

**Report for**                    **Cabinet 16<sup>th</sup> June 2020**

**Title:** **Selective Property Licensing - Request to commence consultation**

**Report**

**authorised by:**        Stephen McDonnell, Director of Environment and Neighbourhoods

**Lead Officer:**        Lynn Sellar, [lynn.sellar@haringey.gov.uk](mailto:lynn.sellar@haringey.gov.uk), 020 8489 5521

**Ward(s) affected:** White Hart Lane, Northumberland Park, Bruce Grove, Seven Sisters, Tottenham Hale, Tottenham Green, St Ann's, West Green, Harringay, Noel Park, Bounds Green, Woodside, Hornsey, Stroud Green,

**Report for Key Decision:**

**1. Describe the issue under consideration**

- 1.1 Part 3 of the Housing Act 2004 gives Local Authorities the power to designate an area or areas within its district as being subject to Selective Licensing. Selective Licensing is a discretionary licensing tool aimed to assist a Local Authority to regulate the private letting of houses, where there are concerns of anti-social behaviour, low housing demand, poor property conditions, high crime, high levels of deprivation or high migration.
- 1.2 A designation cannot come into force without confirmation by the Secretary of State unless it falls within the terms of a general approval. In either event, consultation is statutorily required.
- 1.3 This report seeks a decision from Cabinet to carry out statutory public consultation exercise in relation to the designation of two areas within the borough, as set out in paragraphs 1.6 and 1.7 below, which will be subject to Selective Property Licensing.
- 1.4 Consultation will commence when we are able to do so effectively, in line with guidance and using the best practice measures that are available to us to ensure it is completed comprehensively and in line with our legal duties.
- 1.5 The Council are proposing to introduce selective licensing in two areas, one in the east of the borough and one in the west in order to tackle the following issues:
  - a) Anti-social behaviour in relation to Environmental Crime
  - b) Poor housing condition
  - c) The impact of high levels of deprivation.
- 1.5.1 In order to designate an area as subject to property licensing the area must have a private rented sector that is equal to or above the national average of 19%.

These issues cover three out of the 6 statutory grounds that selective licensing may be brought into address.

- 1.6 Proposed Designation 1; would cover an area which includes 12 wards all within the east of the borough (see map appendix 1). These 12 wards have supporting evidence obtained through data analysis that there is a significant prevalence of the issues identified in paragraph 1.3 above within these wards.
- 1.7 Proposed Designation 2; would cover 2 wards in the west of the borough, Stroud Green and Hornsey (see map appendix 1). There are strong qualifying criteria that these wards meet 2 of the criteria outlined in paragraph 1.3 in relation to poor housing condition and deprivation. It is proposed for the reasons given in 1.8 below, that these wards should be considered separately.
- 1.8 Having benefited from reviewing other local authorities' schemes and their submissions to Secretary of State, two separate designations are proposed so that each can be considered on its own merits.
- 1.9 As part of the consultation exercise, the Local Authority must present evidence to support the proposal to designate an area within the borough as requiring Selective Licensing. A report set out at Appendix 3 lays out the legal qualifying criteria and the evidence base to support this. Appendix 3 (Evidence Base) will form part of the consultation exercise.
- 1.10 The consultation will be carried out over a minimum 10-week period. A final report detailing the analysis of the consultation feedback and any recommendations will be presented to Cabinet and will then be subject to Secretary of State Approval.

## **2. Cabinet Member Introduction**

- 2.1 Haringey has a population of 282,904 residents and a housing stock of 109,000 dwellings. Traditionally it is a borough which has had a very high level of privately rented properties. Current estimates are that Haringey's private rented sector has grown by 36% since the 2011 census and we predict that approximately 34% of Haringey residents are renting from a private landlord. Haringey has the third highest rate of households in Temporary Accommodation in London, and the population outnumbers the availability of housing by approximately 12,000 people, an upward trend which is likely to continue given the huge need and the current lack of affordable public sector housing.
- 2.2 The private rented sector provides a much needed and valuable source of accommodation for the wide range of individuals, and increasingly families, that require this type of accommodation. It is vital that these properties are effectively regulated to ensure they are safe and compliant with environmental and other regulations. The landlord licensing scheme proposed in this report provides the regulatory framework to support the many good landlords in Haringey, whilst also providing the powers for officers to tackle the rogue landlords who do not comply. The scheme will also enable the Council to know who owns and manages these properties through the issuing of licenses to operate.

## **3. Recommendations**

## **That Cabinet:**

3.1 Authorise the Director for Environment and Neighbourhoods, in consultation with the Cabinet Member for Housing and Estate Renewal, to finalise and commence (when appropriate – see 1.4) statutory consultation on a proposal to designate two areas within the borough for selective licensing as described at 6.4 and Appendices 1 & 2 together with:

3.1.1 The proposed fees and charges in Appendix 5

3.1.2 The proposed Standard Licensing Conditions in Appendix 4.

3.2 Notes that following the consultation a further report will be presented to cabinet for final decision before making, a referral to Secretary of State for approval.

## **4. Reasons for decision**

4.1 The private housing market is a growing sector which is reflected within Haringey. Recent local research has identified that the Private Rented Sector (PRS) in Haringey has grown by 36% since the census in 2011. This market offers a housing need that Haringey values and wants to see as strong, healthy and vibrant. Our aim is for a better private rented sector that offers security, stability and decency for its tenants.

4.2 We wish to ensure that the sector is encouraged to meet, in a professional way and with decent quality accommodation, the demands placed upon it by the wide range of tenants that it services.

4.3 As outlined in paragraphs 6.6, the impact of increased private renting in Haringey, has been significant. Anti-social behaviour, environmental crime, poor property condition and transient tenancies are outcomes which relate to a lack of property and tenant management. The result of this is a high demand on certain services within the Council.

4.4 Selective licensing would allow the local authority to regulate landlords to manage this sector more effectively. There are a number of factors through which selective licensing helps to achieve effective change:

- It focuses resources on areas of concern whilst simultaneously generating revenue to contribute to the costs involved.
- It provides clearly defined offences (licensed/unlicensed) which simplifies enforcement - and where a landlord is intentionally operating without a licence it is highly likely the inspection process will uncover further offences.
- There is no 24-hour notice requirement for access before an inspection for licensing purposes. This is particularly important where criminal ('rogue') landlords are present.
- The proactive inspection approach frequently brings other problems to light.

- Licensing provides a clear driver for effective engagement between landlords and local authorities and drives up landlord awareness of their responsibilities.
  - The pre-designation process focuses local authority minds on the development of clear, transparent and robust enforcement practices.
  - Selective licensing encourages the development of effective intelligence gathering mechanisms to support compliance by identifying unlicensed properties and then targeting those problematic properties.
  - Promotion of joint working within the authority and other agencies - fire and rescue service, police, border control/immigration, social services, HMRC etc.;
- 4.5 Selective Licensing applications require local authorities to first demonstrate the evidence for their concerns as well as look at alternative approaches and consult widely.
- 4.6 New data analysis on our private rented sector has been undertaken using property intelligence held by the Council and other agencies to profile our private housing sector. This has enabled us to further demonstrate the evidence which supports this intelligence. It also allowed us to consider the alternative options available and the outcome of using these within our current policy and procedures. A detailed report on this can be found in Appendix 3 (Evidence Base). A summary of the main evidence is detailed in paragraph 6.6.
- 4.7 The evidence supports our view that poor property conditions and anti-social behaviour are affecting the borough. Linked with the impact of deprivation as identified by the Government's Indices of Multiple Deprivation (IMD) 2019 outcomes, we believe the data justifies a selective licensing scheme in the proposed designations within Haringey. The selective licensing tool can be used not only to improve poor quality accommodation but can also have a positive impact for people living within an area of high density privately rented accommodation. The delivery of positive outcomes against these targets will be the focus of this scheme.
- 4.8 Where the proposed designation covers either 20% of the total geographic area of the authority or 20% of the total privately rented stock (based on census figures), the designation requires approval by the Secretary of State.
- 4.9 Following this consultation exercise a final proposal will require Council Cabinet Approval and a separate report to MCHLG Secretary of State for their final authorisation.
- 5. Alternative options considered**
- 5.1 **Do nothing and continue with existing legal powers -**  
Existing powers available to the Council are largely reactive with officers responding to tenants' complaints. It is believed that many tenants are reluctant

to complain through fear of retaliatory eviction. Although current enforcement activity has been successful in remedying problems in individual dwellings, it is not felt to have raised the standard of private sector dwellings as a whole.

- 5.2 **Voluntary Accreditation** - Although the voluntary accreditation scheme is helpful in driving up standards, it relies on the willingness of landlords to sign up to it. It is likely therefore that conscientious landlords will continue to support the scheme, but that poor landlords will remain difficult to identify and will avoid joining the scheme, preferring instead to operate with the minimum regulation.

## 6. **Background information**

- 6.1 Under the Housing Act 2004, there are three forms of licensing relating to private sector housing available to local authorities:

a) Mandatory Licensing of certain HMOs

All local authorities are obliged to run a licensing scheme covering Houses in Multiple Occupation (HMOs) that are occupied by five or more people who are not living together as a single household.

b) Additional Licensing – HMO

Local authorities can introduce a discretionary additional scheme for other types of HMOs not subject to mandatory licensing in part or whole of the area within its district.

c) Selective Licensing

A discretionary selective licensing scheme covers all other private sector dwellings and can be introduced in part or whole of the borough.

- 6.1.1 Haringey has had successful property licensing schemes in the past aimed at HMOs. There is currently in place a borough-wide licensing scheme for HMOs.

- 6.1.2 Our learning from these schemes has allowed us to identify what makes a successful licensing scheme. A successful Selective Licensing scheme will require the following: -

- Careful planning, in particular with respect to anticipated costs and also to mitigate the potential impact of underestimating the number of licensable properties;
- Well thought through and diligent approach to evidence gathering and consultation;
- A realistic approach to area definition with boundaries carefully drawn to focus on areas with demonstrable problems, although it was clear that problems could genuinely be district wide in some authorities;
- Licensing forming part of a wider suite of community-based measures aimed at effecting change consistent with the aims and objectives of selective licensing, with a clear political will to support the scheme;

- Effective engagement with both landlords and tenants, but especially raising, through dialogue and training, landlord awareness of their responsibilities;
- An inspection regime that is robust, consistent and targeted – dealing with contraventions firmly but fairly, where possible dealing with the worst first;
- Regular and open publication of progress against targets and outcomes - this encourages trust and support from stakeholders;

6.1.3 A licensing scheme designation lasts for 5 years from the date the designation becomes operational. A scheme may be renewed following the appropriate legal authorisations.

6.1.4 Property Licensing denotes through a prescribed process how a property should be controlled and managed. This is monitored through the property licence by Council Officers.

6.2 Subject to limited exemptions, a valid licence must be held by the appropriate responsible person, typically the landlord or managing agent in respect of all privately rented properties in such a designated area.

6.2.1 A licence holder must be fit and proper, the property must meet all legal standards, be in good condition and managed effectively.

6.2.2 All of these requirements are stipulated as ‘conditions’ of holding a property licence. It is an offence for a licence holder to fail to comply with any of the licence conditions throughout the licence period. Failure to licence or comply with licence conditions can result in civil penalty enforcement or prosecution. (See Appendix 5 for full details of the selective licensing conditions)

6.2.3 The legislation allows Local Authorities to set and charge an appropriate fee to Licence applicants. The fee must be reasonable and reflective of the scheme in operation. Following recent case law, the fee is now required to be paid in two parts. Part A, which covers the processing of the application and the remainder, Part B, which can support the associated costs of compliance with the Licencing Conditions. All Selective licence fee income is ring fenced for the administrative and operational cost of operating the licensing scheme. (See appendix 4 for the proposed fee structure)

### 6.3 **Qualifying Conditions for Selective Licensing.**

6.3.1 Selective Licensing is an additional tool that local authorities can seek approval to use alongside their normal enforcement powers in order to target specific issues that are affecting the local authority and its community.

6.3.2 In order for selective licensing to be considered one or more of the following 6 statutory grounds have to be met:

- i. Is an area of low housing demand (or is likely to become such an area)

- ii. Is experiencing a significant and persistent problem caused by anti-social behaviour and that some or all of the private landlords letting premises in the area are failing to take appropriate action to combat that problem.
- iii. Is experiencing poor property conditions in the privately rented sector.
- iv. Is experiencing or has recently experienced an influx of migration and the migrants occupy a significant number of properties in the privately rented sector.
- v. Is suffering high levels of deprivation affecting those in the privately rented sector.
- vi. Is suffering high levels of crime affecting those in the privately rented sector.

6.3.3 A local housing authority may only make a designation if the area to be considered has a high proportion of property in the private rented sector. In England this is 19% of the total housing stock.

6.3.4 The Housing Act 2004 also requires the local authority to demonstrate the following outcomes as part of its process of delivering a selective licensing initiative. (see appendix 2 for further details):

- Ensure that the exercise of the power is consistent with their overall Housing Strategy.
- Adopt a coordinated approach in connection with dealing with homelessness, empty properties and anti-social behaviour affecting the private rented sector as regards combining licensing with other action taken by them or others.
- Consider whether there are any other courses of action available to them (of whatever nature) that might provide an effective method of achieving the objectives that the designation would be intended to achieve.
- Consider that the making of the designation when combined with other measures taken by the authority alone or with other persons will significantly assist them to resolve the problem identified (whether or not they take any other course of action as well).
- Take reasonable steps to consult persons who are likely to be affected by the designations and consider any representations made.

## 6.4 **Our proposal**

6.4.1 It is our proposal to introduce selective licensing under the following statutory grounds; -

Criterion 1 - A significant proportion of the stock is privately rented.

Criterion 2- Poor property conditions in the private rented sector.

Selective licensing can be used to tackle issues of poor property condition when it is identified that,

- a significant number of properties in the private rented sector are in poor condition and
- are adversely affecting the character of the area and/ or
- the health and safety of their occupants.

**Criterion 3 – Anti-Social Behaviour**

Areas within the borough that are experiencing a significant and persistent problem caused by anti-social behaviour and that some or all of the private landlords letting premises in the area are failing to take appropriate action to combat that problem.

**Criterion 4 – High levels of deprivation.**

Areas within the borough are suffering high levels of deprivation affecting those in the private rented sector.

6.4.2 The areas within the borough that are experiencing the significant impact of the above and that will therefore be subject to selective licensing will be covered by two designations.

- Designation 1 - will include 12 wards all to the east of the railway line (See Appendix 1)
- Designation 2 will include 2 wards in the west of the borough Hornsey and Stroud Green. (See Appendix 2)

6.4.3 As noted in paragraph 1.8 the reason for having two designations is to ensure that each designation area is considered on its own merits according to the evidence base for each designation. Consulting on both will allow us to ascertain if this is right for the borough and will provide supporting evidence for any Secretary of State decision.

6.4.4 These designations aim to compliment the borough-wide licensing scheme that is in place for HMOs, by ensuring that all privately rented accommodation within the designated areas are fit for purpose and well managed despite their property make up.

6.4.5 The type of property that will be subject to selective licensing will be any privately rented dwelling that contains a single household. A single household can be defined as the following: -

- a family, e.g. a couple (whether married or not and including same-sex couples) or
- persons related to one another
- an employer and certain specified domestic employees, a carer and the person receiving care a foster parent and foster child.

**6.5 Methodology.**

6.5.1 The council have worked with Metastreet Ltd who have developed a stock-modelling approach based on metadata and machine learning to provide insights about the prevalence and distribution of a range of housing factors.



6.5.2 The Tenure Intelligence (Ti) approach has been used by a number of councils to understand their housing stock and relationships with key social, environmental and economic stressors.

6.5.3 The housing models are developed using unique property reference numbers (UPRN) as keys, which provide detailed analysis at the property level. Data records used to form the foundation of this data include:

- Council tax
- Housing benefit
- Electoral register
- Private housing complaints and interventions records
- Other council interventions records
- ASB complaints and interventions records
- Experian Mosaic records & Energy Performance data

6.5.4 For each criteria metadata was used to evidence the quantity and significance of the issue.

Criterion 1

Designations must have a significant proportion of its housing stock as PRS. To be significant it must be equal to or above the national average of 19%.

Criterion 2- Poor property conditions in the private rented sector.

Selective licensing can be used to tackle issues of poor property condition when it is identified that,

- a significant number of properties in the private rented sector are in poor condition and
- are adversely affecting the character of the area and/ or
- the health and safety of their occupants.

If an area is experiencing the above, as part of a wider strategy to tackle housing conditions, the local housing authority may consider it appropriate to make a selective licensing scheme so that it can prioritise enforcement action, whilst ensuring through licence conditions that the properties are properly managed to prevent further deterioration.

Criterion 3 – Anti-Social Behaviour

Areas within the borough that are experiencing a significant and persistent problem caused by anti-social behaviour and that some or all of the private landlords letting premises in the area are failing to take appropriate action to combat that problem. In considering whether the area is suffering from anti-social behaviour which a landlord should address, regard must be had as to whether the behaviour is being conducted within the curtilage of the rented property or in its immediate vicinity and includes (but not limited to) acts of:

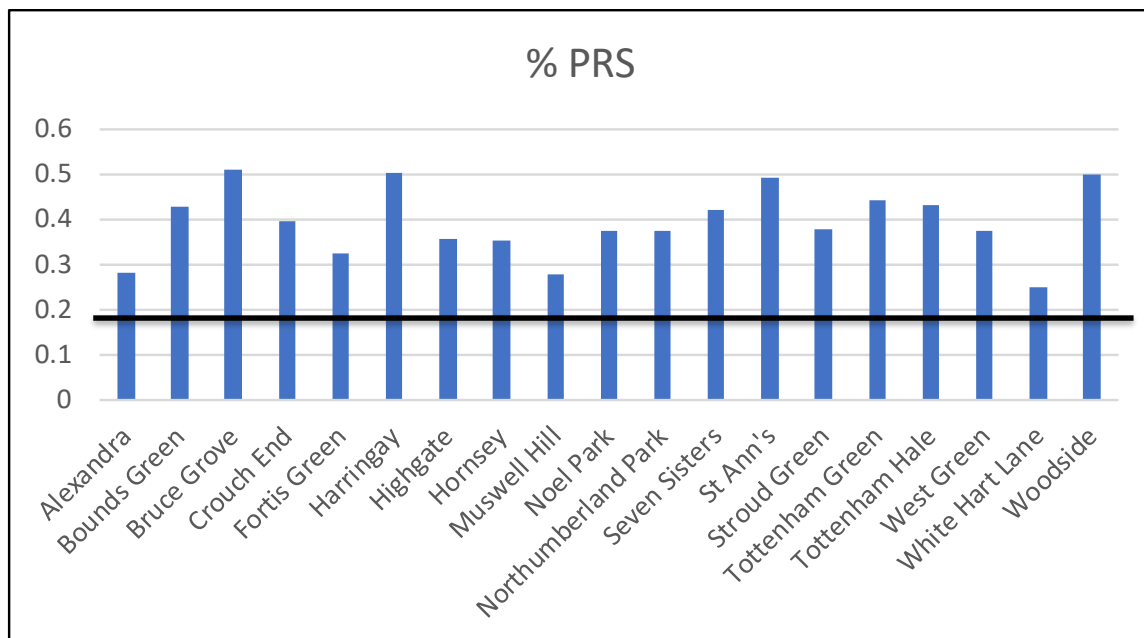
- intimidation and harassment of tenants or neighbours;
- noise, rowdy and nuisance behaviour affecting persons living in or visiting the vicinity;
- animal related problems;
- vehicle related nuisance;
- anti-social drinking or prostitution;
- illegal drug taking or dealing;
- graffiti and fly posting;
- and litter and waste within the curtilage of the property.

Criterion 4 – High levels of deprivation.

Areas within the borough are suffering high levels of deprivation affecting those in the private rented sector. The Indices of Multiple Deprivation 2019 (ID2019) are the Government's primary measure of deprivation for small areas (known as LSOAs) in England. The Index of Multiple Deprivation (IMD), combines measures across seven distinct aspects of deprivation. The measures once combined provide an area with a ranking from 1-8, with 1 being the most deprived.

## 6.6 The Evidence

- 6.6.1 Evidence of Criterion 1- A Significant Proportion of the stock is privately rented.
- 6.6.2 Stock Profile analysis carried out by Metastreet indicates that the borough overall has just under 109,000 dwellings.
- 6.6.3 Of these the private rented sector makes up 40%. This data suggests that the private rented sector in Haringey has grown by 36% since the last census in 2011 from 32,000 to 43,000.
- 6.6.4 This data provides the evidence that all wards within the borough exceeds the national average of 19% and can therefore be considered as having a significant level of privately rented accommodation within its overall housing stock.
- 6.6.5 This graph below shows the % of privately rented stock in each ward across the borough. The black line donates the national 19% threshold. For the purposes of this legal stipulation all wards within Haringey can be considered for the inclusion within a selective Licensing scheme in Haringey.



#### 6.6.6 Criterion 2. Levels of poor housing condition

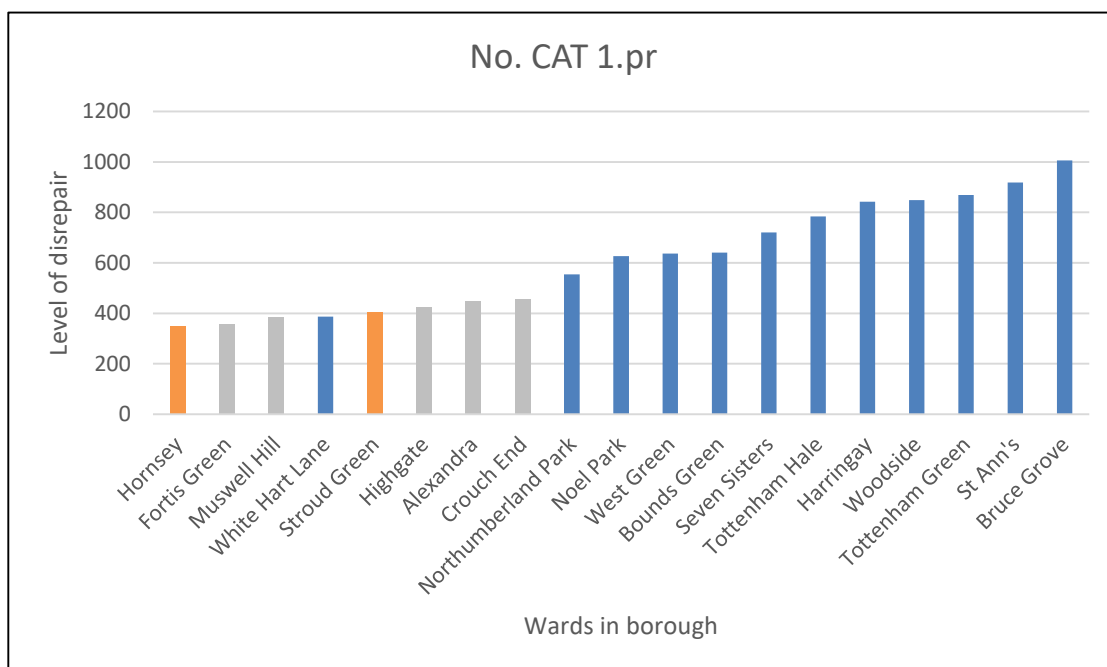
Predictive modelling has been used to identify property within the PRS that is likely to be in poor housing condition. The Housing Act 2004 uses a Housing Health and Safety Rating System (HHSRS) to categorise the types of hazards identified at a property that are likely to cause risk of harm. Property with category 1 hazards are serious enough to require enforcement action.

6.6.7 The graph below shows the number of privately rented dwellings that are predicted to be in poor property condition within each ward in Haringey. The graph shows the wards which are likely to be affected by the incidence and spread of serious category 1 housing hazards from the lowest number of incidence to the highest. The prevalence of category 1 hazards is significant in all wards with those in designation 1 being the most serious.

6.6.8 Hornsey and Stroud Green wards within designation 2 also have significant incidence of category 1 hazards, although not as prevalent as the other wards in conjunction with the prevalence of ASB and deprivation. Hornsey and Stroud Green remain areas of significant concern.

6.6.9 The bars within the graph are colour coded to identify those which would be within designation 1 and those within designation 2. Those bars that remain grey are not included within the selective licensing scheme.

- Designation 1 wards are depicted with a blue bar
- Designation 2 wards are depicted with an orange bar
- Those not included within selective Licensing scheme designations are coloured grey.



#### 6.6.10 Criterion 3. ASB and Environmental Crime

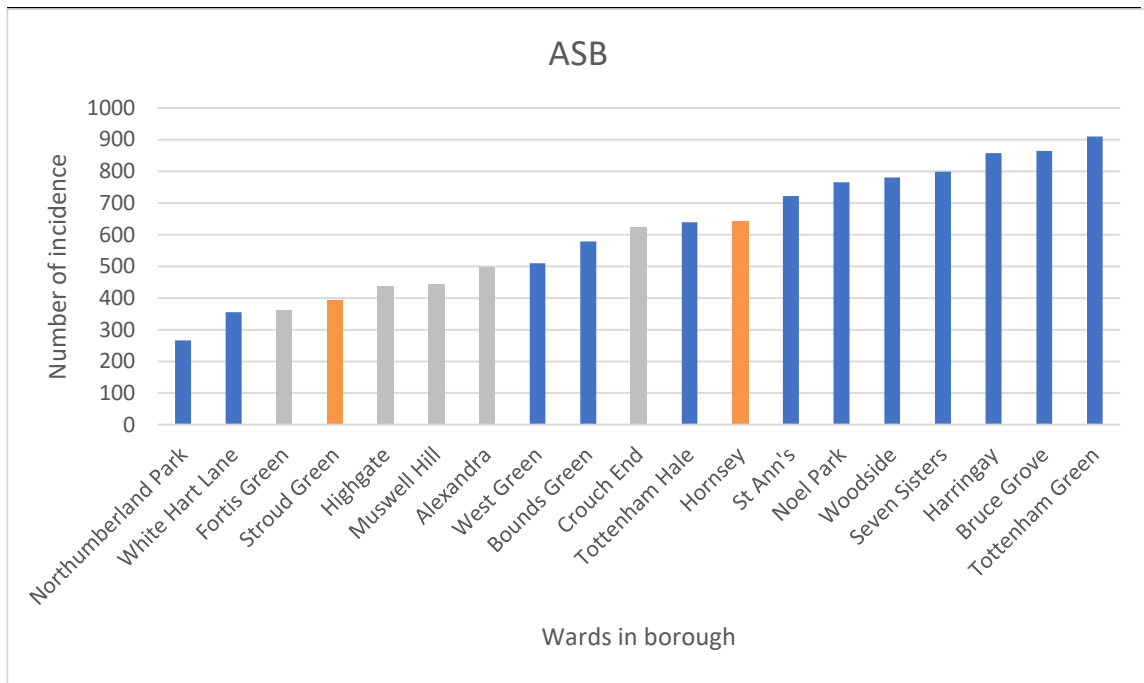
For the purposes of the data modelling environmental ASB was used to determine the number of ASB incidents that a ward had experienced. The graph shows there is a high level of ASB incidence across the wards

6.6.11 Designation 1 – Northumberland Park and White Hart Lane wards have the lowest incidence of all wards in the borough. This could be equated to the lack of reporting to the council about incidences of ASB as both wards have a high levels of social stock within these wards. It is likely that Homes for Haringey clear and deal with many of the incidence of ASB as part of their estate maintenance and cleansing routines.

6.6.12 Designation 2 – Stroud Green and Hornsey remain wards with a high incidence of ASB.

6.6.13 The bars within the graph are colour coded to identify those which would be within designation 1 and those within designation 2. Those bars that remain grey are not included within the selective licensing scheme.

- Designation 1 wards are depicted with a blue bar
- Designation 2 wards are depicted with an orange bar
- Those not included within selective Licensing scheme designations are coloured grey.



6.6.14 Criterion 4. Areas affected by deprivation

6.6.15 Selective licensing can also be made when areas within the borough are suffering high levels of deprivation affecting those in the private rented sector. The Indices of Multiple Deprivation 2019 (ID2019) are the Government's primary measure of deprivation for small areas (known as LSOAs) in England.

6.6.16 Haringey is a borough with high deprivation levels. It is the 4<sup>th</sup> most deprived borough in London, and 49<sup>th</sup> most deprived in England (of 317), when measured by Indices of Multiple Deprivation (IMD). This is particularly in the case in the east of the borough – over half of the Lower Super Output Areas (LSOAs) in the east are in the 20% most deprived in the country. By contrast, in Highgate, Fortis Green, Muswell Hill, Alexandra and Crouch End there are no LSOAs in this category.

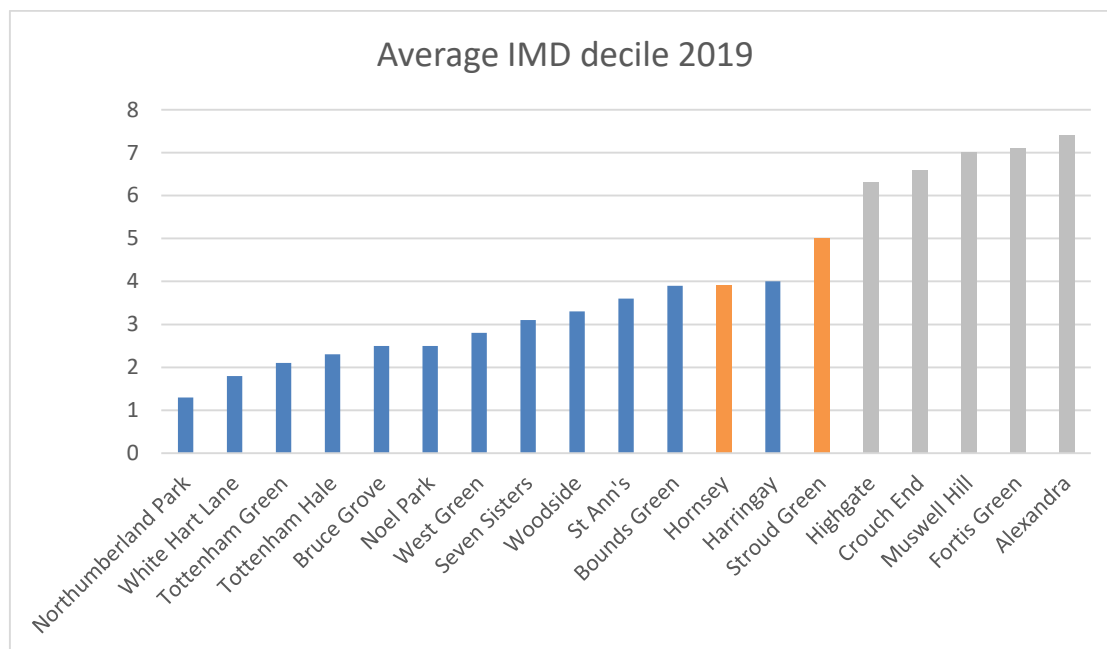
6.6.17 The Index of Multiple Deprivation (IMD), combines measures across seven distinct aspects of deprivation:- Income, Employment, Education, Health, Crime, Barriers to Housing and Living Environment.

6.6.18 These measures once combined provide an area with a ranking from 1-8, with 1 being the most deprived.

6.6.19 The chart of IMD shown below shows clearly that all wards other than Stroud Green, Highgate, Crouch End, Muswell Hill, Fortis Green and Alexandra are amongst the 40% most deprived in the UK. Stroud Green is ranked at 5.0 so just on the half way marker. Due to the other issues associated with Stroud Green in relation to Property Condition and ASB and with it being ranked at 5 it is being included for consideration along with Hornsey in designation 2.

6.6.20 The bars within the graph are colour coded to identify those which would be within designation 1 and those within designation 2. Those bars that remain grey are not included within the selective licensing scheme.

- Designation 1 wards are depicted with a blue bar
- Designation 2 wards are depicted with an orange bar
- Those not included within selective Licensing scheme designations are coloured grey.



### 6.6.21 Conclusion

6.6.22 The evidence base demonstrates that in relation to the percentage of PRS in our borough all wards meet this threshold and could be included within a designation. However, the analysis in relation to the other qualifying criteria of poor property condition, high incidence and prevalence of ASB linked with the levels of deprivation exclude Highgate, Crouch End, Muswell Hill, Fortis Green and Alexandra from being included. This can be identified clearly in the table below.

Ward	% PRS	Poor property Condition	Significant and persistent ASB	IMD ranking
Northumberland Park	37.5%	✓	✓	1.3
White Hart Lane	24.96%	✓	✓	1.8
Tottenham Green	44.14%	✓	✓	2.1
Tottenham Hale	43.21%	✓	✓	2.3
Bruce Grove	51.12%	✓	✓	2.5
Noel Park	37.37%	✓	✓	2.5

West Green	37.56%	✓	✓	2.8
Seven Sisters	42.13%	✓	✓	3.1
Woodside	49.81%	✓	✓	3.3
St Anns	49.34%	✓	✓	3.6
Bounds Green	42.8%	✓	✓	3.9
Hornsey	35.33%	✓	✓	3.9
Harringay	50.15%	✓	✓	4.0
Stroud Green	37.66%	✓	✓	5.0
Highgate	35.71%	✓	✓	6.3
Crouch End	39.76%	✓	✓	6.6
Muswell Hill	27.99%	✓	✓	7.0
Fortis Green	32.30%	✓	✓	7.1
Alexandra	28.02%	✓	✓	7.4

#### 6.6.23 Summary:

- All 14 wards proposed contain a high proportion of privately rented homes compared with the national average of 19%<sup>1</sup>.
- Housing conditions in the areas selected are poor and the Council proposes to inspect them in order to take any necessary enforcement action.
- All 14 of the wards are experiencing a significant and persistent problem caused by antisocial behaviour, which some private sector landlords are failing to address.
- The link between poor housing condition, health and deprivation is very well evidenced. With all the wards selected suffering from deprivation and in some instances severe deprivation, tackling poor housing conditions in these areas will have a positive impact on the other socio-economic and health factor that are aligned to this.

### 6.7 Strategic outcomes

- 6.7.1 The proposal to introduce a selective licensing scheme supports the Council's key strategic aims, as outlined in the Borough Plan 2019-2023 and its Housing Priority.
- 6.7.2 It specifically supports the Housing Priority Outcome 3: to 'work together to drive up the quality of housing for everyone' Objective C 'improve the quality of private rented housing and the experience of those living it, including by expanding landlord licensing and associated enforcement'.
- 6.7.3 The broader benefits on the health of residents living in these homes and the reduction in anti-social behaviour which are expected to follow on from the introduction of a selective licensing scheme support the People Priority, specifically Outcome 7: 'all adults are able to live healthy and fulfilling lives, with dignity, staying active and connected in their communities' and the Place Priority, specifically Outcome 12: 'a safer borough'.

<sup>1</sup> English Housing Survey, Headline Report 2017-18

## 6.8 Consultation

6.8.1 Section 80 (9) of the Housing Act 2004 states that when considering designating an area for selective licensing the local housing authority must:

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

6.8.2 Local housing authorities are required to conduct a full consultation. This should include consultation of local residents, including tenants, landlords and where appropriate their managing agents and other members of the community who live or operate businesses or provide services within the proposed designation. It should also include local residents and those who operate businesses or provide services in the surrounding area outside of the proposed designation that will be affected. Local housing authorities should ensure that the consultation is widely publicised using various channels of communication.

6.8.3 Schemes which require confirmation from the Secretary of State are advised to consult for at least 10 weeks unless there are special reasons for not doing so.

6.8.4 The consultation should be informative, clear and to the point, so the proposal is readily understood. It should inform local residents, landlords, letting agents and businesses about the proposed designation, giving the reasons for proposing it, why alternative remedies are insufficient, demonstrating how it will tackle specific problems together with other specified measures, and describing the proposed outcome of the designation. It should also set out the proposed fee structure and level of fees the authority is minded to charge (if any). Consultees should be invited to give their views, and these should all be considered and responded to.

6.8.5 The consultation will be carried out according to social distancing measures with a full range of options considered to allow a consultation engagement programme that is both effective and legally compliant.

6.8.6 Once the consultation has been completed the results should then be published and made available to the local community. This should be in the form of a summary of the responses received and should demonstrate how these have either been acted on or not, giving reasons.

## 6.9 Licensing in the wider context

Haringey is bordered by or is neighbours with boroughs that have large scale licensing already in place, or are planning to introduce a scheme in the near future. Enfield, Waltham Forest, Hackney, Islington and Camden are boroughs which share similar issues. Strategically there is a need for Haringey to have scheme in place to prevent rogue landlords and ensure good management by Landlords, who operate across other boroughs and boundaries transferring their operations in to the borough. It also shows consistency with local authorities having the same expectations of their landlords.

title

<b>Neighbouring Borough</b>	<b>Large Scale Selective Licensing</b>	<b>Large Scale Additional Licensing</b>
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Waltham Forest	YES	Yes
Enfield	YES	YES
Hackney	NO [selective licensing in 3 Wards]	YES
Islington	NO	YES
Camden	YES	YES
<b>Other boroughs</b>		
Barking and Dagenham	YES	YES
Havering	NO	YES
Newham	YES	YES
Redbridge	YES	YES

## **7. Statutory Officers comments (Chief Finance Officer, Head of Procurement), Assistant Director of Corporate Governance, Equalities)**

### **7.1 Director of Finance comments**

- 7.1.1 The private sector housing market is growing and already high in Haringey, therefore, it is imperative this is strictly governed, and this scheme will help to ensure that happens.
- 7.1.2 The scheme will assist the Council to regulate private letting of houses where there are concerns of anti-social behaviour high levels of crime, helping to safeguard our poorest and most vulnerable residents.
- 7.1.3 The cost of the consultation is expected to be in the region of £20k and will be funded from existing budgetary resources. This will be off set against license fee income once the scheme is successfully implemented.
- 7.1.4 The licence fee is set based on the cost of administration and operation of the scheme over the five-year period.

### **7.2 Assistant Director for Corporate Governance**

- 7.2.1 The Assistant Director of Corporate Governance has been consulted in the drafting of this report
- 7.2.2 Legal comments appear in the body of this report.
- 7.2.3 The Assistant Director of Corporate Governance sees no legal reason why Cabinet should not take the decision recommended.

### **7.3 Head of Procurement**

7.3.1 Strategic Procurement notes the contents of this report; however, there are no procurement implications associated with the recommendations made in this report.

## 7.4 Equalities

7.4.1 The Council has a Public Sector Equality Duty under the Equality Act (2010) to have due regard to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act
- Advance equality of opportunity between people who share those protected characteristics and people who do not
- Foster good relations between people who share those characteristics and people who do not.

7.4.2 The three parts of the duty applies to the following protected characteristics: age, disability, gender reassignment, pregnancy/maternity, race, religion/faith, sex and sexual orientation. Marriage and civil partnership status applies to the first part of the duty.

7.4.3 The proposed decision is to authorise the finalisation and commencement of the statutory consultation on the proposal to introduce a selective licensing scheme for two designations within the borough, approve the proposed fees and charges, and approve the proposed Licensing conditions.

7.4.4 The people most likely to be affected by this decision are tenants living in private rented accommodation. An Equalities Impact Assessment (EqIA) has been carried out, attached to this report as an appendix, that notes that private rented sector tenants are more likely to be children or young adults, people with disabilities, people from BAME communities, and/or lone parents. The EqIA details the impact that the proposals can be expected to have on people who share the protected characteristics and concludes that they will likely have a positive impact in terms of housing quality.

7.4.5 Appropriate measures will be taken to remove any barriers to participation in the consultation for people who need reasonable adjustments. This will include, but not be limited to, a range of ways in which the consultation can be accessed and provision of consultation materials in alternate forms and languages on request.

## 8. Use of Appendices

Appendix 1 Designation 1 Map

Appendix 2 Designation 2 Map

Appendix 3 Evidence Base

Appendix 4 Selective Licensing Conditions

Appendix 5 Fees and Charges

Appendix 6 Equalities Impact Assessment

## 9. Local Government (Access to Information) Act 1985

- Housing Act 2004.
- [http://england.shelter.org.uk/\\_data/assets/pdf\\_file/0008/57779/Selective\\_licensing\\_for\\_local\\_authorities.pdf](http://england.shelter.org.uk/_data/assets/pdf_file/0008/57779/Selective_licensing_for_local_authorities.pdf)
- The Selective Licensing of Houses (Additional Conditions) (England) Order 2015.
- [https://www.legislation.gov.uk/ukdsi/2015/9780111131435/pdfs/ukdsi\\_9780111131435\\_en.pdf](https://www.legislation.gov.uk/ukdsi/2015/9780111131435/pdfs/ukdsi_9780111131435_en.pdf)
- Department for Communities and Local Government - Selective licensing in the private rented sector - A Guide for local authorities.
- <https://www.gov.uk/government/publications/selective-licensing-in-the-private-rented-sector-a-guide-for-local-authorities>
- UK Migrants and the private sector (John Perry) – Joseph Rowntree Foundation 2012.
- <https://www.jrf.org.uk/report/uk-migrants-and-private-rented-sector>
- Shelter – Selective Licensing for Local Authorities – A good practice guide
- [http://england.shelter.org.uk/\\_data/assets/pdf\\_file/0008/57779/Selective\\_licensing\\_for\\_local\\_authorities.pdf](http://england.shelter.org.uk/_data/assets/pdf_file/0008/57779/Selective_licensing_for_local_authorities.pdf)