

MINUTES OF MEETING Housing and Regeneration Scrutiny Panel HELD ON Tuesday, 28th June, 2022, 6.30 pm

PRESENT:

Councillors: Mark Blake, Tammy Hymas, Khaled Moyeed and Matt White (Chair)

ALSO ATTENDING: Cllr Dana Carlin, Cabinet Member for Housing Services, Private Renters and Planning

48. FILMING AT MEETINGS

The Chair referred Members present to agenda Item 1 as shown on the agenda in respect of filming at this meeting, and Members noted the information contained therein'.

49. APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllr Adje and Cllr Harrison Mullane.

Apologies for absence were also received from Cllr Gordon and from David Joyce.

50. URGENT BUSINESS

There were no items of urgent business.

51. DECLARATIONS OF INTEREST

There were no declarations of interest.

52. DEPUTATIONS/PETITIONS/PRESENTATIONS/QUESTIONS

None

53. MINUTES

RESOLVED

That the minutes of the previous meeting on 7th March 2022 were agreed as a correct record.

54. PRIVATE SECTOR LANDLORD LICENSING SCHEME UPDATE

The Panel received a report which provided an update on Haringey's Private Sector Landlord Licensing Scheme. The report was introduced by Lynn Sellar, Housing Improvement Team Leader as set out in the agenda pack at pages 13 to 21 of the agenda pack. The Cabinet Member for Housing Services, Private Renters and Planning was also present for this item. The following arose during the discussion of this report:

- a. The Chair sought clarification on the definition of a House of Multiple Occupancy (HMO). In response, officers confirmed that the Chair's understanding of a property containing three or more people who were not related to each other, was correct. Officers clarified that the mandatory HMO scheme related to five or more persons who shared an amenity but that the additional scheme had reduced the threshold to three or more persons. The additional scheme provided Haringey with additional powers to use at its discretion.
- b. The Chair sought clarification as to why the selective licensing scheme was not being rolled out across the entire borough. In response, officers advised that the legislation required the authority to establish a substantial evidence base for the need to introduce such a scheme and that the evidential base did not support a rollout across the entire borough. It was noted that the Council had spent two years collecting and scrutinising the data and that they had also utilised learning from other boroughs who had successfully introduced similar schemes.
- c. The Panel sought clarification about whether the map in appendix A of the report was showing that all of the wards to the east of the dark red line were included in the selective licensing scheme. Officers confirmed that this was the case.
- d. The Panel sought assurances about what types of enforcement action was available to the Council for landlords who did not demonstrate adherence to the licensing scheme. In response, officers advised that the enforcement action undertaken would be in line with the Council's enforcement policy and that regular inspections of properties would take place to monitor compliance. A typical process of enforcement action would see the landlord given an opportunity to remedy the problem, followed by an enforcement notice being issued if this was not done, and then finally the Council would look to prosecute. The Council had powers to issue fines up to £30k, depending on the offence. There were no powers within the legislation for the Council to revoke the licence but prosecution would usually prevent that landlord from being deemed a fit and proper person in relation to the initial checks done before issuing a HMO licence.
- e. In relation to a follow-up question, officers advised that the legislation did not permit the Council to take remedial action against landlords, just as a prosecution would also not require the landlord to take remedial action. Officers commented however that they had not come across a case where a landlord had failed to undertake the required works when a notice was issued, as they did not want to incur the financial penalties involved and also did not want the hassle and negative publicity.
- f. The Panel queried the figure of 3454 applications received under the additional licensing scheme and suggested that this seemed quite low, given the high percentage of private rented sector accommodation in Haringey. In response, officers advised that they had to go off the evidence that the Council held on

- the private rented sector but acknowledged that it was difficult for the Council to ascertain the location of all of the HMOs in the borough. Officers had conducted an overlay intelligence exercise in relation to HMOs and it was estimated that the figure was around 5k, however it was acknowledged this could well be an under estimation. Officers assured the Panel that this was the same for all boroughs and that the figures were based on the available evidence.
- g. The Panel sought assurances around whether there would be additional resources put into supporting tenants reclaim money from landlords who operated HMOS without a license. In response, officers advised that they were working with Cambridge House and Justice for Tenants to advance rent repayment orders and to use the claims submitted through these organisations as part of their intelligence gathering picture.
 - h. The Panel sought assurances that the Council was undertaking proactive checks on unlicensed premises that it was believed were being used as HMOs. In response, officers advised that a large project was undertaken during lockdown to identify possible unlicensed HMOs and that this was followed up with a door-knocking. Officers were currently at the stage of following up on this and undertaking compliance checks. Officers also advised that they also worked with any intelligence that they received in relation to HMOs.
 - i. In response to a request to hear from community partners on this issue, the Panel agreed to undertake a scrutiny review on this topic and to hear from other boroughs who were further along with the process of implementing similar schemes as well as expert opinion etc.
 - j. The Panel sought clarification about whether the Council, as part of its selective licensing scheme, agreed to the promotion of joint working with other agencies such as immigration enforcement. In response, officers advised that this was not included in the submission to the Secretary of State and that the EQIA developed as part of this scheme reflected strongly that this would jeopardise existing relationships with the private rented sector.
 - k. The Panel questioned whether the Council collected benchmarking information about how much people were paying in rent across different areas of the borough and the difference in the east versus the west of the borough, for example. In response, officers advised that this information was not collected as part of the additional licensing scheme. However, the GLA did collect some information on this as part of its evidence base for determining local housing allowances.
 - l. The Panel questioned whether the selective licensing scheme was time limited. In response, officers advised that the scheme could only last for up to five years by law. After the five years, the Council would have to apply for the scheme to be renewed and the agreement of the Secretary of State would be required. Officers also set out that Secretary of State approval was required for all schemes that covered either 20% of the geographic area, or 20% of the private rented housing stock.

RESOLVED

That the update was noted.

55. EMPTY HOMES POLICY UPDATE

The Panel received a report which provided an update on the work being undertaken in-line with the Council's Empty Homes Policy, to bring empty homes back into use. The report was introduced by Lynn Sellar, Private Sector Housing Team Manager as set out in the agenda pack at pages 17 to 20. The Cabinet Member for Housing Services, Private Renters and Planning was also present for this item. The following arose during the discussion of this report:

- a. The Panel sought clarification around whether officers knew the number of second homes in the borough. In response, the Panel was advised that this information used to be collected by Council Tax but that it wasn't collected any more as second homes were exempt under the legislation.
- b. The Panel suggested that the report showed that there were 88 properties empty for five years or more and it was questioned whether there was comparative data from neighbouring boroughs. In response, officers commented that this would be based on Council Tax data and agreed to supply comparative data for empty homes to the Panel. **(Action: Lynn Sellar).**
- c. In relation to substantially furnished properties and whether owners could bypass the legislation by having a few pieces of furniture in the property, officers advised that in order to pursue an empty property, that property had to meet the public interest test and so the Council focused on nuisance properties and those that had been empty the longest. It was likely that there would be a number of properties that were only used occasionally and were semi furnished as result, these were not necessarily the kind of properties that the Council would pursue.
- d. The Cabinet Member reiterated that the revised policy, agreed by Cabinet, set out that the Council would only really enforce against properties that were considered a blight on the local area and that the Council would not be seeking to force a sale or CPO ordinary properties that were empty for a period of time, or were used as second homes. There were a variety of reasons a home could be empty, such as probate or the owner being in care and officers had to establish this before taking a particular case forward.
- e. The Panel sought assurances about whether there was any evidence to suggest that properties were being bought by overseas owners and left empty. In response, officers suggested that they did not have specific data on this but that it was possible that some of the empty properties in the borough, identified through Council Tax, fell into this category. It was commented that the Council received a premium in Council Tax for empty properties and that it may not necessarily be in the Council's interest to pursue those homes.
- f. The Panel sought clarification around how a decision was made to either go down the route of enforced sale or a CPO. In response, officers advised that there was a panel who met; comprised of Legal, Council Tax and other services involved in a particular case, and that the panel would ultimately decide which route to take. Legal colleagues had to take a view as to whether the intended outcome met the public interest test and that a CPO would involve notifying the Secretary of State. The enforced sale of a property was easier to undertake and could be done if the property in question had over £1000 of debt to the Council, either through unpaid Council Tax or through noncompliance with enforcement notices etcetera.
- g. The Panel enquired whether the homes that were sold or subject to a CPO would be used as Council accommodation. In response, officers advised that

- in most cases they would be sold on the open market through a process of sealed bids, with the owner due a certain percentage by way of compensation.
- h. Officers set out that the acquisitions team within the Council had criteria for the types of properties that they would like to acquire and repurpose, but that in most of these cases the costs involved with re-purposing these types of property would be prohibitive.
 - i. The Cabinet Member advised that she would be looking further into this issue to see what more could be done to acquire homes for Council accommodation, as this was already done in terms of acquiring temporary accommodation through the wholly owned development vehicle.
 - j. The Panel suggested that properties being bought up and used as an investment, rather than homes was a political issue for Labour councils and that this should be raised with London Councils. In response, the Cabinet Member commented that this was not historically a big issue in Haringey but that changing demographics were likely to change this. Cllr Carlin noted that Islington had tried to overcome this problem by placing planning covenants on the buildings not being empty into the planning permission process for new developments.

RESOLVED

That the report was noted.

56. NEW LOCAL PLAN UPDATE

The Panel received a report which provided an update in relation to the Council's emerging New Local Plan. The report was introduced by Bryce Tudball, Interim Head of Planning Policy, Transport and Infrastructure as set out in the agenda pack at pages 21 to 26. The Cabinet Member for Housing Services, Private Renters and Planning was also present for this item. The following arose during the discussion of this report:

- a. The Panel queried when more details of the policies within the Local Plan would be available. The Panel also questioned how the Council could ensure that the Local Plan was fit for purpose in light of the long-lead in time needed to develop such a detailed document and in light of changing political priorities. In response, the Cabinet Member advised that there would need to be some updates to the documents before it went out to consultation but that these would likely only cover the last two years, rather than the entire length of the process since it started.
- b. Officers advised that a London Plan member working group had been established for the purpose of engagement and that there were a number of other forums for engagement before the Local Plan went to Cabinet, such as the Strategic Planning Committee. Officers advised that they were happy to bring more details on specific policies with the plan to the Panel in future. Officers also advised that they were working hard ensure that there was a very tight evidence base for its sustainability policy, for example, in order to ensure that it was future proofed and that it met the trajectory for where we may be in a few years' time.
- c. The Panel questioned the extent to which the economic development and regeneration team had been involved in the development of the London Plan.

- In response, officers advised that they worked very closely with them and had commissioned the evidence base in conjunction with the regen team.
- d. In response to a question, officers advised that they were working with colleagues to develop an employment & skills policy to provide training needs and to repurpose Section 106 monies towards this area.
 - e. The Panel questioned what was being done to support key workers, particularly in terms affordable housing. In response, officers advised that they had commissioned evidence about the types of housing needs in the borough, including for key workers, as part of the Local Plan development process.
 - f. The Panel sought clarification about how the Council would develop quality affordable housing and the suitability of intermediate tenures, like shared ownership within this. Officers set out that the housing target for Haringey set out within the London Plan was 1592. A key piece of work within the plan was strategic housing market assessment, which determined the extent of affordable housing required. The Council would be looking to push the boundaries to deliver as much affordable housing as possible and that the Council would be looking for that to be the right type of affordable housing, the priority was for housing at social rents.
 - g. In relation to a follow up, officers advised that the London Plan required Haringey to deliver an element of intermediate affordable housing as part of the overall mix, which was currently set at 30%. The Council would publish a policy position on what types of intermediate tenure housing it was looking for, going forwards. It was noted that shared ownership was not the only form of intermediate housing. Whilst the Council had set out its desire to develop new affordable units for social rent, there was an evidence base that pointed to the fact that the borough needed all types of housing, including some intermediate affordable housing.

RESOLVED

That the report was noted.

57. COMMUNITY INFRASTRUCTURE LEVY BRIEFING PAPER

The Panel received a report which provided an update in relation to the Haringey Community Infrastructure Levy (CIL). The update included the Strategic CIL and Neighbourhood CIL. The report was introduced by Bryce Tudball, Interim Head of Planning Policy, Transport and Infrastructure as set out in the agenda pack at pages 21 to 26. The Cabinet Member for Housing Services, Private Renters and Planning was also present for this item. The following arose during the discussion of this report:

- a. The Panel sought assurances around whether the revised CIL charging schedule would result in the Council collecting more CIL money from developers. In response, officers advised that the rate had increased, so that the Council could expect to receive more money provided that the amount of developments remained the same in future. The amount of CIL collected would depend on the number and location of future developments.
- b. The Chair suggested that the Council should produce a detailed update on the status of CIL money from each development and how that money had been

- spent. It was suggested that this was something that residents and councillors would both like to know.
- c. The Panel requested clarification around the total spend on C. £34m in the Wood Green Regen project. Officers clarified that this figure related to the full allocation within the Capital budget for that project (rather than the Strategic CIL contributions due). Officers advised that the total project comprised of more projects than was listed in the appendix and that this accounted for the total being £34m.
 - d. The Panel requested further elaboration on the methodology for how Neighbourhood CIL was allocated. In response, officers advised that the idea was that money raised in a particular area should, as much as possible, be spend in that area. However, up until the CIL charging schedule was recently updated, the levy in the east of the borough was 11 times less than in the centre of the borough and 14 times less than in the west of the borough. As a result, the revised policy included 10% reallocation to Tottenham to reflect the fact that it had bigger infrastructure requirements.
 - e. In terms of the breakdown, the Panel was advised that the neighbourhood CIL was made up of 15% allocation based on the number of developments in that area, 10% reallocation to Tottenham and the rest of the allocation was based on the number of wards in that area.
 - f. In response, to a follow-up officers confirmed that developments in other parts of the borough would, in theory, have a proportion of the CIL money reallocated to Tottenham, but that this was not the case in Highgate because it had a neighbourhood plan in place and the CIL money from there was ringfenced as a result.
 - g. In response to a question on the process for instigating a neighbourhood plan, officers advised that there was a substantial piece of work involved in this and that of the three neighbourhood plan areas, only one had actually progressed to a plan for this reason. The key point for the Panel to note was that the neighbourhood plan had to be community led, rather than Council led, and that the first step was to establish a neighbourhood forum comprised of 21 or more people on the electoral register.
 - h. In response to a follow-up question, officers advised that a neighbourhood plan would allow 25% of CIL funding to be ringfenced to a particular area and that the Council could then take a decision to reallocate additional funding to that area from elsewhere.

RESOLVED

Noted.

58. WORK PROGRAMME UPDATE

The Panel received a report which set out how the foundations will be laid for targeted, inclusive and timely work by the Panel on issues of local importance, where scrutiny can add value through the development of its work plan. The Panel noted the provisional date of 9th September for the proposed Scrutiny Café event.

The Panel advised that they would like to undertake a detailed piece of scrutiny work around the private sector landlord licensing scheme. The Scrutiny Officer agreed to set up a meeting with Panel members to discuss the review further and agree an outline terms of reference. **(Action: Philip)**

The Panel put forward the following list of potential agenda items for upcoming panel meetings:

- An update on the insourcing of Homes for Haringey.
- Update on High Road West.
- Temporary Accommodation – the quality of TA accommodation and the management of the relationship with TA providers. Also, to include a look at our strategy for the acquisition of property used as TA.
- General update on the implementation of the Housing Delivery Programme. The impact of changes to housing legislation in 2012 (combined with funding cuts) and the impact of the Council being able to discharge its duty by placing people in private sector housing.
 - What is the impact of this on homelessness as well as the impact on the Council? What is the impact in terms of relocating people out of London?
 - How have these changes impacted the Council's ability to deal with new families? Do we have any data on the costs involved with housing tenants being put into private sector rented accommodation?

RESOLVED

- I. That the overall approach, outlined at section 4 of the report, for developing a work programme for Overview and Scrutiny for 2022-24 for approval at its meeting on 13 October 2022 be noted;
- II. That, pending commencement of the finalised work programme, the Panel agree the provisional items for its meetings on 29 September.

59. NEW ITEMS OF URGENT BUSINESS

N/A

60. DATES OF FUTURE MEETINGS

29th September 2022
1st November 2022
12th December 2022
27th February 2023

CHAIR: Councillor Matt White

Signed by Chair

Date

