privately let properties with a poor rating, in order to identify likely poor property condition.

## 5.4 Condition

5.4.1 Housing condition and property maintenance and repair is fundamental to the management practices within the private rented sector. Evidence of property condition impacting on residents comes from the number of housing disrepair complaints received from tenants. The proposed designation area lies within the second and sixth highest wards ranked by number of disrepair complaints.

**Table 6: Number of disrepair complaints received by ward**

Ward	2011/ 12	2012/ 13	2013/ 14	2014/ 15	2015/ 16	2016/ 17	2017/ 18	2018/ 19	2019/ 20	2020/ 21	Rank 20/21
Bank Hall	25	30	54	54	41	36	37	32	49	64	1
Briercliffe	2	4	8	5	4	3	5	0	5	3	14=
Brunshaw	8	15	10	6	10	6	7	7	7	14	8=
Cliviger with Worsthorne	1	1	0	1	1	1	2	0	1	3	14=
Coal Clough with Deerplay	4	5	8	2	7	4	4	1	7	10	11
Daneshouse with Stoneyholme	18	22	26	24	43	38	20	17	23	54	3
Gannow	21	20	24	18	27	11	13	10	6	7	12=
Gawthorpe	20	21	20	24	24	27	27	16	17	27	6=
Hapton with Park	5	12	12	12	7	11	7	5	14	14	8=
Lanehead	6	15	16	11	14	17	13	4	9	11	10
Queensgate	27	32	49	47	85	37	35	23	31	43	5
Rosegrove with Lowerhouse	12	26	30	10	22	12	12	15	26	46	4
Rosehill with Burnley Wood	14	20	33	27	32	29	18	22	39	27	6=
Trinity	45	42	59	43	46	42	44	49	65	63	2
Whittlefield with Ightenhill	8	1	5	5	9	5	3	3	7	7	12=
Burnley Total	216	266	354	289	372	279	247	204	306	393	

Source: Burnley Council Housing Enforcement

5.4.2 Table 7 compares the numbers of disrepair complaints for the last two financial years in the current and proposed selective licensing designations.

**Table 7: Disrepair Complaints in Selective Licensing Areas**

Existing Selective Licensing Designation Areas	Number of PRS Properties	Number of Disrepair Complaints 19/20	Disrepair Complaints as % of PRS 19/20	Number of Disrepair Complaints 20/21	Disrepair Complaints as % of PRS 20/21
Trinity 2019- 2024	653	52	8%	57	8.7%
Gannow 2019- 2024	481	19	4%	24	5%
Queensgate 2019- 2024	741	37	5%	51	6.9%
Daneshouse and Stoneyholme 2019- 2024	621	22	3.5%	50	8.1%
Burnley Wood with Healey Wood 2016 - 2021	619	48	7.8%	24	3.9%
Leyland Road Area 2016 - 2021	418	28	6.7%	18	4.3%
Ingham & Lawrence 2016 -2021	90	3	3.3%	4	4.4%
Proposed Selective Licensing Areas	Number of PRS Properties	Number of Disrepair Complaints 19/20	Disrepair Complaints as % of PRS 19/20	Number of Disrepair Complaints 20/21	Disrepair Complaints as % of PRS 20/21

Burnley Wood with Healey Wood 2022 - 2027	498	38	7.6%	18	3.6%
Leyland Road 2022 - 2027	469	29	6.2%	18	3.8%

Source: Burnley Council Housing Enforcement

5.4.3 During the coronavirus pandemic, the Enforcement team have reduced the number of inspections undertaken, in order to protect the health and safety of residents and staff. Inspections were completed in urgent/emergency cases. The number of disrepair complaints for the existing designated area has reduced in the last year. The proposed designation area currently records similar levels of complaints.

5.4.4 In the past year, the licensing team have been unable to undertake proactive internal property checks due to national and regional coronavirus restrictions. In the Burnley Wood with Healey Wood area, the licensing team continued to undertake external audits, checking the outside of properties for signs of disrepair, as well as back yards and external structures such as back walls and gates. Where a property appears to have concerning external disrepair, an internal inspection is undertaken. Between October 2020 and April 2021, Officers undertook audits of the Burnley Wood with Healey Wood area and 21 were found to have some form of defect. 19 of these have been rectified through selective licensing intervention, whilst the other two were resolved through joint work with the Housing Enforcement team.

5.4.5 As restrictions lift, the licensing team aim to complete a number of proactive internal inspections at the properties we are most concerned about. Designating the proposed licensing area in 2022 will allow the licensing team to undertake further proactive inspections to target disrepair before it becomes severe enough to warrant an inspection by the Enforcement team. This will also allow us to ensure that all landlords operating in the area are doing so to the same required standard.

## 5.5 Housing Market

5.5.1 The following table shows the house price variation within the borough's wards up to March 2020, ranging from Bank Hall with the lowest average value, to the rural ward of Cliviger with Worsthorne recording the highest prices. It is well documented how house prices in Burnley, particularly inner Burnley, have been consistently some of the lowest in the country. House prices in Trinity, where part of the proposed designation is located, are the third lowest, whereas prices in Rosehill with Burnley Wood are notably higher.

**Table 8: Mean House Values by Ward.**

	Mar-09	Mar-10	Mar-11	Mar-12	Mar-13	Mar-14	Mar-15	Mar-16	Mar-17	Mar-18	Mar-19	Mar-20
Bank Hall	77,600	61,949	52,344	52,970	43,227	52,370	51,612	57,890	54,855	50,062	58,131	68,737
Briercliffe	137,948	126,138	126,545	128,111	131,111	117,345	129,766	128,251	128,051	129,866	134,361	134,703
Brunshaw	88,596	85,133	88,921	74,303	74,421	88,105	96,776	89,177	95,903	98,865	101,651	96,065
Cliviger with Worsthorne	170,196	170,538	166,088	158,431	171,155	170,185	169,016	193,662	180,885	181,747	185,492	196,830
Coal Clough with Deerplay	115,538	109,409	105,931	133,712	109,727	96,986	129,363	110,149	123,448	133,785	129,109	152,389
Daneshouse with Stoneyholme	64,487	55,572	54,748	50,405	39,051	41,858	44,969	47,775	61,485	64,201	64,004	70,236
Gannow	95,370	78,439	80,033	75,599	71,505	70,398	76,882	83,263	82,036	80,105	83,971	111,286
Gawthorpe	92,428	80,824	91,196	95,981	72,328	67,902	90,161	94,352	89,665	96,332	90,722	95,045
Hapton with Park	112,595	106,784	107,451	106,837	108,677	109,097	122,366	114,075	116,439	143,310	139,647	139,139
Lanehead	106,776	95,726	99,951	87,541	87,592	99,256	112,345	96,579	106,763	105,454	117,224	106,989
Queensgate	78,320	71,482	68,107	57,040	57,198	54,403	59,987	56,546	62,518	75,934	63,871	79,134
Rosegrove with Lowerhouse	95,346	96,238	87,183	93,902	88,599	92,065	97,362	107,640	92,934	132,546	126,277	120,330
Rosehill with Burnley Wood	81,324	85,675	84,189	81,162	102,310	76,301	95,664	89,109	93,927	94,295	95,536	108,334
Trinity	65,008	62,670	70,834	55,847	67,713	44,265	51,944	55,924	64,674	68,357	77,206	71,373
Whittlefield with Ightenhill	147,212	139,024	140,592	140,403	160,427	133,580	135,487	140,869	148,079	159,616	144,738	155,311
Burnley	92,008	92,672	87,772	90,891	90,370	91,676	96,473	96,406	99,305	104,648	106,274	114,189

Source: Office for National Statistics, 2021

5.5.2 Table 9 looks in more detail at house prices within the current and proposed designated area over the last four years. All of the current licensing areas recorded average house prices significantly below the borough average. In addition, the current and proposed designation area recorded house values lower than the wards in which it is located; in the case of Rosehill with Burnley Wood, the average house price in this ward in 2019/20 was more than twice that of the proposed designation area.

Table 9: Average house prices in current and proposed selective licensing designations and their wards.

Existing Selective Licensing Designation Areas	2017/18	2018/2019	2019/2020	2020/2021
Trinity 2019- 2024	£39,306	£40,240	£42,198	£42,356
Gannow 2019- 2024	£44,366	£47,327	£48,982	£53,897
Queensgate 2019- 2024	£41,380	£40,146	£48,875	£47,782
Daneshouse and Stoneyholme 2019- 2024	£43,440	£38,684	£41,663	£51,344
Burnley Wood with Healey Wood 2016 - 2021	£37,064	£45,008	£43,543	£47,446
Leyland Road Area 2016 - 2021	£34,899	£38,682	£43,531	£47,909
Ingham & Lawrence 2016 -2021	£29,000	£52,749	£51,187	£48,500
Proposed Selective Licensing Areas				
Burnley Wood with Healey Wood 2022 - 2027	£34,911	£40,929	£40,499	£43,703
Leyland Road 2022 - 2027	£36,789	£39,102	£46,737	£51,008
Wards				
Rosehill with Burnley Wood	94,295	95,536	108,334	Data not yet available
Trinity	68,357	77,206	71,373	Data not yet available
Borough				
Burnley	£104,648	£106,274	£114,189	Data not yet available

Source: Office for National Statistics; Land Registry 2021

5.5.3 Whilst house values are influenced by a number of factors, including regional and national economies, they are a clear indicator of low levels of housing market confidence. Whilst values have increased in recent years, and properties continue to change hands, the values in the proposed Burnley Wood with Healey Wood licensing area remain disproportionately low.

## 5.6 Empty Homes

5.6.1 Table 10 shows the number of empty properties in Burnley by ward. In 2021 the wards in which the current and proposed designation areas are located are ranked second and fifth highest for numbers of empty properties.

**Table 10 Number of empty properties by ward**

	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	Rank2021
Bank Hall	298	298	408	326	255	253	272	328	252	215	280	1
Briercliffe	90	85	100	87	102	124	84	89	87	88	75	15
Brunshaw	90	121	83	84	112	110	124	113	123	104	108	9=
Cliviger with Worsthorpe	74	73	94	84	85	89	93	80	90	63	79	12
Coal Clough Lane with Deerplay	73	77	135	117	103	88	88	78	73	63	77	14
Daneshouse with Stoneyholme	389	343	319	274	223	225	234	204	186	157	139	6
Gannow	171	156	165	150	165	166	171	153	163	134	125	7
Gawthorpe	197	180	217	211	189	223	182	198	198	206	162	4
Hapton with Park	122	130	190	170	143	138	129	113	102	112	108	9=
Lanehead	128	101	136	145	119	129	109	93	92	101	97	11
Queensgate	318	294	239	231	262	264	250	240	204	181	164	3
Rosegrove with Lower House	149	149	165	160	165	141	127	122	168	124	115	8
Rosehill with Burnley Wood	316	239	123	125	214	199	203	205	176	166	155	5
Trinity	409	373	320	288	345	350	307	302	265	255	233	2
Whittlefield with Ightenhill	79	72	93	82	85	94	93	88	79	77	78	13

Source: Burnley Borough Council Empty Homes Team

5.6.2 The table below shows the levels of vacant properties as a percentage of houses in the area over time. The current Burnley Wood with Healey Wood designation recorded 8% vacant properties in March 2021, almost twice the borough average of 4.6%. Whilst levels of vacant properties have reduced during the current designation, they are still disproportionately high compared to the borough. Historical data is not available for the proposed designated area, however in March 2021, it recorded vacants at 10%, higher than the current designation and more than twice the level for the borough as a whole.

**Table 11: Percentage of empty homes within the selective licensing areas**

Existing Selective Licensing Designation Areas	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	Mar-2021
Trinity 2019- 2024	18	16	20	20	20	16	16	14	15	14	12	10
Gannow 2019- 2024	12	12	13	14	14	12	14	13	12	11	10	9

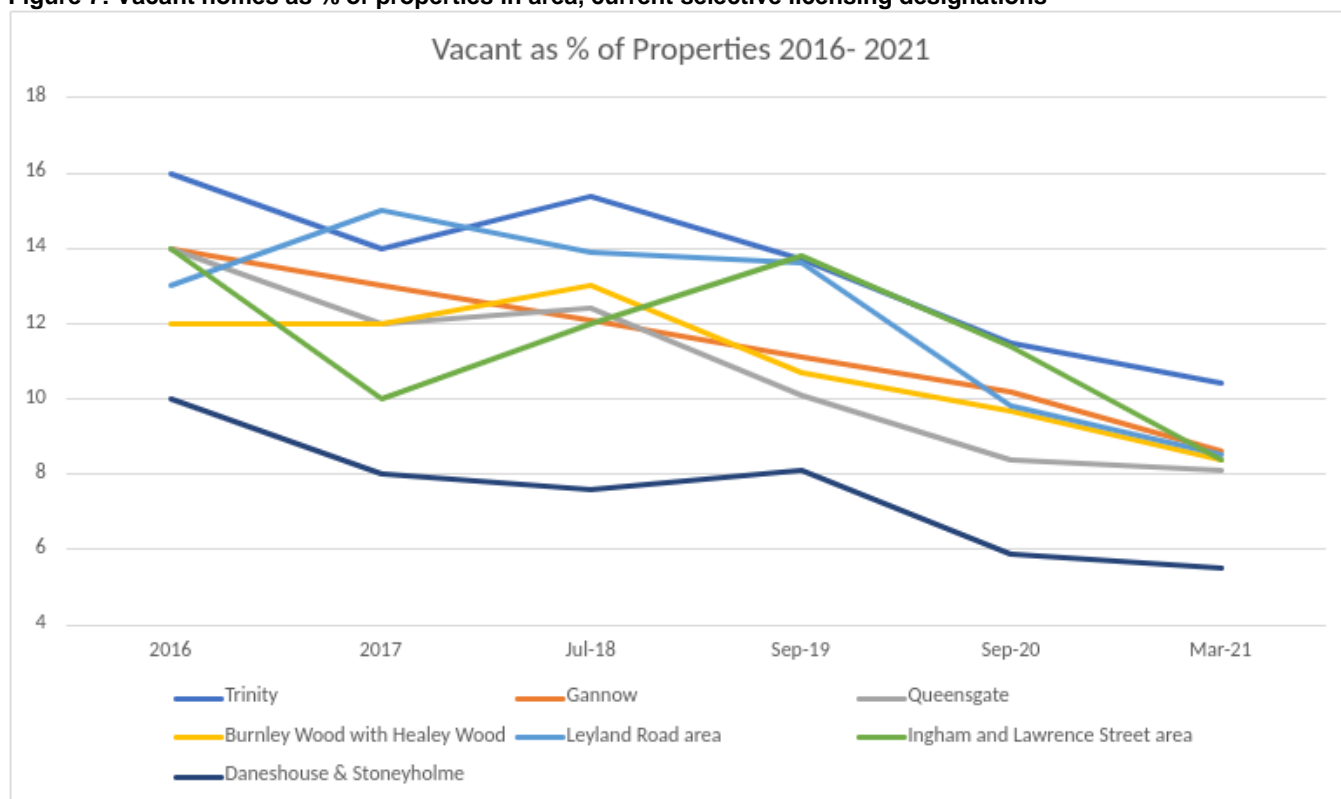


Queensgate 2019-2024	17	16	15	16	14	10	14	12	12	10	8	8
Daneshouse and Stoneyholme 2019-2024	15	14	12	12	10	10	10	9	8	8	6	6
Burnley Wood with Healey Wood 2016 - 2021	13	13	14	13	14	13	12	12	13	11	10	8
Leyland Road Area 2016 - 2021	16	18	16	15	15	13	13	15	14	13	10	9
Ingham & Lawrence 2016 -2021	11	13	10	11	10	12	14	10	12	14	11	8
<b>Proposed Selective Licensing Designation Areas</b>												
Burnley Wood with Healey Wood 2022 - 2027												10
Leyland Road Area 2022 - 2027												8

Source: Burnley Borough Council Empty Homes Team

5.6.3 The figure below shows the decline in vacant properties in the existing licensing areas from 2016-2021, demonstrating a clear downward trend. However, the current rates still remain above the borough average. The selective licensing team work closely with the Empty Homes team to encourage landlords to bring properties back into use. Designating the proposed area will allow the licensing team to continue this proactive work with the aim of reducing the rate of vacant properties further.

Figure 7: Vacant homes as % of properties in area, current selective licensing designations



Source: Burnley Borough Council Empty Homes Team

5.6.4 The Council accepts that there will always be a number of vacant properties in the borough and the licensing areas, as properties are bought and sold, and tenancies change. A useful additional indicator of low demand is to review the percentage of properties which have remained empty for two years or more. Table 12 shows this for the existing and proposed

licensing areas in March 2021. All of the areas listed recorded levels of long term empty properties above the borough average of 1.5%. Whilst Table 10 and Figure 7 show a clearly improving picture, there is still work to be done to bring these properties back into use; the proposed designation area records more than double the borough percentage of long term empty properties.

**Table 12: Long Term Empty Properties in Proposed and Existing Licensing Areas**

Existing Selective Licensing Designation Areas	Number of Properties	Number of Properties Empty 2 years +	% of Properties Empty 2 years +
Trinity 2019- 2024	1348	63	4.7%
Gannow 2019- 2024	958	25	2.6%
Queensgate 2019- 2024	1617	56	3.5%
Daneshouse and Stoneyholme 2019- 2024	1790	38	2.1%
Burnley Wood with Healey Wood 2016 - 2021	1268	36	2.8%
Leyland Road Area 2016 - 2021	675	23	3.4%
Ingham & Lawrence 2016 - 2021	167	4	2.4%
Proposed Selective Licensing Designation Areas			
Burnley Wood with Healey Wood 2022 - 2027	914	30	3.3%
Leyland Road Area 2022 - 2027	772	24	3.1%

Source: Burnley Borough Council Empty Homes Team

## 5.7 Crime and Anti – Social Behaviour

5.7.1 Significant levels of anti-social behaviour (ASB) and crime can be a contributing factor to low demand, as people do not want to remain in an area experiencing such problems. Data from Lancashire Insight shows a decline in recorded crime across all wards in 2019/20; in 2020/21, nine of the wards continued to see further decline, whilst six recorded increases and one remained consistent with the previous year. The proposed designation area lies in wards which ranked first and fifth highest in the borough for total crime, and both wards recorded significantly higher levels of crime than the borough average.

**Table 13: Lancashire Insight Total Recorded Crime by Ward and Financial Year, Including Burnley Borough**

	18/19	18/19	19/20	19/20	20/21	20/21	
Area	Per 1000 Popn	% Change Previous Year	Per 1000 Popn	% Change Previous Year	Per 1000 Popn	% Change Previous Year	Ward Rank March 2021
Burnley	150.5	+26%	122.7	-18%	112.6	-8%	
Bank Hall	220.6	+23%	173.6	-21%	146.5	-16%	4
Briercliffe	55.6	+28%	41.0	-26%	38.3	-7%	14
Brunshaw	93.3	+21%	84.6	-9%	72.6	-14%	12
Cliviger with Worsthorne	30.0	-6%	27.3	-9%	22.9	-16%	15



Coal Clough with Deerplay	130.3	+32%	101.8	-22%	98.5	-3%	8
Daneshouse with Stoneyholme	338.1	+26%	286.7	-15%	191.5	-33%	2
Gannow	135.3	+52%	93.0	-31%	95.5	+3%	9
Gawthorpe	127.1	+25%	109.7	-14%	110.6	+1%	7
Hapton with Park	89.7	+29%	74.6	-17%	81.3	+9%	11
Lanehead	88.3	+10%	70.2	-21%	87.4	+25%	10
Queensgate	182.7	+12%	147.8	-19%	155.3	+5%	3
Rosegrove with Lowerhouse	146.9	+29%	105.2	-28%	123.3	+17%	6
Rosehill with Burnley Wood	165.4	+8%	142.7	-14%	142.7	0%	5
Trinity	267.7	+35%	232.4	-13%	197.0	-15%	1
Whittlefield with Ightenhill	68.4	+26%	48.3	-29%	46.6	-4%	13

Source: Lancashire Insight, 2021

5.7.2 Table 14 shows levels of ASB recorded across Burnley and split by ward from March 2018 March 2021. In 2018/19 there was a notable decrease in ASB across the borough; in 19/20 many of the wards started to see an increase in cases. Between April 2020 and March 2021, cases of ASB in Burnley increased by 80%, compared to 75% for Lancashire. From March 2020, breaches of coronavirus legislation were recorded as ASB, which the Council believes will account for a number of those cases, as well as increased “neighbour intolerance” due to lockdown restrictions. The wards in which the proposed designation area are located did not record higher than average increases, however due to their existing high levels of ASB they were still ranked first and fourth highest in March 2021.

Table 14: Lancashire Insight Total Recorded ASB by Ward and Financial Year, Including Burnley Borough

18/19		18/19		19/20		20/21	
Area	Per 1000 Popn	% Change Previous Year	Per 1000 Popn	% Change Previous Year	Per 1000 Popn	% Change Previous Year	Ward Rank March 2021
Burnley	47.0	-26%	48.9	+4%	88.1	+80%	
Bank Hall	76.4	-26%	78.4	+3%	122.1	+56%	3
Briercliffe	21.6	-34%	25.2	+17%	58.6	+133%	13
Brunshaw	27.6	-30%	29.7	+8%	63.3	+113%	12
Cliviger with Worsthorne	8.9	-44%	11.9	+33%	25.5	+115%	15
Coal Clough with Deerplay	34.0	-32%	33.8	-1%	82.3	+144%	8
Daneshouse with Stoneyholme	112.2	-19%	112.5	0%	133.2	+18%	2
Gannow	42.2	-21%	41.3	-2%	72.8	+76%	11
Gawthorpe	51.9	-22%	51.2	-1%	86.9	+70%	7

Hapton with Park	35.1	-16%	31.5	-10%	78.4	+148%	9
Lanehead	37.5	-21%	36.0	-4%	73.5	+104%	10
Queensgate	49.5	-32%	57.7	+17%	99.0	+72%	5
Rosegrove with Lowerhouse	44.1	-24%	35.9	-18%	93.3	+160%	6
Rosehill with Burnley Wood	56.4	-28%	67.1	+19%	120.9	+80%	4
Trinity	77.0	-34%	89.7	+16%	161.8	+80%	1
Whittlefield with Ightenhill	20.3	-23%	23.2	+15%	41.7	+80%	14

Source: Lancashire Insight, 2021

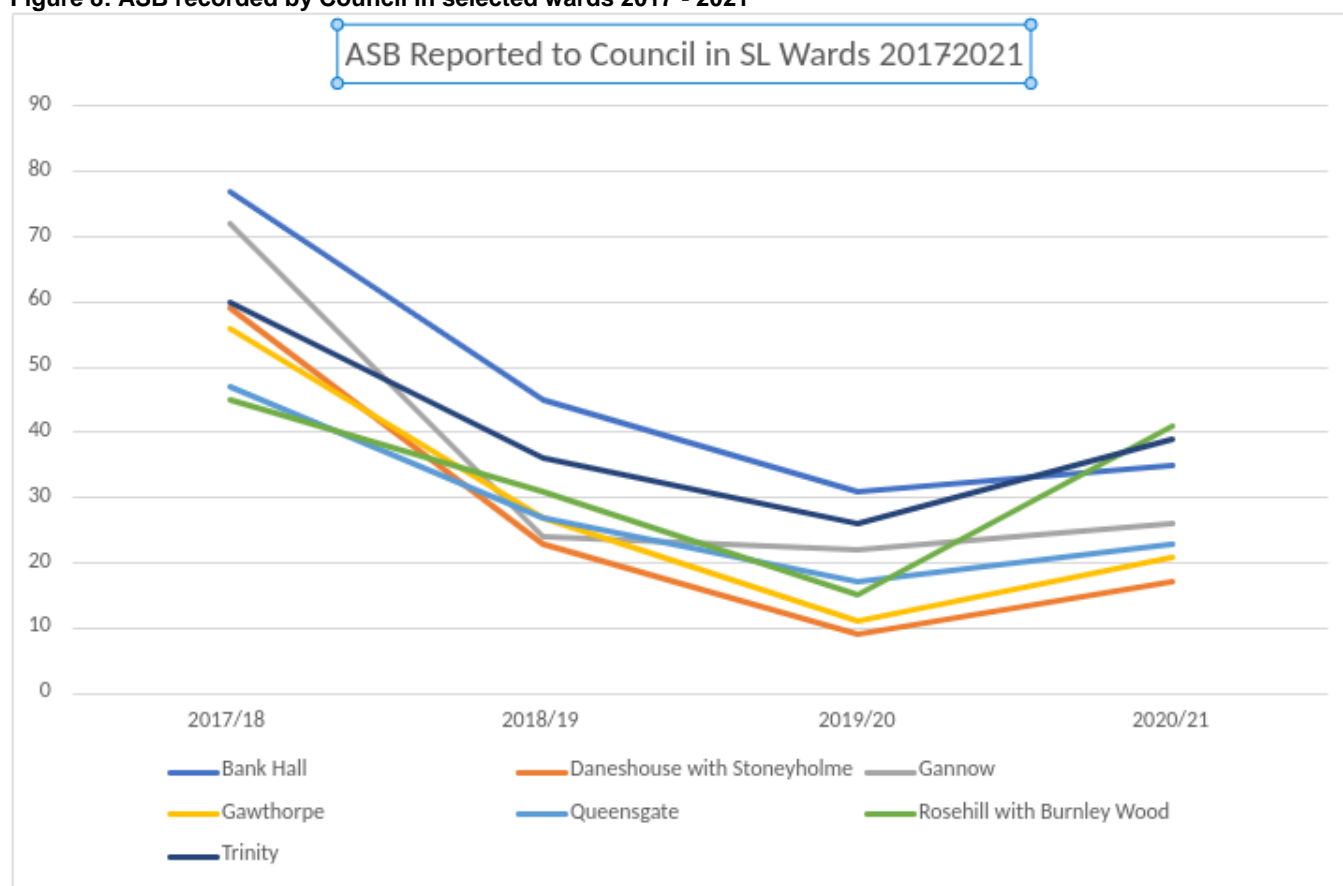
5.7.3 Table 15 shows the number of ASB incidents recorded by the Council, whilst Figure 8 shows the trends over time of levels of ASB in wards where the current and proposed selective licensing designations are situated. From the graph it is clear that all of these wards followed similar trends, similar to the rate of change for Burnley as a whole. The graph also shows the rate of increase in the last year was highest in Rosehill with Burnley Wood. The wards where the proposed Burnley Wood with Healey Wood area is situated are ranked first and second highest in terms of total cases reported by ward, and when combined account for 22% of the borough's cases in 2020/21.

**Table 15: Reported incidents of ASB to the Council by Ward**

Ward	2017/18	2018/19	2019/20	2020/21	Rank March 2021
Bank Hall	77	45	31	35	3
Briercliffe	14	9	3	21	9=
Brunshaw	41	17	15	29	5
Cliviger with Worsthorpe	6	6	1	5	15
Coalclough with Deerplay	28	21	6	21	9=
Daneshouse with Stoneyholme	59	23	9	17	13
Gannow	72	24	22	26	7
Gawthorpe	56	27	11	21	9=
Hapton with Park	25	14	9	21	9=
Lanehead	31	18	9	27	6
Queensgate	47	27	17	23	8
Rosegrove with Lowerhouse	38	14	17	32	4
Rosehill with Burnley Wood	45	31	15	41	1
Trinity	60	36	26	39	2
Whittlefield with Ightenhill	13	13	10	12	14
Total	612	325	201	370	

Source: Burnley Borough Council Community Safety Team

Figure 8: ASB recorded by Council in selected wards 2017 - 2021



Source: Burnley Borough Council Community Safety Team

5.7.4 Table 16 shows in more detail the levels of ASB reported to the Council in the current and proposed selective licensing designations. Most of the existing areas recorded an increase in cases on the previous year, in line with the figure for the borough, with the exception of Gannow which recorded a decrease. All of the current licensing areas recorded higher levels than the borough average of 0.9%, with the exception of Daneshouse & Stoneyholme. The proposed licensing area recorded more cases than any other in the table, more than three times that for the borough.

Table 16: Reported incidents of ASB to the Council by selective licensing area

Existing Selective Licensing Designation Areas	2017/18	2018/19	2019/20	2020/21	2020/21 fig as % of Houses in Area
Trinity 2019- 2024	34	25	22	22	1.6%
Gannow 2019- 2024	33	19	38	13	4%
Queensgate 2019- 2024	42	34	16	23	1%
Daneshouse and Stoneyholme 2019- 2024	21	11	9	15	0.5%
Burnley Wood with Healey Wood 2016 - 2021	34	25	17	25	1.97%
Leyland Road Area 2016 - 2021	16	11	21	10	1.48%
Ingham & Lawrence 2016 - 2021	8	3	2	4	2.4%
Proposed Selective Licensing Designation Areas					
Burnley Wood with Healey Wood 2022 - 2027				26	2.84%
Leyland Road Area 2022 - 2027				11	1.42%

## 5.8 Environmental Crime

5.8.1 Environmental crime includes flytipping of back streets and residents failing to keep their yards free of litter and dog fouling. Accumulations of rubbish have a detrimental effect on neighbourhoods, making an area look unattractive and run down, attracting vermin and posing a risk of deliberate fires. The table below shows the number of incidents of environmental crime reported to the Council by residents and community groups. The wards in which the proposed licensing designation is situated are ranked first and second highest in terms of number of cases reported, with the Trinity ward recording a significant increase in the last year. Cases in these two wards combined account for 36% of the borough total.

**Table 17: Dirty Back Yards Recorded by the Council by Ward 2018 - 2021**

Ward	2018/19	2019/20	2020/21	Rank March 2021
Bank Hall	134	130	101	3
Briercliffe	12	27	31	11
Brunshaw	22	28	56	6
Cliviger with Worsthorpe	1	0	3	15
Coalclough with Deerplay	15	22	29	12
Daneshouse with Stoneyholme	59	51	40	10
Gannow	65	72	43	9
Gawthorpe	91	75	74	5
Hapton with Park	28	29	26	13
Lanehead	31	23	47	8
Queensgate	112	75	75	4
Rosegrove with Lowerhouse	69	68	50	7
Rosehill with Burnley Wood	140	88	118	2
Trinity	182	169	212	1
Whittlefield with Ightenhill	25	35	14	14
Total	986	892	919	

Source: Burnley Borough Council Streetscene

5.8.2 Table 18 shows the level of DBYs recorded by the Council as a percentage of the number of properties in the area. All of the below areas record higher levels than the borough rate of 2.2%, with the exception of Daneshouse & Stoneyholme. The current Burnley Wood with Healey Wood designation recorded significantly more cases in 2020/21, and the proposed designation area is higher still, recording several times as many cases as the percentage for the borough. This indicates a clear concentration of environmental crime within the proposed designation area.

**Table 18: Environmental Crime Recorded by the Council in current and proposed selective licensing areas 2017-2021**

Existing Selective Licensing Designation Areas	2017/18	2018/19	2019/20	2020/21	2020/21 fig as % of Houses in Area
Trinity 2019- 2024	273	110	145	187	13.9%
Gannow 2019- 2024	146	67	69	25	2.6%
Queensgate 2019- 2024	159	131	90	67	4.1%
Daneshouse and Stoneyholme 2019- 2024	84	35	31	29	1.6%
Burnley Wood with Healey Wood 2016 - 2021	205	148	78	107	8.4%
Leyland Road Area 2016 - 2021	165	41	56	46	6.8%

Ingham & Lawrence 2016 - 2021	25	24	10	11	6.5%
<b>Proposed Selective Licensing Designation Areas</b>					
<b>Burnley Wood with Healey Wood 2022 - 2027</b>				<b>95</b>	<b>10.4%</b>
Leyland Road Area 2022 - 2027				49	6.3%

Source: Burnley Borough Council Streetscene

## 5.9 Why Propose a Further Selective Licensing Designation?

- 5.9.1 There is certainly an improving picture in the current Burnley Wood with Healey Wood designation area leading to the removal of 464 properties from the further proposed area. In summary the number of housing disrepair complaints received by the Council have reduced, property and area security measures have improved, and the percentage of empty properties has decreased as well as the average house prices increasing. Until the Covid-19 Pandemic ASB and environmental crime were showing a downward trend at the ward and selective licensing area.
- 5.9.2 Despite these improvements the Council are proposing to consult on a further designation in Burnley Wood with Healey Wood with a different boundary excluding zone 2 as detailed in table 2 and adding further properties concentrated around Pine, Ash and Cedar Street.
- 5.9.3 Although demand for housing has improved within the designation area there are still key low demand statistics that raise concerns when compared to the ward and Borough. Not continuing with selective licensing at this stage would present a risk that notable improvements will not be sustained or built upon without a new designation. This is supported by Government guidance released in 2015 which acknowledged the need for licensing to extend beyond a five-year designation: 'The Government recognises that licensing may have to be a long-term strategy and that it will not provide instant solutions.'
- 5.9.4 The private rented sector is significantly higher in the proposed designation area (54%) when compared to the Borough and the wards in which the properties are mainly located. Within the designation area there are new, professional landlords investing, providing higher quality, well managed accommodation. Through the ongoing accreditation scheme and landlords' forums, we will support these new and existing responsible landlords, while licensing will continue to tackle those landlords that choose to ignore their legal responsibilities, undermining the private rented sector as a positive form of housing.
- 5.9.5 While the percentage of properties within the proposed designation area with an EPC rating of a F or G is now less than the Borough average there is further work to be undertaken to ensure the remaining properties meet at least an E and aspire to the Governments longer term commitment of as many private rented properties upgrading to an EPC Band C by 2030, where practical, cost-effective and affordable. Selective licensing will support landlords to achieve this and where necessary work with enforcement to further improve the EPC ratings of the properties within the designation area.
- 5.9.6 Significant progress has been made to reduce the number of empty properties in the current designation area, 77 of which were acquired by Calico Homes Ltd (the largest Registered Provider in Burnley. The 20/21 vacancy figures are still however higher than the Borough and the wards in which they are situated. A further designation area would enable selective licensing to continue to work in partnership with the Council's empty homes team and Calico

to bring further empty homes back into use, ensuring satisfactory management of the properties when they are returned to use by the private rented sector.

5.9.7 Since the start of the designation area the number of reports of anti-social behaviour to the Council have reduced. They are still however higher than the Borough. A further designation enables the selective licensing team to work in partnership with the required agencies to reduce the anti-social behaviour, using the conditions of the licence where necessary.

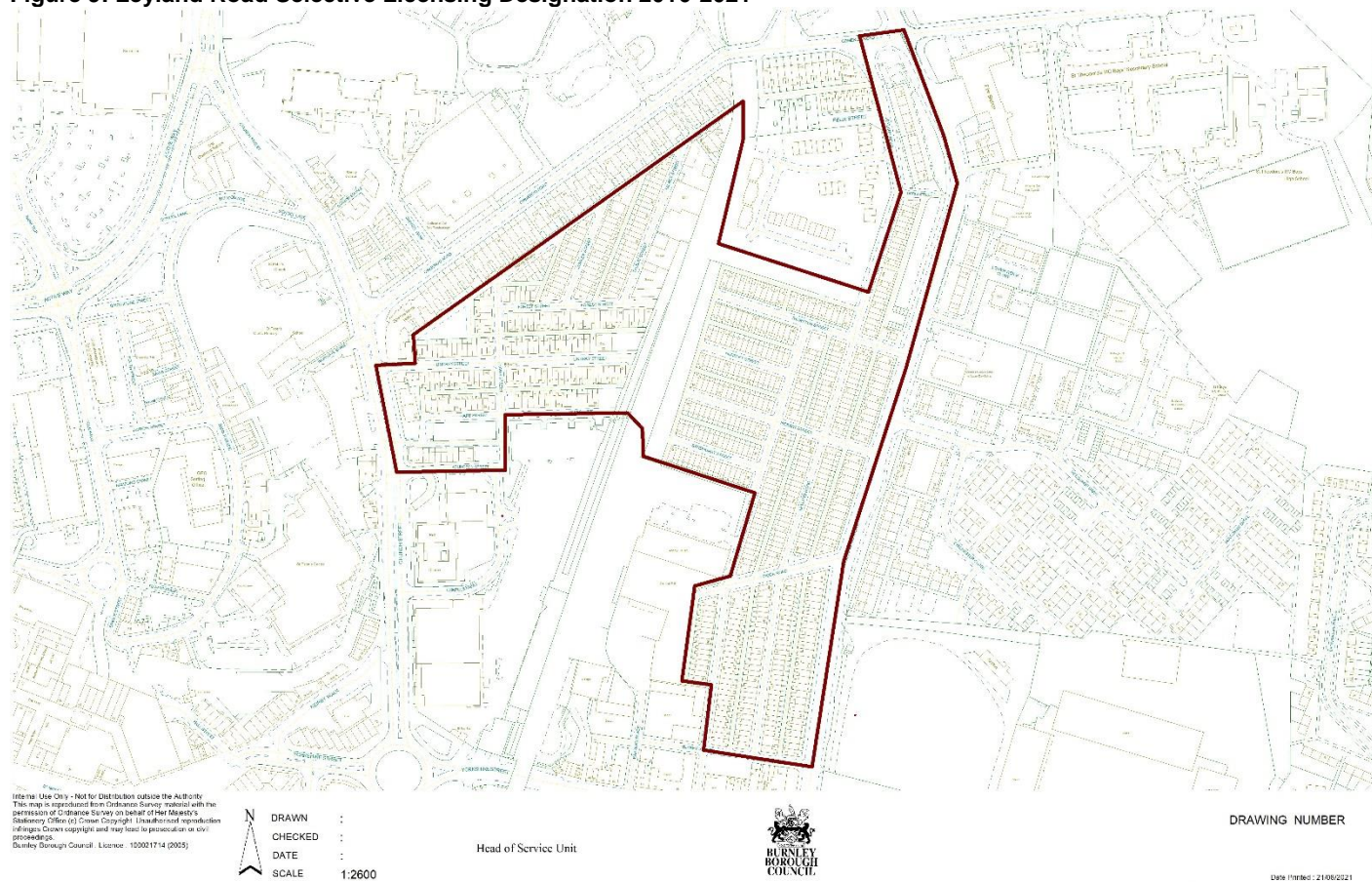
# 6. The Leyland Road Area Proposed Designation



## 6.1 Background

6.1.1 The Leyland Road area was designated as an area subject to selective licensing by the Council's Executive on 15<sup>th</sup> February 2016, which was confirmed by the Secretary of State on 15<sup>th</sup> July 2016. It came into force on 15<sup>th</sup> November 2016, and will end on 15<sup>th</sup> November 2021. Figure 9 shows the boundary of this designation.

**Figure 9: Leyland Road Selective Licensing Designation 2016-2021**



6.1.2 The designation covers a residential area of over 675 properties, of which 62% are privately rented.

6.1.3 Throughout the designation, the Council has monitored a number of key indicators of low housing demand. As the scheme draws to a close, the Council has assessed these indicators in order to determine the effectiveness of the scheme, and whether or not this area, or other similar areas, would benefit from a further selective licensing designation.

6.1.4 The area shown in Figure 9 can be split into two distinct zones:

- Zone 1: East
- Zone 2: West

6.1.5 By assessing key indicators, the Council is satisfied that whilst there have been improvements throughout the designation, there is not a significant difference between the two zones.

**Table 19 : Key Indicators 2020/2021**



	Leyland Road 2016 - 2021 Designation	Zone 1: East	Zone 2: West	Burnley Borough
Private Rented	62%	64%	58%	23% <sup>7</sup>
Owner Occupied	24%	23%	26%	63% <sup>8</sup>
House Values (20/21)	£47,909	£49,977	£25,833	£114,189 (2020 figure)
Antisocial behaviour cases (20/21 resident complaints as % of homes)	1.48%	1.74%	0.93%	0.9%
Dirty back yards cases recorded by the Council (20/21 as % of homes)	6.8%	7.6%	5.1%	2.2%
Vacant Homes 2 years + (March 21 as % of properties)	3.4%	3.7%	2.8%	1.5%
Disrepair Complaints (20/21 as % of private rented homes)	4.3%	4.1%	4.8%	Data not available
EPC – F&G Rating (June 2020 as % of homes)	4.9 %	4.8 %	5.1 %	3.3%

*Sources: Tenure - Selective Licensing Database, March 2021; House Values – Land Registry, March 2021; Antisocial behaviour and dirty back yards – Council Records March 2021; Disrepair Complaints – Housing Enforcement Database, March 2021; EPC Ratings – EPC register, June 2020.*

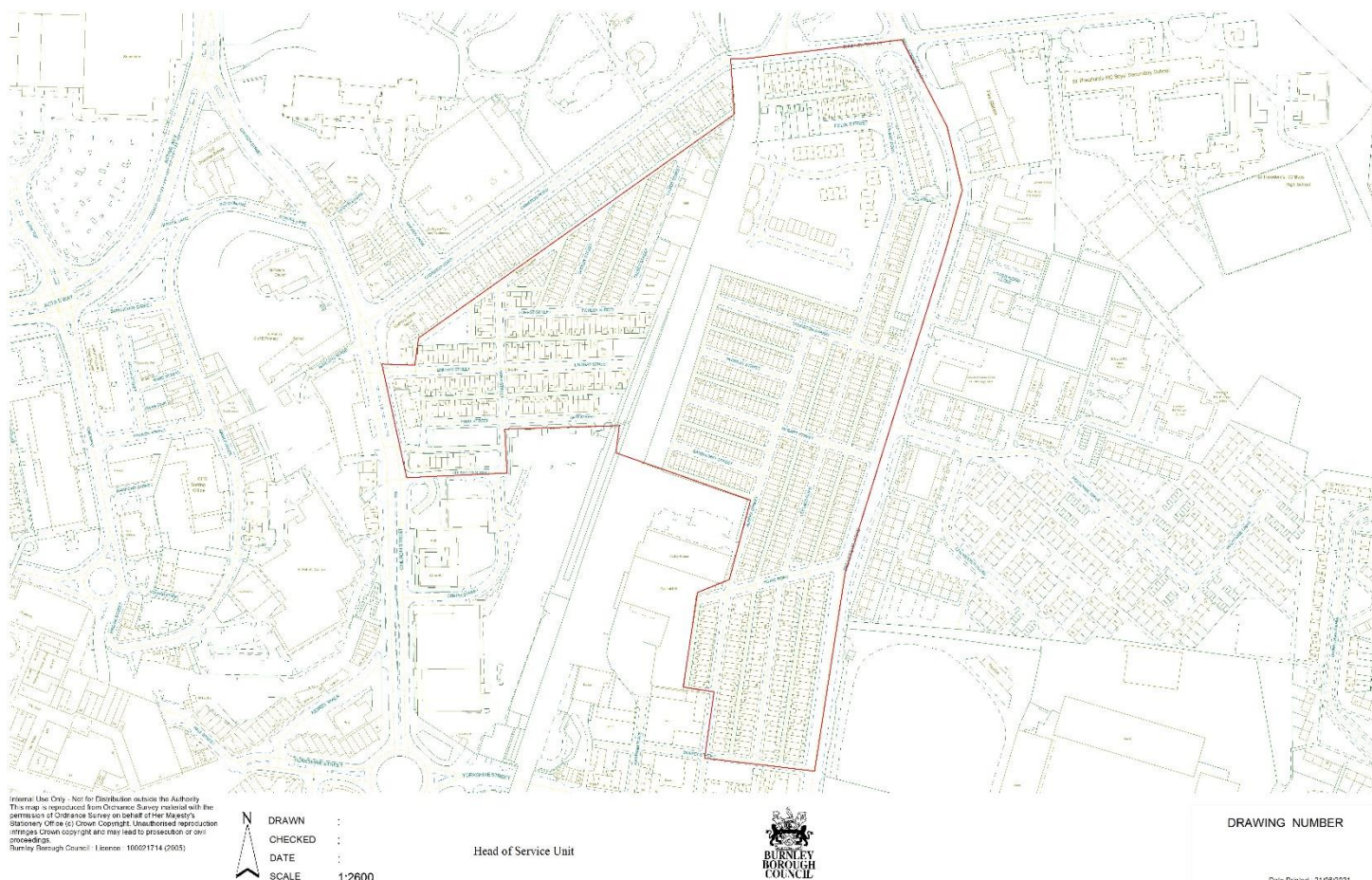
6.1.6 The Council is proposing to consult on designating a selective licensing area which would include all of the existing Leyland Road selective licensing area, along with a small number of streets to the north of the current boundary where we believe there is sufficient evidence of low demand for housing. Figure 10 shows the new proposed boundary for the Leyland Road designation.

**Figure 10: Proposed Leyland Road Designation Boundary 2022 - 2027**

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<sup>7</sup> See Footnote 2

<sup>8</sup> See footnote 2



6.1.7 The proposed designation area lies within the Bank Hall ward.

## 6.2 Housing Tenure

6.2.1 The following table shows a comparison of the private rented sector in Burnley's wards using Census data from 2011. This shows that the Bank Hall ward, where the proposed designation is situated, has the second highest percentage of private rented properties in the borough. The percentage of private rented properties in this ward is significantly higher than the borough average.

Table 20 Tenure of households – ward level

Tenure (%)	Owner Occupied (%)	Social Rented (%)	Private Rented (%)	Living Rent Free (%)	Rank
Burnley Average	65.2	14.1	19.4	1.4	
Lancashire (12 districts)	71.5	12.1	15.1	1.3	
England	64.1	17.7	16.8	1.3	
<u>Burnley Wards</u>					
Bank Hall	45.4	21.3	29.6	1.8	2
Briercliffe	83.4	3.5	10.6	1	10
Brunshaw	58.2	28.6	10.3	1.4	11
Cliviger with Worsthorne	88.5	2	7.5	1.2	13
Coal Clough with Deerplay	69.4	19.7	8.3	1.3	12

Daneshouse/Stoneyholme	54	13.2	26	3.6	3
Gannow	65.1	12.8	19.1	1.3	7
Gawthorpe	57	15.6	24.1	1.3	4
Hapton with Park	67.9	14.4	15.5	1	8
Lanehead	67.7	14.2	15.3	0.9	9
Queensgate	65.7	5.3	25	1.2	5
Rosegrove with Lowerhouse	60.9	20.4	15.3	1.7	9
Rosehill with Burnley Wood	64	14.7	19.4	1.2	6
Trinity	51.9	12.3	32.8	1.1	1
Whittlefield with Ightenhill	83.2	7.1	8	1	14

Census 2011

6.2.2 Table 21 shows a more detailed analysis of tenure within the current and proposed licensing areas. The data shows that the proposed designation area is made up of 61% private rented properties. This figure is almost on a par with the current Leyland Road area designation, which has the highest level of private renting of all the current licensing areas.

**Table 21: The number and percentage of private rented properties in the selective licensing areas**

Existing Selective Licensing Designation Areas	Number of Properties	No PRS	% PRS
Trinity 2019- 2024	1348	653	48
Gannow 2019- 2024	958	481	50
Queensgate 2019- 2024	1617	741	46
Daneshouse and Stoneyholme 2019- 2024	1790	621	35
Burnley Wood with Healey Wood 2016 - 2021	1268	619	49
Leyland Road Area 2016 - 2021	675	418	62
Ingham & Lawrence 2016 -2021	169	90	53
Proposed Selective Licensing Areas	Number of Properties	No PRS	% PRS
Burnley Wood with Healey Wood 2022 -2027	914	498	54
Leyland Road 2022 - 2027	772	469	61

Source- Current selective licensing area data

## 6.3 Fuel Poverty

6.3.1 Since April 2020 landlords may not let a property to a new tenant if the rating on the Energy Performance Certificate (EPC) is below “E”. The purpose of the EPC is to show prospective tenants the energy performance of the dwelling they are considering renting, and gives a good indication of property condition. Table 22 shows the numbers of properties within the current and proposed designation areas that currently have an EPC below an “E”. The figures include owner occupied properties, as well as privately rented.

**Table 22: Properties rated below “E” by current and proposed selective licensing designation**

Existing Selective Licensing Designation Areas	Number of Properties	Number of properties rated below “E”	% of properties rated below “E”
Trinity 2019- 2024	1348	105	7.8%
Gannow 2019- 2024	958	33	3.4%
Queensgate 2019- 2024	1617	99	6.1%
Daneshouse and Stoneyholme 2019- 2024	1790	38	2.1%
Burnley Wood with Healey Wood 2016 - 2021	1268	43	3.4%
Leyland Road Area 2016 - 2021	675	33	4.9%
Ingham & Lawrence 2016 -2021	169	5	3%
Proposed Selective Licensing Areas	Number of Properties	Number of properties rated below “E”	% of properties rated below “E”
Burnley Wood with Healey Wood 2022 - 2027	914	27	3%
Leyland Road 2022 - 2027	772	33	4.3%

Source: Energy Performance of Buildings Data England and Wales, MHCLG, 2020

6.3.2 During the current Leyland Road designation, officers have been working with landlords to ensure that they have brought their homes up to the required minimum standard, and can evidence this with a valid EPC of minimum rating “E”. The licensing team continue to work with landlords to bring their properties up to standard and, are liaising with Trading Standards to ensure action is being taken against the landlords of the properties which are being let below the minimum standard.

6.3.3 A number of the properties rated below “E” are owner occupied. The Council will work to tackle these with an alternative approach through the Green Homes Grant. Burnley are part of a consortium of Lancashire authorities known as CHiL who have successfully secured funding from Round 1b and 2 of the Green Homes Local Authority Delivery Scheme. The selective licensing team will be working with CHiL to ensure the EPC ratings of the owner-occupied properties are also improved.

6.3.4 Licences are not granted at properties where the EPC is below standard, which has resulted in all of the licensing areas with the exception of Trinity recording lower than borough averages of F/G rated properties. Work will continue to replicate this trend in Trinity. This demonstrates that the licensing schemes are effective at improving energy efficiency and associated property condition. Without the application process of the licensing scheme, many of these properties would not have improved their rating.

6.3.5 The proposed designation currently has 4.3% (33 properties) rated below “E”. This is above the Burnley average of 3.3%. A further designation would ensure that the Council is able to undertake proactive inspections at privately let properties with a poor rating, in order to identify likely poor property condition.

## 6.4 Condition

6.4.1 Housing condition and property maintenance and repair is fundamental to the management practices within the private rented sector. Evidence of property condition impacting on residents comes from the number of housing disrepair complaints received from tenants. In 2020/21, the ward in which the proposed designation area is situated recorded more disrepair complaints than any other ward.

**Table 23: Number of disrepair complaints received by ward**

Ward	2011/ 12	2012/ 13	2013/ 14	2014/ 15	2015/ 16	2016/ 17	2017/ 18	2018/ 19	2019/ 20	2020/ 21	Ran k 20/2 1
Bank Hall	25	30	54	54	41	36	37	32	49	64	1
Briercliffe	2	4	8	5	4	3	5	0	5	3	14=
Brunshaw	8	15	10	6	10	6	7	7	7	14	8=
Cliviger with Worsthorne	1	1	0	1	1	1	2	0	1	3	14=
Coal Clough with Deerplay	4	5	8	2	7	4	4	1	7	10	11
Daneshouse with Stoneyholme	18	22	26	24	43	38	20	17	23	54	3
Gannow	21	20	24	18	27	11	13	10	6	7	12=
Gawthorpe	20	21	20	24	24	27	27	16	17	27	6=
Hapton with Park	5	12	12	12	7	11	7	5	14	14	8=
Lanehead	6	15	16	11	14	17	13	4	9	11	10
Queensgate	27	32	49	47	85	37	35	23	31	43	5
Rosegrove with Lowerhouse	12	26	30	10	22	12	12	15	26	46	4
Rosehill with Burnley Wood	14	20	33	27	32	29	18	22	39	27	6=
Trinity	45	42	59	43	46	42	44	49	65	63	2
Whittlefield with Ightenhill	8	1	5	5	9	5	3	3	7	7	12=



Burnley Total	216	266	354	289	372	279	247	204	306	393	
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Source: Housing Enforcement Team

6.4.2 Table 24 compares the numbers of disrepair complaints for the last two financial years in the current and proposed selective licensing designations.

**Table 24: Disrepair complaints received by current and proposed licensing areas, and as % of properties**

Existing Selective Licensing Designation Areas	Number of PRS Properties	Number of Disrepair Complaints 19/20	Disrepair Complaints as % of PRS 19/20	Number of Disrepair Complaints 20/21	Disrepair Complaints as % of PRS 20/21
Trinity 2019- 2024	653	34	5.2%	57	8.7%
Gannow 2019- 2024	481	13	2.7%	24	5%
Queensgate 2019- 2024	741	24	3.2%	51	6.9%
Daneshouse and Stoneyholme 2019- 2024	621	17	2.7%	50	8.1%
Burnley Wood with Healey Wood 2016 - 2021	619	29	7.8%	24	3.9%
Leyland Road Area 2016 - 2021	418	20	6.7%	18	4.4%
Ingham & Lawrence 2016 -2021	90	3	3.3%	4	4.4%
Proposed Selective Licensing Areas	Number of PRS Properties	Number of Disrepair Complaints 19/20	Disrepair Complaints as % of PRS 19/20	Number of Disrepair Complaints 20/21	Disrepair Complaints as % of PRS 20/21
Burnley Wood with Healey Wood 2022 - 2027	498	38	7.6%	18	3.6%
Leyland Road 2022 - 2027	469	29	6.2%	18	3.8%

Source: Housing Enforcement Team

6.4.3 During the coronavirus pandemic, the Enforcement team have reduced the number of inspections undertaken, in order to protect the health and safety of residents and staff. Inspections were completed in urgent/emergency cases. The number of disrepair complaints for the existing designated area has reduced in the last year. The proposed designation area currently records levels below that of the borough average.

6.4.4 In the past year, the licensing team have been unable to undertake proactive internal property checks due to national and regional coronavirus restrictions. In the Leyland Road area, the licensing team continued to undertake external audits, checking the outside of properties for signs of disrepair, as well as back yards and external structures such as back walls and gates. Where a property appears to have concerning external disrepair, an internal inspection is undertaken.

6.4.5 As restrictions lift, the licensing team aim to complete a number of proactive internal inspections at the properties we are most concerned about. Designating the proposed licensing area in 2022 will allow the licensing team to undertake further proactive inspections to target disrepair before it becomes severe enough to warrant an inspection by the Enforcement team. This will also allow us to ensure that all landlords operating in the area are doing so to the same required standard.

## 6.5 Housing Market

6.5.1 The following table shows the house price variation within the borough's wards up to March 2020. It is well documented how house prices in Burnley, particularly inner Burnley, have been consistently some of the lowest in the country. The lowest ranked ward in the year to March 2020 was Bank Hall, where the proposed designated area is located. Values in this ward are just 60% of the borough average.

**Table 25: Mean House Values by Ward.**

	Mar-09	Mar-10	Mar-11	Mar-12	Mar-13	Mar-14	Mar-15	Mar-16	Mar-17	Mar-18	Mar-19	Mar-20
Bank Hall	77,600	61,949	52,344	52,970	43,227	52,370	51,612	57,890	54,855	50,062	58,131	68,737
Briercliffe	137,948	126,138	126,545	128,111	131,111	117,345	129,766	128,251	128,051	129,866	134,361	134,703
Brunshaw	88,596	85,133	88,921	74,303	74,421	88,105	96,776	89,177	95,903	98,865	101,651	96,065
Cliviger with Worsthorne	170,196	170,538	166,088	158,431	171,155	170,185	169,016	193,662	180,885	181,747	185,492	196,830
Coal Clough with Deerplay	115,538	109,409	105,931	133,712	109,727	96,986	129,363	110,149	123,448	133,785	129,109	152,389
Daneshouse with Stoneyholme	64,487	55,572	54,748	50,405	39,051	41,858	44,969	47,775	61,485	64,201	64,004	70,236
Gannow	95,370	78,439	80,033	75,599	71,505	70,398	76,882	83,263	82,036	80,105	83,971	111,286
Gawthorpe	92,428	80,824	91,196	95,981	72,328	67,902	90,161	94,352	89,665	96,332	90,722	95,045
Hapton with Park	112,595	106,784	107,451	106,837	108,677	109,097	122,366	114,075	116,439	143,310	139,647	139,139
Lanehead	106,776	95,726	99,951	87,541	87,592	99,256	112,345	96,579	106,763	105,454	117,224	106,989
Queensgate	78,320	71,482	68,107	57,040	57,198	54,403	59,987	56,546	62,518	75,934	63,871	79,134
Rosegrove with Lowerhouse	95,346	96,238	87,183	93,902	88,599	92,065	97,362	107,640	92,934	132,546	126,277	120,330
Rosehill with Burnley Wood	81,324	85,675	84,189	81,162	102,310	76,301	95,664	89,109	93,927	94,295	95,536	108,334
Trinity	65,008	62,670	70,834	55,847	67,713	44,265	51,944	55,924	64,674	68,357	77,206	71,373
Whittlefield with Ightenhill	147,212	139,024	140,592	140,403	160,427	133,580	135,487	140,869	148,079	159,616	144,738	155,311
Burnley	92,008	92,672	87,772	90,891	90,370	91,676	96,473	96,406	99,305	104,648	106,274	114,189

**Source: Office for National Statistics, 2021**

6.5.2 Table 26 looks in more detail at house prices within the current and proposed designated area over the last four years. All of the current licensing areas have average house prices significantly below the borough average. In addition, the proposed designation area shows house values significantly lower than the Borough average and are also lower than the ward (Bank Hall) average which in turn is the lowest ranking ward across the Borough for average house prices.

**Table 26: Average house prices by current and proposed selective licensing area and their wards**

Existing Selective Licensing Designation Areas	2017/18	2018/2019	2019/2020	2020/2021
Trinity 2019- 2024	£39,306	£40,240	£42,198	£42,356
Gannow 2019- 2024	£44,366	£47,327	£48,982	£53,897
Queensgate 2019- 2024	£41,380	£40,146	£48,875	£47,782
Daneshouse and Stoneyholme 2019- 2024	£43,440	£38,684	£41,663	£51,344
Burnley Wood with Healey Wood 2016 - 2021	£37,064	£45,008	£43,543	£47,446
Leyland Road Area 2016 - 2021	£34,899	£38,682	£43,531	£47,909
Ingham & Lawrence 2016 -2021	£29,000	£52,749	£51,187	£48,500
Proposed Selective Licensing Areas				
Burnley Wood with Healey Wood 2022 - 2027	£34,911	£40,929	£40,499	£43,703
Leyland Road 2022 - 2027	£36,789	£39,102	£46,737	£51,008

Ward				
Bank Hall	£50,062	£58,131	£68,737	Data not yet available
Borough				
Burnley	£104,648	£106,274	£114,189	Data not yet available

Source: Office for National Statistics; Land Registry

6.5.3 Whilst house values are influenced by a number of factors, including regional and national economies, they are a clear indicator of low levels of housing market confidence. Whilst values have increased in recent years, and properties continue to change hands, the values remain disproportionately low, particularly in the proposed designation area.

## 6.6 Empty Homes

6.6.1 Table 27 below shows the number of empty properties in Burnley by ward. In 2021, Bank Hall, where the proposed designated area is situated recorded the highest number of empty properties in the borough.

**Table 27: Number of empty properties by Ward**

	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	Rank2021
Bank Hall	298	298	408	326	255	253	272	328	252	215	280	1
Briercliffe	90	85	100	87	102	124	84	89	87	88	75	15
Brunshaw	90	121	83	84	112	110	124	113	123	104	108	9=
Cliviger with Worsthorne	74	73	94	84	85	89	93	80	90	63	79	12
Coal Clough Lane with Deerplay	73	77	135	117	103	88	88	78	73	63	77	14
Daneshouse with Stoneyholme	389	343	319	274	223	225	234	204	186	157	139	6
Gannow	171	156	165	150	165	166	171	153	163	134	125	7
Gawthorpe	197	180	217	211	189	223	182	198	198	206	162	4
Hapton with Park	122	130	190	170	143	138	129	113	102	112	108	9=
Lanehead	128	101	136	145	119	129	109	93	92	101	97	11
Queensgate	318	294	239	231	262	264	250	240	204	181	164	3
Rosegrove with Lower House	149	149	165	160	165	141	127	122	168	124	115	8
Rosehill with Burnley Wood	316	239	123	125	214	199	203	205	176	166	155	5
Trinity	409	373	320	288	345	350	307	302	265	255	233	2
Whittlefield with Ightenhill	79	72	93	82	85	94	93	88	79	77	78	13

Source: Burnley Borough Council Empty Homes Team

6.6.2 The table below shows the levels of vacant properties as a percentage of houses in the area over time. The current Leyland Road designation recorded 9% vacant properties in March 2021, around twice the borough average of 4.6%. Whilst levels of vacant properties have reduced during the current designation, they are still disproportionately high compared to the borough. Historical data is not available for the proposed designated area, however in March



2021, it recorded vacants at 8%, comparable with the current designation and just under twice the level for the borough as a whole.

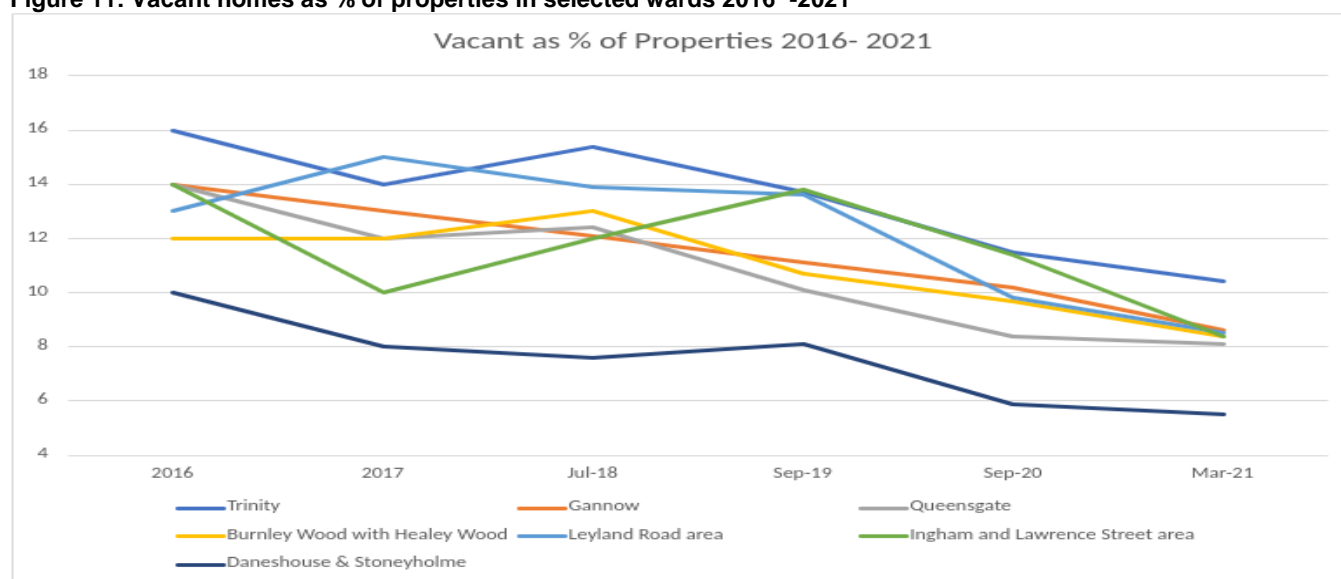
**Table 28: Percentage of empty homes within the selective licensing areas**

Existing Selective Licensing Designation Areas	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	Mar-2021
Trinity 2019- 2024	18	16	20	20	20	16	16	14	15	14	12	10
Gannow 2019- 2024	12	12	13	14	14	12	14	13	12	11	10	9
Queensgate 2019- 2024	17	16	15	16	14	10	14	12	12	10	8	8
Daneshouse and Stoneyholme 2019- 2024	15	14	12	12	10	10	10	9	8	8	6	6
Burnley Wood with Healey Wood 2016 - 2021	13	13	14	13	14	13	12	12	13	11	10	8
Leyland Road Area 2016 - 2021	16	18	16	15	15	13	13	15	14	13	10	9
Ingham & Lawrence 2016 -2021	11	13	10	11	10	12	14	10	12	14	11	8
Proposed Selective Licensing Designation Areas												
Burnley Wood with Healey Wood 2022 - 2027												10
Leyland Road Area 2022 - 2027												8

Source: Burnley Borough Council Empty Homes Team

6.6.3 The graph below shows the decline in vacant properties in the existing licensing areas from 2016-2021, demonstrating a clear downward trend. However, the current rates still remain above the borough average. The selective licensing team work closely with the Empty Homes team to encourage landlords to bring properties back into use. Designating the proposed area will allow the licensing team to continue this proactive work with the aim of reducing the number of vacant properties further.

**Figure 11: Vacant homes as % of properties in selected wards 2016 -2021**



6.6.4 The Council accepts that there will always be a number of vacant properties in the borough and the licensing areas, as properties are bought and sold, and tenancies change. A useful additional indicator of low demand is to review the percentage of properties which have

remained empty for two years or more. Table 29 shows this for the existing and proposed licensing areas in March 2021. All of the areas listed recorded levels of long term empty properties above the borough average of 1.5%. Whilst Table 28 and Graph 11 show a clearly improving picture, there is still work to be done to bring these properties back into use; the proposed designation area records more than double the borough percentage of long term empty properties.

**Table 29: Long Term Empty Properties in Proposed and Existing Licensing Areas**

Existing Selective Licensing Designation Areas	Number of Properties	Number of Properties Empty 2 years +	% of Properties Empty 2 years +
Trinity 2019- 2024	1348	63	4.7%
Gannow 2019- 2024	958	25	2.6%
Queensgate 2019- 2024	1617	56	3.5%
Daneshouse and Stoneyholme 2019- 2024	1790	38	2.1%
Burnley Wood with Healey Wood 2016 - 2021	1268	36	2.8%
Leyland Road Area 2016 - 2021	675	23	3.4%
Ingham & Lawrence 2016 - 2021	167	4	2.4%
Proposed Selective Licensing Designation Areas			
Burnley Wood with Healey Wood 2022 - 2027	914	30	3.3%
<b>Leyland Road Area 2022 - 2027</b>	<b>772</b>	<b>24</b>	<b>3.1%</b>

Source: Burnley Borough Council Empty Homes Team

## 6.7 Crime and Anti – Social Behaviour

6.7.1 Significant levels of anti-social behaviour (ASB) and crime can be a contributing factor to low demand, as people do not want to remain in an area experiencing such problems. Data from Lancashire Insight shows a decline in recorded crime across all wards in 2019/20; in 2020/21, nine of the wards continued to see further decline, whilst six recorded increases and one remained consistent with the previous year. The proposed designation area lies in the ward ranked fourth highest in the borough for total crime, and despite a decrease on the previous year, recorded significantly higher levels of crime than the borough average.

**Table 30: Lancashire Insight Total Recorded Crime by Ward and Financial Year, Including Burnley Borough**

	18/19	18/19	19/20	19/20	20/21	20/21	
Area	Per 1000 Popn	% Change Previous Year	Per 1000 Popn	% Change Previous Year	Per 1000 Popn	% Change Previous Year	Ward Rank March 2021
Burnley	150.5	+26%	122.7	-18%	112.6	-8%	
<b>Bank Hall</b>	<b>220.6</b>	<b>+23%</b>	<b>173.6</b>	<b>-21%</b>	<b>146.5</b>	<b>-16%</b>	<b>4</b>
Briercliffe	55.6	+28%	41.0	-26%	38.3	-7%	14
Brunshaw	93.3	+21%	84.6	-9%	72.6	-14%	12
Cliviger with Worsthorne	30.0	-6%	27.3	-9%	22.9	-16%	15

Coal Clough with Deerplay	130.3	+32%	101.8	-22%	98.5	-3%	8
Daneshouse with Stoneyholme	338.1	+26%	286.7	-15%	191.5	-33%	2
Gannow	135.3	+52%	93.0	-31%	95.5	+3%	9
Gawthorpe	127.1	+25%	109.7	-14%	110.6	+1%	7
Hapton with Park	89.7	+29%	74.6	-17%	81.3	+9%	11
Lanehead	88.3	+10%	70.2	-21%	87.4	+25%	10
Queensgate	182.7	+12%	147.8	-19%	155.3	+5%	3
Rosegrove with Lowerhouse	146.9	+29%	105.2	-28%	123.3	+17%	6
Rosehill with Burnley Wood	165.4	+8%	142.7	-14%	142.7	0%	5
Trinity	267.7	+35%	232.4	-13%	197.0	-15%	1
Whittlefield with Ightenhill	68.4	+26%	48.3	-29%	46.6	-4%	13

Source: Lancashire Insight, 2021

6.7.2 Table 31 shows levels of ASB recorded across Burnley and split by ward from March 2018 - March 2021. In 2018/19 there was a notable decrease in ASB across the borough; in 19/20 many of the wards started to see an increase in cases. Between April 2020 and March 2021, cases of ASB in Burnley increased by 80%, compare to 75% across Lancashire. From March 2020, breaches of coronavirus legislation were recorded as ASB, which the Council believes will account for a number of those cases, as well as increased “neighbour intolerance” due to lockdown restrictions. The ward in which the proposed designation area is located recorded lower than average increases, however due to their existing high levels of ASB was still ranked third highest in March 2021.

**Table 31: Lancashire Insight Total Recorded ASB by Ward and Financial Year, Including Burnley Borough**

	18/19	18/19	19/20	19/20	20/21	20/21	
Area	Per 1000 Popn	% Change Previous Year	Per 1000 Popn	% Change Previous Year	Per 1000 Popn	% Change Previous Year	Ward Rank March 2021
Burnley	47.0	-26%	48.9	+4%	88.1	+80%	
Bank Hall	76.4	-26%	78.4	+3%	122.1	+56%	3
Briercliffe	21.6	-34%	25.2	+17%	58.6	+133%	13
Brunshaw	27.6	-30%	29.7	+8%	63.3	+113%	12
Cliviger with Worsthorne	8.9	-44%	11.9	+33%	25.5	+115%	15
Coal Clough with Deerplay	34.0	-32%	33.8	-1%	82.3	+144%	8
Daneshouse with Stoneyholme	112.2	-19%	112.5	0%	133.2	+18%	2
Gannow	42.2	-21%	41.3	-2%	72.8	+76%	11
Gawthorpe	51.9	-22%	51.2	-1%	86.9	+70%	7

Hapton with Park	35.1	-16%	31.5	-10%	78.4	+148%	9
Lanehead	37.5	-21%	36.0	-4%	73.5	+104%	10
Queensgate	49.5	-32%	57.7	+17%	99.0	+72%	5
Rosegrove with Lowerhouse	44.1	-24%	35.9	-18%	93.3	+160%	6
Rosehill with Burnley Wood	56.4	-28%	67.1	+19%	120.9	+80%	4
Trinity	77.0	-34%	89.7	+16%	161.8	+80%	1
Whittlefield with Ightenhill	20.3	-23%	23.2	+15%	41.7	+80%	14

Source: Lancashire Insight, 2021

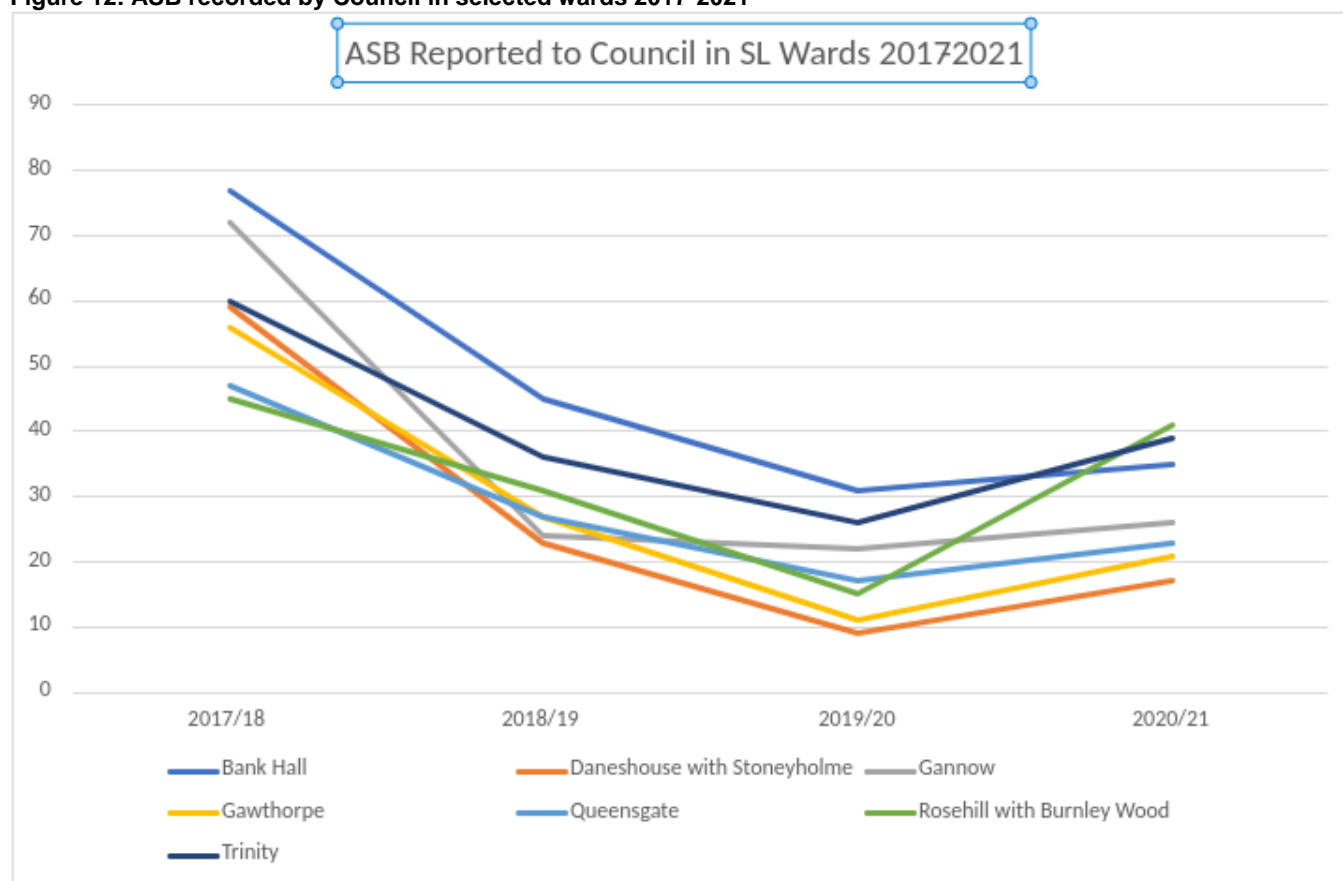
6.7.3 Table 32 shows the number of ASB incidents recorded by the Council, whilst Figure 12 shows the levels of ASB in wards where the current and proposed selective licensing designations are situated. From the graph it is clear that all of these wards followed similar trends, similar to the rate of change for Burnley as a whole. The graph also shows the rate of increase in the last year was highest in Rosehill with Burnley Wood. The ward where the proposed Leyland Road area is situated is ranked third highest in terms of total cases reported by ward.

**Table 32 Reported incidents of ASB to the Council by Ward**

Ward	2017/18	2018/19	2019/20	2020/21	Rank March 2021
Bank Hall	77	45	31	35	3
Briercliffe	14	9	3	21	9=
Brunshaw	41	17	15	29	5
Cliviger with Worsthorpe	6	6	1	5	15
Coalclough with Deerplay	28	21	6	21	9=
Daneshouse with Stoneyholme	59	23	9	17	13
Gannow	72	24	22	26	7
Gawthorpe	56	27	11	21	9=
Hapton with Park	25	14	9	21	9=
Lanehead	31	18	9	27	6
Queensgate	47	27	17	23	8
Rosegrove with Lowerhouse	38	14	17	32	4
Rosehill with Burnley Wood	45	31	15	41	1
Trinity	60	36	26	39	2
Whittlefield with Ightenhill	13	13	10	12	14
Total	612	325	201	370	

Source: Lancashire Insight, 2021

Figure 12: ASB recorded by Council in selected wards 2017-2021



6.7.4 Table 33 shows in more detail the levels of ASB reported to the Council in the current and proposed selective licensing designations. Most of the existing areas recorded an increase in cases on the previous year, in line with the figure for the borough, with the exception of Gannow which recorded a decrease. All of the current licensing areas recorded higher levels than the borough average of 0.9%, with the exception of Daneshouse & Stoneyholme. The proposed licensing area recorded 11 cases, which equates to 1.42% of the properties in the area, higher than the borough average

Table 33: Reported incidents of ASB to the Council by selective licensing area

Existing Selective Licensing Designation Areas	2017/18	2018/19	2019/20	2020/21	2020/21 fig as % of Houses in Area
Trinity 2019- 2024	34	25	22	22	1.6%
Gannow 2019- 2024	33	19	38	13	4%
Queensgate 2019- 2024	42	34	16	23	1%
Daneshouse and Stoneyholme 2019- 2024	21	11	9	15	0.5%
Burnley Wood with Healey Wood 2016 - 2021	34	25	17	25	1.97%
Leyland Road Area 2016 - 2021	16	11	21	10	1.48%
Ingham & Lawrence 2016 - 2021	8	3	2	4	2.4%
Proposed Selective Licensing Designation Areas					
Burnley Wood with Healey Wood 2022 - 2027				26	2.84%
Leyland Road Area 2022 - 2027				11	1.42%

## 6.8 Environmental Crime

6.8.1 Environmental crime includes flytipping of back streets and residents failing to keep their yards free of litter and dog fouling. Accumulations of rubbish have a detrimental effect on neighbourhoods, making an area look unattractive and run down, attracting vermin and posing a risk of deliberate fires. The table below shows the number of incidents of environmental crime reported to the Council by residents and community groups. Despite reductions over the last few years showing an improving picture, the ward in which the proposed licensing designation is situated is ranked third highest in terms of number of cases reported in 2020/21.

**Table 34: Dirty Back Yards Recorded by the Council by Ward 2017 - 2021**

Ward	2018/19	2019/20	2020/21	Rank March 2021
<b>Bank Hall</b>	<b>134</b>	<b>130</b>	<b>101</b>	<b>3</b>
Briercliffe	12	27	31	11
Brunshaw	22	28	56	6
Cliviger with Worsthorpe	1	0	3	15
Coalclough with Deerplay	15	22	29	12
Daneshouse with Stoneyholme	59	51	40	10
Gannow	65	72	43	9
Gawthorpe	91	75	74	5
Hapton with Park	28	29	26	13
Lanehead	31	23	47	8
Queensgate	112	75	75	4
Rosegrove with Lowerhouse	69	68	50	7
Rosehill with Burnley Wood	140	88	118	2
Trinity	182	169	212	1
Whittlefield with Ightenhill	25	35	14	14
Total	986	892	919	

Source: Burnley Borough Council Streetscene

6.8.2 Table 35 shows the level of DBYs recorded by the Council as a % of the number of properties in the area. All of the below areas record higher levels than the borough rate of 2.2%, with the exception of Daneshouse & Stoneyholme. The current Leyland Road designation recorded fewer cases in 2020/21 than the previous year, but still recorded significantly higher levels than the rate for the borough as a whole, and the proposed designation area is on a par with this. This indicates a clear concentration of environmental crime within the proposed designation area.

**Table 35: Environmental Crime Recorded by the Council in current and proposed selective licensing areas 2017-2021**

Existing Selective Licensing Designation Areas	2017/18	2018/19	2019/20	2020/21	2020/21 fig as % of Houses in Area
Trinity 2019- 2024	273	110	145	187	13.9%
Gannow 2019- 2024	146	67	69	25	2.6%
Queensgate 2019- 2024	159	131	90	67	4.1%
Daneshouse and Stoneyholme 2019- 2024	84	35	31	29	1.6%
Burnley Wood with Healey Wood 2016 - 2021	205	148	78	107	8.4%
Leyland Road Area 2016 - 2021	165	41	56	46	6.8%
Ingham & Lawrence 2016 - 2021	25	24	10	11	6.5%
<b>Proposed Selective Licensing Designation Areas</b>					

Burnley Wood with Healey Wood 2022 - 2027				95	10.4%
Leyland Road Area 2022 - 2027				49	6.3%

Source: Burnley Borough Council Streetscene

## 6.9 Why Propose a Further Selective Licensing Designation?

6.9.1 There is certainly an improving picture in the current Leyland Road area. In summary the number of housing disrepair complaints received by the Council have reduced, property and area security measures have improved, and the percentage of empty properties has decreased as well as the average house prices increasing. Until the Covid-19 Pandemic ASB and environmental crime were showing a downward trend at the ward and selective licensing area.

6.9.2 Despite these improvements the Council are proposing to consult on a further designation in Leyland Road with the boundary extending to include Straight Mile Court.

6.9.3 Although demand for housing has improved within the designation area there are still key low demand statistics that raise concerns when compared to the ward and Borough. Not continuing with selective licensing at this stage would present a risk that notable improvements will not be sustained or built upon without a new designation. This is supported by Government guidance released in 2015 which acknowledged the need for licensing to extend beyond a five-year designation: 'The Government recognises that licensing may have to be a long-term strategy and that it will not provide instant solutions.'

6.9.4 The private rented sector is significantly higher in the proposed designation area (61%) when compared to the Borough and the wards in which the properties are mainly located. Within the designation area there are new, professional landlords investing, providing higher quality, well managed accommodation. Through the ongoing accreditation scheme and landlords' forums, we will support these new and existing responsible landlords, while licensing will continue to tackle those landlords that choose to ignore their legal responsibilities, undermining the private rented sector as a positive form of housing.

6.9.5 The percentage of properties within the proposed designation area with an EPC rating of a F or G is above the Borough average and there is further work to be undertaken to ensure the remaining properties meet at least an E and aspire to the Governments longer term commitment of as many private rented properties upgrading to an EPC Band C by 2030, where practical, cost-effective and affordable. Selective licensing will support landlords to achieve this and where necessary work with enforcement to further improve the EPC ratings of the properties within the designation area.

6.9.6 Significant progress has been made to reduce the number of empty properties in the current designation area. The 20/21 vacancy figures are still however higher than the Borough and the wards in which they are situated. A further designation area would enable selective licensing to continue to work in partnership with the Council's empty homes team to bring further empty homes back into use, ensuring satisfactory management of the properties when they are returned to use by the private rented sector.

6.9.7 Since the start of the designation area the number of reports of anti-social behaviour to the Council have reduced. They are still however higher than the Borough. A further designation enables the selective licensing team to work in partnership with the required agencies to reduce the anti-social behaviour, using the conditions of the licence where necessary.



## **7. OUTCOMES OF THE PROPOSED DESIGNATION AREA**

- 7.1 Low demand in the proposed selective licensing areas is most clearly manifested in high vacancy rates, low property values, high numbers of private rented properties and poor property conditions. In addition there are high incidences of environmental crime and anti-social behaviour, which have a negative impact on demand within the area, further weakening the housing market.
- 7.2 Pockets of significantly high numbers of private rented properties in poor condition are exacerbating the problems of low demand through poor property management and poor housing conditions. Selective Licensing will help to address the problems associated with low demand by compelling those landlords that are not operating to minimum required standards to improve the management practices and the condition of their properties. This will improve the housing offer, which in turn will help improving the unpopular perspective that residents have of these neighbourhoods.
- 7.3 The Council are proposing to designate the Burnley Wood with Healey Wood and the Leyland Road area on the grounds that the areas are experiencing low housing demand.
- 7.4 The overall objective of the designation areas as part of a wider housing and economic development programme is to improve the social, economic and environmental conditions within the designation area. To achieve this within the designation area Burnley Borough Council aims to:
- a. Improve the management of the private rented sector;
  - b. Improve the condition of the private rented sector
  - c. Reduce anti-social behaviour
  - d. Reduce environmental crime
  - e. Bring empty homes back into use
- 7.5 Social conditions within the area will improve as the standard of lives for residents will improve by protecting their health, safety and welfare through better housing conditions and management.
- 7.6 Central to supporting Burnley's successful economic growth is ensuring the Borough offers the right quality and type of accommodation to meet current and future demand. Well managed, good quality private rented accommodation plays a significant role in our housing offer and is an important sector within our diverse housing market.

## **8 OPTION APPRAISAL**

- 8.1 The option appraisal below looks at other powers and projects that are available to the Council as an alternative to selective licensing to achieve the outcomes detailed in part 7 of this report. None are considered suitable in isolation in an area of intense low housing demand with significantly high levels of private rented properties and poor housing conditions. Selective licensing is required to raise standards in the private rented sector by compelling all landlords to engage with the Council and meet required standards. All other options considered below, with the exception of the private sector leasing scheme, operate within selective licensing designations to support the outcomes of the schemes.

<b>Option</b>	<b>Strengths</b>	<b>Weakness</b>	<b>Risk</b>
<b>Accreditation (GLAS)</b>	Improves relationships between the Council, landlords and managing agents. Improves Management Standards. Improves Property Condition Promotes good practice Improves the reputation of the Private Rented Sector.	Voluntary so cannot compel landlords to join the scheme, nor improve property condition or standards of management.	The worst landlords will not join. Limited effect on a concentrated area as only the more motivated landlords will join.
<b>Enforcement of Housing Standards</b>	Legal requirement Improves property conditions.	Reactive rather than proactive. Relies upon the tenant complaining, some of whom may be too scared. Does not improve management practices.	Resource intensive.
<b>Management Orders</b>	Removes the property from an irresponsible landlord. Improves management standards. Is a forceful sanction for those landlords that do not comply with selective licensing.	Does not tackle poor management Techniques, therefore does not provide a long-term solution to unsatisfactory management practices. Intervention is as a last resort for a small number of properties.	Resource intensive. Relies upon an external company managing the properties.
<b>Introduce a Private Sector Leasing Scheme</b>	Contributes to homelessness prevention	Does not improve management standards of landlords who choose not to join the scheme. Reactive rather than proactive	Resource intensive. Relies upon an external company managing the properties. Companies do not come forward to run such a scheme.
<b>Local Authority Trading Company (Housing Company)</b>	Increase housing supply – across all tenures,	The poorest landlords will choose not to follow the examples set	The Council would have to take a commercial approach to

	<p>Diversify the local housing offer – making interventions in the market to stimulate or provide additional housing,</p> <p>To set (and increase) quality and design standards,</p> <p>Control and influence around what is delivered where,</p> <p>Act as an exemplar landlord for market rent housing,</p>	<p>by the Housing Company and will to provide sub-standard accommodation with unsatisfactory management practices.</p>	<p>deliver housing regeneration, the housing company becoming a private landlord.</p>
<b>Selective Licensing</b>	<p>Legal requirement</p> <p>Improves Property Condition</p> <p>Improves Property Management</p> <p>Promotes good practice</p> <p>Reduces levels of ASB</p> <p>Area based</p> <p>Administration of the scheme is self-financed</p>	<p>Maximum 5 years</p> <p>Includes those landlords that already show responsible letting</p>	<p>Monitoring of the scheme is extremely resource intensive on staff time</p> <p>Landlords may try and illegally evict tenants</p> <p>Landlords may try and avoid licensing</p> <p>Landlords may leave the area creating more vacant properties.</p>

## 8.2 Accreditation

- 8.2.1 Accreditation was first introduced in the 1990s, (mainly in university towns), as a mechanism for helping landlords or agents meet agreed standards of competence, skills and knowledge about the business of owning, managing or letting a private rented home.
- 8.2.2 Accreditation is supported nationwide by a wide range of stakeholders, including the Government, landlord associations, Local authorities, Shelter, the National Union of Students and the Chartered Institute of Environmental Health. It can aid the supply of good-quality, well-managed homes.
- 8.2.3 Burnley's accreditation scheme, The Good Landlord and Agent Scheme (GLAS), was launched in 2001 as a partnership between the Council, private rented sector landlords and managing agents who rent out properties in the Burnley area.
- 8.2.4 Through continued development of GLAS, more landlords and agents are encouraged to join the scheme and improve the condition and management of their properties. These improved conditions enhance the living conditions for tenants and residents living in Burnley. Currently there are over 280 landlords and 14 managing agents who are members of the scheme.
- 8.2.5 In July 2016, in partnership with the Private Rented Sector Forum the GLAS Code of Practice (Appendix 3) was revised and updated to take into account changes in legislation and best

practice. The scheme now includes a gold standard and the audit of managing agent's procedures at their business address.

- 8.2.6 In addition, the Council operate a Private Rented Sector Forum which was established in June 2004. The Forum represents landlords, tenants, local communities and other voluntary and statutory agencies operating in the private rented sector and aims to improve standards across the sector by promoting best practice and raising the profile of responsible renting.
- 8.2.7 Landlord Evenings are organised through the Forum and are open to all landlords. Through these events the Forum seeks to update landlords on current issues in the private rented sector, improve relationships and strengthen partnership working and share good practice and experiences.
- 8.2.8 The Forum works with the Partnership Manager for the Department for Work and Pensions in the North West to run workshops for landlords. The aim of the workshops is to give landlords an understanding of Universal Credit, what it means for their tenants and what they can do if the tenant falls into rent arrears when in receipt of Universal Credit.
- 8.2.9 Whilst we continue to receive applications for GLAS, our experience shows that generally accreditation attracts a limited number of landlords that in many cases already have appropriate management standards and are motivated to improve the standards and reputation of the private rented sector.
- 8.2.10 Whilst we see GLAS and the Private Rented Sector Forum as important schemes to work with landlords and improve standards, they do not have an intensive impact in any one area of the Borough, nor do they tackle the worst privately rented properties. Due to the voluntary nature of accreditation, it does not compel the worst landlords to engage with the Council or join the scheme. Experience shows that it is resource intensive to encourage the poorer landlords to join accreditation. When landlords are asked to make improvements to meet the requirements of the scheme, many landlords fail to comply. This shows that accreditation cannot tackle the worst standards of property condition and management practices within the Borough.

### **8.3 Enforcement of Housing Standards**

- 8.3.1 The Housing Act 2004 introduced the Housing Health and Safety Rating Scheme (HHSRS) which allows local authorities to inspect privately rented properties to ensure the condition does not have an adverse effect on the health, safety or welfare of tenants or visitors to a property. Where necessary, the Council will serve statutory enforcement notices to ensure the condition is improved.
- 8.3.2 The Council receive between 250 and 350 complaints of disrepair a year. When the complaint is received the Council will undertake a HHSRS inspection to determine whether action needs to be taken. Whilst this approach does improve property conditions, it is sporadic across the Borough and does not have a concentrated impact in one area. In addition, this power does not tackle property management standards. Through a selective licensing designation landlords will attend development days which cover all aspects of property management including property condition. Through training, advice and support landlords will recognise and learn what improvements need to be made to their properties, so reducing the need for action under the HHSRS.
- 8.3.3 In addition to enforcement action the Council will also undertake proactive property inspections in the designation area, offering advice and where necessary taking enforcement

action to improve property conditions across the designation area. Improving property conditions will assist in retaining tenants and attracting occupants to the area and help address low demand.

## **8.4 Management Orders**

- 8.4.1 Part 4 of the Housing Act 2004 introduced the use of Management Orders but advised that these orders should not be used if other enforcement options will remedy the problem. The general effect of a Management Order is that the Council takes control of the property, although legal ownership does not transfer from the landlord. There are two forms of Management Order, interim and final. Interim lasts for a period of 12 months, which can then be followed by a final Management Order that lasts for a maximum of 5 years.
- 8.4.2 Once a Management Order is in place the Council takes over the management of the property. The occupiers pay their rent to the Council and any repair costs such as routine repairs or building insurance are taken from the rent before any surplus is given to the owner (landlord).
- 8.4.3 This power only deals with individual properties and is resource intensive, especially as the Council no longer manages any stock of its own. In some cases even retention of the full rental income may not be adequate to properly maintain and manage the property, in which case additional costs would end up being borne by the Council.
- 8.4.4 This approach does not present a long-term solution to address poor management of privately rented stock, as ultimately the property is returned to the owner who may not necessarily have improved their management standards during the period of the order.
- 8.4.5 The Council has made five interim and one final management order and will continue to use Management Orders in conjunction with Selective Licensing as a last resort to deal with landlords who fail to comply with selective licensing and improve their management standards.

## **8.5 A Private Sector Leasing Scheme**

- 8.5.1 A Private Sector Leasing Scheme is where the council takes out a lease, normally 3 to 5 years in duration, from a private owner or landlord on their property. The council then uses the property to provide affordable accommodation.
- 8.5.2 There is no guarantee that landlords, especially the worst, will join the scheme and the Council cannot compel them to do so. As with Management Orders the scheme does not address poor management practices as the landlord does not necessarily gain experience, advice or training during the lease and when the property is returned to the control of the owner, the management standards can once again be unsatisfactory.

## **8.6 Local Authority Trading Company**

- 8.6.1 In 2018, 58 commercial housing companies had been set up by local authorities to address gaps in their housing market. In Lancashire, Blackpool established a Housing Company in 2015 as a wholly owned Council regeneration company to intervene in part of the market that was providing poor accommodation. It is an incorporated company under the Companies Act 2006. Taking a commercial approach to deliver housing regeneration.

## **8.7 Landlord Development Days**

- 8.7.1 Since 2014 the Council have held landlord development days for accredited landlords and landlords operating in the selective licensing areas. To date 352 landlords have attended. We offer training specifically for Managing Agents and training on how to address anti-social behaviour. Due to the Covid 19 pandemic the Council had to find an alternative solution to delivering these sessions, the training has continued to be successfully delivered on-line via Microsoft Teams' meetings with 24 landlords receiving their training online to date.
- 8.7.2 The training is currently delivered by the National Residential Landlords Association (NRLA) and covers all aspects of property letting. While the training complements selective licensing by giving landlords the knowledge to improve property management, the Council cannot compel landlords to attend nor does it guarantee an improvement in management practices if the landlord is not willing to apply the learning.

## **8.8 The Empty Homes Programme**

- 8.8.1 Tackling empty homes has been an intrinsic part of the Council's wider housing strategy to address low demand for many years and is highlighted as a key priority in the Housing Strategy 2016 to 2021. The Council's Empty homes programme has been in operation for over a decade and seeks to acquire long term empty homes, which are then renovated and resold with the aim of improving residential amenity, boosting the local economy and making a positive contribution to the wider community. This programme has been very successful and is now utilising the Council's own capital receipts generated through the re-sale of renovated empty properties. This programme works very closely with the current selective licensing designations to address particular long term problem empty homes and helps promote investment in these areas making them more attractive areas in which to live and work.
- 8.8.2 Through the option appraisal, it is considered that none of the achievable courses of action would be sufficient in isolation to have the desired impact in areas of intense low demand that have significantly high levels of private rented sector properties in poor condition. It is considered that selective licensing is required to compel all landlords to engage with the Council to ensure they meet the minimum required standards or, if they fail to do so, face prosecution, civil penalties and the use of management orders.
- 8.8.3 Other initiatives such as accreditation (GLAS) support the reputable landlords operating in the borough and the enforcement of housing standards will improve the housing condition within the sector, but it is considered that selective licensing will contribute to a more sophisticated and complete approach to tackling particular areas of low demand and poor property conditions. By improving the management of tenancies and properties within the private rented sector, selective licensing can contribute to a wider programme of regeneration to help reduce empty properties, improve property condition, reduce anti-social behaviour and improve the neighbourhoods for residents and businesses.

## **9. HOW DOES SELECTIVE LICENSING SUPPORT THE COUNCIL'S HOUSING STRATEGY?**

9.1 This section demonstrates how the proposed Selective Licensing designation is consistent with the overall housing strategy for the borough and will form part of a wider strategic framework for improving housing across Burnley.

9.1.1 Burnley's Housing Strategy 2016 to 2021 is a five-year plan which sets out our ambitions for improving housing across the borough over the next five years. This strategy will set out where we will focus our energy and resources and how we will achieve our priorities.

9.1.2 Housing is crucial to our growing economy, creating jobs and wealth for our residents and above all supporting our schools to continue to improve the educational attainment of our pupils.

9.1.3 Selective licensing is a key priority and included in Aim 2 of the strategy;

*"To deliver transformational improvement of the private rented sector"*

9.1.4 The Council fully acknowledge the benefits of private rented housing in creating choice and variety in Burnley's housing market, with The Good Landlord and Agent Scheme and the Private Rented Sector Forum seen as important schemes to create closer working relationships and improve standards. However, experience has shown that they attract a limited number of landlords that in many instances already provide appropriate management standards. The voluntary nature of accreditation does not compel the worst landlords to engage with the Council or join the scheme. It is also recognised that accreditation does not have an intensive impact in any one area and does not tackle the worst properties or management practices within the Borough. Selective licensing compels landlords to engage with the Council and improve their management practices.

## **9.2 Prevention of Homelessness Strategy**

9.2.1 Burnley Borough Council's Homelessness Strategy has recently been reviewed and updated. Known as the Homelessness and Rough Sleeping Strategy 2020-2025, it was developed during a period of unprecedented change and uncertainty. Whilst the housing and homelessness challenges will shape the detail of this strategy, the overarching context is the 2020 Covid-19 pandemic, which is having, and will continue to have, an impact in communities in our local area, as well as in the UK and globally.

9.2.2 The Council are clear that the private rented sector has a central role to play in meeting housing need across the borough. As owner occupation becomes increasingly difficult to achieve, it is not an option or indeed the choice for everyone. As we see a significant rise in the number of households choosing to rent privately from 9.26% in 2001 to 19.4% in 2011 (Census 2001 & 2011) it is crucial that this sector can offer a decent alternative to owner occupation or social rented housing.

9.2.3 The private rented sector also makes a significant contribution to meeting the housing needs of vulnerable people, and in many cases has prevented homelessness and minimised the use of temporary accommodation. Selective Licensing has strengthened the partnership with many private landlords by increasing the number of landlords working with the Council with well-managed, good quality accommodation. This partnership was key to supporting homeless people during Covid 19, 7 properties were leased by the Council from licensed landlords to ensure no one was rough sleeping.



- 9.2.4 The Council offer advice and assistance to homeless households together with a number of measures to prevent homelessness. The Private Sector Bond Scheme is available to households who cannot afford to pay cash bonds for private rented accommodation and through Selective Licensing the Council can be confident that residents have access to well managed accommodation that will meet the minimum standards required.
- 9.2.5 By strengthening the partnership between landlords and the Council, both Accreditation and Selective Licensing can contribute to the prevention of homelessness through effective tenancy management that minimises anti-social behaviour, tackles rent payment issues in a timely and constructive manner and offers a housing option for some of the most vulnerable households in need of a home.
- 9.2.6 Officers from the homelessness team and selective licensing work together to tackle illegal evictions in the selective licensing areas, help support tenants to prevent homelessness and assist with the rehousing of tenants where their current housing conditions are so poor that to remain in that house would present a serious risk of harm.

## **10. SUPPORTING AND COMPLMENTARY ACTIVITY**

- 10.1 As detailed in this document Burnley has low housing demand which is manifested in inner urban areas such as the proposed designation areas. Selective licensing in isolation will not tackle this low demand. There are many local and wider economic factors which influence house price and sales such as employment levels, population size and profile, land availability and household size. Other macro-economic factors such as mortgage availability, interest rates, government incentives and tax regimes, will also significantly influence house prices and sales trends. Selective licensing cannot influence these factors.
- 10.1.1 However, within these low demand areas, there are significantly high numbers of private rented properties, some of which are not operating to a required standard. This exacerbates the problems of low demand and further deters people from moving into or remaining in these neighbourhoods. Selective Licensing will help to address the problems associated with low demand by compelling those landlords that are not operating to minimum required standards to improve the management practices and the condition of their properties. This will improve the housing offer which in turn will help improving the unpopular perspective that residents have of these neighbourhoods.
- 10.1.2 Selective licensing is one aspect of a wider economic, social, environmental and housing regeneration strategy that includes multiple initiatives.

## **10.2 Social and Economic Regeneration Activity**

- 10.2.1 Burnley's Future 2017 to 2021 (updated in February 21) is the community strategy for the Borough. This document helps ensure that the Council has a clear vision for the future under the key priorities of:
- a) **Prosperity** - This explains how the Council and our partners will grow the borough's economy. It is the partnership's top priority and underpins all efforts to improve quality of life in the borough.
  - b) **People** - This explains how the Council and our partners will help people lead healthier lives and how we will help the next generation realise their potential.
  - c) **Places** - This explains how the Council and our partners will improve housing and make the neighbourhoods in our borough cleaner, greener and safer.

**d) Performance** – This explains how the Council and our partners will deliver our priorities efficiently with services that offer value for money.

10.2.2 The strategy recognises that the Covid-19 pandemic will continue to have a significant impact on all lives in 2021. The Council will do everything it can to help the borough bounce back from its effects. In 2021, the Council will continue to support the most vulnerable with essential supplies, housing, and self-isolation payments.

10.3 The Pandemic has further highlighted the link between deprivation and poor health, with more Covid 19 related deaths being recorded in deprived neighbourhoods, the NHS have a legal duty to address the inequalities. One of the main factors of deprivation is poor housing, selective licensing is an integral part of addressing poor housing, helping to improve deprivation and subsequently reduce inequalities.

## **10.4 Empty Homes Programme**

10.4.1 Aim 3 of the Housing Strategy is to reduce the proportion of empty homes in the borough. A concentration of empty homes is the most visible sign of a poorly performing housing market. The properties are often in poor condition which affects the appearance of an area and has a negative impact on the residents. They also attract anti-social behaviour, fly tipping and vandalism, which all contribute to creating unpopular neighbourhoods. Empty homes are also a wasted resource and can, if dealt with effectively, provide affordable housing for both rental and owner occupation. Burnley has an excellent record of effective intervention and innovation in tackling empty homes and has run an Empty Homes Programme since 2002.

10.4.2 The Empty Homes Programme started in 2002 funded through the Council's capital programme. The programme is borough wide and works with owners to encourage and support them to return their properties back in to use. The Council also utilise capital resources to acquire properties, refurbish them to modern standards and return them back in to use through sale on the open market. The scheme remains a priority for the Council and continues to evolve over time to include more initiatives to maximise the impact on bringing empty homes back in to use.

10.4.3 The Empty Homes Clusters Programme ran from 2013 to 2015 when Burnley was awarded £3.5 million through the Government's clusters of empty homes programme to tackle concentrated empty properties in three neighbourhoods across the Borough, Gannow, Queensgate and Trinity. This programme returned 223 properties back in to use against a target of 175 utilising purchase and refurbishment, loans to landlords and an empty homes leasing scheme with our partner Calico Homes.

10.4.4 To support the work of the clusters programme two neighbourhood improvement schemes were carried out with key streets targeted for aesthetic improvements that included painting, new rain water goods and repair work to garden walls.

10.4.5 During the financial year 20/21 the Council assisted in bringing 88 properties back into use including 20 acquisitions and 17 interest free loans. In 2021/22 the Council have committed a further £1.3 million to the empty homes programme which continues to include the following initiatives:

- Encouraging owners to bring their empty homes back into use through advice and persuasion.

- Interest free empty homes loans, which are restricted to the selective licensing areas and enable landlords to access a maximum of £20,000 interest free and repayable over 10 years by monthly direct debit instalments. The criteria attached to the loan include a standard of property condition stipulated by the council.
- The payment of the landlord's selective licensing fee if a landlord returns an empty home back into use under the criteria specified by the council.
- A council tax rebate for up to 6 months if an empty home is returned back into use under the criteria specified by the Council.
- Acquisition by agreement or through compulsory purchase of empty homes, which are then refurbishment and sold on the open market. Receipts from the sale of these properties are re-cycled back into the programme to the acquisition of further empty homes.
- A successful empty homes leasing scheme with Calico Homes Limited. The scheme helps to ensure that empty homes compulsorily purchased by the council on streets in lower housing demand are brought back into use as good quality, well managed affordable homes. A Registered Provider presence in these areas of low demand helps to improve the overall management of the housing stock within those streets and provide additional support for the community.
- Environmental Improvement Schemes – Painting the external elevations of properties, re-pointing and new guttering to improve the aesthetic appearance of terraced blocks to facilitate further investment.

10.3.6 For the past three years the Council has been working closely with Calico Homes to support them in the delivery of their empty homes programme to provide more social housing in Burnley. Calico have brought 95 empty homes back into use, 77 of which are in the Burnley Wood with Healey Wood selective licensing area. Through the programme there is a particular emphasis on targeting the long term vacants for compulsory purchase as these are the properties causing the greatest blight within the neighbourhoods.

10.3.7 From the 95 properties, 5 properties were allocated as safe houses for victims of domestic violence during the Covid 19 pandemic, 10 properties allocated to Syrian Refugee and Global Resettlement programmes and 5 to other supported housing partners providing homes for homeless families and veterans. The other 75 units were let for general needs affordable rent.

10.3.8 The positive impact this project is having within the Burnley Wood community is already visible, helping return a once thriving neighbourhood back into a desirable place to live at affordable cost. The number of empty homes in the area has reduced, the quality of accommodation has improved through the high standard of renovation works and there is the added benefit of having a social landlord management presence within the area. In addition, Calico are in the process of opening the community centre again within Burnley Wood to provide social interaction for families and children.

## **10.5 Housing Enforcement and Proactive Inspections**

10.5.1 Selective licensing does not require an inspection of every property; however the Council aims to ensure that landlords who provide accommodation do so to at least the minimum legal requirement. In the current selective licensing areas, a programme of proactive inspections is being undertaken by the housing standards team and this will be replicated in any future designations. Any complaints of disrepair by tenants within the selective licensing team are addressed by the housing standards team.

10.5.2 The Housing Standards Team will also work with the selective licensing team to advise on and enforce the new regulations in relation to smoke and carbon monoxide detection. They will also use penalty notices where a managing or letting agency is not a member of a Redress Scheme.

## **10.6 Accreditation, Training and Development**

10.6.1 The proposed fee structure includes a 30% reduction on selective licensing fees for those landlords that become accredited through the Good Landlord and Agent Scheme (GLAS) before a designation comes into force. This encourages further membership of the voluntary scheme, which improves the management and condition of the private rented properties through landlords adhering to the Code of Practice.

10.6.2 Training and Development Days will continue for licensed and accredited landlords and managing agents, improving knowledge and understanding of their legal responsibilities and best practice, as well as advising them where they can go to receive further advice and support. Through increased knowledge management practices and property condition will improve within the private rented sector.

## **10.7 Crime and Anti-Social Behaviour**

10.6.1 In Lancashire each local council is required by law to work together in partnership with Lancashire Police Constabulary, Fire and Rescue Service, Primary Care Trusts and Probation Trust. These partnerships are called Community Safety Partnerships and they are responsible for working together to reduce crime and disorder, anti-social behaviour, substance misuse and re-offending. Burnley is part of the Pennine Community Safety Partnership. This partnership has identified the following Pennine Lancashire Community Safety Strategy priorities for 2018-21 as: (to be updated in 2021 get new version from RB before final version)

- Maintain low crime and anti-social behaviour levels
- Keeping young people and adults with vulnerabilities safe
- Tackling the causes of crime through prevention and early intervention
- Targeting repeat offenders and those causing the greatest harm
- Keeping our roads safe

10.6.2 The Council's Community Safety Team takes a lead role in meeting the priorities and actions of the Pennine Community Safety Strategy for Burnley. The delivery of the local community safety strategy in Burnley is the responsibility of the Multi Agency Tasking and Coordinating (MATAC) group, where all local activities are agreed with emerging and predictive threats are considered.

10.6.3 Selective Licensing works closely with the Community Safety Team and is also a part of MATAC. It forms a part of these partnerships which act to co-ordinate actions and responses from a wide range of partner agencies, such as Police, Streetscene, adult and social care, and landlords and residents.

10.6.4 The Selective Licensing Team liaise with ward councillors and neighbourhood policing teams, resident groups and other partnership agencies to consider concerns and reports of ASB. The team then assists the Council's ASB team to resolve and reduce ASB in the designation areas using the conditions of selective licensing.

10.6.5 Through the Pennine Lancashire CSP a successful bid to the Home Office Safer Streets Fund was submitted. £549,500 was awarded for a project focussing on parts of

Burnley Wood and Bank Hall to reduce vulnerability to burglary and other theft offences, through a range of measures aimed at protecting both individual domestic properties and the wider community as a whole.

10.6.6 The project has seen the roll-out of 6 new CCTV installations within the project areas, 11 new alleygate schemes, Green Space improvement, bespoke home security packages to over 400 properties, including locks, replacement doors, security lights, and new back gates.

## **10.7 Environmental Crime**

10.7.1 The Council's Streetscene unit are responsible for investigating fly tipping and dog fouling incidents and, taking the appropriate action through the courts when evidence is found. The Council has a statutory duty to keep streets clean so any side-waste presented on collection day is left for a Council Officer to investigate, before being removed by a Street Cleansing Operative.

10.7.2 Selective licensing supports this work by ensuring landlords are aware if they have a dirty back yard, and if it is caused by the tenant that they are using the clauses within the tenancy agreement and management procedures to ensure the tenant clears that dirty backyard.

10.7.3 The licence conditions contain additional conditions relating to the prevention of environmental crime and keeping the yard areas free from waste. Regular audits are carried out to monitor the areas, and managers and landlords contacted if there is breach of the licence conditions. This information is also used in assessing the licence holder and manager against the Fit and Proper Person criteria.

## **10.8 New Housing**

10.8.1 The area of Burnley Wood has received millions of pounds of regeneration investment through funding projects such as the Single Regeneration Budget and the Housing Market Renewal Pathfinder. This regeneration included large scale clearance, face-lifting and a programme of ongoing new build. 240 new homes have been built on the former cleared housing sites in Burnley Wood. These parts of the neighbourhood have been transformed into popular areas where people choose to live, offering a range of family housing with affordable options for first time buyers.

## **11. Administration of the Designation Area**

11.1.1 This section explains how the Council will implement and administer the scheme, if approved by the Secretary of State.

11.1.2 Should the designation be granted it will come into force no sooner than three months from the end date of the previous designation. Once the designation is in force, all landlords operating within will be required to apply for a licence for each house that is rented. The Council has introduced an online application system to enable all applications to be submitted and processed electronically online.

11.1.3 The Council cannot require licensing of houses that have been made exempt under the Selective Licensing of Houses (Specified Exemptions) (England) Order 2006 (such as tenancies with a term over 21 years or occupied by a family member), or property that is subject to a tenancy or licence granted by a body which is registered as a social landlord

under Part 1 of the Housing Act 1996. Applications for exemption are required to be made via the online system to ensure monitoring of all exempt properties throughout the lifetime of the designation.

- 11.1.4 Regular monitoring of land registry house sale and council tax data enables the Council to identify new properties that require licensing and identify those that have not applied.

## **11.2 Fees**

- 11.2.1 Part 3 of the Housing Act 2004 outlines that the Local Authority may require the application to be accompanied by a fee fixed by the Authority.
- 11.2.2 The Authority is not permitted to make a profit from the introduction of a Selective Licensing programme and any surplus must be ring-fenced for use on the scheme. The fees should, however, take account of all administrative costs incurred in carrying out all duties under this part of the Housing Act 2004.
- 11.2.3 The fee covers a five year selective licensing designation. The lowest fee payable would be for a landlord that is an existing licensed and accredited landlord and for one house this fee would be £369. The full Fees and Charging Structure is attached as Appendix 4 to this document.
- 11.2.4 The fee may be paid by direct debit usually over a 2 year period.
- 11.2.5 All fees will be calculated based on the staff needed to cover the processing of the estimated number of applications and the monitoring and development of the scheme. Costing estimates for the scheme include salaries and on costs and all anticipated non-salary revenue spending e.g. printing costs, legal fees.
- 11.2.6 It is proposed that the fee structure will be reviewed annually.

## **11.3 Fit and Proper Person Criteria**

- 11.3.1 As part of the application process, proposed licence holders and managers will be required to provide information to demonstrate that they are “fit and proper persons” and that they have satisfactory management arrangements in place, including dealing with anti-social behaviour.
- 11.3.2 In circumstances where the Council are not satisfied that the licence holder or manager is a “fit and proper person”, and/or the management arrangements are unsatisfactory, then it can refuse to grant a licence.
- 11.3.3 Should any person be found to have a criminal record, the information and any other relevant information will be considered by the Council and a decision will be taken as to whether the persons involved are reasonably considered to be a “fit and proper person”. The existence of a criminal record does not automatically bar a person from being licensed. In considering whether someone is “fit and proper” the Council can also consider any person associated with the applicant who is affected by the above-mentioned issues (Sec. 89 Housing Act 2004). The Council is also free to consider any other information it has at its disposal with regards to the persons named in the application. Such information must however, be factual and backed by evidence. Rumour and supposition will not be used to judge applications.

## 11.4 Licence Conditions

11.4.1 As part of the licensing requirements all licence holders will be required to comply with various licensing conditions. The following conditions are mandatorily imposed by the Housing Act 2004 and the Council has no discretion to vary these conditions:

- a. to produce to the local housing authority annually for their inspection a gas safety certificate obtained in respect of the house within the last 12 months, if gas is supplied to the house.
- b. to keep electrical appliances and furniture made available by him in the house in a safe condition, to supply the authority, on demand, with a declaration by him as to the safety of such appliances and furniture.
- c. to ensure that every electrical installation in the house is in proper working order and safe for continued use; and to supply the authority, on demand, with a declaration by him as to the safety of such installations.
- d. to ensure that a smoke alarm is installed on each storey of the house on which there is a room used wholly or partly as living accommodation, and to keep each such alarm in proper working order.
- e. to ensure that a carbon monoxide alarm is installed in any room in the house which is used wholly or partly as living accommodation and contains a solid fuel burning combustion appliance; to keep any such alarm in proper working order; and to supply the authority, on demand, with a declaration by him as to the condition and positioning of any such alarm.
- f. the licence holder to demand references from persons who wish to occupy the house.
- g. the licence holder to supply to the occupiers of the house a written statement of the terms on which they occupy it.

11.4.2 In addition to the above mandatory conditions the Council may attach local conditions to licences.

## 12. LEVEL OF COMPLIANCE WITH CURRENT SELECTIVE LICENSING AREAS

12.1 There are currently seven selective licensing designation areas in operation in the Borough. The table below shows the level of compliance within Burnley Wood, Leyland Road and Ingham and Lawrence Street areas, as of the 17<sup>th</sup> June 2021. It is estimated that 96% of properties that are required to have a licence have a licence in place.

**Table 35 Level of compliance with current selective licensing areas 15/6/2021**

	Designation start date	Estimated No. licensable properties start of designation	Current No. Licensable properties	Total No applications received	Total No applications received and complete	% applied (of no licensable)	Total No. properties no application received	Licensed	% licensed (of no licensable)	Licences proposed refusal	Licences Refused
Burnley Wood with Healey Wood	Nov - 16	414	619	606	605	97.89 %	13	603	97.41%	15	10



Leyland Road	Nov - 16	310	418	417	414	99.76 %	1	400	95.69%	18	6
Ingham & Lawrence	Nov - 16	55	90	87	86	96.66 %	3	81	90.00%	0	0

- 12.2 The current designations for Burnley Wood with Healey Wood, Ingham and Lawrence, and the Leyland Road areas come to an end in November 2021.
- 12.3 The Council has taken a supportive role with landlords in helping them obtain licences and therefore meet the required conditions, rather than immediately pursuing enforcement action. Where the Council proposes to refuse to grant a licence it will endeavour to work with the proposed manager and licence holder to resolve the issues before refusal.
- 12.4 In relation to the proposed refusal and refusal figures in Table 35, a case including 18 properties was the subject of an appeal to the Residential Property Tribunal, the application was to appeal the Council's decision to refuse to grant the licences on the grounds of unsatisfactory management. This resulted in mediation between the Council and the applicant, following this mediation these 18 licences were granted.
- 12.5 Regarding non-compliance 17 of the properties in these areas (1.5% of those required to be licensed) have to date not applied to the Council for a licence.
- 12.6 The Council's policy is to not actively pursue applications in the last 6 months of the designation, but to continue to monitor the number licensable properties. Where an application has not been made prior to this then officers will consider if it is appropriate to act for the failure to apply. This would be through issuing a financial civil penalty or prosecution.
- 12.7 Since 2013 to June 2021 for all current and previous designations, 25 landlords representing 41 properties have been successfully prosecuted for the failure to apply for a licence. In addition, there have been 20 financial civil penalties served totalling £161,500, some of these have been the subject of appeal to the Residential Property Tribunal, resulting in a total recoverable amount £94,780. Furthermore 18 Rent Repayment Orders have been made and upheld by the Residential Property Tribunal.
- 12.8 To date in the Burnley Wood/Healey Wood and Leyland Road selective licensing areas 6 financial civil penalties totalling £33,000 have been served. Following Residential Property Tribunal hearings the total recoverable is £28,500.
- 12.9 In relation to the potential breaches of licence conditions officers will work with landlords to ensure problems are addressed without the need for enforcement action.
- 12.10 The Council's Streetscene unit are responsible for investigating fly tipping and dog fouling incidents and take the appropriate action through the courts when evidence is found. Prosecutions are taken against the owner or the occupier for dirty back yards that have not been cleared following the service of a warning.

**Table 36 - Interventions for Dirty Back Yards**

	Burnley Wood cases warnings issued.	Burnley Wood No. Unresolved and prosecuted	Leyland Road cases warnings issued.	Leyland Road No. Unresolved and prosecuted	Borough-wide cases warnings issued.	Borough-wide No. Unresolved and prosecuted
2019	133	9	38	5	1014	60

2020	63	13	44	5	649	66
2021 up to 3/6/21	29	9	19	4	274	64

12.11 Through the monitoring of the designations in the Leyland Road area of 203 checks undertaken by the Selective Licensing team, 8 dirty back yards have been found and reported, resulting in 2 of the dirty back yards being issued with Community Protection Warnings and in both cases the agent/landlord/tenant were contacted about breaching licence and tenancy conditions. The other 6 dirty back yards were cleared after a single conversation. In the Burnley Wood area a further 79 dirty back yards have been identified to date by the Selective Licensing team.

12.12 An example of the type of audit undertaken:

*During July/August 2020 selective licensing officers undertook an external audit of the Ingham and Lawrence Street area. This was to check the external condition of properties as well as surveying for waste in backyards. Of the 85 private rented properties surveyed, 19 were recorded as having some form of defect. These defects were of varying severity, and where action was required the team made contact with landlords and agents to ensure these issues were rectified. In addition, of the 170 yards surveyed just three were identified as having waste in the yard requiring action. Two were quickly cleared, with just one requiring further action in the form of prosecution by the Streetscene unit. As part of this audit, we requested up-to date gas safety certificates for 69 properties, 67 of which were received. A civil penalty for a breach of condition for not providing a copy of a current gas safety certificate was served for £1000.*

12.13 A key area of work undertaken is the prevention and dealing with ASB. Officers assist the Council's ASB team by discussing ASB with landlords and managers and ensuring they have the skills to be able to resolve, that tenancies are being properly managed, that correct legal procedures for possession are followed and also through enforcing the conditions of selective licensing. The Council also provides training on ASB through the landlord Development Days.

12.14 Guidance and support to landlords is a key part of the role and happens daily. Often ASB cases will result in formal action being taken by the Council through the form of Community Protection Notice Warnings (CPNW), Community Protection Notices (CPN), Fixed Penalty Notices (FPN) and closure orders.

12.15 In Burnley Wood since January 2020 there have been 54 interventions with landlords by the Selective Licensing Team, this will have been through meetings or discussions, 7 of these properties have received CPNW/CPN and FPN. Some of these resulting in evictions by the landlords of the tenants. In Leyland Road since January 2020 8 properties have received CPNW and CPN.

12.16 To prevent ASB the Selective Licensing team offer a tenant reference service to landlords and managers.

**Table 37 Informal intervention to prevent breaches of licensing conditions.**

Intervention	Burnley Wood with Healey Wood	Leyland Road
No Reference Requests	296	121

- 12.17 This reduces the ability of known offenders of ASB to secure a tenancy within a designation. Work is also undertaken to check that landlords have obtained satisfactory referencing prior to letting a property in line with the mandatory licence condition.
- 12.18 The application process enables the identification of those landlords and managers that do not follow legislation in relation to property management. We have successfully served 3 financial civil penalties where property managers have not been a member of a redress scheme, fines totalling £6,000 have been imposed. Due to the requirements for satisfactory management arrangements we have seen several managers that have made the business decision not to operate in Burnley as they do not have the necessary experience, qualifications or membership of professional bodies.
- 12.19 Properties are also identified that do not have the necessary gas, electrical safety or EPC certification resulting in properties being inspected under Part 1 of the Housing Act 2004, and referrals being made to trading standards and the Health and Safety Executive.
- 12.20 If compliance cannot be reached, and there is no reasonable prospect of the property becoming licensed the Council can impose an Interim Management Order to protect the health and wellbeing of the occupants. To date across all current and previous designations, the Council have made five Interim Management Orders and one final management order.
- 12.21 One case was where there was extreme damp and mould within the property, and the landlord's management standards were not satisfactory to ensure the repairs were completed action was also undertaken under Part 1 of the Housing Act 2004. Another was where there was significant and persistent ASB and the landlord failed to take steps to manage the tenancy.

### **13. Risk Assessment**

- 13.1 There are risks and limitations attached to a selective licensing designation. The main risks that have been considered are:
- 13.2 That rogue or criminal landlords relocate to neighbouring areas and continue to manage their properties in an unsatisfactory manner.
- If the proposed designation areas are introduced, the main low demand areas within the Borough will be covered by selective licensing preventing those landlords moving to avoid a scheme. It is unlikely that they will move to higher demand areas as the house prices are higher with less property availability.
  - In the current selective licensing designations, landlords who have been refused licences have sold the properties, which have then been acquired by a responsible landlord.
  - There will be monitoring procedures in place to determine whether rogue landlords locate to another area of the Borough.
  - The enforcement of housing conditions will continue to operate across the Borough.
- 13.3 Rogue or criminal landlords continue to operate without a licence.
- The area is monitored intensively through a range of data sources, including housing benefit, council tax and visual audits.

- In the current selective licensing areas there is a robust enforcement policy in place which includes prosecutions, management orders, rent repayment orders and Civil Penalty Notices. This will be replicated in any future designation.

#### 13.4 Landlords unlawfully evict tenants to avoid licensing.

- This has not been experienced in the current selective licensing areas.
- Having an empty property attracts higher Council Tax bills and the risk that the property will be vandalised.
- The licensing team and the housing needs team will ensure tenants are aware of their legal rights through advice and publicity.
- The threat or action of an illegal eviction will be investigated through partnership work with the council's homelessness team.

#### 13.5 Tenants who have been evicted because of continued anti-social behaviour or criminal behaviour are rehoused in an adjacent street or move to a neighbouring area.

- In the majority of cases early intervention by the selective licensing team, the Council's Streetscene department and the Police will address the anti-social behaviour without the need for eviction.
- If an extreme case occurs where the tenant has been evicted and then rehoused by another landlord in the same area, the situation will be identified through the monitoring of the area and then if required, enforcement action will be taken against the landlord if they have not undertaken satisfactory referencing.
- If the tenant starts to display the same behaviour at the new house, action will be taken in partnership with other services that will include the consideration of an anti-social behaviour order banning them from the area. This risk has occurred in a small number of cases and options for dealing with this are being investigated, including possible legal action to exclude such tenants from a particular selective licensing area. A general condition not to cause harassment, alarm or distress that would cover any property the person may move to, regardless of area, within the borough, may also be sought.

## 14. **CONSULTATION**

#### 14.1 Before a new designation can be approved, it is a legal requirement for any authority considering the introduction of selective licensing to undertake consultation for a period of not less than 10 weeks. Guidance from the Department for Communities and Local Government (March 2015) states that when considering whether to designate an area the local housing authority must:

- a. Take reasonable steps to consult persons who are likely to be affected by the designation, and,
- b. Consider any representations made in accordance with the consultation.

#### 14.1.2 Should the Council's Executive decide to approve the proposed designation areas, the Authority would be required to obtain further confirmation from the Secretary of State.



