

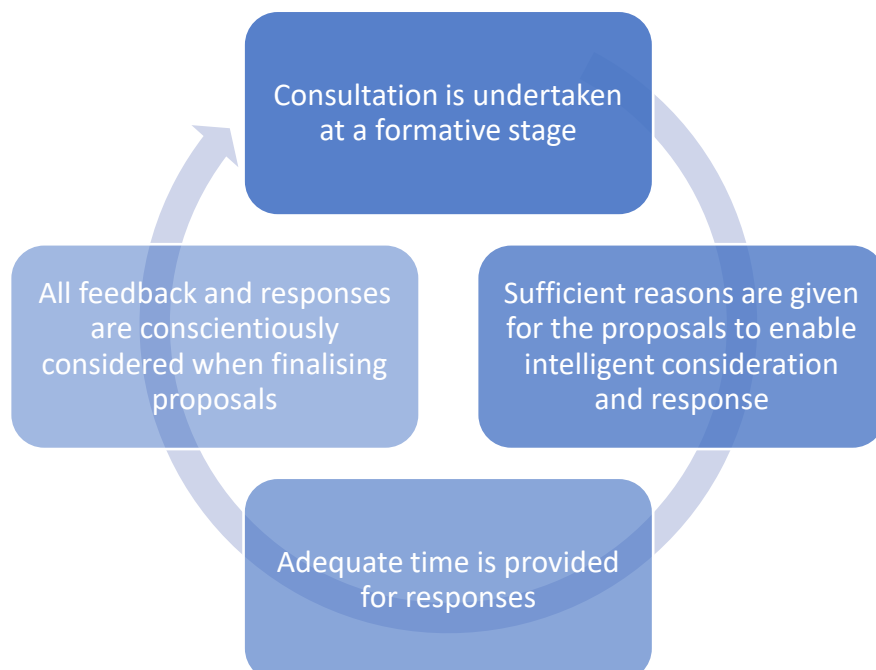
Enfield Council’s approach to Consultation for Selective and Additional Licensing of Private Rented Residential Properties

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:

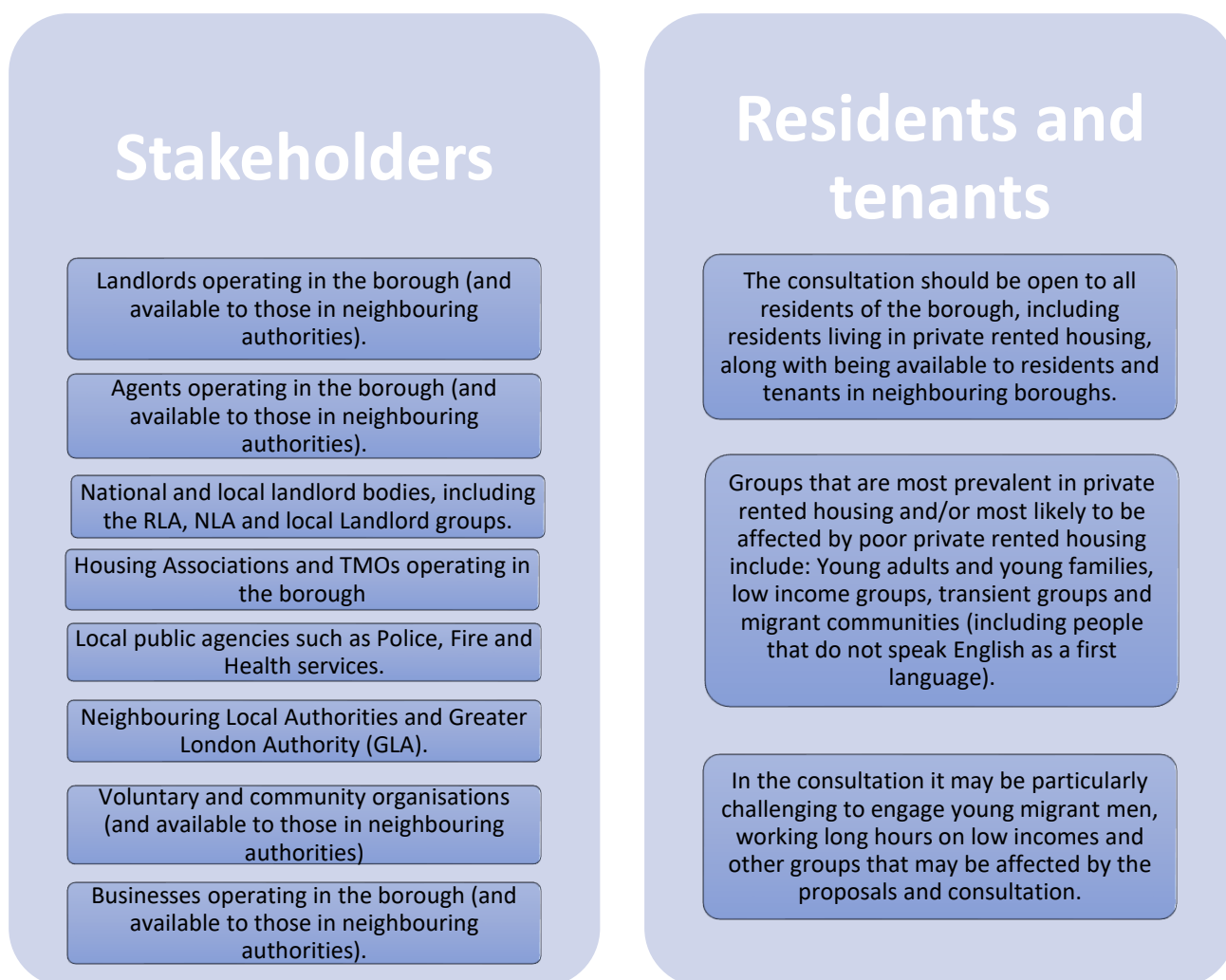
Before making a designation the local housing authority must:

- (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.

<p>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.</p>	<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