

**Report for:** Cabinet – 8 March 2022

**Title:** London Borough of Haringey Proposed Selective Property Licensing Scheme

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

**Lead Officer:** Lynn Sellar, Private Sector Housing Manager, 020 8489 5242, [lynn.sellar@haringey.gov.uk](mailto:lynn.sellar@haringey.gov.uk)

**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

**Report for Key/  
Non Key Decision:** 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 This report updates Cabinet on the findings of the statutory consultation on selective licensing which ran from 17<sup>th</sup> May 2021 to 5<sup>th</sup> September 2021.
- 1.3 This report seeks a decision from Cabinet to consider whether to authorise the designation of an area as subject to selective licensing when considering the consultation outcomes, evidence, and prescribed criteria within Part 3 of the Housing Act 2004.

## **2. Cabinet Member Introduction**

- 2.1 More than a third of Haringey's residents rent their home from a private landlord. The number of privately rented homes is increasing so we want to ensure all privately rented homes are decent and safe. 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.
- 2.2 We know that poor property conditions make deprivation worse as tenants have fewer choices about where they can live. Fuel poverty, overcrowding and poor living conditions have a detrimental impact on the lives and health of those living in sub-standard accommodation.
- 2.3 For all these reasons, we are seeking to bring in a new selective licensing scheme within all 12 wards to the east of the borough. This scheme would make it

mandatory for any landlord renting a property to a single-family household or two unrelated sharers to licence this property with the council. This proposed scheme will complement the existing property licensing scheme that we have in place for property rented as Houses in Multiple Occupation, which has been in operation since May 2019.

- 2.4 It is vital that privately rented properties are effectively regulated to ensure they are safe and compliant with 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 those landlords who do not comply.

### **3. Recommendations**

Cabinet is asked:

- 3.1. To consider the evidence of poor property conditions and deprivation within the private rented sector properties as detailed in Appendix 1.
- 3.2. To consider the outcome of the consultation and the Council's consideration of those finding in Appendices 3 and 4 with particular note to the proposed removal of designation 2 (Hornsey and Stroud Green Wards) as a result of consultation and analysis.
- 3.3. To consider the council's strategic approach linking the proposed selective licensing scheme with the Council's wider strategic approach to the private rented sector as set out in paragraph 7.2 of the report.
- 3.4. To approve the designation of 12 wards – (White Hart Lane, Northumberland Park, Bruce Grove, Seven Sisters, Tottenham Hale, Tottenham Green, St Ann's, West Green, Harringay, Noel Park, Bounds Green, Woodside) as delineated in the map at Appendix 2 – as subject to selective licensing pursuant to Part 3 of the Housing Act 2004, subject to confirmation by the Secretary of State for Department of Levelling Up, Housing and Communities. (DLUHC)
- 3.5. To approve the proposed licence conditions applying to any selective licence at Appendix 5.
- 3.6. To approve the proposed fee structure for licence applications made under the selective licensing scheme at Appendix 6.
- 3.7. To authorise the Director for Environment and Neighbourhoods, in consultation with the Cabinet Member for Housing the authority to: -
  - (i) Agree the final document requesting confirmation of the selective licensing designation from the Department of Levelling up Housing, Communities (DLUHC) in consultation with the Director.
  - (ii) Ensure compliance in all respects with all relevant procedures and formalities applicable to authorisation schemes.

- (iii) Keep the proposed scheme under review during the designation lifetime and agree any minor changes to the proposed implementation and delivery, including administration, fees and conditions and give all necessary statutory notifications.
- (iv) Ensure that all statutory notifications are carried out in the prescribed manner for the designation and to take all necessary steps to provide for the operational delivery of any licensing schemes agreed by Cabinet.

#### **4. Reasons for decision**

- 4.1 There has been significant growth in the Private Rented Sector (PRS) in Haringey over the last 10 years from 23.9% to 40.2 % (Metastreet Ltd ti 2020). This sector offers housing that Haringey values and wants to see as strong, healthy, and vibrant. However, the reality is that many properties within the private rented sector fall short in terms of property condition and its overall management. Our aim is for a better private rented sector that offers security, stability, and decency for its tenants. (See Appendix 1)
- 4.2 It is estimated that of 39,564 properties in the private rented sector in Haringey 11,771 (26.9%) (Metastreet ti 2020) are in poor condition. This is double the national average (13%). In addition, 2,714 complaints have been made to the Council's Private Sector Housing Team, by private tenants regarding poor property conditions and inadequate property management over the last 5-year period. (See Appendix 1)
- 4.3 Haringey is also a borough with high deprivation levels. Deprivation is lack of income and other resources, which together can be seen as living in poverty. Haringey is recorded in the English indices of deprivation 2020 as the 4<sup>th</sup> most deprived borough in London, and 49<sup>th</sup> most deprived in England (of 317)). Haringey has the highest homelessness duty owed of any London borough, the highest claimant rate of Universal Credit in London and the highest unemployment rate in London at 9.3% (ONS 2021). (Sept 2021). (See Appendix 1)
- 4.4 Haringey has high levels of fuel poverty caused by deprivation, the age and condition of its housing stock. As a direct result of deprivation and poor housing conditions, the PRS suffers from fuel poverty. A consequence of this is that it can contribute to residential carbon emissions. The Council has a commitment through its Affordable Energy Strategy and Haringey Climate Change Action plan to reduce fuel poverty and to be carbon net zero by 2041. We know the PRS makes up just under half the housing stock in Haringey, and PRS landlords are therefore key players in helping to achieve these goals.
- 4.5 In the proposed designation there are 29,558 total predicted PRS properties (including Houses of Multiple Occupancy (HMOs), of which 4.9% or 1,448 have non-compliant energy performance ratings for the property. As part of the Proposed scheme, we aim to tackle poor energy performance and in turn expect to support those living in fuel poor homes. (See Appendix1)
- 4.6 Selective Licensing is a tool that local authorities can seek approval to use alongside their normal enforcement powers to target specific issues that are

affecting the local authority and its community, as outlined in paragraphs 4.1 to 4.4. Our proposal will seek to use these powers to tackle poor property conditions and deprivation.

4.7 Selective licensing would allow the local authority to regulate landlords to manage this sector more effectively and through the use of licence conditions under S. 80 of the Housing Act 2004 require landlords to take action to improve the quality of the homes they rent and manage those properties more effectively.

4.8 Legislation requires that an area may only be designated if it has a high proportion of property in the private rented sector. Guidance from the Secretary of State provides that this is met where the proportion is higher than the national average, which in England is 19% of the total housing stock. The area must also meet one or more of the following 6 statutory grounds; that it is:

- an area of low housing demand (or is likely to become such an area).
- 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.
- experiencing poor property conditions in the privately rented sector.
- experiencing or has recently experienced an influx of migration and the migrants occupy a significant number of properties in the privately rented sector.
- suffering high levels of deprivation affecting those in the privately rented sector.
- suffering high levels of crime affecting those in the privately rented sector.

4.9 In summary

- currently Haringey's PRS sits at an estimated at 40% well above the national average for England which is 19%.
- Almost 27% of PRS property in our borough has poor property condition, this is double the national average of 13%.
- Haringey is the 4<sup>th</sup> most deprived borough in London and the 49<sup>th</sup> in England.
- Just under 5% of PRS property in Haringey fails to have a legally compliant Energy Performance Certificate contributing to the high levels of fuel poverty seen in our borough.

## **Consultation Outcomes**

4.10 On 16<sup>th</sup> June 2020 Cabinet authorised the council to undertake statutory consultation on its proposal to introduce selective licensing on the following statutory grounds: -

- A significant proportion of privately rented property within the area is suffering from poor property conditions.
- There is a significant and persistent problem caused by Anti-Social Behaviour within private rented sector
- The area is experiencing high levels of deprivation.

4.11 The consultation proposal covered two designations

- Designation 1 - included 12 wards all to the east of the borough

- Designation 2 - included 2 wards in the west of the borough, Hornsey, and Stroud Green.
- 4.12 The Council commissioned M·E·L Research, an independent research company, to deliver the consultation survey and independently analyse and interpret the results. The consultation ran for 16 weeks from 17<sup>th</sup> May to 5<sup>th</sup> September 2021. The consultation was extended by 5 weeks to compensate for the impact of Covid-19, to ensure enough time was given stakeholders to consider and respond to communications that were sent out as well as to allow for further advertising towards the end of the consultation to encourage greater take up.
- 4.13 The consultation sought local views on the proposals including respondents' experiences of issues in the borough around property conditions, deprivation, and anti-social behaviour. Questions were also asked on the licensing conditions and proposed fee.
- 4.14 A variety of consultation methods were used to allow interested parties to share their views on the proposals and adaptations were made in light of the ongoing COVID-19 pandemic. These included an online survey, a postal survey, remote public workshops, stakeholder interviews, a Freephone number for verbal feedback, and an email address for written feedback and queries. The council promoted the consultation extensively through various communication channels, both within Haringey and beyond, to encourage landlords, tenants, agents, residents, businesses, and other interested parties to get involved.
- 4.15 In total, the consultation generated 956 survey responses (950 online and 6 postal). 27 people attended three public workshops. Seven stakeholders were interviewed, and 36 individuals or organisations responded with formal written submissions to the consultation.
- 4.16 In summary,
- 56% of respondents supported the proposal, 67% of whom were residents or tenants.
  - 34% disagreed with the proposal of whom 69% of these were landlords or agents.
  - 58% of respondents felt the scheme would have a positive impact on the proposed area.
  - 43 % felt the proposed scheme would have a positive impact on themselves and or their business.
  - Anti-Social Behaviour was seen as less of a concern to participants of the consultation.
  - 51% of respondents felt deprivation was a major issue within the proposed area.
  - Landlords view the problem of poor housing and deprivation as less of an issue than tenants and residents.
- 4.17 Responses received during the consultation were analysed in line with the legislation. The consultation survey received hundreds of comments, 35 written responses and feedback from seven stakeholder interviews and in three public

meetings. There were also three written submissions that were submitted following the close of the consultation. The consultation report grouped the comments around the following subject areas:

- Why respondents agreed or disagreed with introducing Selective Licensing
- Comments about the licensing fees
- Comments about discounts that should be removed
- Comments around additional discounts that could be considered
- Comments about the proposed licence conditions and other suggestions

4.18 Analysis of the comments and responses received highlighted some key challenges in relation to the evidence provided for the proposed designations. In particular the data used to evidence the prevalence of Anti-Social Behaviour (ASB) and its persistence across all the wards within the proposed designation was questioned. Some key responses were also received from consultees with regards to the proposed Designation 2. The key theme here was the validity of including Stroud Green and Hornsey in such a scheme, in particular on the criterion of deprivation. There were also challenges with regards to the licence conditions and the Licence Fee. A full outcome of those consideration and the council's response can be found in appendix 4 to this report.

4.19 Having considered the consultee responses, further analysis of the data and evidence were undertaken, and officers considered that the proposals should be modified as follows:

- ASB to be removed as a factor due to the current data not meeting the thresholds for this to be considered a significant and persistent issue within Haringey across the proposed wards.
- Designation 2, containing Hornsey and Stroud Green wards, to be removed from the selective licensing proposal; it could not be sufficiently evidenced that Hornsey and Stroud Green wards meet the threshold for being highly deprived.
- There be no change to the fee structure.
- The Licence Fee discounts to be made clearer as to when they can be applied and by whom.
- The licence conditions have been amended to reflect the changes to the designation criteria e.g., the removal of specific conditions in relation to tackling ASB.
- The Licence conditions have been amended in response to a number of comments from landlords and landlord associations.
  - Removed the condition in relation to providing tenants with quarterly rent statements.
  - Amended the condition regarding the need to gain references for prospective tenants. This is now less onerous for Landlords.

4.20 The selective property licensing proposal will therefore be limited to Designation 1 as shown in the map below, with the objective of:

- Improving housing conditions,
- Seeking to reduce deprivation and inequalities in conjunction with other key council strategies (e.g., Homelessness prevention, housing strategy, borough plan,) and
- contributing to an improvement in the health outcomes of residents in the most deprived areas by improving property conditions and tackling fuel poverty.





***Map detailing the proposed licensing scheme designation.***

## **5. Alternative options considered**

- 5.1 **The council could decide to do nothing.** The ageing housing stock in the borough, coupled with the increased demand for private rented accommodation has enabled landlords to rent out sub-standard properties to families who have few options. Doing nothing is not a viable option due to the significant scale of poor housing conditions and poor management of private rented property in the borough. To do nothing would mean continuing to work in the way we currently are which relies on a reactive inspection programme of property. This depends upon complaints being made by tenants as the means of identifying poor conditions.
- 5.2 The council could continue to rely on Part 1 Housing Act 2004 enforcement powers alone, however this formal action is slow with appeal provisions against most types of notices served, which can significantly delay the time period for compliance. In addition, the council's powers under Part 1 do not enable it to regulate the management of property as licensing schemes do. The Part 1 provisions are currently available to the council but despite our best efforts to exercise these powers that have not provided the necessary large-scale improvements in the sector. All the above options are time consuming, resource intensive and not feasible on a large scale.
- 5.3 **Voluntary Regulation.** The council could rely on voluntary accreditation schemes or landlord membership organisations, such as the National Landlord Association or the Residential Landlords Association. These can help to support and improve a professional approach by landlords, and we have encouraged this by promoting voluntary regulation through voluntary accreditation schemes, but the uptake of the various schemes is low and does not give the council any additional powers to take enforcement action against non-compliance.
- 5.4 Data from the London Landlords Association and **Accreditation & Training for Landlords and Agents Service (ATLAS)**, voluntary accreditation schemes

promoted by Haringey Council has indicated that there are currently 1239 landlords or agents registered. This is amongst the highest registrations across the participating London boroughs. This however has not led to an improved private rented sector in Haringey. The Council also held Landlord Forums pre-pandemic. These forums were attended by landlords and managing agents and were always sponsored by local agents. The forums were always attended by the same landlords and agents who are likely to make up a high percentage of compliant landlords within our borough.

- 5.5 **Opting for a borough-wide selective licensing scheme.** The data analysis and evidence gathering did not support the need for a borough-wide selective licensing scheme. Part 1 Housing Act 2004 enforcement powers will continue to be used in the areas of the borough that selective licensing does not apply, to ensure compliance.
- 5.6 **Introducing Selective Licensing in Designation 1 & 2 as per Consultation.** Taking account of the consultee responses and review of evidence the option to include two designations as subject to selective licensing is no longer considered a viable as per paragraphs 4.16- 4.18. Selective licensing will therefore only cover one designation.

## 6. Background information

- 6.1 The Government sees the private rented sector as having an important and long-term role in meeting the housing needs of the nation. One of the key powers available to local authorities to improve management practices in this sector is selective licensing, an option taken by an increasing number of authorities to address problems associated with a large proportion of privately rented properties, especially in areas of low income.
- 6.2 Recent Government White Paper 'Levelling Up the United Kingdom' Published 2<sup>nd</sup> February 2022, sets out the Government's next stages in their programme to level up the UK. Within this paper there is a commitment to improve the private rented sector. These measures include, by 2030:
- For the number of non-decent rented homes to have fallen by 50%
  - To explore a **National Landlord Register**
  - To bring forward other measures to reset the relationship between landlords and tenants, including through ending section 21 "no fault evictions".
- 6.3 Selective property licensing requires all private rented properties within the area (excluding properties falling within certain exemption criteria) to be registered with the authority with an associated fee. The aim of the scheme to drive up standards in the private rented sector. This scheme would support those measures proposed within this White Paper.
- 6.4 In considering whether to designate an area for selective licensing under one or more of the grounds identified in paragraph 4.8 above, the local housing authority may only make a designation if the area has a high proportion of property in the private rented sector. Nationally, the private rented sector currently makes up 19% of the total housing stock in England.



- 6.5 In order to introduce selective licensing for poor property condition a local authority must show that a significant number of properties in the private rented sector are in poor condition and are adversely affecting the character of the area/ or the health and safety of the occupants.
- 6.6 In order to introduce selective property licensing for deprivation a local housing authority area/s must be experiencing a high level of deprivation which affects a significant number of those living in private rented property. That along with other measures the scheme will improve housing conditions in this sector in the designated area.
- 6.7 If a local housing authority makes a designation that covers 20% or more of its geographical area or that would affect more than 20% of privately rented homes in the local area the authority will need to apply to the Secretary of State for the Department for Levelling Up, Housing and Communities.
- 6.8 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:
- 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. (As listed within paragraph 5 above)
  - 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. (See appendix 3 & 4 full consultation details and outcomes).
- 6.9 The draft housing strategy 2022-2027 endorses the use of combining the discretionary powers available in the Housing Act 2004, such as selective licensing, with action taken by others to deal with the Council's wider housing related issues. Officers consider that using these measures combined with the council's existing enforcement powers under part 1 of the Housing Act 2004, will contribute to the selective licensing objectives of improving property condition, and reducing deprivation. The council's Borough Plan 2019-23 also clearly support the use of discretionary licensing to drive up property standards.
- 6.10 The introduction of licence conditions as part of this schemes will, in particular, ensure that landlords are fully aware of their obligations and will require landlords
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to ensure that properties are properly managed. This is currently not a measure that is available to the council across all private rented properties. The licence conditions will specifically support the scheme's objective to target fuel poverty by asking landlords to produce a compliant energy performance certificate for the property they wish to rent. Any landlord who is non-compliant will be supported to become compliant through grant funds and access to specialist Ecofurb information. Landlords who remain non-compliant will be forced to improve their property.

- 6.11 The local authority must take reasonable steps to consult persons who are likely to be affected by the designations and consider any representations made in accordance with the consultation. A consultation must run for a minimum of 10 weeks. (Appendix 3 & 4 for full consultation steps and outcomes).
- 6.12 Article 13(2) of the EU Services Directive (2006/123/EC) requires that the licence fee paid by the applicant must be reasonable and proportionate to the cost of the authorisation (licensing) procedure and shall not exceed the cost of the authorisation procedure. The fee shall not exceed the cost of the licensing scheme. Based on this the proposed fee for a selective licence is £600 for up to five years.
- 6.13 The fee is levied in two parts. Part A of the fee is for the application for a licence and covers the costs of processing, administration, and validation of the application. Part B of the fee funds the running costs of the scheme, including licensing inspections and enforcement.
- 6.14 The selective licensing fee is to be set at £600 with the fee split as follows: -
- Part A = £350
  - Part B = £250
- 6.15 Discount of £50 will be applied to each of the following.
- Licence holders who are accredited with a recognised landlord association and or accreditation scheme
  - Property that has an EPC certificate for their property showing a rating of A-C.  
(See appendix 6 for fee structure)
- 6.13 Additional staffing will be required to deliver the selective licensing programme. If Cabinet agrees to this proposal, then income generated from the licence fee will be used to fund a team of officers who will be employed to deliver the selective licensing programme for the duration of the scheme. Officers will investigate the option of including any exit costs in the financial model should the scheme not be renewed at the end of the 5 years.
- 6.14 If Cabinet agrees to this proposal this will then be subject to confirmation from the Secretary of State for the Department of Levelling Up, Housing and Communities.

## **7. Contribution to strategic outcomes**

7.1. **Borough Plan 2019- 2023-** The proposal to introduce a selective licensing scheme supports the Council's key strategic aims, as outlined in the Borough Plan 2019-2023.

- **Housing Priority.** - 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'.
- **People Priority.** -The broader benefits on the health of residents living in these homes supports outcome 7: 'all adults are able to live healthy and fulfilling lives, with dignity, staying active and connected in their communities'.

7.2. **Housing Strategy** - The Council's Draft Housing Strategy 2022-27 outlines the Council's aspirations for to have a safe, stable, and genuinely affordable home. The use of discretionary enforcement powers such as selective licensing is clearly defined as a tool the Council would like to make use of. The strategy includes a specific objective on how we aim to improve the quality of the Private Rented Sector through delivery against three sub-objectives:

- Setting clear standards for the private rented sector and supporting landlords to meet those standards
- Enforcing those standards and taking decisive action against landlords who will not provide their tenants with a home that is decent, safe, and secure
- Empowering and supporting private renters to hold their landlords to these standards.

7.3. **Homelessness Strategy** - The Council's Homelessness strategy is currently under review, however within the Draft Housing Strategy 2022-27 a clear objective for preventing homelessness sets the tone of the Council's strategic direction on homelessness prevention and service delivery. With specific reference to the private housing sector the Homelessness objective identifies that the loss of a tenancy in the private sector is the biggest cause of homelessness, identifying that the Council will use landlord licensing to increase its engagement not only with private landlords but also with their tenants.

7.4. **Empty Homes Policy** - In June 2020 the Council revised its Empty Homes Policy to strengthen and reflect the changes to service delivery and council priorities. The policy sets out a clear direction for how the council will deal with empty homes and the tools that it will use to bring empty homes back into use. The priority for the Council remains with those long-term empty homes that blight the neighbourhood and provide a basis for antisocial behaviour it also acknowledges the need to work in partnership with empty homeowners to understand the reasons why the property is vacant and support them in making decisions to bring that property back into use voluntarily.

7.5. **Affordable Warmth Strategy** - The Affordable Energy Strategy 2022-2025, sets a 5-year plan to reduce fuel poverty in the borough. The strategy identifies risks, mitigation measures and priority actions to help the residents of our borough who are affected by fuel poverty. The use of property licensing has been identified within this strategy's objectives as a tool to help reduce fuel poverty within the

PRS. Educating, providing support and guidance, and working with our landlords as part of the selective licensing project we hope to increase the thermal efficiency of property. We aim to achieve this through a range of measures, principally checking compliance with Energy Performance Certification (EPC) when landlords apply for their licence and taking action where these properties remain non – complaint. We want to use the project to encourage landlords to go beyond the minimum energy requirements for privately rented homes and will sign post landlords to any relevant funding. We will help landlords to identify additional measures that they can do within those properties to increase the energy efficiency and reduce fuel poverty for those living in this sector.

- 7.6. **Haringey Climate Change Action Plan** – A route map for a net zero carbon Haringey sets out how together we will deliver homes that are healthy, comfortable, and affordable places to heat and power.

## **8. Statutory Officers comments (Director of Finance (including procurement), Head of Legal and Governance, Equalities)**

### **8.1 Finance**

- 8.1.1 The recommendation of the report is to establish a selective licensing scheme in the borough (subject to the consent of the Secretary of State). It is estimated that the scheme will, over the 5 years that it will be in operation, have a total cost of £10.05m. The cost of the scheme will be met from the licence fee. The scheme designation will only come into effect upon 3 months of subsequent application and approval from the Secretary of State.

- 8.1.2 The scheme is limited to 5 years at which point a new application would need to be made to continue. As per Appendix 6 all of the relevant costs have been considered in respect income generated from Part A & B of the licence fee including exit costs if the scheme was not extended beyond its initial period.

### **8.2. Procurement**

- 8.2.1 N/A

### **8.3. Legal**

- 8.3.1. The Head of Legal and Governance has been consulted in the preparation of this report and comments as follows.
- 8.3.2. The 3 types of licensing provided for under the Housing Act 2004 are set out in the Background above (paragraph 6.1), and the conditions for designation of an area for additional or selective licensing are set out in Statutory conditions and evidence.
- 8.3.3. Unless the scheme meets the requirements set by the Secretary of State for a general approval – and the proposed scheme does not - his confirmation is required before a designation of an area subject to selective (s82(1)) licensing can come into force.

8.3.4. Other legal comments are contained in the body of the report.

8.3.5. There is no legal reason why Cabinet should not accept the recommendations in this report.

## **8.4. Equality**

8.4.1. 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 protected characteristics and people who do not
- Foster good relations between people who share those characteristics and people who do not

8.4.2. The three parts of the duty apply 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.

8.4.3. This report seeks a decision from Cabinet to consider whether to authorise the designation of an area as subject to selective licensing. A full Equalities Impact Assessment (EqIA) has been carried out and is attached as an appendix to this report. (Appendix 7)

8.4.4. If the scheme were implemented, it would be likely to have a positive overall equalities impact. In particular, some groups with Protected Characteristics who are disproportionately likely to face significant challenges in the Private Rented Sector (PRS) and/or are overrepresented in the designation area are likely to particularly benefit. This will include young people, people from Black, Asian, and Minority Ethnic backgrounds, women, trans people and those with disabilities.

8.4.5. It is noted that some concerns were raised in the consultation about the potential for the cost of the licensing scheme to be passed onto residents, which would be likely to impact those who are socioeconomically disadvantaged. It is noted that there has been no evidence from other schemes that costs are being passed on and that the licence fee costs for landlords are nominal when broken down on a weekly basis in comparison to the average market rate for rent. It is unlikely that this will financially impact landlords.

## **9. Use of Appendices**

Appendix 1 – Evidence Report

Appendix 2 – Map of designation

Appendix 3 – Consultation Analysis and Outcomes

Appendix 4 – Council's Responses to Consultation

Appendix 5 – Licence Conditions

Appendix 6 – Licence Fee Structure

Appendix 7 – Equalities Impact Assessment

## **10. Local Government (Access to Information) Act 1985**

Not applicable.