

MUNICIPAL YEAR 2013/2014 REPORT NO. 248

MEETING TITLE AND DATE:

Overview and Scrutiny
Committee-
30th April 2014

REPORT OF:

Director of Finance,
Resources & Customer
Services

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Agenda – Part: 1

Item: 4

**Subject: Petition Against Proposal for
Licensing of Private Landlords in Enfield**

Cabinet Member consulted:

1. EXECUTIVE SUMMARY

- 1.1 This report details the Petition received against the proposal to implement a borough-wide selective and additional licensing scheme for private sector landlords.
- 1.2 At its meeting on 9th April 2014 Cabinet considered report number 230 on the subject of additional and selective licensing. As part of the decision making process Cabinet considered this Petition with a reference to the Petition in the main body of the report and the Statement and Justification from the front cover of the E-Petition attached as an Appendix to the report. An extract from the Cabinet Minutes is attached at Appendix 2.
- 1.3 Under the Council's Petition Scheme if more than 1,562 valid signatures are received this instigates an automatic referral to the Overview & Scrutiny Committee.
- 1.4 In accordance with the Council's Constitution the Overview & Scrutiny Committee is asked to consider the views expressed in the Petition.

2. RECOMMENDATIONS

Overview & Scrutiny Committee is asked to :

- 2.1 Consider the issue raised by the Petition and then:
 - 2.2 (a) Receive the Petition;
 - (b) Note any comments from the Lead Petitioner and members of the public on the issue itself;
 - (c) Note the response from officers and Members provided at the OSC meeting.

3. BACKGROUND

3.1 The Council's Petition Scheme details that compliant petitions submitted to the Council must include:

- A clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the Council to take;
- The name and address and signature of any person supporting the petition;
- Petitions should identify the petition organiser.

3.2 The Petition Scheme for the London Borough of Enfield provides that petitions with 1,562 signatures (0.5% of the estimated local population for 2011 as published by the Office of National Statistics) trigger a debate at Overview & Scrutiny Committee.

4. PETITION

4.1 A member of the community has organised a Petition against the Councils' proposals for licensing of private landlords in Enfield. The Petition Statement is shown below. The Statement and Justification are attached at Appendix 1.

Statement:

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

Overview & Scrutiny Committee

4.3 The Petition signatories have been verified and the trigger level to be heard at an Overview & Scrutiny Committee has been confirmed. In total there were 1925 verified signatures on the e-petition and paper petition.

As part of the petition process, a senior officer will attend the Overview & Scrutiny Committee meeting, to provide information and evidence to Members on the Panel.

Members will listen to the evidence presented, and ask questions. The Chair will then ask the Lead Petitioner and members of the public if they have any questions.

5. CABINET MEETING 9th April 2014

5.1 Cabinet received report 230 which dealt with a proposal to implement additional and selective licensing for private sector landlords. The

Petition was covered within the main body of the report. The Petition Statement and Justification were attached as an Appendix.

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

6.1 Financial Implications

Any costs associated with receiving the Petition, and acting on its content, will be met from existing resources.

6.2 Legal Implications

6.2.1 The Local Democracy, Economic Development and Construction Act 2009 ('the Act') introduced a mandatory duty upon the Council to implement and to publish a Petitions Scheme. The Scheme obliged the Council to respond appropriately to compliant petitions and inform people what action will be taken to address their concerns. Chapter 2 of Part 1 of the Local Democracy, Economic Development and Construction Act 2009 (petitions to local authorities) is repealed by s.46 of the Localism Act 2011. However, the Council still operates a Petition Scheme.

6.2.2 Pursuant to the Council's Petition Scheme, a matter must be referred to the Overview & Scrutiny Committee if at least 0.5% of the assessed population figure from the 2011 Census (1,562) as published by the Office of National Statistics signatures are achieved.

6.2.3 S 21 Local Government Act 2000 defines the functions of the Overview & Scrutiny Committees. The Council's Constitution at Chapter 2.5, 5.3 (12) sets out the action the Committee may take in respect of a petition. The Council's Petition Scheme sets out the process to be followed.

6.3 Property Implications

7. KEY RISKS

Referral to the Overview & Scrutiny Committee addresses the risk of non-compliance with the Council's own Constitution.

8. IMPACT ON COUNCIL PRIORITIES

Fairness for All

The Council's Petitions Scheme ensures that the public are able to register their opinions on issues of importance to them, enabling them

to influence the way that the Council works towards achieving the key strategic aims.

Growth and Sustainability

The Council's Petitions Scheme ensures that the public are able to register their opinions on issues of importance to them, enabling them to influence the way that the Council works towards achieving the key strategic aims.

Strong Communities

The Council's Petitions Scheme ensures that the public are able to register their opinions on issues of importance to them, enabling them to influence the way that the Council works towards achieving the key strategic aims.

9. EQUALITIES IMPACT IMPLICATIONS

Report number 230 has a predictive equality Impact Assessment (EQIA) .attached at Appendix 9.

10. PERFORMANCE MANAGEMENT IMPLICATIONS

An effective Petitions Scheme ensures that the Council is compliant with the relevant measures in the Local Democracy, economic development and Construction Act 2009.

11. PUBLIC HEALTH IMPLICATIONS

None

Background Papers

Paper & E-Petition

APPENDIX 1

Title: Petition Against Proposal For Licensing Of Private Landlords In Enfield

Statement:

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

Justification:

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

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

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

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

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

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

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

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

APPENDIX 2

DEPUTATIONS AND PETITIONS

Councillor Doug Taylor (Leader of the Council) advised those present that arrangements had been made for the meeting to be filmed and relayed to an overflow room.

Councillor Taylor further advised that two deputations were to be received by the Cabinet in respect of the proposal to introduce Additional and Selective Licensing into the Borough. Each deputation would be given five minutes to put forward their representations. It was also noted that the Council had received a petition (the wording of which was attached as appendix 8 to the report) which would be one of the matters that Cabinet would take into account in reaching its decision tonight. In keeping with the Council's normal process, the signatories were being verified and upon completion of this process, the petition would be dealt with in accordance with the Council's petition scheme.

Following the deputations, the Cabinet would consider Report No.230 – Proposal to Implement a Borough-wide Additional and Selective Licensing Scheme for Private Sector Landlords (as detailed in Minute No.7 below). Note: Whilst the order of the agenda was varied, the minutes follow the order of the printed agenda.

Councillor Taylor welcomed those present and invited the deputations to present their views to the Cabinet. The following arose:

Deputation by Mr Graham Collier (accompanied by Mr Graham Roberts, Rachel Circus and Constantinos Regas).

Mr Collier presented a full and detailed deputation to the Cabinet outlining his objections to the proposals and questioning the justification of the proposed scheme. He questioned the perceived link between anti-social behaviour and private rented sector housing and quoted from Report No.230 to support his views. He expressed a view that the basis of the scheme was unreliable and statistically invalid. Attention was drawn to the Council's public health and wellbeing website pages in respect of levels of social deprivation and the correlation that could be seen with anti-social behaviour. He stated that the scheme unfairly stigmatised both private sector landlords and tenants with the accusation that the private rental sector was a major source of anti-social behaviour in Enfield. Mr Collier felt that the scheme risked many perverse outcomes and outlined for Members his views in this respect.

In conclusion Mr Collier asked that the Council arrange further consultations with a group involving landlords and managing agents to produce a workable scheme. There were many individuals in the Enfield rental sector who would be happy to give assistance to the Council.

Deputation by Mr Philip McGriskin (representing the National Landlords Association)

Mr McGriskin presented a full and detailed deputation to the Cabinet. It was noted that the National Landlords Association (NLA) membership had approximately 300 individual landlord members in Enfield. A full and extensive submission had already been made to the Council as part of the consultation undertaken. Mr McGriskin extracted some of the main points from the response which had already been submitted. The points included the following:

- The evidence provided to support the introduction of licensing.
- The specific resources that the Council would allocate.
- Probable consequences of the proposed scheme
- Selective licensing was seen as ineffective in dealing with anti-social behaviour.
- A guidance document was requested for landlords dealing with anti-social behaviour
- The additional resources that the Council would need to provide for enforcement measures
- The NLA would be willing to work with the Council on a number of issues.
- The existing legislation and powers of the Council – outlined in full.
- A request for the Council's equalities and diversity assessment for undertaking referencing for tenants.
- The current process open to landlords to enforce the law against a tenant causing anti-social behaviour.
- The NLA urged the Council to develop a strategy that could also include action against any tenants that were persistent offenders.

Councillor Taylor thanked the deputations for their presentations and invited Councillor Ahmet Oykenner (Cabinet Member for Housing) and Sally McTernan (Assistant Director Community Housing Services) to respond.

Councillor Oykenner reported that there had been a significant rise in the number of properties in the private rented sector over the last 10 years. The Council wished to support the development of a good quality private rented sector and positive tenancy management. Councillor Oykenner had been very concerned to note a number of inaccurate statements which had been posted on-line in opposition to the proposed scheme. The claims which had been made were outlined to Members and the correct factual information provided to them. The maximum fee over a five year period would be £500 with an early bird discount of £250. The Council would not profit from the scheme and the licence fee would only cover costs involved. The same fee would be applied for all properties. A single fee would apply for the five year period. The scheme would provide appropriate support for responsible landlords. He was concerned that the proposed scheme had been repeatedly misrepresented.

Sally McTernan (Assistant Director Community Housing Services) in support of Councillor Oykenner and in response to the deputations raised a number of points. It was noted that the comments received during consultation had informed the process. A number of specific responses were given to the issues which had been outlined in the deputation on behalf of the National Landlords Association including: The Council had considered all of the evidence available and was satisfied that a correlation between the presence of anti-social behaviour and the private rented sector had been established to a reasonable standard. The Council had a strategic approach to tackling anti-social behaviour and had made links to the relevant strategies. Licensing was an important augmentation to the existing toolkit. The costs would be proportionate and tax deductible materialising into a small additional overhead which could be as low as 58p per week for those paying the highest rate of tax. Clear standards would be set but landlords would be reminded of their obligations regarding tenancy and property management and support offered to landlords who are managing issues associated with their properties; comprehensive guidance will be developed. Enforcement would be intelligence led and the cost would not be met by the licensing fee. The Council would welcome working with the National Landlords Association to further develop a number of matters such as tenant information packs. The Council was aware and used its existing powers but in spite of this there remains stubborn and persistent anti-social behaviour of certain types across the borough. Further discussion would take place regarding references for tenancies. There is an expectation that landlords will work in partnership to tackle anti-social behaviour. The Council has an expectation that landlords will take action to enforce tenancy agreements and conditions; support will be provided to landlords as appropriate, including having a place as part of the multi-agency response dealing with anti-social behaviour. The Council welcomed the comments which had been made during the consultation and the issues which had been raised through the deputations to Cabinet.

Councillor Taylor then invited questions from Members and the following issues arose in discussion:

1. Councillor Ayfer Orhan questioned whether any organisations in the Borough were in support of the proposed scheme. It was confirmed that support had been expressed during the consultation. The Chief Executive of the Citizens' Advice Bureau in Enfield had publicly stated their support of the proposals today.
2. Councillor Christine Hamilton sought an explanation of the evidence of the links with anti-social behaviour and the private rented housing sector. It was noted that a range of performance information both historic and current had been reviewed, in addition an independent research company had been commissioned to identify any correlation – Neighbourhood Knowledge Management (NKM). The Council had considered a wide range of evidence.
3. Questions were raised by the deputees in relation to the impact of the inspection requirements and the resources that would be necessary to

manage this aspect of the scheme. In response, the financial modelling assumptions were outlined to those present including the inspection assumptions and the resources that would be required.

4. Clarification was provided on the proposed licence fee and the support that would be available to landlords and tenants. The Council's powers to deal with anti-social behaviour were noted together with the expectations that the Council would have of registered landlords to enforce their tenancy agreements.
5. Councillor McGowan noted the offer of those landlords present to work with the Council to develop the scheme. The experience that they could bring to the process was noted. The need to streamline the registration process as much as possible was highlighted.
6. It was noted that those present did not represent the "Stop Enfield" campaign.
7. Mr Regas raised specific concerns regarding the statistical evaluation within the report and questioned the correlation with anti-social behaviour. He stated that a validated technique had not been used and should not therefore be relied upon. Mr Regas felt that the proposed scheme was flawed.
8. It was noted that consultation had taken place and that issues and suggestions raised had been taken on board. The further involvement of landlords in the development of the scheme design would be welcomed.
9. In summary, Councillor Oykener expressed his thanks to the deputees for their input and offer of further involvement. The Council would continue to work with landlords to develop a positive way forward. The Council had listened to the issues raised during consultation with a majority of residents expressing support for the scheme.

In conclusion, Councillor Taylor reported that as part of the scheme it was noted that the petition, subject to satisfactory verification would be referred to the Council's Overview and Scrutiny Committee and that the date of the meeting would be advised in due course.