**Frequently asked questions regarding selective licensing and the impact of Covid 19 restrictions on the scheme.**

**1). I have been notified by the Council that I don’t have to apply for the Selective Licensing for 2020-2025 for six months. Is that right?**

Yes, it is but it does not mean that you cannot apply. It means applications for licences can be postponed until the 31st October 2020 without incurring any penalty or being in breach of the licence scheme. When you apply if you have been the owner of the property since 1st May 2020 the licence will be backdated to the scheme start date and run for 5 years until 30th April 2025.

**2). How do I know whether my property is in the new scheme?**

Full details of all six areas in Dinnington; Eastwood and Town Centre; Maltby South East; Masbrough; Parkgate; and Thurcroft are available through the link below

<https://www.rotherham.gov.uk/private-housing/landlord-licensing-1st-may-2020/1>

If you are still unsure please email us in the first instance at [landlordlicensing@rotherham.gov.uk](mailto:landlordlicensing@rotherham.gov.uk) or telephone us on 01709 822620. Please leave a message if you call and we are unable to answer immediately.

Please do not leave it to chance if you are not sure whether you should apply for a licence or not.

**3). I have a licence for the 2015 -20 selective licensing scheme which has been running for less than 5 years. Do I need to make a new application?**

The cost of the licence for the previous scheme covers landlords until that scheme ended on 30th April 2020 and this was stated on the licence. This licence has now expired.

The new scheme requires a new application and full sets of supporting documents. If your allocation is successful, you will receive a new licence covering the period from 1st May 2020 to 30th April 2025.

**4). My property is empty and has been for months. Do I need a licence?**

There are a number of circumstances where a property may be exempt. A full list of exemption circumstances can be found on our website.

In all cases where an exemption may apply, please complete an exemption form, available to download from the website [Exemption Form](https://www.rotherham.gov.uk/private-housing/landlord-licensing-1st-may-2020/5?documentId=400&categoryId=20081)  and we will consider the case for issuing you with a formal exemption letter.

In this instance, if your property is empty and you have no intention of renting out again – for example you have decided to sell it – we would issue a temporary exemption form and review your circumstances with you periodically.

**5). What if I want to apply but cannot afford to at the moment? Are there any flexibilities?**

The flexibilities we have introduced recognise that some, though not all, landlords are feeling the pinch with the new legislation introduced by the government in the light of the COVID19 pandemic. Landlords may complete the application and send it in to us (complete with their Energy Performance Certificate, Gas Safety Certificate and Electrical Safety Certificate) and make the application fee payment later, if they wish to. They still must pay the £68 application fee within 6 months of the scheme starting.

By allowing landlords six months in which to apply without any penalties (to October 31st 2020) we are offering you three options for applying and we will work with you for whichever is your best or favoured option:-

* Apply now and pay the full application fee – this will mean that we would assess the application, and ensure all documentation is present. When all aspects are cleared, we will award a licence and you will be charged the maintenance part of the licence fee. We will only commence our inspection of the property when the current COVID19 restrictions are lifted
* Apply now and not pay the application fee - this will mean that we would assess the application, to ensure all documentation is present and it’s a valid application. We will then contact you to agree a date for payment of the application fee (must be before 31st October 2020) and then we will take things forward as per the bullet point above
* Do not apply - but apply before the extended deadline of 31st October 2020. We will then move forward with you as per the first bullet point above

We hope that this will allow you to plan your outlay to a timetable that is best for you.

**6). Will I still be issued with a licence if I have not paid the application fee but I have completed the application form?**

No – the Council view expressed in the letter issued on 29th April is that applying but not paying the application fee will temporarily (until the six month date above is reached) stop you incurring a penalty or being in breach of the licence scheme. A copy of this letter is available [here](https://www.rotherham.gov.uk/private-housing/private-landlords-tenants-coronavirus-covid-19?documentId=655&categoryId=20081)

**7). What if I would rather apply and pay the application fee immediately?**

The Council will process your application in the usual way and issue you with a licence as soon as all the necessary processes have been completed.

Our intention is to issue you with a notification of intention to licence together with an invoice. The full licence will not be released until either the invoice is paid in full or Direct Debit details have been provided by you against that invoice.

**8). What if I am an existing licence holder? Can I simply pay the fee without the application form? You have my details.**

This is a completely new scheme not an extension of the previous scheme, which means we require new applications for new considerations. So, for every licensable property we will need a new application. The data held for the previous scheme cannot be transferred to this scheme and will be deleted now the scheme has been concluded

**9). I would like to make application by post**

We would prefer all correspondence to the scheme to be electronic. If possible, download the application form and email it back to us along with scanned copies of supporting document.

Please be aware that a mandatory condition of the licence application is that you must provide an active email address, which will become your preferred contact method for issues relating to the scheme.

The council expects that as a licence holder and the operator of a letting business, you will have access to electronic communications. This is a more efficient form of communications which reduces costs and has allowed us to reduce the licence fee.

*In exceptional circumstances,* you may request paper copies of the application form to be sent to you and you can return by post. Riverside House is not currently open to the public however, we are still receiving Royal Mail deliveries. You may pay by cheque, but the online system is more secure and you get an immediate receipt from our system (which some landlords have told us they need for completing their end of year accounts). All cheques must be made payable to “Rotherham Metropolitan Borough Council”.

The council has a letterbox directly outside the building where you can place an envelope with your applications in it if before 31st October. We expect that the restrictions will be lifted before then and we will be open to the public. Once we are open if you call us beforehand, we will arrange an appointment for an officer to meet you and sign for your documents if you would like us to do so.

**11). Will my property be exempt from inspections during the six-month period?**

Housing inspections for Selective Licence purposes will not take place if an application has been received but the fee not paid.

As with all Housing Inspections during the Covid Restrictions, whether in a licensing area or not, a visit will not take place unless the complaint relates to an imminent risk to health. Any complaints made to the Council will be addressed by communicating with both landlord/agent and tenant by telephone/email.

We outlined what may happen in the letter of [29th April](https://www.rotherham.gov.uk/private-housing/private-landlords-tenants-coronavirus-covid-19?documentId=655&categoryId=20081) . If an issue raised is considered an imminent risk to health, a visit will be made, where it is safe to do so. Landlords will be expected to arrange immediate repairs or other measures to safeguard your tenant.

**12). What if you already have copies of my certification for the property?**

As per the answer above, this is a new scheme which means we require a new application including copies of all supporting certificates to be provided as part of that application. The data held for any other scheme cannot be transferred to this new scheme.

**13). What if I am unable to get an updated Gas Safety Certificate?**

The government has given a strong steer on this, stating (as at 7 April 2020)

* All landlords must continue to attempt to carry out landlord’s gas safety inspections where possible.
* The gas safety inspection is considered ‘essential works’ in the same manner as a boiler breakdown.
* If a tenant is isolating or shielding due to being in a vulnerable group or is suffering symptoms of Covid-19  then the gas safety inspection can be postponed until it is safe to do so - however the landlord must be able to evidence to the HSE that all reasonable steps have been taken to carry out the work. You should keep a record of communications between landlord and tenants.
* If the work cannot be carried out due to a shortage of engineers due to isolations/illness or simply engineers not wanting to take on this type of work during this difficult time, the landlord must take all possible steps to find alternative engineers**.**

We will not award a licence without a Gas Safety Certificate. You must make all possible steps to get new certificates even if you are not planning to apply for a Selective Licence immediately.

We have added the latest government advice on obtaining Gas Certificates to our website here:<https://www.rotherham.gov.uk/private-housing/private-landlords-tenants-coronavirus-covid-19/1>

**14). Will I have to provide a new Electrical Safety Certificate?**

We need a copy of the current Electrical Installation Condition Report (commonly referred to as Electrical Safety Certificate) for your property with your application. These are typically valid for 5 years from the date of issue. They must have a declaration of “satisfactory” by the engineer who completed the check.

If an engineer has completed a full re-wire of the property they will have issued a ten year certificate.

**15). What about the Energy Performance Certificate?**

It is illegal to rent properties that do not have an Energy Performance Certificate or have one, but the rating is not at least “E” or better. You can check your property by logging on to <https://www.epcregister.com/>

The minimum band E rating for properties let in England and Wales, used to only apply to new lets at the change of tenancy or on renewal. From April 2020 however, this regulation applies to all existing tenancies.

There is excellent guidance for landlords of domestic private rented property on how to comply with the 2018 ‘Minimum Level of Energy Efficiency’ standard (EPC band E) on [www.gov.uk](http://www.gov.uk) here.

<https://www.gov.uk/guidance/domestic-private-rented-property-minimum-energy-efficiency-standard-landlord-guidance>

**16). If I apply on time and satisfy all the eligibility criteria for a licence, how do I fulfil the rebate criteria and get a refund of £127?**

You will need to be able to demonstrate you operate a well-managed and maintained property. This will be judged on the following criteria.

At the time of the licensing inspection of the property;

1. No late payment fee was applied to the application
2. You are fully compliant with the statutory licence conditions (conditions 1-4).
3. Property is free from serious disrepair / poor management – this would usually mean the property is free of any category 1 hazard or serious category 2 hazards, under the Housing Health and Safety Rating System (HHSRS).

This would usually mean;

* **Working smoke detection on each level including any cellar**
* **Internal doors close, have handles, no damage and minimal gaps**
* **A working heating and hot water system that is fixed, programmable and controllable.**
* **Windows that close, have handles, no damage and minimal gaps. Where they have a sill height of less that 1100mm a restrictor is in place.**
* **Electrics in good working order and not damaged**
* **Staircases have handrails and balustrades with gaps no more than 100mm between spindles.**
* **Hot and cold running water to the kitchen and all bathrooms/toilets**
* **The property is free from pests and refuse including in the yard/garden area**
* **The roofs, walls and floors are is good condition**
* **The property is free from all damp and mould**

**Safe and hygienic kitchen layout. Ideally a hob and cooker sited away from a thoroughfare and with an adequate area**

This list is not exhaustive and other significant hazards to the tenant may be considered when considering the rebate eligibility.

**17). What if I discover an issue with my property shortly before the inspection is due? Can you factor in scheduled works or can I reschedule my inspection appointment?**

The inspection has to satisfy the criteria at the time of the inspection. We cannot factor in things which are not up to standard, even if works are scheduled to remedy things. We are prepared to reschedule inspection appointments on a case by case basis but would expect the inspection to take place within 10 days of the original appointment.

**18). What is the role of letting agents in the landlord licensing scheme?**

It is up to you whether you use a letting agent or not. If you do you should ensure that they are a member of a letting agent redress scheme. Agents must join one of the two government-approved redress schemes. The agent must display which redress scheme they belong to in their offices and on their website. The council can fine letting agents up to £5,000 if they do not join a redress scheme. The two approved schemes are The Property Ombudsman (TPO) and The Property Redress Scheme. Letting agents are also required to declare if they are a member of a client money protection (CMP) scheme.

**19). Might the six-month deadline be extended further?**

We will keep this situation under review depending on how the Coronavirus situation develops in the coming months. We strongly advise you to keep up to date with the websites at the links below as things are constantly changing as we write these FAQs (in May 2020)

<https://www.gov.uk/government/publications/covid-19-and-renting-guidance-for-landlords-tenants-and-local-authorities>

<https://www.landlords.org.uk/>

General guidance for landlords can always be found at [www.gov.uk/mhclg](http://scanmail.trustwave.com/?c=8983&d=n8WP3ghLlMQWPwUsM5tag9Mi4j_IoeU7wj0mpjoPpA&u=http%3a%2f%2fwww%2egov%2euk%2fmhclg)

Please email us at [landlordlicensing@rotherham.gov.uk](mailto:landlordlicensing@rotherham.gov.uk) if you have a further question and it is not listed above or you are unable to find an answer through any of the links provided.