

Halton Borough Council

Proposed Selective Licensing Scheme

Landlord Frequently Asked Questions

This document answers common questions landlords and managing agents may have about Halton Borough Council's proposed Selective Licensing scheme. It should be read alongside the full consultation document, proposed licence conditions and consultation survey.

No final decision has been made. The Council is consulting before deciding whether to introduce the proposed scheme, amend the proposal, or not proceed.

1. About the proposal

What is Selective Licensing?

Selective Licensing is a legal power under Part 3 of the Housing Act 2004. It allows a council to require landlords of privately rented homes in a designated area to apply for a licence and meet licence conditions relating to property condition, safety and management.

Why is Halton Borough Council considering Selective Licensing?

The Council is consulting because evidence shows that in specific parts of Halton, higher levels of private renting overlap with poor property conditions, older housing stock, lower energy efficiency, affordability pressures, deprivation and household vulnerability. The proposed scheme is intended to raise standards, protect tenants, support responsible landlords and give the Council a more proactive way to address poor housing conditions.

Is the Council saying all landlords are poor landlords?

No. The Council recognises that many landlords provide good-quality, well-managed homes. The proposed scheme is not intended to penalise responsible landlords. It is intended to create a fairer and more consistent framework in the areas where the evidence shows the greatest need.

Has a final decision already been made?

No. The Council is consulting before making any final decision. Consultation responses will be considered before the Council decides whether to introduce the scheme, amend the proposal, or not proceed.

What areas are proposed for inclusion?

The proposed designation areas are Central and West Bank ward, Appleton ward, Mersey and Weston ward, Bridgewater ward and LSOA E01012379 in Highfield.

Why are these areas proposed?

These areas have been identified because they have higher concentrations of private rented homes alongside evidence of poor property conditions and/or deprivation. The proposed full wards all have

private rented sector levels above the national benchmark used by the Council. The Highfield LSOA has also been identified because private renting is concentrated there and the evidence shows stock condition and deprivation concerns.

2. Properties covered by the proposed scheme

Which properties would need a licence?

If the scheme is introduced, most privately rented homes in the proposed designation areas would need a Selective Licence unless they are exempt by law. This includes properties occupied by a single household, properties occupied by two unrelated sharers and smaller Houses in Multiple Occupation that are not required to be licensed under the mandatory HMO licensing regime.

Would larger HMOs need a Selective Licence?

No. Properties already required to be licensed as HMOs under Part 2 of the Housing Act 2004 would not fall within the Selective Licensing scheme. They would continue to be dealt with through mandatory HMO licensing.

Would smaller HMOs be covered?

Yes, smaller HMOs that are not required to be licensed under mandatory HMO licensing may fall within the proposed Selective Licensing scheme if they are in the designation area and are not otherwise exempt.

Are any properties exempt?

Yes. Some properties are exempt by law under the Selective Licensing of Houses (Specified Exemptions) (England) Order 2006. These can include certain properties let by public sector bodies, registered providers of social housing, holiday lets, certain business tenancies and properties subject to other specific statutory controls.

What if I am unsure whether my property is in the proposed area?

Landlords should check the detailed maps and property licensing information published with the consultation.

What if my property is empty?

Selective Licensing applies to properties that are privately rented or made available for private rent in the designated area. If a property is empty but later let during the life of the scheme, a licence may be required before it is occupied. Landlords should seek advice from the Council if they are unsure.

3. Applying for a licence

Who should apply for the licence?

The licence should be applied for by the person who is the most appropriate licence holder. This is usually the landlord or the person in control of, or managing, the property. The Council will need to be satisfied that the proposed licence holder and any manager are fit and proper persons.

What information is likely to be needed for an application?

The Council is likely to request information about the property, ownership, management arrangements, the proposed licence holder, gas and electrical safety, fire safety, occupancy, tenancy arrangements and other documents needed to assess whether the property can be licensed.

What does fit and proper person mean?

Before granting a licence, the Council must be satisfied that the licence holder and any manager are suitable. This may include consideration of relevant offences, breaches of housing or landlord legislation, fraud, unlawful discrimination, poor property management or other matters relevant to housing management.

When would landlords need to apply?

Application arrangements will be confirmed if the scheme is approved.

How long would a licence last?

Licences would usually last for the duration of the scheme, up to five years. A shorter licence may be granted if the Council has concerns about the management, use, condition or occupation of the property.

Can a licence be transferred to another landlord?

No. Licences are not transferable. If the licence holder changes, a new application and fee would be required.

4. Licence fees and discounts

What is the proposed licence fee?

The proposed fee is £685 per property for the full licence period, usually up to five years. This is equivalent to approximately £137 per year, £11.41 per month or £2.63 per week.

How would the fee be split?

The proposed fee would be split into two parts. Part A is £310 and would be payable when the application is submitted. Part B is £375 and would be payable once the Council has assessed the application and decided to grant the licence.

Why is the fee split into two parts?

Licensing fees must be structured in line with legal requirements. Part A covers the cost of processing the application and assessing whether the application meets statutory requirements. Part B covers the costs of administering, monitoring, inspecting and enforcing the scheme over its duration.

Is the Council making a profit from the fee?

No. The fee has been calculated on a cost-recovery basis. The Council is not permitted to use licensing fees to generate a surplus.

What does the fee pay for?

The fee is intended to cover the costs of administering and enforcing the scheme. This includes application processing, fit and proper person checks, scheme administration, inspection and compliance activity, legal and enforcement costs, IT systems, database management and ongoing monitoring.

Will discounts be available?

Yes. The Council proposes to offer a £100 discount to applicants who are current accredited members of the National Residential Landlords Association (NRLA). This would reduce the standard licence fee from £685 to £585.

To qualify, applicants must provide valid evidence of current NRLA membership and accreditation when submitting a complete licence application. The discount will not be applied retrospectively where evidence is provided after the application has been submitted.

The Council is seeking views on this proposed discount as part of the consultation.

Can I pay monthly?

No. The consultation document states the equivalent annual, monthly and weekly cost for illustration only. The licence fee would be payable in line with the Council's payment arrangements.

5. Licence conditions and property standards

What would licence conditions cover?

The proposed licence conditions cover safety, property standards, repairs, tenancy management, waste management, security, overcrowding, tenancy deposit protection, nuisance and anti-social behaviour linked to the property, and requirements to keep the Council informed of changes.

What safety certificates would I need?

Landlords would be expected to comply with legal safety requirements, including gas safety, electrical safety, smoke alarms and carbon monoxide alarms. Relevant certificates or evidence may need to be provided to the Council when requested.

Would the Council inspect every property?

The Council would use licensing to improve intelligence and support a more proactive approach. Inspection arrangements are likely to be risk-based and informed by applications, complaints, property condition data, local intelligence and compliance concerns.

What happens if a property has hazards?

If serious hazards are identified, the landlord would be expected to take appropriate action. The Council may use licence conditions, informal engagement or formal enforcement powers depending on the seriousness of the issue and the landlord's response.

Would landlords have to deal with damp and mould?

Yes. Landlords are already responsible for ensuring rented homes are safe and fit to live in. The proposed scheme would support stronger expectations and enforcement around damp, mould, excess cold, disrepair and other hazards.

Would the scheme require energy efficiency improvements?

Licensed properties would be expected to comply with relevant energy efficiency requirements, including minimum EPC standards, unless a lawful exemption applies.

What are the proposed requirements around waste?

Landlords would be expected to provide suitable waste and recycling facilities, give tenants information about refuse collection arrangements and ensure that waste left by previous tenants is removed at the start of a new tenancy.

What would landlords have to do about anti-social behaviour?

Landlords would be expected to take reasonable steps to respond to nuisance or anti-social behaviour linked to their property and co-operate with the Council and Cheshire Police where issues are identified. This does not mean landlords are responsible for all tenant behaviour, but they must act reasonably where tenancy or property management issues arise.

6. Enforcement and non-compliance

What happens if a landlord does not apply for a licence?

If the scheme is introduced and property is required to be licensed, failure to apply could result in enforcement action. This may include civil penalties, prosecution, rent repayment orders or other action available to the Council.

What happens if licence conditions are breached?

Breach of licence conditions may result in enforcement action. The Council may take a proportionate approach depending on the seriousness of the breach, the risk to tenants and whether the landlord has taken action to comply.

Can a licence be refused?

Yes. The Council may refuse a licence if legal requirements are not met, if the proposed licence holder is not considered fit and proper, or if suitable management arrangements are not in place.

Can a licence be revoked?

Yes. A licence may be varied or revoked where there are serious concerns about management, use, condition or occupation of the property, or where enforcement action makes this necessary.

Could tenants apply for a rent repayment order?

In some circumstances, tenants or the Council may be able to apply for a rent repayment order where a landlord has committed certain housing offences, including operating an unlicensed property when a licence is required.

Will good landlords be targeted?

The scheme is intended to support responsible landlords by creating clear standards and a more level playing field. Enforcement resources will be targeted at poor conditions, poor management, non-compliance and higher-risk properties.

7. Relationship with existing powers and national reforms

Why not just use existing enforcement powers?

The Council already has powers to respond to poor housing conditions. However, these powers are often reactive and usually depend on tenants reporting problems or the Council receiving intelligence about individual properties. Selective Licensing would provide a more proactive framework in the proposed areas.

Would Selective Licensing replace existing enforcement powers?

No. Licensing would operate alongside existing powers under housing, environmental health and related legislation. It would provide an additional framework for identifying properties, setting standards and taking action where needed.

Do national private rented sector reforms remove the need for Selective Licensing?

The Council's consultation explains that national reforms may strengthen tenant rights and enforcement, but they do not remove the need for local, area-based intervention where there is a concentration of poor housing conditions and deprivation.

8. Landlord support and consultation

How can landlords have their say?

Landlords can respond to the consultation survey, submit written comments and attend any consultation events or stakeholder sessions arranged by the Council.

What should landlords comment on?

Landlords are encouraged to comment on the proposed areas, evidence base, licence conditions, fee, discounts, exemptions, likely impacts, alternatives and any practical issues around implementation.

Will the Council provide guidance if the scheme is introduced?

The Council will provide clear guidance before implementation, including information about how to apply, what evidence is needed, licence conditions, property standards, fees, exemptions and timescales.

What support might landlords need?

Landlords may find it helpful to have written guidance, online application guidance, landlord information events, template documents, checklists, advice on property standards, advice on energy efficiency requirements and advice on HMO standards where relevant.

Will landlords be given time to comply?

Implementation arrangements will be confirmed if the scheme is approved.

Who can I contact for more information?

Halton Borough Council Environmental Health Department P O Box 317, Runcorn, Cheshire WA7 9BZ

9. Key points for landlords to check now

What should landlords do while the consultation is open?

Landlords should read the consultation document, check whether any properties they own or manage are in the proposed designation areas, review the proposed licence conditions, consider likely compliance requirements and submit a consultation response.

What documents should landlords start reviewing?

Landlords may wish to check gas safety certificates, electrical installation condition reports, EPCs, tenancy agreements, deposit protection information, smoke and carbon monoxide alarm arrangements, repair records, waste management information and property management arrangements.

What if I disagree with the proposal?

The consultation is the opportunity to explain your concerns. You should provide clear reasons and, where possible, evidence. You can also suggest changes to the proposed areas, conditions, fees, discounts or implementation arrangements.

What if I support the proposal?

The Council is also seeking views from landlords who support the proposal or support parts of it. Responses can help shape how the scheme is designed and implemented if it is approved.