

Report for: Housing Planning & Development Scrutiny Panel

Title: **Scrutiny Review - Landlord Licensing in the Private Rented Sector update on recommendations.**

Report authorised by: Eubert Malcolm – Director of Environment

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Ward(s) affected: N/A

Report for Non-Key Decision:

1. Describe the issue under consideration.

- 1.1 Recommendations have been made by the Housing, Planning & Development Scrutiny Panel (HP&DS), on landlord licensing in the private rented sector. These recommendations and how they would be met, were approved by cabinet on 12th March 2024. (Attached as Appendix 1 to this report.)
- 1.2 This report details the progress made against each of the recommendations, following a request by HP&DS. (Attached as Appendix 3 to this report)

2. Cabinet Member Introduction.

- 2.1 The Council successfully renewed its borough wide Additional HMO Licensing Scheme in May 2024. Many of the scrutiny's recommendations were considered when shaping the proposed new additional HMO licensing scheme and has helped define other mechanisms to support private renters.
- 2.2 Haringey's selective property licensing scheme which became operational in November 2022, will end in November 2027. The Private Sector Housing Team are currently going through the due process to review the current scheme in terms of its success and to look at the feasibility of having a renewed scheme when the current scheme ends. This will allow for the recommendation one in Appendix 3 to be explored further.
- 2.3 The private sector housing team have been working hard to process the 22,198 property licences that they have received. Enforcement against those landlords who fail to license remains a priority, 108 Enforcement Notices have been issued by the enforcement officers.
- 2.4 All recommendations previously made which were agreed or partially upheld have been reviewed and updates on progress provided within Appendix 3 of the attached.

3. Recommendations

- 3.1 To consider the updates on progress that has been made against each of the recommendations made by the Housing, Planning & Development Scrutiny Panel (HP&DS) on landlord licensing in the private rented sector. (Attached as Appendix 3 to this report)

4. Reasons for decision

- 4.1 The Housing, Planning & Development Scrutiny Panel (HP&DS) agreed to review and scrutinise the Council's approach to licensing in the private rented sector, in order to understand how effective this was.
- 4.2 On 27th November 2023, the committee agreed a set of recommendations on service development or improvement in respect of landlord licensing, private renters and general matters relating to the private rented sector, for the consideration of cabinet. (Attached as Appendix 2 to this report)
- 4.3 On 12th March 2024 Cabinet agreed the response to the recommendations made by committee on 27th November 2023 (Attached as Appendix 1 of this report)
- 4.4 HP&DS have requested that council officers provide an update on the progress against each of the recommendations made. (Attached as Appendix 3 of this report)

5. Alternative options considered

None.

6. Background information

- 6.1 At the Housing, Planning & Development Scrutiny Panel meeting on 28th June 2022 the Panel received an update on Private Sector Landlord Licensing, which provided some background and information on both the existing licensing scheme for Houses in Multiple Occupation (HMO) and the then-proposed Selective Licensing scheme for non-HMO rented properties.
- 6.2 Following this meeting it was agreed that the Panel would undertake a piece of scrutiny work to investigate the Council's approach to licensing in the private rented sector and to understand how effective this was.
- 6.3 As part of the work planning process for Scrutiny for 2022/23 & 2023/24, the Housing, Planning & Development Scrutiny Panel (HP&DS) undertook an online scrutiny survey, and an in-person event was held in September 2022. One of the areas where most concern was raised was around private rented sector housing.
- 6.4 The Overview & Scrutiny Committee agreed the terms of reference for the Scrutiny Review on 28th November 2022. Evidence gathering for the Review took place between February and September 2023.
- 6.5 The committee agreed a set of recommendations on service development or improvement in respect of landlord licensing, private renters and general matters relating to the private rented sector, for the consideration of cabinet. (Attached as Appendix 2 to this report)

6.6 Recommendations were made and actions agreed by Cabinet on 12th March 2024. (Attached as Appendix 1 to this report).

6.7 Council Officers have been working on service developments and improvements to meet those recommendations over the past 18months.

7. Contribution to the Corporate Delivery Plan 2024-2026 High level Strategic outcomes?

7.1 This review relates to the Corporate Delivery Plan – Homes for the Future. Specifically, it relates to Improving social housing and the private rented sector housing.

7.2 Improve quality of Property Redress Scheme (PRS) through the Council's property licensing schemes by ensuring standards are met at application stage through compliance inspections.

8. Carbon and Climate Change

8.1 Both property licensing schemes have processes which contribute towards the Council's carbon and climate change action plan. The Selective property licensing has a specific objective in relation to this.

9. Statutory Officers comments (Director of Finance (procurement), Head of Legal and Governance, Equalities)

9.1 Finance

Finance notes the contents of the report and recommendations made. It is anticipated that most of these, if adopted, can be implemented with existing resources. Where implementation of a recommendation would lead to additional resources being required, it will be assessed and would be subject to the relevant governance processes.

9.2 Procurement

N/A

9.3 Director of Legal & Governance [Name and title of Officer completing these comments]

The Director of Legal and Governance has been consulted in the preparation of this report and comments as follows.

Part VII of the Housing Act 1996 imposes on the Council a number of duties to secure accommodation for those seeking assistance as homeless. The main duties are set out in the body of the review.

In addition, under the same Act the Council has power where appropriate to secure accommodation for the homeless.

Where accommodation is secured by the Council, it must be suitable; and location is taken into account in determining suitability. On the other hand, the Council is not expected to be able to produce perfectly suitable accommodation at all times for all those accommodated.

It is open to the Council, if it is unable to find in-borough accommodation for all those for whom it secures accommodation, to use out of borough accommodation. If it does, it must do so according to a rational policy.

The Council's Constitution, at Part 4, Rules of Procedure Section G – Overview and Scrutiny Procedure Rules provide that Scrutiny Review Panels are appointed to examine designated Council services. Scrutiny Panels will refer their findings/recommendations in the form of a written report, with the approval of the Overview and Scrutiny Committee, to the Cabinet. Other legal comments are contained in the review.

9.4 Equality

The council has a Public Sector Equality Duty (PSED) 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.

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.

Although it is not enforced in legislation as a protected characteristic, Haringey Council treats socioeconomic status as a local protected characteristic.

This report concerns the Housing, Planning and Development Scrutiny Panel's 2024/25 review of the Temporary Accommodation Placements Policy and the Private Rented Sector Discharge Policy. With regard to equalities, the report indicates that people from minority communities are more likely to spend longer in TA, are more likely to be moved out of borough, and are less likely to be housed at the end of the statutory homelessness period.

The report recommends that Cabinet commit to undertaking equalities monitoring for households in temporary accommodation. This monitoring should include the ethnicity of households in temporary accommodation, the ethnicity of households placed out of borough, and the length of time households spend in TA. This reflects concerns about national disproportionality relating to ethnicity and temporary accommodation.

While this report and the relevant recommendation will not have a direct impact on equalities in Haringey, if the recommendation is implemented, equalities monitoring of those in temporary accommodation may ultimately contribute to addressing known inequalities of outcome and therefore have an indirect positive equalities impact.

10. Use of Appendices

Appendix 1 – Cabinet 12th March 2024 - Scrutiny Review - Landlord Licensing in the Private Rented Sector proposed recommendations.

Appendix 2 – Response to the Recommendations of the Housing,
Planning & Development Scrutiny Panel- Landlord Licensing in the Private Rented Sector

Appendix 3 – Progress response to the Recommendations of the Housing, Planning &
Development Scrutiny Panel- Landlord Licensing in the Private Rented Sector

11. Background papers

N/A