

MUNICIPAL YEAR 2014/2015 REPORT NO: **114**

MEETING TITLE AND DATE
Cabinet 12 November 2014

REPORT OF:

Ray James, Director of Health,
Housing and Adult Social Care

Contact officer and telephone number:
Sally McTernan: 020 8379 4465
sally.mcternan@enfield.gov.uk

Agenda – Part: 1	Item: 8
Subject: Proposal to implement a borough-wide additional licensing scheme for private sector landlords	
Wards: All	
Cabinet Member consulted: Cllr Ahmet Oykenner	

1. EXECUTIVE SUMMARY

- 1.2 This report seeks ratification and/ or review/ approval of its earlier decision to implement additional licensing of HMO's across the borough, (a decision made at Cabinet on 9 April 2014 – Proposal to Implement Borough Wide Additional and Selective Licensing Scheme, KD 230, to introduce additional licensing of houses in multiple occupation (HMOs)). The Council's Cabinet has already made this decision, but considers it prudent to ask the Council to confirm it in light of the grant of permission to Mr Regas to apply for judicial review and the further information and evidence now available. The Council must be satisfied that a significant proportion of HMO's in its area are being managed sufficiently ineffectively as to give rise, or to be likely to give rise, to one or more particular problems for those occupying the HMOs or for members of the public (Housing Act 2004 s.56(2)).
- 1.3 The strategic value of this decision would be two-fold. It would i) give the authority much clearer information about who landlords are so as to work with those landlords and tenants of properties associated with anti-social behaviour (ASB) within the borough, and ii) ensure that all stakeholders within the rapidly growing private rented sector in the borough are aware of their responsibilities and position, so as to not continue with a situation where the authority and the residents of the borough are taking all responsibility for the externalities of the sector, such as through ASB and wider environmental crime.
- 1.4 A period of consultation was undertaken between November and February 2014, which informed the decision taken in April 2014. There has been consideration as to whether further consultation is required in advance of ratification, and it has been concluded that further consultation is not

necessary or proportionate. Research was gathered in advance of the April 2014 decision which justified the need for this scheme. That research has been updated to establish whether, since April 2014, the evidential basis has altered. The evidence continues to support the conclusion that there is sufficient justification for the implementation of the five year scheme in Enfield.

2. RECOMMENDATIONS

- 2.1 To ratify the decision to designate an additional licensing area of the district of the London Borough of Enfield as described and delineated on the map at **Appendix 1**.
- 2.2 Review and approve the proposed actions
 - a) Delegate authority to the relevant Directors to manage the introduction of the additional licensing scheme to come into force on April 1st 2015 with a team in place to process licenses from December 2014.
 - b) Delegate authority to the relevant Directors to agree changes to the proposed implementation where necessary and ensure that all statutory notifications are carried out in the prescribed manner for those designations.
- 2.3 Consider and agree the proposed (annual) frequency of reviews within the five-year period for each designation, when the Cabinet will receive an update on progress and impact.
- 2.4 Reiterate the Council's commitment to work with landlord representatives on the implementation and operation of the scheme

3. BACKGROUND

- 3.1 This report should be read in conjunction with the previous Cabinet report dated March 2014. The 2004 Housing Act gives authorities power to designate areas, or the whole of the area of its district, as subject to discretionary licensing in respect of private rented accommodation. All authorities had to license houses in multiple occupation (HMOs) of three stories or above (mandatory licensing), but powers in parts 2 and 3 of the act allowed for authorities to consider licensing for all HMOs (additional licensing).
- 3.2 Enfield is a borough with a significant private rented housing sector and a strong record of reducing anti-social behaviour. The Council has an historic approach of mandatory licensing, alongside engagement with landlords.
- 3.3 The exact number of private rented sector properties in a borough is always hard to confirm, and the 2011 Census confirmed a trend that had started to become more obvious to residents and the Authority. Out of 119,916

households in the borough, 69,462 were owner-occupied (57.9%), 21,073 were social rented (17.6%), and 26,591 were privately rented (22.2%). Further research suggests that this Census figure is likely to be a minimum for the private rented sector, with an estimated figure of up to 31,994 properties in late 2013, a slightly more conservative estimate of 29,000 properties has been used.

- 3.4 The tenure mix of the housing stock has changed significantly since 2001, with a 102.9% increase in the size of the private rented sector, a 9.2% increase in the social rented sector, and a 10.9% fall in the owner occupied sector. It is clear that the growth in the private rented sector is driven by changes in tenure within neighbourhoods and not just household growth.
- 3.5 These changes have not occurred in isolation, and there is a perception that this significantly increasing tenure type is having a negative impact on the neighbourhoods of Enfield. There have been ASB, significant noise nuisance and environmental crime and other externalities that are persistent, significant, and in some instances increasing. In consultation exercises, residents highlighted severe overcrowding and short term lets as a key driver of ASB.
- 3.6 There have been significant increases in calls to housing enforcement, alongside year-on-year increase in the instances of housing disrepair responses. It is clear that the externalities of the sector are creating increasing costs which are not being met by either the landlord or the tenants.
- 3.7 Finally, there have been significant and growing levels of overcrowding within the private rented sector at a time when overcrowding in the social sector is coming down. It is the responsibility of landlords to manage these levels, and this problem is getting significantly worse within the borough.
- 3.8 In August 2013 a project steering group was established within the authority to explore the evidence around these changes to housing, and in the intervening period, that steering group has developed a position that additional and selective licensing would be a valuable and relevant mechanism to deal with the issues that are occurring within Enfield.
- 3.9 Whilst this is general background and context for the decision, this report focuses on the ineffective, inadequate and insufficient management of HMOs. Reasonable steps have been taken to consult the persons likely to be affected by the designation of the borough of Enfield as subject to additional licensing of HMOs.
- 3.10 The April 2014 decision followed a two-part consultation exercise -
Phase 1 which took place between 15.11.2013 and 16.12.2013, was an initial listening and engagement exercise, which included meetings with local landlords and letting agents.
Phase 2- consultation exercise held between 2.1.2014 and 28.2.2014.

During the interval between phases 1 and 2 the Council was analysing (with assistance from an independent research organisation, Opinion Research

Services) the feedback from Phase 1 in order to inform Phase 2 of the consultation.

Phase 2 of the consultation took place by way of a range of methods including an online questionnaire, paper questionnaire, a telephone survey and public meetings across the borough. By those methods, in total there were 2,258 responses. Opinion Research Services remained involved in Phase 2.

- 3.11 The conclusion was that residents were, by a large majority, in favour of the Council's proposals in relation to borough-wide licensing of the privately rented sector (i.e. including both additional and selective licensing). 84% of residents, 62% of businesses and 59% of local organisations agreed with the proposal. 16% of letting/ management agents and 18% of private landlords were in favour.
- 3.12 The Council instructed Professor Mayhew, a market expert, of Mayhew Harper Associates Limited, to advise it as to the relationship between privately rented properties and reported ASB in its area. This report, together with the Council's local and anecdotal knowledge of ASB in its area and the consultation responses informed the decision to proceed with the selective and additional licensing schemes.
- 3.13 The Council took steps to implement its decisions including consultation with landlords as to the format of the license application and preparation of the IT system by which applications and payment will be made.
- 3.14 A claim for judicial review was issued against the Council by Mr Regas, an Enfield landlord, challenging its decision to implement both additional and selective licensing schemes. Permission to apply for judicial review was refused on the papers but was renewed at an oral hearing on 2.10.2014. On 3.10.2014, Mr Justice Ouseley granted permission to apply for judicial review in relation to the decision to implement additional licensing only. That claim was considered "arguable" by the Judge. Amended grounds of challenge have been filed in advance of a hearing in November 2014. Permission to challenge the decision to implement selective licensing was refused. Mr Regas is seeking to renew the application for permission in relation to selective licensing to the Court of Appeal, which has yet to decide whether he should have permission to bring his further challenge.
- 3.15 Other London Boroughs which have implemented Additional Licensing Schemes are London Boroughs of Newham, Barking and Dagenham, Brent and Haringey. Newham has shared information about its scheme which is the largest and most mature of the London schemes and has reported positive results so far (in terms of prosecutions and cautions) indicating an improvement in standards across the private rented sector.

4. KEY CONSIDERATIONS

- 4.1 In addition to the materials which were produced in advance of the Council's decision on 9.4.2014, the Council has obtained a further report from Professor

Mayhew dated 3rd November 2014, (**Appendix 2**). Professor Mayhew is considered to be an industry expert in providing statistical analysis to assist local authorities in, among other matters, identifying the extent of housing tenure types within an area, and establishing whether there is a relationship between tenure types and ASB. Considerable weight is to be given to Professor Mayhew's opinion.

- 4.2 For the purposes of this report, Professor Mayhew has been provided with data available as part of Appendix 4 of the original Cabinet decision, but not included in the analysis that he reported in March 2014. In his earlier report – Understanding the Relationship Between Private Rented Properties and Anti-Social Behaviour in Enfield, Nov 2013 - he analysed police ASB reports only, with map grid references and, in a limited number of 591, actual addresses. He did not discern any relationship between the available address-specific ASB reports and HMOs. In October 2014 he was provided with address specific ASB reports. In addition to this, the Council was able to provide additional environmental crime ASB data, such as pest control records that was not originally available.
- 4.3 In summary, he concludes that:
 - (a) HMOs are second after single family rented properties in terms of noise complaints and garden rubbish among the various tenancy types;
 - (b) The differences in incident rates between HMO identified enviro-crime and council-wide rates were higher than, and statistically significantly different from zero;
 - (c) In addition, it was found that an HMO with no other risk factors is 20% more likely to give rise to enviro-crime, than a similar property with no other risk factors. In practical terms, if HMOs did not exist and that they were privately owned and occupied, there would have been approximately 250 fewer reported enviro-crime incidents over the period.
- 4.4 These “additional” enviro-crimes and other instances of ASB have, or are likely to have, the effect of causing nuisance or annoyance to residents and visitors to the borough. They also require significant council action (at cost to council tax payers) to remedy/ address.
- 4.5 The private rented sector has grown significantly in recent years, and this trend shows no indication of slowing or reversal. Given that HMOs are part of this sector, and more likely to be linked to ASB than owner-occupied properties, it is a reasonable inference that ASB incidents are likely to increase if the Council does not take action.
- 4.6 It is common knowledge among housing officers and others involved in the housing sector that ASB has a significant effect upon residents in terms of quality of life, and a single “incident” such as noise, dog fouling or litter is likely to have an impact upon multiple residents, visitors etc. Thus 250 “incidents” may affect a far greater number of residents, and the number of residents affected will determine the degree and cost of Council involvement in seeking to resolve the “incident”.

- 4.7 The totality of the evidence leads to the conclusion that a significant proportion of HMOs are linked to actual, or likely, ASB and the probable explanation for this is ineffective management of those HMOs. Alternative measures falling short of additional licensing were considered in the course of the March 2014 proposal and were rejected for reasons set out therein. Those reasons remain valid.
- 4.8 The designation for both of these schemes last for five years, after which point a full consultation, review and new decision would need to be made before the scheme could be continued.
- 4.9 An Equality Impact Assessment (EIA) was carried out in advance of the April 2014 decision. There has been consideration of whether there should be a further impact assessment in relation to the current proposal. The outcome of this consideration is that the EIA remains current and relevant and that a further EIA is not necessary or proportionate

Consultation

- 4.10 The purpose of this report is to recommend that the Council ratify and / or review / approve its earlier decision to implement additional licensing of HMO's across the borough. The Council's Cabinet has already made this decision, but considers it prudent to ask the Council to confirm it in light of the grant of permission to Mr Regas to apply for judicial review and the further information and evidence now available. The Council must be satisfied that a significant proportion of HMO's in its area are being managed sufficiently ineffectively as to give rise, or to be likely to give rise, to one or more particular problems for those occupying the HMOs or for members of the public (Housing Act 2004 s.56(2)).
- 4.11 Consideration has been given to whether further consultation is required. A further consultation exercise is not considered to be reasonable or proportionate. There was an extensive consultation exercise which ended on 28.2.2014, which was overwhelmingly in favour of licensing across the privately rented sector and which specifically asked respondents about their views on additional licensing. In the Public and Stakeholder Consultation there was, in the first forum, more support for additional than for selective licensing and in the second, there was clear support for additional licensing for smaller HMO's as a means of reducing ASB/ neighbour nuisance. The surveys showed 85% of residents and 88% of organisations in favour of additional licensing, with telephone interviews indicating 76% support for HMO's to be licensed. As there was such clear support as recently as the beginning of 2014, the delay and expense of further consultation would be proportionate only if circumstances indicated that there might be a different response to the proposal now.
- 4.12 There has been no information gathered by Council staff to indicate a significant change in public opinion since the original consultation (**Appendix 3**). In t

he circumstances, taking into account the delay which would be caused by further consultation, it is not considered reasonable or necessary to undertake a further consultation exercise.

5. Service delivery

- 5.1 Under s.56(1) Housing Act 2004 a local authority may designate the area of its district or an area in its district as subject to additional licensing. Consideration has been given, both prior to the April 2014 decision and in relation to this proposal, to a scheme of partial coverage, focusing on the most certain hotspots in the borough. This was rejected on the grounds that significant pockets of anti-social behaviour that can be connected to prevalence of private sector rented dwellings can be evidenced across the borough and that consistency should be a guiding principle for a scheme of this nature.
- 5.2 25% of Enfield's total housing stock is privately rented. It has not been possible conclusively to establish the number of properties which are single family private rented properties and which are HMOs not subject to the currently applicable statutory licensing scheme. It is estimated that there are between 12715 and 12723 HMOs in the borough, out of a total of between 28042 and 32002 privately rented properties.
- 5.3 Housing stock in Enfield is predominantly lower than three storeys, therefore HMO's in the private rented sector are not likely to be subject to the current licensing requirements (currently only 61 in the borough are subject to mandatory licensing). There is a correlation between the private rented sector (including unlicensed HMOs) and anti-social behaviour as demonstrated by Professor Mayhew's analyses, alongside the anecdotal reports from council officers with day to day responsibility for ASB, environmental health and private rented sector issues.
- 5.4 If HMOs are not subject to additional licensing, there is a significant risk that a substantial number of privately rented HMO properties will remain ineffectively, inadequately and insufficiently managed which will impact on the Council's strategic aims set out in paragraph 6.5 and 6.6.
- 5.5 Additional licensing will enable the Council to create a coherent scheme whereby it is able, in conjunction with landlords, to tackle anti-social behaviour associated with properties used as HMOs. It will achieve this by identifying HMOs which are poorly managed and having clear information as to the identity of the responsible person or landlord. This in turn will enable the Council to:
 - (a) Ensure that landlords, tenants and other stakeholders are aware of their responsibilities;
 - (b) Ensure consistency of safeguards to privately renting tenants across tenure types and across the borough.

6. REASONS FOR RECOMMENDATIONS

- 6.1 The London Borough of Enfield suffers significant and persistent anti-social behaviour related to the private rented housing sector, together with poor property management.
- 6.2 Expert and anecdotal evidence, which includes the local knowledge of Council officers with extensive knowledge of the area and its housing type and ASB profile, support the conclusion that a significant proportion of HMO's across the borough are being managed sufficiently ineffectively as to give rise, or to be likely to give rise, to one or more particular problems for those occupying the HMOs, or for members of the local community.
- 6.3 The consultation was sufficient in its approach to take reasonable steps to consult those likely to be affected by the designation and it highlighted a number of issues which have been considered above and incorporated into the scheme as a result of the exercise. The Council has no reason to believe that the views of potential consultees have altered significantly since the consultation was carried out.
- 6.4 There has been consideration of whether there are any other courses of action available that might provide, either alternatively or additionally, an effective method of dealing with the problem or problems in question s.57(4)(a) Housing Act 2004). Other statutory enforcement measures, or potentially voluntary measures such as an accreditation scheme are not considered sufficient to address the identified problems. In particular, it is not always possible to identify the landlord of an HMO in order to engage to resolve problems or to take enforcement action. Voluntary accreditation is unlikely be undertaken by those landlords whose management is ineffective or insufficient. It is considered that approving the designation will significantly assist the Council to deal with the problem and it will continue to consider the use of other enforcement powers, which it may be able to utilise more effectively, in conjunction with Additional Licensing.
- 6.5 The proposal is consistent with Enfield's Housing Strategy 2012 – 2027, in particular the strategy "*aspires to make Enfield safer and the Housing Strategic Partnership has made it a priority to look at ways of responding effectively to anti-social behaviour*". Aim 3 of the Strategy is to "*Improve the quality of homes and neighbourhoods and contribute to strong communities*" and the identified means by which that is to be achieved include, "*Improving standards and management of homes in the private rented sector*".
- 6.6 Enfield seeks to adopt a co-ordinated approach in connection with dealing with homelessness, empty properties and anti-social behaviour affecting the private rented sector. In particular it will combine licensing with other action taken by the Council or others (s.57(3) Housing Act 2004). This co-operative approach

within the Council, and with external agencies, is anticipated by the Housing Strategy 2012 – 2027, (see Foreword, Introduction and Objective 3, under the heading “*Supporting private tenants to repair and improve their homes*”).

- 6.7 It was argued in the judicial review proceedings that a decision to designate Enfield for additional licensing would engage The Provision of Services Regulations 2009 and that, to be lawful, the scheme thereby created had to comply in particular with regulations 14, 15 and 18. Assuming those regulations to apply, the recommendation is that the scheme as proposed would be fully compliant with the 2009 Regulations.
- 6.8 Firstly, the scheme would not discriminate against any provider of a service. As noted above, an equality impact assessment was carried out prior to the first decision and there is no need to update it.
- 6.9 Secondly, the need for a scheme is justified by an overriding reason relating to public interest, namely the prevention or reduction in anti-social behaviour, as this report amply demonstrates.
- 6.10 Thirdly, it is considered that the objective of tackling anti-social behaviour could not be attained by means of a less restrictive measure, again as this report makes clear. Far from being restrictive, the adoption of licensing is expected to be beneficial for landlords by creating a proactive relationship between them and tenants to tackle anti-social behaviour associated with residential dwellings; by enabling responsible landlords to sustain and grow their businesses, and by improving the quality of life for local residents (the more desirable the area the more buoyant the private-sector rented market is likely to be). The Council does not envisage that the licensing proposal will have a negative impact on good quality providers of accommodation working in Enfield. The scheme is therefore considered to represent a proportionate means of meeting the Council’s legitimate aims. There is nothing arbitrary about it.
- 6.11 Fourthly, the scheme will be clear, unambiguous, objective, made public in advance, transparent and accessible, for reasons adequately set out in this report.
- 6.12 Fifthly, the fee payable by landlords is a very modest fee especially if the landlord takes advantage of the ‘early bird’ discount and in real terms can be represent an outgoing of less than 60p per week. The fee does not include enforcement costs.

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

7.1 Financial Implications

- 7.1.1 The financial implications, in line with the April decision, remain unchanged if the implementation of additional and selective licensing goes ahead as originally planned.
- 7.1.2 The financial modelling estimated that the cost of the scheme will break even, over the five year life of the scheme. The financial analysis showed that there will be a surplus of income in the first two years of the scheme, when the majority of the income is likely to come into the Council, however the early year surpluses will be then used to fund the future years inspection, management and overhead running costs, achieving the ultimate break even position.
- 7.1.3 The proposed fee and early bird fee remain unchanged at £500 per licence and £250 per licence respectively.
- 7.1.4 However, should there be any material change required to the scheme then the financial impact of the change will need to be reassessed.

7.2 Legal Implications

- 7.2.1 The Council has sought expert legal opinion in respect of the rationale for this ratification and/or review/approval.

7.2.2 Criteria for Additional Licensing

Section 56 of the Housing Act 2004 (the Act) empowers a local housing authority to designate the area of their district, or an area in their district, as subject to **additional licensing** in respect of specified HMOs (other than those already subject to mandatory licensing) where it considers that a significant proportion of the properties in question are being managed sufficiently ineffectively as to give rise, or to be likely to give rise, to one or more particular problems either for those occupying the HMOs or for members of the public.

- 7.2.3 Section 56(2) of the Act states that the authority must consider that a significant proportion of the HMOs of that description in the area are being managed sufficiently ineffectively as to give rise, or to be likely to give rise, to one or more particular problems either for those occupying the HMOs or for members of the public

- 7.2.4 Guidance published by the Department of Communities and Local Government has been taken into account. It explains that examples of properties being managed sufficiently ineffectively include:

- those whose external condition and curtilage (including yards and gardens) adversely impact upon the general character and amenity of the area in which they are located;
- those whose internal condition, such as poor amenities, overcrowding etc., adversely impact upon the health, safety and welfare of the occupiers and the landlords of these properties are failing to take appropriate steps to address the issues;

- those where there is a significant and persistent problem of anti-social behaviour affecting other residents and/or the local community and the landlords of the HMOs are not taking reasonable and lawful steps to eliminate or reduce the problems; and;
- those where the lack of management or poor management skills or practices are otherwise adversely impacting upon the welfare, health or safety of residents and/or impacting upon the wider community.

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

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

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

Mandatory requirements for additional licensing

7.2.6 Before designating an area of additional licensing, the authority must take reasonable steps to consult persons who are likely to be affected by the designation and consider any representations made in accordance with the consultation and not withdrawn.

7.2.7 The authority must ensure that any exercise of the power to designate areas of additional licensing is consistent with the authority's overall housing strategy.

7.2.8 The authority must also seek to adopt a co-ordinated approach in connection with dealing with homelessness, empty properties and anti-social behaviour affecting the private rented sector, as regards combining licensing with other courses of action available to it, or measures taken by others.

7.2.9 A designation cannot come into force unless it has been confirmed by the appropriate national authority, or it falls within a description of designations in relation to which that authority has given a general approval.

7.2.10 As soon as a designation is confirmed or made, the authority must publish a notice containing prescribed information stating that the designation has been

made. The authority must also make copies of the designation and information available to the public for as long as the designation is in force.

- 7.2.11 A designation ceases to have effect 5 years after the date on which it comes into force. The authority must from time to time review the operation of any designation made by them. The authority may revoke a designation and, if it does so, must publish a notice of the revocation in prescribed form.

Grant of licences

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

Fees

- 7.2.13 When fixing licence fees the authority may take into account all costs incurred by it in carrying out its functions under the additional licensing provisions of the Act.

7.3 Property Implications

- 7.3.1 The proposed licensing scheme will introduce a new local regulatory environment for the private rented sector. The scheme will assist the Council in developing and maintaining a landlords' register thereby allowing transparency regarding the property and tenancy management arrangements for each address. This improved intelligence will enable the Council to notify landlords of their responsibilities and will assist the Council in responding appropriately to anti-social behaviour associated with the address. Implementation of similar schemes by other boroughs has been noted to improve the environment of neighbourhoods and reduce anti-social behaviour.
- 7.3.2 However, the use of additional and selective licensing which is landlord and property based, will not resolve many of the issues which are caused by 'bad tenants', however it will increase the oversight of these issues by landlords and where appropriate the use of enforcement powers where the law is being broken. In this regard, the Council proposes to ensure licensing and enforcement are complementary.
- 7.3.3 It is envisaged that the proposed scheme will assist in increasing the consistency of safeguards available to tenants, while improving the quality of private rented stock and tackling poor quality landlords. A desired outcome will be the effective management of their properties by private sector landlords.

8. KEY RISKS

- 8.1 A risk register exists to monitor the development of the proposals and their implementation upon approval. Key risks to be monitored include the effectiveness of communications strategies to get the message to landlords that registration is needed, the robustness of IT systems to ensure that licenses can be processed accurately and quickly, the information sharing protocols between departments to ensure that a joined up approach is pursued, the rigorous on-going testing of the financial model to maintain cost effectiveness and cost neutrality, the response times to customer enquiries are monitored and achieved. Each of these and other supporting areas will form the context of a risk register that will be maintained by the officer leading the scheme with support from the Council Risk Manager and incorporate best practice.

9. IMPACT ON COUNCIL PRIORITIES

9.1 Fairness for All

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

9.2 Growth and Sustainability

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

9.3 Strong Communities

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

10. EQUALITIES IMPACT IMPLICATIONS

Please refer to EIA appended to original cabinet report as Appendix 9 (see background papers)

11. PERFORMANCE MANAGEMENT IMPLICATIONS

- 11.1 The scheme will utilise robust performance management systems that will ensure that the scheme is effectively administered. Service Level Agreements will be enacted between relevant departments and clear timed responses

throughout the process of enacting the scheme have been identified (measurable agreed targets connected to the licensing process and enforcement). These will be implemented to ensure that the scheme will operate at an optimum level and deliver on its stated objectives. Quarterly reports will be produced by the implementation team that will be considered by the relevant strategic board and on a bi-annual basis report will be presented to CMB and Members. Improvement planning contingencies underpinned by robust risk monitoring will be employed to ensure slippage is minimised.

12. HEALTH AND SAFETY IMPLICATIONS

The Health and Safety at Work Act 1974 Section 2: Duties of employers to employees. Employees must ensure the health, safety and welfare of their employees, subject only to the defence of 'so far as is reasonably practicable'. All employers must make and review a suitable and sufficient assessment of the risks of their activities to employees. Employers must also have in place such arrangements as are necessary to effectively plan, organise, control, monitor and review any preventive and protective measures.

It would recommend that before any officer attends a property for inspection, a pre inspection questionnaire should be carried out by the landlord, who completes to ascertain condition of the property, possibly to insist on a framework of basic requirements for the landlords to meet such as gas safety, electrical safety certifications etc.

13. HR IMPLICATIONS

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

14. PUBLIC HEALTH IMPLICATIONS

Good quality housing is recognised as a wider determinant of positive Public Health outcomes. The implementation of licensing which will improve the standard of property and tenancy management will contribute to the public health objectives of Enfield Council, by contributing to a safer living environment for many of our residents and would help to ensure living standards in the accommodation offered were of a high quality.

Background Papers

Cabinet Report 9 April 2014 – Proposal to Implement Borough wide Additional and Selective Licensing Scheme KD 230