

Appendix 2 – Response to the Recommendations of the Housing, Planning & Development Scrutiny Panel

Scrutiny Review - Landlord Licensing in the Private Rented Sector

	Recommendation	Cabinet Response (Agreed/Not Agreed/Partially Agreed)	Comments
1	<p>The Panel would like to see the selective licensing scheme expanded into parts of the west of the borough. Problems with poor quality private rented accommodation exist in the west of the borough, particularly in wards such as Stroud Green and Hornsey. It is recommended that the Cabinet Member examine how to create a second scheme for parts of the west of the borough and commit to building an evidence case in support of this.</p>	<p>Not Agreed</p>	<p>Stroud Green and Hornsey were considered in the recent selective property licensing proposal, which became operational in Nov 2022.</p> <p>The criteria for introducing a selective licensing scheme are legally bound. Any designation must have very strong supporting data and evidence. The data at the time did not support the case for the inclusion of any further wards.</p> <p>The recommendation that the Cabinet Member examine how to create a second scheme for parts of the west of the borough and commit to building an evidence case in support of this is not appropriate. The data and evidence would have to already exist for a case to be made it cannot be built or created.</p> <p>Any further approval for a selective licensing scheme would have to be approved by DLUHC (Secretary of State).</p> <p>The selective licensing scheme designation will be re-evaluated prior to the current scheme ending in 2027/28.</p>

			It should also be noted that having three different property licensing schemes running at different times may lead to confusion for landlords, tenants and residents and is not recommended.
2	That the Council enter into a formal relationship with an advocacy organisation, such as Justice for Tenants for example, and proactively refer tenants who live in unlicensed properties to them. The advocacy organisation can assist tenants in pursuing Rent Repayment Orders (RRO). A Council officer should be assigned to lead on each RRO case and support the tenant, for example by providing evidence and witness statements, where appropriate. This is seen as a stick to ensure that landlords have their properties licensed. Ultimately, loss of income may be the only incentive that will push some landlords to adhere to the licensing regime.	Partially Agreed	<p>The council is already considering a partnering arrangement with an organisation which can provide advocacy support to tenants wishing to pursue RRO.</p> <p>The purpose of this partnering arrangement will be for the organisation to support tenants with the legal process and to help provide evidence and witness statements where appropriate to ensure tenants get a fair hearing. Tenants will be referred by officers through the property licensing schemes or individuals can self-refer via the Council web site.</p> <p>The use of resources generated by the licensing scheme is prescribed within the Housing Act 2004 under sec 63 (7). It is limited to the administration of and enforcement of compliance with the scheme; we therefore cannot use licence fee income to resource officers whose role would solely be to provide this level of individual support to tenants.</p>
3	That Cabinet give consideration as to how the Council can provide tenants with more information about their rights. It is recommended that the Council adopts a private renters' charter and a dedicated web page, that sets out what the legal responsibilities for a landlord are, what rights a tenant has, and what support they can expect from	Partially Agreed	The Housing Strategy 2024-2029, agreed by Cabinet at its meeting in December, has the strategic objective of 'Improving the Quality of the Private Rented Sector' and specifically of 'Empowering and supporting private renters to hold their landlords to these standards'. We specifically set out how we will ensure that private renters are aware of their rights, include by proactive campaigns

	<p>the Council. It is envisaged that supporting tenants to know their rights will help to improve standards. This should go out to public consultation and may include:</p> <ol style="list-style-type: none"> The council's commitment to non-cooperation with border agencies Supporting the Mayor of London's call for rent controls Making clear that inspections and fines will be used against non-compliant landlords Promoting the Rent Repayment Order process Supporting renters' reform, including an end to no fault evictions and automatic evictions for those in rent arrears 		<p>and by ensuring our web pages are clear and accessible. This strategy was subject to public consultation.</p> <p>The Private Sector Housing Team web pages have recently been redesigned to provide information specifically aimed at tenants and landlords. There is still work to evolve and perfect the pages, but they do currently set out what the legal responsibilities for a landlord are, what rights a tenant has, and what support they can expect from the Council and how to access this.</p> <p>Private-sector renting Haringey Council</p>
4	<p>Officers should establish regular meetings bringing together relevant services from across the Council, along with some of the key VCOs and tenant advocacy organisations in Haringey; in order to gather intelligence, receive specific case referrals and to hear from the experience of tenants in Haringey. The Council already has a Landlord Forum. It is envisaged that this will go some way to balance this with the views of tenants.</p>	<p>Agreed</p> <p>This recommendation is already in practice</p>	<p>The Housing Strategy commits to establishing a private renters forum. We will look to set this up in 2024/25.</p>
5	<p>That Cabinet undertake a review to ensure that our licensing fees are in-line with our statistical neighbours and that these rise every year in line with inflation. The Panel would like to see an increased compliance and inspection regime and</p>	<p>Partially Agreed</p>	<p>The licensing fees reflect the likely expenditure for operating a scheme within the borough and are set to reflect these costs.</p> <p>Licensing processes and operations are regularly discussed and compared with other local authorities who are statistically similar.</p>

	<p>believes that maximising the revenue generated from fee income is a way to facilitate this. The Panel would also like to see an additional focus on fines and enforcement through existing HHSRS legislation. Consideration should be given to targets for issuing CPNs.</p>		<p>Each licensing scheme is unique to the individual authority, the size of the designation, the type and condition of the housing stock within the designation.</p> <p>The licensing fees are already increased in line with inflation. This has occurred since 2022.</p> <p>It is a requirement of the additional HMO licensing scheme that all licensed property is inspected for compliance at least once during the lifetime of the scheme. Compliance inspection objectives have been set within the selective property licensing scheme and agreed by DLUCH.</p> <p>The consideration of enforcement powers (CPN) should be made in accordance with the legal guidance and within the scope of the Council enforcement policy. Targets are therefore not appropriate.</p> <p>As of 1st Jan 2024 in relation to the current HMO licensing schemes, The following outcomes have been achieved.</p> <ul style="list-style-type: none">• 4605 Licenses have been issued through the new online property licensing portal,• 3,471 compliance inspections in relation to those licence premises has been undertaken• 61 Notices of intention to issue a Civil penalty Notice.• 48 Civil Fines have been upheld <p>£270,000 worth of fines have been issued.</p>
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6	<p>That Cabinet explore the viability of using licensing fee income to employ tenancy relations officers, who are specifically tasked with supporting tenants experiencing poor living conditions or living in unlicensed properties. If this is deemed not possible under the current framework, the Council should lobby the Government in order to advocate for more flexibility in the use of license fee income in this regard.</p>	<p>Not Agreed</p>	<p>The use of resources generated by the licensing scheme is prescribed within the Housing Act 2004 under sec 63 (7). It is limited to the administration of and enforcement of compliance with the scheme.</p> <p>Having dedicated Tenancy Relations Officers was reviewed and the role ended some years ago due to the limited outcomes achieved. Currently if there is harassment or a threat of illegal eviction that could lead to the resident facing homelessness, they would be supported by a Housing Needs Officer and be referred to local solicitors who specialise in this work to secure an injunction. We can use the Homelessness Prevention Fund to assist with any costs where this is appropriate.</p> <p>The Housing Loss Prevention Advice Service (HLPAS) is now live. HLPAS is a government funded legal aid scheme providing free legal advice and representation to people facing the loss of their home. HLPAS is delivered by existing housing law experts and offers initial legal advice to anyone who is threatened with possession proceedings to try and resolve problems and avoid court action; as well as in court legal representation for those whose cases cannot be solved out of court. https://www.gov.uk/guidance/legal-aid-for-possession-proceedings</p> <p>The Council regularly provide opinions and feedback on proposal through various consultation opportunities such as current Renters Reform Bill.</p>
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7	<p>The Panel would like to see an increase in the size of the licensing team in order that more inspection and compliance visits can be undertaken. It is envisaged that maximising fee income and generating additional revenue from enforcement activity will allow the Council to put in place additional staff, who in turn will support more proactive enforcement. In light of the shortage of trained EHOs, the Panel supports the team's work to employ more compliance officers who can then be trained up. The Panel would like to see increased fee income being used to support the training and employment of more compliance officers.</p>	<p>Not Agreed</p>	<p>The Council is unable to increase the size of the licensing team as it is felt the current resources adequately reflects the two designations currently in place. However, it is agreed that where there are issues with recruitment to vacant posts specifically around qualified Enforcement Officers the structure is being reviewed. A drive to employ more compliance officers who can be given inhouse training will be undertaken to ensure that the inspection and compliance regime is kept on track.</p> <p>The Private Sector Housing Team has a clear recruitment plan in place. Whilst there is a shortage of qualified environmental health officers' consideration has been given to the employment of more compliance officers and this will take place.</p> <p>The schemes are currently supporting two Environmental Health Practitioner apprentices.</p>
8	<p>The Panel recommends that the Council undertakes a level of random spot checks for compliance with the licensing conditions. It is understood that the Council does not have the capacity to inspect every property or wait to issue licences until checks have been carried out. However, officers could carry out a limited number of random spot-checks both on properties that have applied for a licence, and properties that have already been issued with a licence and enforce accordingly. This would increase the risk of enforcement for unscrupulous landlords and would help ensure landlords are meeting their licensing obligations.</p>	<p>Agreed</p> <p>This recommendation is already in practice</p>	<p>Random spot checks are already part of the Licensing regimes and complaints process. These are carried out especially if non-compliance is suspected for example, where an application has been made and the Council believes the property may not be compliant spot checks are undertaken prior to issuing of a licence.</p> <p>Spot checks for compliance inspection are within the objectives for the selective property licensing scheme which was approved by DLUCH.</p>

9	That the Council set up an anonymous reporting function on its website for suspected unlicensed HMOs or landlords failing to fulfil their license obligations. It is suggested that examples of recent enforcement cases against non-compliant landlords should also be incorporated into this section of the website.	Agreed This recommendation is already in practice	There is already an anonymous 'report it' functionality for people to report an unlicensed HMO. Reporting problems in private rented housing Haringey Council Media coverage of cases against non – licensed HMO are being published when successful. https://www.haringey.gov.uk/news/strong-measures-taken-improve-private-rented-sector-across-haringey
10	That assurances are given that the Private Sector Housing Team will examine how it can maximise its intelligence sharing with other teams within the Council, to ensure that our intelligence gathering capacity is as joined up as it possibly can be. The Panel would like to see the establishment of a standing intelligence sharing group, involving different teams across the Council, around private sector housing. We received evidence that Landlords sometimes benefit from different services not talking to each other which enables them to flout the licensing regime.	Agreed This recommendation is already in practice	There are already several meetings that are held across services and a number of working groups that share data, information and or intelligence. Examples include; <ul style="list-style-type: none"> • Partnership Problem Solving Group (PPSG) includes police and service partners. • CMARC – Multi Agency case review panel. • Property Licensing Project & Operations Board. • MASP – Multi Agency Adult Safeguarding Panel. • Planning Policy & Enforcement Working Group. Property information is also shared with Council Tax colleagues.
11	That consideration is given as to how best the service can communicate its activities to Councillors. Councillors should be an important resource in terms of eyes and ears on the ground and an important source of information about where HMOs are located, possible licensing breaches and issues on the ground.	Agreed This recommendation is already in practice	Communications can now be shared when required through the Council's weekly members newsletter. An open invitation has been made to all ward Cllr's to participate in ward or area-based walk-about to look at and discuss problematic roads or highlight concerns that may be had within the community regarding specific properties.

			<p>Officers are also happy to respond directly to members who may have specific concerns.</p> <p>A lot of information and communication is done through Haringey social media pages. https://www.haringey.gov.uk/news/strong-measures-taken-improve-private-rented-sector-across-haringey</p>
12	<p>The Panel also recommends that regular communications activity is taken by the Council in order to promote the work of the Private Rented Sector Housing Team to residents and the public. This comms activity should include:</p> <ul style="list-style-type: none"> • Publicising the public register of properties that are licensed • Publicising the anonymous reporting function • Publicising examples of successful enforcement against landlords, in order to act as a deterrent 	<p style="text-align: center;">Agreed</p> <p style="text-align: center;">This recommendation is already in practice</p>	<p>A communications plan does exist for the licensing schemes which covers the lifespan of the scheme.</p> <ul style="list-style-type: none"> • The public register of licensed properties is available for the public to search via the Council website. https://www.haringey.gov.uk/housing/landlords/multiple-occupants/hmo-licensing-register • You can report an un-licensed or problematic HMO via the Council's web page. Reporting problems in private rented housing Haringey Council • This is done when a case has been successful. Most cases are appealed and are then heard through the First Tier Tribunal. If the outcome is upheld in favour of the council, publicity is published via the Council's Communications Team. e.g. https://www.haringey.gov.uk/news/strong-measures-taken-improve-private-rented-sector-across-haringey <p>Details of the offence is also added to the Mayor of London Rogue Landlord checker. Rogue landlord checker London City Hall</p>