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THE CABINET

**Wednesday, 9th April, 2014 at 8.15 pm in the Conference Room,
Civic Centre, Silver Street, Enfield, EN1 3XA**

Membership:

Councillors : Doug Taylor (Leader of the Council), Achilleas Georgiou (Deputy Leader), Chris Bond (Cabinet Member for Environment), Bambos Charalambous (Cabinet Member for Culture, Leisure, Youth and Localism), Del Goddard (Cabinet Member for Business and Regeneration), Christine Hamilton (Cabinet Member for Community Wellbeing and Public Health), Donald McGowan (Cabinet Member for Adult Services, Care and Health), Ayfer Orhan (Cabinet Member for Children & Young People), Ahmet Oykenen (Cabinet Member for Housing) and Andrew Stafford (Cabinet Member for Finance and Property)

AGENDA – PART 1 TO FOLLOW PAPERS

Please find attached a copy of the report listed below which was marked as “to follow” on the agenda previously circulated.

7. PROPOSAL TO IMPLEMENT A BOROUGH-WIDE ADDITIONAL AND SELECTIVE LICENSING SCHEME FOR PRIVATE SECTOR LANDLORDS
(Pages 1 - 116)

A report from the Director of Health, Housing and Adult Social Care is attached. **(Key decision – reference number 3886)**

(Report No.230)
(8.25 – 8.35pm)

Note: A colour copy of the maps included as part of Appendix 1 will be circulated to Cabinet Members under separate cover.

MUNICIPAL YEAR 2013/2014 REPORT NO. **230**

MEETING TITLE AND DATE:

Cabinet
9 April 2014

REPORT OF:

Director of Health, Housing and Adult
Social Care

Agenda - Part: 1	Item: 7
Subject: Proposal to implement a borough-wide additional and selective licensing scheme	
Wards: All	
Cabinet Member consulted: Cllr A Oykenner	

Contact officer and telephone number:

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1. EXECUTIVE SUMMARY

- 1.1 Against the background of a rapidly expanding private rented sector in Enfield, this report recommends the introduction of borough wide additional licensing of houses in multiple occupation, which do not fall within the existing mandatory licensing scheme and selective licensing of other private rented properties.
- 1.2 The adoption of licensing will enable the Council to create a proactive relationship with landlords and tenants to tackle anti-social behaviour associated with residential dwellings, as well as wider environmental crime by;
- giving the authority much clearer information about the identity of landlords operating their business in Enfield
 - ensuring that landlords, tenants and other stakeholders, within the rapidly growing private rented sector in Enfield, are aware of their responsibilities and statutory duties
 - ensure consistency of safeguards available to private rented tenants
- 1.3 The scheme proposed is designed to be self-financing and should operate on a break-even basis, receiving an average income of £2m per annum over the five year life of the scheme. All of the income generated will be used to cover the operational costs of the scheme.
- 1.4 Independent research to understand the situation within the borough demonstrates that there is a statistical correlation between private rented properties and anti-social behaviour. This is further supported by data around anti-social behaviour, housing enforcement cases, environmental crime and overcrowding, to suggest that there is a significant and persistent issue in the borough which has clear links to the private rented sector (see appendix 4 for a summary of this).

- 1.5 Independently led consultation with local residents, landlords, tenants and other stakeholders was undertaken between November 2013 and February 2014. The executive summary of this consultation can be found in appendix 5. This shows that although there is no consensus between the stakeholder groups consulted, there is strong support for the proposal to implement licensing with:
- 84 % of individuals who live in Enfield strongly or tend to agree with the proposal, alongside a majority of Enfield businesses (62%) and local organisations (89%).
 - 16% of letting or managing agents, and 18% of private landlords supported the general proposals.
- 1.6 The rationale behind implementing additional and selective licensing across the whole borough of Enfield, will achieve wide reaching benefits.
- 1.7 The introduction of licensing will enable a significant change in the way that anti-social behaviour associated with the private rented sector is tackled. A shift towards a proactive approach to tackle these complex issues, will see benefits for both landlords and tenants, as well as local residents.
- 1.71 The Council sees this as an opportunity for **responsible landlords** to sustain and grow their businesses, while action is taken to tackle those landlords who flout their legal responsibilities. Responsible landlords will gain from the improved clarity of their role in raising property and tenancy management standards to tackle the anti-social behaviour associated with the dwellings that they own or are responsible for. In addition responsible landlords will gain support from the Council and partner agencies to deal with 'bad tenants', through the creation of a Landlord Support Team
- 1.72 **Tenants** will gain from the clarity of what they can expect from both the home that they rent and the landlord that they rent it from. Implementation of minimum standards – as set out in the Licence Conditions - will result in better quality and safer homes to live in.
- 1.73 The simple act of knowing who is responsible for the management of properties that are rented out, and who is responsible in the first instance for dealing with problems associated with the premises, will improve the quality of life for **local residents**, in particular achieving a holistic improvement of the street scene and public realm through joint working. .
- 1.8 The Council does not envisage that the licensing proposal will have a negative impact on good quality providers of accommodation working in Enfield. Other authorities who have already introduced licensing schemes have indicated that licensing has helped to identify rogue landlords who impact negatively on the reputation of private landlords, thus improving the rental market by raising standards of both tenancy and property management.

- 1.9 During the consultation, landlords raised concerns about the affordability of the fee proposed as part of the consultation. The proposal was a £575 full fee or a £250 'early bird' discounted fee. In direct response to these concerns, the Council has taken steps to review the administration of the scheme (para 4.35). This has seen a reduction in the full fee to £500, with the 'early bird' discounted fee remaining unchanged.
- 1.10 This equates to a fee of £2.21 per week over the 5 year period if the full fee is paid at 6th April 2015, or 96p per week if landlords apply for the 'early bird' discount fee. These fees are also fully tax deductible as an expense incurred, and associated with, the letting of the property. As the fee is a tax deductible expense, this would equate to a net cost of as low as 58p per week per property for those paying the higher rate of tax.
- 1.11 Table 2 (para 4.36) sets these proposed fees in the context of a modelled gross income (pre-tax) for a two and three bedroom home rented at the local housing allowance level in the borough as set out below

3 bedroom home	Gross annual rental income of £15,756 Gross annual surplus £2000 Early bird discount annual fee £50 Full fee annual £100
2 bedroom home	Gross annual income of £12,756 Gross annual surplus £2700 Early bird discount annual fee £50 Full fee annual £100

2. RECOMMENDATIONS

- 2.1 Note the evidence and consultation findings that have been collected as part of developing the rationale for the additional and selective licensing schemes including improvements made as a direct result of feedback gathered through the consultation undertaken with stakeholders.
- 2.2 Approve the introduction of the additional and selective schemes to come into force on April 1st 2015 for a five year period, and to designate:
- a) A selective licensing area of the district of the London Borough of Enfield as delineated and edged red on the map at Appendix 1(a).
 - b) An additional licensing area of the district of the London Borough of Enfield as delineated and edged red on the map at Appendix 1(b).

- 2.3 Delegate authority to the Director of Health Housing and Adult Social Care and /or the Director of Regeneration and Environment and/or the Director of Finance Resources and Customer Services, as appropriate, to agree changes to the proposed implementation where necessary and ensure that all statutory notifications are carried out in the prescribed manner for those designations.
- 2.4 Review and approve the licence conditions and fee structures that would be applied to all private rented sector properties in the borough as a result of these designations (appendices 2 and 3.)
- 2.5 Consider and agree the proposed (annual) review arrangements, when members will receive an update on progress and impact (see paragraph 4.32).
- 2.6 That a reference group of landlords is established to enable feedback to the Council to be received on processes associated with administering the scheme. Steps will also be taken to ensure efficient and effective operational processes which minimise potential bureaucratic burdens for landlords at all times. These will be key principles underpinning the design of the scheme.
- 2.7 Private sector landlords will be invited to join the Council's anti-social behaviour Action Group (ASBAG), to be part of the multi-agency partnership, as appropriate, to tackle anti-social behaviour associated with private sector rental homes.

3. BACKGROUND

- 3.1 The 2004 Housing Act gave authorities powers to designate areas, or the whole of the area of its district, as subject to discretionary licensing in respect of private rented accommodation. All authorities had to licence houses in multiple occupation (HMOs) of three stories or above (mandatory licensing), and Enfield currently has a licensing scheme in place to address this. However, powers in parts 2 and 3 of the Act allowed for authorities to consider licensing for all HMOs (additional licensing), or all private rented properties (selective licensing). The authority is required to evidence that the management of those properties was impacting negatively on housing demand or on anti-social behaviour in the area if considering the implementation of these discretionary powers.
- 3.2 Enfield is a borough with approximately one quarter of its housing stock as private rented housing. Enfield also has a strong commitment to reduce anti-social behaviour – particularly in the areas of improving the safety on the boroughs estates and streets, and the wider environmental quality. Historically, the approach of mandatory licensing , alongside engagement with landlords appeared sufficient to ensure that the quality of tenancy and property management had reached an adequate standard across these homes.

- 3.3 The exact number of private rented sector properties in any borough is hard to confirm as there is no requirement for landlords to make themselves or their properties known to any local statutory agencies. However, the 2011 Census confirmed a trend that had started to become more obvious to both residents and the Council. Of 119,916 households in the borough, 69,462 were owner-occupied (57.9%), 21,073 were social rented (17.6%), and 26,591 were privately rented (22.2%). Further research suggests that this Census figure is likely a minimum for the private rented sector, with independent statistical modelling giving an estimated figure of up to 31,994 properties in late 2013.¹
- 3.4 This stock and tenure has changed significantly since 2001, with a 102.9% increase in the size of the private rented sector, a 9.2% increase in the social rented sector, and a 10.9% fall in the owner occupied sector. It is clear that the growth in the private rented sector in Enfield is driven by changes in tenure within neighbourhoods, and not just household growth – primarily the shift from owner occupation towards private rented occupation.
- 3.5 These changes have not occurred in isolation. Some types of anti-social behaviour, such as significant noise nuisance and environmental crime are persistent, significant, and in some instances increasing (see Appendix 4). Consultation also gave residents the opportunity to highlight severe overcrowding and short term lets as a driver of anti-social behaviour (see Appendix 5).
- 3.6 In October 2013, the Council agreed the use of an Article 4 Order, which withdrew permitted development rights for changes of use from Use Class C3 (Dwellings) to Use Class C4 (Houses in Multiple Occupation). This will support the management of HMOs in the longer term, and it is important to see the value of this policy together with the proposed implementation of licensing which will help to ensure a rise in the quality and effectiveness of the private rented sector, which meets the needs of the whole community. The equalities impact implications of the use of an Article 4 Order were considered at the time and the emphasis is on the ability for the council to reject schemes which do not fit the criteria of the Article 4 Order, rather than to reject all schemes.
- 3.7 There have been significant increases in calls to housing enforcement, alongside year-on-year increase in the instances of housing disrepair responses (67% increase in calls to the enforcement team, and 132% increase in responses by the Council). It is clear that the impacts of this sector are creating increasing costs which are not being met by either the landlord or the tenants. Issues regarding property condition in the private rented sector are becoming a cause for concern for the Council.
- 3.8 Finally, there have been significant and growing levels of overcrowding within the private rented sector at a time when overcrowding in the social rented

¹‘Understanding the relationship between private rented properties and anti-social behaviour in Enfield’, Nkm (November 2013).

sector is coming down.² It is the responsibility of landlords to manage these levels, and this problem is getting significantly worse across the borough.

- 3.9 Through independent research, the Council started to build on existing data and undertake a deeper exploration of the evidence around changes to the housing market in Enfield. As a result of this work the Council has considered and developed a view that the introduction of additional and selective licensing, would be both a valuable and relevant mechanism to deal with the issues that are occurring within Enfield.
- 3.10 A period of open engagement and discussion with tenants, landlords and stakeholders took place in late 2013, where the issues were discussed and the views of these key stakeholders were considered.
- 3.11 A formal consultation period specifically on additional and selective licensing began on 2nd January 2014, concluding on 28th February 2014. The consultation mechanisms included:

Table 1

Method	No of Events	Participants
Online questionnaire available on the council's website		1,528 responses
Invited & deliberative events with landlords and letting agents	Three events – geographically spread and undertaken a different times of the day to promote fair access	168 participants
Invited & deliberative events with tenants & stakeholders	Three events - geographically spread and undertaken a different times of the day to promote fair access	60 participants
Weighted household telephone survey		502 participants

- 3.12 In addition, written submissions from interested parties were also received and considered. The findings from this consultation are set out below (paragraph 4.13) and the executive summary of the report from the consultation exercise is attached at appendix 5, with the Council responses at appendix 6. Paragraph 4.24 below highlights the important changes made to the scheme by the Council as a result of the consultation exercise.
- 3.13 Although an early adopter of whole borough licensing, it is worth noting that Enfield's consideration of the use of this approach is not unique. LB Newham adopted a similar scheme in early 2013, with positive views of both officers and elected members regarding the value and success of the scheme. Barking and Dagenham have taken a cabinet decision to adopt whole borough

² Enfield Health and Wellbeing http://www.enfield.gov.uk/healthandwellbeing/info/15/enfield_place/33/housing

licensing, whilst both Brent and Waltham Forest are undertaking consultation with stakeholders.

4. KEY CONSIDERATIONS

- 4.1 The Housing Act 2004 requires a local authority to demonstrate a link between the private rented sector and anti-social behaviour before implementing licensing. Whilst no borough implementing licensing has been able to show a direct causal link between anti-social behaviour and this housing tenure due to the evidence available, all have used a mixed approach to developing the evidence base. This has meant a combination of the following information:
- demonstration of a correlation between the private rented sector and anti-social behaviour through independent research
 - wider evidence of a significant and persistent problem of anti-social behaviour and environmental crime
 - evidence from consultation
 - information from council services that current arrangements with private sector landlords, are not seeing them take on responsibilities for the implications created by the tenure.
- 4.3 Anti-social behaviour remains an issue of concern for residents of Enfield, with the Council consistently prioritising tackling it across the borough. This has produced an overall improving position over the past few years. However, while evidence suggests that strategies adopted by the Council have delivered a number of successes and that tackling anti-social behaviour has produced positive outcomes, ongoing stubborn issues remain. There are specific issues regarding environmental based anti-social behaviour and noise and nuisance/rowdy neighbour complaints. Whilst not all of these can be causally linked to the private rented sector, the costs and challenges of working with the consequences of the private rented sector are clear and require an ongoing response from the partnerships that are working with the issues in Enfield (see paragraph 4.7 below)
- 4.4 The evidence available also suggests that there is a stronger correlation between anti-social behaviour in the borough and properties that are single household dwellings, than those that are houses in multiple occupation. However, the case to licence both types of dwelling, is essential for the licensing scheme to work effectively. This is because the presence of both houses in multiple occupation and private rented single household dwellings is blended right across the borough. Differentiating between the two in terms of the need for licensing creates the opportunity for rogue landlords to move from operating one type of property to the other.
- 4.5 Licensing will give clear responsibilities and a minimum operating standard to landlords and tenants within the private rented sector and give clear routes to recourse where a breach occurs. The information available to support this, will ensure that public authorities will work effectively with good landlords, challenge bad landlords, and tackle issues such as anti-social behaviour and overcrowding quickly and effectively.

- 4.6 It is intended that the designation for both of these schemes will last for five years. A full consultation, review and new decision will be required before the scheme could be continued beyond this timeframe. It is anticipated that a significant impact will have been made on the issues associated with this tenure type by this point.

Existing work to tackle anti-social behaviour in Enfield

- 4.7 The reduction of anti-social behaviour in Enfield has been a consistent priority for residents and the council and in many ways has been a success for the Council and its stakeholders in recent years. However it is apparent that there remains a significant and persistent level of anti-social behaviour in the borough, and current approaches alone are not sufficient in tackling the problem. This can be seen in the fact that perceptions of anti-social behaviour have improved in 2012, the most recent Enfield Residents survey. Complaints about anti-social behaviour to the police have fallen (by 16.9% between 2011/12 and 2012/13), but in certain areas, such as noise levels and complaints about rowdy neighbours, the problem remains either stubbornly persistent or worsening over the last few years (see appendix 4 for more data).
- 4.8 The Council's Housing Strategy (2012-2027) sets out the key areas for the borough's approach to the wider housing sector and the PRS. A key objective in the strategy is to "improve standards and management of homes in the private rented sector". This includes a focus on anti-social behaviour, and the Housing Strategy Business Plan for 2012-15 has a focus to 'reduce perceptions of anti-social behaviour, and increase the number of enforcement measures used'.
- 4.9 Enfield Council has taken a number of approaches to deal with anti-social behaviour. The Anti-Social Behaviour team (ASB team), as part of the Council's Community Safety Unit, tackles a range of anti-social behaviour issues within the borough. The ASB team takes a joint working approach with landlords to effectively tackle any complaints from or against their tenants. There have been some successes in this approach, but as the scale of the PRS grows it is clear that existing measures are not sufficient. Operation ECO, which has dealt with issues such as waste, fly tipping and illegal advertising boards in small areas, is no longer able to tackle the scale of these problems which have continued to rise over the last three years, alongside significant fly-tipping levels well above the levels seen in surrounding boroughs (see appendix 4 for details).
- 4.10 Enfield's Housing Enforcement Team provides an effective service to deal with complaints of disrepair from vulnerable tenants, when the landlord has been reluctant to assist. Enforcement officers carry out property inspections to assess disrepair and hazards that are present in the property. They also negotiate and advise landlords on the necessary repair works required. In the

five year period from 2008/9 to 2012/13, there has been a 67% increase in calls to the enforcement team, and 132% increase in responses by the Council.

- 4.11 The Council has a history of cross partner working with statutory, voluntary, business and third sector organisations in a range of ways to tackle anti-social behaviour. This has included data sharing and joint working between organisations including the Council's Community Safety Team, Environment and Street Scene Department, Revenues and Benefits Service, UK Borders Agency, the Metropolitan Police and sub-regional partners. This will be further strengthened as the Home Secretary has published a proposal document which suggests changes to the existing legislation. These proposals are far reaching and will, if enacted, have significant implications for all partners who tackle anti-social behaviour. The proposals consolidate 18 existing powers into 5 powers that will provide similar sanctions. In anticipation of the new legislation going live in mid-2014, Enfield Council has set up an Anti-Social behaviour Action Group (ASBAG). This group will meet monthly to consider cases and be chaired and coordinated by the council's Community Safety Unit and attended by representatives from the Public Health Department (Environment), Enfield Homes, Mental Health and registered housing providers. Private sector landlords will be invited to join this group, as appropriate, to discuss anti-social behaviour associated with private sector rental homes.
- 4.12 The Council has also aimed to combat problems of anti-social behaviour within the private rented sector, by working at a consultative level with landlords, on a voluntary basis. This has taken a number of forms: general advice to landlords, Accredited Landlords Forum and a good practice guide. The key element to the effectiveness of this approach has been the Accredited Landlord Forum. Although increases in membership in the scheme are positive, it represents a small fraction of the landlords operating within Enfield. Membership of the forum is voluntary in nature and therefore is comprised of engaged and responsible landlords but it does not effectively address persistent anti-social behaviour associated with the private rented sector or act as a mechanism to deal with problematic landlords.

Consultation

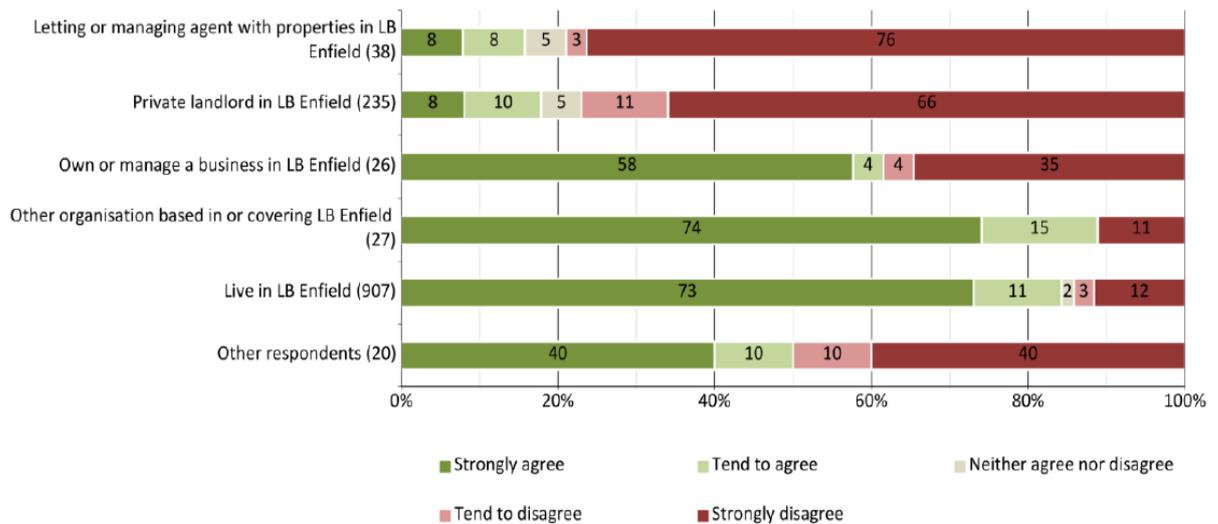
- 4.13 The consultation period was managed in partnership with an independent external market research body, Opinion Research Services (ORS), to ensure quality and independence. The consultation took place across four months and comprised of two distinct phases, an initial listening and engagement phase followed by a public consultation. The methodologies used were both qualitative and quantitative, but also included a statistically weighted, in-depth telephone survey, which was statistically representative of the resident population of Enfield. As stated by ORS:
- A wide range of views were expressed in the consultation exercise and there was no overall consensus about anti-social behaviour and licensing or its likely effects. Nonetheless...both the open questionnaire and residents' survey show*

clearly that big majorities of Enfield residents broadly support the council's proposals.

(Paragraph 1.56 in Appendix 5)

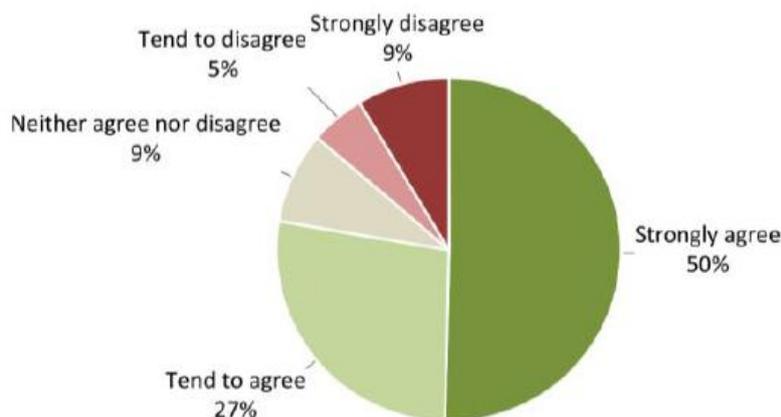
4.14 This extract demonstrates - in quantitative terms (and based on the online questionnaire), the answer to the question: **To what extent do you agree or disagree with the general proposals for a borough-wide licensing scheme?**

- 84 % of individuals who live in Enfield strongly or tend to agree with the proposal, alongside a majority of Enfield businesses (62%) and local organisations (89%).
- In contrast, only 16% of letting or managing agents, and 18% of private landlords supported the general proposals.



Base: all respondents (number in brackets)

4.15 In terms of the statistically weighted, household telephone survey, the answer to the question was as follows, showing a 77% agreement with the scheme:



4.16 There were also a number of more qualitative issues which were raised during the consultation, which were broadly welcomed as constructive by the Council.

Landlords took the opportunity to raise a range of concerns and areas for further clarification. Practical issues relating to the administration of the scheme and the potential for a bureaucratic overhead for landlords were also raised. These are addressed on a thematic basis below (full detail of responses in appendix 6).

4.17 Landlords queried the licence cost.

The Council has also offered the 'early bird' payment discount of £250 for the full five year period of the scheme. In addition the Council has revisited both the service operating model and the associated costs of the administration of the licensing scheme and made amendments to the schemer design. As a result of this, the Council has revisited the projected costs and reduced them. The proposed cost of a licence is £250 for the 'early bird' discount and £500 after the discount period.

The associated enforcement costs are budgeted for by the Council separately. The information and data that will be gathered resulting from licensing will lead to a more targeted and intelligence led approach to enforcement action.

4.18 Landlords queried the justification for the scheme.

Both the independent research and the Council's review of data presents the case for a strong correlation between the location of private rented properties and incidents of property based anti-social behaviour such as:

- rowdy behaviour
- rowdy neighbours
- noise
- malicious or nuisance behaviour

During the consultation, many landlords queried whether the evidence presented showed a clear, causal link. It is important to recognise that this data alone cannot do this; therefore, the correlation must be balanced with further information. This correlation combined with an awareness of the rapidly growing scale of the tenure in the borough, the increases to environmental crime that can be linked to poorly managed private rented homes (i.e. fly-boarding of estate agent, letting company and other advertising boards and unkempt gardens), the increasing complaints to and the required response from regulatory services about the quality and safety of private rented properties, and the very rapid increase in overcrowding in the borough's private rented properties, produces a collective body of evidence.

It is the weight of this collective body of evidence, rather than the correlation of incidents and the number of properties, that leads the Council to have determined that something needs to be done to address anti-social behaviour associated with the private rented sector.

4.19 Landlords queried the justification for a borough wide scheme.

The area for designation of the scheme has been chosen because of the correlation of evidence across the entire borough, rather than evidence being present only within certain wards.

A borough wide scheme is deemed appropriate in terms of evidence, equity and the potential impact and is not unprecedented, with both London Borough of Newham and London Borough of Barking and Dagenham having introduced whole borough licensing schemes.

4.20 Landlords asked for a fuller understanding of the benefits to them of the licence.

Landlords will receive direct benefits as a result of the clarity that the licensing scheme brings regarding the minimum standards required to manage both the property and the tenancy.

In addition the Council has committed to provide support to landlords not only by making these standards clear through the licence conditions, but by providing information and support to landlords to achieve these standards. The Council has also committed to help good landlords tackle 'bad tenants', where these are identified to the Council. A Landlord Support Team will provide a service to landlords, ranging from advice and signposting through to practical assistance in certain instances e.g. support for accelerated possession proceedings through the local Court if an anti-social tenant fails to respond to the landlord's intervention.

In addition, indirect benefits - such as the improvement of local areas, the penalising of bad landlords who by not investing in their properties undercut reputable landlords, and the general improvement to the reputation of the sector within the borough - will be felt.

4.21 The link to regulatory services was queried.

The Council already has an established regulatory arm, with regards to the regulation of housing and anti-social behaviour legislation. Interventions and enforcement used to tackle anti-social behaviour, environmental crime and housing conditions were detailed in the summary of evidence used to support the formal consultation exercise. This showed that the Council uses all available legislation to alleviate problems of anti-social behaviour within the borough. However, despite this, anti-social behaviour incident rates are associated with private rented housing and the Council is keen to be proactive and reduce this.

The impact of ineffective management of anti-social behaviour in this sector is predominately borne by the Council, rather than the sector taking direct responsibility for this.

The Department for Communities and Local Government guidance³ makes it clear that landlords have a responsibility to ensure that tenants do not cause nuisance or annoyance and to ensure they deal with tenants causing anti-social behaviour. The introduction of the licensing schemes will complement, not replace, the existing regulatory work allowing the Council to set and monitor standards across the sector.

³ Department for Communities and Local Government (Revised edition February 2010) 'Approval steps for additional and selective licensing designations in England'

- 4.22 **The ability of the council to implement the scheme was queried.** This is an important issue which some other authorities have not been able to demonstrate, and this has affected the viability of their schemes. The proposed approach and capacity of Enfield Council to deliver additional and selective licensing is addressed below (paragraph 4.27 onwards).
- 4.23 There were a number of issues highlighted in the consultation which supported the council's position. Many residents commented on the decline of some areas, with specific reference to rubbish dumping, unkempt gardens and overcrowding. These were linked to the private rented sector by residents. There were also concerns raised about landlords and agents who did not manage their properties effectively or, indeed, at all.
- 4.24 However, despite the recorded objections, a number of landlords were in favour of the introduction of some form of regulation, and suggested ways to make the approach work.

As a result of these views, the Council has revised its intended approach to consider the following:

- To reduce the licence fee from the proposed £575 to £500 with a £250 rate for applicants before April 1st 2015.
 - To create an 'Easy Pay' option for large portfolio landlords.
 - To work with a small collaborative group of landlords to test the effectiveness of the scheme proposals and take on board the 'landlord perspective' in scheme design
 - Develop an on-line application and payment process for the licences with a target that the application process will take no longer than 30 minutes to complete
 - Build self-certification and declarations into the application design to reduce the burden of providing supporting paperwork at the point of application
 - To produce a Good Practice Scheme and Guidance for landlords on how to identify and deal with anti-social behaviour, in their properties
 - To provide clear information on refuse storage and bulky waste arrangements
 - To provide guidance on how to make a planning application for (Article 4)
 - Reviewed the licence conditions to ensure they are proportionate and not too onerous e.g. property inspection intervals adjusted to a minimum of 6 months rather than quarterly and acceptance that landlords can cover their emergency repair liability, through insurance or servicing deals, as an alternative to landlords being able to access an emergency repair fund of £1000 per property.
 - Adopt an inspection regime that is intelligence led and risk based. This means inspecting at least one property for each landlord over the life of the scheme
- 4.25 It is clear that the consultation raised some strong views on the matter, and this included:

- a petition from an un-constituted untitled body, which was submitted in opposition to the scheme (both online and in paper),
- a large number of representations
- five FOI requests about background information.

The online petition is not due to close until April 8th 2014, and at the time of writing had 289 unverified signatories. The paper submission had 97 unverified signatories. The cover sheet to this petition can be found as Appendix 8 to this report.

- 4.26 The consultation has allowed the Council to reconsider and address a number of issues around scheme design which in turn has resulted in an opportunity to reconsider the pricing structure and to improve the proposal. However the strength of support from the local community has added support to the overall view that the implementation of additional and selective licensing is justified.

Service delivery and performance

- 4.27 The consideration and design for this service has been considered alongside the wider service plan for Enfield Council as a whole. Provisional performance targets have been designed, and will cover all aspects of service delivery. It is envisaged that a service specific design solution which will deliver holistic housing and environmental improvements is created.
- 4.28 A key requisite for implementing the scheme is that the Council is satisfied that there is adequate resource to deliver the scheme. The scheme design Project Team has ensured that adequate resource has been specified for the five years of the designation. A key part of this will be an on-line licence application and payment system which can be integrated into existing council systems.
- 4.29 Licensing applications will be accepted from the scheme start date, and they will run for the 5 year period of 6th April 2015 through to March 2020, unless revoked, or if there are conditions applied for a shorter licence period. As part of a desire to work with landlords, and support them in preparation of the scheme, an early bird fee will be applied for those who obtain their licence between the proposed start of the 'early bird' period of 1st November 2014 and the formal start of the scheme on 6th April 2015.
- 4.30 The proposed implementation and delivery programme for the scheme has been considered in determining the staffing numbers required. It is envisaged that a core team will be established, augmented with the phasing of additional staffing resources, to deal with the initial wave of inspection work associated with the implementation of a borough wide scheme. Enforcement activity will be intelligence led and targeted effectively.
- 4.31 Given the potential risk to landlords of non-compliance, the Council is committing to a thorough publicity and promotion campaign, and a long lead in time to the scheme fully starting in April 2015. This will ensure that landlords are aware of the requirement to apply for a licence and also give an

opportunity to remedy any weaknesses in their current approach to property and tenancy management and ensure full compliance by the time the scheme goes 'live'.

- 4.32 An annual evaluation of the scheme will be considered against pre-defined indicators and a dashboard of performance indicators to consider and reported to Members:
- Reduction in relevant anti-social behaviour
 - Enforcement and prosecutions
 - Landlord satisfaction
 - Tenant satisfaction
 - Licensing process outputs
 - Cost effectiveness

Financial considerations

- 4.33 The consultation enabled landlords and their representatives the opportunity to raise issues regarding the financing of a licensing scheme. There was a concern raised that the Council was using the legislation to raise revenue, in contrast with the National Landlord Association (NLA) which raised the point that other authorities have lost money in instances where the enforcement requirements have not been thought through; examples given for this were Swansea and Leeds Councils, both of which incurred costs above the licence income. The financial considerations of the scheme are addressed below, but it is important to acknowledge that this scheme will require front loaded investment, and the costs of licences will cover the costs associated with the administration of the licence. It is anticipated that the scheme will result in a targeted approach to enforcement, within the existing service budgets.
- 4.34 Whilst it is understandable that local landlords may view the scheme in a negative financial light, the financial model below highlights the implications. (see 7.1 below)
- 4.35 During consultation, landlords raised considerable concern about the affordability of the scheme stating that the fee was an unreasonable expense for them to bear. Much consideration has been given to this point and the Council has taken steps to reduce the fee payable. In particular the Council has adjusted the ambition to visit each private rented home over the five year period and has stated that the intention is to visit at least one property for each landlord – as part of an intelligence led, risk based and proportionate approach to inspection. This reduction in the number of properties which require an inspection in addition to other work to improve the efficiency of the administration has allowed the Council to adjust the licence fee downwards, from £575 for the five year period to £500. The early bird discount fee remains the same at £250.
- 4.36 This equates to a fee of £2.21 per week over the 5 year period if the full fee is paid at 6th April 2015, or 96p per week if landlords apply for the early bird discount fee. These fees are also fully tax deductible as an expense incurred and associated with the letting of the property.

An example of affordability of the scheme for landlords is set out below, using data available as at 28 March 2014. This example does not include the uplift in the capital value of the property, which is an inevitability of owning property in the London housing market over time.

Table 2

Affordability of Licence Fee vs Gross Rental Income

Model of costs using a property value of £250k

2&3 bedrooms freehold houses available in Edmonton N18 at this value (source Rightmove)

3 Bedroom Home

Assuming deposit of £63k and a buy to let mortgage at 5% on £187k loan –
source Alexander Hall Mortgage Broker as at 28 March 2014

- Rental income based on April 14 LHA £15,756 p/a
assume 3 bed local housing allowance rate of £1,313 pcm (3 bedroom)
- Average annual costs on repairs £2,000 (source: accredited agent)
- Loan repayments annually £9,600 (interest only £781per month: source Alexander Hall)
- Assume property insurance £1500 per annum (assume as no quote available)

Gross annual surplus £2000

Early bird discount annual fee £50

Full fee annual £100

2 Bedroom Home

Assuming deposit of £44k and a buy to let mortgage at 5% on £131k loan –
source Alexander Hall Mortgage Broker as at 28 March 2014

- Rental income based on April 14 LHA £12,756 p/a
assume 2 bed local housing allowance rate of £1,063 pcm (2 bedroom)
- Average annual costs on repairs £2,000 (source: accredited agent)
- Loan repayments annually £6,552 (interest only £546 per month: source Alexander Hall)
- Assume property insurance £1500 per annum (assume as no quote available)

Gross annual surplus £2700

Early bird discount annual fee £50

Full fee annual £100

NB These examples exclude the uplift in the capital value of properties over time

5. ALTERNATIVE OPTIONS CONSIDERED

5.1 The following alternative options were considered prior to consultation stage, and re-assessed following consultation:

- (a) to implement an additional licensing scheme only
- (b) to implement a selective licensing scheme only
- (c) do nothing further and continue with existing schemes and approaches.
- (d) focus only on 'hotspot' areas (i.e. small designations of the schemes)

5.2 Additional licensing would focus only on houses in multiple occupation. Implementation would be a positive move, and remedy a challenge which the current mandatory licensing presents in suburban boroughs like Enfield, as mandatory licensing only refers to properties that are three stories or higher. However, the private rented stock in Enfield has mainly single household dwellings, leaving most of the private rented stock un-licenced.

5.3 Selective licensing would tackle anti-social behaviour associated with single household dwellings, which the independent research has identified as the largest property type in the private rented sector. To avoid the licensing conditions, there is a significant risk that there would be a perverse incentive for more properties to be turned over to houses in multiple occupation.

5.4 If a decision not to implement licensing was taken, and the status quo was maintained, the Council would see the negative impacts of a growing private rented sector, suffering the persistent issues associated with anti-social behaviour. Without the powers to drive up the standards of property and tenancy management, the stubborn anti-social behaviour associated with this tenure type will persist.

5.5 Consideration was given to piloting licensing in certain designated areas but this was not pursued as the independent research found anti-social behaviour, correlated with the presence of private rented sector properties, across the entire borough. In addition, representations during the consultation highlighted landlord concerns about creating 'blight' by labelling areas as 'anti-social behaviour hot spots'. There were also concerns about the risk of displacement of poor behaviour to other areas. The conclusion was drawn that this approach would not tackle the widespread issue of anti-social behaviour effectively.

6. REASONS FOR RECOMMENDATIONS

6.1 Independent research has demonstrated that there is a strong correlation across the borough of Enfield of significant and persistent anti-social behaviour related to the private rented housing sector, in addition there is evidence of poor property and tenancy management across this sector.

6.2 The 2004 Housing Act gives authorities powers to licence private rented sector properties within the borough, through additional and selective schemes but only when certain conditions are met – Enfield meets the conditions related to anti-social behaviour associated with this tenure.

- 6.3 Wide ranging consultation - both qualitative and quantitative – has demonstrated significant resident support for the implementation of licensing controls across the whole borough. The consultation approach also took reasonable steps to consult those likely to be affected by the designation and highlighted a number of issues which the Council has taken care to consider. As a result changes have been incorporated into the licensing scheme design. It is worth noting that the consultation did not demonstrate a consensus of views between the constituent groups, but also did not provide evidence to prevent the proposal from moving forward.
- 6.4 The introduction of licensing will enable a significant change in the way that anti-social behaviour associated with the private rented sector is tackled. A shift towards a proactive approach to tackle these complex issues, will see benefits for both landlords and tenants, as well as local residents.
- 6.5 The Council sees this as an opportunity for **responsible landlords** to sustain and grow their businesses, while action is taken to tackle those landlords who flout their legal responsibilities. Responsible landlords will gain from the improved clarity of their role in raising property and tenancy management standards to tackle the anti-social behaviour associated with the dwellings that they own or are responsible for. In addition responsible landlords will gain support from the Council and partner agencies to deal with ‘bad tenants’, through the creation of a Landlord Support Team
- 6.6 **Tenants** will gain from the clarity of what they can expect from both the home that they rent and the landlord that they rent it from. Implementation of minimum standards – as set out in the Licence Conditions - will result in better quality and safer homes to live in.
- 6.7 The simple act of knowing who is responsible for the management of properties that are rented out, and who is responsible in the first instance for dealing with problems associated with the premises, will improve the quality of life for **local residents**.
- 6.8 The Council does not envisage that the licensing proposal will have a negative impact on good quality providers of accommodation working in Enfield. Evidence from other authorities who have already introduced licensing schemes has indicated that licensing has helped to identify rogue landlords who impact negatively on the reputation of private landlords, thus improving the rental market by raising standards of both tenancy and property management.

7. COMMENTS OF THE DIRECTOR OF FINANCE, RESOURCES AND CUSTOMER SERVICES AND OTHER DEPARTMENTS

7.1 Financial Implications

- 7.1.1 The financial modelling estimates the cost of the scheme to break even, over the five year life of the scheme. The financial analysis in **Appendix 7** shows

that there will be a surplus of income in the first two years of the scheme, when the majority of the income is likely to come into the Council, however the early year surpluses will be then used to fund the future year inspection, management and overhead running costs, achieving the ultimate break even position.

- 7.1.2 The fee is calculated to be £500 per licence and an early bird fee is being offered at £250 per licence, available for the first 5 months leading up to the implementation of the scheme on 1st April 2015. It is estimated that the discount will be taken up by 18,550 landlords.
- 7.1.3 There is an income risk if a larger proportion of landlords take up the early bird offer. For example if a further 1,000 landlords take up the early bird offer then the total income is reduced by £250k.
- 7.1.4 The costs of the scheme exclude the cost of enforcement; this cost is the responsibility of the Council and cannot be factored into the overall cost of the scheme, however the targeted and intelligence led approach which will guide enforcement action, will be met within the existing enforcement resources.
- 7.1.5 In addition there are a number of enforcement powers that a Local Authority can use against a landlord in certain circumstances such as disrepair. These include actions set out in Part 1 of the Housing Act 2004 including prohibition orders, rent repayment orders, interim management orders and final management orders. In addition, the reasonable costs associated with enforcement action taken under this part of the Housing Act can also be recovered from the landlord.

7.2 Legal Implications

Counsel has provided advice and guidance to the Council as part of the project approach and continues to work with the lead officers. The following legal implications have been prepared in full consultation with Counsel.

Criteria for Additional Licensing

- 7.2.1 Section 56 of the Housing Act 2004 empowers a local housing authority to designate the area of their district, or an area in their district, as subject to **additional licensing** in respect of specified HMOs (other than those already subject to mandatory licensing) where it considers that a significant proportion of the properties in question are being managed sufficiently ineffectively as to give rise, or to be likely to give rise, to one or more particular problems either for those occupying the HMOs or for members of the public.
- 7.2.2 Guidance published by the Department of Communities and Local Government explains that examples of properties being managed sufficiently ineffectively include:
- those whose external condition and curtilage (including yards and gardens) adversely impact upon the general character and amenity of the area in which they are located;

- those whose internal condition, such as poor amenities, overcrowding etc., adversely impact upon the health, safety and welfare of the occupiers and the landlords of these properties are failing to take appropriate steps to address the issues;
- those where there is a significant and persistent problem of anti-social behaviour affecting other residents and/or the local community and the landlords of the HMOs are not taking reasonable and lawful steps to eliminate or reduce the problems; and;
- those where the lack of management or poor management skills or practices are otherwise adversely impacting upon the welfare, health or safety of residents and/or impacting upon the wider community.

Criteria for Selective Licensing

7.2.3 Section 80 of the Act empowers a local housing authority to designate the area of their district, or an area in their district as subject to **selective licensing** of residential accommodation other than HMOs, either where it considers that the area suffers from low housing demand (not relevant to Enfield) or where it considers that:

(i) the area is experiencing a significant and persistent problem caused by anti-social behaviour;

(ii) some or all of the private sector landlords who have let premises in the area are failing to take action to combat the problem that it would be appropriate for them to take; and

(iii) that making a designation will, when combined with other measures, lead to a reduction in, or the elimination of, the problem.

7.2.4 'Anti-social behaviour' is defined in section 57(5) of the Act as "conduct on the part of occupiers of, or visitors to, residential premises - (a) which causes or is likely to cause a nuisance or annoyance to persons residing, visiting or otherwise engaged in lawful activities in the vicinity of such premises, or (b) which involves or is likely to involve the use of such premises for illegal purposes".

7.2.5 The DCLG Guidance explains that an area can be deemed to be suffering from significant and persistent anti-social behavior, if it suffers from:

- **Crime** - tenants not respecting the property in which they live and engaging in vandalism, criminal damage, burglary, robbery/theft and car crime.
- **Nuisance Neighbours** - intimidation and harassment; noise, rowdy and nuisance behaviour; animal related problems; vehicle related nuisance. Tenants engaged in begging; anti-social drinking; street prostitution and kerb-crawling; street drugs market within the curtilage of the property.
- **Environmental Crime** - tenants engaged in graffiti and fly-posting; fly-tipping; litter and waste; nuisance vehicles; drugs paraphernalia; fireworks misuse in and around the curtilage for their property.

Mandatory requirements for additional or selective licensing

- 7.2.6 Before designating an area of additional or selective licensing, the 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 and not withdrawn.
- 7.2.7 The authority must ensure that any exercise of the power to designate areas of additional or selective licensing is consistent with the authority's overall housing strategy.
- 7.2.8 The authority must also seek to adopt a co-ordinated approach in connection with dealing with homelessness, empty properties and anti-social behaviour affecting the private rented sector, as regards combining licensing with other courses of action available to it, or measures taken by others.
- 7.2.9 A designation cannot come into force unless it has been confirmed by the appropriate national authority, or it falls within a description of designations in relation to which that authority has given a general approval.
- 7.2.10 As soon as a designation is confirmed or made, the authority must publish a notice containing prescribed information stating that the designation has been made. The authority must also make copies of the designation and information available to the public for as long as the designation is in force.
- 7.2.11 A designation ceases to have effect no later than 5 years after the date on which it comes into force. The authority must from time to time review the operation of any designation made by them. The authority may revoke a designation and, if it does so, must publish a notice of the revocation in prescribed form.

Grant of licences

- 7.2.12 The authority must apply a 'fit and proper person' test to applicants for licences and may include in any licence such conditions as it considers appropriate for regulating the management, use or occupation of the house concerned. In the instance of a dispute, the applicants will have a right of appeal to the Residential Property Tribunal.

Fees

- 7.2.13 When fixing licence fees the authority may take into account all costs incurred by it in carrying out its functions under the additional and selective licensing provisions of the Housing Act 2004.
- 7.2.14 In *R v Westminster City Council ex parte Hemming and others* [2013] EWCA Civ 591, the Court of Appeal has held that the Provision of Service Regulations 2009 prevent the authority from including in licence fees the cost of enforcing the scheme.

Challenge

7.2.15 A designation may be challenged by way of judicial review as has been the case with other authorities such as Thanet and Hyndburn. The time for seeking judicial review is within 3 months of the date the designation is made. The general legal principles of reasonableness, procedural propriety and proportionality will be applied on any such review.

7.3 Property Implications

7.3.1 The proposed licensing scheme will introduce a new local regulatory environment for the private rented sector. The scheme will assist the Council in developing and maintaining a landlords' register thereby allowing transparency regarding the property and tenancy management arrangements for each address. This improved intelligence will enable the Council to notify landlords of their responsibilities and will assist the Council in responding appropriately to anti-social behaviour associated with the address. Implementation of similar schemes by other boroughs has been noted to improve the environment of neighbourhoods and reduce anti-social behaviour.

7.3.2 However, the use of additional and selective licensing which is landlord and property based, will not resolve many of the issues which are caused by 'bad tenants', however it will increase the oversight of these issues by landlords and where appropriate the use of enforcement powers where the law is being broken. In this regard, the Council proposes to ensure licensing and enforcement are complementary.

7.3.3 It is envisaged that the proposed scheme will assist in increasing the consistency of safeguards available to tenants, while improving the quality of private rented stock and tackling poor quality landlords. A desired outcome will be the effective management of their properties by private sector landlords.

8. KEY RISKS

8.1 A risk register has been created as part of the project methodology to monitor the development of the proposals and their implementation should they be approved.

Key risks to be monitored include

- effective communication strategies to inform landlords that licensing will be implemented and that they are required to register,
- the robustness of IT systems to ensure that licences can be processed accurately and quickly,
- the information sharing protocols between departments to ensure that a joined up and intelligence led approach is pursued,
- the rigorous on-going testing of the financial model to maintain cost effectiveness and cost neutrality,

- that customer service standards associated with the scheme are developed, monitored and achieved.
- Legal challenge associated with both the implementation of the proposal and individual cases going forward

Each of these and other supporting areas will form the context of a risk register that will be maintained by the officer leading the scheme with support from the Council Risk Manager and incorporate best practice.

9. IMPACT ON COUNCIL PRIORITIES

9.1 Fairness for All

The successful implementation of a borough-wide additional and selective landlord licensing scheme will contribute positively to 'Fairness for All' by creating an environment in which all residents can expect to receive a standard of accommodation that is fit for purpose and that is located in an area where tackling anti-social behaviour is of paramount importance.

9.2 Growth and Sustainability

The successful implementation of the scheme will contribute positively to growth and sustainability in Enfield by encouraging stability in our private rented sector and will ensure that landlords have a greater stake in the areas that they let accommodation in and by contributing to the physical and social wellbeing of our neighbourhoods.

9.3 Strong Communities

The scheme if implemented successfully will create stronger communities in Enfield by encouraging both landlords and tenants alike to contribute more fully to the areas in which they live, recognise their civic responsibilities as such and to see themselves as part of dynamic and vibrant local areas that are committed to combating anti-social behaviour and promoting Enfield as a place that is attractive to live, visit and do business in.

10. EQUALITIES IMPACT IMPLICATIONS

- 10.1 A full Predictive Equality Impact Assessment (EQIA) has been carried out on the proposal (appendix 9)
- 10.2 During the development of the proposals to introduce Additional and Selective Licensing of Private Rented Properties in Enfield, a comprehensive programme of consultation and engagement was undertaken in order to ensure full participation from stakeholders and Enfield residents.
- 10.3 Results from the formal residents' survey show some variation the strength of opinions of local residents between different age groups and employment status. However, these differences, away from the average (78%), are not statistically significant and all sub-groups were positive.
- 10.4 Currently no specific equalities monitoring of either PRS landlords or tenants is carried out as information about this sector is limited, but it is likely that both

groups , to some extent, reflect the make-up of the local population. However, the proposal to introduce a borough-wide licensing scheme is likely to benefit all tenants, landlords and residents, and therefore they will not be adversely affected on the basis of their protected characteristics (e.g. age, gender, and ethnicity).

- 10.5 It is recommended that any new service establishes comprehensive monitoring systems to assess any potential positive/adverse impacts that may be currently unforeseen and to take appropriate actions if required.

11. PERFORMANCE MANAGEMENT IMPLICATIONS

- 11.1 The scheme will utilise robust performance management systems that will ensure that the scheme is effectively administered. Service Level Agreements will be enacted between relevant departments and clear timed responses throughout the process of enacting the scheme have been identified (measurable agreed targets connected to the licensing process and enforcement). These will be implemented to ensure that the scheme will operate at an optimum level and deliver on its stated objectives. Quarterly reports will be produced by the implementation team that will be considered by the relevant strategic board and on a bi-annual basis report will be presented to CMB and Members. Improvement planning contingencies underpinned by robust risk monitoring will be employed to ensure slippage is minimised.

12. HEALTH AND SAFETY IMPLICATIONS

- 12.1 The Health and Safety at Work Act 1974 Section2: Duties of employers to employees. Employees must ensure the health, safety and welfare of their employees, subject only to the defence of 'so far as is reasonably practicable'. All employers must make and review a suitable and sufficient assessment of the risks of their activities to employees. Employers must also have in place such arrangements as are necessary to effectively plan, organise, control, monitor and review any preventive and protective measures.
- 12.2 The Service will ensure that risk assessment of the activities is undertaken and control measures are put in place to eliminate or significantly reduce the risks. Checks will be made of databases for known health and safety risks associated with properties to be inspected.

13. HR IMPLICATIONS

- 13.1 All roles created to support this scheme will require evaluated job descriptions. Recruitment to these posts should follow the guidance detailed in the Council's Recruitment Policy and Procedure. The posts should be advertised internally initially and consideration should be given to staff that are potentially affected by the Council's re-organisation plans in the first instance.

14. PUBLIC HEALTH IMPLICATIONS

- 14.1 The overarching Public Health objectives of Enfield Council will benefit from the contribution that a well-managed private rented housing sector will make by contributing to a safer healthier living environment for many of our residents, ensuring that the quality of the sector meet a minimum standard set by the Council.
- 14.2 In some HMOs the standards of management and living conditions can be poor. For example research has shown the risk in HMOs from hazards such as fire can be as much as four or more times higher than the risk in a residential property, which is occupied by a single household. This type of risk will be better managed as the conditions associated with licensing require the installation of smoke alarms with a failure to comply considered an enforcement breach. Introducing additional licensing for HMOs will allow Enfield Council to proactively identify and engage with landlords, particularly with the less responsible private landlords whose tenants are living in very poor conditions.

Background Papers

1. "Understanding the relationship between private rented properties and anti-social behaviour in Enfield" report by nkm, November 2013.

Appendices

- Appendix 1 – Designations and Maps (a) and (b)
- Appendix 2 – Private rented property licence conditions
- Appendix 3 – Private rented property licence fees structure
- Appendix 4 – Research findings and evidence summary
- Appendix 5 – Executive summary of consultation
- Appendix 6 – Summary of considerations
- Appendix 7 – Financial summary of Income and Costs
- Appendix 8 – Front cover of petition against licensing
- Appendix 9 - Predictive Equalities Impact Assessment

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Appendix 1A: Designation of an area for selective licensing

The London Borough of Enfield Designation of an Area for Selective Licensing 2014.

The London Borough of Enfield in exercise of their powers under section 80 of the Housing Act 2004 (“the Act”) hereby designates for selective licensing the area described in paragraph 4.

CITATION, COMMENCEMENT AND DURATION

1. This designation may be cited as the London Borough of Enfield Designation for an Area for Selective Licensing 2014.
2. This designation is made on 9th April 2014 and shall come into force on 1st April 2015.
3. This designation shall cease to have effect on 31st March 2020 or earlier if the Council revokes the scheme under section 84 of the Act.

AREA TO WHICH THE DESIGNATION APPLIES

4. This designation shall apply to the London Borough of Enfield as delineated and edged red on the map at annex a.

APPLICATION OF THE DESIGNATION

5. This designation applies to any house¹ which is let or occupied under a tenancy or licence within the area described in paragraph 4 unless –
 - (a) the house is a house in multiple occupation and is required to be licensed under Part 2 of the Act²;
 - (b) the tenancy or licence of the house has been granted by a registered social landlord³;
 - (c) the house is subject to an Interim or Final Management Order under Part 4 of the Act;
 - (d) the house is subject to a temporary exemption under section 86 of the Act; or
 - (e) the house is occupied under a tenancy or licence which is exempt under the Act⁴ or the occupation is of a building or part of a building so exempt as defined in annex b;

¹ For the definition of “house“ see sections 79 and 99 of the Act

² Section 55 of the Act defines which Houses in Multiple Occupation are required to be licensed under the Act. See also The Licensing of Houses in Multiple Occupation (Prescribed Descriptions) (England) Order 2005 (SI 2006/371)

³ Section 79 (3) of the Act. For the definition of a Registered Social Landlord see Part 1 of the Housing Act 1996

⁴ Section 79 (4) of the Act and SI 370/2006

EFFECT OF THE DESIGNATION

6. Subject to sub paragraphs 5(a) to (e) every house in the area specified in paragraph 4 that is occupied under a tenancy or licence shall be required to be licensed under section 85 of the Act.⁵
7. The [name] Council will comply with the notification requirements contained in section 83 of the Act and shall maintain a register of all houses registered under this designation, as required under section 232 of the Act.⁶

Date and authentication by the Council. 9th April 2014

Elected Cabinet

⁵ Section 86 of the Act provides for certain temporary exemption. As to suitability see section 89. Note, if the house is not suitable to be licensed the Council must make an Interim Management Order-see section 102.

⁶ Section 232 of the Act and paragraph 11 of SI 373/2006

Annex a – Paragraph 4: Map of Designated Area

Annex b – Paragraph 5(d): Exempted Tenancies or licences⁷

Prohibition of occupation by law

1. A tenancy or licence of a house⁸ or a dwelling⁹ within a house where the house or the dwelling is subject to a prohibition order made under section 20 of the Act the operation of which has not been suspended under section 23.

Certain tenancies which cannot be assured tenancies

2. A tenancy which cannot be an assured tenancy by virtue of section 1 (2) of the Housing Act 1988 comprised in Part of Schedule 1 of the Act and which is:
 - (a) a business tenancy under Part II of the Landlord and Tenant Act 1954;
 - (b) a tenancy under which the dwelling-house consists of or comprises premises, which, by virtue of a premises licence under the Licensing Act 2003, may be used for the supply of alcohol (within the meaning of Section 14 of that Act) for consumption on the premises¹⁰;
 - (c) a tenancy under which agricultural land, exceeding two acres, is let together with the house¹¹;
 - (d) a tenancy under which the house is comprised in an agricultural holding or the holding is comprised under a farm business tenancy if it is occupied (whether as tenant or as a servant or agent of the tenant), in the case of an agricultural holding, by the person responsible for the control of the farming of the holding, and in the case of a farm business tenancy, by the person responsible for the control of the management of the holding¹².

Tenancies and licences granted etc by public bodies

3. A tenancy or licence of a house or dwelling within a house that is managed or controlled¹³ by:
 - (a) a local housing authority;
 - (b) a police authority established under section 3 of the Police Act 1996 or the Metropolitan Police Authority established under section 5B of that Act;

⁷ See The Selective Licensing of Houses (Specified Exemptions) (England) Order 2006 SI 370/2006

⁸ Sections 79 (2) and 99 of the Act

⁹ For the definition of a dwelling – see section 99 of the Act

¹⁰ See paragraph 5 of Schedule 1 of the 1988 Act as amended by section 198 (1) and paragraph 108 of schedule 6 of the Licensing Act 2003

¹¹ For the meaning of “agricultural land” section 26 (3) (a) of the General Rate Act 1967

¹² See paragraph 7 of Schedule 1 of 1988 Act as amended by section 40 and paragraph 34 of the Schedule to the Agricultural Tenancies Act 1995

¹³ For the definition of “person managing” and “person having control” see section 263 of the Act

- (c) a fire and rescue authority under the Fire and Rescue Services Act 2004;
- (d) a health service body within the meaning of section 4 of the National Health Service and Community Care Act 1990.

Tenancies, licences etc regulated by other enactments

4. A tenancy, licence or occupation of a house which is regulated under the following enactments:
- (a) sections 87 to 87D of the Children Act 1989;
 - (b) section 43 (4) of the Prison Act 1952;
 - (c) section 34 of the Nationality, Immigration and Asylum Act 2002;
 - (d) The Secure Training Centre Rules 1998¹⁴;
 - (e) The Prison Rules 1998¹⁵;
 - (f) The Young Offender Institute Rules 2000¹⁶;
 - (g) The Detention Centre Rules 2001¹⁷;
 - (h) The Criminal Justice and Court Service Act 200 (Approved Premises) Regulations 2001¹⁸;
 - (i) The Care Homes Regulations 2001¹⁹;
 - (j) The Children's Homes Regulations 2001²⁰;
 - (k) The Residential Family Centres Regulations 2002²¹.

Certain student lettings etc

5. A tenancy or licence of a house or a dwelling within a house –
- (i) which is managed or controlled by a specified educational establishment or is of a specified description of such establishments and

¹⁴ SI 472/1998 as amended by SI 3005/2003

¹⁵ SI 728/1999 as amended by SI 1794/2000, SI 1149/2001, SI 2116/2002, SI 3135/2002. SI 3301/2003 and SI 869/2005

¹⁶ SI 3371/2000 as amended by SI 2117/2002, SI 3135/2002 and SI 897/2005

¹⁷ SI 238/2001. Section 66 (4) of the Nationality, Immigration and Asylum Act 2002 provides that the reference to a detention centre is to be construed as a reference to a removal centre as defined in Part VIII of the Immigration and Asylum Act 1999

¹⁸ SI 850/2001

¹⁹ SI 3965/2001 as amended by SI 865/2001. SI 534/2003, SI 1590/2003, SI 1703/2003, SI 1845/2003, SI 664/2004, SI 696/2004, SI 1770/2004, SI 2071/2004 SI and SI 3168/2004

²⁰ SI 3967/2001 as amended by SI 865/2002, SI 2469/2002, SI 664/2004 and SI 3168/2004

²¹ SI 3213/2002 as amended by SI 664/2004, SI 865/2004 and SI 3168/2004

- (ii) the occupiers of the house or dwelling are undertaking a full time course of further or higher education at the specified establishment²² and
- (iii) the house or dwelling is being managed in conformity with an Approved Code of Practice for the management of excepted accommodation under section 233 of the Act²³

Long leaseholders

6. A tenancy of a house or a dwelling within a house provided that –

- (i) the full term of the tenancy is for more than 21 years and
- (ii) the tenancy does not contain a provision enabling the landlord (or his successor his in title) to determine it other than by forfeiture, earlier than at the end of the term and
- (iii) the house or dwelling is occupied by a person to whom the tenancy was granted or his successor in title or by any members of either of those person's family.

Certain family arrangements

7. A tenancy or licence of a house or a dwelling within a house where –

- (i) the person who has granted the tenancy or licence to occupy is a member of the family of the person who has been granted the tenancy or licence and
- (ii) the person who has granted the tenancy or licence to occupy is the freeholder or long leaseholder of the house or dwelling and
- (iii) the person occupies the house or dwelling as his only or main residence (and if there are two or more persons at least one of them so occupies).

Holiday lets

8. A tenancy or licence of a house or a dwelling within a house that has been granted to the person for the purpose of a holiday.

Certain lettings etc by Resident Landlord etc

9. A tenancy or licence of a house or a dwelling within a house under the terms of which the person granted the tenancy or licence shares the use of any amenity with the person granting that tenancy or licence or members of that person's family. An "amenity" includes a toilet, personal washing facilities, a kitchen or a living room but excludes any area used for storage, a staircase, corridor or other means of access.

²² See the schedule to The Houses in Multiple Occupation (Specified Educational Establishments) (England) (No 2) Regulations 2006 for the list of specified bodies

²³ The relevant codes of practice are approved under SI 646/2006 – The Housing (Approval of Codes of Management Practice) (Student Accommodation) (England) Order 2006

Interpretation

10. In this annex:

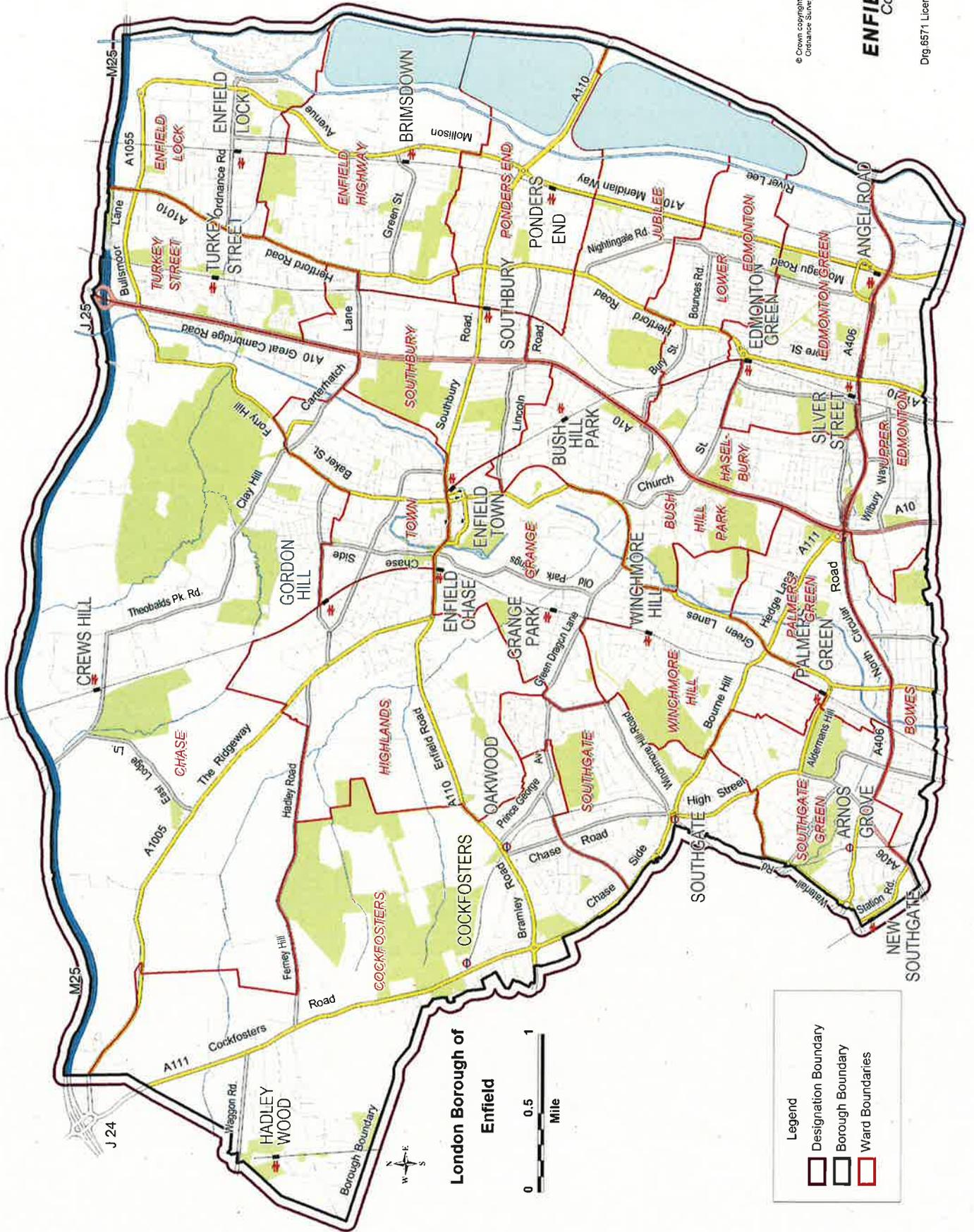
- (a) a “person” includes “persons”, where the context is appropriate;
- (b) a “tenancy” or “licence” includes “a joint tenancy” or “joint licence”, where the context is appropriate;
- (c) “long leaseholder” in paragraph 7 (ii) has the meaning conferred in paragraphs 6 (i) and (ii) and in those paragraphs the reference to “tenancy” means a “long lease”;
- (d) a person is a member of the family of another person if –
 - (i) he lives with that person as a couple;
 - (ii) one of them is the relative of the other; or
 - (iii) one of them is, or is a relative of, one member of a couple and the other is a relative the other member of the couple

and
 - (iv) For the purpose of this paragraph –
 - (1) “couple” means two persons who are married to each other or live together as husband and wife or in an equivalent arrangement in the case of persons of the same sex;
 - (2) “relative” means a parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew, niece or cousin;
 - (3) a relationship of the half-blood is to be treated as a relationship of the whole blood and
 - (4) a stepchild of a person is to be treated as his child

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Appendix 1(a)

Private Rented Property Selective Licensing - Designation Boundary



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Appendix 1B: Designation of an area for additional HMO licensing

The London Borough of Enfield Designation of an Area for Additional Licensing of Houses in Multiple Occupation 2014.

The London Borough of Enfield in exercise of their powers under section 56 of the Housing Act 2004 (“the Act”) hereby designates for additional licensing of Houses in Multiple Occupation (“HMOs”) the area described in paragraph 4.

CITATION, COMMENCEMENT AND DURATION

1. This designation may be cited as the London Borough of Enfield Designation for an Area for Additional Licensing of Houses in Multiple Occupation 2014.
2. This designation is made on 9th April 2014 and shall come into force on 1st April 2015.
3. This designation shall cease to have effect on 31st March 2020 or earlier if the Council revokes the scheme under section 60 of the Act.

AREA TO WHICH THE DESIGNATION APPLIES

4. This designation shall apply to the London Borough of Enfield as delineated and edged red on the map at annex a.

APPLICATION OF THE DESIGNATION

5. This designation applies all HMOs within the area described in paragraph 4 unless -
 - (a) the building is of a description specified in annex c (Buildings that are not HMOs for the purpose of the Act- other than Part 1);
 - (b) the HMO is subject to an Interim or Final Management Order under Part 4 of the Act;
 - (c) the HMO is subject to a temporary exemption under section 62 of the Act; or
 - (d) the HMO is required to be licensed under section 55 (2) (a) of the Act (mandatory licensing).¹

¹ For the application of mandatory licensing see SI 371/2006 – The Licensing of Houses in Multiple Occupation (Prescribed Descriptions) (England) Order 2006

EFFECT OF THE DESIGNATION

6. Subject to sub paragraphs 5(a) to (d) every HMO of the description specified in that paragraph in the area specified in paragraph 4 shall be required to be licensed under section 61 of the Act.²
7. The [name] Council will comply with the notification requirements contained in section 59 of the Act and shall maintain a register of all houses registered under this designation, as required under section 232 of the Act.³

Date and authentication by the Council. 9th April 2014

Elected Cabinet

² Section 62 of the Act provides for certain temporary exemption. As to suitability see section 64.
Note, if the house is not suitable to be licensed the Council must make an Interim Management Order-see section 10

³ Section 232 of the Act and paragraph 11 of SI 373/2006

Annex a – Paragraph 4 :Map of Designated Area

Annex b – Paragraph 5(a): Buildings that are not HMOs for the purpose of the Act⁴

Buildings controlled or managed by public bodies etc⁵

1. A building where the person managing or having control of it is⁶:
 - (a) a local housing authority;
 - (b) a police authority established under section 3 of the Police Act 1996 or the Metropolitan Police Authority established under section 5B of that Act;
 - (c) a fire and rescue authority under the Fire and Rescue Services Act 2004;
 - (d) a health service body within the meaning of section 4 of the National Health Service and Community Care Act 1990;
 - (e) a body which is registered as a social landlord under Part 1 of the Housing Act 1996.

Buildings regulated by other enactments⁷

4. A tenancy, licence or occupation of a house which is regulated under the following enactments:
 - (a) sections 87 to 87D of the Children Act 1989;
 - (b) section 43 (4) of the Prison Act 1952;
 - (c) section 34 of the Nationality, Immigration and Asylum Act 2002;
 - (d) The Secure Training Centre Rules 1998⁸;
 - (e) The Prison Rules 1998⁹;
 - (f) The Young Offender Institute Rules 2000¹⁰;

⁴ Schedule 14 of the Act and SI 373/2006

⁵ Paragraph 2 of schedule 14

⁶ For the definition of “person managing” and “person having control” see section 263 of the Act

⁷ Paragraph 3 of schedule 14 and paragraph 6 (1) and schedule 1 of SI 373/2006

⁸ SI 472/1998 as amended by SI 3005/200

⁹ SI 728/1999 as amended by SI 1794/2000, SI 1149/2001, SI 2116/2002, SI 3135/2002. SI 3301/2003 and SI 869/200

¹⁰ SI 3371/2000 as amended by SI 2117/2002, SI 3135/2002 and SI 897/20

- (g) The Detention Centre Rules 2001¹¹;
- (h) The Criminal Justice and Court Service Act 200 (Approved Premises) Regulations 2001¹²;
- (i) The Care Homes Regulations 2001¹³;
- (j) The Children's Homes Regulations 2001¹⁴;
- (k) The Residential Family Centres Regulations 2002.¹⁵

Certain student lettings etc¹⁶

5. A building –

- (i) which is managed or controlled by a specified educational establishment or is of a specified description of such establishments and
- (ii) the occupiers of the house or dwelling are undertaking a full time course of further or higher education at the specified establishment¹⁷ and
- (iii) the house or dwelling is being managed in conformity with an Approved Code of Practice for the management of excepted accommodation under section 233 of the Act.¹⁸

Religious communities¹⁹

- 6. A building which is occupied principally for the purpose of a religious community whose principal occupation is prayer, contemplation, education or the relief of the suffering except if the building is a converted block of flats to which section 257 of the Act applies.

¹¹ SI 238/2001. Section 66 (4) of the Nationality, Immigration and Asylum Act 2002 provides that the reference to a detention centre is to be construed as a reference to a removal centre as defined in Part VIII of the Immigration and Asylum Act 1999

¹² SI 850/2001

¹³ SI 3965/2001 as amended by SI 865/2001. SI 534/2003, SI 1590/2003, SI 1703/2003, SI 1845/2003, SI 664/2004, SI 696/2004, SI 1770/2004, SI 2071/2004 SI and SI 3168/200

¹⁴ SI 3967/2001 as amended by SI 865/2002, SI 2469/2002, SI 664/2004 and SI 3168/2004

¹⁵ SI 3213/2002 as amended by SI 664/2004, SI 865/2004 and SI 3168/2004

¹⁶ Paragraph 4 of schedule 14

¹⁷ See the schedule to The Houses in Multiple Occupation (Specified Educational Establishments) (England) (No 2) Regulations 2006 for the list of specified bodies

¹⁸ The relevant codes of practice are approved under SI 646/2006 – The Housing (Approval of Codes of Management Practice) (Student Accommodation) (England) Order 2006

¹⁹ Paragraph 5 of schedule 14

Buildings occupied by owners²⁰

7. A building which is only occupied by –

- (i) one or more persons who hold the freehold or a leasehold interest granted for a term of more than 21 years of the whole, or any part of, the building
- (ii) and/or any member of the household²¹ of that person or persons but this exemption does not apply to a converted block of flats to which section 257 of the Act applies, except for ascertaining the status of any flat within the block.

Buildings occupied by Resident Landlord etc²²

8. A building which is occupied by a person or persons to whom paragraph 7 applies (subject to the proviso therein) and no more than two other persons²³, not forming part of the owner's household.

Buildings occupied by two persons²⁴

9. Any building which is only occupied by two persons (forming two households)

Meaning of “building”

10. In this annex a “building” includes a part of a building.

²⁰ Paragraph 6 of Schedule 14

²¹ For the definition of “household” see section 258 (2) and paragraphs 3 and 4 of SI 373/2006 Paragraph 6 of Schedule 14

²² Paragraph 6 of schedule 14 and SI 373/200

²³ Paragraph 6 (2) of SI 373/200

²⁴ Paragraph 7 of schedule 1

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Appendix 1(b)

Private Rented Property Additional Licensing - Designation Boundary



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Appendix 2



For office use only

Licence Number:
Date received:
Fees Received:

Enfield Property Licence and Conditions

Housing Act 2004

I hereby certify that the property situated at:

has been licensed with the London Borough of Enfield under the above legislation and is subject to the attached conditions.

Licence Holder Name & Address: Managing Agent Name & Address:	
--	--

Valid From:	
Expiry Date:	
Occupation:	
Maximum Permitted Occupancy: This licence is granted for occupancy of the premises by a maximum of _____ people	

Date:

Signed:

A copy of this licence must be displayed in a prominent and accessible position within the above property at all times. This licence is granted on the stipulation that the conditions listed below shall apply for its duration.

This licence is non-transferable, and does not guarantee that the property has been inspected and approved as being of an acceptable standard.

The following conditions will apply to all landlord licences. Additional conditions may be attached to a licence depending on the individual circumstances of each application. The licence conditions will be checked by the Council throughout the five year period and appropriate action taken following a breach of condition.

Property Licence Conditions

1. Numbers of persons permitted to occupy

- 1.1 A new resident must not be permitted to occupy the property or any part of the property if that occupation exceeds the maximum numbers specified in the licence. A new resident means a person who was not an occupier of the house and/or the specific room at the date of the issue of the licence. *A&S (*Additional & Selective Licence condition*)
- 1.2 The licence holder will be required to ensure that the numbers of households and/or persons residing in the property do not exceed the maximum numbers specified in the licence. These numbers will relate to the amenities that are, or can be, provided and/or to the size and layout of the units of accommodation available. *A&S
- 1.3 The licence holder may be required to ensure that the use or occupation of particular parts of the property is restricted or prohibited, e.g. prohibition of the use of a room entered via a kitchen as a bedroom or bedsit room. *A&S
- 1.4 If numbers exceed the specified maximum levels at the time of licence issue, the licence holder will be expected to ensure that the numbers are reduced at the earliest opportunity. Existing tenancies must be allowed to run their full tenancy term, unless agreed with tenant/s, an earlier termination that complies with the correct statutory procedure. *A&S

2. Tenancy management

- 2.1 The licence holder shall supply the occupiers of the property with a written statement of the terms on which they occupy the property and details of the arrangements in place to deal with repair issues and emergency issues. Copies of the written statement of terms must be provided to the Council for inspection within 7 days upon demand. *A&S
 - 2.1.1 The licence holder shall hold a contingency budget of £1000.00 (minimum) and/or supply the sum to a managing agent if applicable; to address category 1 hazards rated as an emergency repair in the absence of the licence holder. *A&S
- 2.2 The licence holder shall obtain references from persons who wish to occupy a letting in the property before entering into any tenancy, licence or other agreement with them to occupy the accommodation. No new occupiers shall be allowed to occupy the accommodation if they are unable to provide a reference. *A&S
- 2.3 The licence holder must retain all references obtained for occupiers for the duration of the licence and provide copies to the council within 28 days on demand. *A&S
- 2.4 The licence holder shall protect any deposit taken under an assured short-hold tenancy by placing it in a statutory tenancy deposit scheme. The tenant must be given the prescribed information about the scheme being used at the time the deposit is taken. This information must be provided to the Council within 28 days on demand. *A&S
- 2.5 The licence holder must provide to the Council details in writing of the tenancy management arrangements that have been, or are to be, made to prevent or reduce

anti-social behaviour by persons occupying or visiting the property. Copies of these must be provided to the Council within 14 days on demand. *A&S

- 2.5.1 The Licence holder must provide to the Council on request:
- An emergency 24hr contact number (including out of hours response arrangements).
 - Formal arrangements for the storage and collection/disposal of rubbish and bulky waste.
 - Written records of property inspections for management and repair issues at least once every six months. *A&S
- 2.5.2 The Licence holder shall provide sufficient bins or stores for residents to store refuse. The bins shall be kept in a suitable place on the property or other location agreed by the Council. The Licence holder must ensure that all tenants on commencement of their tenancy agreement are given details of the proper storage arrangements for refuse at the property, the collection day and how to present their waste for collection.
- 2.5.3 The Licence Holder shall have arrangements in place for the proper storage and disposal of bulky waste, and provide this information to tenants on commencement of their tenancy.
- 2.6 The licence holder shall ensure that inspections of the property are carried out at least every six months to identify any problems relating to the condition and management of the property. As a minimum requirement the records must contain a log of who carried out the inspection, date and time of inspection and issues found and action(s) taken. The records of such inspections shall be kept for the duration of the licence. Copies of these must be provided to the Council within 28 days on demand. *A&S
- 2.7 The licence holder shall effectively address problems of anti-social behaviour resulting from the conduct of occupiers, or visitors to the premises by complying with the requirements of paragraphs (a) to (i) below:
- (a) The licence holder must take action, if they have received complaints of anti-social behaviour (ASB) that concern the visitors to or occupiers of the premises.
 - (b) Any letters, relating to anti-social behaviour, sent or received by the licence holder, or agent of the licence holder, must be kept for the duration of the licence.
 - (c) The licence holder must ensure that written notes are kept of any meetings or telephone conversations or investigations regarding antisocial behaviour for the duration of the licence.
 - (d) If a complaint is received, or antisocial behaviour is alleged, the licence holder must contact the accused tenant within 14 days. The accused tenant must be informed of the allegations of the antisocial behaviour in writing and of the consequences of its continuation.
 - (e) The licence holder shall, from the date of receipt of the complaint of anti-social behaviour, monitor any allegations of antisocial behaviour and make all records relating to the complaints available to the council within 28 days.
 - (f) Where the anti-social behaviour is continuing after 28 days from receipt of the complaint, the licence holder, or their agent must within 7 days visit the premises and the accused tenant with a warning letter advising them of the possibility of eviction if the behaviour continues if appropriate and applicable
 - (g) Where the licence holder or their agent has reason to believe that the anti-social behaviour involves criminal activity the licence holder shall ensure that the

appropriate authorities are informed. The licence holder and /or agent will work with the appropriate authority as required to reduce the anti-social behaviour.

- (h) If after 14 days of giving a warning letter, the accused tenant has taken no steps to address the anti-social behaviour and the anti-social behaviour is continuing, the licence holder shall take formal steps under the written statement of terms for occupation, e.g. the tenancy agreement or licence. Such action shall include promptly taking any possession proceedings to address the anti-social behaviour.
- (i) Where the licence holder is specifically invited they shall attend any case conferences or multi-agency meetings arranged by the Council or Police.

Any correspondence, letters and records referred to in condition 2.7 must be provided to the Council within 14 days on demand. *A&S

3. Property Management

- 3.1 The licence holder shall ensure that all gas installations and appliances are in a safe condition at all times. The licence holder must have available a current valid gas safety certificate obtained within the last 12 months. This must be provided to the Council within 28 days on demand and copies must be provided to all tenants/occupiers at the start of and during their tenancy. *A&S
- 3.2 The licence holder shall ensure that the electrical installation and all electrical appliances provided in the property are in a safe condition. The licence holder must submit to the council, for their inspection, an electrical installation and appliance test reports in respect of all electrical appliances that are supplied by the landlord at the property address, to the Council within 28 days on demand. *A&S
- 3.3 The licence holder must ensure that the property and grounds are effectively maintained so as to avoid adversely affecting the quality and appearance of the street scene or residential character. The property and grounds shall be properly managed to avoid adverse impact on the residential amenity of occupiers or neighbouring properties. This includes the removal within 7 days of any rubbish, furniture or other household contents left at a time of tenancy changes. *A&S
 - 3.3.1 No refuse shall be kept in the front or rear garden other than in an approved storage container for that purpose as may be determined by the Council for the effective collection of household waste *A&S
 - 3.3.2 The licence holder must take all reasonable steps to deal with and/or remove any graffiti, fly tipping, fly posters. Advertising boards (Estate agent boards, To Let, Let By boards) must only to be displayed in accordance with The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and must be removed within 14 days of the grant of tenancy. *A&S
 - 3.3.3 The Licence holder shall at all times ensure that the exterior of the property is maintained in a condition of good repair and appearance to the satisfaction of the Council.
 - 3.3.4 The provision of off street parking shall only be used for the parking of private motor vehicles and shall at no time be used for the parking of commercial vehicles used by tenants or visitors to the property.
- 3.4 Where the licence holder becomes aware of a pest problem or infestation at the property they shall take steps to ensure that a treatment program is carried out to eradicate the pest infestation. Records shall be kept of such treatment programs and these must be provided to the Council within 28 days on demand.

- 3.5 The licence holder shall install and maintain in good working order appropriate smoke alarms in the property and shall submit to the council, upon request, a declaration by them as to the condition and positioning of such alarms.
- 3.6 The licence holder shall ensure that any fire fighting equipment and fire alarms are maintained in good working order. The licence holder must submit to the council, for their inspection, a copy of all periodical inspection report/test certificates for any automatic fire alarm system, emergency lighting and fire fighting equipment provided in the property. These must be provided to the Council within 28 days on demand.
**A (additional licence condition)*
- 3.7 The licence holder shall ensure that any furniture and/or electrical appliance made available in the property are in a safe condition. All electrical appliances and upholstered furniture, covers, fillings of cushions and pillows should comply with current fire safety legislation. A declaration as to the safety of such furniture or appliances must be provided to the Council within 28 days on demand. This shall apply to all furnished tenancies. **A&S*

4. Documents to be displayed

- 4.1 The licence holder shall display a copy of the licence to which these conditions apply in the common parts of the property. Copies must be provided to all tenants/occupiers at the start of their tenancy. **A&S*
- 4.2 The licence holder shall display a notice with the name, address and emergency contact number of the licence holder or managing agent in the common parts of the property. Copies must be provided to all tenants/occupiers at the start of their tenancy and provided to the Council within 28 days on demand. **A*
- 4.3 The licence holder shall display a copy of the current gas safety certificate in the common parts of the property. Alternatively copies must be provided to all tenants/occupiers at the start of their tenancy and provided to the Council within 28 days on demand. **A&S*
- 4.4 If there have been new tenancies issued after 1st October 2008 for the premises, the licence holder must obtain a valid Energy Performance Certificate (EPC). Copies must be/have been made available to all tenants/occupiers at the start of their tenancy and provided to the Council within 28 days on demand. Where individual rooms in a building are rented out and there are shared facilities (e.g. kitchen and/or bathroom), an EPC is not required. **S (Selective licence condition)*

5. Security

- 5.1 The licence holder will be required to ensure that there are sufficient measures in the property to provide a secure environment for the occupiers. **A*
- 5.2 The licence holder must have a policy on controlling the return of room keys when rooms are vacated. This shall include action to be taken to ensure lock barrels are changed when keys are not returned. **A*
- 5.3 The licence holder may seek the advice of the local police stations crime prevention officer on measures to improve security of the property, including lettings and communal areas. **A*

6. General

- 6.1 The licence holder must advise the Council's Property Licensing Team in writing of any proposed changes to the construction, layout or amenity provision of the house that would affect the licence or licence conditions. *A&S
- 6.2 The licence holder must allow officers of the authority, upon production of identification, access to the property for the purpose of carrying out inspections of the property and must not obstruct council officers carrying out their statutory duty to ensure compliance of licence conditions and any other relevant legislation. *A&S
- 6.3 The licence holder shall if required, by written notice, provide the Council with the following particulars as may be specified in the notice with respect to the occupancy of the house:
- The names, dates of birth and numbers of individuals/households accommodated specifying the rooms they occupy within the property.
 - number of individuals in each household and/or property.
- The particulars shall be provided to the Council within 14 days on demand. *A&S
- 6.4 The licence holder shall inform the Council of any change in ownership or management of the house. *A&S
- 6.5 The licence holder shall ensure that whilst any alteration or construction works are in progress, the works are carried out to ensure the safety to all persons occupying or visiting the premises. The licence holder must ensure the appropriate consent from LBE Development Management Services is obtained prior to works commencing. *A&S
- 6.6 The licence holder shall ensure that on completion of any works, the property shall be left in a clean tidy condition and free from builders' debris. *A&S
- 6.7 The licence holder and/or manager may be required to attend an accredited property management training course. One such course is run by the London Landlord Accreditation Scheme. Information on this scheme may be obtained from www.londonlandlord.org.uk. *A&S
- 6.8 The licence only covers the property named on the front of this document. *A&S
- 6.8.1 The licence is not transferable to another person *A&S.
- 6.8.2 The licence comes into force on the date of issue. *A&S

For planning and building regulation queries please refer to the Development Management Services pages on the Council's website or contact by telephone: 020 8379 1000

Failure to comply with any licence condition may result in proceedings including fines up to £5,000 and revocation of the licence.

The property licence and conditions do not imply or grant by inference or otherwise any approval or permission for any other purposes including those for Building Control, Development Control and under The Regulatory Reform (Fire Safety) Order 2005. Conversely compliance with any of those requirements does not confer or imply compliance with the requirements of the Housing Act 2004 including property licensing.

From 23 October 2013, if it is intended to convert a dwelling house (use class C3) to a House in Multiple Occupation (use class C4), planning permission will be required. Please contact the Council's Development Control team on 020 8379 1000 to clarify what planning permissions are already in place for the property and advice on the process. Please note that unlawful HMOs may be subject to planning enforcement action.

The Council do have powers of enforcement against breaches of planning control and that, upon summary conviction, continued failure to meet the Council's enforcement requirements could ultimately result in fines of up to £20,000.

Any requirements relating to the licence and conditions are without prejudice to assessments and appropriate actions including enforcement actions under the Housing Act 2004. This includes actions to deal with category 1 and category 2 hazards as may be identified under Housing Health and Safety Rating System (HHSRS) and does not preclude such action.

Fees and Charges

Additional and Selective Licence Application Fees

Licence Application Fee (Applications made from 01/04/2015)	£500
'Reduced Application' Fee (Applications made from 01/11/2014 to 31/03/2015)	£250

Licence Variation Fees

These fees are for a licence variation where a property is already licensed.

Proposed Variation to the Licence	Fee
Change of details of an existing licence holder and where ownership of property is retained	£25 admin fee to cover 'Fit and Proper Person' check
Change of Licence holder	£500 new application fee
Change of Tenant	None
Reduction in the number of maximum occupiers and/or households for licensing purposes	None
Increase in the number of maximum occupiers and/or households, through increasing the number of habitable rooms, change in room sizes and/or amenity provision.	None
Application from a landlord with previous management contraventions or enforcement action by the Council	£500 for a one year licence
Change of licence type: From a single dwelling re-let as a HMO From a HMO re-let as a single dwelling	£500 new application fee None

Other Fees and Charges

These fees are applicable in relation to a licensing application and, where a property is already licenced.

Application Type	Fee or Charge
Applicant withdraws licence application	Initial application fee with no refund
Application refused by the Council	Initial application fee with no refund
Application made in error	Refund
Revocation of licence	None
Application to licence after a revocation	£500 fee for each year until compliant. (Thereafter £500 for remaining period deducting any £250 fee made for an early application)
Temporary Exemption Notice (TEN)	No Fee
Application to licence following the expiry of a Temporary Exemption Notice	New application Fee

Appendix 4

Anti-social behaviour and the private rented housing sector in Enfield

Evidence base and research summary

February 2014

1. Summary

1.1 This document provides a summary of the research completed to build an understanding of the evidence to support a decision around the implementation of an additional and selective licensing scheme across the London Borough of Enfield.

2. Background and requirements

2.1 This document is designed to support the decision for the implementation of an additional and selective licensing scheme of the private rented housing sector in the London Borough of Enfield.

2.2 To establish such a scheme, one of two criteria must be satisfied: i) that the area is experiencing low housing demand (not the case in Enfield) or ii) that the area is experiencing a significant and persistent problem caused by anti-social behaviour and that some or all private sector landlords in the area are not taking appropriate action to combat the problem that it would be appropriate for them to take; and the making of a designation, when combined with other measures taken by the LHA, or by the LHA in conjunction with others, will lead to a reduction in, or elimination of, the problem.¹

¹ Housing Act 2004, Section 80(6).

3. Growth in the private rented sector

3.1 As with much of London, the housing market in Enfield has seen significant change over recent years. A key feature of this change across the capital has been a growing and adapting role for the private rented sector.

Census data

3.2 In the decade 2001-2011, census data suggests that the number of households in the capital increased by just over 250,000, or a growth of 8%. The private rented sector, however, increased by 57% in that period. The sector now makes up over 25% of housing stock in the capital.

3.3 There has been a significant (103%) increase in the size of the private rented sector in Enfield, with the number of households in that tenure increasing from 13,105 to 26,591. This does not just mean more homes, and has significantly come at the expense of home ownership, but there has also been a small amount of household growth.

Tenure	Number of households (2001)	Number of households (2011)	% Change
Total households	110,398	119,916	8.62%
Home owner	77,994	69,462	-10.94%
Social Housing	19,299	21,073	9.19%
Private Rented	13,105	26,591	102.91%

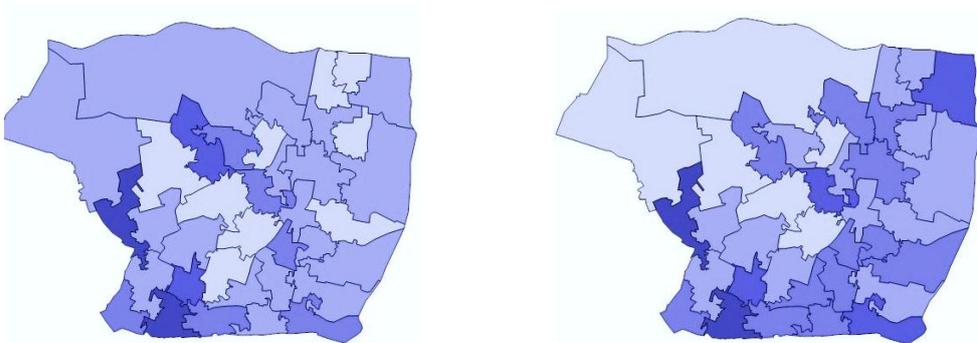
Table 1 - Enfield household changes, 2001-2011 (Census)

3.4 Compared to other London boroughs, Enfield has the third highest relative increase in its private rented sector (see figure 1), and the fourth highest numeric increase.



3.5 There has also been a change in pattern of where that private rented housing is located within Enfield. In 2001 it was primarily found in the south west of the borough around the centres of Palmers Green, Southgate and Cockfosters.

3.6 As the below maps from the Office for National Statistics show, the numbers of properties have increased across the borough, and the spread is much more of a borough wide phenomenon, with the private rented sector now providing housing in all neighbourhoods and for all communities. There has been a significant growth in the east of the borough, and the below map from ONS highlights the different spread of density of private rented housing.

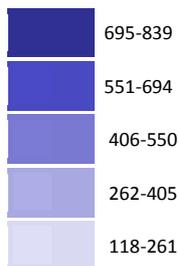


Source: 2001 Census Area Statistics

Source: 2011 Census Area Statistics

area type 2001 super output areas - mid layer
xml1 Private rented
Data Number

Legend



area type 2011 super output areas - mid layer
xml1 Private rented
Data Number

Legend

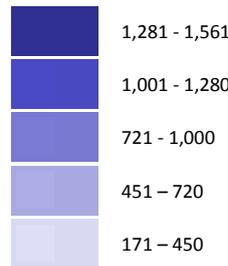


Figure 1 - Neighbourhood changes 2001 -2011 (ONS)

Public sector housing to private rented sector housing

3.7 Looking at public sector housing, here too the situation has also been affected by the increase in the PRS. Over the last two years there has been an increase in the sale of social rented properties within Enfield. This increase comes on top of the amount of formally social rented properties sold since the creation of the 'Right to Buy' scheme in 1980.

3.8 As a result of this, as of the end of November 2013, there are 4,547 leasehold properties within Enfield Homes social housing in the borough, which accounts for 28.7% of all the units in Enfield Homes estates. It is estimated that 50% of

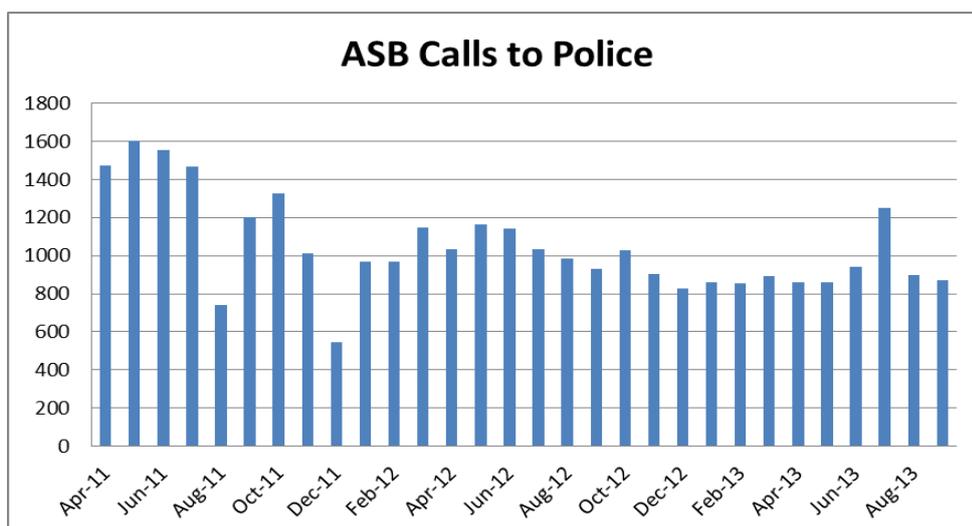
those leasehold properties are owned by absentee landlords. From this information it can be inferred that these properties are rented out.

Modelling a more accurate number of private rented properties

- 3.9 There is no single clear data set which indicates whether a privately owned property is rented or owner occupied. There are, however, several markers that have been shown elsewhere to be correlated with and, hence, predictive of, a privately rented household.
- 3.10 This methodology has been used by Professor Les Mayhew in his work with a number of other authorities, and as a way to improve the accuracy of Census and other population estimates.
- 3.11 These markers or risk factors were applied to comparable data taken from Enfield and then analysed by Professor Mayhew. These include points such as whether it is a benefit-claiming household; there have been multiple changes of residents at an address; or changes in the persons responsible for paying Council Tax.
- 3.12 These risk factors help identify whether a property is likely to be an HMO, single family rented or owner occupied. The results are reported in the form of a risk assessment based on the number of risk factors applying to each address and deal with the first of two of these categories – HMOs and single families.
- 3.13 The results are not, therefore, certain, and tenure type cannot be completely validated unless and until a property is actually visited.
- 3.14 Based on this information, and balancing the level of risk in the model with what is known from the Census, it is reasonable to estimate that there are between **15,327** and **19,279** single family rented properties in the borough, and up to **12,715** and **12,723** HMO properties in the borough. This would give a total of between **28,042** and **32,002** properties in the borough.
- 3.15 This suggests that there is approximately a 60:40 split between single family and HMO stock in the private rented sector in the borough.
- 3.16 Overall, the indications are that the privately rented sector is substantial and certainly far bigger than the number of properties covered by the presently very limited licensing scheme for HMOs under the 2004 Housing Act. This is mainly due to the size of building stock in Enfield, which is below three stories and therefore not covered by the existing HMO licensing scheme.

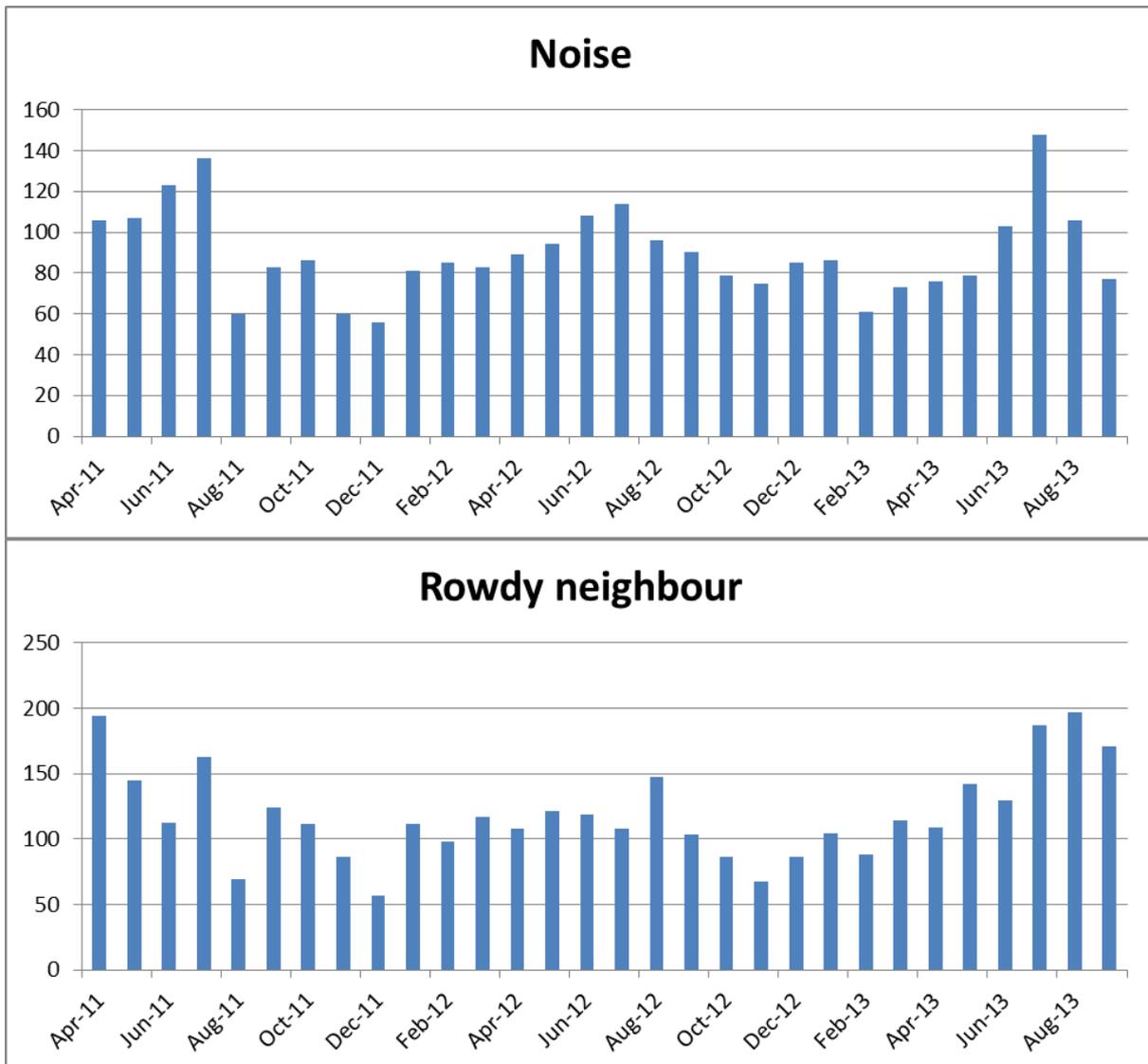
4. Anti-social behaviour

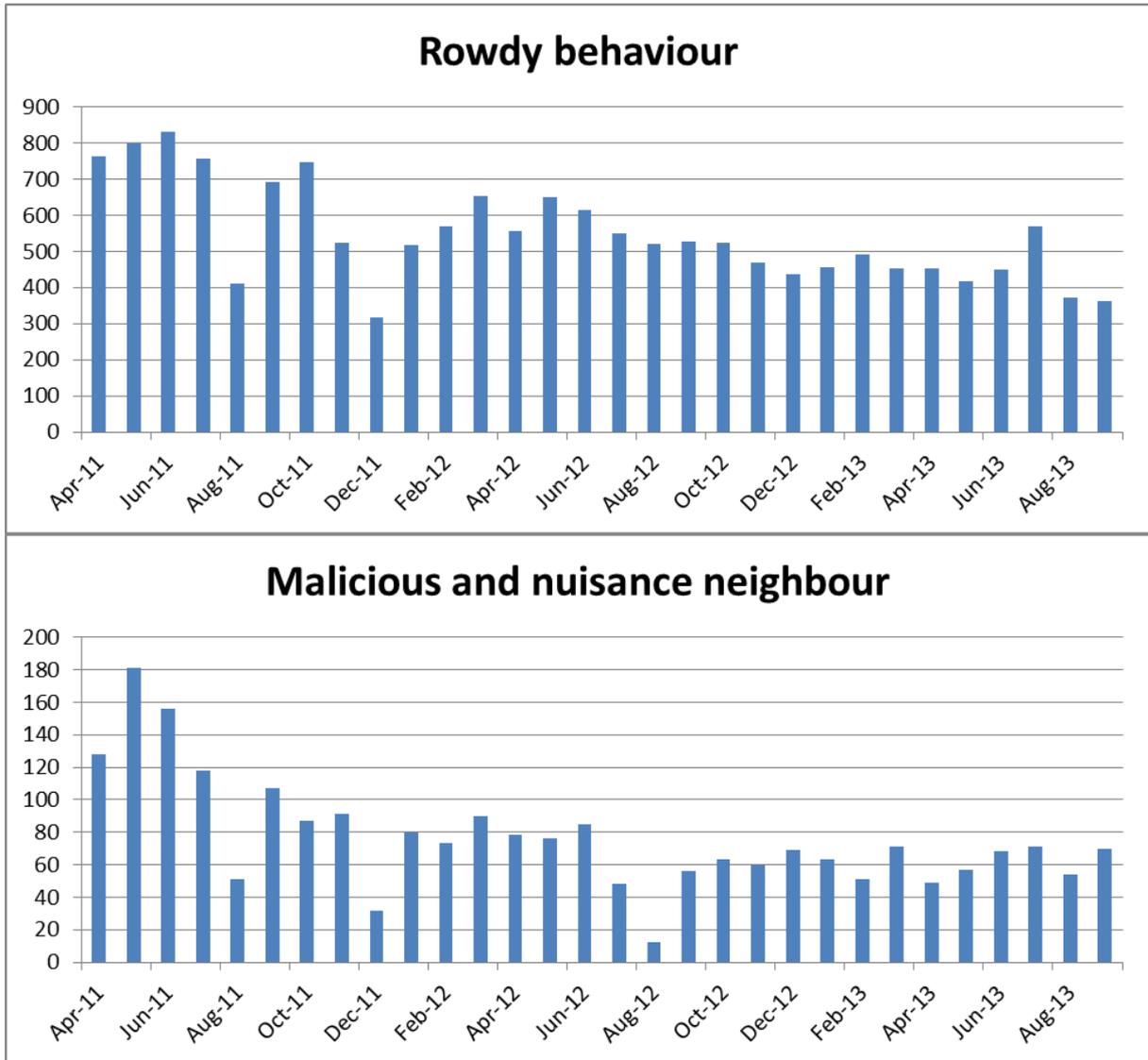
- 4.1 Tackling anti-social behaviour has long been a priority for Enfield, and there have been a number of initiatives to bring this under control within the borough in recent years.
- 4.2 These initiatives have clearly been successful in a number of ways. The volume of ASB calls in Enfield has declined for four consecutive years (a drop of nearly 35% between 2008 and 2013), and the proportion of residents perceiving ASB to be a big or a fairly big problem in their local area has consistently fallen (12% in 2012 compared to 32% in 2008 and 45% in 2004.)
- 4.3 Despite these positive changes, ASB remains a significant and persistent issue in this borough. Last year, Enfield Council spent over £340,000 on its ASB team that deals with all cases of ASB that do not involve Enfield Homes (i.e. private lets, home owners and RSLs).
- 4.4 Perceptions of ASB are measured based on 8 specific nuisance behaviours, including: people using or dealing drugs; rubbish or litter lying around; people being drunk or rowdy in public places; people being attacked because of their skin colour, ethnic origin or religion; noisy nuisance neighbours; and vandalism, graffiti and other criminal damage. There were 17,622 reports of ASB to police in 2012 with a further 5,761 reports to the local authority regarding environmental ASB (fly-tipping, abandoned vehicles, graffiti).
- 4.5 In the 30 months from April 2011 to September 2013, there were 31,349 complaints made to the police around ASB. It is also worth noting that this is only one type of ASB complaint, as services, such as environmental crime, receive complaints around issues such as domestic noise.
- 4.6 When looked at across those months, it is clear that there is a positive story for Enfield, with a downward trajectory from the peaks of July 2011 (which coincided with the London riots of the summer of that year). It is also worth noting that there tends to be a peak in July, and this was particularly marked within 2013.



4.7 Within these reports of issues, there are several types of anti-social behaviour. Some of them are more or less directly connected to housing. When looking at four key types of ASB which are particularly relevant to residency and the definition of anti-social behaviour as described in the Cabinet report (rowdy behaviour, rowdy neighbours, noise and malicious or nuisance behaviour), some clear differences emerge.

4.8 Complaints about noise have not moved, but have continued to follow seasonal trends (peaks in the summer which is understandable, but no reductions). Recent data in the summer of 2013 was higher than that of the year of the riots (2011). Complaints around rowdy neighbours has continued to average over 100 complaints to the police a month, and this appears to have an increasing rather than a decreasing trend, alongside the seasonal movements. Although rowdy behaviour, which averages over 500 complaints in the period, came down recently, there is no clear pattern yet. Malicious and nuisance neighbour complaints appears to have stayed at the same level since a peak in 2011 (again, possibly linked to the riots of that year) and therefore continues to be a concern, albeit smaller than other issues.





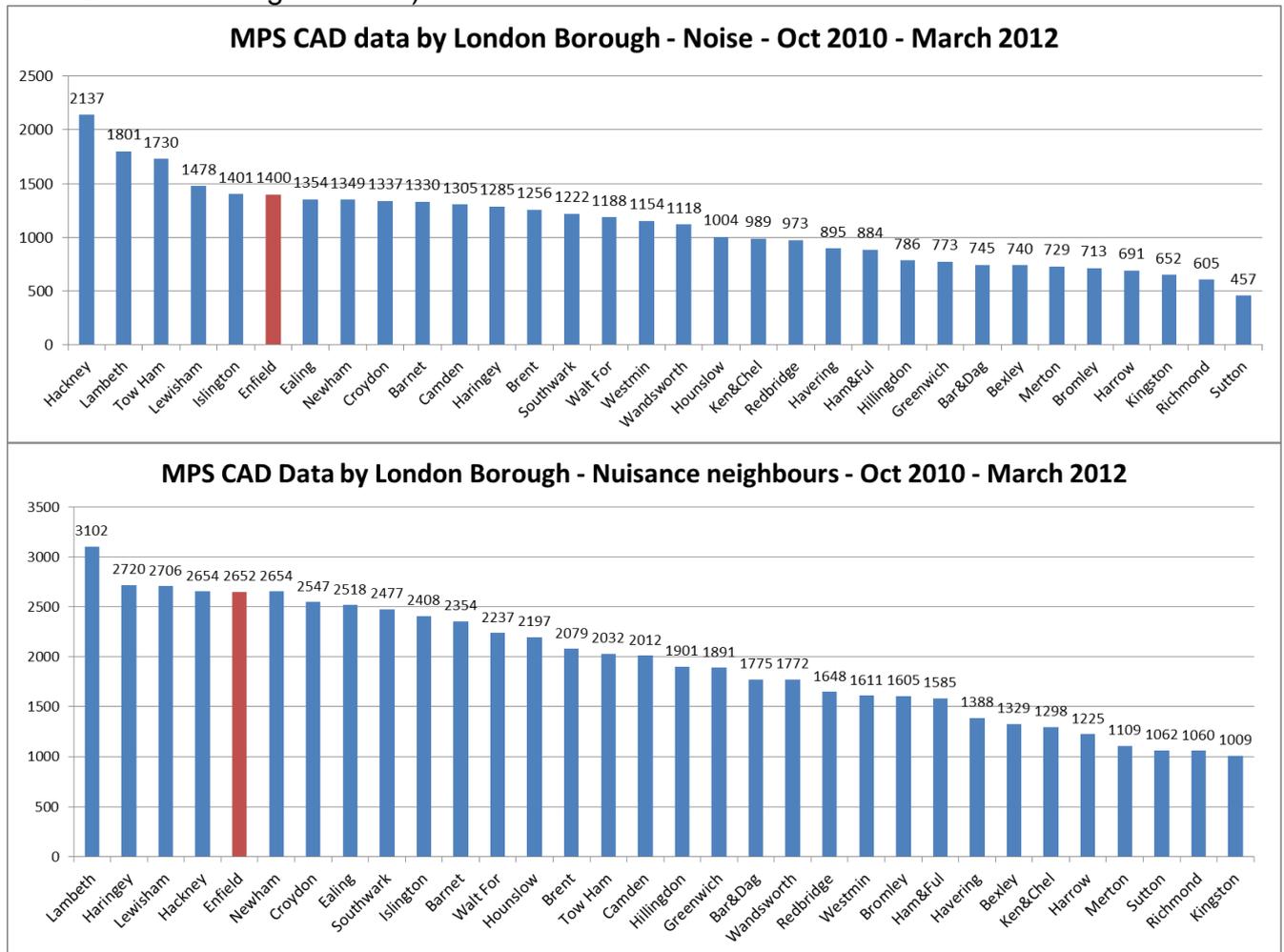
4.9 This is suggesting that for those issues which may be mostly relevant to housing, noise and rowdy neighbour being the most apparent, there is a smaller likelihood that the ASB has fallen, and is potentially starting to increase in terms of rowdy neighbour complaints.

4.10 As highlighted above, police data is only one type of recorded information. In terms of noise alone the community safety unit has received the following noise complaints in the last few years, again showing a rapid increase.

Year	ASB Noise Complaints to CSU
2010/11	2,457
2011/12	2,580
2012/13	2,911

4.11 When looking at the two categories of noise and nuisance/ rowdy neighbours in comparison to other boroughs, it is only possible to get data from an earlier period (October 2010 - March 2012). Enfield has the fifth highest level of

nuisance neighbours reports (2652 incidents against the London average of 1955) and the sixth highest number of noise reports (1400 incidents against the London average of 1349).²



Residents' Perceptions

4.12 Enfield conducted its Annual Residents Survey for the second time in 2012. The survey gained a large sample size (1,500 respondents). The results from the latest survey conducted in 2012 show the top three concerns about ASB within the borough were:

- Rubbish or litter lying around (28% of residents)
- Teenagers hanging around on the street (24% of residents)
- People using or dealing drugs (16% of residents)

Conclusion

4.13 This information shows that whilst at a macro level, Enfield has seen some positive trends in reducing ASB, issues like noise and neighbour relations continue to create problems for the borough. The above figures suggest a persistence which needs to be dealt with for the residents of the borough, and an issue which is not currently being solved by existing measures.

² Data obtained from Newham Council

<https://mgov.newham.gov.uk/documents/s53751/Appendix%20ASB%20and%20PRS%20Evidence%20Base%20report%20FINAL.pdf>

5. The link between the PRS and ASB

5.1 It is impossible for any authority to directly and causally link all anti-social behaviour to the property tenure in every instance. Data is not collected in a way that can provide certainty around the tenure of every perpetrator. Therefore, a mixture of evidence must be used, and any decision made around the link between a property tenure and anti-social behaviour has to be made on a balance of that evidence.

Overall and statistical relationship

5.2 In November 2013, research by Professor Les Mayhew looked into the relationship between rented properties and anti-social behaviour in Enfield. This work involved two parts:

- i) To model, as accurately as possible, the number of private rented properties in the borough (see section 3 above); and
- ii) To explore the relationship between those properties and anti-social behaviour.

5.3 In looking at that relationship, the work concluded with the following statements after exploring an attempt to directly link addresses to incidents, and then with a geographic relationship:

However, the indications are that the privately rented sector is substantial and certainly far bigger than the number of properties covered by the presently limited licensing scheme for HMOs under the 2004 Housing Act. It is also of interest that single family private rented properties seem to be more associated with ASB – perhaps because they are not as regulated.

Enfield Council's hypothesis that privately rented properties are associated with high levels of ASB also appears to have reasonable justification. In the limited instances where addresses were linkable, higher than average percentages of ASB were attributable to higher risk privately rented households.

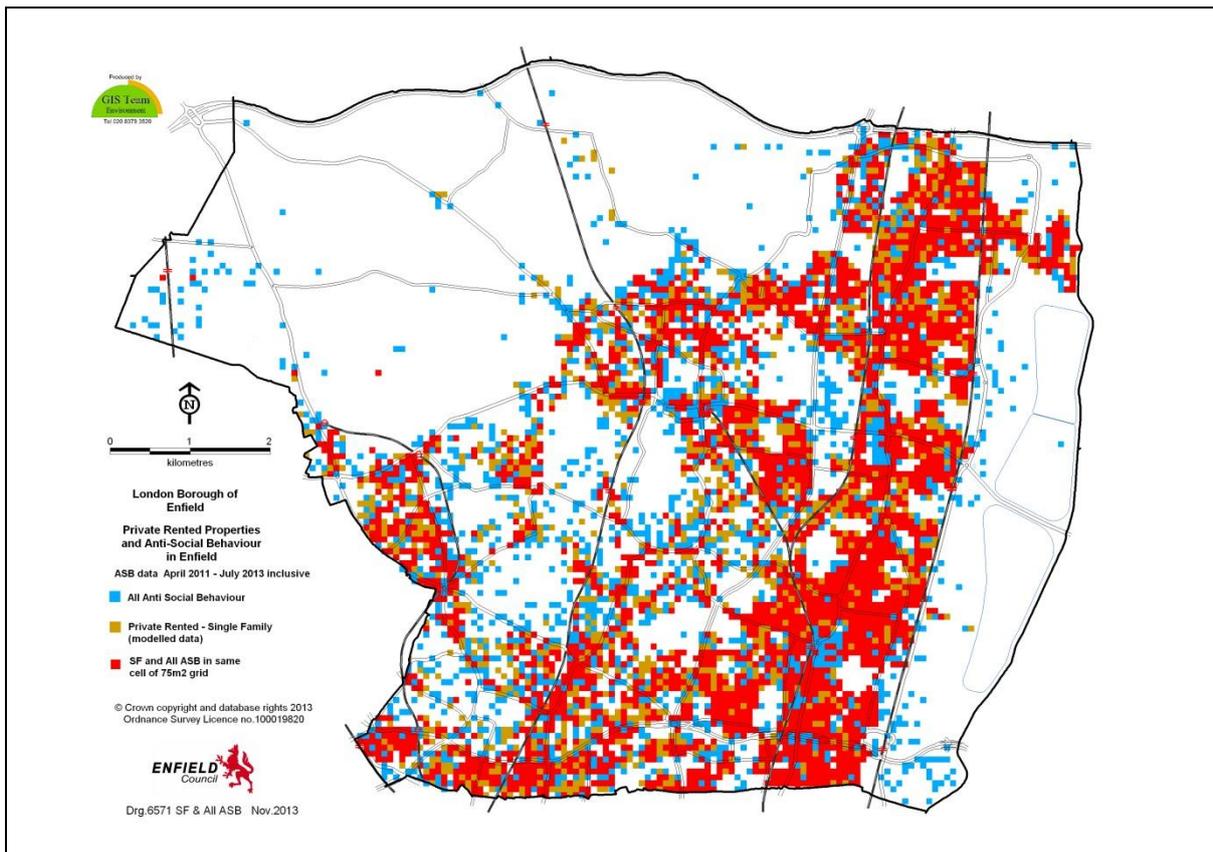
More substantive evidence however was found by geographical association between reported incidents or rates of ASB and the co-location with higher risk households – especially potentially high risk single family private rented households.

Of course co-location is not proof of a link to an individual household or address but it is suggestive that levels of ASB and privately rented properties are associated even if exact causation cannot be established.

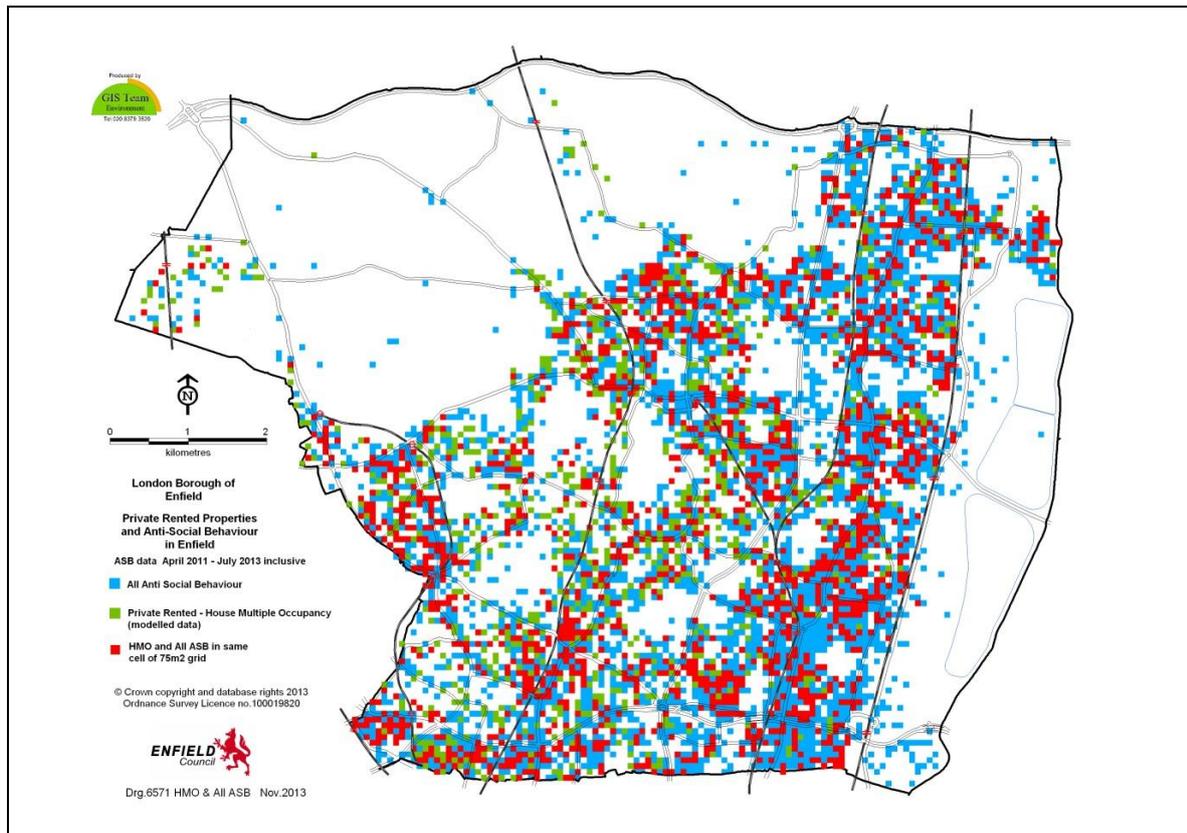
5.4 When all ASB types were associated with the tenure, it was clear from the research that highest ASB incident rates tend to be associated with single family privately rented properties as one travels east in the borough (i.e. there is a stronger relationship in the east than the west of the borough) and with both HMOs and single family privately rented properties as one moves from north to south (a stronger relationship in the south of the borough).

Geographic ASB relationship

- 5.5 When mapped across the borough, the four types of anti-social behaviour which correlate most with the definition of ASB in section 4 (rowdy behaviour, rowdy neighbours, noise and malicious or nuisance behaviour), can be seen to have a geographical relationship with the location of the private rented sector.
- 5.6 In terms of connecting the information, the following map highlights a 75m² area grid of the borough where both private rented properties which are rented by single families and one of the four types of anti-social behaviour are located in the last two years. This is the type of property which would be licensed under the Selective Licensing scheme.



- 5.7 The second map highlights that whilst there are fewer HMOs than single family properties (the first map) it is clear that the associations are still strong. This association is also not confined to any single part of the borough. This second type of housing would be covered by the proposed Additional Licensing scheme.



5.8 These two maps do not repeat the statistical analysis which was carried out within the Mayhew research, and which led to the conclusions in 5.3 above. They should not be taken as statistical analysis on their own; more a geographic representation of the findings from the more detailed research. However, they do demonstrate the scale of the relationship across the borough as a whole. There is a relationship in all parts of the residential areas of Enfield, and it is particularly apparent for single family properties.

Evidence from environmental services

5.9 Crime and anti-social behaviour are not the only issues that a poorly regulated and managed private rented sector can produce. More environmental anti-social behaviour issues can also significantly impact upon an area.

5.10 In terms of Environmental Crime, data obtained from DEFRA highlights that fly-tipping is a more significant problem for Enfield than for its neighbouring boroughs (see table 2). This consequentially has huge cost implications for the Council. The Council spent £4.8 million in 2012 to keep Enfield's streets clean of litter and rubbish. The Council issues approximately 4,400 fixed penalty notices for littering every year at a cost of £200,000.

LA Name	Total Incidents
Enfield	17,871
Haringey	12,398
Waltham Forest	3,951
Barnet	1,697

Table 2: Fly-tipping. Source: DEFRA (2012-2013)

5.11 Enfield has the highest number of fly-tips occurring in private/residential areas in comparison to its neighbouring boroughs (438).

LA Name	Private / Residential Incidents
Enfield	438
Waltham Forest	165
Haringey	10
Barnet	0

Table 3: Source: DEFRA (2012-2013)

5.12 There have also been increases within Enfield over recent years in a number of other areas that are recorded by the Council's envirocrime team, two of which (fly boarding and untidy gardens) are strongly related to poorly managed housing.

Year	Fly boarding – estate agent board	Untidy gardens	Persistent dog fouling
2010/11	93	694	89
2011/12	133	838	170
2012/13	198	1,069	255

Table 4: Further environmental issues

Evidence from housing enforcement

5.13 A further important consideration is the maintenance of the housing condition in the sector. There has been a 67.6% increase in the number of enquiries the Council has received from private tenants in the five-year period from April 2008 to March 2013 in terms of issues around housing. This team is known as Housing Enforcement.

Year	Housing Enforcement Enquiries
2008/2009	718
2009/2010	833
2010/2011	1,056
2011/2012	1,171
2012/2013	1,204
Total	4,982

Table 5: Housing enforcement enquires by year

5.14 Since 2008 the Council has responded to 3,787 housing disrepair complaints from tenants in private rented properties. By comparing the number of responses recorded for 2008/2009 (453) with 2012/2013 (1055), this reveals an increase of 133% in housing disrepair complaints that the Council has been acting on. This highlights that the problems with the private rented sector appear to be growing faster than the sector itself.

Year	Housing Disrepair Responses
2008/2009	453
2009/2010	539
2010/2011	745
2011/2012	995
2012/2013	1,055
Total	3,787

Table 6: Housing disrepair responses by year

5.15 It is clear that tenants are both contacting the authority more often about tenancy issues, and that the authority is responding to disrepair issues more often. The growth in these responses over a five year period suggests a faster growth in issues and concerns than there is a growth in the PRS, suggesting a reduced quality in the private rented sector as it grows.

Overcrowding

5.16 Overcrowding is also an issue in Enfield. Using the overcrowding measure of where there are more than 1.5 persons per bedroom, the 2011 Census found that 29% of all private renting households were experiencing overcrowding. The data indicates that only 8.5% of these were classified as 'multi person households,' for which additional licensing is already available.

5.17 The Shelter report 'Chance of a lifetime' notes that children in overcrowded housing are more likely to develop respiratory problems, more likely to have slow growth and delayed cognitive development and are 10 times more likely to contract meningitis. There is also a direct link between childhood tuberculosis and overcrowding. This is a significant problem as families with children account for around a third of the increase in PRS households over the last decade.

5.18 Cold homes are associated with higher risk of mortality during winter. In Enfield, there were 29.3% more deaths during winter compared to non-winter period in 2011/12. This compared to 18.2% in London and 15.8% in England and was amongst the worst 10% in the local authorities in England.

5.19 Further, overcrowding can negatively impact children's education, family relationships and physical, mental and emotional wellbeing. The number of people living in overcrowded conditions has risen overall: while the number of children living in overcrowded housing increased by 18% in London between 2008 and 2011. As identified by the housing register, the charts below show an increasing problem with private sector overcrowding.

5.20 Furthermore, whilst overcrowding is an increasing problem for private rented households, severe overcrowding is also a significantly increasing issue. Severe overcrowding is defined as "a household with at least two less bedrooms than would be expected for the household size". Overcrowding figures include the severely overcrowded households.

- 5.21 Overcrowding increases the likelihood of associated ASB such as noise and 'nuisance neighbours', and this data suggests that the private rented sector is not currently managing this challenge.
- 5.22 As well as general overcrowding, there are further abuses. Analysis of complaints received in 2011/12 indicates that the Council received at least 55 complaints about garages etc. being used for residential purposes. This may well be an underestimate. In 2012/13 this increased to 139. As more resource is being focussed on this issue, it is clear that the numbers are growing, and that the figures are very conservative estimates for what is commonly known as 'beds-in-sheds'.
- 5.23 'Beds in sheds' is an umbrella term for structures in the back gardens of houses that are rented out even though they are not supposed to be used for living accommodation. Described as "modern-day slums" by campaigners, the term now encompasses a wide range of both structures and living conditions. This has historically not been an issue in Enfield, and more associated with high residential turnover boroughs in East London. The growth in the demand for the private rented sector in the borough suggests that this problem may be manifesting itself in Enfield as well.
- 5.24 Conditions can vary enormously, with many people living in illegal structures that have no electricity, running water or a toilet. It is not only a lack of facilities that is a problem, living in structures that are not supposed to be used as accommodation also poses huge fire risks. London firefighters reported tackling 235 fires over three years in buildings that should not have been occupied but appeared to be, in which there were four deaths and 45 serious injuries.

Conclusion

5.25 This paper has brought together the following pieces of information:

- i) Information on the growth and scale of the PRS in Enfield
- ii) Information on changes to ASB in the borough in recent years
- iii) Information on other externalities which are linked to PRS
- iv) Statistical analysis of the relationship between ASB and PRS
- v) Geographic analysis of the distribution of the relationship across the borough
- vi) Increases in issues such as housing enforcement and overcrowding.

5.26 It is this collection of information, and not any single data set, which suggests that there is a significant and persistent problem of anti-social behaviour that is linked to the growing private rented sector in Enfield.

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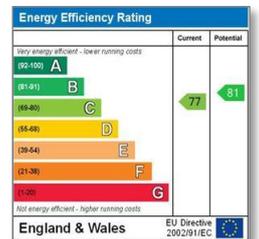


London Borough of Enfield

Licensing Proposals for the Private Rented Sector

Executive Summary of Public and Stakeholder Consultation

Opinion Research Services
Spin-out company of Swansea University





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Executive Summary

Introduction

- 1.1 Over the last decade or so the private rented sector (PRS) in Enfield and some other London boroughs has more than doubled in size – to about 28,000 homes, a fifth of Enfield’s total stock. In Enfield, information suggests that the availability of buy-to-let mortgages, low interest rates and the rapid change from owner-occupation to private renting has encouraged a significant number of single-property landlords, rather than large stock owners.
- 1.2 In this general context, the London Borough of Enfield (LBE) has concluded that persistent problems of anti-social behaviour (ASB) are associated with the PRS – so it is proposing the designation of Additional and Selective Licensing schemes across the Borough as a whole, in order to deal with ASB problems, particularly in the form of rowdy behaviour, rowdy neighbours, noise and malicious or nuisance behaviour.
- 1.3 After an initial listening and engagement phase towards the end of 2013, the LBE has formulated draft proposals for the designation of borough-wide additional and selective licensing schemes and undertaken a formal consultation between 2nd January and 28th February 2014.
- 1.4 The consultation programme sought to include and involve landlords, lettings agents, tenants, residents and representative organisations by a variety of methods, both deliberative and quantitative, including use of a consultation questionnaire (1,528 respondents), a household telephone survey (502 respondents), three deliberative forums with landlords and lettings agents (168 participants), three deliberative forums with residents (60 participants), written submissions (92) and an analysis of petitions received.
- 1.5 Most responses to the consultation questionnaire were from residents of Enfield (1,070) and private landlords (371), but there were also responses from letting and managing agents (48), other business managers/owners (28) and other organisations (41). With such a balance of respondents, the consultation questionnaire is not representative of the overall population – but it shows the opinions of different sub-groups who were motivated to participate. Therefore, ‘overall results have not calculated because doing so would put undue emphasis on the stakeholder groups with large numbers of responses – so our analysis gives results for each sub-group separately.
- 1.6 Consultations should promote accountability and assist decision making, but they are not referenda; and influencing public policy through consultation is not simply a ‘numbers game’ (‘popularity’ or ‘unpopularity contests’) in which the loudest voices or the greatest numbers automatically determine the outcomes.
- 1.7 Because the different consultation methods cannot be just combined to yield a single outcome that reconciles everyone’s differences about the proposals, there can be no single ‘right’ interpretation of all the consultation elements – it is for the LBE to take policy decisions based on the consultation outcomes and its assessment of the merits and cogency of the various points of view represented. The final decision will require both the executive and elected members of the Council to assess the merits of the draft proposals as the basis for public policy.
- 1.8 Opinion Research Services (ORS) was appointed by the LBE to advise on and facilitate key aspects of the listening and engagement and formal consultation processes, and to provide independent reports of

them both. This independent report brings together the feedback received during the formal consultation, but without making recommendations about policies the Council should pursue.

- 1.9 This executive summary reviews the opinions and arguments of the various stakeholder groups in turn: residents and other stakeholders; landlords and agents; and petitions. While this chapter presents a certain amount of illustrative detail and highlights some key issues, it cannot take the place fully of the more comprehensive detailed chapters coming later. So, while readers should use this chapter as an introductory guide to the range of opinions, we also encourage them to consult the detailed accounts of the consultation outcomes in the later chapters.
- 1.10 For clarity, this chapter summarises the views of key stakeholders in turn, including both the deliberative events and submissions alongside the quantitative results – that is, the findings of the open consultation questionnaire and the residents’ survey.
- 1.11 Following a summary of residents’ views, including a comparison of the consultation questionnaire and residents’ survey outcomes, and an overview of landlords’ and letting agents’ views, the executive summary ends by summarising the conclusions and outlining the council’s role.

Residents’ Views

Deliberative Forums: Residents

- 1.12 In the residents’ forums opinion was divided over whether there is a link between the PRS and ASB or whether problems were simply the result of an overall increase in population. All three groups had noticed a general decline in their neighbourhoods and cited a number of concerns. Several examples of extreme overcrowding were cited, with a number of people suggesting that overcrowded, multi-occupied dwellings were likely to give rise to ASB; and most participants also made a connection between short term, transient tenants and ASB.
- 1.13 Nonetheless, like the landlords, one group suggested that maps showing the correlation between ASB and social housing and owner occupied dwellings should be provided by the council for comparison with the PRS maps.
- 1.14 Participants cited areas in Enfield where ASB problems are prevalent – including parks, supermarkets, fast food outlets, and areas around schools, stations and shopping centres. Others added that the availability of alcohol was a factor, identifying corner shops and late-opening pubs.
- 1.15 In terms of the type of property most associated with ASB, participants mentioned high rise flats and council estates, underground parking, communal areas, hallways, parks, unpoliced areas and ‘trap houses’, noting the use of hallways and stairwells for activities connected with drugs. Other suggestions were hostels, HMOs and resettlement homes for people aged 16-25. There was also concern about transient people with no stake in the community.
- 1.16 Participants were mostly unaware of the Council’s role in dealing with ASB, seeing it primarily as a police matter; but they complained that the PCSOs have few powers.
- 1.17 There were also comments about the lack of information and facilities for the disposal of refuse, and suggestions that the removal of collection charges would reduce dumping of bulky waste.
- 1.18 Many saw ASB as a community responsibility, with suggestions that schools, youth centres and churches have a role in providing young people and parents with guidance on acceptable behaviour.

- ^{1.19} Opinion was divided on the benefits and drawbacks of selective licensing for tenants. Some participants thought tenants would benefit because maintenance standards would improve, properties would be checked, deposits would be refunded more quickly and tenants would have a 24/7 contact number for the landlord; but others were concerned that the cost of the scheme would be passed onto tenants in increased rents.
- ^{1.20} There were also concerns that landlords would withdraw from the market – so there would be fewer properties to rent and with higher rents – and that poor landlords would avoid regulation. Some thought landlords would get no real benefits and that licensing is a means for the council to raise money.
- ^{1.21} Some felt that there would be benefits for the community, with better looking gardens, houses properly maintained, less ASB and overcrowding, a better community atmosphere and a feeling of safety; but others feared that areas would deteriorate if good landlords pulled out and bad ones took over.
- ^{1.22} When considering the proposed licensing schemes, there were big differences between the three forums – for example:

The **first forum** supported measures to reduce ASB, but there was concern about how they would be enforced; some participants said the conditions to be attached to licences are already covered by existing regulations, but the council is ineffective in exercising control. There was more support for additional licensing than for selective licensing of family dwellings, but the majority were against licensing.

The **second forum** supported measures to reduce ASB, but was concerned about enforcement and also noted that many of the conditions attached to licences are already covered by existing regulation and tenancy agreements. Participants felt that selective licensing would enable the council to build a database of landlords/agents which would improve communication. There was clear support for additional licensing for smaller HMOs as a means of reducing ASB/neighbour nuisance; and just over half the forum supported both schemes.

The **third forum** supported measures which would raise standards, provide protection for tenants and reduce overcrowding, though it was suggested that measures to deal with overcrowding were already in place. Participants were concerned that additional costs incurred by the landlord would be passed on to tenants in increased rents. Overall, in the absence of data about other forms of tenure, participants were not convinced about the link between ASB and private rented accommodation. They were unwilling to commit to an opinion either for or against the proposals.

Residents' Survey and Open Questionnaire: Residents' Views

- ^{1.23} Whereas residents were somewhat divided on the merits of licensing in the forums, in both the residents' survey and consultation questionnaire there was considerable support for the schemes. Indeed, a big majority of responses to the **open questionnaire** came from residents of Enfield who broadly favoured the council's draft proposals – for example:

Very large absolute majorities of residents (83%) and organisations (85%) supported the principle of borough-wide licensing

Similar proportions of residents (82%) and organisations (78%) agreed with borough-wide selective licensing

Even more residents (85%) and organisations (88%) agree with the proposal for additional licensing.

^{1.24} The representative **residents’ survey** Enfield residents (based on telephone interviews with 502 randomly selected people) also showed that residents of Enfield broadly favour the council’s draft proposals – for example:

Nearly eight-in-ten (78%) residents agreed with the general proposals for a licensing scheme in Enfield, with half strongly agreeing and 27% tending to agree

There was also considerable residents’ support for borough-wide selective licensing – with more than seven in ten agreeing (72%)

Three-quarters of residents (76%) agreed that licences should be required for privately rented properties classified as HMOs.

^{1.25} The views of residents as expressed in the forums have been reviewed in depth above; and their open text responses in the residents’ survey and open questionnaire are summarised in detail in chapter 4 (Quantitative Findings) of the report – so here is necessary only to add that the main considerations cited in the survey and open questionnaire were that:

^{1.26} Generally the **open text comments** by Enfield residents in the **open questionnaire** confirmed the general support for licensing – the main comments centred on:

General support for proposals – due mainly to the growing ASB problems in the area and landlords needing to be held more accountable for their tenants and properties

Suggestions that licensing should focus on specific issues, such as illegally converted and sub-let properties as well as over-crowding

Licensing should be managed efficiently in order to be effective – with prompt inspections, monitoring and enforcement of penalties.

^{1.27} However, there were also recurring critical comments that licensing amounts to a money-making scheme for the council, a tax on landlords that will bring revenue to the council.

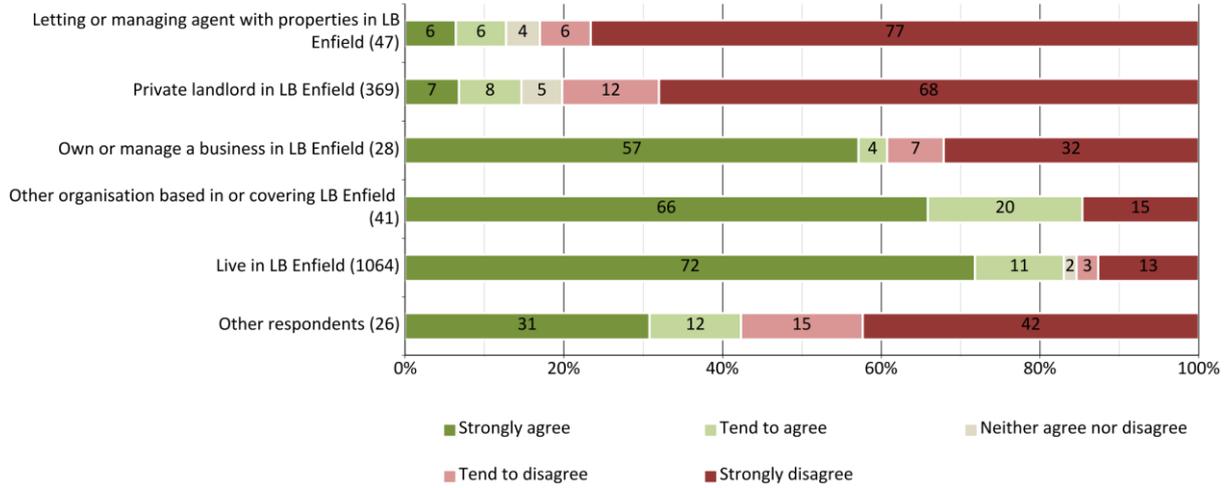
^{1.28} Generally the **open text comments** by Enfield residents in the **residents’ survey** confirmed the general support for licensing – the main comments being that licensing is necessary due to landlords not dealing with problem issues and bad housing conditions. However, there were also some clear concerns that licensing will increase PRS rents and that it is wrong to link ASB only to PRS properties. Some comments suggested that licensing fees are too high; while others said they are too low.

Graphical Summary

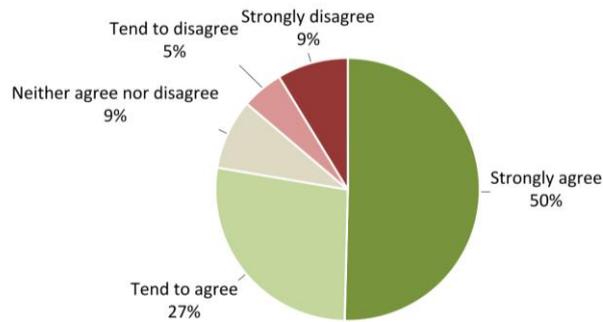
^{1.29} The results of the consultation questionnaire and residents’ survey are summarised in the graphics below. For each question asked, the open questionnaire outcomes are presented before the residents’ survey; and the responses in the former are shown by stakeholder sub-group (with the numbers of respondents in each shown in brackets cross). For example, the first table shows the responses from 1,064 residents and 369 private landlords as well as other smaller sub-groups.

Agreement with the general proposals for a licensing scheme in Enfield

Consultation Questionnaire

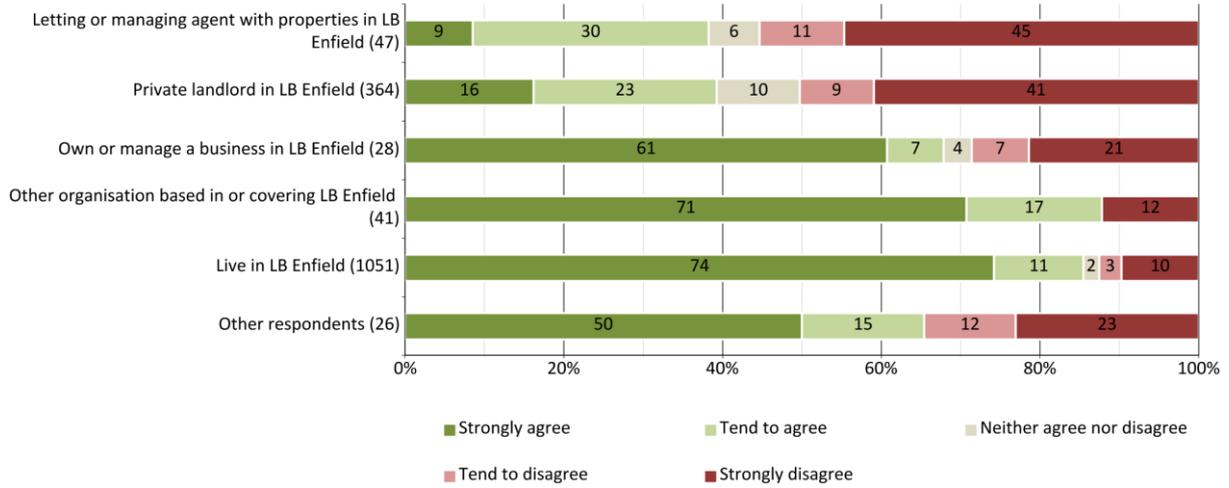


Residents' Survey

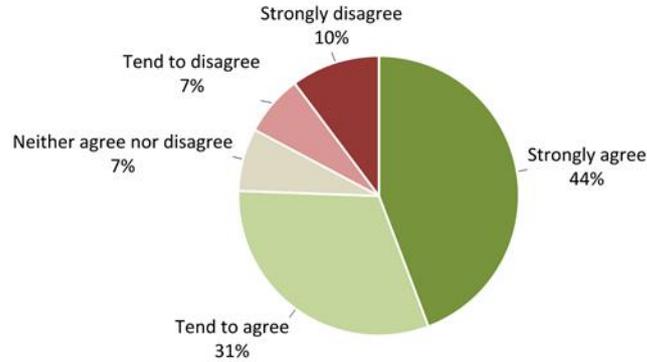


Agreement with the Additional licensing proposal

Consultation Questionnaire

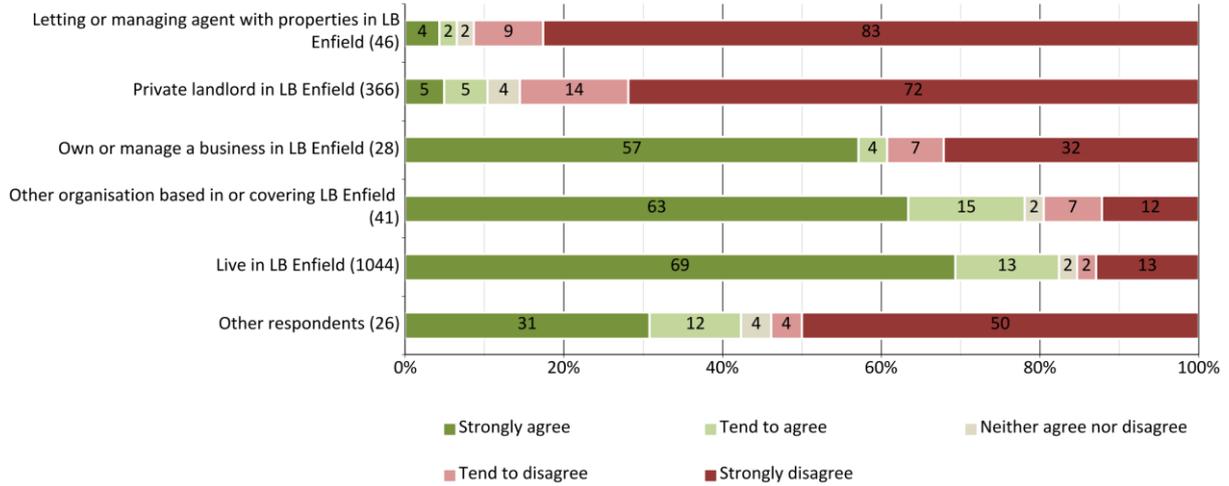


Residents' Survey

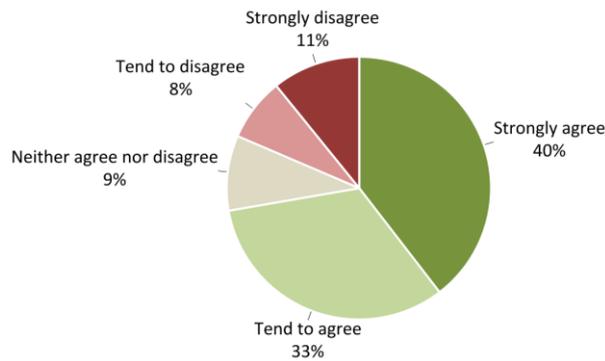


Agreement with the Selective Licensing proposal

Consultation Questionnaire

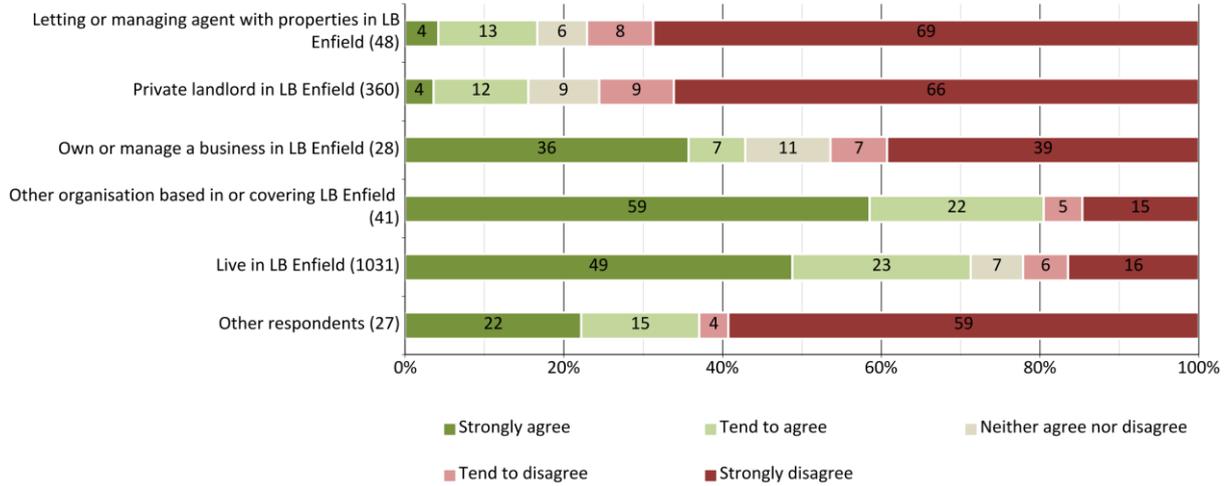


Residents' Survey

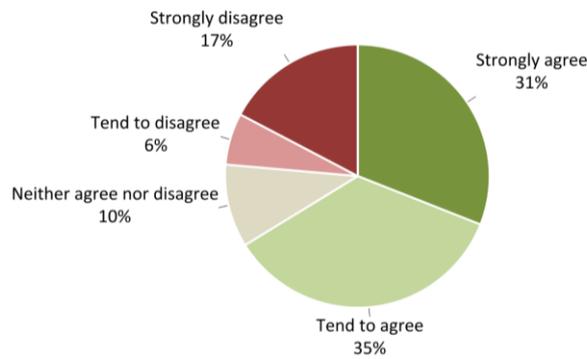


Agreement with the proposal of £250 for a FIVE year licence

Consultation Questionnaire

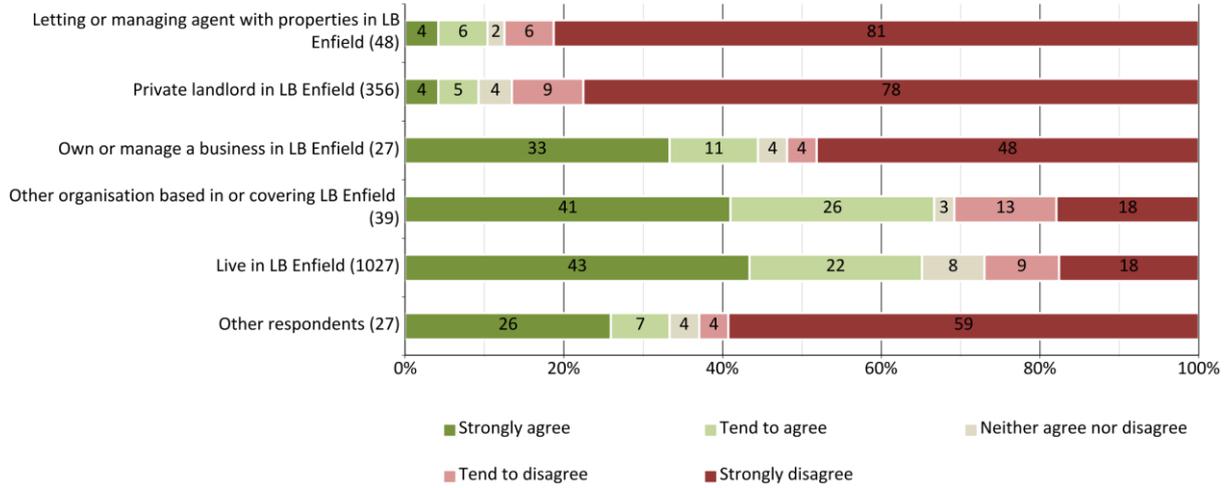


Residents' Survey

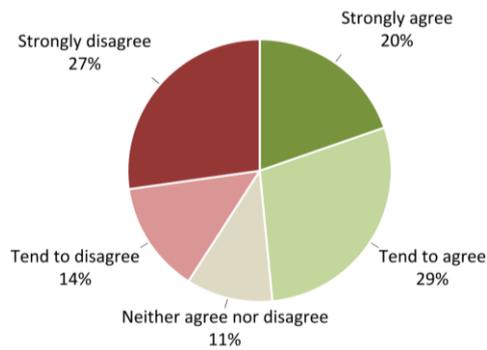


Agreement with the proposal of £575 for a FIVE year licence

Consultation Questionnaire

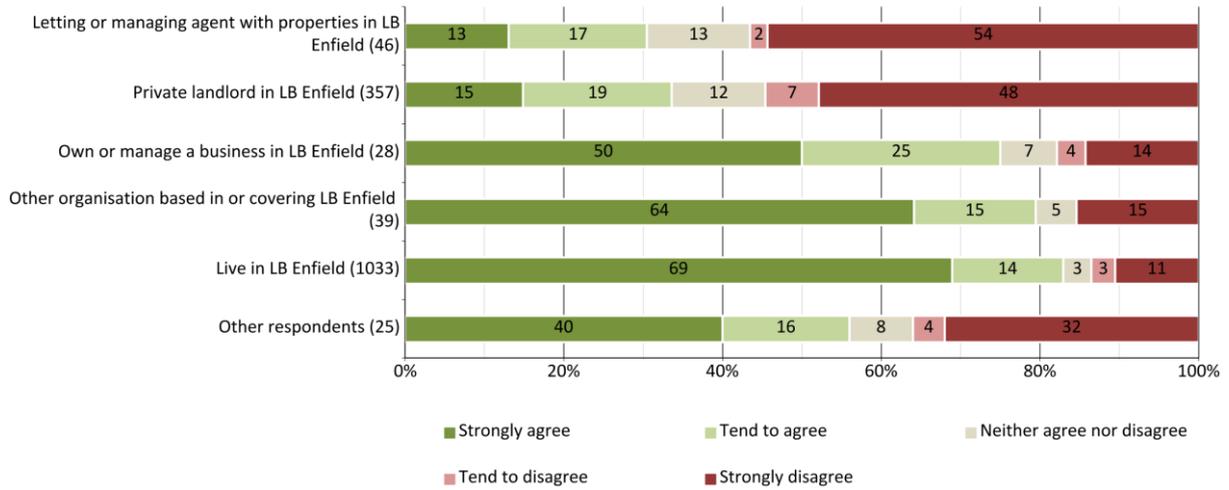


Residents' Survey

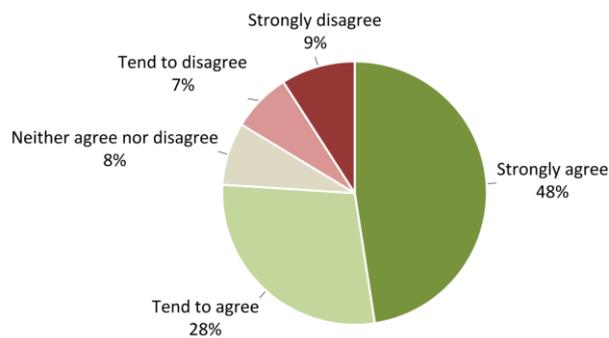


Agreement with the proposal to issue shorter licences to landlords with previous management concerns

Consultation Questionnaire

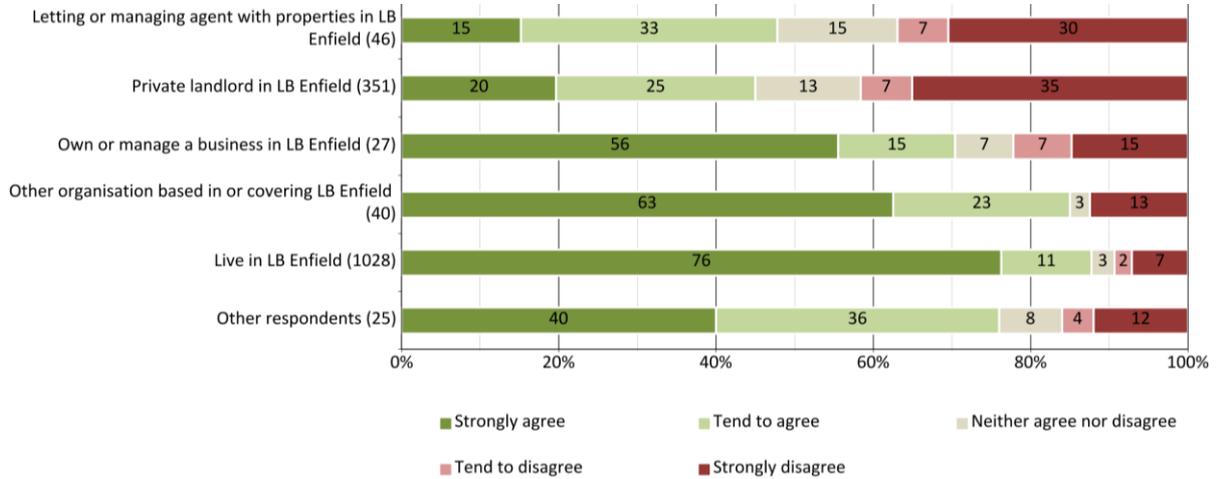


Residents' Survey



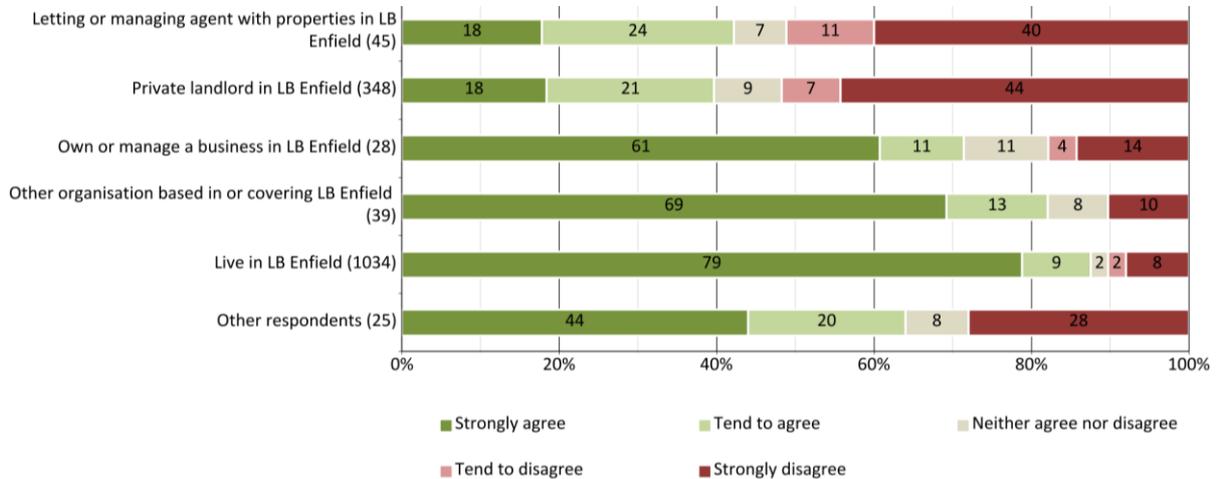
Agreement with the proposed occupancy conditions

Consultation Questionnaire



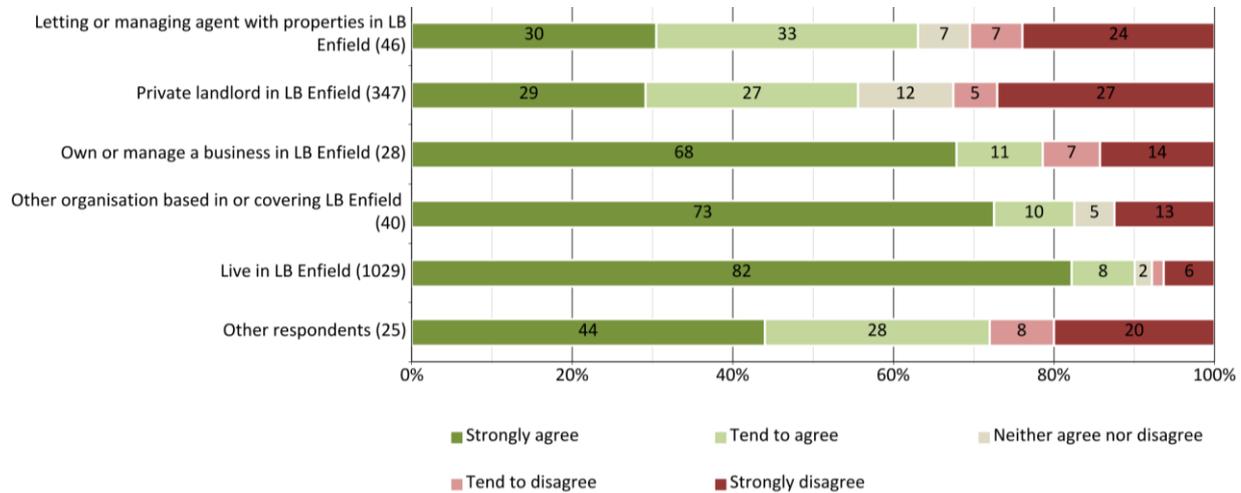
Agreement with the proposed tenancy management conditions

Consultation Questionnaire



Agreement with the proposed property management conditions

Consultation Questionnaire



Landlords' and Agents' Views

Deliberative Forums: Landlords and Agents

- 1.30 The three deliberative forums with landlords and their agents provide the most vivid and detailed guide to their opinions about licensing for the PRS, supplemented with the findings of the open questionnaire, submissions and petitions.
- 1.31 In the forums some landlords questioned the validity of the listening and engagement phase in November/December 2013 and said the timescale for the formal consultation was too short.
- 1.32 There was considerable scepticism about the overall purpose of the licensing proposals, with many suggesting that the Council's real purpose is to raise money to fund additional bureaucracy.
- 1.33 Many participants were concerned about the total amount payable for licence by landlords with large portfolios, saying that it would be more acceptable to issue licences per landlord rather than per property.
- 1.34 Many also said that licence fees and the expense of applying and complying with requirements would increase their costs and result in increased rents. Some suggested that landlords would withdraw from the market.
- 1.35 Many felt the proposed schemes would be unfair and penalise good landlords rather than tackling bad ones. Some participants said the Council seems to expect higher standards of the private rented sector than of its own housing.
- 1.36 There were concerns about how licensing requirements for occupancy rates and space standards would be calculated and enforced, with some landlords emphasising the need for the Council to exercise considerable discretion in order to avoid landlords needing to evict tenants who had had children or been joined by relatives.

- 1.37 Participants questioned the administrative practicality of the scheme, in particular the number of documents which would be required. In this context, some people suggested that licensing should be pilot-tested in some part of the borough prior to its general introduction.
- 1.38 There was considerable scepticism about the two maps presented by the Council to demonstrate the correlation and/or link between ASB: participants asked for similar maps to show the comparative degree of correlation of ASB with social housing and also with owner occupied dwellings, as well as with fast food outlets, night clubs and transport hubs.
- 1.39 Many said that “correlation is not the same as causation” and some argued that the Council’s evidence for a link between the PRS and ASB was too weak to justify the introduction of Additional and Selective Licensing. The Council was challenged to publish the academic report it commissioned.
- 1.40 Many landlords felt they had no effective powers (or even, in some cases, responsibility) to control tenants’ behaviour and several gave vivid examples of the problems they had faced with particular tenants. Some saw themselves as managing properties rather than tenants.
- 1.41 Some landlords and agents referred to the difficulty of dealing with third party behaviour, for example where rubbish is dumped on their property.
- 1.42 There was enthusiastic support for alternative approaches – such as licensing tenants and ‘insurance deposits’ for tenants.
- 1.43 Participants were in favour of a fast track court procedure and direct payment of Housing Benefit for landlords with licensed properties.
- 1.44 A number of participants said the Council should work more closely with landlords and suggested that there is no need for a licensing scheme and/or that there should be no licensing fees.
- 1.45 There were both positive and negative comments about experiences of working with different Council departments: the ASB team was said to be helpful but it was often difficult to contact the right person; the Housing department was said to encourage tenants being evicted to stay until the bailiff arrives; and it was suggested that bad tenants recirculate in the system.
- 1.46 Participants noted that the Council had identified fly-tipping as a particular problem and suggested that this should be tackled directly, for example, by use of cameras, or by providing more information for those needing to dispose of bulk refuse.
- 1.47 A number of landlords and agents were definitely keen for the Council to find and pursue ‘rogue’ landlords and they were unconvinced that it is currently difficult for the LBE to track them down; but the burdens, unfairness and harmful effects of licensing (in leading to reduced investment, increased rents, evictions and homelessness) remained the dominant theme of the landlords’ and agents’ forums.

Submissions and Petitions: Landlords and Agents

- 1.48 Among the most important submissions received were those from the Residential Landlord Association, the National Landlords Association and the Pears Group, for they expressed in considered ways the views of many. Therefore, in this summary (given the detail about the forums included above), it is appropriate to only to summarise the most important points made by them.
- 1.49 Essentially, the landlords' associations argue that the LBE's draft proposals are unlawful for two main reasons – namely that the council plans to:
- Charge landlords licensing fees that exceed the actual costs of administering the licensing scheme
 - Offer discounts for early registration and to compliant landlords that are in effect disguised penalties for non-compliant landlords.
- 1.50 Based on recent legal precedents, the associations submit that EU rules forbid councils covering their enforcement and other costs from licensing fees and also that 'discounts' should be genuine reductions on the basic minimum licence rather than apparent reductions based on penalty fees charged for non-compliant landlords.
- 1.51 In relation to the lawfulness of the draft licensing schemes, the landlords' associations argue that the council's proposals are based on only flimsy and unclear evidence about the supposed link between the PRS and ASB. They question the council's apparent belief that ASB is more associated with the PRS than with social rented properties and the owner occupied sector.
- 1.52 Furthermore, the landlords' associations contend that the council's licensing proposals are:
- Misdirected – in seeking to make landlords responsible for tenants' behaviour which they are unable to control effectively
 - Unnecessary – insofar as the council already has extensive legal powers to deal effectively with ASB; and in this context they urge the council to exercise those powers in a more systematic and determined manner, in order to pursue rogue landlords
 - Counter-productive – in that licensing costs will raise rents, encourage landlords to use short-term leases, introduce delays while landlords try to obtain references for some tenants, and disadvantage those tenants unable to provide such references
 - Likely to be ineffective – because the big bureaucracy necessary for the administration of licensing will be no more effective in pursuing rogue landlords than council is currently.

^{1.53} The Pears Group agrees with many of these points and also adds that

Some large main stream mortgage companies have already refused to grant buy-to-let mortgages in areas where licensing applies – so is the LBE not worried about this effect on landlords providing much needed PRS housing?

Larger landlord organisations are already highly compliant (for example, as members of ARLA, and the council’s accredited schemes) – so why introduce additional regulation, fees and penalties?

LBE should consider making certain larger more professional landlords exempt, which would also encourage investment

There are already enough tools to deal with problem landlords – the council should use them

Larger landlords work across different areas of the UK, but different councils are introducing different licensing schemes with varying conditions – so a common approach would be more manageable for large landlords

This additional regulation and bureaucracy conflicts with the government’s commitment to reducing red tape and allowing businesses to prosper

The Pears Group’s experience of licensing in Newham has not been encouraging: the scheme is bureaucratic – it is complex, slow and frustrating

Where landlords have many properties, it would be more sensible to let them apply for multiple licences in a single application, rather than filling in the lengthy on-line forms multiple times.

Consultation Questionnaire: Landlords and Agents

^{1.54} Most responses to the consultation questionnaire were from residents of Enfield (1,070) – who broadly supported the council’s proposals – but there were also critical responses from private landlords (371) and letting/managing agents (48); some other business managers/owners (28) and other organisations (41) also participated.

^{1.55} This section highlights the views of landlords and agents. We have interpreted and reported their arguments above, but in addition it should be recognised that in the consultation questionnaire:

At least eight-in-ten landlords (80%) and agents (83%) opposed the principle of borough-wide licensing

Even larger proportions of landlords (86%) and agents (91%) disagreed with borough-wide selective licensing

Opinion was more divided on additional licensing: 50% of landlords and 55% of agents disagreed with the proposal, but around two fifths of both stakeholder groups agreed with it.

Overall Conclusions

Range of Opinions

- 1.56 A wide range of views were expressed in the consultation exercise and there was no overall consensus about ASB and licensing or its likely effects. Nonetheless, as the previous graphical summaries clearly demonstrate, both the open questionnaire and residents' survey show clearly that big majorities of Enfield residents broadly support the council's proposals.
- 1.57 Their support contrasts with the very strong opposition of the private landlords, letting agents and landlords' associations. Those critical of licensing in principle also questioned the legality of the council's licensing fees and proposals, and whether the council's data really shows a causal link between the PRS and ASB.
- 1.58 In relation to the data and any connection between tenure and ASB, much obviously depends on how widely or narrowly ASB is interpreted. Interpreted narrowly, it may mean only overt disorderly conduct; but when interpreted more widely it may mean anything that significantly reduces the quality of life in neighbourhoods.
- 1.59 Many residents commented on the decline of some areas, with references to untidy gardens, rubbish dumping and overcrowding, as well as more serious forms of ASB. Some residents linked these characteristics to an increase in the number of private rentals.
- 1.60 In relation to such problems, landlords and agents felt they should not be held responsible for the actions of tenants, because they were unable to control their behaviour. They also mentioned the length and cost of legal action and suggested that currently the authorities automatically take the tenants' side.
- 1.61 Residents were concerned about landlords and agents who do not manage their properties properly. Many felt that the council and other bodies should take more action to deal with ASB by applying existing laws more strictly; overall, residents supported licensing as a way of addressing ASB, improving the housing stock and protecting PRS tenants; but there were also concerns about the credibility of the council enforcing any scheme effectively.
- 1.62 It is unsurprising that no overall consensus about ASB and licensing emerged in the consultation, but it has identified key issues for the council to consider, including the lawfulness of the draft proposals and associated charges, the evidence base, and ways to support landlords and agents more effectively. Local landlords criticise the costs and the unfairness of charging good landlords as well as bad; and many are suspicious that licensing is a money raising exercise for the council.
- 1.63 The representative residents' survey and the open questionnaire demonstrate most residents' clear support for the LBE's licensing proposals. Essentially, while the landlords, agents and associations strongly oppose licensing schemes, other groups in the borough broadly support it – even if they have doubts about the capacity of the council to enforce the scheme effectively. The forums, submissions and textual responses to the open questionnaire and residents' survey all make important contributions to the debate about the merits of licensing and the quality of the council's evidence for a link between the PRS and ASB.
- 1.64 Important submissions from the RLA and the NLA focus on the legality of the licensing proposals – by raising issues about: what license fees may legitimately be spent on; the basis on which fees may be discounted; and the reality of the council's ASB evidence. These are clearly important issues for the council to consider.

Role of the Council

- ^{1.65} The population of Enfield residents (who largely support licensing) is obviously bigger than the landlords and agents (who oppose it); but such facts are not compelling in themselves. Consultations are not numbers games (popularity/unpopularity contests) in which majorities should determine the outcomes: the critical considerations are not numbers but the strength of the arguments and evidence adduced by supporters and critics for their respective positions. That is why we have elaborated the residents' and landlords' and agents' and associations' arguments in such detail – because the proper focus of consultation should be the merits or demerits of licensing, the balance of advantages and disadvantages associated with such schemes.
- ^{1.66} Opposing opinions on licensing cannot be reconciled in a policy that is equally acceptable to all, for different groups have different perspectives – so ORS's role is to analyse and explain the opinions and cases of the participants, but not to recommend any option or variant.
- ^{1.67} Ultimately, it is for the LBE to take policy decisions based on its understanding of the law, the cogency of the arguments, and the strength of evidence about ASB and the PRS. Officers and elected members will review the considerations emerging in the consultation while taking account of other relevant evidence; and their final decision will depend on their assessments of the merits of licensing as public policy.

Appendix 6

Format	Representation Theme	Summary of Query/FOI/Complaint	Representation's Proposed Change	Council's Response	Impact on Scheme
Letter	Administration of the scheme: including fairness, The licence conditions, Ability of the council to deliver: including existing powers, resources, bureaucracy	strong objections to proposal inc comments and views on the consultation 1. What benefit will be provided for money paid for licence? 2. Who will define locations? 3. ASB, why not use existing laws? 4. Time wasting by Council 'looking over landlord's shoulder'. 5. Unnecessary bureaucracy, costs and timewasting for landlord 6. copies sent to MP & ward Cllr	Do not proceed with licencing	Advised views and comments welcome. consultation timescale, web link provided. Advised FAQ's answers questions and queries; all responses analysed with all info prior to recommendations made to Members. Invite to landlord forums, web link provided & leaflet copy sent to ORS for report	Increased automation of application process and built in self certification and declarations into service design to relieve administrative burden on compliant landlords
Email	Information Request	Requested copy of NKM report	N/A	Advised outcome of NKN's report included in consultation doc. Provided link to website Further Email received on 30/01/14 - respondent no satisfied with response & requested copy of NKM report. Copy of report Emailed to respondent on 31/01/14	No Change
Telephone Call	Information Request	Mr H concerned his former landlord has carried out repair obligation. To Email with full details of landlord and property address	N/A	n/a no address. Email or phone number provided copy of Telephone Call details sent to ORS for report	No Change
Letter	Supports Licencing	in favour of licencing proposal, landlords should be responsible for their tenants behaviour, too many problems with immigrant tenants. Council have turned blind eye in the past to the problems in spite of complaints	N/A	n/a no address. Email or phone number provided copy of Telephone Call details sent to ORS for report	No Change
Telephone Call	The fee structure	Mr P asked why Enfield introducing fees for landlords, what will happen if not licensed?	N/A	Mr P advised each case decided individually depending on circumstances. May result in fine/prosecution. Further advised to read consultation documents on line - Email link Email copy of Telephone Call details sent to ORS for report	Full licence fee reduced from £575 to £500.
Telephone Call	The fee structure, Ability of the council to deliver: including existing powers, resources, bureaucracy	Mr W received leaflet, claims many friends (other landlords) not received info about consultation. Agreed with licencing but had many questions, concerns such as:- fee revenue raising, laws in place to deal with issues, how will licence tackle rogue landlords & ASB issues? good landlords	N/A	Mr W listened to & questions answered, advised of FAQ's, and forum dates for attendance copy of Telephone Call details sent to ORS for report	Full licence fee reduced from £575 to £500.
Email	Scheme not seen as an effective tool to reduce ASB	Queried consultation process, nos of years Council been running ALS, why so few landlords joined ALS, outcomes of ALS, & requested copy of NKM report.	N/A	Provided brief summary of current process, including engagement activity with landlords. Advised ALS running for approx. 16 years, scheme voluntary, outcomes inc. access to council services, advice & support, training on best practices, open forum to discuss any landlord related issues. satisfied with response	No Change

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Email	Administration of the scheme: including fairness. The fee structure, The licence conditions, Ability of the council to deliver: including existing powers, resources, bureaucracy	1. If proposed licence relates to houses only, 2. request for cost analysis for fee levels, 3. staffing plan for administration of scheme, 4. nos of staff planned to check validity of doc's requested in licence, 5. nos of staff targeted to enforce scheme, 6. comparison of social rented growth with PRS, 7. nos of landlords attended L&E forums, 8. target for nos of responses required for consultation meetings, 9. metrics in place for judging success of scheme, 10. what is current level of ASB & targeted level	Various	Draft awaiting approval	Increased automation of application process and built in self certification and declarations into service design to relieve administrative burden on compliant landlords. Full licence fee reduced from £575 to £500
Email	Administration of the scheme: including fairness	Requested confirmation that council's approach will be proactive preventative	Ensure that council's approach will be proactive preventative	Advised proposal to have a proactive inspection regime with robust enforcement	Inspection will be intelligence lead and risk based
Email	Complaint about consultation process	landlord meetings close to each other- so limited a spread of dates.	N/A	referred to ORS to respond as dates chosen by ORS from list of dates they were available. Requested they offer to interview landlord separately, offer to write a submission to be included in report or ask for any specific questions to be raised at meeting on his behalf.	No Change
Telephone Call	Information Request	Rec'd flyer & Letter. Wanted to know purpose of L/lorid meetings as going to be away.	N/A	Informed her of current consultation & referred to web for details and to complete questionnaire. May send rep on her behalf - requested she confirm attendance with ORS.	No Change
Telephone Call	Information Request	Wanted clarification on what consultation about.	N/A	Provided details & referred to web. Emailed her link to consultation. Respondent to contact ORS to confirm attendance at meeting.	No Change
Email	The licence conditions	1. Is Council providing an on line facility for licence applications, 2. is council checking doc's before application approved.	N/A	1. Confirmed proposed licence application process to be automated/online process. 2. Advised that operating principles will be the checking & validation of doc's over the lifetime of the scheme.	Increased automation of application process and built in self certification and declarations into service design to relieve burden on compliant landlords
Telephone Call	The fee structure, Ability of the council to deliver: including existing powers, resources, bureaucracy	1. Why Licence fee £575, 2. How will Council deal with ASB if tenant responsible, & feedback from LBN licensing in reaction to fee level & how scheme made LB £10m	N/A	1. To cover cost of administration of scheme, 2. L/lorids to deal with tenancy & property management issues inc ASB. Support continued to be provided by Council & other agencies but responsibility will remain with landlord. LNB not inspected properties & used licensing to target rogue landlords & make money. LBN licence fee reduced to £150	Full licence fee reduced from £575 to £500. Council committed to offering advice and guidance to landlords who are having difficulties managing tenants behaviour.
Letter	Suggestions	Provided suggestions on how LBE can stop ASB by private tenants & landlords	Suggestions on how LBE can stop ASB by private tenants & landlords	copy sent to ORS for report	No Change
Email	The licence conditions	Re draft licence conditions - 1. will a landlord without an agent still have to hold £10000 contingency budget, 2. Will all repairs have to be paid via the cont. budget, 3. if money taken out of budget will it need replacing asap.	Re draft licence conditions	1. Contingency budget to be held by the person having control of the property, 2. Do not need to use cont. budget. Included in conditions to cover emergencies / cat 1 repairs, 3. Not straight away but must be replenished within reasonable time, i.e. 3 months.	Requirement for contingency budget adhered to. Built in self-certification and declarations to reduce the burden of providing paperwork.
Telephone Call	Information Request	Wanted clarification on consultation in plain English.	N/A	Provided details & referred to web. Respondent to contact ORS to confirm attendance at meeting.	No Change

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Email	Information Request, The evidence base – including link to PRS and ASB	1. request copy of NKM report, 2. the additional analysis of council's data, 3. views of stakeholders, 4. source data confirming Enf. has 27,500 properties rented as PRS homes...	N/A	Sent copy of the report and reference to data sets used.	No Change
Letter	Supports Licencing	In favour of proposal. Seen that it will improve borough, reduce ASB and raise standard of rented properties. Long overdue!	N/A	Copy sent to ORS for report	No Change
Letter	Supports Licencing	Agreed ASB major & growing problem & PRS landlords should be licensed	N/A	Copy sent to ORS for report	No Change
Letter	Ability of the council to deliver: including existing powers, resources, bureaucracy	Against proposal - considered as unwarranted bureaucracy.	Do not proceed with licencing	Copy sent to ORS for report	Reduced inspections regime of compliant landlords. Inspection programme changed to at least one property per landlord not 100% of properties. Inspection to be risk based and intelligence led.
Letter	Supports Licencing	Good idea - can only improve borough & reduce ASB	N/A	Copy sent to ORS for report	No Change
Email	Information Request	Are resident landlords subject to licencing	N/A	advised this type of letting arrangement is exempt from proposed licencing scheme.	No Change
Email	Complaint about consultation process	Ineffective/limited publicity campaign & lack of transparency of Council's objectives	N/A	Referred to FAQs on the website for information	No Change
Letter	The evidence base – including link to PRS and ASB	Took part in LBN consultation. Requesting to see statistics we may have obtained from Newham to show if licencing tackled ASB.	N/A	Telephone Called agent & left voice mail to call me with enquiries. Copy of Letter sent to ORS	No Change
Letter	Complaint about consultation process	Would like concerns recorded in minutes of landlord meetings/report	N/A	copy sent to ORS for report	No Change
Email	Administration of the scheme: including fairness. Scheme not seen as an effective tool to reduce ASB	Against proposal- ASB associated to all tenure groups. Respondent sees this as a punishment- need to prosecute perpetrators of ASB & rogue /lords not decent ones. /lords providing a service to LA, what will happen if properties withdrawn. Legislation protects tenants more than landlord. Council wrapping up tenants in cotton wool - fine tenants/stop benefits found to be causing ASB. Eviction process too long & Council advise tenants to remain in property until eviction date. What are the benefits to the landlords?	Do not proceed with licencing	Advised comments & feedback will be forwarded to ORS for analysis of all respondents views from consultation activities. Explained Governance process relating to decision making process.	Council committed to improving the information and guidance available to landlords who are having difficulties managing tenants' behaviour
Email	Information Request	What is the cost of the LPRH consultation on licencing private rented landlords? How many public consultations have been undertaken since January 2013? How much did each consultation cost?	N/A	Given information on the consultation process	No Change
Telephone Call	The fee structure. The evidence base – including link to PRS and ASB. Scheme not seen as an effective tool to reduce ASB	ASB not just from PRS - comes from all tenure types. Agents create some of the problems for independent landlords, i.e. not paying rent & managing properties properly. Doesn't mind £250 fee level but £575 excessive. Previously leased his property via PSL scheme but withdrew due to poor rent levels, hence moved to a letting agent.	Various	Feedback noted and included in the report	Full licence fee reduced from £575 to £500
OSC	Consultation Query	N/A	N/A	Sent Email asking for clarification of enquiry.	No Change
Email	scheme not seen as an effective tool to reduce ASB	Contradiction that LBE proposing licencing of PRS when Council provides the disruptive tenants to place in Home finder property.	Do not proceed with licencing	copy of Email sent to ORS	No Change

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Email	Administration of the scheme: including fairness	What legal framework does the Council have to introduce such a scheme?	N/A	Legal framework information provided, fiao, Clir X via Complaints team copy of query and response sent to ORS	No Change
Telephone Call	Consultation Query	General feedback following press release in Enfield Gazette and complaint against the proposed scheme	Do not proceed with licencing	Advised to read full scheme proposal on website and to complete on-line questionnaire. Web-link Emailed to tenant with contact details copy of query/Telephone Call and Email sent to ORS	No Change
Telephone Call	Scheme not seen as an effective tool to reduce ASB	Strongly opposes scheme & Council needs to get own house in order	Do not proceed with licencing	copy of feedback sent to ORS	No Change
Telephone Call	Scheme not seen as an effective tool to reduce ASB	Independent landlord meeting arranged & wanted our thoughts on getting together a collaborative group of landlords to 'work on making the proposal more effective in its implementation' and if so, if we have progressed this.	Introduction of a collaborative scheme between landlords instead	Spoke to Mrs R and left message advising that this is an option that we are considering but has not been progressed.	Council committed to working with a small collaborative group of landlords to work on making the proposal more effective in its implementation
Email	Scheme not seen as an effective tool to reduce ASB	strongly opposes proposal, considers ASB to be associated to Council tenants & HB claimants, considers licencing unfairly discriminatory to private landlords.	Do not proceed with licencing	Email forwarded to ORS	No Change
Email	The licence conditions	What system being used to assess cat 1,2 & 3 hazards. Concerned that if we use HHSRS system, it will be hard for landlords to use/follow and more recently quoted as out of date & not fit for purpose in a recent government consultation paper on private rented sector housing.	N/A	Informed that it will be the HHSRS system used to determine the category 1 hazards. Points noted on the difficulties experienced by landlords in following this but it is a national standard required by the government.	Increased automation of application process and built in self certification and declarations into service design to relive burden on compliant landlords
Telephone Call	Supports Licencing	Agreed ASB major & growing problem & that PRS landlords should be licensed	N/A	Agreed will forward respondents' contact details to Acomm. Services Acquisition Officers to consider renting property via a T/A scheme.	N/A
Email	Information Request	list of enquiries referred by ORS	N/A	being collated from designated officers	N/A
Email	The licence conditions	Licence conditions, who is responsible for the contingency budget for repairs of £1000.00	N/A	Landlord/owner of property responsible for the budget; it to be held by the managing agent	Requirement for contingency budget adhered to.
Email	Consultation Query	Multiple queries	N/A	referenced evidence on website and consultation documents. Sent information on the consultation process the large scale events held in January and February.	N/A

Appendix 6

Telephone Call	Information Request	<p>When will licensing come into force? Will licence fee be for each property? Will Grandfather will be exempt from licensing as he is living in the property? For example if agent managing who responsible for licence? if garage turned into habitable room and main property is rented out as single family dwelling, will the separate tenancies be licensable individually? Mr P aired his views on the proposed scheme: Feels it is a load of rubbish, is a tax for landlords, worst types of anti-social is in Council property, has seen really bad housing situations as he works in Enfield, does not feel that licensing to tackle anti-social behaviour Mr P will Email any further questions he may have to the PRSH Email box</p>	Various	Advised Mr P of scheme proposal and further info on website. Provided Email address for further queries	N/A
Email	Extensive and Various	1. Nos of complaints rec'd about private l/ords between 1/1/13 - 1/1/14 under 2004 Act, 2. Nos of l/ords accused, 3. nature of complaints, 4. action taken by council.	Various	Extensive and various	N/A
Email	Consultation Query, The evidence base – including link to PRS and ASB	FOI	N/A	Sent copy of the report and officer details	N/A
Letter	Administration of the scheme: including fairness	Against proposal - considers it as a form of taxation on landlords	Do not proceed with licencing	Copy of Letter to ORS	No Change
Letter	Information Request	Request copy of NKM report & acknowledgment of Letter opposes proposal for selective licensing, not conducive to deal with ASB, futile effort by Council to make money. Agrees that letting agents to have some form of regulation act like a 'pack of wolves'. Also agrees that HMO's should be licensed. Tenants should be given info sheet by l/ords to highlight their obligations. Good landlords look after their assets. as	N/A	Sent copy of the NKM report	N/A
Telephone Call	Administration of the scheme: including fairness	ASB not coming from PRS - down to council tenants. What is Council going to do to support landlords in dealing with ASB, & what is council going to do with licence fee?	N/A	Advised feedback will be submitted to ORS for inclusion in our findings.	Full licence fee reduced from £575 to £500
Telephone Call	the fee structure, Scheme not seen as an effective tool to reduce ASB	Attended LL forum held at Palmerstone Rd 2 weeks ago. Request for assistance with private rented property	Do not proceed with licencing	Referred respondent to website to look at consultation. Advised council is looking at ways to support landlords to deal with ASB in addition to existing powers.	Council committed to improving the information and guidance available to landlords who are having difficulties managing tenants' behaviour
Telephone Call	Information Request	Fairness re: HMO's – one licence per property or one licence per lettable room?	N/A	Mould & damp and information leaflets to be sent to tenant and info to landlord	N/A
ORS Report	Administration of the scheme: including fairness	Should be one licence per property	Should be one licence per property	One licence per HMO property or lettable room	No Change
ORS Report	Administration of the scheme: including fairness	What support can we expect from the Council in helping to implement the scheme?	Query on working of the scheme	Council will provide detailed guidance and an all in one application process	Council committed to improving the information and guidance available to landlords who are having difficulties managing tenants' behaviour. Increased automation of application process and built in self certification and declarations into service design to relieve burden on compliant landlords
ORS Report	Administration of the scheme: including fairness	Costs could run into thousands for those with multiple properties – what assistance/recognition is there of this?	Query on working of the scheme	Accept this point and the Council will amend the scheme	Reduced inspections regime of compliant landlords. Inspection programme changed to at least one property per landlord not 100% of properties. Inspection to be risk based and intelligence led.

Appendix 6

ORS Report	Scheme not seen as an effective tool to reduce ASB	What recognition has been made of the tenant/landlord relationship and the ability of landlords to control their tenants?	Query on working of the scheme	The Council expects licence/lease terms to be more vigorous and for landlords to take more responsibility, but expects that landlords cannot be wholly liable for their tenants' actions.	Council committed to improving the information and guidance available to landlords who are having difficulties managing tenants behaviour.
ORS Report	The Fee Structure	Fee too high compared with Newham	Reduce Fees	Re -Considered fee structure	Full licence fee reduced from £575 to £500.
ORS Report	The Fee Structure	The programme is designed to make money for the Council	Criticism of the Scheme	Testing of scheme to ensure is cost neutral will be carried out. Councils are not permitted to make money out of these schemes.	No Change
ORS Report	The licence conditions	Better use of existing powers could solve the issues without scheme	Do not proceed with licencing	In the Council's view this would be ineffective.	No Change
ORS Report	The licence conditions	System of penalising for non-compliance unclear and possibly unfair?	Query on working of the scheme	The Council has clearly set out the circumstances for non compliance. See FAQs on the council website	No Change
ORS Report	The evidence base – including link to PRS and ASB	Correlation does not prove causation	Criticism of the Scheme	Council accepts this	No Change
ORS Report	The evidence base – including link to PRS and ASB	Simplistic approach to assessing ASB that does not take into account wider environmental factors	Criticism of the Scheme	Council has extensively researched the evidence and identified particular types of ASB which relate to the PRS and considers this sufficient evidence to warrant intervention.	No Change
ORS Report	The evidence base – including link to PRS and ASB	Correlation levels low	Criticism of the Scheme	The Council view that correlation levels are sufficient to taking action	No Change
ORS Report	The evidence base – including link to PRS and ASB	Need to revisit and retest data supporting correlation	Query on working of the scheme	Currently the Council views that the data is sufficiently robust but longer term, it will need evaluation	No Change
ORS Report	The evidence base – including link to PRS and ASB	Publish academic report	N/A	Report is one of the background papers published with the cabinet report and on the website	No Change
ORS Report	Ability of the council to deliver: including existing powers, resources, bureaucracy	The programme will be unable to be administered to costs due to complexity	Query on working of the scheme	Administration has been factored into the scheme is considered workable a cost neutral over the lifetime of the scheme.	No Change
ORS Report	Ability of the council to deliver: including existing powers, resources, bureaucracy	Documents required overly bureaucratic	Criticism of the Scheme	Council has sought to minimise the amount of documentation required which is proportional to the licencing scheme	Reduced inspections regime of compliant landlords. Inspection programme changed to at least one property per landlord not 100% of properties. Inspection to be risk based and intelligence led.
ORS Report	Ability of the council to deliver: including existing powers, resources, bureaucracy	Absence of any reference to proper evaluation	Query on working of the scheme	The scheme will be evaluated	No Change
ORS Report	Ability of the council to deliver: including existing powers, resources, bureaucracy	What is the approach for communal areas – unclear	Query on working of the scheme	This is not a consideration for the Council but for discussion between landlords and managing agents.	No Change
ORS Report	Ability of the council to deliver: including existing powers, resources, bureaucracy	How will the Council police the scheme effectively to ensure compliance?	Query on working of the scheme	Council will use an intelligence lead and risk based inspection regime	Inspection will be intelligence lead and risk based
ORS Report	Scheme not seen as an effective tool to reduce ASB	Unclear on how ASB elements categorised can deliver the outcomes on their own	Query on working of the scheme	Council have identified four key ASB issues linked to PRS and the licencing scheme is intended to address these alongside other, existing, council ASB measures. It is considered that this broader range of measures will deliver the reduction in ASB in these types.	No Change
ORS Report	Scheme not seen as an effective tool to reduce ASB	What predictive principles are being used to ensure the scheme can have a positive impact on reducing ASB?	Query on working of the scheme	Council will continue to monitor ASB outcomes over the lifetime of the scheme on measurably agreed performance indicators and targets	No Change

Appendix 6

ORS Report	Scheme not seen as an effective tool to reduce ASB	What are the measurable outcomes and what evidence is used to illustrate them?	Query on working of the scheme	The measurable outcomes are the predefined ASB indicators. This data is updated periodically and will be monitored over the lifetime of the scheme and is supplemented by a qualitative assessment.	No Change
Landlord forum	Information request	Requested copy of the NKM report	N/A	Emailed copy of the report	No Change
Letter	Complaint	scheme is an attack on private landlords and will have a negative impact of landlords continuing to provide accommodation in the borough.	Do not proceed with licencing	Council noted the availability points raised but the Council does not envisage that licencing will impact of good quality providers working in Enfield.	Full licence fee reduced from £575 to £500.
Telephone Call	Ability of the council to deliver: including existing powers, resources, bureaucracy	Proposal is bureaucratic and will waste time and money for landlords and provide no benefits to tenants. Queried how the scheme will be different from Newham	Do not proceed with licencing	Explained the intended web focused application process. Noted comments regarding Newham and explained governance process after the consultation closes.	Increased automation of application process and built in self certification and declarations into service design to relieve burden on compliant landlords

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Table showing the income and cost analysis of the Licensing project

	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	Total
Licence Fee	250	500	500	500	500		
No of Licenses	18,550	7,950	927	927	927		29,281
	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	Total
	£'000	£'000	£'000	£'000	£'000	£'000	£'000
INCOME	(4,638)	(3,975)	(464)	(463)	(463)		(10,003)
Communications and advertising	179	10	16	10	0		215
IT project Costs	384	36	46	36	46		548
Other Overhead costs	379	431	304	212	211	133	1,670
Staffing Costs	1,081	2,850	1,904	705	618	412	7,570
Total Costs	2,023	3,327	2,270	963	875	545	10,003
Net Cost/Income (-) over 5 years	(2,615)	(648)	1,806	500	412	545	0

The financial modelling assumes that the largest proportion of licences will be issued during the 'early bird' discounted period, therefore generating most of the income for the scheme in the initial period. The model then assumes a further period of high activity during the first year of the scheme with over 7,000 licences issued at the full fee rate. It is then assumed that application activity with falls back over the final three years of the scheme associated with lower level churn within the private rented sector. Monies collected in the initial phases of the scheme will be used to fund the activity occurring in the final phase (see para 7.1 of the main report)

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Front cover of E-petition against a licensing scheme. Petition closes on 8th April

Petition Against Proposal For Licensing Of Private Landlords In Enfield

Statement:

We the undersigned petition the council to Not proceed with the proposal for licensing of private landlords in Enfield and to not charge 5-yearly fees of £575.00 for each privately rented home in the London Borough of Enfield.

Justification

Enfield Council is proposing to start the licensing of private landlords within the borough and charge 5-yearly licensing fees of £575.00 per privately rented home in Enfield under the flawed premise that privately rented homes are the key drivers of anti-social behaviour in the borough.

There is no robust evidence for this. They did not conclusively show why the spate of licensing of new betting shops or the late opening hours of pubs/nightclubs in the borough does not confound their assertion.

Further Enfield Council has not separated the effect of the frustration of the residents of the many poorly maintained Council housing estates or houses and how this impacts on social cohesion. They have made no allowance for ~~how missed bin collections impact on people despite this being reported~~ almost weekly in the local newspapers.

There are many youth gangs in the borough of Enfield and this has worsened in the last 10 years. Many sociologists believe that the rise in the number of youth gangs is directly linked to the cut back in community services and lack of robust social infrastructure to support families that are troubled.

But Enfield Council would have us believe that private landlords are the cause and that they should pay 5-yearly fees of £575.00 to the Council for this. Their proposal to license privately rented accommodation at 5-yearly fees of £575.00 is nothing but a cynical ploy to bleed hard-working families for more money.

It does not address the root cause of anti-social behaviour within the community.

It adds an extra layer of bureaucracy and costs to private landlords who are providing a service that the Council will otherwise not be able to. These additional costs will in the end be passed on to tenants, making homes in Enfield least affordable to the most vulnerable people in the society.

This is a call to arms for all the people of the Borough of Enfield to sign this ePetition and resist.

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Predictive: assessing and analysing proposed changes to services, policies and budgets

Enfield Council

Predictive Equality Impact Assessment (EQIA) - Equality Analysis

**INTRODUCTION OF
ADDITIONAL AND
SELECTIVE
LICENSING SCHEMES
MARCH 2014**

13. Predictive equality impact assessment/equality analysis template

Please complete this cover sheet

Proposed change to service/policy/budget	Introduction of Additional and Selective Licensing Schemes
Officer completing the assessment	Sally Mcternan
Extension Number	4465
Service	Community Housing
Department	Health, Housing and Adult Social Care (HHASC)
Date impact assessment completed	March 2014

Section 1 – About the service, policy or budget, and proposed change

Q1. Please provide a brief description of the service/ policy/budget

Local authorities already have to license houses of multiple occupation (HMOs) that are over three storeys as part of the mandatory licensing scheme.

Section 56 of the 2004 Housing Act gives powers to Local Housing Authorities (LHAs) to designate areas, or the whole of the area, within their district, as subject to additional licensing in respect of some or all of the HMOs in its area that are not already subject to mandatory licensing.

Those private rented sector (PRS) properties which are not covered by the HMO licensing described above can then also be licensed through a selective scheme.

Q2. Please provide a brief description of the proposed change(s) to the service/ policy/budget

The Housing Team is proposing to implement both schemes across the borough as a whole. This policy will result in all private rented properties within the borough requiring a licence. It will be unlawful to rent a property within the borough without one.

The licence will require that there are minimum property standards maintained with the relevant evidence, such as gas safety certificates, supplied. There will also be a number of requirements around policies in place to ensure that tenancy agreements are in place with clauses relating to prevention of anti-social behaviour.

There will also be other requirements for the landlord:

- meet the 'fit & proper person' test
- Take action to support the selection of tenants
- Be clear and address the number of people living in the property
- Address the issues of anti-social behaviour associated with their rental property
- Use a statutory tenancy deposit scheme
- Provide 24 hour contact details to the Council
- Put in place formal arrangements for the disposal of rubbish and bulky waste

Q3. Does equalities monitoring of your service show that the beneficiaries in terms of the recipients of the service, policy or budget, and the proposed change, include people from the following groups?

R	<p>Yes, it includes all groups however; ethnicity monitoring does not currently take place for this new scheme. However, once it is in place we will introduce full equalities monitoring, using the council's corporate classifications.</p> <p>The council does not hold information on the demographics of private landlords.</p>
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	<p>However, with the introduction of the scheme, applicants will be required to register their details and separately record their demographic information.</p> <p>This information will be used to monitor the service and ensure that no adverse or detrimental impact occurs.</p>
D	As above
G	As above
A	As above
F	As above
S	As above
T	As above
M	As above
P	As above
Q4. If you answered 'no' to any of the groups listed in Q3, please state why?	
When the licensing scheme is introduced there will be monitoring of all private landlords.	
Q5. How will the proposed change eliminate discrimination, promote equality of opportunity, or promote good relations between groups in the community?	

The licensing scheme of private landlords will help to raise standards in the private rented sector, directly befitting both landlords and their tenants. Standards of accommodation and behaviour will be improved through a set of standards regarding health and safety, environmental health, waste disposal and ASB control conditions, such as neighbour nuisance and noise control. This will facilitate harmonious relations within the community.

The implementation of Additional and Selective licencing policies will also increase community cohesion across the borough as more settled and secure tenancies in better quality accommodation should reduce tenant turnover resulting in increased tenant connection and investment in the local area.

The implementation will help those that are most disadvantaged through ensuring that proper tenancy arrangements are in place it will ensure reductions in discrimination. The elimination of overcrowding within the PRS will help disadvantaged groups through improving their health outcomes. Overcrowding is also an issue in Enfield. Using the overcrowding measure of where there are more than 1.5 persons per bedroom, the 2011 Census found that 29% of all private renting households were experiencing overcrowding. The data indicates that only 8.5% of these were classified as 'multi person households,' for which additional licensing is already available.

The Shelter report 'Chance of a lifetime' notes that children in overcrowded housing are more likely to develop respiratory problems, more likely to have slow growth and delayed cognitive development and are 10 times more likely to contract meningitis. There is also a direct link between childhood tuberculosis and overcrowding.¹ This is a significant problem as families with children account for around a third of the increase in PRS households over the last decade.

Section 2 – Consultation and communication

Q6. Please list any recent consultation activity with disadvantaged groups carried out in relation to this proposal

R	<p>All consultation material has been available on the Council website, regularly being promoted on the front page. As the Council website is available in 79 languages, this ensures the different ethnic groups can access the relevant information. The website is also available in large font, contrast and audio as necessary to users' needs.</p> <p>There was an open invitation to the public meetings during the pre-consultation, engagement stage that the Council undertook.</p> <p>The consultation document was also available, on request, in a range of languages.</p> <p>As part of the consultation process, the Council procured a borough wide, representative household survey of 502 residents.</p> <p>The survey took into account the following demographic information; postcode,</p>
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¹ Shelter (September 2006) Chance of a lifetime

	<p>age, gender, work status, ethnicity, tenure (owner occupier, social rented (Council, rented from private landlord), landlord, property management.</p> <p>In the household survey, the profile information was used to weight the data to correct for any groups that are over or under represented; therefore the results are applicable to all residents in the borough. Any differences in opinion by sub group differences were noted. Namely those from the younger age group who may be worried about the impact on rents from the introduction of licensing. However, the council proposes to keep the licence fee to a minimum and will not generate any profit from the scheme.</p>
D	See above
G	See above
A	See above
F	See above
S	See above
T	See above
M	See above
P	See above
Q7. Please state how you have publicised the results of these consultation exercises, and what action you have taken in response	
R	<p>The results have been made available on the web and will be reported through various publicity associated with the future introduction of the scheme. The consultation and engagement activities did not reveal any major differences in opinion; however, we are aware of the need to provide information regarding the introduction of the scheme in various formats including the main ethnic minority languages. The service will be monitored from the start and any requests for accessible information will be provided.</p> <p>There will be a full and comprehensive media campaign attached to the introduction of the scheme, in order that applicants can benefit from 'early bird fee'</p>
D	See above
G	See above
A	See above
F	See above
S	See above
T	See above
M	See above

P	See above
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Section 3 – Assessment of impact

Q8. Please describe any other relevant research undertaken to determine any possible impact of the proposed change

The scheme is designed to improve the local environment, housing conditions and tenant behaviour through the licensing/tenancy conditions. It is anticipated that the scheme will also benefit landlords through an advice and information service aimed at improving lets. It will also benefit landlords through reputational improvements to their profession within the borough and reductions in ASB will help to increase their property investment.

Q9. Please list any other evidence you have that the proposed change may have an adverse impact on different disadvantaged groups in the community

R	On the contrary, no adverse impact anticipated with this scheme. However, monitoring will take place to ensure that this is the case. If adverse impact is found, remedial action will be devised and implemented.
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D	See above
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G	See above
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A	See above
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F	See above
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S	See above
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T	See above
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M	See above
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P	See above
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Q10. Could the proposal discriminate, directly or indirectly, and if so, is it justifiable under legislation? Please refer to the guidance notes under the heading, 7. Useful Definitions

The scheme will apply to all private sector landlords irrespective of their background or demographics.

Q11. Could the proposal have an adverse impact on relations between different groups? If so, please describe

The scheme is designed to improve standards and relationships and will therefore promote community cohesion and relations between people from different backgrounds.

Q12. How could this proposal affect access to your service by different groups in the community?

R	The increase in education around suitable behaviour of both landlords and tenants' rights, through the promotion and marketing scheme that will accompany the scheme's implementation, will result in increased contact with the council by tenants and disadvantaged groups, if housed in poor quality accommodation.
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	Standards are expected to rise and thereby provide an improved service and quality of life for tenants. Landlords will benefit from increased support from statutory agencies.
D	See above
G	See above
A	See above
F	See above
S	See above
T	See above
M	See above
P	See above
Q13. How could this proposal affect access <u>to information</u> about your service by different groups in the community?	
R	<p>This proposal will increase the levels of different groups within the community accessing the information on housing services. The promotion of the licensing schemes will result in increased enquiries and requests for information on housing issues within the borough.</p> <p>There will be a relevant FAQ sheet and media campaign that will accompany the implementation of the scheme, ensuring that there is awareness and information on licencing available.</p>
D	See above
G	See above
A	See above
F	See above
S	See above
T	See above
M	See above
P	See above

Section 4 – Tackling socio-economic inequality

Q14. Will the proposal in any way specifically impact on communities disadvantaged through the following socio-economic factors? Please explain below. If it does not, please state how you intend to remedy this (if applicable to your service), and include it in the action plan
Communities living in deprived wards/areas

Council research shows that there are high concentrations of PRS properties within the most deprived wards in the borough. Thus its implementation will have a greater positive impact in

these areas.
People not in employment, education or training
N/A – Private tenants will still be able to access statutory help available through the welfare benefits system.
People with low academic qualifications
As above.
People living in social housing
Not applicable as the scheme relates to private rented sector housing.
Lone parents
Families with children account for a third of the increase in PRS households in the past decade. This equates to 13,486 households within Enfield. Many of these families will be lone parent households. The implementation of the licencing schemes will have positive impacts for these groups by raising their living accommodation standards and tenancy conditions.
People on low incomes
People on low incomes are more likely to reside in the PRS, rather than being owner occupiers due to the prohibitive cost of owner occupation. Thus the implementation of licencing should have positive impacts for this group.
People in poor health
N/A – However there are some anticipated indirect improvements to health through improved accommodation conditions such as a reduction in overcrowding and minimum standards of health and safety through statutory tests for gas and electric. These changes will have positive impacts on people’s health outcomes.
Any other socio-economic factor
N/A

Section 5 – Impact on staff

Q15. How have you consulted, or otherwise engaged with, all relevant staff about this proposal (including any staff on sickness or maternity leave)?
Not applicable. As new service, recruitment will be based on current HR standards and council terms and conditions of employment, which cover sickness and maternity leave arrangements.
Q.16 If your proposal involves a staff restructuring, how have you discussed this with relevant trade unions?
The service structure will be developed in accordance with standard practices for new service provision and include equal opportunities policies. The relevant TUs will be consulted as part of the process.
Q17. Does job matching of existing staff against the new proposed staff structure, following any assimilation process, indicate that any particular

groups of staff are adversely affected more than others?	
R	There will be a transparent process of recruitment and selection based on the councils existing EO policies.
D	See above
G	See above
A	See above
F	See above
S	See above
T	See above
M	See above
P	See above
Q.18 Are there any proposed changes to working hours, work locations or duties likely to have a negative impact on particular groups of staff?	
R	N/A. As a new service. If any irregular working hours are required these will be agreed with the relevant TU as part of the structuring process.
D	See above
G	See above
A	See above
F	See above
S	See above
T	See above
M	See above
P	See above

Section 6 - Miscellaneous

Q19. Is your proposal likely to have an impact on services provided by another Council department or service? If so, have you discussed the possible impact with them?

The scheme has been discussed with planning, environmental health and housing as the scheme will likely result in an increase in enquiries to all of these departments. The council will base the new service in the best location possible in accordance with LEANER principles.

Q20. Do you plan to publicise the results of this assessment? Please describe how you plan to do this

This assessment analysis will be published on the Council's website.

Q21. How and when will you monitor and review the effects of this proposal?

Monitoring and review of the schemes' effects will be in-built into the scheme design.

14. Action plan template for proposed changes to service, policy or budget

Proposed change to, or new, service, policy or budget... **Introduction of Additional and Selective Licensing Schemes**

Team:... **Community Housing**

Department:... **Health, Housing and Adult Social Care (HHASC)**

Service manager:... **Sally Mcternan Assistant Director of Housing**

Issue	Action required	Lead officer	Timescale	Costs	Comments
DETAILED ANALYSIS OF SURVEY RESULTS TO ASSESS IMPACT	In the household survey, the profile information was used to weight the data to correct for any groups that are over or under represented. Sub group differences will also be reported. The survey will ensure that all groups within the borough are suitably represented in the findings through the weighting of the results.	Ilhan Basharan	By April 2014	Within existing resources	Annual review of EIA and three yearly thereafter
INFORMATION ABOUT THE SCHEME	Produce FAQ sheet and media campaign that will accompany the implementation of the scheme	Sally Mcternan	Before implementation	Within existing resources	

PUBLISH ASSESSMENT	Publish on Council's website	Joanne Stacey	April 2014	N/A	EQIA will be quality assured by Performance and Information Team
MONITORING AND REVIEW	Build into the monitoring plan for the scheme.	Sally Mcternan	March 2015	Within existing resources	The scheme implementation will be reviewed on a regular basis to ensure the service remains fit for purpose.
Approval of new structure and service	CMB/Member approval	Sally Mcternan	April 2014	Based on financial modelling for new service	

Please insert additional rows if needed

APPROVAL BY THE RELEVANT ASSISTANT DIRECTOR - NAME...Sally Mcternan.....SIGNATURE.....

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