

Public Document Pack



OVERVIEW & SCRUTINY COMMITTEE

Monday, 15 July 2019 at 7.30 pm
Conference Room, Civic Centre, Silver
Street, Enfield, EN1 3XA

Contact: Stacey Gilmour
Scrutiny Officer
Direct: 020-8379-4187
Tel: 020-8379-1000

E-mail: Stacey.gilmour@enfield.gov.uk
Council website: www.enfield.gov.uk

Councillors : Susan Erbil (Chair), Tolga Aramaz, Guner Aydin, Sinan Boztas,
Bernadette Lappage, Achilleas Georgiou (Vice-Chair), Edward Smith and Lee David-
Sanders

Education Statutory Co-optees: 1 vacancy (Church of England diocese representative), Simon Goulden (other faiths/denominations representative), Tony Murphy (Catholic diocese representative), Alicia Meniru & 1 vacancy (Parent Governor Representative).

Enfield Youth Parliament Co-optees (2)
Support Officer – Susan O’Connell (Governance & Scrutiny Officer)
Stacey Gilmour (Governance & Scrutiny Officer)

AGENDA – PART 1

1. **WELCOME & APOLOGIES**
2. **DECLARATIONS OF INTEREST**

Members of the Council are invited to identify any disclosable pecuniary, other pecuniary or non-pecuniary interests relevant to the items on the agenda.

3. **CALL IN: REVIEW OF THE PRIVATE RENTED SECTOR IN ENFIELD AND PROPOSAL TO GO TO PUBLIC CONSULTATION ON THE INTRODUCTION OF A BOROUGH-WIDE ADDITIONAL LICENSING SCHEME AND A SELECTIVE LICENSING SCHEME** (Pages 1 - 90)

To receive and consider a report from the Director of Law and Governance outlining details of a call-in received on the Portfolio Decision taken on Review of the private rented sector in Enfield and proposal to go to public consultation on the introduction of a borough-wide additional licensing scheme and a selective licensing scheme in 14 wards (Report No. 60)

The decision that has been called in was a Portfolio Decision taken on 20 June 2019 and included on the Publication of Decision List No: 9/19-20 (List Ref: 2/9/19-20) issued on 21 June 2019.

It is proposed that consideration of the call-in be structured as follows:

- Brief outline of the reasons for the call-in by representative (s) of the members who have called in the decision
- Response to the reasons provided for the Call-in by a Cabinet Member responsible for taking the decision
- Debate by Overview and Scrutiny Committee and agreement of action to be taken

4. DATES OF FUTURE MEETINGS

To note the dates of future meetings as follows:

Business meetings of OSC

- Tuesday 23 July 2019
- Wednesday 4 September 2019
- Thursday 7 November 2019
- Wednesday 15 January 2020
- Thursday 13 February 2020
- Thursday 2 April 2020

Provisional Call-In dates

- Thursday 8 August 2019
- Thursday 19 September 2019
- Thursday 31 October 2019
- Thursday 28 November 2019
- Thursday 19 December 2019
- Thursday 30 January 2020
- Thursday 6 February 2020
- Wednesday 4 March 2020
- Thursday 26 March 2020
- Tuesday 28 April 2020

MUNICIPAL YEAR 2019/2020 REPORT NO. 60**MEETING TITLE AND DATE:**

**Overview & Scrutiny
Committee,
15 July 2019**

REPORT OF:

Director of Law & Governance

Agenda – Part: 1	Item:
Subject: Call in – Review of the private rented sector in Enfield and proposal to go to public consultation on the introduction of a borough-wide additional licensing scheme and a selective licensing scheme in 14 wards	
Cabinet Member consulted: N/A	

Contact officers and telephone numbers:

Jeremy Chambers, Director Law and Governance

Tel: 020 8379 4799

Email: Jeremy.chambers@enfield.gov.uk

Claire Johnson, Head of Governance & Scrutiny

Tel: 020 8379 4239

E mail: claire.johnson@enfield.gov.uk

1. EXECUTIVE SUMMARY

1.1 This report details a call-in submitted in relation to the following decision:

Portfolio (taken on 20/06/2019)

1.2 Details of this decision were included on Publication of Decision List No. 9/18-19 (Ref. 1/9/18-19 – issued on 21 June 21019)

1.3 In accordance with the Council's Constitution, Overview and Scrutiny Committee is asked to consider the decision that has been called-in for review.

1.4 The members who have called-in this decision do not believe it falls outside of the Council's Policy Framework.

2. RECOMMENDATIONS

2.1 That Overview and Scrutiny Committee considers the called-in decision and either:

- (a) Refers the decision back to the decision-making person or body for reconsideration setting out in writing the nature of its concerns. The decision-making person or body then has 14 working days in which to reconsider the decision; or
- (b) Refer the matter to full Council; or
- (c) Confirm the original decision.

Once the Committee has considered the called-in decision and makes one of the recommendations listed at (a), (b) or (c) above, the call-in process is completed. A decision cannot be called in more than once.

If a decision is referred back to the decision-making person or body; the implementation of that decision shall be suspended until such time as the decision making person or body reconsiders and either amends or confirms the decision, but the outcome on the decision should be reached within 14 working days of the reference back. The Committee will subsequently be informed of the outcome of any such decision.

3. BACKGROUND/ INTRODUCTION

3.1 Please refer to Section 3 in the Decision Report.

4. ALTERNATIVE OPTIONS CONSIDERED

None – Under the terms of the call-in procedure within the Council's Constitution, Overview & Scrutiny Committee is required to consider any eligible decision called-in for review. The alternative options available to Overview & Scrutiny Committee under the Council's Constitution, when considering any call-in, have been detailed in section 2 above.

5. REASONS FOR RECOMMENDATIONS

To comply with the call-in procedure within the Council's Constitution.

6. COMMENTS FROM OTHER DEPARTMENTS

6.1 Financial Implications

The financial implications relating to the called-in decision have been detailed in Section 6.1 of the Portfolio Decision Report.

6.2 Legal Implications

S 21, S 21A-21C Local Government Act 2000, s.19 Police and Justice Act 2006 and regulations made under s.21E Local Government Act 2000 define the functions of the Overview and Scrutiny committee. The functions of the committee include the ability to consider, under the call-in process, decisions of Cabinet, Cabinet Sub-Committees, individual Cabinet Members or of officers under delegated authority.

Part 4, Section 18 of the Council's Constitution sets out the procedure for call-in. Overview and Scrutiny Committee, having considered the decision may: refer it back to the decision-making person or body for reconsideration; refer to full Council or confirm the original decision.

The Constitution also sets out at section 18.2, decisions that are exceptions to the call-in process.

6.3 Property Implications

The property implications relating to the called-in decision have been detailed in Section 6.3 of the Portfolio Decision Report.

7. KEY RISKS

The key risks identified relating to the called-in decision have been detailed in the Portfolio Decision Report.

8. IMPACT ON COUNCIL PRIORITIES - CREATING A LIFETIME OF OPPORTUNITIES IN ENFIELD

Good Homes in Well-Connected Neighbourhoods, Sustain Strong and Healthy Communities Build our Local Economy to Create a Thriving Place

The way in which the called-in decision impacts on the Council priorities relating to good homes in well-connected neighbourhoods, sustain strong and healthy communities and build our local economy to create a thriving place have been detailed in the Portfolio Decision Report.

9. EQUALITIES IMPACT IMPLICATIONS

The equalities impact implications relating to the called-in decision have been detailed in the Portfolio Decision Report.

10. PERFORMANCE AND DATA IMPLICATIONS

The performance management implications identified relating to the called-in decision have been detailed in the Portfolio Decision Report.

11. HEALTH AND SAFETY IMPLICATIONS

The health and safety implications identified relating to the called-in decision have been detailed in the Portfolio Decision Report.

12. PUBLIC HEALTH IMPLICATIONS

The public health implications identified relating to the called-in decision have been detailed in the Portfolio Decision Report.

Background Papers

None

APPENDIX 1

Call-In: Portfolio Decision: Review of the private rented sector in Enfield and proposal to go to public consultation on the introduction of a borough-wide additional licensing scheme and a selective licensing scheme in 14 wards

This page is intentionally left blank

MUNICIPAL YEAR 2019/2020 REPORT NO.**ACTION TO BE TAKEN UNDER
DELEGATED AUTHORITY****PORTFOLIO DECISION OF:**

Cllr George Savva -
Cabinet Member for Licensing and
Regulatory Services

REPORT OF:

Executive Director of
Place

Agenda – Part:**KD Num: 4870**

**Subject: Review of the private rented
sector in Enfield and proposal to go to
public consultation on the introduction of
a borough-wide additional licensing
scheme and a selective licensing scheme
in 14 wards**

Wards: All

Contact officer and telephone number: Sue McDaid 020 8379 3680

E mail: sue.mcdaid@enfield.gov.uk

1. EXECUTIVE SUMMARY

- 1.1 The private rented sector is rapidly growing in Enfield and is increasingly relied upon by Enfield's residents to meet their housing needs. Tackling poor housing conditions and improvement of the quality of the private rented sector is a key contributor towards the Corporate Plan's objective to provide '*Good homes in well-connected neighbourhoods*'. Good quality and well managed private rented sector will also encourage residents and their neighbours to stay in Enfield and in turn '*sustain strong and healthy communities*' which is another objective of the Corporate Plan. Well managed and good quality private rented properties also contribute towards the perception and quality of the neighbourhood and will help '*build our local economy to create a thriving place*'.
- 1.2 One of the key emerging aims of the Council's proposed new Housing Strategy 2020 – 2030 is to achieve "quality and variety in private sector homes", with a range of priorities being considered to improve quality of the private rented sector. Our proposed new Preventing Homelessness and Rough Sleeping Strategy 2020-2025 includes the ambition to support people to access the right accommodation, which also focuses on improving the conditions and security of the private rented sector. A review of the private rented sector in the borough found evidence of significant levels of poor housing conditions, deprivation, antisocial behaviour, and also significant poor management of Houses in Multiple Occupation (HMOs) is causing problems for the occupants and residents. Existing measures alone, such as enforcement under Part 1 of the Housing Act 2004, are not having the required impact to address the large-scale improvements that are needed in the borough's private rented sector.
- 1.3 Under Part 3 of the Housing Act 2004, local authorities may designate an area, as subject to Selective Licensing, requiring those managing or having control of privately rented accommodation (that does not have to be licensed under other licensing schemes) to obtain a licence. These are properties occupied by a single household.

- 1.4 In order to designate an area as a Selective Licensing area, the local authority must be satisfied that at least one of the prescribed criteria are met. The evidence from the review demonstrates that 3 of the 6 criteria are met. There are:
- significant numbers of private rented properties that have poor housing conditions and need inspection,
 - the area is suffering high levels of deprivation and affect a significant number of private rented properties and
 - the area is experiencing significant and persistent anti-social behaviour and appropriate action is not being taken by private sector landlords.
- 1.5 The evidence supports two proposed selective licensing schemes (designations). The first designation includes 13 wards meeting the criteria for poor housing conditions, deprivation and anti-social behaviour – Bowes, Edmonton Green, Enfield Highway, Enfield Lock, Haselbury, Jubilee, Lower Edmonton, Palmers Green, Ponders End, Southbury, Southgate Green, Turkey Street and Upper Edmonton. The second designation meets the criteria for poor housing conditions and deprivation and is 1 ward - Chase.
- 1.6 Part 2 of the Housing Act 2004 allows local authorities to designate an area as subject to an Additional Licensing Scheme, requiring those managing or having control of HMOs that are not subject to mandatory licensing, to obtain a licence. These are properties occupied by 3 or 4 persons who do not form a single household and share amenities.
- 1.7 In order to make an Additional Licensing Scheme, the local authority must consider that a significant proportion of the HMOs in the area are being managed sufficiently ineffectively, so as to give rise to one or more problems, either for those occupying the HMOs or for the public.
- 1.8 The evidence from the review demonstrates there are significant numbers of HMOs that have poor housing conditions and a significant level of antisocial behaviour and are being ineffectively managed. HMOs are located throughout the borough.
- 1.9 The evidence supports a proposed additional licensing scheme (designation) for the whole borough.
- 1.10 If a local authority proposes to introduce an additional or selective licensing scheme (designation) it must take reasonable steps to consult persons who are likely to be affected by the designation(s), and consider any representations made in accordance with the consultation. The consultation must take place for not less than 10 weeks.
- 1.11 If a proposed selective licensing designation would affect more than 20% of the privately rented homes in the area, the local authority must apply to the Secretary of State for confirmation of the scheme. The proposed selective licensing scheme covers more than 20% of the private rented properties and would require so would also require Secretary of State approval.

2. RECOMMENDATIONS

The Cabinet Member is recommended to:

- 2.1 Note the outcome of the work undertaken to establish a robust evidence base on the private rented sector in the borough.
- 2.2 Note that the evidence base meets the Government criteria and supports a Selective Licensing Scheme across 14 wards of the borough. Note that the evidence base meets the Government criteria and supports a borough-wide Additional HMO Licensing Scheme.
- 2.3 Agree that there be a public consultation on a proposed scheme that includes two Selective Licensing Scheme designations. The first designation includes 13 wards – Bowes, Edmonton Green, Enfield Highway, Enfield Lock, Haselbury, Jubilee, Lower Edmonton, Palmers Green, Ponders End, Southbury, Southgate Green, Turkey Street and Upper Edmonton. The second designation is 1 ward - Chase.
- 2.4 Agree that there be a public consultation on the proposed designation of the whole borough as an Additional HMO Licensing area.
- 2.5 Delegate to the Cabinet Member for Licensing and Regulatory Services and the Director of Environment and Operational Services responsibility for agreeing the final version of the public consultation questionnaire and material in consultation with the Director of Law and Governance.
- 2.6 Note that a further report will be presented to Cabinet with the outcomes of the public consultation and recommendations in relation to a decision about designation of Additional Licensing and Selective Licensing Schemes. Any Selective Licensing designation is likely to require an application for approval by the Secretary of State for the Ministry of Housing, Communities and Local Government.

3. BACKGROUND

Selective Licensing Scheme

- 3.1 Under Part 3 of the Housing Act 2004, local authorities may designate an area, as subject to Selective Licensing, requiring those managing or having control of privately rented accommodation that does not have to be licensed under other licensing schemes, to obtain a licence. In order to designate an area as a Selective Licensing area, the local authority must be satisfied that certain prescribed criteria are met.
- 3.2 The designated area must be experiencing one or more of the following:

- low housing demand (or likely low housing demand in the future, in this case Enfield has a high housing demand and hence is not considering this criteria);
 - **a significant and persistent problem caused by ASB;**
 - **poor property conditions;**
 - high levels of migration;
 - **high levels of deprivation;**
 - high levels of crime.
- 3.3 In addition, the area must have a high proportion of properties in the Private Rented Sector (PRS) (in comparison with the national level of PRS in the English House Condition Survey), that are let under either assured tenancies or licences.
- 3.4 If a proposed selective licensing designation covers more than 20% of an authority's geographical area or would affect more than 20% of the privately rented homes in the area, the local authority must apply to the Secretary of State for confirmation of the scheme.
- 3.5 When considering whether to make a selective licensing designation a local housing authority must first identify the objective or objectives that a designation will help it achieve as outlined in paragraph 5.1. Secondly, it must also consider whether there are any other courses of action available to it that might effectively achieve the same objective or objectives as the proposed scheme without the need for the designation to be made. Only where there is no practical and beneficial alternative to a designation should a scheme be made.
- 3.6 A local authority may determine to make a single designation covering all areas that it considers meet the designation criteria, or it may make two or more designations each covering one or more wards.

Additional Licensing Schemes

- 3.7 Part 2 of the Housing Act 2004 also allows local authorities to designate an area as subject to an Additional Licensing Scheme, requiring those managing or having control of HMOs that are not subject to mandatory licensing but fall within a description set by the local authority, to obtain a licence. In order to designate an Additional Licensing Scheme, the local authority must consider that a significant proportion of the HMOs in the area are being managed sufficiently ineffectively, so as to give rise to one or more particular problems, either for those occupying the HMOs or for the public. An Additional HMO Licensing Scheme does not require Secretary of State approval.

Statutory Consultation

- 3.8 In both cases, the Council must take reasonable steps to consult persons who are likely to be affected by the designation(s), and consider any representations made in accordance with the

consultation. The consultation must take place for not less than 10 weeks. The consultation document needs to set out the proposed area of designation and the reasons for proposing it, and the proposed licence fee structure. It also needs to identify its scheme objectives that it aims to achieve through the licensing designation, why alternative remedies are insufficient and demonstrating how it will tackle the issues (along with other measures).

Proposals to consult on Additional and Selective Licensing schemes

- 3.9 Based on a review of evidence regarding the private rented sector in the borough and consideration of the legislative requirements, approval is sought for the following proposed licensing schemes:
- Two Selective Licensing schemes:
 - The first designation includes 13 wards – Bowes, Edmonton Green, Enfield Highway, Enfield Lock, Haselbury, Jubilee, Lower Edmonton, Palmers Green, Ponders End, Southbury, Southgate Green, Turkey Street and Upper Edmonton (to address property conditions, deprivation and anti-social behaviour)
 - The second designation is 1 ward - Chase (to address property conditions and deprivation)
 - An Additional HMO Licensing scheme for the whole borough (to address ineffective HMO management).
- 3.10 One of the key legislative requirements in considering whether to implement a selective or additional licensing scheme is whether there are any other courses of action available to the Council that might provide an effective method of achieving the objectives that the licensing schemes seek to achieve, and whether the licensing schemes will significantly assist the Council achieve the objectives (whether or not they take any other course of action as well).
- 3.11 Section 4 below outlines the measures that the Council have taken to seek to improve conditions in the private rented sector. However, for the reasons explained below, these measures alone have not brought about the large-scale improvement that is needed in Enfield's private rented sector.
- 3.12 It is considered that the introduction of an additional and a selective licensing scheme, alongside continued use of enforcement powers under Part 1 of the Housing Act and other measures, will assist the Council to achieve the objectives of improving housing conditions and reducing ASB and deprivation (selective licensing) and improve the management of HMOs (additional licensing). The introduction of licence conditions as part of these schemes will, in particular, ensure that landlords are fully aware of their obligations and will require landlords to ensure that properties are properly managed. This is currently not a measure that is available to the Council across all private rented properties.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1 The Council could decide to do nothing. However, poor housing conditions are significant and likely to increase further as the private rented sector continues to grow in the borough. The Council could continue to rely on Part 1 Housing Act 2004 enforcement powers and Public Health powers alone. The Council has undertaken significantly increased levels of enforcement to improve private rented properties in the last 3 years but despite this, large scale improvements are still needed in the sector. Formal action is slow with appeal provisions against most types of notices served, which can significantly delay the time period for compliance. Work in default (where a local authority carries out works to a property when the landlord fails to and the landlord is then billed for it) can be effective but is expensive and time consuming for the Council, with the risk that costs are not recovered. In addition, the Council's powers under Part 1 do not enable it to regulate the management of property as licensing schemes do. The Part 1 provisions are currently available to the Council but have not provided the necessary large-scale improvements in the sector. The Council can only respond reactively to complaints or reports of disrepair, overcrowding etc. which does not address the volume or scale of the issues in the borough.
- 4.2 The Council could rely on voluntary accreditation schemes or landlord membership organisations, such as the National Landlord Association or the Residential Landlords Association. These can help to support and improve the professionalism of landlords, but the uptake of the various schemes is low and does not give the Council any additional powers to take enforcement action against poor landlords. A local landlords' forum was set up by the Council but was attended with only 30 landlords and agents. Attendance dwindled to ten and was eventually disbanded in 2014. The national membership schemes are currently available but have not had a significant uptake or provided the necessary improvements in the borough. However, to acknowledge the intrinsic value of these organisations to the sector, landlords who do join an accreditation or recognised landlord membership scheme could be offered an incentive/discount on their licence fee, and this would form part of any consultation.
- 4.3 The Council could decide to only consult on Selective Licensing designation and not consult upon an Additional HMO Licensing designation. However, this will not give the necessary legal framework to implement the required improvements across the Private Rented Sector in the borough.
- 4.4 The Council could decide to only consult on an Additional HMO Licensing designation and not consult upon a Selective Licensing designation. However, this will not give the necessary legal framework

to implement the required improvements across the private rented sector in the borough.

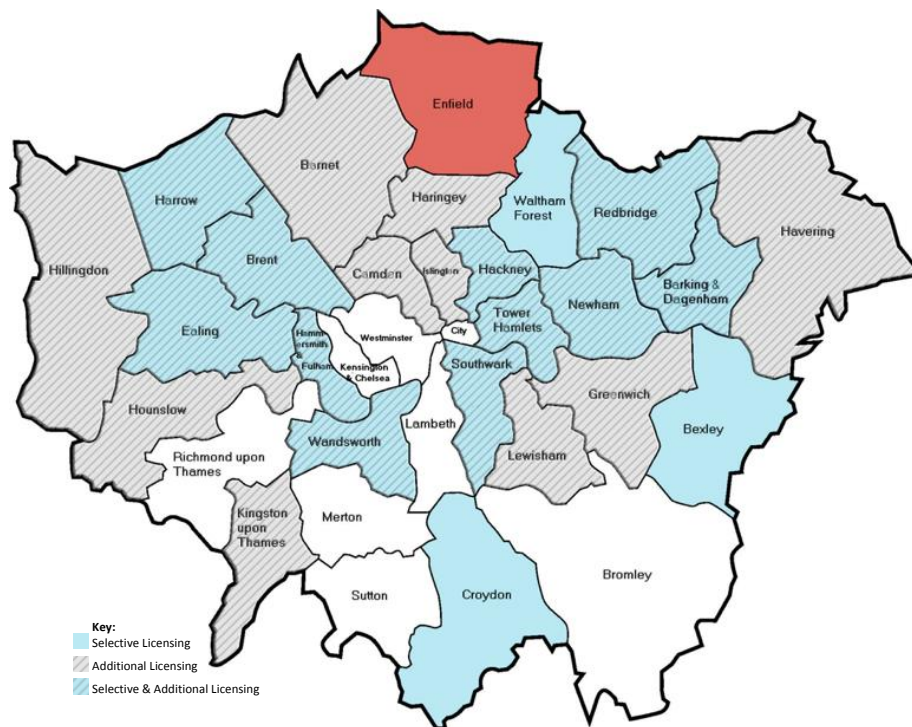
- 4.5 The Council could decide to consult only on the first designation of 13 wards. However, there are still a significant number of issues in Chase, particularly with property conditions and deprivation, and they would not be addressed, leaving residents in that ward without the improvements in the Private Rented Sector that they really need.

5. REASONS FOR RECOMMENDATIONS

- 5.1 The introduction of Additional and Selective Licensing will:

- Improve housing conditions
- Seek to reduce deprivation and inequalities, in conjunction with other key council strategies (e.g. homelessness prevention, housing strategy, corporate plan)
- Help to tackle anti-social behaviour linked with the private rented sector as part of a broader tool kit
- Contribute to an improvement in the health outcomes of residents in the most deprived areas by improving property conditions

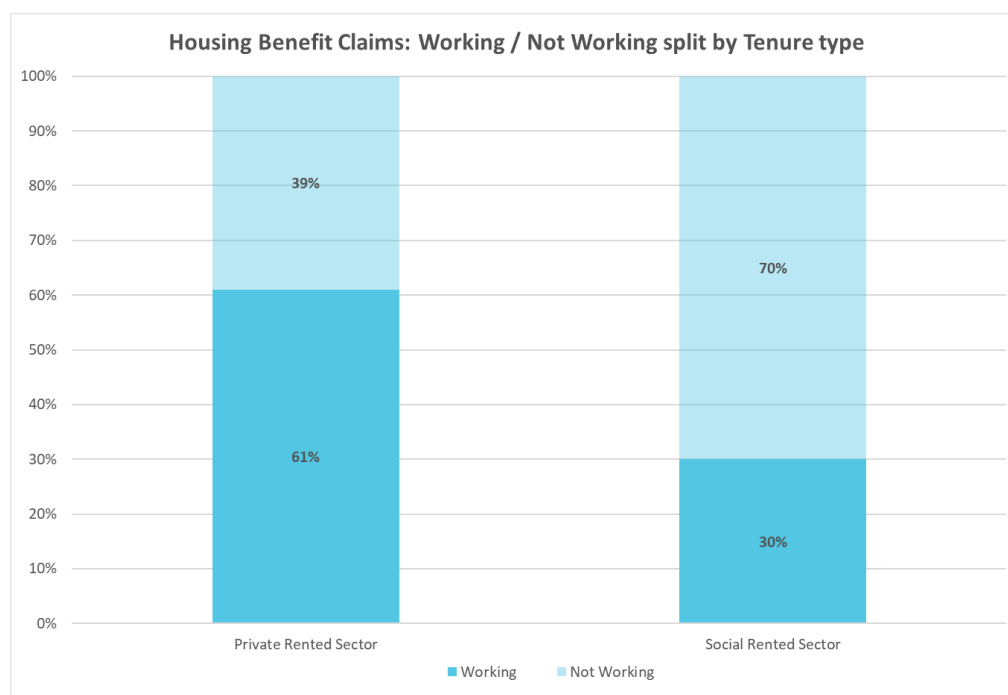
- 5.2 Enfield is one of the few boroughs in London that doesn't have either Selective or Additional Licensing Schemes. Anecdotally and observationally, officers from the borough and neighbouring boroughs support the theory that this has the effect of displacing the problem of rogue landlords from neighbouring boroughs with strong licensing scheme inspection regimes, to Enfield, making the situation in the borough worse.



- 5.3 Two nearby boroughs, Newham and Waltham Forest, have had large scale Additional and/or Selective Licensing for a number of years, since 2014 and 2015 respectively. Newham's experience is that *"Licensing has proved invaluable in driving housing standards up in the growing private rented sector and helps both tenants and landlords manage rented properties to a higher standard"*. In addition, 89% of residents who responded to a survey agreed that continuing the scheme would improve property condition and management. (Cabinet report, *Newham Council, June 2017*).
- 5.4 Waltham Forest has improved over 5,685 properties and has sent over 21,000 warning letters to landlords, agents and property managers. It has prosecuted or issued a civil penalty to nearly 200 landlords and has taken over the full management of over 20 properties. Waltham Forest is currently in public consultation on a new Selective Licensing Scheme and a borough-wide Additional Licensing Scheme.
- 5.5 The eviction rate in the PRS in Enfield is the highest in London. There were 32 evictions per 1,000 renting households in 2016/17 compared to 22 and 20 per thousand in Newham and Waltham Forest respectively. Whilst not completely eradicating the issue, a designation of selective licensing would provide greater protection to tenants from one of the biggest causes of eviction. Landlords cannot use Section 21 of the Housing Act 1988, a so-called "no-fault eviction notice", to evict tenants from a property that is subject to licensing, if the property is not licensed. It is essential that any new licensing scheme is aligned with the Council's strategy on preventing homelessness.
- 5.6 The Council have increasingly used existing enforcement powers to deal with property conditions and management, but are mainly

reactive. At the moment the council relies heavily on receipt of complaints to identify which properties are privately rented and are in poor condition, overcrowded and are being badly managed. The continuing increase and high number of service requests and incidences of ASB in the PRS indicate that current enforcement measures are not sufficient on their own. Additional and Selective licensing will assist in identifying which properties to target for inspection and to bring into compliance, and help us to raise standards and improve conditions for the PRS. Licensing provides clear guidance for landlords on the expected standards for property conditions and management.

- 5.7 Enfield has the highest number of private renters on Housing Benefit in London, and the second highest in the UK. Of Housing Benefit claimants in work – twice as many live in the private renter sector. This demonstrates that private renting is expensive and families in work also need assistance with housing benefit to help pay their rent.



Source: DWP reporting tool – Stat-Xplore 2019, LB of Enfield – Information & Research Team

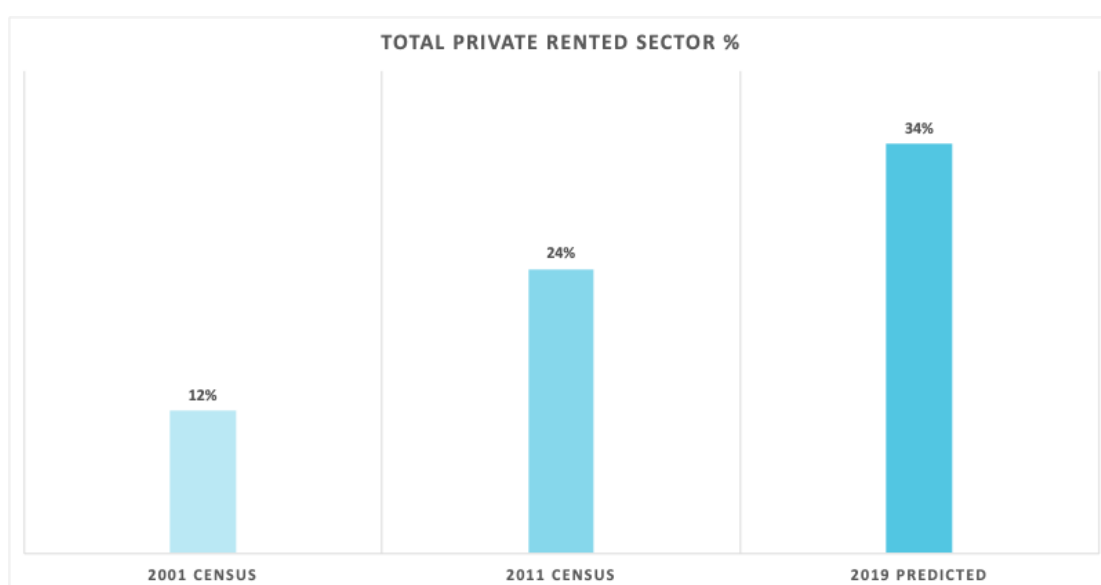
- 5.8 Housing Benefit assistance is being rolled into universal credit payments on a phased basis. The borough also has the second highest level of Discretionary Housing Payment for Universal Credit in the country, after Birmingham. The roll out of Universal Credit started in Enfield in 2017 and is ongoing. Discretionary Housing Payments provide further financial assistance, over and above any welfare benefits, when help with housing costs is required.
- 5.9 At the moment, the Council pays rent in the PRS via Housing Benefit (and Universal Credit is paid via the Department of Work and Pensions

to residents in the borough). Despite contributing around £202 million this year to rent through Housing Benefit in the PRS, the Council has very limited means to control the standards in the sector.

Evidence Base – Selective Licensing Scheme

The level and distribution of Private Rented Sector accommodation in the borough

- 5.10 The Private Rented Sector in the borough has been steadily growing from 12% in 2001 to 24% in 2011 and now reaching an estimated 34%.



Source: Metastreet predicted model 2019

- 5.11 This aligns with the trend across London, which has seen a dramatic increase in the PRS over the last fifteen years. Nearby boroughs now report a PRS level of between 21% and 46%.

PRS % COMPARISON

	Census 2011	Latest reported PRS level
Enfield	24%	34%
Brent	32%	41.5%
Hackney	30%	30%
Haringey	33%	31%
Harrow	23%	22%
Islington	28%	26%
Newham	35%	46%
Redbridge	24%	24%
Waltham Forest	27%	37%

Source: Census 2011- Tenure for Local Authorities, Reported PRS on individual borough documentation

- 5.12 Any geographical area included in a Selective Licensing Scheme must have over the current national average of 19% of PRS (English Housing Survey 2018). All wards in Enfield have well over 19% PRS and could therefore be included in the scheme. Appendix 1 (Fig 1 and Fig 2) shows the ward by ward breakdown of PRS based on recent predicted modelled data.
- 5.13 The legislation requires that for a Selective Licensing Scheme, the area must also have a high proportion of the tenancies in the Private Rented Sector (PRS) that are either assured tenancies or licences (to occupy). We are satisfied that a high proportion of private rented properties in the borough are rented out as assured tenancies or licences. Since the Housing Act 1988, assured shorthold tenancies are the most common type of tenancy agreement in the private rented sector. Also, the experience of the Council's Housing Enforcement Officers is that the majority of tenants they deal with have (or should have) an assured shorthold tenancy agreement.
- 5.14 Whilst all wards meet the Government criteria of being over the national average of 19% PRS, only 14 wards are being put forward to be included in the designation areas because they must also meet at least one of the other criteria set in the legislation. The criteria are listed in paragraph 3.2. Thirteen of the 14 wards meet three of the criteria; poor property conditions, high levels of deprivation and significant and persistent anti-social behaviour. One ward meets the criteria for both poor property conditions and high levels of deprivation.
- 5.15 The Council is looking at Property Conditions as the primary criteria followed by Deprivation and then ASB. Private rented properties in the first proposed designation area suffer from poor property conditions; high levels of deprivation and have significant and persistent anti-social behaviour. They also place a significant demand on council resources. Chase ward has been placed in a separate second proposed designation, as it has a significant number of private rented properties with poor property conditions along with being 11th most deprived ward in Enfield, but with lower levels of ASB compared to Designation one.

Appendix 1 (Fig 3) shows the proposed wards for selective licensing.

Poor Property Conditions

- 5.16 According to the Government guidance, *"There may... be circumstances in which a significant number of properties in the private rented sector are in poor condition and are adversely affecting the character of the area and/ or the health and safety of their occupants. In that case, as part of wider strategy to tackle housing conditions, the local housing authority may consider it appropriate to make a Selective Licensing Scheme so that it can prioritise enforcement action under Part 1 of the Act, whilst ensuring through licence conditions under Part 3 that the properties are properly managed to prevent further deterioration."*

- 5.17 Nationally, the condition of properties in the Private Rented Sector continues to be worse than other housing sectors. A quarter (25%) of privately rented homes fell below the Decent Homes standard in 2017 and 14% of privately rented dwellings were estimated to have a least one serious Category 1 hazard, assessed using the Housing Health and Safety Rating System (HHSRS) under Part 1 of the Housing Act 2004 (English Housing Survey 2017/18).
- 5.18 The modelling shows that there are a significant number of Category 1 hazards in the private rented sector in Enfield. The vast majority (79%) of the Category 1 hazards are within the designated areas (Appendix 2 Fig 1).
- 5.19 The modelling shows that all the wards in Enfield have over the national average of 14% of private rented properties with Cat 1 hazards, and the borough average for Cat 1 hazards is 28% which is significantly above the national average. (Appendix 2 Fig 2). Bearing in mind that there is no safe level for Cat 1 hazards.
- 5.20 The modelled data is based on actual Council records, which shows that the wards within the designated areas have the highest number of PRS interventions per 1,000 PRS dwellings. (Appendix 2 Fig 3). This includes a broader range of property issues including Cat 1 Hazards, overcrowding, enforcement actions, housing notices, enviro-crime and disrepair. These wards place the highest demands on council services and resources.
- 5.21 A recent report into selective licensing schemes by Julie Rugg and David Rhodes, University of York 2018, agrees that, *“there are currently no regulations that define a minimum standard for property deemed suitable for letting, although the local authority can enforce compliance with the Housing Act 2004 if the property is inspected...Selective Licensing regimes open a dialogue between the local authority and local landlords, which local authorities can use to implement ‘soft’ enforcement through advice and support on property condition.”*
- 5.22 A Selective Licensing Scheme would enable a supportive dialogue with compliant landlords and to greater prioritise enforcement action under Part 1 of the Housing Act. The proposed licence conditions would set a minimum standard and encourage better management of properties to stop them getting even worse. A selective licensing scheme would also provide a targeted inspection programme and compliance capability backed by a strong legal framework.
- 5.23 The 2019 report from the Chartered Institute of Environmental Health states the important role that Selective Licensing has in improving property conditions in the areas it is introduced, *“The introduction of a Selective Licensing Scheme in these areas clearly shows that property and management standards have been improved and the schemes were well targeted to focus on areas with very poor housing stock. The*

fact that such large numbers of properties needed works to be done also suggests that the schemes are largely fair to landlords – a majority of properties within licensable areas are benefitting from improvements and greater compliance.”

Deprivation

- 5.24 In order to make a selective licensing designation based on a high level of deprivation, the Government recommends considering the following factors when compared to other similar neighbourhoods in the local authority area or within the region:
- the employment status of adults;
 - the average income of households;
 - the health of households;
 - the availability and ease of access to education, training and other services for households;
 - housing conditions;
 - the physical environment;
 - levels of crime.
- 5.25 Enfield is the 6th most deprived borough in London and the 25th most deprived borough in England, based on low income levels (IMD, 2015). Breaking this down by ward, 14 of the wards with the highest levels of PRS rank in the 14 most deprived wards in the borough. These wards rank in the top 10% - 50% most deprived in London and nationally. See Appendix 3 Fig 1.
- 5.26 Using the data from a number of sources, it is clear that the wards with the highest levels of PRS are also the wards with high levels of deprivation, as indicated by a combination of the following:
- The higher levels of unemployment benefit claims as an indicator of the employment status of adults (Appendix 3 Fig 2)
 - The high number of households living on low incomes, below £15,000 per annum (Appendix 3 Fig 3)
 - The number of children in low income families (Appendix 3 Fig 4)
 - The number of households receiving the housing element of Universal Credit and Housing Benefit for the property they rent. Enfield has the second highest level of Discretionary Housing Payment in the country (Appendix 3 Fig 5)
 - High levels of childhood obesity, as a proxy for poor health outcomes (Appendix 3 Fig 6).
 - Properties with dirty front gardens as an example of a poor physical environment (Appendix 3 Fig 7)
 - High levels of crime (Appendix 3 Fig 8)

- 5.27 The modelled data shows that there are significant numbers of private rented properties with poor housing conditions (including Cat 1 Hazards) in the wards in the proposed designations (Appendix 2 Fig 2). These not only contribute to poor health, with damp, mould and excessive cold being common issues, but landlords with properties in areas of high crime and ASB need to ensure that their properties are secure. In addition, under Selective Licensing, any ASB relating to a property must be monitored and dealt with effectively by the licence holder.
- 5.28 The proposed Selective Licensing Scheme will help to address these problems by providing a targeted inspection programme and compliance capability backed by a strong legal framework. This will ensure that landlords keep their properties in good condition and are not able to take advantage of vulnerable people and families who, due to their low income, have very limited choice in the rental market.
- 5.29 In addition, the licence conditions that will be proposed for the scheme will stipulate a management regime for properties that will encourage landlords to inspect their properties and deal with disrepair and anti-social behaviour. Failure to manage a property effectively could also lead to prosecution or a civil penalty.
- 5.30 The table below summarises the deprivation factors in each ward demonstrating that the wards with the highest PRS also have the highest levels of deprivation.

Ward	IMD ranking	High unemployment	Low income households	Poor health outcomes	Poor property conditions	Poor physical environment	High levels of crime	Number of factors
EDMONTON GREEN	1	✓	✓	✓	✓	✓	✓	
UPPER EDMONTON	2	✓	✓	✓	✓	✓	✓	
TURKEY STREET	3	✓	✓	✓	✓	✓	✓	
LOWER EDMONTON	4	✓	✓	✓	✓	✓	✓	
PONDERS END	5	✓	✓	✓	✓	✓	✓	
HASELBURY	6	✓	✓	✓	✓	✓	✓	
ENFIELD LOCK	7	✓	✓	✓	✓	✓	✓	
ENFIELD HIGHWAY	8	✓	✓	✓	✓	✓	✓	
JUBILEE	9	✓	✓	✓	✓	✓	✓	
SOUTHBURY	10	✓	✓	✓	✓	✓	✓	
CHASE	11	✓	✓	✓	✓			
BOWES	12			✓	✓	✓		
PALMERS GREEN	13			✓	✓			
SOUTHGATE GREEN	14			✓	✓			
HIGHLANDS	15				✓			
COCKFOSTERS	16			✓	✓			
SOUTHGATE	17				✓			
BUSH HILL PARK	18			✓	✓			
TOWN	19				✓			
WINCHMORE HILL	20				✓			
GRANGE	21				✓			

Source: IMD 2015, LB of Enfield – Information & Research Team

Anti-social Behaviour

- 5.31 According to the Government's guidance, if ASB is to be used as a criteria, the Council must show that the proposed designated area is suffering from significant and persistent anti-social behaviour. In addition, must show that 'private sector landlords in the designated area are not effectively managing their properties so as to combat

incidences of anti-social behaviour caused by their tenants or people visiting their properties’.

- 5.32 The total number of all Council recorded ASB (Appendix 4 Fig 1) over the last three years is significant when mapped against the estimated PRS. Property-related ASB is much worse in the wards with higher levels of private rented properties. It can be seen that the wards in designation one, have near or above the borough average for ASB incidents
- 5.33 The objectives of the proposed Selective Licensing Scheme will be strongly linked to reducing ASB connected to private rented homes, in conjunction with the Council's Corporate Plan 2018 - 2022 '*Creating a lifetime of opportunities in Enfield*', which promises to tackle 'all types of crime and anti-social behaviour'; the emerging Homelessness Prevention strategy, which will look at tackling ASB in relation to tenancy sustainment; the new Housing strategy, which aims to prevent ASB by an improvement in interventions with PRS; and the Safer and Stronger Communities Board, Community Safety Plan 2021 will deal with a range of ASB behaviours as one of the 5 priorities in the Community Safety Plan 2021.
- 5.34 The proposed licensing conditions will also deal with a landlord's responsibilities to deal with ASB in their property.
- 5.35 Summary of the evidence - the table below summarises the evidence ward by ward, allowing a view of all of the criteria considered (PRS level, Property Conditions, Deprivation and ASB)

Ward	Above 19% PRS	Poor property Conditions (above borough average)	Deprivation – based on IMD ranking in England	Anti-Social Behaviour (above borough average)	Included in designation 1	Included in designation 2
BOWES	✓	✓	✓	✓	Yes	
BUSH HILL PARK	✓	✓				
CHASE	✓	✓	✓			Yes
COCKFOSTERS	✓	✓		✓		
EDMONTON GREEN	✓	✓	✓	✓	Yes	
ENFIELD HIGHWAY	✓	✓	✓	✓	Yes	
ENFIELD LOCK	✓	✓	✓	✓	Yes	
GRANGE	✓	✓				
HASELBURY	✓	✓	✓	✓	Yes	
HIGHLANDS	✓	✓				
JUBILEE	✓	✓	✓	✓	Yes	
LOWER EDMONTON	✓	✓	✓	✓	Yes	
PALMERS GREEN	✓	✓	✓	✓	Yes	
PONDERS END	✓	✓	✓	✓	Yes	
SOUTHBURY	✓	✓	✓	✓	Yes	
SOUTHGATE	✓	✓				
SOUTHGATE GREEN	✓	✓	✓	✓	Yes	
TOWN	✓	✓				
TURKEY STREET	✓	✓	✓	✓	Yes	
UPPER EDMONTON	✓	✓	✓	✓	Yes	
WINCHMORE HILL	✓	✓				

Source: IMD 2015, LB of Enfield – Information & Research Team

5.36 The light blue rows represents Designation ONE of 13 wards – these wards exceeds the national PRS level and show the significant level of Cat 1 hazards within the PRS sector following this all 13 wards have been presented as showing high levels of deprivation within all factors and present a significant high level of ASB, showing that landlords with properties within these wards (and hence the designation) are not managing their properties to combat ASB.

5.37 The dark blue row showing Chase ward exceeds the national PRS level and has a significant issue with Property conditions Cat 1 hazards within the PRS properties along with being the 11th most deprived ward in Enfield and hence being placed in designation two.

Other Government criteria for Selective Licensing

5.38 The other criteria (as listed in paragraph 3.2) that can be used to identify an area that could benefit from a Selective Licensing scheme either do not apply in the borough (i.e. low housing demand), or the pattern and distribution of the issues in the borough do not suggest a strong link to PRS (i.e. high levels of crime, migration).

Evidence Base – HMO Additional Licensing Scheme

5.39 Additional Licensing Schemes relate to HMOs (House of Multiple Occupation) and applies to the entire house or flat which is let to less than 5 persons in two or more households with shared facilities

(kitchen, bathroom and/or toilet). Larger HMOs that are occupied by five or more people forming two or more households which share facilities, already fall within the scope of mandatory HMO licensing, which Enfield already operates.

Level and distribution of Additional Scheme HMOs in the borough

- 5.40 The current estimation is that there are 9,661 HMOs operating which are spread across the borough (Appendix 5 Fig 1). Whilst we would not expect these all to be licensed under the current Mandatory HMO licensing regime, there are still likely to be a large number of mandatory HMOs that have not come forward to licence despite recent increased communications and publicity we have undertaken. This contributes towards the case for borough-wide HMO Additional licensing to help combat problems associated with the inadequate management of properties in that sector.

Evidence and experience of poorly managed sector

- 5.41 There is evidence that HMOs in the borough are being ineffectively managed and are causing issues for their inhabitants and neighbours in the community. There have been a high proportion of queries, complaints and reports to the Council from tenants living in HMOs and their neighbours, covering issues from noise and rubbish to overcrowding and fire hazards. These are confirmed by the follow up inspections and enforcement notices issued against the owners and managing agents of those properties. It is clear that this problem is getting worse and that the number of HMOs is also increasing. See Appendix 5 Fig 2 for evidence of an increase to caseload queries between 2016 -2018.
- 5.42 The evidence from the predicted data modelling shows that there are poor property conditions (Cat 1 Hazards) associated with HMOs in the borough (Appendix 5 Fig 3). HMOs are much more likely to have Cat 1 Hazards, way above the national average of 15% of privately rented properties. There are also significant and persistent problems caused by anti-social behaviour specifically related to HMO properties and evidence that HMO properties place high demands on Council services (PRS Regulatory interventions).

Ward	No. HMOs	Cat 1 hazards	Total ASB, Nuisances & Envirocrime	Total PRS Regulatory Interventions
BOWES	555	307	128	860
BUSH HILL PARK	298	102	44	155
CHASE	261	100	45	162
COCKFOSTERS	347	103	60	122
EDMONTON GREEN	558	310	167	947
ENFIELD HIGHWAY	520	252	121	758
ENFIELD LOCK	548	246	103	693
GRANGE	337	104	25	97
HASELBURY	688	409	182	1,259
HIGHLANDS	290	84	32	119
JUBILEE	555	327	285	1,054
LOWER EDMONTON	709	402	225	1,274
PALMERS GREEN	596	332	99	821
PONDERS END	533	291	188	980
SOUTHBURY	367	155	139	355
SOUTHGATE	435	127	45	209
SOUTHGATE GREEN	397	192	74	424
TOWN	277	115	47	176
TURKEY STREET	452	226	146	661
UPPER EDMONTON	552	295	179	697
WINCHMORE HILL	386	172	50	250
BOROUGH TOTAL	9,661	4,651	2,384	12,073
BOROUGH AVERAGE	460	221	114	575

Source: *Metastreet predicted model 2019*

- 5.43 Appendix 5 Fig 4 shows that there are high levels of property-related ASB in HMOs across the borough, supporting the case for a borough-wide Additional Licensing Scheme.
- 5.44 Another example of poor property management is the extremely low level of tenancy deposits registered with the national schemes. The national average for all PRS is 73%, and the Enfield Borough average for HMOs is only 12%. This shows an indicative failure of Landlords to use these government protected schemes and is an offence under the Consumer Rights Act 2015.

Ward	Total Registered Tenancy Deposits	% HMOs with Tenancy Deposits
BOWES	93	17%
BUSH HILL PARK	37	12%
CHASE	26	10%
COCKFOSTERS	54	16%
EDMONTON GREEN	65	12%
ENFIELD HIGHWAY	36	7%
ENFIELD LOCK	55	10%
GRANGE	31	9%
HASELBURY	64	9%
HIGHLANDS	29	10%
JUBILEE	56	10%
LOWER EDMONTON	84	12%
PALMERS GREEN	66	11%
PONDERS END	78	15%
SOUTHBURY	49	13%
SOUTHGATE	92	21%
SOUTHGATE GREEN	78	20%
TOWN	51	18%
TURKEY STREET	30	7%
UPPER EDMONTON	51	9%
WINCHMORE HILL	32	8%
BOROUGH TOTAL	1,157	12%
BOROUGH AVERAGE	55	12%

Source: Metastreet predicted model 2019

Alignment with other key council strategies

- 5.45 Selective Licensing and Additional Licensing Schemes are key to supporting the Council's strategies for Housing and Homelessness.
- 5.46 The Council is currently developing a new Housing strategy, which sets out the vision for delivering housing that creates a step-change to tackle the scale of the housing crisis. The Council wants to make sure that everyone can benefit from the opportunities that growth can bring, and everyone feels connected to their community, even during times of change. While still in early stages of development, Enfield's emerging new Housing Strategy is made up of five ambitions. The third proposed ambition is to achieve "quality and variety in private sector homes", with a range of priorities being considered to improve quality of the private rented sector. Our proposed new Preventing Homelessness and Rough Sleeping Strategy 2020- 2025 includes the ambition to support people to access the right accommodation, which also focuses on improving the conditions and security of the private rented sector.
- 5.47 This strand focuses on the need to improve the private rented sector in the context of rising homelessness, high eviction rates and heavy reliance on the Private Rented Sector. Licensing will significantly contribute to the Council's Corporate Plan aim to 'deliver initiatives to improve standards in the private rented sector and tackle rogue landlords' and the overarching aim to deliver 'good homes in well-

connected neighbourhoods' and 'increase the supply of affordable, quality housing options'.

- 5.48 Alongside the new Housing Strategy, the Council is also developing a new Preventing Homelessness Strategy. The vision is to end homelessness in Enfield. This means ensuring that everyone has a safe, stable place to live. Whilst homelessness is rising significantly across the country, in Enfield this is particularly stark with 3,466 households currently in Temporary Accommodation, the second highest number nationally.
- 5.49 The Council sees its relationship with private rented landlords as key to achieving this. Loss of private rented accommodation is the main reason for households accepted as homeless, accounting for nearly half of all cases. Reducing evictions from the private rented sector is a key priority. This involves supporting, empowering, and educating tenants regarding their rights and responsibilities, as well as working with landlords. Enfield Council's priorities include both improving standards of management through effective support, information, advice and guidance for landlords; whilst also taking a strong approach to tackling poor conditions and stopping rogue landlords and managing/ letting agents.

Licence Fees

- 5.50 Article 13(2) of the EU Services Directive (2006/123/EC) requires that the licence fee paid by the applicant must be reasonable and proportionate to the cost of the authorisation (licensing) procedure and shall not exceed the cost of the authorisation procedure. This means that the costs of the proposed licensing schemes must be cost neutral whereby the total licensing fee income does not exceed the expenditure over the 5-year duration of the scheme.
- 5.51 Based on the estimation of costs, the proposed fee for a Selective Licensing property is £600, and the proposed fee for an Additional Licensing property is £900.

The Public Consultation

- 5.52 We are required to consult on the proposed additional and selective licensing schemes for a minimum of 10 weeks. If approval is given to undertake the public consultation, the consultation questionnaire and consultation material will be prepared, and legal and counsel consulted. The public consultation will be conducted for 3 months and include:
- An online questionnaire on the Council's website
 - Face to Face meetings with landlords and businesses
 - Face to Face meetings with tenants and residents

- 5.53 This will be supported by extensive communications using a range of media to publicise the consultation both within and outside of the borough.
- 5.54 If this report is agreed, an external provider will be procured to deliver the statutory consultation.
- 5.55 Appendix 6 contains further information about our intended approach towards the public consultation.

6.0 COMMENTS FROM OTHER DEPARTMENTS

6.1 Financial Implications

The schemes, if implemented, will be self-financing. The proposed licence fees are indicative and have been calculated so that the income generated will cover the total cost of processing applications and enforcing compliance with the schemes. The income generated will cover all one off implementation costs and the ongoing costs over the 5 year period.

If this report is agreed, an external provider will be procured to deliver the statutory consultation, which will be covered by existing resources.

6.2 Legal Implications

- 6.2.1 Counsel has provided advice and guidance to the Council on the proposed Additional and Selective Licensing Schemes. The following legal implications have been prepared in full consultation with Counsel.
- 6.2.2 Parts 2 and 3 of the Housing Act 2004 provide powers for local housing authorities to designate areas, or the whole of the area of its district, for additional (Part 2) and/or selective (Part 3) licensing of private rented accommodation.
- 6.2.3 These powers are available where the local housing authority is satisfied that specified criteria are met as set out at Paragraph 3 of the Report.
- 6.2.4 The exercise of the powers must be consistent with the Councils overall housing strategy and the Council must adopt a co-ordinated approach in connection with improving housing standards and tackling deprivation and inequalities including homelessness, empty properties and antisocial behaviour.
- 6.2.5 Where the statutory conditions for implementation of licensing for private rented accommodation are satisfied the Council must undertake a process of consultation before a designation is made, including consideration of all representations received to the consultation. The Council must have taken reasonable steps to consult persons who are likely to be affected by the designation in compliance with sections

56(3) and 80(9) Housing Act 2004. The period must not be shorter than 10 weeks and must be sufficiently adequate to comply with the statutory requirements; notably, ensuring that consultation captures persons likely to be affected. It is imperative the consultation process is robust and fully transparent incorporating cogent and coherent data and evidence base, properly attributable evidence to relevant factors including decision making rationality.

- 6.2.6 The Public notice of a designation must be given once it is made.
- 6.2.7 Additionally, the Council must have considered other courses of action that might provide an effective remedy of achieving its policy objective(s) the proposed licensing scheme(s) seek to achieve and that the making of the designation will significantly assist the Council to achieve those objective(s). Here it is important to stress why the alternative course(s) of action highlighted do not in themselves achieve the policy objective(s) but that a combination of the existent enforcement powers and the proposed licensing scheme(s) would in its view significantly assist the Council in achieving those objectives.
- 6.2.8 Legal will be engaged throughout the process to ensure continued compliance with the Council's statutory functions and to ensure all documents/agreements/etc. are in a form approved by the Director of Law and Governance.

6.3 Property Implications

There are no immediate property implications in relation to this report to approve a public consultation. If in due course Cabinet approves the introduction of additional and selective licensing schemes, office space will be required for the new team of staff. The majority of staff that would be undertaking inspections and compliance checks will be working mostly remotely and so the amount of office space will be minimised.

7.0 KEY RISKS

- 7.1 The most significant risk of not implementing a scheme is that we will fail to effectively tackle the large scale improvement required in the private rented sector. In addition, surrounding Councils have either one or both schemes in place. This makes Enfield more vulnerable to be targeted by rogue landlords wishing to operate with relative impunity. Anecdotally, there is experience of poor landlords setting up new businesses in areas without licensing.
- 7.2 The key risk during the statutory consultation period is potentially inaccurate and negative publicity/media about the proposed licensing schemes.

Mitigation: Robust and clear statements about the findings of the review of the private rented sector and the objectives and benefits of licensing schemes

- 7.3 Another key risk is of Judicial Review of the Council's decision to consult on proposed licensing schemes or of the consultation process, which could delay progress and give rise to a reputational risk to the Council

Mitigation: There is detailed and quality assured data and evidence that supports the proposed licensing schemes. There has been early engagement with Counsel providing assured legal advice.

8.0 IMPACT ON COUNCIL PRIORITIES – CREATING A LIFETIME OF OPPORTUNITIES IN ENFIELD

8.1 Good homes in well-connected neighbourhoods

One of the Council's key promises in the corporate plan is "*Delivering initiatives to improve standards in the private rented sector and tackle rogue landlords.*" The introduction of additional and selective licensing schemes is fundamental to the delivery of that promise and is the most important tool the Council will have to enable an improvement in the standard of privately rented homes and making Enfield a place that does not tolerate rogue landlords.

The schemes will also work positively and supportively with good landlords to raise the professionalism and management of the sector and ensure that properties are safe, secure and well-maintained.

By improving standards in the private rented sector and tackling rogue landlords, this will improve the neighbourhood as a whole and will help to encourage investment in regeneration and housing in the borough. Together, these will enable the Council to deliver on its aim of, "Working with the public and private sector to deliver decent, safe housing that meets residents' needs."

8.2 Sustain strong and healthy communities

A good quality private rented sector will encourage residents to stay in Enfield, in turn creating sustainable communities. A poorly managed rented sector, with badly maintained properties, not only encourages a faster turnover of tenants but often distracts from the look and feel of the street. This can put off residents of all tenures from remaining in the borough and destabilises the community.

The main objective of both licensing schemes is to improve the management and maintenance of properties in the sector. Selective licensing, in particular, will have a specific aim to reduce category 1 hazards in the private rented sector, such as excessive cold, damp, infestations and fire/electrical issues, which adversely affect the health

and wellbeing of residents. This supports the council's corporate aim to "Build measures into all our strategies and projects that will help improve public health and people's wellbeing."

Another of the objectives of introducing selective licensing in Enfield is to reduce property related ASB. This is consistent with Enfield's corporate plan pledge of "Working with partners to make Enfield a safer place by tackling all types of crime and anti-social behaviour; and protecting the local and urban environment."

8.3 Build our local economy to create a thriving place

The introduction of selective and additional licensing in Enfield aims to provide an improved standard of housing within the private rented sector. Poor property conditions are borne by the most vulnerable and economically disadvantaged in the community so, by improving housing conditions these schemes will help the council to deliver on its pledge to "work on reducing inequalities to make Enfield a place for people to enjoy from childhood to old age."

An improvement in property conditions also has an inevitable effect on the streetscape and will help to ensure *"our high streets and town centres thrive and attract people to live, work and visit."*

9.0 EQUALITIES IMPACT IMPLICATIONS

Enfield is characterised by significant inequalities between the affluent west of the Borough and the deprived east, separated by the A10, which represents both a physical and social boundary between communities. A licencing scheme should help those that are most disadvantaged through ensuring that proper tenancy arrangements are in place. The elimination of overcrowding within the PRS will help to improve the health outcomes of the most disadvantaged groups. Overall, tenants will benefit from an improvement in their property conditions and better standards of tenancy management.

A predictive Equalities Impact Assessment was completed based on these proposals (Appendix 7). Whilst the overall impact of the scheme will have a positive impact for many people the decision and any potential adverse impact is outweighed by the benefits of the scheme for many people. The Equalities Impact Assessment will be reviewed again after the public consultation.

10.0 PERFORMANCE AND DATA IMPLICATIONS

There are no specific performance indicators at this stage for the public consultation. Objectives for the licensing schemes and performance measures will be set if it is agreed to implement licensing schemes following the public consultation.

Data has been compiled from Council and Police records in accordance with GDPR and has been quality assured.

11.0 HEALTH AND SAFETY IMPLICATIONS

There are no specific health and safety implications for approval of the public consultation.

12.0 HR IMPLICATIONS

There are no immediate human resources safety implications for approval of the public consultation. An external provider will be procured to deliver the statutory consultation

13.0 PUBLIC HEALTH IMPLICATIONS

An improvement in the living conditions of the most vulnerable and deprived in the borough is one of the aims of introducing the licensing schemes. Additional HMO licensing scheme and a selective licensing scheme in 14 wards will help raise housing standards by identifying removing hundreds of dangerous defects from privately rented accommodations. The inspection and ensuring compliance of the licensing schemes can reduce anti-social behaviour and subsequently criminal behaviour. As a result, the proposed licensing changes may contribute to an improvement in the health outcomes of the private tenants who will be living there after the proposed changes.

Nonetheless the licensing measures in itself will not improve the respiratory diseases related to damp and mould which are made worse by fuel efficiency measures, that inhibits ventilation, when the tenants cannot afford heating due to fuel poverty. Licensing in itself will not solve a key underlying cause which is poverty. A co-ordinated approach with other agencies is needed to tackle deprivation, homelessness, empty properties and antisocial behaviour.

The consultation should seek to ensure representative levels of engagement of the residents, tenants and landlords in the geographical areas who will be affected most by the new changes so that they do not feel disempowered.

For the new scheme to be effective in achieving its objectives, the council should produce and make available guidance materials to educate and support all landlords and tenants in the areas to understand their responsibilities and how to fulfil them in practice.

Background Papers

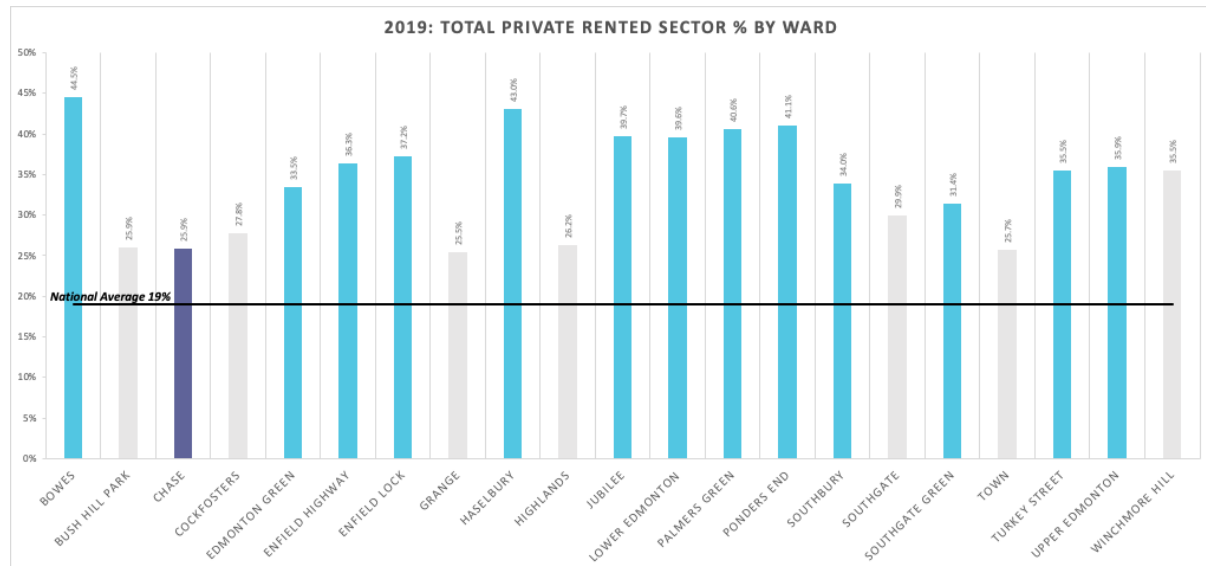
None

Appendix 1 – Level and distribution of Private Rented properties in the borough of Enfield.

Fig 1)

Graph shows the level of PRS by ward, with the proposed selective licensing designations shown in colour. Designation One (Light blue) and Designation Two (Dark Blue)

Borough Average: 34%



Source: Metastreet predicted model 2019

Fig 2)

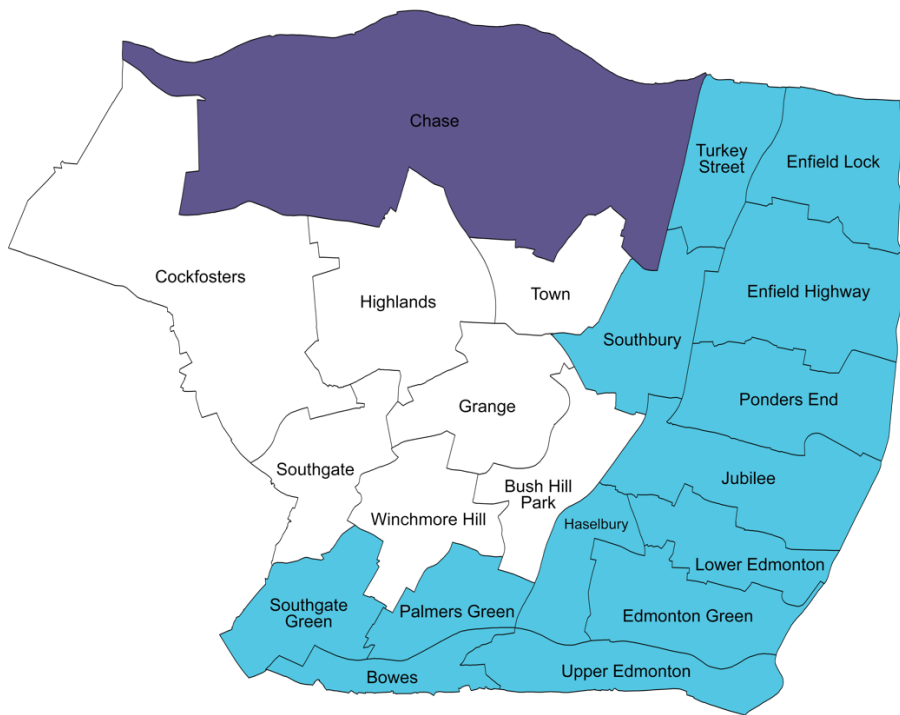
Table shows the change in distribution of PRS by ward since 2001. The darker shaded cells indicate the wards with PRS over the national average of 19% (English Housing Survey 2018).

Ward	2001 Census					2011 Census					2019 Predicted Model		Gazetteer
	Own Outright	Rented from Local Authority or Housing Association	Rented from Private landlord	Total Properties	Total PRS %	Own Outright	Rented from Local Authority or Housing Association	Rented from Private landlord	Total	Total PRS %	Rented from Private landlord	Total PRS %	
BOWES	3,345	686	884	4,915	18%	3,082	587	1,838	5,507	33%	2,657	44.5%	5,975
BUSH HILL PARK	4,498	286	435	5,219	8%	4,307	283	874	5,464	16%	1,497	25.9%	5,769
CHASE	3,650	1,249	489	5,388	9%	3,471	1,201	968	5,640	17%	1,507	25.9%	5,820
COCKFOSTERS	3,722	658	650	5,030	13%	3,602	626	987	5,215	19%	1,591	27.8%	5,729
EDMONTON GREEN	2,707	2,766	753	6,226	12%	2,206	2,975	1,718	6,899	25%	2,387	33.5%	7,130
ENFIELD HIGHWAY	3,619	1,276	526	5,421	10%	3,132	1,430	1,295	5,857	22%	2,217	36.3%	6,105
ENFIELD LOCK	3,588	1,049	546	5,183	11%	3,265	1,438	1,622	6,325	26%	2,529	37.2%	6,800
GRANGE	4,241	182	537	4,960	11%	4,068	177	1,009	5,254	19%	1,477	25.5%	5,800
HASSELBURY	3,751	1,119	695	5,565	12%	2,974	1,133	1,706	5,813	29%	2,573	43.0%	5,983
HIGHLANDS	4,214	454	556	5,224	11%	4,118	411	992	5,521	18%	1,559	26.2%	5,943
JUBILEE	3,789	817	521	5,127	10%	3,107	827	1,408	5,342	26%	2,164	39.7%	5,446
LOWER EDMONTON	3,324	1,054	611	4,989	12%	2,844	1,665	1,577	6,086	26%	2,513	39.6%	6,347
PALMERS GREEN	4,118	475	782	5,375	15%	3,681	521	1,589	5,791	27%	2,578	40.6%	6,348
PONDERS END	3,100	1,153	629	4,882	13%	2,691	1,454	1,535	5,680	27%	2,480	41.1%	6,034
SOUTHURBY	3,359	1,250	551	5,160	11%	2,981	1,323	1,217	5,521	22%	2,070	34.0%	6,096
SOUTHGATE	3,951	449	927	5,327	17%	3,733	435	1,741	5,909	29%	1,909	29.9%	6,374
SOUTHGATE GREEN	3,591	703	698	4,992	14%	3,372	621	1,161	5,154	23%	1,790	31.4%	5,699
TOWN	4,750	396	607	5,753	11%	4,559	367	1,113	6,039	18%	1,670	25.7%	6,509
TURKEY STREET	3,372	1,279	396	5,047	8%	2,842	1,401	1,085	5,328	20%	1,974	35.5%	5,554
UPPER EDMONTON	3,347	1,654	638	5,639	11%	2,760	1,855	1,607	6,222	26%	2,386	35.9%	6,653
WINCHMORE HILL	3,958	344	674	4,976	14%	3,754	343	1,252	5,349	23%	2,018	35.5%	5,690
BOROUGH TOTAL	77,994	19,299	13,105	110,398	12%	70,549	21,073	28,294	119,916	24%	43,546	34.1%	127,804

Source: Census 2001, Census 2011 & Metastreet predicted model 2019

Fig 3)

Proposed wards for Selective Licensing.



Designation One:

1. Bowes
2. Edmonton Green
3. Enfield Highway
4. Enfield Lock
5. Haselbury
6. Jubilee
7. Lower Edmonton
8. Palmers Green
9. Ponders End
10. Southbury
11. Southgate Green
12. Turkey Street
13. Upper Edmonton

Designation Two:

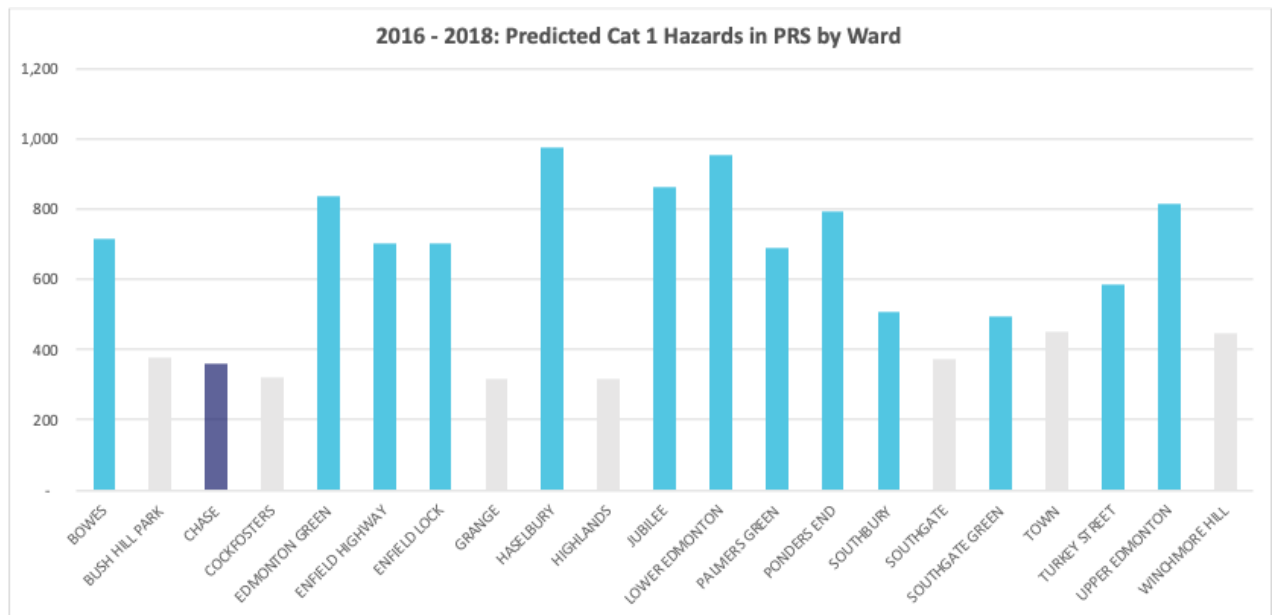
14. Chase

Source: LB of Enfield 2019

Appendix 2 – Poor Property conditions

Fig 1)

Graph shows the predicted numbers of private rented properties with a significant level of Cat 1 hazards.



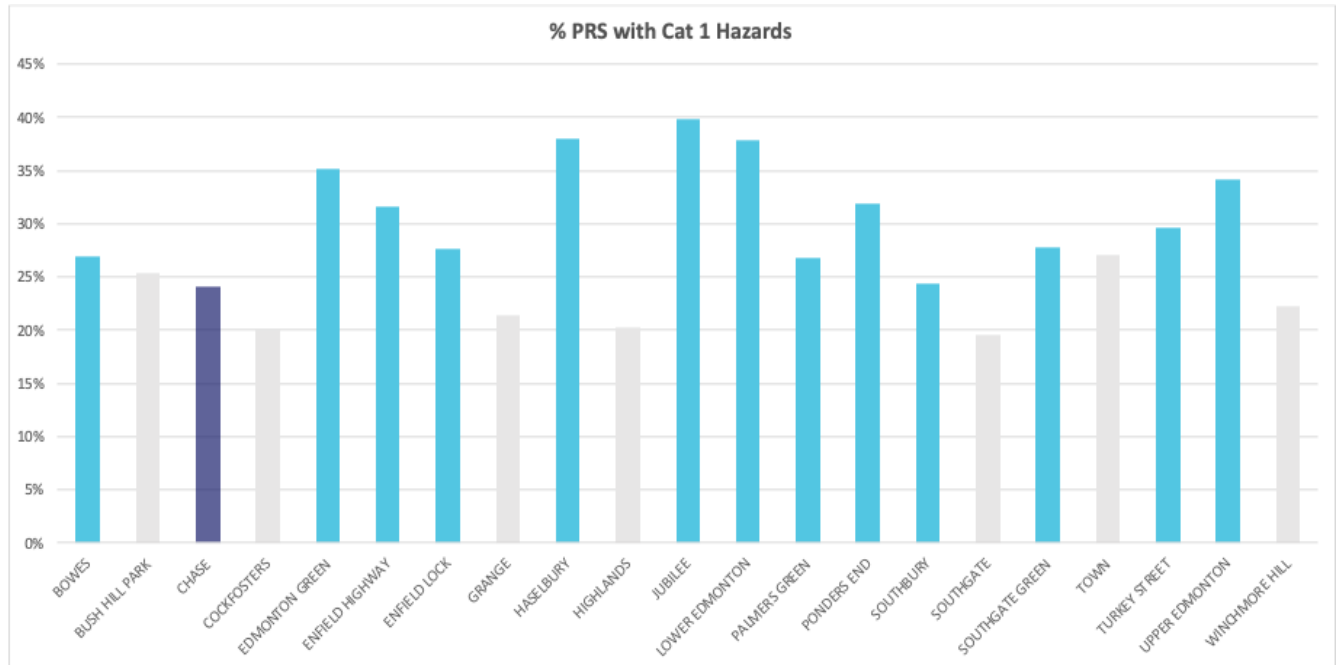
Ward	Cat 1 Hazards (predicted)
BOWES	716
BUSH HILL PARK	379
CHASE	362
COCKFOSTERS	321
EDMONTON GREEN	838
ENFIELD HIGHWAY	701
ENFIELD LOCK	700
GRANGE	317
HASELBURY	976
HIGHLANDS	317
JUBILEE	861
LOWER EDMONTON	952
PALMERS GREEN	691
PONDERS END	791
SOUTHBURY	506
SOUTHGATE	374
SOUTHGATE GREEN	496
TOWN	451
TURKEY STREET	585
UPPER EDMONTON	814
WINCHMORE HILL	448
BOROUGH TOTAL	12,596
BOROUGH AVERAGE	600

Fig 2)

Graph shows the predicted level of private rented properties with a significant level of Cat 1 hazards. This clearly shows that all wards are above the national average of Cat 1 hazards.

National Average: 14.4% (English Housing Survey 2017)

Borough Average: 28%



Source: Metastreet predicted model 2019

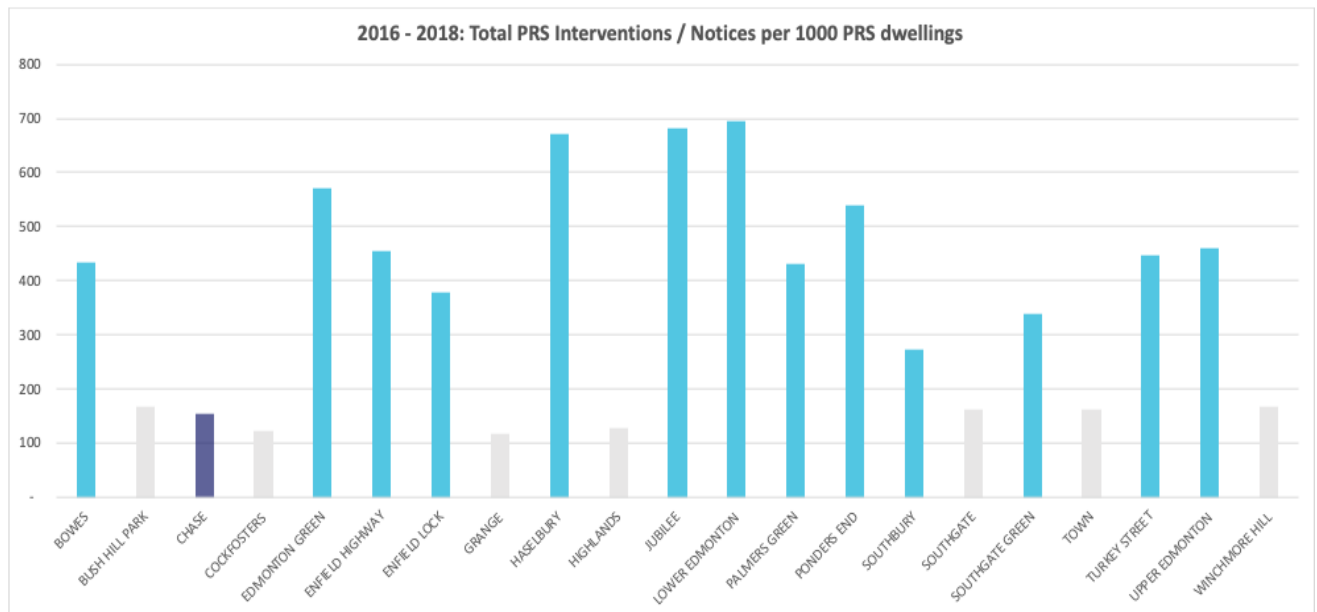
Fig 3)

Graph shows the actual total number of interventions and notices, including all enforcement actions, notices and enquiries (further inclusions listed below) relating to the PRS per 1,000 predicted PRS dwellings.

This shows the significantly high level of intervention required by the council and the resulting drain on council resources.

(Includes all statutory enforcement, caseload queries, planning applications, overcrowding, housing enforcement notices, housing disrepair, housing enforcement service enquiries, shared occupation enforcement, multi-occupied house enforcement, notices to PRS, op rogue service enquiries).

Borough Average: 360



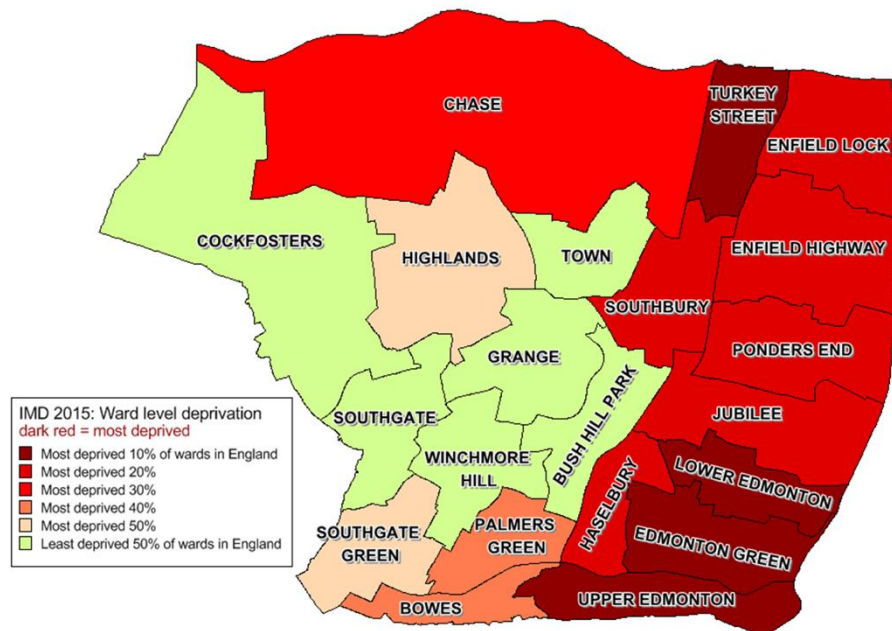
Source: Metastreet predicted model 2019

This page is intentionally left blank

Appendix 3 – Deprivation

Fig 1)

Map of the Enfield borough shows the level of deprivation by ward, and the table below shows the deprivation ranking within the borough compared with London and the rest of England.

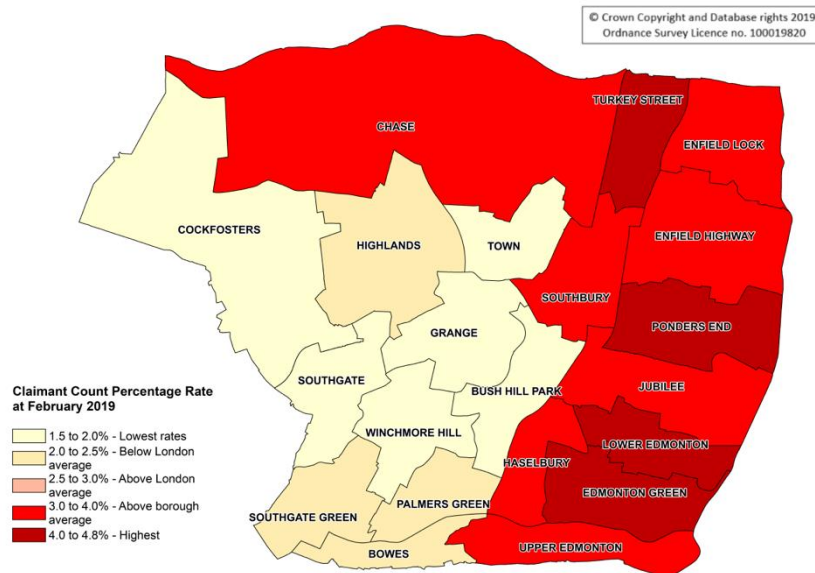


Wards	Deprivation Rank	Deprivation Rank within Borough	Deprivation Rank within London	Deprivation Rank within England
Edmonton Green	1	1st most deprived	10% most deprived	10% most deprived
Upper Edmonton	2	2nd most deprived	10% most deprived	10% most deprived
Turkey Street	3	3rd most deprived	10% most deprived	10% most deprived
Lower Edmonton	4	4th most deprived	10% most deprived	10% most deprived
Ponders End	5	5th most deprived	20% most deprived	20% most deprived
Haselbury	6	6th most deprived	20% most deprived	20% most deprived
Enfield Lock	7	7th most deprived	20% most deprived	20% most deprived
Enfield Highway	8	8th most deprived	20% most deprived	20% most deprived
Jubilee	9	9th most deprived	30% most deprived	20% most deprived
Southbury	10	10th most deprived	30% most deprived	20% most deprived
Chase	11	11th most deprived	40% most deprived	30% most deprived
Bowes	12	12th most deprived	60% most deprived	40% most deprived
Palmers Green	13	13th most deprived	60% most deprived	40% most deprived
Southgate Green	14	14th most deprived	40% least deprived	50% most deprived
Highlands	15	15th most deprived	30% least deprived	50% most deprived
Cockfosters	16	16th most deprived	30% least deprived	50% least deprived
Southgate	17	17th most deprived	30% least deprived	50% least deprived
Bush Hill Park	18	18th most deprived	30% least deprived	50% least deprived
Town	19	19th most deprived	30% least deprived	50% least deprived
Winchmore Hill	20	20th most deprived	30% least deprived	40% least deprived
Grange	21	21st least deprived	20% least deprived	40% least deprived

Source: IMD 2015, LB of Enfield – Information & Research Team

Fig 2)

This map shows the levels of unemployment benefit claims by ward. It clearly shows that the wards in the proposed designations, which also have the highest PRS levels, have the highest levels of claimants.



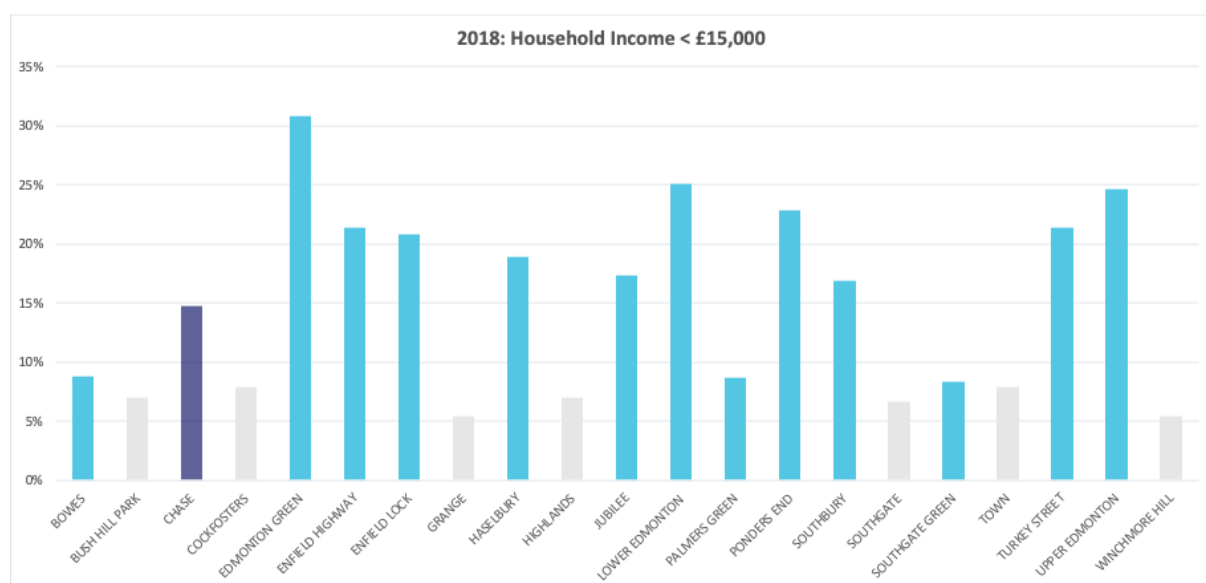
Source: DWP reporting tool – Stat-Xplore 2019, LB of Enfield – Information & Research Team

Fig 3)

Graph shows the wards with a high number of households living on an income of less than £15,000 which correlates with the higher levels of PRS.

London Average: 12.3%

Borough Average: 14.7%



Source: CACI Paycheck 2018, LB of Enfield – Information & Research Team

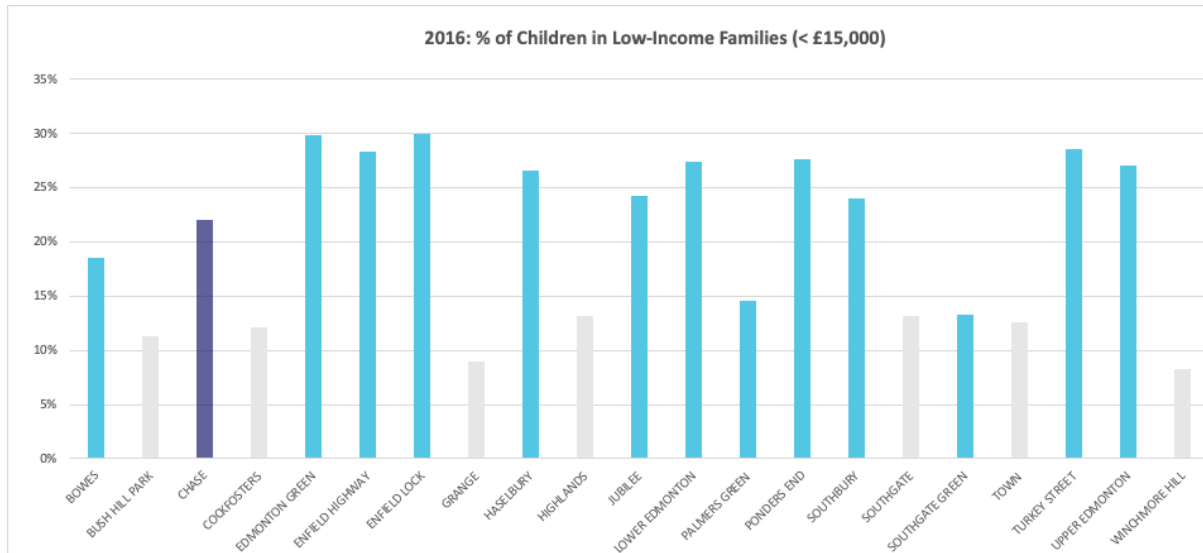
Fig 4)

Graph shows the number of households with children living in low income families (on less than £15,000).

National Average: 17.0%

London Average: 19.3%

Borough Average: 20.1%



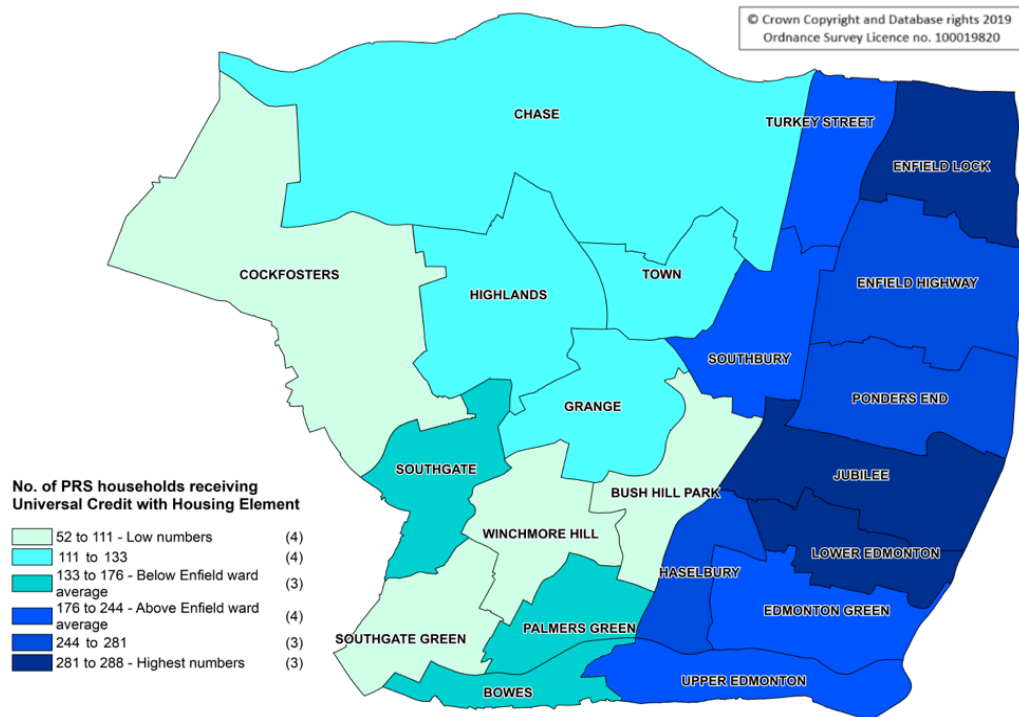
Source: HMRC 2016, LB of Enfield – Information & Research Team

Fig 5)

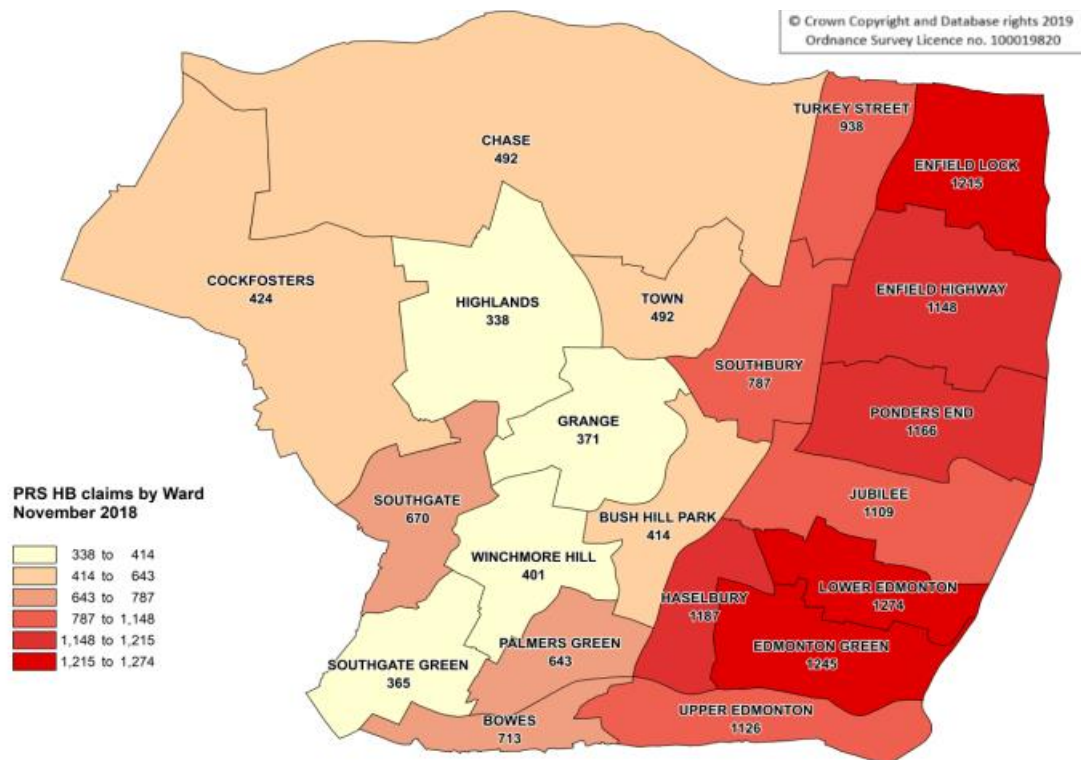
The first map shows the number of households receiving the housing element of Universal Credit for the property they rent.

The second map shows the number of Housing Benefit claims.

These maps should be viewed together as the roll out of Universal Credit started in 2017 and is not yet complete across the borough.



Source: DWP reporting tool – Stat-Xplore 2019, LB of Enfield – Information & Research Team



Source: DWP reporting tool – Stat-Xplore 2019, LB of Enfield – Information & Research Team

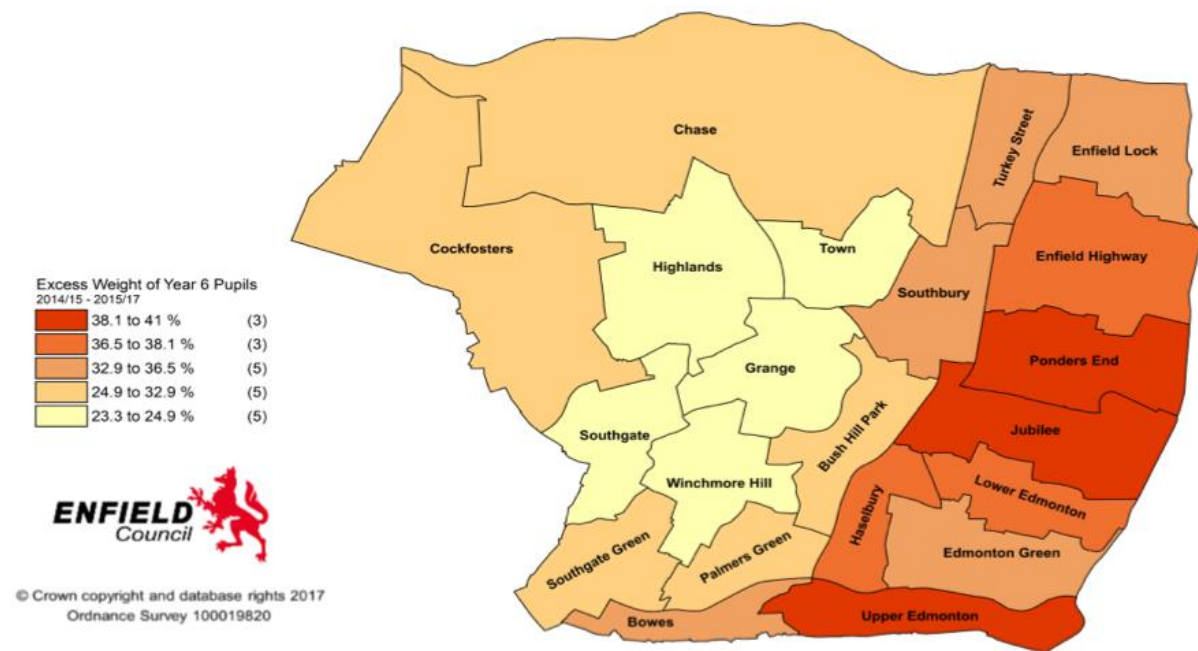
Fig 6)

Poor health outcomes: This map shows the level of obesity in Y6 children by ward 2014-2017. Childhood obesity in children is strongly correlates to poverty and will lead to higher morbidity and disability in adulthood, as well as increased mortality.

National Average: 34.3%

London Average: 37.7%

Borough Average: 39.9%

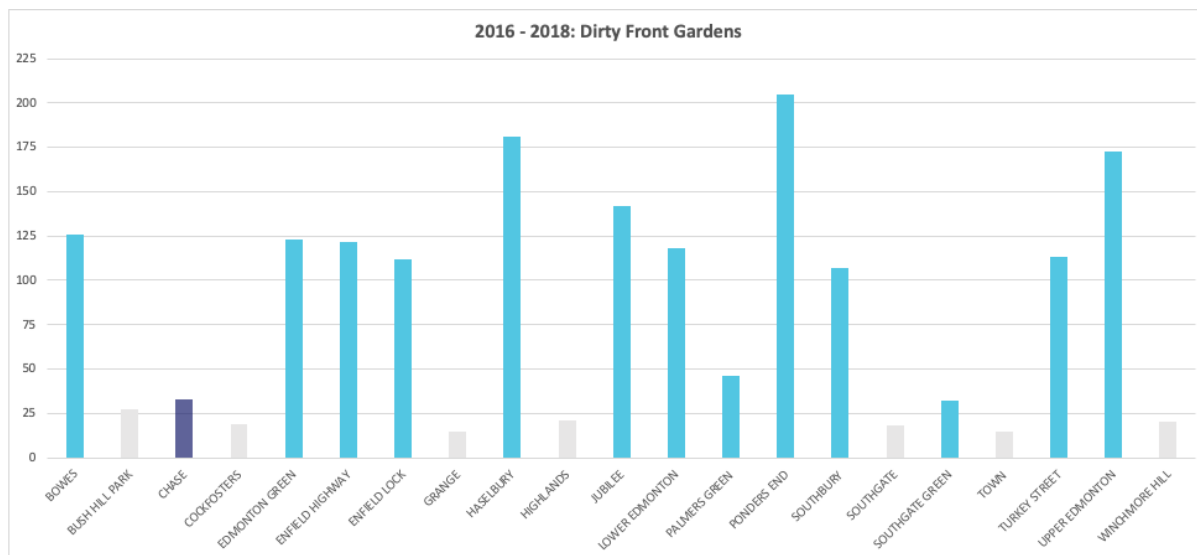


Source: National Childhood Measurement Programme

Fig 7)

Graph shows the recorded incidents of dirty front gardens, by ward, as an example of poor physical environment. These results are slightly biased as operations were held in specific areas that had large numbers of issues. However, this clearly shows that the wards in the first designated area suffer much more from this issue.

Borough Average: 84

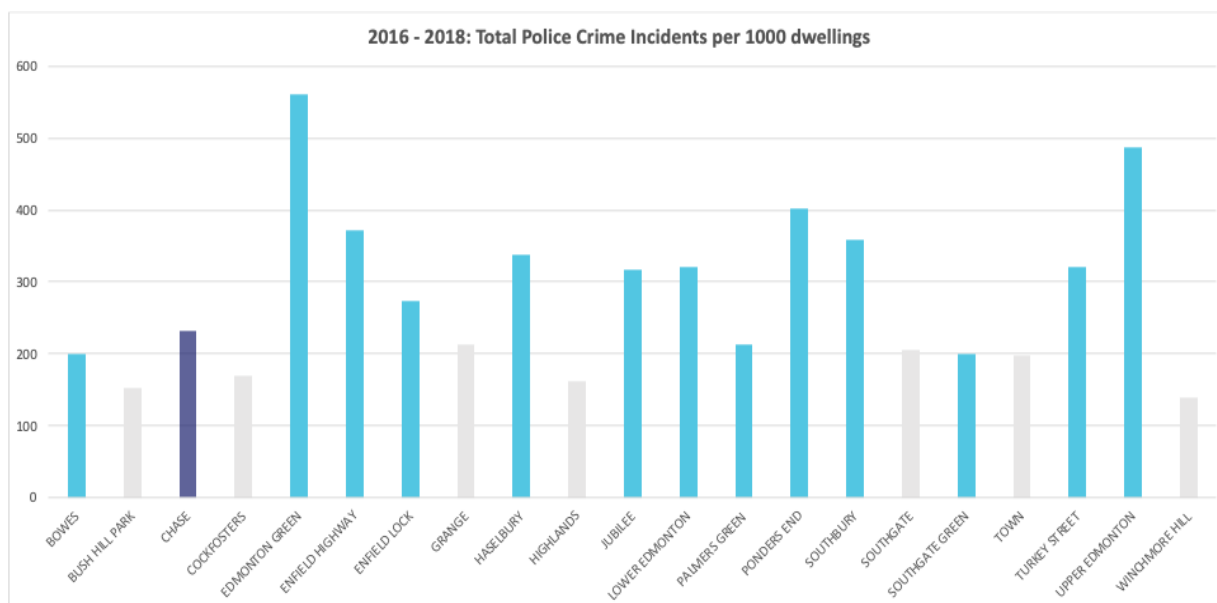


Source: LB of Enfield - Envirocrime Unit

Fig 8)

High levels of crime (property-related crime)

Borough Average: 278



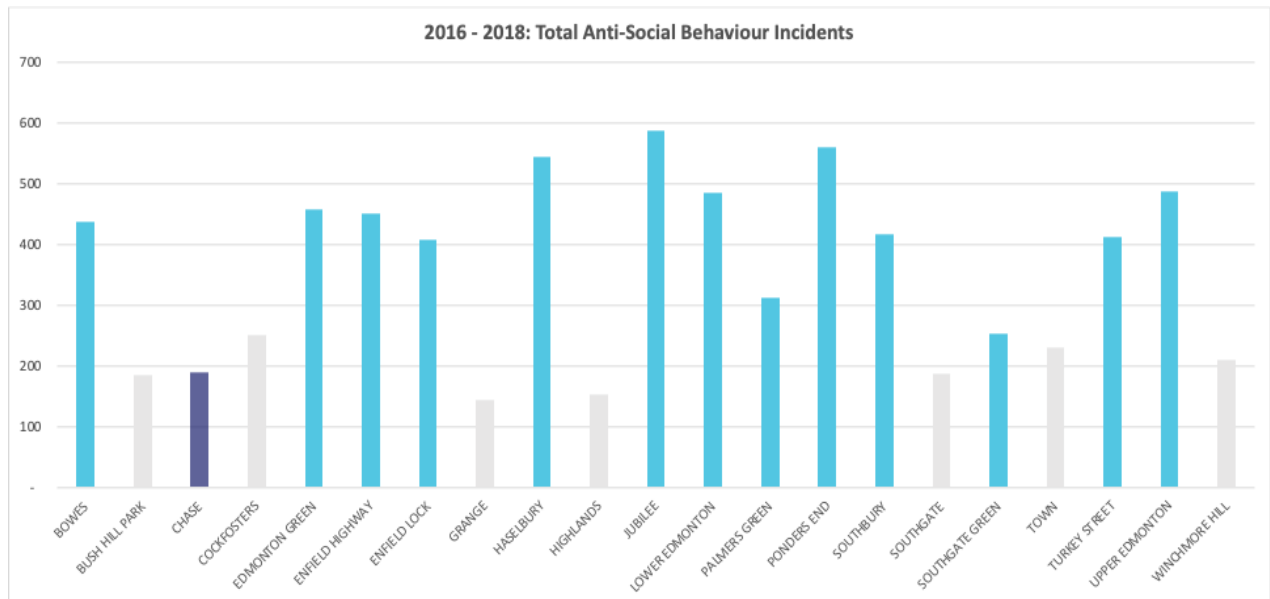
Source: Police Crime Data, LB of Enfield - Community Safety Unit

Appendix 4 – ASB

Fig 1)

Graph shows total number of all Council-recorded anti-social behaviour incidents by ward (includes dirty front gardens, rubbish issues, envirocrime, nuisance, pests, graffiti, dog fouling, fly boarding, domestic noise)

Borough Average: 350



Source: *Metastreet predicted model 2019*

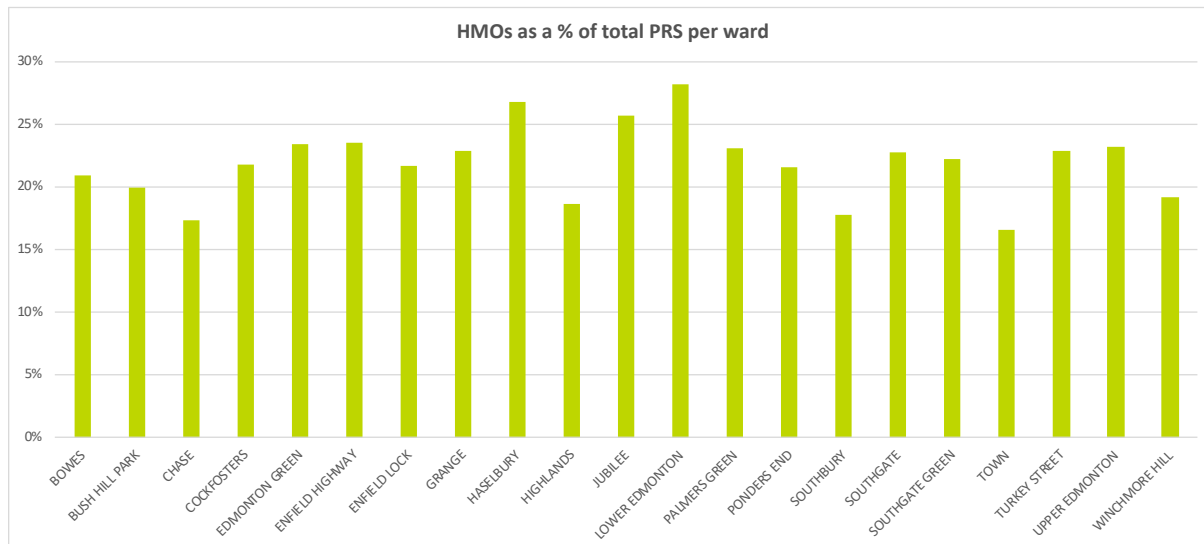
This page is intentionally left blank

Appendix 5 – HMOs in Enfield

Fig 1)

Graph and table show that the distribution of HMOs in the borough

Borough Average: 22%

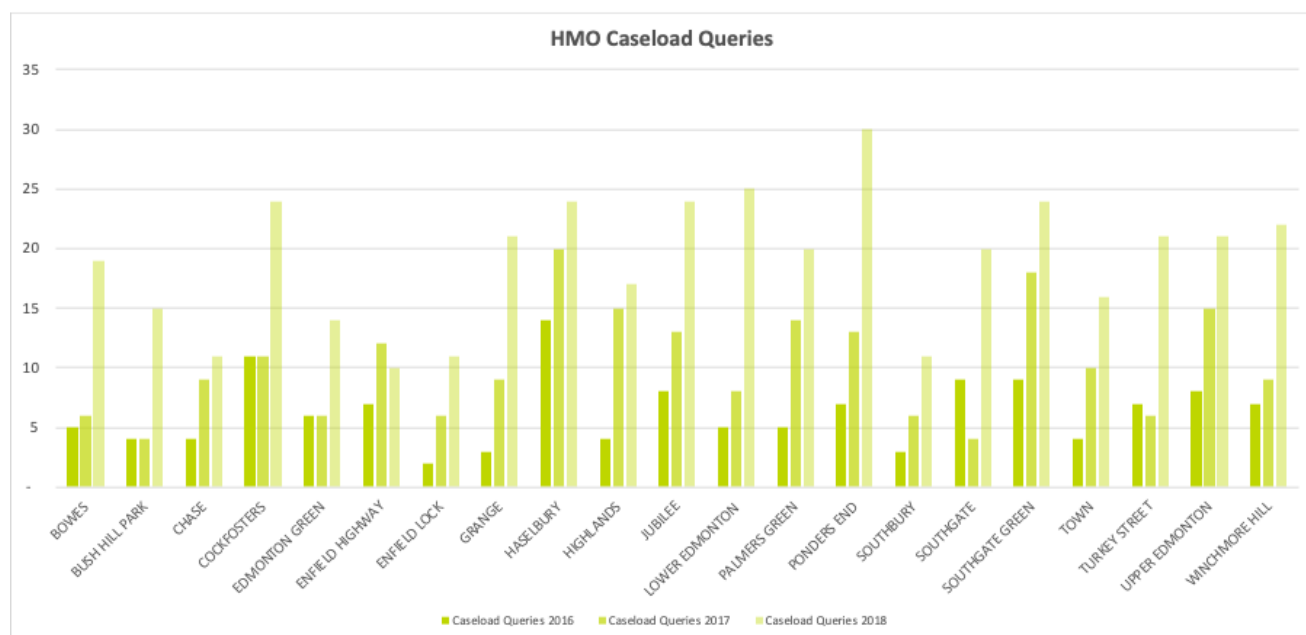


Ward	PRS Dwellings	No. HMOs	HMOs as a % of total PRS per ward
BOWES	2,657	555	21%
BUSH HILL PARK	1,497	298	20%
CHASE	1,507	261	17%
COCKFOSTERS	1,591	347	22%
EDMONTON GREEN	2,387	558	23%
ENFIELD HIGHWAY	2,217	520	23%
ENFIELD LOCK	2,529	548	22%
GRANGE	1,477	337	23%
HASELBURY	2,573	688	27%
HIGHLANDS	1,559	290	19%
JUBILEE	2,164	555	26%
LOWER EDMONTON	2,513	709	28%
PALMERS GREEN	2,578	596	23%
PONDERS END	2,480	533	21%
SOUTHBURY	2,070	367	18%
SOUTHGATE	1,909	435	23%
SOUTHGATE GREEN	1,790	397	22%
TOWN	1,670	277	17%
TURKEY STREET	1,974	452	23%
UPPER EDMONTON	2,386	552	23%
WINCHMORE HILL	2,018	386	19%
BOROUGH TOTAL	43,546	9,661	22%
BOROUGH AVERAGE		460	22%

Source: Metastreet predicted model 2019

Fig 2)

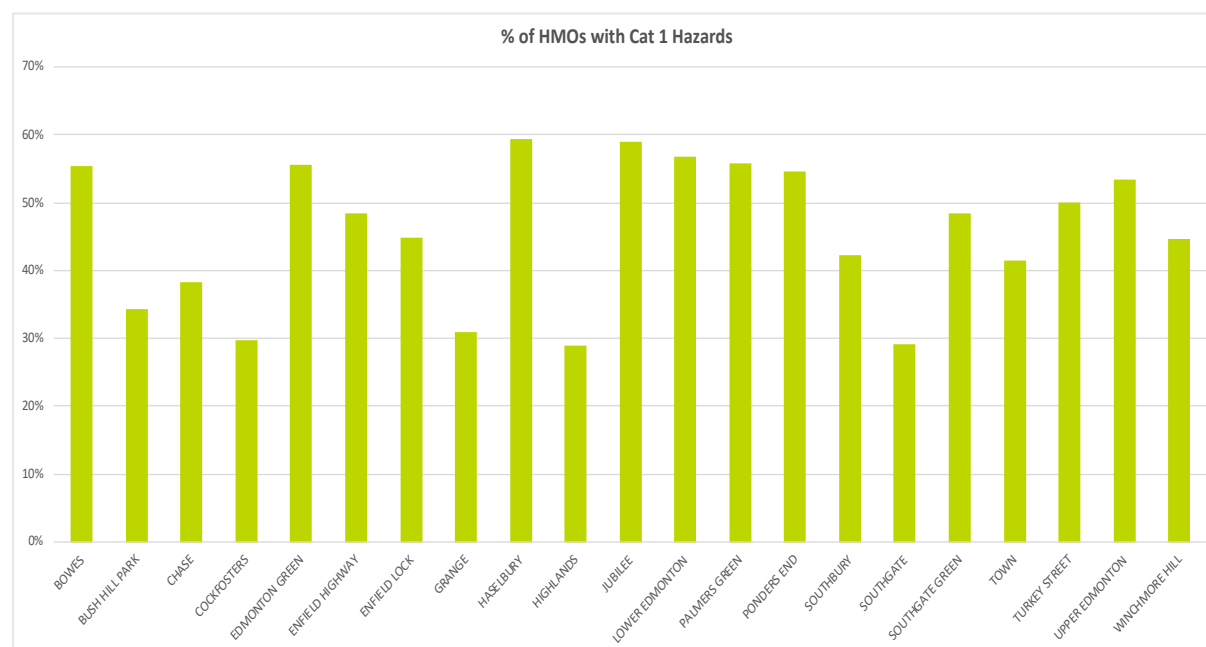
Graph shows that the number of enquiries, complaints and reports to the council about HMOs has been significantly increasing over the last three years. (2016-2018)



Source: LB of Enfield - Housing Enforcement Team

Fig 3)

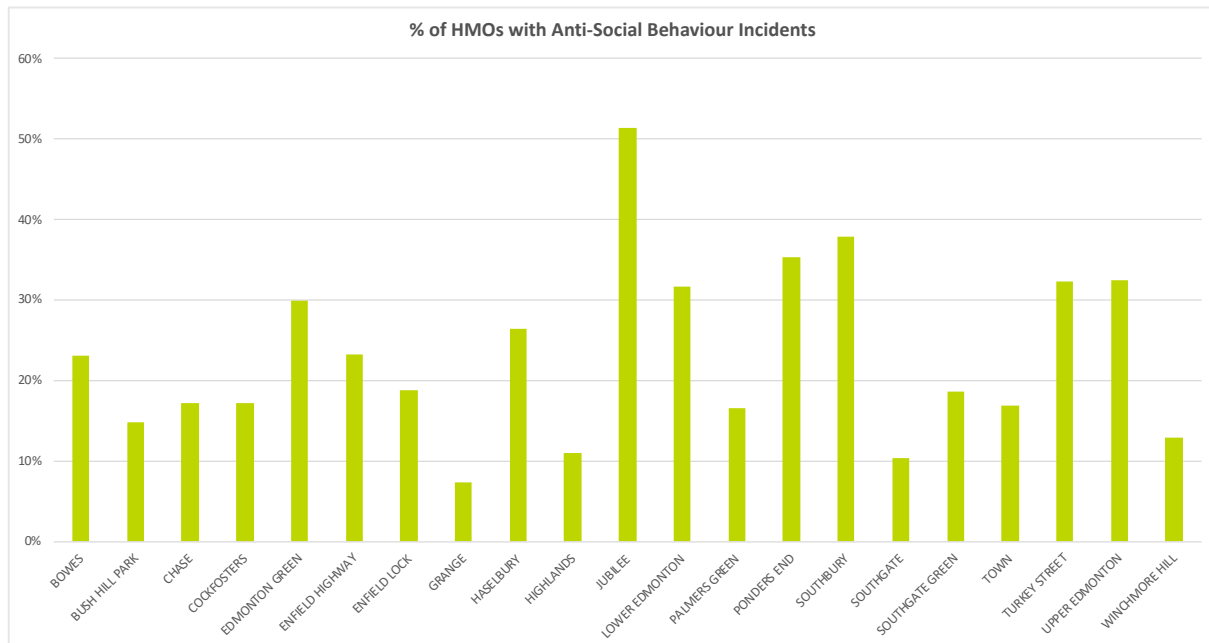
Graph shows there are a high level of Cat 1 Hazards associated with HMOs in the borough.



Source: Metastreet predicted model 2019

Fig 4)

Graph shows the level of HMOs with ASB issues across the borough.

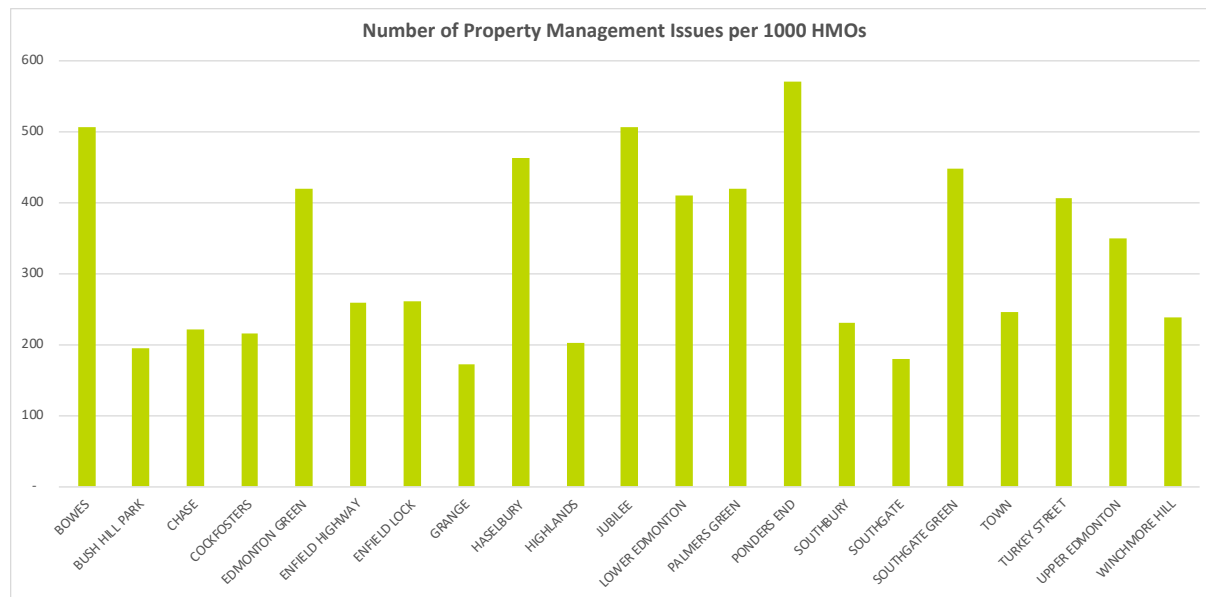


Source: Metastreet predicted model 2019

Fig 5)

Graph shows the level of HMOs with Property Management issues per 1000 HMO's using council actual data which includes – *statutory Enforcement, Housing Enforcement Service Enquiries, Op Rogue Service Enquiries, Multi & Shed Occupation, Overcrowding, HMO Caseload Query, 2 & 3 storey HMO Envirocrime and 2 & 3 Storey HMO Housing Enforcement.*

Borough Average: 330



Source: LB of Enfield, Housing Enforcement Team



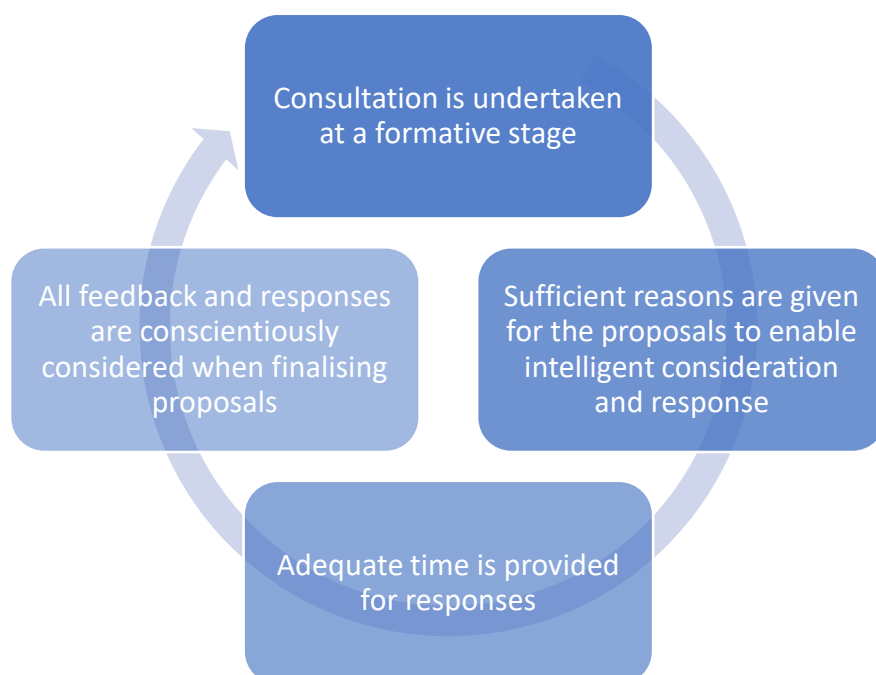
Enfield Council's approach to Consultation for Selective and Additional Licensing of Private Rented Residential Properties

Contents

Statutory consultation principles.....	1
Approach to consultation.....	2
Communications	3
What are we consulting about?	3
Who are we consulting with?.....	3
How will we be consulting?	5
Feedback	6
When will we be consulting?	6
Sample consultation questions.....	7

Statutory consultation principles

Under the Secretary of States' General Approval 2015, any consultation undertaken must be for a minimum of 10 weeks with persons likely to be affected by the designation. Common law principles also apply to any consultation in that it should take place as early as possible and must contain sufficient information for those responding to make an informed response and those responding must be given sufficient time to do so. Any consultation must follow these four key principles:



The consultation is on both a proposal for a Selective Licensing designation (which requires Secretary of State approval) and on a proposal for a borough-wide additional HMO Licensing scheme (which does not require Secretary of State consent). The consultation needs to set out the proposed area of designation and the proposed fee structure, including any proposed exemptions. It also needs to identify its scheme objectives and what it aims to achieve through a licensing designation. The consultation must include details of the following in order for consultees to give an informed response:

- the area or areas affected;
- the need for the proposed designation in each area;
- the alternatives to designation and the reasons why we consider they will not achieve the intended outcomes;
- Any alternative schemes available, their respective merits and demerits, the Council's preferred choice and the reasons for its preference;
- those likely to be affected by the designation;
- the likely effect of designation on those affected;
- the process by which those affected may apply for and obtain a licence;
- likely licence conditions; and
- the proposed licence fee.

The Housing Act 2004 obliges Councils to take 'reasonable steps' to consult those likely to be affected by their proposed designation. (Please see the section "Who are we consulting with?") The obligation is only to take 'reasonable steps' to consult those likely to be affected and does not extend to taking every step, all steps or even all reasonable steps.

Approach to consultation

An independent consultation organisation will be commissioned to support the design, implementation and reporting of the consultation, providing an objective and independent consultation process.

The consultation organisation will prepare a detailed consultation plan which will cover the main areas of the consultation.

Consultation elements	
Online consultation survey	Open to anyone with an interest in the private rented sector in Enfield, including residents, businesses and interested parties both inside and outside of Enfield. The consultation will outline the Council's proposals, with supporting evidence and documentation and will then ask a series of questions about people's views in relation to the proposals.
Residents survey	Either a face to face survey with a representative sample of Enfield residents or telephone interviews or both
Stakeholder meetings/forums	To be held with tenants and landlords to include those who may be affected by the licencing proposals but who live outside of Enfield boundaries
Drop-in sessions for tenants (Optional)	4-6 sessions to complement the forums at selected venues across the borough and in neighbouring boroughs. These would be advertised to stakeholders and held at key venues to attract participation by stakeholder groups such as Children's Centres for young families. These sessions would be managed and attended jointly by the Consultation Company and Council officers, who will be able to address

	any specific queries that are raised about the proposed schemes.
--	--

The consultation will run for 3 months (the statutory minimum is 10 weeks) with all necessary and relevant documentation ready for day one of the consultation.

Communications

The Council will conduct necessary communications activity to promote the consultation. The key to successful consultation is to ensure that stakeholders who could be affected are informed and aware of the proposals and understand how they can provide feedback. Communications will take place throughout the duration of the consultation and will include:

- Direct communication to interested parties identified through stakeholder mapping, including landlords, agents, national and local landlord bodies, housing associations, voluntary & community groups, promoting the consultation.
- A dedicated page on the Council's website, with links to it on the Council's homepage and other relevant pages.
- Adverts/article(s) in relevant local publications (Our Enfield, Enfield Dispatch, Enfield Independent) and ensuring that details for the Enfield consultation website are included
- Posters promoting the consultation at key Council contact points, including libraries and Council reception points.
- Press release to media in Enfield and neighbouring boroughs.
- Social media promotion of the consultation.
- Writing to all the relevant neighbouring local authorities inviting their views
- Asking neighbouring local authorities to inform their relevant stakeholders – or to provide a list for Enfield to contact
- Asking neighbouring local authorities to advertise Enfield's consultation on their own websites and link to the Enfield consultation website and relevant information and consultation questionnaire
- Offering one or two Stakeholder Forums outside our boundaries – and publicise as above

What are we consulting about?

We will be consulting about proposals to license private rented properties in Enfield to improve property conditions, mitigate the problems associated with deprivation and to help reduce anti-social behaviour.

The consultation will comply with the Council's statutory duties in relation to the proposed licensing process and will:

- Provide sufficient information about the proposed designations, explaining the reasons for the designations, how they will tackle specific problems, the potential benefits, and who will be affected, to allow informed response.
- Seek views about the proposed designation, including the level of support or otherwise, including whether landlords, stakeholders, residents and tenants support the proposals for selective licensing of private rented properties and additional licensing of HMO properties.
- Provide opportunities for alternatives to be identified to the Council's proposed designations.
- Gather views to inform and shape the licensing proposals, including on:
 - Geographical area to be covered
 - Fee levels
 - Licensing Conditions
 - Perceptions about the key issues behind the proposals e.g. housing conditions, deprivation and the extent of anti-social behaviour.

Who are we consulting with?

Section 80 (9) of the Housing Act 2004 states:

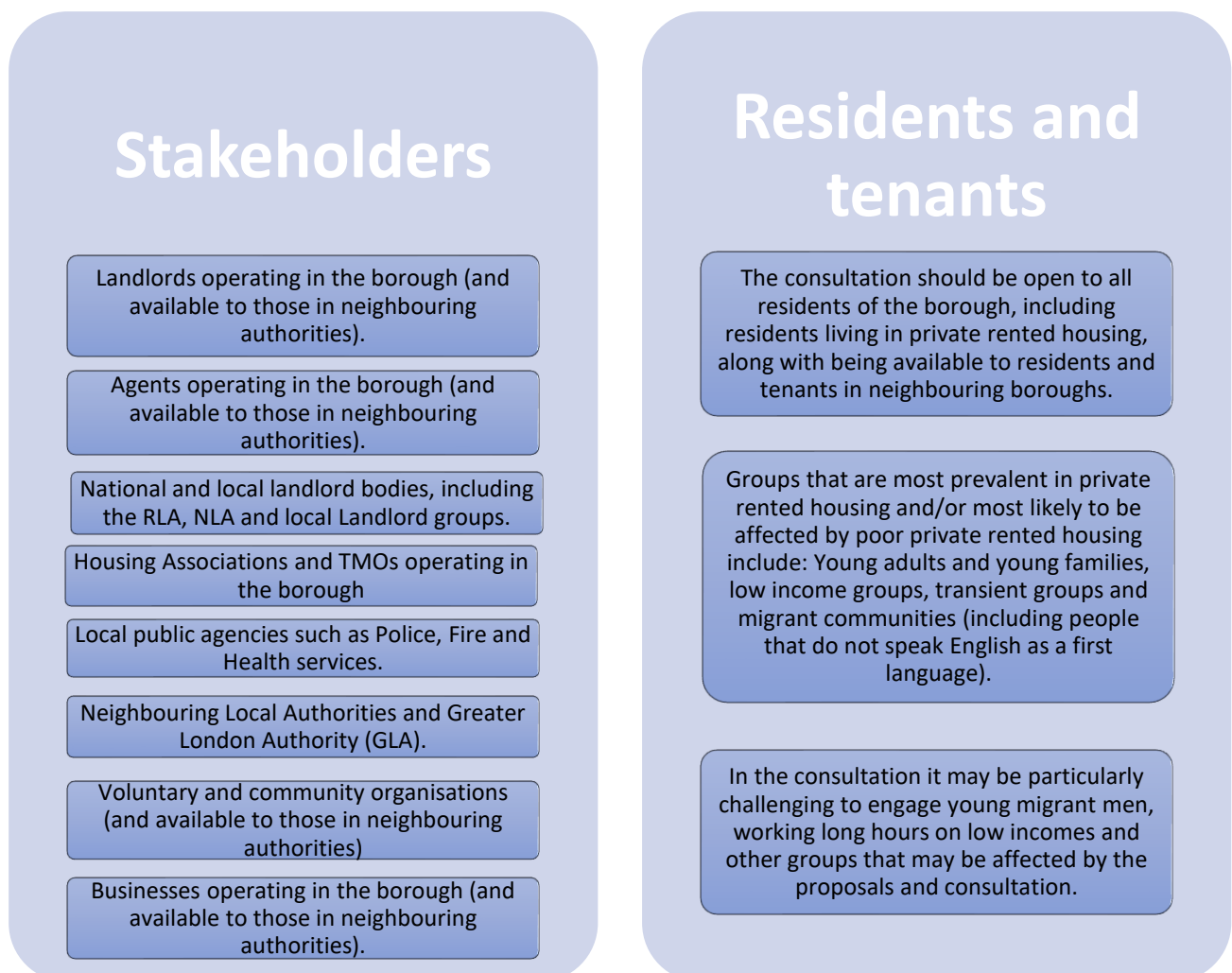
Before making a designation the local housing authority must:

- (a) take reasonable steps to consult persons who are likely to be affected by the designation; and*
- (b) consider any representations made in accordance with the consultation and not withdrawn.*

The Department for Communities and Local Government's 'Selective licensing in the private rented sector: A Guide for local authorities, 2015' states:

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

The following key groups will be consulted:



Overall, the consultation will be open to all interested parties and promoted widely through relevant communications activity.

How will we be consulting?

The following summarises the consultation approach and the groups each method will engage. It combines a mixture of methods and channels, providing multiple opportunities for different groups to engage with the consultation and capturing comprehensive information about the views of stakeholders, residents and tenants.

How?	Who?
<p><u>Open access consultation questionnaire</u></p> <p>The survey will be relevant for all interested parties – stakeholders and residents alike. The questionnaire will be hosted on a dedicated and easily accessible page on the Council's website.</p> <p>This page will provide information about the proposal to allow for informed response. The on-line questionnaire will be accessible via all digital platforms – mobile, tablet, laptop/computer. Residents without digital access will be able to request a paper copy or can be supported to complete the questionnaire digitally through a helpline number or at local libraries.</p>	<ul style="list-style-type: none"> • The open access survey will be promoted widely to stakeholders and residents via communications activity. • All interested parties can participate. • Landlords and agents on the Council's licensing database that have consented to be contacted via e-mail will receive an e-mail invite to respond. • E-mails or letters will be sent to representative bodies, housing associations/TMOs, neighbouring local authorities, GLA, local public agencies and voluntary/community organisations.
<p><u>Residents survey</u></p> <p>Either a face to face survey with a representative, statistically reliable survey of Enfield residents, or telephone interviews of residents and private sector tenants, or both.</p> <p>The face to face survey of Enfield residents aged 16+, plus a booster sample of private renters. Population quotas will be set on gender, ethnic origin, age, geography and housing tenure to ensure that the sample is demographically representative of the borough. Interviews will be conducted at different times of the day and week and interviewers will come from a variety of backgrounds and speak different community languages.</p> <p>The questionnaire will mirror that used in the open-access questionnaire to allow for consistency and comparison.</p> <p>OR A random sample of households across the borough are contacted by telephone and provided with information about the scheme, and then asked to provide feedback through a structured interview script. Once again, this would ideally target those households that rent privately and those living in areas with significant concentrations of private rented housing.</p> <p>OR both methods</p>	<ul style="list-style-type: none"> • Residents, including private sector tenants and residents from different backgrounds. • Some residents will also be landlords or operate businesses in the area.
<p><u>Meetings/workshops/focus groups</u></p>	<ul style="list-style-type: none"> • Landlords with an interest in the borough.

Two events will be held with Landlords and two with residents/tenants during the consultation to provide an opportunity for interactive, in-depth discussion and complement the information gathered through the questionnaires. Both events will be open to all relevant parties.	<ul style="list-style-type: none"> Residents, including private sector tenants.
<p><u>Other means of submitting a response</u></p> <p>Representations can also be made via e-mail or in writing, with contact details advertised as part of the consultation.</p> <p>The consultation will take note of any formal petitions.</p> <p>The consultation will also take note of any activity on social media, although this will not equate to a formal representation.</p>	<ul style="list-style-type: none"> All interested parties.

Feedback

There is a requirement, as per the guidance, to publish the results of the consultation, once it is completed. This will be in the form of a summary of the responses received and should demonstrate how these have either been acted on or not, giving reasons. The consultation results will be analysed and presented in a publicly available consultation report, which should be published on the Council's website. The results of the consultation will be presented to the Council's Cabinet, alongside other evidence to inform their final decision.

The outcomes of the consultation and response to the consultation, plus any recommendations for a selective and additional licencing scheme will be made to the Council's Cabinet.

The response to the Consultation and what actions and/or changes have been made to the scheme as a result should form part of the submission to government.

When will we be consulting?

The consultation should start on 5 August and will continue for 3 months to 1 November 2019. The guidance requires a minimum 10-week consultation period. This covers 13 weeks and allows extra time to compensate for being over the summer holiday season.

Indicative timeline for consultation activity:

Week 1	Week 2	Week 3	Week 4	Week 5	Week 6	Week 7	Week 8	Week 9	Week 10	Week 11	Week 12	Week 13
Open access consultation questionnaire												
	Residents' Survey - face to face or telephone							Booster survey				
				Landlord meeting		Landlord meeting		Resident meeting		Resident meeting		
Other responses to the consultation including emails, letters, social media etc.												
Communications												

Sample consultation questions

The example questions used here are samples taken from a selection of other council's recent consultations and should not be considered either exhaustive or final. The procured 3rd party consultation company will formulate their own questions, in collaboration with the Council, based on a final brief.

There will be an extensive evidence pack with all of the background information to allow respondents to understand what they are being asked. A short summary of the issues will be presented before each section as well.

The person filling in the questionnaire (landlord/tenant/agent etc.)

Are you . . . ?

Please select all relevant answers.

- | | |
|--|--|
| <input type="checkbox"/> A tenant living in private rented accommodation | <input type="checkbox"/> Landlord who uses a Managing Agent |
| <input type="checkbox"/> An owner occupier/buying a home on a mortgage | <input type="checkbox"/> Letting/Managing Agent |
| <input type="checkbox"/> The owner of a shared ownership property | <input type="checkbox"/> Registered Provider (Housing Association) |
| <input type="checkbox"/> Housing Association/Council Tenant | <input type="checkbox"/> Business owner/representative |
| <input type="checkbox"/> Landlord who manages their own property | <input type="checkbox"/> Representative of an organisation |
| | <input type="checkbox"/> Other |

If 'Other', please specify:

If an organisation or business, please specify the name:

If a landlord or agent, do you own or manage properties in Enfield and/or outside the borough?

Please select all relevant answers.

- ☐ Inside Enfield
- ☐ Outside Enfield

There would be further questions asking about where these properties are and how many they let or manage.

Do you live in Enfield? Select one answer only

- ☐ Yes ☐ No

[Further questions on the ward/area could be included]

Questions about awareness of Private rented property conditions, management and anti-social behaviour

How much of a problem do you think each of the following are in Enfield?

Please select one answer for each row.

	A very big problem	A fairly big problem	Neither a big nor a small problem	A fairly small problem	Not a problem at all	Don't know
Poor conditions in private rented properties	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Badly managed private rented properties	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Unsafe private rented properties	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Planning issues such as sub-standard conversions of homes	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Overcrowded properties	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Anti-social behaviour associated with privately rented properties	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Rubbish in front gardens or front gardens that are messy or poorly maintained	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Fly-tipping	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Littering	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Safety hazards in Houses in Multiple Occupation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Poor condition of Houses in Multiple Occupation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Poorly managed Houses in Multiple Occupation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

[There could be further questions, such as:]

People who live in properties which are in a poor condition are worried about being evicted by their landlord

- ☐ Agree
- ☐ Disagree
- ☐ Don't know

Do you know of a situation where antisocial tenant/tenants has/have been evicted, only to move to a property close by?

- ☐ Yes
- ☐ No
- ☐ Don't know

Overall, to what extent would you say that the landlords in your area act responsibly or irresponsibly in letting, managing and maintaining their properties? (Please tick one box only)

- ☐ Very responsible
- ☐ Responsible
- ☐ Irresponsible
- ☐ Very irresponsible
- ☐ Don't know

Questions about the proposed selective and additional licensing schemes

Do you agree or disagree with Enfield Council's proposal to introduce Selective Licensing in 14 out of 21 wards in the borough, to regulate privately rented property conditions and management and to help tackle deprivation and anti-social behaviour?

Please select one answer only.

- ☐ Strongly agree
- ☐ Tend to agree
- ☐ Neither agree nor disagree
- ☐ Tend to disagree
- ☐ Strongly disagree
- ☐ Don't know

Do you think the proposal to include 14 of the 21 wards in the borough is appropriate?

[Brief summary of the reasons for the inclusion of the 14 wards]

Please select one answer only.

- ☐ Yes, it is appropriate to cover the 14 wards and not the whole borough
- ☐ No, fewer wards should be included
- ☐ No, more wards should be included
- ☐ I don't think there should be a Selective Licensing scheme in Enfield
- ☐ Don't know

If you have answered No, please indicate which wards you think should or should not be included in a selective licensing scheme in Enfield, and why.

Do you think the Council should consider alternatives to a Selective Licensing scheme to regulate private rented property conditions and management effectively and help tackle anti-social behaviour?

Please select one answer only.

- ☐ Yes
- ☐ No
- ☐ Don't know

If 'Yes', please specify the alternatives and indicate whether they would be relevant to the entire area covered by the proposed Selective Licensing scheme or a specific part of it:

[Similar questions would then be asked about the borough-wide additional licensing scheme.]

Fees

[A brief synopsis of the fees with a link to the relevant section of the consultation evidence pack]

Do you think the proposed fees are about right, too much or too little? Please select one answer for each row.

	Much too low	A little too low	About right	A little too high	Much too high	Don't think the Council should be charging this fee at all	Don't know
A fee of £600 for a selective licence	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
A fee of £900 for an additional licence	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

If you said 'too much' or 'too little', please explain your answer and the fee level you would suggest:

Licensing conditions

[Information about the statutory and local licence conditions will be provided for both licences plus a link to the list of conditions]

Do you think that the proposed Selective Licence conditions are sufficiently clear and understandable?

Please select one answer only.

☐ Yes

☐ No

☐ Don't know

If 'No', please state which conditions are not clear and why:

Do you think that any of the proposed Selective Licence conditions should not be included?

Please select one answer only.

☐ Yes

☐ No

☐ Don't know

If 'Yes', please indicate which condition (or conditions) should not be included and why?

Do you think there are any other Selective Licence conditions (that are not already covered by a mandatory or proposed local licence condition) that should be included?

Please select one answer only.

☐ Yes

☐ No

☐ Don't know

If 'Yes', please state below:

[A similar set of questions would be posed for additional licence conditions]

References

Source: Waltham Forest, Liverpool, Stockton, Birmingham, Bournemouth, Stoke-on-Trent

This page is intentionally left blank

Enfield Council Predictive Equality Impact Assessment

NB if there is likely to be an impact on different groups of staff as a result of this proposal, please also complete a restructuring predictive EQIA form

Department:	Regeneration & Environment	Service:	Regulatory Services
Title of decision:	To consider going to consultation on the introduction of Additional and Selective Licensing Schemes in the Private Housing Rented sector.	Date completed:	
Author:	Martin Rattigan	Contact details:	Martin.rattigan@enfield.gov.uk

1	Type of change being proposed: (please tick)						
Service delivery change/ new service/cut in service		Policy change or new policy	✓	Grants and commissioning		Budget change	

2	<p>Introduction</p> <p>Section 149 of the Equality Act 2010 sets out the Public Sector Equality Duty (PSED) which requires the Council to have “due regard” in the performance of its functions to:</p> <ul style="list-style-type: none"> • Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act; • Advance equality of opportunity between people who share a protected characteristic and those who do not; and, • Foster good relations between people who share a protected characteristic and those who do not. <p>These are sometimes referred to as the three aims or arms of the PSED. Due regard for advancing equality involves:</p> <p>Removing or minimising disadvantages suffered by people due to their protected characteristics;</p> <p>Taking steps to meet the needs of people from protected groups where these are different from the needs of other people; and</p> <p>Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.</p>
----------	---

The Act states that meeting different needs involves taking steps to take account of disabled people's disabilities. It describes fostering good relations as tackling prejudice and promoting understanding between people from different groups. It states that compliance with the duty may involve treating some people more favourably than others.

The duty covers the following eight protected characteristics:

- age,
- disability,
- gender reassignment,
- pregnancy and maternity,
- race,
- religion or belief,
- sex and
- sexual orientation.

Public authorities also need to have due regard to the need to eliminate unlawful discrimination against someone because of their marriage or civil partnership status. This means that the first arm of the duty applies to this characteristic, but that the other arms (advancing equality and fostering good relations) do not apply.

3 Describe the change, why it is needed, what is the objective of the change and what is the possible impact of the change:

The Council report is proposing to introduce Selective Licensing into several wards in the borough and Additional Licensing borough wide. Local authorities are already required by law to licence houses in multiple occupation (HMOs) – known as Mandatory HMO Licensing. The definition of a house in multiple occupation (HMO) under the [Housing Act 2004](#) is a building or part of a building (e.g. a flat) which has:

- Five or more persons in more than one household residing as their only or main residence and who share one or more amenities e.g. kitchen or bathroom/shower room/toilet (Section 254)
- A block of flats where it has been converted into self- contained flats and the conversion does not meet Building Regulations 1991 and where less than two thirds of the flats are owner occupied (Section 257)

Those private rented sector (PRS) properties which are not subject to Mandatory HMO licensing can then also be licensed through either a selective licensing scheme and/or an additional HMO licensing scheme. This would mean that every home in these areas that is rented out privately must be licensed by the Council.

The report shows that there are significant numbers of private rented properties in the borough that have category 1 hazards (poor housing conditions), are in areas of high deprivation, have significant and persistent levels of antisocial behaviour and are inadequately managed.

Additional and Selective Licensing is being proposed as a way of improving housing conditions, reducing ASB and deprivation and improving standards of management in the private rented sector, and in particular ensuring a premises suitability for occupation.

The Council recognises that there are good landlords in the borough and wants to support these landlords.

Improved standards of accommodation and behaviour should have a positive impact on relations within the community and between neighbours as it will help to reduce specific issues such as untidy front gardens, noise and neighbour nuisance.

The introduction of additional and selective licencing is also likely to 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.

Those who depend on the PRS tend to be more socially and economically vulnerable. A licencing scheme should help those that are most disadvantaged through ensuring that proper tenancy arrangements are in place, it should help to reduce discrimination. The elimination of overcrowding within the PRS will help disadvantaged groups through improving their health outcomes. All properties that are granted a licence will be expected to comply with the Housing Health and Safety Rating System standards. This system is designed to protect occupiers from harm.

The council recognises that some of the private rented sector in Enfield offers good accommodation to people who want to live in the Borough, but also that significant numbers of the private rented sector are badly managed, in poor condition, and in many cases, unsafe.

The proposal to introduce additional and selective licensing is intended to improve the conditions in the private rented sector (PRS) and to enhance housing management standards. A licensing scheme will give the Council additional powers to tackle anti-social behaviour, poor property conditions and help the council to work with landlords, tenants and businesses, and with our internal and external partners to drive up standards in the sector.

Mandatory licence conditions will be attached to each licence to ensure that Landlords are clear about the standards required, and are likely to include matters such as:

- Annual gas safety certificates, if gas is supplied to the house;
- Keeping electrical appliances and furniture (supplied under the tenancy) in a safe condition;
- Keeping smoke alarms in proper working order;
- Supply the occupier with a written statement of the terms of occupation;
- Require references from persons wishing to occupy the property
- Ensuring sleeping room sizes meet minimum standards
- Ensuring adequate waste storage and disposal provisions

In deciding whether to grant a licence, the council must consider whether the landlord is a 'fit and proper' person. (Section 89 HA 2004). The local authority must have regard to any previous convictions relating to violence, sexual offences, drugs or fraud; whether the proposed license holder has contravened any laws relating to housing or landlord and tenant issues; and whether the person has been found guilty of unlawful discrimination practices. The Council can decide, following the appropriate checks, that the landlord is not 'fit and proper' and therefore refuse to grant a licence. The local authority can also withdraw a license after issue if the licensee is no longer considered a 'fit and proper' person. The landlord has the right to appeal against this decision.

The Council must also satisfy itself that the person to whom the licence is granted is the most 'appropriate' person – having regard to local residence and management responsibility for the property in question. This is to ensure that landlords that are not 'fit and proper' persons cannot apply for licences using a third party. The Council must also confirm that there are satisfactory management arrangements in place regarding the property; in doing so, it must have regard to a range of factors including: the competence of the manager; management structures; and soundness of the financial arrangements. Licences are issued for a period of 5 years, although local authorities may issue licences for shorter periods where certain requirements have not been met. Landlords will be required to pay a licence fee. Landlords that fail to comply with any license conditions can be prosecuted. Those prosecuted can face unlimited fines. Operating a property without a licence in a designated area can attract an unlimited fine if prosecuted.

Who is affected by the proposal?

If a licensing scheme is introduced private sector landlords and their tenants within the wards in scope will be directly affected by the proposals. We anticipate that the impact on the majority of residents in the borough will be positive. Additional and selective licencing will:

- Provide a more strategic approach to regulating the sector
- Identify private rented properties and landlords operating in Enfield
- Give us the opportunity to inspect the properties to assess living conditions and to advise landlords, managing agents and tenants about their obligations
- Ensure a minimum letting standard in Enfield
- Ensure that a proper standard of management of privately rented property is maintained and that properties do not become overcrowded
- Reduce the levels of anti-social behaviour in the borough and facilitate action against landlords whose properties or tenants cause persistent ASB
- Reduce enviro-crime and improve waste management in the borough
- Strengthen enforcement action to tackle non-compliant properties and landlords in the sector

Council employees will see an increase in their workloads. The implications for staff will be considered as part of Council's internal policies and processes.

Tenants and residents

Overall, tenants will benefit from an improvement in their property condition and better standards of management. **A rationale for eliminating discriminatory practices by landlords is built into the licencing scheme and we should see a reduction in discrimination.**

Landlords

We recognise, however, that some landlords will seek to pass on costs to tenants which may result in some tenant displacement and landlords' claims for possession through both legal and illegal actions. Tenants might also potentially be affected due to enforcement actions against landlords of overcrowded properties, for example. Every effort will be made to ensure that affected tenants are supported and signposted where necessary to relevant agencies, and illegal actions by landlords are tackled by the council.

4 Do you carry out equalities monitoring of your service? If No please state why?

No, but we will collect equality profiling information as part of the consultation process.

Enfield is characterised by significant inequalities between the affluent west of the Borough and the deprived east, separated by the A10, which represents both a physical and social boundary between communities, where outcomes for several domains are worse for people living in the east of the Borough. East Enfield is made up of 10 wards either wholly or partially to the east of the A10 (Edmonton Green, Lower Edmonton, Jubilee, Haselbury, Ponders End, Turkey Street, Enfield Lock and Enfield Highway; Upper Edmonton; and Southbury).

East Enfield has the 10 most deprived wards in the Borough and are among the 20% most deprived wards in England (2015 Indices of Multiple Deprivation).

Household income in nine of the 10 wards are below the UK median household income (the exception being Southbury). (Based on data from CACI, 2018)

Life expectancy for men in east Enfield is 7.3 years lower than life expectancy for men in the west and 8.5 years lower for women (life expectancy at birth, ONS 2009-2013)

More adults claim out of work benefits in east Enfield compared to the west of the borough. Every ward in east Enfield is above the Enfield average of 2.5% and the GB average of 2.1% (ONS Claimant Count July 2018)

The 2011 Census estimates indicate that Enfield has the largest proportion of Greek and Turkish speaking people in the country. The estimates show the top five non-English languages were:

Turkish	6.2%
Polish	2.0%
Greek	1.6%
Somali	1.1%
Bengali	0.9%

Other popular languages for which Enfield Council receives translation and interpreting requests are Lingala, Kurdish, British Sign Language and Romanian. There are 178 languages spoken in Enfield.

5. Equalities Impact Indicate Yes, No or Not Known for each	Disability	Gender	Age	Race	Religion & Belief	Sexual Orientation	Gender reassignment	Pregnancy & Maternity	Marriage & Civil Partnerships
1. Does equalities monitoring of your service show people from the following groups benefit from your service? (recipients of the service, policy or budget, and the proposed change)									
2. Does the service or policy contribute to eliminating discrimination, promote equality of opportunity, and foster good relations between different groups in the community?	Y	Y	Y	Y	Y	Y	Y	Y	Y
3. Could the proposal discriminate, directly or indirectly these groups?	N	N	N	N	N	N	N	N	N
4. Could this proposal affect access to your service by different groups in the community?	N	N	N	N	N	N	N	N	N
5. Could this proposal affect access <u>to information</u> about your service by different groups in the community?	N	N	N	N	N	N	N	N	N

6. Could the proposal have an adverse impact on relations between different groups?	N	N	N	N	N	N	N	N	N
<p>If Yes answered to questions 3-6 above – please describe the impact of the change (including any positive impact on equalities) and what the service will be doing to reduce the negative impact it will have.</p> <p>While we do not know the demographics or gender in respect of the pool of landlords, the application of a licence will be applied and in accordance with our Enforcement Policy. Our public consultation will target stakeholders and will seek to engage with all sectors of the community.</p> <p>At Mid-2014 the population of Enfield was estimated to be 324,574 (according to the Office for National Statistics) making Enfield the 4th largest amongst the 33 London boroughs.</p> <p>There is a significant concentration of ‘new’ migrant households in HMOs where a room to rent is the only affordable form of accommodation for new lower income migrants. Difficulty in accessing formal channels of entry to the private rented sector is a common experience. As a result, they typically have limited choice and live in less desirable accommodation. Poor living conditions, lack of privacy and security are issues. In the worst cases, migrants end up in slum rental conditions. As well as concentration at the bottom end of the private rented sector, this group is characterised by high levels of mobility. However, despite these commonalities, recent migrants are a diverse group, comprising a range of household types and housing experiences. The arrival of new immigrants are determined by their immigration status (e.g. asylum seeker, economic migrant) and associated access to support, and can therefore vary substantially. For example, a migrant arriving for a specific job is likely to have more opportunities to access formal routes to the private rented sector than is an asylum seeker. ¹</p> <p>Some migrant communities may have a poor understanding of the rules around disposal of rubbish and recycling which more targeted information and monitoring will address this form of ASB. White Residents from EU accession countries are the most likely group to rent privately and so should benefit from improvements in this sector. Female residents may be over-represented on the Housing Register, so they are likely to benefit from improvements. Improvements in management standards and a reduction in antisocial behaviour will benefit both sexes.</p> <p>It is difficult to predict the effect of these proposals in relation to sexual orientation and gender reassignment. The Gay, Lesbian, and Transgender (LGBT) community population in Enfield may choose not to disclose their sexual orientation so it is always difficult to get accurate figures. However Stonewall estimates that one in 10 LGBT people (10 per cent) who were looking for a house or flat to rent or buy in the last year were discriminated against because of their sexual orientation and/or gender identity and one</p>									

¹ <https://www.world-habitat.org/wp-content/uploads/2016/03/Who-lives-in-the-private-rented-sector-Web.pdf>

in five LGBT people (21 per cent) have experienced a hate crime or incident due to their sexual orientation and/or gender identity in the last 12 months²

Additional and Selective licensing aims to reduce antisocial behaviour which is likely to benefit people who suffer homophobic crime and incidents.

Age: Private rented sector tenants are typically much younger, with those under 35 accounting for over half of private tenants, despite this age group comprising one fifth of the population (as above)

Consultation with the public will be inclusive and use marketing channels that reflect the diversity of audiences across the borough. A digital campaign will reach all online residents and printed adverts in several publications including Turkish and Greek press which have all adverts translated.

We will monitor the number of responses to the digital consultation and the number of surveys completed to identify locations and demographics based on the information provided to understand who is engaged in the consultation and target areas where we can see gaps.

*If you have ticked yes to discrimination, please state how this is justifiable under legislation.

6. Tackling Socio-economic inequality Indicate Yes, No or Not Known for each group	Communities living in deprived wards/areas	People not in employment, education or training	People with low academic qualifications	People living in social housing	Lone parents	People on low incomes	People in poor health	Any other socio-economic factor Please state;
Will the proposal specifically impact on communities disadvantaged through the following socio-economic factors?	Y	Y	Y	N	Y	Y	Y	
Does the service or policy contribute to eliminating discrimination, promote equality of opportunity, and foster good relations between different groups in the community?	Y	Y	Y	Y	Y	Y	Y	

² <https://www.stonewall.org.uk/lgbt-britain-hate-crime-and-discrimination>

Could this proposal affect access to your service by different groups in the community?	N	N	N	N	N	N	N	
---	---	---	---	---	---	---	---	--

If Yes answered above – please describe the impact (including any positive impact on social economic inequality) and any mitigation if applicable.

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. The scheme will be 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 the properties offered for rent. It will also benefit landlords through reputational improvements to their profession within the borough and improved property conditions and reductions in ASB will help to increase their property investment.

If licensing is introduced, some landlords may decide to leave the private rented market, particularly if they do not want to adhere to the conditions of a licence, the fee and necessary management. This could result in evictions and homelessness which could have an adverse effect on some groups with protected characteristics. There is some protection for assured shorthold tenants in that a Section 21 Notice (of seeking possession of the property) cannot be used by the landlord where a property is subject to licensing but has not been licensed.

The most demographically distinguishing feature about Enfield is its rich diversity of ethnic groups as shown by the 2011 Census data. Compared to the average for London boroughs that data showed a slightly smaller White UK group (at 40.5% of total population), and relatively large numbers in the 'Other White' group (18.2%) and in Black groups (17.2%). The 'Other White' group is composed largely of Greek and Turkish Cypriots and Turkish. Based on the numbers of written in answers to the Census, Enfield has the highest numbers of Cypriot, Greek, Turkish and Albanian in England & Wales.

The scheme is designed to improve standards and relationships and therefore likely promote community cohesion and relations between people from different backgrounds. The scheme will apply to all private sector properties irrespective of their background or demographics. The increase in education around suitable behaviour of both landlords and tenants' rights, through the promotion and advertising scheme that will form part of the public consultation will most likely result in increased contact with the council by tenants and disadvantaged groups, if housed in poor quality accommodation.

Standards are expected to rise and thereby provide an improved service and quality of life for tenants and neighbouring residents. Landlords will benefit from increased support from statutory agencies. 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.

Families with children account for a third of the increase in PRS households in the past decade. 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 feel more secure as the Council can regulate the licence conditions. According to official HMRC statistics, as of 31st August 2013 (the latest date for which this information is available), 24.9% of all dependent children under the age of 20 in Enfield are in low-income families. The definition of 'low income' in this case is receiving 60% or less of median income. Of children aged under 16, this proportion rises to 25.5%, or 21,135 children. Of these, the majority are in families where the adults are receiving Income Support, Job Seekers Allowance or Child Tax Credit only. However, a small proportion (around 1%) of children in low-income families have working parents. In the United Kingdom as a whole, the proportion of children in low-income families is 18.2%, and the London-wide average is 21.7%. Enfield's proportion is the 11th highest of all London boroughs.

If implemented there are some anticipated indirect improvements to health through improved accommodation conditions such as a reduction in overcrowding and setting minimum standards of health and safety by compliance with the Housing, Health and Safety Rating Scheme (HHSRS). These changes will have positive impacts on people's health outcomes by tackling excess cold, dampness and other factors which cause detriment to quality of life. All properties that are granted a licence are expected to comply with the Housing Health and Safety Rating System standards. This system is designed to protect occupiers from harm and includes reducing trip hazards which will be particularly relevant for the older people who are more likely to suffer a serious injury from a fall. The HHSRS assessment protects vulnerable groups, which can be generally applied to the 0-5's and over 5 years of age. At Mid-2014, Edmonton Green Ward was estimated to have the highest population of the 0-15 age band. Highlands Ward has had the complete opposite with the smallest population estimate. The male population has always been higher than the female population across all the wards in this demographic. Highlands has the smallest male population in this demographic than anywhere else in Enfield and Grange has the smallest female population.

The licence fee will be per property rather than per tenant so it is not felt that the charging mechanism will have a greater impact on shared accommodation. Additional Licensing will enable the Council to better identify HMOs and enforce the legislation which will improve management standards in those properties where the landlords are not currently complying with the legislation. This will benefit all occupants of shared housing and protect them from harm and will benefit students and young professionals who can be exploited in the current rental market. The licensing fee will be set at a self-funding level to cover the cost of administering and ensuring compliance of the scheme only. Applying the HHSRS will promote energy efficiency, for example, for new tenancies we feel that this will benefit low income groups, which is likely to include young people. 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.

7. Review

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

A review will be carried out when we analyse the feedback following the public consultation.

We will appoint an independent provider to conduct a comprehensive programme of consultation and engagement with residents and various stakeholders in order to seek their views on the proposal of introducing additional and selective licensing schemes within Enfield.

The Housing Act requires authorities considering designating an area subject to licensing to:

- 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.

DCLG guidance suggests that this consultation should include local residents – for example, tenants, landlords and managing agents where appropriate; other members of the community who live or operate businesses or services in the proposed designated area; and local residents and businesses in the surrounding area who will be affected. A minimum consultation period of 10 weeks is required under the general consent issued by the Secretary of State. We will be undertaking a 3 month public consultation.

Enfield Council Predictive Equality Impact Assessment

NB if there is likely to be an impact on different groups of staff as a result of this proposal, please also complete a restructuring predictive EQIA form

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

Title of decision:...Proposal for introduction of Additional and Selective Licencing.....
.....

Team:.....Housing Enforcement Team..... Department:...Place.....
.....

Service manager: Sue McDaid... ..

Identified Issue	Action Required	Lead Officer	Timescale/ By When	Costs	Review Date/ Comments
Potential for a lack of engagement with stakeholders and hard to reach communities during the public consultation.	Good design and implementation of a robust consultation to reach all sectors, using various methods. Keep engagement under review and target areas where there are any gaps to encourage greater engagement.	Martin Rattigan	Throughout the 3 month consultation period (start date to be agreed)		
If there is a predominance of one or more ethnic group amongst landlords, negative publicity	Publicity to emphasise that there are responsible landlords who comply with requirements, and that	Martin Rattigan	Throughout the 3 month consultation period (start date to be agreed)		

about standards in the PRS could cause disharmony/ negative view of Enfield or in the wider community in Enfield.	licensing is designed to deal with those properties and landlords who are not currently meeting their obligations.				
If licensing is introduced, some landlords may decide to leave the private rented market, particularly if they do not want to adhere to the standards that are required. This could result in evictions and homelessness which could have an adverse effect on some groups with protected characteristics.	Give advice through the landlord/tenants forum and on the website regarding services that are available for vulnerable people and how they can be accessed plus legal protection routes.	Tina Fasi	Throughout the 3 month consultation period (start date to be agreed)		

Please insert additional rows if needed

Date to be Reviewed: ...Once the public Consultation has been completed

APPROVAL BY THE RELEVANT DIRECTOR - ...Doug Wilkson..... **SIGNATURE**.....

This form should be emailed to joanne.stacey@enfield.gov.uk and be appended to any decision report that follows.

APPENDIX 2

**Call-in request form submitted by 7 members of
the Council**

This page is intentionally left blank

CALL-IN OF DECISION

(please ensure you complete all sections fully)

Please return the completed original signed copy to:

Claire Johnson, Democratic Services Team, 1st Floor, Civic Centre

TITLE OF DECISION: REVIEW OF THE PRIVATE RENTED SECTOR IN ENFIELD AND PROPOSAL TO GO TO PUBLIC CONSULTATION ON THE
DECISION OF: CABINET | INTRODUCTION OF A BOROUGH-WIDE ADDITIONAL MEMBER FOR LICENSING | LICENSING SCHEME + SELECTIVE LICENSING
DATE OF DECISION LIST PUBLICATION: 21 JUNE 2019 | SCHEME IN 14 WARD




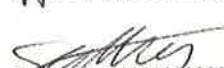

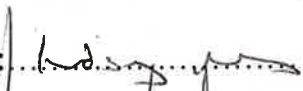

LIST NO: 19/19-20

KD 4870

(* N.B. Remember you must call-in a decision and notify Democratic Services Team within **5 working days** of its publication).

A decision can be called in if it is a corporate or portfolio decision made by either Cabinet or one of its sub-committees, or a key decision made by an officer with delegated authority from the Executive.

(a) **COUNCILLORS CALLING-IN** (The Council's constitution requires seven signatures or more from Councillors to call a decision in)

(1) Signature: 	Print Name: EDWARD SMITH
(2) Signature: 	Print Name: MARIA ALEXANDROU
(3) Signature: 	Print Name: AMINE
(4) Signature: 	Print Name: STEPHANOS IOANNOU
(5) Signature: Elaine Hayward	Print Name: ELAINE HAYWARD
(6) Signature: 	Print Name: TIM STEVEN
(7) Signature: 	Print Name: JAVED SARWAR
(8) Signature: 	Print Name: Terence Neville

(b) **SCRUTINY PANEL RESOLUTION** (copy of minute detailing formal resolution to request call-in to be attached).

NAME OF PANEL:

DATE OF PANEL:

This page is intentionally left blank

APPENDIX 3

**Reasons for Call-in by Councillor calling in the
decision**

&

Briefing Note in response to called in decision

This page is intentionally left blank

CALL-IN OF DECISION

(1) Reason why decision is being called in:

1. The report (key Decision 4870) reviewing the private rented sector in Enfield and proposing to go out to public consultation on a licensing scheme is being called in because the evidence base does not justify the scope of the proposals. The proposed extent of (i) the selective system, which would cover the majority of the wards in Enfield or (ii) in the case of HMOs the whole of the Borough, is unfair to the many private landlords who comply with their legal obligations.
2. Government advice on licensing schemes is very clear that they should be used sparingly because they discriminate against the majority of landlords who comply with their legal obligations to their tenants. There is therefore a very high threshold of proof required before a licensing scheme can be implemented. A selective scheme requires the approval of the Secretary of State.
3. The report states (para 5.5) that one of the benefits of the proposals is that the high level of evictions from the PRS in Enfield will be reduced because landlords of licensed properties cannot use section 21 (so called-no-fault eviction notices) of the Housing Act 1988. No mention is made in the report that earlier this year, the Government announced that s.21 notices would be abolished, and landlords will no longer be able to evict tenants unless a breach of the tenancy agreement has been demonstrated.
4. The licensing fee proposed of £120 p.a. for the selective scheme and £180 for the additional scheme would inevitably be passed onto the tenants. There is no guarantee that the licensing fee would not be raised further in future.
5. The Council already has powers under a wide range of legislation to take enforcement action against rogue landlords for sub-standard property conditions, overcrowding, harassment, etc. Enfield CAB estimates that it receives over 1000 complaints from tenants each year. A report last year in the Guardian Newspaper identified 53 councils, including Enfield, who had failed to prosecute any private landlords following complaints from tenants between 2015 and 2017.
6. The licensing fee is legally required solely to cover the cost of administration, i.e. the salaries, etc of the 30 or so inspectors (according to officers) who would be employed by the Council. No information is provided in the report about the current cost of enforcement and whether the Council is sufficiently resourced to actually enforce breaches of the proposed licensing conditions for private landlords. The

evidence from the Guardian and others is that enforcement in Enfield is weak or non-existent and a licensing scheme will not change that in any material way

7. The new criteria for licensing schemes required by Government is indicative only. Rogue landlords are more likely to operate in areas where levels of poverty, poor housing quality and anti-social behaviour are most acute. Depending on local circumstances, many London councils who have introduced licensing schemes have restricted them to either selective schemes or to additional schemes. Also, in the case of selective schemes (which cover all private rented properties), the designated areas are often restricted to individual streets or neighbourhoods. The evidence in the report does not support the blanket approach proposed.

(2) Outline of proposed alternative action:

The report should be referred back to the Cabinet Member and the consultation proposal halted. The licensing scheme should either be abandoned or greatly restricted in scope to areas of the greatest deprivation. The Cabinet member should focus more attention and resources on the lack of enforcement under existing legislation to curb the activities of rogue landlords in the Borough.

Response to Call in of decision to approve a public consultation on the proposed introduction of an additional and selective licensing schemes

Reason why decision is being called in:

1. The report (key Decision 4870) reviewing the private rented sector in Enfield and proposing to go out to public consultation on a licensing scheme is being called in because the evidence base does not justify the scope of the proposals. The proposed extent of (i) the selective system, which would cover the majority of the wards in Enfield or (ii) in the case of HMOs the whole of the Borough, is unfair to the many private landlords who comply with their legal obligations.

Response:

In any area in which there is a significant amount of private rented sector accommodation, there will be some landlords who comply with their various legal and contractual obligations and others who do not. Parts 2 and 3 of the Housing Act 2004, which govern additional and selective licensing, are concerned principally with areas not individuals. The two schemes proposed in the report are strongly supported by the body of evidence collected in the course of the review of the private rented sector generally in Enfield and take into account good practice amongst landlords as well as bad. That evidence base, and the application to it of the statutory requirements of the Housing Act and associated guidance and case law, informs and supports the recommendations contained in the report.

In order to introduce a selective licensing scheme, certain statutory criteria must be met. These include poor property conditions, high deprivation and significant and persistent anti-social behaviour. Whereas the evidence base shows that ALL wards in the borough meet the criteria for poor property conditions, it was felt that a targeted approach to the problem would, for the time being at least, be a more appropriate and proportionate response. Consequently, 14 of the borough's wards in all have been identified as having sufficiently poor housing conditions and high levels of deprivation and anti-social behaviour to justify designation. This is the proposed selective licensing scheme.

With regards to the proposed additional HMO licensing scheme, the evidence base shows that HMOs are spread throughout the borough and have high levels of poor property conditions and anti-social behaviour and are not effectively managed.

Reason why decision is being called in:

2. Government advice on licensing schemes is very clear that they should be used sparingly because they discriminate against the majority of landlords who comply with their legal obligations to their tenants. There is therefore a very high threshold of proof required before a licensing scheme can be implemented. A selective scheme requires the approval of the Secretary of State.

Response:

The report acknowledges both the high evidential threshold for a designation to be made and the need for Ministerial approval.

Non-statutory guidance¹ published by the DCLG in 2015, to which regard has been had, states in paragraph 39 that “Local housing authorities must also ensure that selective licensing complements other measures. It should only be used where existing measures alone are not sufficient to tackle the underlying housing problems of a specific area. Local authorities should also carefully consider any potential negative economic impact that licensing may have on their area – particularly the risk of increased costs to landlords who are already fully compliant with their obligations. These additional costs can reduce further investment and are frequently passed on to tenants through higher rents.”

Consistent with that guidance, the report identifies and discusses at paragraphs 4.1-4.5 possible alternative measures to designation concluding in each case that it would not achieve the desired outcome.

The evidence to justify the proposed licensing schemes has been independently analysed and quality assured, and in addition has been reviewed by counsel who is satisfied that the legal thresholds have been met.

As more than 20% of the private rented sector in the borough would be covered by the proposed selective licensing scheme, the approval of the Secretary of State (Ministry of Housing, Communities and Local Government) would be required. The application would be submitted to the Secretary of State if the Council decides to introduce a selective licensing scheme following the public consultation.

Reason why decision is being called in:

3. The report states (para 5.5) that one of the benefits of the proposals is that the high level of evictions from the PRS in Enfield will be reduced because landlords of licensed properties cannot use section 21 (so called no-fault eviction notices) of the Housing Act 1988. No mention is made in the report that earlier this year, the Government announced that s.21 notices would be abolished, and landlords will no longer be able to evict tenants unless a breach of the tenancy agreement has been demonstrated.

Response:

Only Parliament can “abolish” section 21 notices. The Government announced on 15 April 2019 that it intends to consult upon the proposal to do away with “no fault” evictions as they are thought to be a major cause of family homelessness. The proposals outline that landlords will be required to provide concrete reasons for seeking to end a tenancy. At present it is not known whether these proposals will be implemented, and if so in what form, and it would be wrong therefore for the report to proceed on the basis that section 21 notices will be abolished. The Council will monitor the position and act in accordance with any changes to the law.

Reason why decision is being called in:

4. The licensing fee proposed of £120 p.a. for the selective scheme and £180 for the additional scheme would inevitably be passed onto the tenants. There is no guarantee that the licensing fee would not be raised further in future.

1

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/418551/150327_Guidance_on_selective_licensing_applications_FINAL_updated_isbn.pdf

Response:

The proposed licence fees of £600 (selective licensing) and £900 (additional licensing) would be for the full 5-year lifespan of the proposed licensing scheme. These fees equate to £10 and £15 per month respectively.

As the report notes (at paragraph 5.50), Article 13(2) of the EU Services Directive 2006/123/EC (implemented into domestic law by regulation 18 of the Provision of Services Regulations 2009) requires that the license fee paid by the applicant must be “reasonable and proportionate to the cost of the authorisation procedures in question and shall not exceed the cost of the procedures”, and fee-setting has been carried out with that obligation well in mind. Like other aspects of any scheme, fees would be reviewed from time to time to ensure that they remain reasonable and proportionate.

Despite what is said in paragraph 39 of the 2015 non-statutory guidance (see above), a government review of selective licensing schemes published on 25 June 2019 contains the finding that there is no substantive evidence that the cost of licence fees is passed onto tenants, or that licensing schemes increase rent levels². Analysis of Valuation Office Agency rent levels found that increased rents are a result of housing market conditions.

Reason why decision is being called in:

5. The Council already has powers under a wide range of legislation to take enforcement action against rogue landlords for sub-standard property conditions, overcrowding, harassment, etc. Enfield CAB estimates that it receives over 1000 complaints from tenants each year. A report last year in the Guardian Newspaper identified 53 councils, including Enfield, who had failed to prosecute any private landlords following complaints from tenants between 2015 and 2017.

Response:

The Council has a wide range of powers to enforce poor property conditions and non-compliance in private rented accommodation, as the report acknowledges, and they are used. Indeed, as the article in the Guardian newspaper acknowledges, the Council has served an unprecedented number of enforcement notices since 2015. The article did not acknowledge, however, that the Council instigated three criminal prosecutions in 2018 for sub-standard private rented accommodation and unlicensed HMOs resulting in fines being imposed of over £34,000.

The legislation is clear, and the report acknowledges, that selective licensing can be used where existing measures (including existing enforcement powers) are insufficient on their own to tackle the underlying housing problems. Despite unprecedented levels of enforcement notices issued, the underlying poor housing conditions, deprivation and anti-social behaviour remain a significant problem and so licensing is considered necessary and proportionate as an additional means of ensuring the large-scale improvement needed.

Reason why decision is being called in:

6. The licensing fee is legally required solely to cover the cost of administration, i.e. the salaries, etc of the 30 or so inspectors (according to officers) who would be employed by the

² Paragraphs 9.39 and 9.40

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/812879/Selective_Licensing_Review_2019.pdf

Council. No information is provided in the report about the current cost of enforcement and whether the Council is sufficiently resourced to actually enforce breaches of the proposed licensing conditions for private landlords. The evidence from the Guardian and others is that enforcement in Enfield is weak or non-existent and a licensing scheme will not change that in any material way

Response:

Under both domestic and European Law the fees charged to landlords under additional and/or selective licensing schemes may lawfully include a contribution towards the costs of enforcing compliance provided that any such contribution is not required to be made “up front” upon the application being made, and is only charged to those landlords whose application for licensing is successful. The revenue generated by any such contributions would help finance necessary enforcement procedures thereby enhancing the effectiveness of the schemes.

Enforcement is an essential tool and will, it is anticipated, be adequately resourced. However, the value of a team of inspectors, in terms of achieving the purposes of the proposed schemes, should not be understated. Inspections can, and it is hoped often would, ensure compliance without the need for subsequent enforcement action.

The Guardian article, referred to above, only focused on one enforcement outcome (prosecutions) between 2015 and 2017, and did not report on other enforcement interventions such as notices issued or prosecutions undertaken in 2018. In the period 2015-2017 the Council served 345% more notices on private rented properties than the proceeding 3 year period. In particular, the Council has served an unprecedented number of Prohibition Orders (to cease use), and high levels of Improvement Notices and Hazard Awareness Notices. This is not a Council that has weak or non-existent enforcement, as the report fully acknowledges.

Reason why decision is being called in:

7. The new criteria for licensing schemes required by Government is indicative only. Rogue landlords are more likely to operate in areas where levels of poverty, poor housing quality and anti-social behaviour are most acute. Depending on local circumstances, many London councils who have introduced licensing schemes have restricted them to either selective schemes or to additional schemes. Also, in the case of selective schemes (which cover all private rented properties), the designated areas are often restricted to individual streets or neighbourhoods. The evidence in the report does not support the blanket approach proposed.

Response:

The new criteria for selective licensing schemes are neither guidance nor indicative. They are prescribed in legislation³.

Far from adopting a blanket approach, the report makes clear that the proposal has only selected those areas in the borough where there is sufficient evidence of:

- *significant poor housing conditions that are not effectively managed*
- *high levels of deprivation and*
- *anti-social behaviour*

that meet the legislative requirements for licensing.

³ Housing Act 2004 and the Selective Licensing of Houses (Additional Conditions)(England) Order 2015

By way of comparison with other London Boroughs:

- *40% of London Boroughs (13 of the 32) currently operate a selective licensing scheme. Of these:*
 - *3 have borough-wide schemes*
 - *4 have large scale schemes (e.g. covering between 12 and 19 wards)*
 - *6 have smaller scale schemes (e.g. covering between 3 and 8 wards)*
- *66% of London Boroughs (21 of the 32) currently have an additional licensing scheme. Of these:*
 - *18 have borough-wide schemes*
 - *3 have non-borough wide schemes (e.g. covering between 2 and 12 wards)*
- *In addition, 3 London boroughs are currently in consultation on proposals to increase their existing (or implement new) selective licensing schemes, and 1 London Borough is consulting on increasing their additional licensing scheme by 6 extra wards.*

Comparison with other boroughs is appropriate but not conclusive, not least because there will be different considerations and challenges from borough to borough, as the report makes clear. For example, the report notes at paragraphs 5.5 and 5.7 that the eviction rate in the private rented sector in Enfield is the highest in London, and the borough has the highest number of private renters on Housing Benefit in London, and the second highest in the UK.

With some of Enfield Council's neighbouring or near-neighbouring boroughs having implemented their own licensing schemes, the report discusses at paragraph 5.2 the potential problem of displacement.

This page is intentionally left blank