

(1) Reason why decision is being called in:

(2) Outline of proposed alternative action:

(3) Do you believe the decision is outside the policy framework?

No

(4) If Yes, give reasons: n/a

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Checked by Proper Officer for validation –

Name of Proper Officer:

Date:

*J.P. Aushin*

*22. 4. 14.*

1. Reason why decision is being called in:

1 The evidence base for designating the whole borough for the Selective Scheme is extremely tenuous. The report No 230 is riddled with contradiction on the evidence base, and even the independent researcher concedes that co-location of incidents of ASB with higher risk households is "not proof of a link to an individual household or address, but is merely suggestive.." ( para 5.3 of Appendix 4), while para 5.1 of that Appendix unsurprisingly makes clear that it is "impossible to directly and causally link all ASB to property tenure in every instance".

2 The report makes clear (para 4.2 of Appendix 4) that both the incidence of ASB in Enfield and the public perception of it has fallen significantly over the past few years. That being so, to designate the whole borough is an abuse of power, not supported by the weight of evidence and will almost certainly lead to judicial review proceedings being taken against the Council. The adoption of the Scheme necessarily presupposes that there are throughout the borough "significant and persistent problems caused by ASB" which is frankly ridiculous and not supported by any hard evidence in the report.

3 The Scheme is one which is excessively bureaucratic in content and style, is extremely costly and in which the benefits are very uncertain. The report does not demonstrate with any precision or arguably at all, what precisely are the its benefits. It is full of vague assertions which amount to no more than saying that by designating the whole borough, somehow ASB will go away. If that were the case, is it not likely that since 2004 when the the legislation was enacted, more local authorities would have so designated. In fact only one other in London has done so and that scheme is barely a year old!

4 The report fails to consider as a pre requisite to designation as required by section 81(4) of the Housing Act 2004 "whether there are any other courses available to them of whatever nature that might provide an effective method of achieving the objectives intended by the designation". In this connection, the Anti Social Behaviour and Policing Act 2014 was passed in March and bring a whole new raft of powers that can be used to target ASB, including for the first time making ASB (very widely defined for this purpose to include conviction of a wide range of criminal offences) a mandatory ground for a possession, yet apart from a brief reference, this is not considered at all.

5 The proposed Scheme will be heavily dependent on tough and intense enforcement of existing Housing law. It is important to recognise that designation per se does not bring any new powers save for the requirement to be licensed. In order to improve housing conditions in those houses which are not properly managed which may lead to forms of ASB, the council will have to inspect and take appropriate action. But this it can do already. Our view is that money spent on this Scheme could be far better spent on targeted enforcement of Housing law against the minority of bad landlords.

6 The financial implications of the report make no attempt to cost the enforcement referred to in 5 above, a cost which the Legal implications section makes clear cannot be recovered from the licence fee. The implication of no reference to these costs is that existing enforcement staff will be sufficient for the purpose. If that is right then it clearly begs the question, why bother with Licensing. The report is also short on detail as to how much Housing Act enforcement has taken place under the extensive 2004 Act powers.

7 Appendix 7 deals with the licensing costs but is just too precise to be credible. The suggestion that in an overall estimated budget of £10million+ income an expenditure have been calculated to the last £3k is just fanciful and this sum as indicated takes no account of enforcement. Moreover, whatever the cost of the scheme to the landlords, it will inevitably be passed back to the tenants.

8 The Key Risks section of the report fails to flag up one vital risk -that of non compliance and thus complete failure. The so called "rogue" landlords are most unlikely to be first in the queue to seek a licence. The majority of law abiding ones will of course do so, but they are presumably not the targets. It is the bad landlords that should be targeted, but the scheme will do nothing to change their operation without proper enforcement. Has anyone considered the Scottish experience? The national scheme in Scotland has been in force for six years but as at 2013 was still only 75% compliant! Thus huge expense, staffing and bureaucracy has achieved very little there and there is little reason to believe it will be any different in Enfield.

2. Outline of proposed alternative action:

To refer the matter to council or back to Cabinet for reconsideration.

3. Do you believe the decision is outside the policy framework?

No

4. If yes give reasons: n?a

No