



Department for Levelling Up,  
Housing & Communities

**Caroline Crowther**

Director, Private Rented Sector & Leasehold  
2 Marsham Street  
London SW1P 4DF

[Crowther.Spencer@levellingup.gov.uk](mailto:Crowther.Spencer@levellingup.gov.uk)

[www.gov.uk/dluhc](http://www.gov.uk/dluhc)

Tel: 07905 183679

**Dame Meg Hillier MP**

Chair of the Committee of Public Accounts  
House of Commons  
14 Tothill Street  
London  
SW1H 9NB  
Sent by email

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Dear Dame Meg,

**Q59 Chair:** *Is all of what you have talked about in primary legislation?*

**Caroline Crowther:** *Yes.*

**Chair:** *So new primary legislation would be required to make it easier, or to have a different way of introducing licensing schemes.*

**Additional clarification:** Selective licensing statutory criteria are set out in a mix of primary and secondary legislation. The department produces non-statutory guidance to support the applications-process in line with these criteria.

Primary legislation sets out how a local housing authority can designate an area as subject to selective licensing, it includes much of the statutory criteria (additional criteria were added in 2015 through secondary legislation), how long schemes last, requirements on consultations, requirements on notifying relevant parties of a scheme being introduced, requirements for which properties fall under selective licensing and how licenses should be granted or revoked. The primary legislation also gives certain delegated powers to the government, such as the power to introduce new criteria and the power for the Government to set the process through which schemes are approved.

The Government may give a general approval to certain types of designations or specified Local Housing Authorities and can amend the process by which a designation is approved. For example, in 2010, a General Approval was granted so that local authorities no longer needed to come to the department for approval. In 2015, the Housing Minister exercised this power again and wrote to all local authorities to change this and to introduce the 20% threshold requirement.

Yours sincerely,

**Caroline Crowther**