

Cabinet Agenda

Date: Thursday 29 April 2021

Time: 6.30 pm

Venue: Virtual Meeting - Online

Membership:

Chair: Councillor Graham Henson (Leader of the Council;
Portfolio Holder for Strategy, Regeneration,
Partnerships, Devolution and Customer Services)

Portfolio Holders:	Portfolio:
Councillor Sue Anderson	Community Engagement and Accessibility
Councillor Simon Brown	Adults and Public Health
Councillor Keith Ferry	Deputy Leader; Business, Property and Leisure
Councillor Phillip O'Dell	Housing
Councillor Varsha Parmar	Environment and Equalities
Councillor Christine Robson	Young People and Schools
Councillor Krishna Suresh	Community Cohesion, Crime and Enforcement
Councillor Adam Swersky	Finance and Resources

Non-Executive Members:	Role:
Councillor Antonio Weiss	Non-Executive Cabinet Member
John Higgins	Non-Executive Voluntary Sector Representative

Quorum 3, including the Leader and/or Deputy Leader)

Contact: Nikoleta Nikolova, Senior Democratic & Electoral Services Officer
Tel: 07761 405898 E-mail: nikoleta.nikolova@harrow.gov.uk

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Useful Information

Meeting details:

This meeting is open to the press and public and can be viewed on www.harrow.gov.uk/virtualmeeting

Filming / recording of meetings

Please note that proceedings at this meeting may be recorded or filmed. If you choose to attend, you will be deemed to have consented to being recorded and/or filmed.

The recording will be made available on the Council website following the meeting.

Agenda publication date: Wednesday 21 April 2021

Agenda - Part I

1. Apologies for Absence

To receive apologies for absence (if any).

2. Declarations of Interest

To receive declarations of disclosable pecuniary or non pecuniary interests, arising from business to be transacted at this meeting, from:

- (a) all Members of the Committee, Sub-Committee or Panel;
- (b) all other Members present in any part of the room or chamber.

3. Petitions

To receive any petitions submitted by members of the public or Councillors.

4. Public Questions *

To receive any public questions received in accordance with paragraph 16 of the Executive Procedure Rules.

Questions will be asked in the order in which they were received. There will be a time limit of 15 minutes for the asking and answering of public questions.

[The deadline for receipt of public questions is 3.00 pm, 26 April 2021. Questions should be sent to publicquestions@harrow.gov.uk

No person may submit more than one question].

5. Councillor Questions *

To receive any Councillor questions received in accordance with paragraph 17 of the Executive Procedure Rules.

Questions will be asked in the order agreed with the relevant Group Leader by the deadline for submission and there be a time limit of 15 minutes.

[The deadline for receipt of Councillor questions is 3.00 pm, 26 April 2021.]

6. Key Decision Schedule April - June 2021 (Pages 7 - 16)

7. Reference from the Overview and Scrutiny Committee - Shared Services Scrutiny Review (To Follow)

8. Recommendations from the Traffic and Road Safety Advisory Panel

8.(a) The Streetspace LTN six-month review (To Follow)

8.(b) The Streetspace Cycle lane six-month review (To Follow)

8.(c) The Streetspace School Streets six-month review (To Follow)

9. Progress on Scrutiny Projects (Pages 17 - 18)

For consideration

10. Covid-19 Update (To Follow)

Verbal update from the Chief Executive.

Community

KEY 11. Renewal of the Additional Licensing Scheme for Houses in Multiple Occupation (Pages 19 - 124)

Report of the Divisional Director, Environment.

KEY 12. Building Maintenance Covering Planned Preventative Maintenance /Compliance and Minor Works (Pages 125 - 132)

Report of the Corporate Director, Community.

Resources and Commercial

KEY 13. Delay to the Implementation of the IT System Dynamics (Pages 133 - 146)

Report of the Corporate Director, Resources.

14. Any Other Urgent Business

Which cannot otherwise be dealt with.

15. Exclusion of the Press and Public

To resolve that the press and public be excluded from the meeting for the following items of business, on the grounds that they involve the likely disclosure of confidential information in breach of an obligation of confidence, or of exempt information as defined in Part I of Schedule 12A to the Local Government Act 1972:

Agenda Item No	Title	Description of Exempt Information
15	Leisure Contract - Future Delivery Options	Information under paragraph 3 of Part I of Schedule 12A to the Local Government Act 1972, relating to the financial or business affairs of any particular person (including the authority holding that information).

16	Delay to the Implementation of the IT System Dynamics – Appendix 1 and 2	Information under paragraph 3 of Part I of Schedule 12A to the Local Government Act 1972, relating to the financial or business affairs of any particular person (including the authority holding that information).
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Agenda - Part II

KEY 16. Leisure Contract - Future Delivery Options (Pages 147 - 178)

Report of the Corporate Director, Community.

17. Delay to the Implementation of the IT System Dynamics (Pages 179 - 184)

Appendices to the report of the Corporate Director, Resources.

*** Data Protection Act Notice**

The Council will audio record items 4 and 5 (Public and Councillor Questions) and will place the audio recording on the Council's website, which will be accessible to all.

[**Note:** The questions and answers will not be reproduced in the minutes.]

Deadline for questions	3.00 pm on 26 April 2021
Publication of decisions	30 April 2021
Deadline for Call in	5.00 pm on 7 May 2021
Decisions implemented if not Called in	10 May 2021

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London Borough of Harrow

Key Decision Schedule (April 2021 - June 2021)

Month: April

The following is a list of Key Decisions which the Authority proposes to take at the above Cabinet meeting. The list may change over the next few weeks. A further notice, by way of the Cabinet agenda, will be published no less than 5 clear days before the date of the Cabinet meeting, showing the final list of Key Decisions to be considered at that meeting.

A Key Decision is a decision by the Executive which is likely to:

- (i) result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates; or
- (ii) be significant in terms of its effects on communities living or working in an area of two or more wards or electoral divisions of the Borough.

A decision is significant for the purposes of (i) above if it involves expenditure or the making of savings of an amount in excess of £1m for capital expenditure or £500,000 for revenue expenditure or, where expenditure or savings are less than the amounts specified above, they constitute more than 50% of the budget attributable to the service in question.

Decisions which the Cabinet intends to make in private

The Cabinet hereby gives notice that it may meet in private after its public meeting to consider reports which contain confidential information. The private meeting of the Cabinet is open only to Members of the Cabinet, other Councillors and Council officers.

Reports relating to decisions which the Cabinet will take at its private meeting are indicated in the list of Key Decisions below with the reasons for the decision being made in private where appropriate. The Schedule also contains non-Key Decisions which involve Cabinet having to meet in private. Any person is able to make representations to the Cabinet if he/she believes the decision should instead be made in the public Cabinet meeting. If you want to make such representations please contact Democratic & Electoral Services. You will then be sent a response in reply to your representations. Both your representations and the Cabinet's/Leader's response will be published on the Council's website <http://www.harrow.gov.uk/www2/mgListPlans.aspx?RPId=249&RD=0&bcr=1> at least 5 clear days before the Cabinet meeting.

The Cabinet/Leader will be considering a report prepared by the relevant Directorate. The report together with any other documents (unless they contain exempt information) will be available for inspection 5 clear days before the decision is taken by Cabinet/Leader from Democratic Services, on 020 8424 1055 or by contacting democratic.services@harrow.gov.uk or by writing to Democratic & Electoral Services, Harrow Council, Civic Centre PO Box 2, Station Road, Harrow, HA1 2UH or on the Council's website. Copies may be requested but a fee will be payable. Reports to be considered at the Cabinet's public meeting will be available on the Council's website 5 clear days before the meeting.

The KDS looks 3 meetings ahead and will be published 28 clear days before the Decision Date / Period of Decision.

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Subject	Nature of Decision	Decision Maker	Decision date / Period of Decision	Cabinet Member / Lead officer	Open or Private Meeting	Additional Documents to be submitted and any Consultation to be undertaken
APRIL 2021						
Renewal of the Additional Licensing Scheme for Houses in Multiple Occupation	To approve the renewal of the scheme, in line with legislation.	Cabinet	15 April 2021	Councillor Varsha Parmar Director of Environmental Services Richard.lebrun@harrow.gov.uk, tel. 020 8424 6267	Open	Agenda Report and any related appendices. None.
Leisure Contract - Future Delivery Options	The report sets out the options for the future delivery of the leisure contract following restrictions imposed on leisure services to control the Covid-19 (Coronavirus) infection rate. It seeks approval to	Cabinet	15 April 2021	Councillor Keith Ferry; Councillor Adam Swersky Corporate Director, Community tim.bryan@harrow.gov.uk, tel. 020 8416 8639	Fully exempt Information relating to the financial or business affairs of any particular person (including the authority holding that information) Information in	Agenda Report and any related appendices. Consultation with Portfolio Holders, Finance Division, Legal Services and Procurement. No public consultation would be undertaken in relation to the

Subject	Nature of Decision	Decision Maker	Decision date / Period of Decision	Cabinet Member / Lead officer	Open or Private Meeting	Additional Documents to be submitted and any Consultation to be undertaken
	extend the provision of funding to Sports and Leisure Management (SLM) Ltd in 2021/22				respect of which a claim to legal professional privilege could be maintained in legal proceedings.	recommended option as this would result in the continuation of the existing leisure contract.
Building Maintenance Covering Planned Preventative Maintenance /Compliance and Minor Works	Approval for the procurement for a framework of contractors for the or specialist contractors for the delivery of Planned Preventative Maintenance and Compliance across property portfolio including schools for a longer period.	Cabinet	15 April 2021	Councillor Varsha Parmar Director of Environmental Services mick.wynne@harrow.gov.uk; michael.rourke@harrow.gov.uk	Open	Agenda Report and any related appendices. None.

Subject	Nature of Decision	Decision Maker	Decision date / Period of Decision	Cabinet Member / Lead officer	Open or Private Meeting	Additional Documents to be submitted and any Consultation to be undertaken
Treasury Management - Shared Service Arrangement with the Greater London Authority (GLA)	To seek Cabinet agreement to the Council joining a collective investment arrangement as part of a shared service with the Greater London Authority (GLA).	Cabinet	15 April 2021	Councillor Adam Swersky Director of Finance dawn.calvert@harrow.gov.uk	Open	Agenda Report and any related appendices. Portfolio Holder will be consulted. Further consultation not required.
The Council's Accommodation Strategy and the Harrow New Civic Centre	Agreement to the proposed strategy for the Council's future accommodation and the Harrow New Civic Centre, approval to fit out Forward Drive Depot for Council occupation and the incorporation of the strategy in the proposed	Cabinet	15 April 2021	Councillor Graham Henson; Councillor Adam Swersky Chief Executive julian.wain@harrow.gov.uk	Part exempt Information relating to the financial or business affairs of any particular person (including the authority holding that information)	Agenda Report and any related appendices. Full briefings have been given to Portfolio Members, Wider Member briefing and the Overview and Scrutiny Committee.

Subject	Nature of Decision	Decision Maker	Decision date / Period of Decision	Cabinet Member / Lead officer	Open or Private Meeting	Additional Documents to be submitted and any Consultation to be undertaken
	Harrow Strategic Development Partnership Business plan.					
Delay to the Implementation of the IT System Dynamics	To inform Cabinet of a delay to the Dynamics IT Capital project and additional costs as a result of the delay.	Cabinet	15 April 2021	Councillor Adam Swersky Corporate Director, Resources chris.martin@harrow.gov.uk	Part exempt	Agenda Report and any related appendices N/A
MAY 2021						
Procurement of Harrow Council's Domestic Abuse Service	Seek approval from Cabinet to: 1. Launch a procurement for a new domestic abuse service, to commence in September 2021 for an	Cabinet	27 May 2021	Councillor Krishna Suresh; Councillor Simon Brown; Councillor Christine Robson; Councillor Phillip O'Dell Director of Strategy	Open	Agenda Report and any related appendices Groups that have been and will continue to be consulted: 1. Professionals within Adult

Subject	Nature of Decision	Decision Maker	Decision date / Period of Decision	Cabinet Member / Lead officer	Open or Private Meeting	Additional Documents to be submitted and any Consultation to be undertaken
	<p>initial period of three years, with the option to extend for a further two years (1plus1).</p> <p>2. Delegate authority to the Corporate Director for People Services to award the contract, in consultation with the Portfolio Holder for Community Cohesion and Crime, together with Portfolio Holders for Adults and Public Health, Young People and Schools</p>			farah.ikram@harro w.gov.uk; tel.020 8420 9389		<p>Social Care, Children's services, Public Health, Housing and Community Safety;</p> <p>2. Stakeholders including Health Partners, Safeguarding Boards, Harrow Domestic Violence Forum and service users;</p> <p>3. 'Soft' market engagement with potential service providers has also been conducted.</p>

Subject	Nature of Decision	Decision Maker	Decision date / Period of Decision	Cabinet Member / Lead officer	Open or Private Meeting	Additional Documents to be submitted and any Consultation to be undertaken
	and Housing					
JUNE 2021						

Harrow Council Cabinet 2020/21

Contact Details of Portfolio Holders

Portfolio	Councillor	Address	Telephone no.	Email
Leader, Strategy, Regeneration, Partnerships, Devolution and Customer Services	Graham Henson	Labour Group Office Room 102, PO Box 2, Civic Centre Station Road HARROW HA1 2UH	Mobile: 07721 509916 Group Office: (020) 8424 1897	Email: graham.henson@harrow.gov.uk
Deputy Leader, Business, Property and Leisure	Keith Ferry	Labour Group Office Room 102, PO Box 2, Civic Centre Station Road HARROW HA1 2UH	Mobile: 07922 227147 Group Office: (020) 8424 1897	Email: keith.ferry@harrow.gov.uk
Adults & Public Health	Simon Brown	Labour Group Office Room 102, PO Box 2, Civic Centre Station Road HARROW HA1 2UH	Group Office: (020) 8424 1897	Email: simon.brown@harrow.gov.uk
Community Cohesion, Crime & Enforcement	Krishna Suresh	Labour Group Office Room 102, PO Box 2, Civic Centre Station Road HARROW HA1 2UH	Mobile: 07967 565477 Group Office: (020) 8424 1897	Email: krishna.suresh@harrow.gov.uk

Portfolio	Councillor	Address	Telephone no.	Email
Community Engagement & Accessibility	Sue Anderson	Labour Group Office Room 102, PO Box 2, Civic Centre Station Road HARROW HA1 2UH	Mobile: 07875 094900 Group Office: (020) 8424 1897	Email: sue.anderson@harrow.gov.uk
Environment & Equalities	Varsha Parmar	Labour Group Office Room 102, PO Box 2, Civic Centre Station Road HARROW HA1 2UH	Mobile: 07764 681987 Group Office: (020) 8424 1897	Email: varsha.parmar@harrow.gov.uk
Finance & Resources	Adam Swersky	Labour Group Office Room 102, PO Box 2, Civic Centre Station Road HARROW HA1 2UH	Mobile: 07904 466987 Group Office: (020) 8424 1897	Email: adam.swersky@harrow.gov.uk
Housing	Phillip O'Dell	64 Marlborough Hill HARROW HA1 1TY	Tel: (020) 8861 0090 Group Office: (020) 8424 1897	Email: phillip.odell@harrow.gov.uk
Young People & Schools	Christine Robson	Labour Group Office Room 102, PO Box 2, Civic Centre Station Road HARROW HA1 2UH	Group Office: (020) 8424 1897	Email: christine.robson@harrow.gov.uk

PROGRESS ON SCRUTINY PROJECTS

Review	Methodology	Type of report	Expected date for report to Cabinet	Comments
<p>Joint Overview & Scrutiny Committee (JHOSC) for Shaping a Healthier Future Programme</p>	<p>Joint Committee</p>	<p>Update reports will be provided for O&S/ Health and Social Care sub committee and Cabinet (for information)</p>	<p>As required</p>	<p>The JHOSC last met on 18 March, hosted by RB Kensington & Chelsea and attended by Cllr Rekha Shah. The JHOSC considered an update on the regional response to Covid, the NW London NHS financial strategy and a briefing on the development of Integrated Care Systems following the publication of the recent health and social care white paper .</p> <p>The JHOSC meetings for 2021/22 are yet to be confirmed.</p>
<p>Shared Services – Lessons learnt, other councils' experiences, impact on savings and improving quality</p>	<p>Review</p>	<p>Report to Cabinet</p>	<p>TBC</p>	<p>The scope was agreed by O&S on 16 September 2019. The first meeting with the group took place on 23 September. The challenge panel took place on 2 March 2020, with a view to reporting back to O&S in April. However as council capacity and resources were diverted to deal with the Covid pandemic, this was delayed.</p> <p>The final report of the review is being considered by O&S on 20 April, with a relaxation on the timescales for an Executive response (by September 2021).</p>

<p>Development and delivery of the Harrow Strategic Development Partnership</p>	<p>Review</p>	<p>Single-item O&S meetings</p>	<p>As required</p>	<p>A model of informal briefing from the services followed by formal scrutiny through committee (O&S), prior to the relevant report going to Cabinet, has been adopted. This allows scrutiny to formally consider and comment on HSDP progress to Cabinet. There was a special O&S meeting on 1 September to consider the phase one report on progress.</p> <p>Regular meetings between the Chair and Vice-Chair of O&S and the Corporate Director and services continue. There is regular informal feedback on progress through Scrutiny Leadership Group.</p> <p>Informal briefings and passage through formal scrutiny committee for the next two phases are currently being arranged, in line with Cabinet dates.</p>
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Contact: Nahreen Matlib, Senior Policy Officer. **Email:** nahreen.matlib@harrow.gov.uk



Report for: Cabinet

Date of Meeting:	29 th April 2021
Subject:	Renewal of the Additional Licensing Scheme for Houses in Multiple Occupation
Key Decision:	Yes
Responsible Officer:	Michael Butler, Divisional Director (Environment)
Portfolio Holder:	Councillor Varsha Parmar, Portfolio Holder for Environment
Exempt:	No
Decision subject to Call-in:	No
Wards affected:	All
Enclosures:	Appendix A – EQIA Appendix B – Designation Appendix C – Consultation Responses

Section 1 – Summary and Recommendations

Proposal to renew the Additional Licensing Scheme under Part 2 of the Housing Act 2004 (as previously adopted by Harrow in June 2010 and November 2015).

Recommendations:

Cabinet is requested to:

1. Note the outcome of the consultation and to agree to the proposed Additional Licensing Scheme to license Houses in Multiple Occupation (HMOs) of any number of storeys occupied by three or more unrelated people.

2. Agree that the Designation shall be made on 6th May 2021, to come into force on 6th August 2021 after the statutory 3-month period required by The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006.
3. If the scheme is approved, delegate authority to the Head of Community & Public Protection, following consultation with the Portfolio Holder for Environment and Equalities, to take all steps necessary to publicise, commence and administer the scheme including the issuing and amending of licences.
4. If the scheme is approved, delegate authority to the Corporate Director Community, following consultation with the Portfolio Holder for Environment and Equalities, to amend and approve licensing conditions.

Reason: (For recommendation)

- Obtaining approval would enable us to deal effectively with complaints relating to issues such as overcrowding, anti-social behaviour, overflowing bins, lack of fire safety and amenities.
- Licensing conditions will ensure landlords compliance and therefore benefit tenants and neighbours alike.
- Having the scheme will fit in with the overall policy of the Council to address private rented sector premises to ensure standards are met, in line with the use of Mandatory HMO and Selective Licensing.
- As the majority of the housing stock and HMO's in the borough are two storey properties and not subject to mandatory licensing, additional licensing would enable us to better protect the health, safety and welfare of the occupants.

Section 2 – Report

2.1 Introduction

2.1.1 This Administration has a key priority of making a difference to families, communities and the vulnerable. Key to this is the residential sector, which includes private rented accommodation. Current legislation allows for the licensing of private sector accommodation based on need and includes mandatory licensing of some Houses in Multiple Occupation (5 or more occupants comprising two or more households since October 2018). This report addresses the additional licensing scheme that can be adopted by Councils and has been in place in various guises and designations in Harrow since 2000.

2.2 Overview

2.2.1 Section 254 of Part 7 of the Housing Act 2004 (hereinafter “the Act”) defines what an HMO is and sets out two licensing schemes for HMOs.

- 2.2.2 The first licensing scheme introduced by the Act is mandatory licensing for larger HMOs. These were defined in The Licensing of Houses in Multiple Occupation (Prescribed Descriptions) (England) Order 2006 as all HMOs that were 3 or more storeys, with 5 or more occupants comprising two or more households. This changed in October 2018 to remove the 3 or more storey aspect (The Licensing of Houses in Multiple Occupation (Prescribed Description) (England) Order 2018) Mandatory Licensing applies nationally.
- 2.2.3 The second licensing scheme introduced by the Act allows Local Authorities to introduce additional (discretionary) licensing to cover HMOs that fall outside of the mandatory scheme. Such a scheme can be applied to part or all of the Authority's District.
- 2.2.4 A scheme similar to additional licensing was implemented in Harrow covering the whole Borough for HMOs of 1 or 2 storeys under legislation prior to the Act. This scheme originally ran until March 2009. The permission of the Secretary of State was required, and obtained, for the scheme. Since 2010, a general consent has been applied, leaving it to the Council to agree any such designation.
- 2.2.5 The renewal of the Additional Licensing of HMOs scheme covering the whole of the London Borough of Harrow was originally approved by Cabinet in June 2010 and came into force in November 2010. That scheme was reviewed and renewed after 5 years, leading to the last scheme that ended in February 2021.
- 2.2.6 For such a designation to be made, 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.
- 2.2.7 While previously 66% of HMOs fell outside the mandatory scheme, this has reduced since 2018 legislative changes to just over 20%. But these do play a significant role in issues associated with overcrowding, disrepair and environmental matters (e.g. waste). As is seen below, 95% of all HMOs, including those captured under additional licensing, still are subject to schedule of works to bring them up to standard and indicating that self-management of such properties is still not feasible to ensure consistent minimum standards
- 2.2.8 In line with legal requirements under Section 56 of the Act, the Authority is required to consult on the need to renew the scheme.
- 2.2.9 As a result, following consultation, this report seeks permission to renew the additional licensing scheme delegation, to require the licensing of HMOs of any number of storeys occupied by three or more unrelated people, and buildings which are converted entirely into self-contained flats which do not comply with the Building Regulations 1991 under section 257 of the Act.

2.2.10 These types of properties are considered potentially high risk. The Housing Health and Safety Risk System states about HMOs and damp that “*Preventive measures are particularly important here because of the likelihood of occupants having to be more confined to one or two areas; thus making them more vulnerable to any dampness etc., that might be present*”¹ Additionally, it recognises increased risk from hygiene, pests, fear of crime, insulation and fire. Government research also shows that you are six times more likely to die from fire in an HMO than an ordinary house².

2.2.11 Making such properties subject to Additional Licensing would enable the Council to ensure that regulations in relation to fire safety standards, basic amenities and general management of the properties are being met in a proactive manner.

2.2.12 To exclude the other properties from the licensing scheme, could expose the occupants of these properties, who are often the most vulnerable, to poor housing conditions such as overcrowding, damp and mould and lack of fire safety measures.

Need for Additional Licensing

2.2.13 The Housing Act 2004 sections 56 and 57 require certain aspects to be fulfilled before any designation can be made, including:

- a. The Authority considers 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 of more particular problems either for those occupying the HMOs or for members of the public;
- b. Take reasonable steps to consult persons who are likely to be affected by the designation;
- c. Considered whether there are any other courses of action available to them that might provide an effective method of dealing with the problem or problems in questions; and
- d. Ensure it is consistent with the Authority’s overall housing strategy.

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 of more particular problems either for those occupying the HMOs or for members of the public;

Demographics of Harrow

¹ Page 23,

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/9425/150940.pdf

² House of Commons Standard Note SN/SP/708, December 2014

- 2.2.14 There has been a 15% increase in Harrow's population over the last decade, rising from 207,000 in 2001 to 239,000 in 2011. By 2013, this had increased to 243,400³, and now estimated to be above 250,000⁴.
- 2.2.15 The Service have evidenced, through complaints, proactive visits and through survey of Wards (e.g. Edgware surveyed for the purposes of renewing Selective Licensing in 2020), that there is an increased presence of the transient population within the Borough.
- 2.2.16 The last census was conducted nearly a decade ago, so accuracy of information about Harrow is based upon other surveys as well as trend data (e.g. population increases).
- 2.2.17 Harrow is one of the more densely populated of all local and unitary authorities in England, ranked 23rd out of 326 local authorities in England; where 1st is the most densely populated area. Harrow is ranked 23rd in London. The average density in Harrow is 47.4 persons per hectare (pph), with higher rates in most wards to the south of the borough (the exception is Harrow on the Hill) Nationally the average density is 37 pph and London's overall density is 52 pph.
- 2.2.18 In 2010, approximately 20% of the 85,000 units of housing stock in Harrow was in the private rented sector. This had risen to 30% by 2017⁵. This is almost twice the size of the social housing sector and, whilst roughly in line with levels throughout London, is much higher than in other areas of the country⁶. Recent figures show that 66% of housing were homeowners; by 2017 this had fallen to around 60%.
- 2.2.19 There was a 6.5% (5,150) increase in the number of households in Harrow between 2001 and 2011, from 79,112 in 2001 to 84,268 in 2011 and 91,909 in 2019. Harrow has the second lowest proportion of one-person households nationally, with 22.6% of households being one-person (26.2% in 2001). The national average rate is 26%. Harrow is also rated 24th worst of 326 local authorities in England for severe overcrowding⁵
- 2.2.20 It is therefore clear, with the increase in population in an area already rating high in density per area, that there is an increasing amount of multiply occupied premises to accommodate these changes.
- 2.2.21 House and flat prices in Harrow are such that it is becoming harder for first time buyers to get on to the housing ladder. Year ending 2010, the average price in Harrow was £265,000, going to £500,000 year ending 2017⁷.
- 2.2.22 As a result, London as a whole has seen an increase in multiple-occupied premises to accommodate the increasing population within a

³ http://www.harrow.gov.uk/info/200088/statistics_and_census_information/968/population_estimates

⁴ <https://directory.londoncouncils.gov.uk/demographics/harrow/>

⁵ <https://www.harrow.gov.uk/downloads/file/23835/annual-equalities-data-2017-18>

⁶ West London Strategic Housing Market Assessment, 2010

⁷ Data.london.gov.uk

static housing stock. This is led to more people being put in smaller spaces, and research showing increased overcrowding and a failure to meet standards by Landlords.⁸ Perhaps the best recent example of the state of the London housing market is the advertisement in of the space under some stairs for rent in a HMO⁹.

Current Situation

2.2.23 The Additional Licensing scheme, first introduced to Harrow under the Act in 2010, allows a proactive approach to managing all HMOs by the Council, and the provision of clear standards that must be met. 2.43 indicates a significant amount of HMOs in Harrow still fall outside any mandatory scheme, and would not be subject to any licensing scheme if additional is not renewed.

2.2.24 The Borough has not been subject to a Housing survey for a number of years, so it is not feasible to predict the overall number of HMOs that are likely to exist. The latest survey was a focused one in Edgware as part of the Selective Licensing Scheme, and a further Housing Survey is being conducted in the Wealdstone Ward. Both have found HMOs that would fall under the Additional HMO scheme, that are new and not in compliance with standards including fire safety.

2.2.25 A breakdown of HMOs by additional and mandatory licensing shows that 1 in 5 HMOs would not be licensable under mandatory even with the changes in 2018. All licenses are available to view on the public register on the Council website¹⁰.

2.2.26 95% of licensed HMOs inspected have resulted in a schedule of work to bring up to standards, including fire safety works as a provision of granting the license and enforced by clear conditions. This is likely to increase due to changes in legislation including the requirement from October 2018 to have fire and CO detectors in all such premises.

2.2.27 Since the Additional Licensing Scheme came into place in 2010, the amount of service requests around HMOs (include request for information, complaints and enquiries) has stayed approximately the same despite more people taking over or converting into HMOs.

2.2.28 In the financial year 2010-11 there were 202 such requests for information, 166 in 2014-15 and 157 in 2019-20. While the figures do fluctuate, there is clearly a need to be proactive in this area.

2.2.29 In terms of complaints, overcrowding led to an increase when additional licensing came into place but has now started to decrease as premises are brought to compliance. Overcrowding accounted for 70 of the received complaints in 2010-11, increasing to 106 in 2014-15

⁸ <http://www.telegraph.co.uk/finance/personalfinance/investing/buy-to-let/10990419/Buy-to-let-creating-bedsits-for-20pc-returns-is-just-a-response-to-the-market.html>

⁹ <http://www.bbc.co.uk/news/uk-england-london-34404651>

¹⁰ http://www.harrow.gov.uk/download/downloads/id/4555/hmo_register

and registering 80 in 2019/20. Evidence from officers show that overcrowding through Landlord actions are decreasing, but illegal sub-letting leading to overcrowding (and therefore a “hidden” sector as we do not receive the complaints) is increasing.

2.2.30 The impact of the licensing scheme has seen a positive difference to disrepair complaints, with 417 complaints in 2010-11, reducing to 232 in 2014-15 and 199 in 2019-20. This is not to say that there is less disrepair, but that this issue is being proactively addressed rather than waiting for complaints.

2.2.31 Overall, there is a demand on the service to address the increased amount of HMOs that are arising through necessity in the Borough. Officers are finding that the majority of these are two storey houses built originally for single family occupancy, and therefore not naturally meeting the legal requirements set out for HMOs, especially in terms of fire safety. As previously stated, such premises are at a greater risk from death by fire than normal occupied houses.

2.2.32 Over the last 3 years, Harrow has experienced a large number of sub-let premises reported to the Council, including single family occupancies let to multiple families / individuals. This is well documented, including in the national media previously^{11 12} and is ongoing.¹³

2.2.33 Additional Licensing has allowed such issues to be addressed quickly and efficiently, including the benefit of additional enforcement options that come with such a scheme. This has included controlling the maximum number of occupants that can reside at the premise in order to control overcrowding and maintain basic standards.

2.2.34 Additional Licensing has made it easier for the Council to identify and work with those landlords whose management and / or accommodation standards are inadequate, by placing the onus on landlords to identify themselves. And it has enabled the Authority to create a comprehensive database of properties including HMOs to allow improved communication and identification of issues.

2.2.35 The Additional HMO Licensing Scheme has also assisted in allowing the Authority to address some of its high-risk premises that fall outside Mandatory Licensing and would otherwise not require any proactive approach.

2.2.36 The spread of HMOs currently covered by Additional Licensing is across the whole Borough and not centred around any one area, leading to a Borough wide designation to ensure that the potential risk

¹¹ <http://www.dailymail.co.uk/news/article-2572749/Thermal-imaging-camera-reveals-shocking-extent-illegal-beds-sheds-housing-immigrants-built-rogue-landlords.html>

¹² <http://www.iharrow.com/council/harrow-council-uncovers-bed-in-shed-tenants-paying-165week/>

¹³ http://www.harrowtimes.co.uk/news/12967792.Homeowners_and_shopkeepers_to_be_prosecuted/

caused by such premises is consistently and appropriately addressed across all similar premises.

2.2.37 This is shown in the number of suspected HMOs which has increased by 465% over the last 5 years, but across all wards. This data is based on complaints / reports to the Council in this period.

2.2.38 Based on the above, the Authority does consider that problems have arisen and are likely to continue to arise within this sector in Harrow.

Consultation

Take reasonable steps to consult persons who are likely to be affected by the designation

2.2.39 There is a statutory requirement on the Council to carry out consultation with stakeholders on introducing or renewing the scheme.

2.2.40 To maximise publicity of the scheme, the following steps were taken:

- Officers email signatures contained a link to the consultation;
- Posters around the whole of the Borough with details and how to comment; and
- Letters and emails to all landlords, managing agents and letting agents advising them of the consultation.

2.2.41 Consultation began on 3rd September 2020 and continued until 12th November 2020. It included online consultation overseen by the Community Engagement Team. This included consulting with neighbouring Boroughs, including Barnet Council who additionally advertised Harrow's consultation on their website.

2.2.42 A second consultation took place from 15th January 2021 and continued until 26th March 2021 in order to maximise responses to renew the scheme, due to lack of initial responses and to ensure we had covered all necessary parties. This included expanding the consultation on other internet platforms including London Properties, as well as addressing previous issues highlighted in the first consultation.

2.2.43 The consultation responses are found in **Appendix C**, including comments made to the proposal to renew the scheme, a separate letter and comments from a representative of managing agents.

2.2.44 In respect of the first consultation, the Council received a total of 23 responses, 21 being residents (20 owner occupied and 1 council tenant) and 2 landlords. 91% of those participating were not landlords, 18 people answered the question around continuing the scheme of which 89% (16) were in favour.

2.2.45 The second consultation received 87 new responses which were from landlords and landlord bodies. 87% (68) of those answering stated they

were landlords, 81 answered the question about continuing the scheme of which 74% (60) said no. This is to be expected as the burden of any licensing rests on the landlords involved.

2.2.46 Overall, 110 people responded, 64% being landlords. Overall, Landlords were against the renewal of the scheme, but split in terms of ensuring HMO standards were imposed (e.g. conditions). This compared to the majority of other respondents being in favour of introducing the renewal, and 45% of all respondents being in favour of imposed standards

2.2.47 Despite two consultations taking place and advertising on numerous media streams. The numbers responding to the proposal for the renewal of the Additional Licensing Scheme were low and even lower for landlords, considering the amount of current licensed premises in Harrow. However, the main complaint from those opposing the renewal, were mainly landlords, it was felt that it was another “tax” rather than a scheme to ensure safety and standards for premises within Harrow.

Consistent with Housing Strategy

Ensure it is consistent with the Authority’s overall housing strategy

2.2.48 A person’s home can have a major impact on their quality of life and general health and wellbeing. It plays a key role in sustaining communities. Everyone wants to live in a home that is warm, dry, secure, affordable and suitable for their needs.

2.2.49 The Council’s Housing Strategy (2019-2024), found at <https://www.harrow.gov.uk/downloads/file/26993/housing-strategy-2019-with-heading>, sets out the Council’s strategic housing aims and highlights in particular the increasing importance of the private rented housing sector in meeting housing needs. Additional Licensing fits into the objectives set out in the strategy being:

Housing Strategy Objectives	Private Sector Housing Objectives
1. Prevent and tackle homelessness and rough sleeping	1. Increase the supply of privately rented accommodation, including bringing empty properties back into use
2. Promote realistic housing options for people who need to move	2. Enable and enforce better housing conditions in the private sector.
3. Prioritise new homes for people living or working in Harrow	3. Meet the needs of vulnerable households living in the private sector.
4. Increase the supply of	

affordable homes to rent and buy	
5. Meet the needs of older and vulnerable residents	
6. Improve quality and standards, especially in the private rented sector	

2.2.50 The Housing Strategy clearly sets out that “Successfully addressing issues of property management and standards as well as supply within the private sector relies on the abilities of a number of agencies to work together” and that includes working with landlords and applying a consistent standard across the sector.

2.2.51 Housing Services, Environmental Health (Residential Licensing, Enforcement), Building Control and Planning work together to improve quality and standards in private sector housing, particularly in the private rented sector. The Private Sector Strategy Steering Group meets on a quarterly basis to discuss strategic issues relating to private sector housing and agree necessary actions. This includes overseeing the licensing regime for the private rented sector.

Co-ordinated Approach in Connection with Homelessness, empty properties and ASB affecting the Private Rented Sector

2.2.52 The licensing of Houses in Multiple Occupation is just one aspect of the Public Protection Service, who also oversee the Anti-Social Behaviour Team, inspection of all rented accommodation and enforcement of environmental issues (e.g. fly tipping caused by persons including tenants).

2.2.53 Key to the success of the service, and such schemes as Additional Licensing, is partnership working and for that reason Officers meet regularly with the Council Housing Service to ensure a consistent approach to Homelessness, empty properties and emergency accommodation.

2.2.54 It is through such schemes as Additional Licensing that standards of properties are proactively improved and maintained, providing a better standard and quantity of housing stock to be used to address issues.

2.2.55 Additionally, the Residential Licensing Unit of Public Protection is one of the key partners addressing the “beds in sheds” issue that Planning Enforcement lead on.

Options considered

2.2.56 Section 57 of the Act sets out the requirement that Councils must have considered other potential courses of action available to provide an effective method of achieving the objective or objectives that the designation would intend to achieve.

2.2.57 At all points, the authority continues to have due regard to legislative requirements as well as related codes of practice and guidance in relation to the Housing Act 2004, and any other relevant legislation.

Do Nothing

2.2.58 Evidence has shown that the majority of Houses in Multiple Occupation in Harrow fall outside the remit of Mandatory licensing due to their size rather than number of occupants affected.

2.2.59 The running of an additional HMO licensing scheme under the Act since 2010 has shown that the need to maintain standards in the Houses in Multiple Occupation remains across all storeys of HMO with an increase of premises in this area due to demographic and economic pressures.

2.2.60 The Additional Licensing scheme puts in place clear, set standards that are advertised and consistent, ensuring that the risk across Houses in Multiple Occupation is addressed. It also places an emphasis on proactive application by landlords, which the majority do, allowing Officers to focus resources on those operating outside of the scheme.

2.2.61 While basic statutory standards can be enforced without a scheme, this would be on a reactive, complaint-based process that does not lead to a consistent standard of protection to tenants, nor provision of clear standards for landlords to refer to. This will lead, even inadvertently, to new premises not meeting the statutory requirements.

2.2.62 It is therefore more bureaucratic and costly for good landlords to have to be reactive in dealing with issues that the scheme would equip them to deal with at the time of licensing.

2.2.63 In line with Council commitments and requirements of putting the community first, and protecting the vulnerable and families, doing nothing is not an option.

Mandatory Licensing

2.2.64 Mandatory licensing refers to the licensing of Houses in Multiple Occupation (HMO) where the premises are occupied by five or more people who form two or more households. This licensing regime has been in place in Harrow (and nationally) since 2006, but only covers a small portion of the HMO sector, especially in Harrow due to the nature of the housing stock and occupancy which tends to be less than 5. Even if additional licensing was not renewed, this Mandatory Licensing would still take place.

2.2.65 Mandatory Licensing can ensure that standards are in place for specific, individual premises but does not apply to all HMOs. Therefore, the use of this Mandatory Licensing regime alone would not

meet the objectives of ensuring all high-risk housing is addressed. It will not affect HMOs that do not meet the definition above.

Borough Wide Designation under Selective Licensing (which covers all rented properties, not just HMOs)

2.2.66 Some councils have adopted Borough Wide Selective Licensing schemes, as seen in The London Borough of Newham, which requires all private rented premises in the Borough to be licensed. Harrow has been keen to ensure that such a scheme is used only where it is required for a targeted approach, and in line with legal requirements. Additionally, it is important that there is a clear evidence base to support any scheme in terms of effect on an area.

2.2.67 It should be noted that there has been widespread support for Selective Licensing on a wider scale within the borough, but this in itself cannot be evidence to justify introducing a wider scheme. Additionally, all areas will probably suffer from aspects of anti-social behaviour linked to private rented accommodation, but it is imperative that a proportionate, evidenced approach is taken to target and tackle areas.

2.2.68 It is therefore unreasonable, and would not stand up to scrutiny, to introduce a Borough wide scheme for the purposes of capturing all private rented sector premises including those HMOs that fall outside of the mandatory licensing scheme.

2.2.69 While Selective Licensing will be looked at as an option in areas that meet the requirements, this would lead to a lot of Houses in Multiple Occupation not being captured that are outside of those areas, and therefore not subject to the same standards.

2.2.70 This option therefore not viable due to a lack of Borough wide evidence to justify it at present, and inconsistency of approach if used to address HMOs.

Accredited Landlord Scheme

2.2.71 There are national accredited landlord schemes in operation that put in place a consistent standard and lead to improved standards of accommodation. While such schemes are valuable, it is imperative that all landlords in an area engage in improving it. Such a scheme is voluntary and so take up is variable. Therefore, it is felt that a more intensive intervention is required, making it mandatory on all landlords to comply with conditions in order to address the problems being experienced in the area.

2.2.72 As part of the additional licensing scheme, it is proposed that a £75 discount is applied to the initial application if the landlord is a member of an accredited scheme. This recognises the actions of landlords to be proactive in approach and already have signed up to agreed set standards.

2.2.73 This option is already in place, but merely compliments licensing and does not address the wider issues that additional licensing is expected to help with.

2.2.74 Harrow does not currently run its own accredited landlord scheme but does recognise others that are in place.

Action Against Individual Cases

2.2.75 The Housing Act 2004, and relevant regulations including those covering management, do allow enforcement action against private rented accommodation including HMOs.

2.2.76 Enforcement powers under Part 1 of the Housing Act 2004 are designed to effectively deal with hazards within a property and though effective at getting landlords to remedy such hazards, it does not offer a wider strategic procedure approach.

2.2.77 The issue with reliance on these powers is that it affects property and / or person specific issues and does not necessarily address wider issues such as poor standards. However, enforcement action, including prosecution, may have some deterrent effect for other landlords.

2.2.78 It should be noted that while this action is available, it is a reactive action against a problem that exists rather than a proactive approach to prevent it happening in the first place. As a result, such action can be time and resource intensive rather than having clearly defined minimum standards that are proactively set under a licensing scheme.

2.2.79 This option is already in place but has localised effect on its own and would not achieve the same outcomes as an Additional Licensing Scheme.

Special Interim Management Order

2.2.80 A Special Interim Management Order transfers the management of a residential property to the local housing authority for a period of up to 12 months and can only be made if approved by the First-Tier Tribunal (Property Chamber).

2.2.81 These orders are used to address matters of anti-social behaviour emanating from a property that the landlord is failing to take appropriate action to deal with. The order is then made to protect the health, safety or welfare of persons occupying, visiting or engaged in lawful activities in the locality of the house.

2.2.82 These are strong powers to deal with isolated individual problems of individual anti-social behaviour which nevertheless seriously impact upon the community.

2.2.83 This process would not address standard conditions, such as space standards, kitchen facilities and so forth, that Additional Licensing covers. It can be used in conjunction with additional licensing where a focused approach is needed. This option is already in place but has localised effect on its own and is a very costly process due to taking on the management of a property to stop issues related to that property only.

Landlords Forum(s)

2.2.84 The council has been hosting landlord forums for years which have shown a lot of interest from landlords and is a great way of exchanging information and educating our landlords who operate in the borough but this does not offer a comprehensive, structure for managing private rented properties and tenants and offers no enforcement to ensure that such a structure is adhered to. Unfortunately, this year, such a forum was not possible due to covid-19.

Conclusion of Options

2.2.85 Therefore, based on the above options, there are a number of options that can be, and are, used to improve the rented sector, but the use of Additional Licensing will proactively address the most common high-risk premises found within the Borough.

2.2.86 The lack of an Additional Licensing scheme would mean that premises previously covered would have a lower standard to comply with compared to those subjected to mandatory licensing, though the risk factor remains high due to occupancy levels. For example, a 3 storey HMO with 5 unrelated people would require licensing, but a 3 storey HMO with 4 people would not, and would have different, lower, standards.

2.2.87 The renewal of such a scheme ensures a consistent safe standard across Harrow's HMOs and also clearly sets the standards for any person who intends to start the operation of any type of HMO to ensure the safety and welfare of tenants from day one.

3. Objectives and outcomes of an Additional licensing scheme

3.1 The purpose of an Additional HMO Licensing scheme is to ensure the safety of premises that are high risk, mainly due to occupation levels and to allow this to be carried out in a proactive way.

3.2 Harrow has unfortunately witnessed increasing issues with housing standards over the last few years, especially in terms of overcrowding and inappropriate letting of premises (e.g. "Beds in Sheds"), which has led to increased environmental and ASB issues. This has included increased fly tipping due to lack of suitable numbers of bins for the

occupants in place. The majority of these issues are directly linked to premises that fall within the definition of Houses in Multiple Occupation.

- 3.3 By renewing Additional Licensing, the Council can continue to put in place proactive measures to address potential tenant issues as well as ensure suitable conditions are provided at premises to maximise the potential to prevent or address poor conditions and safety. It places the onus on landlords to identify themselves as the responsible owner and lessen the need for reactive and resource intensive Officer approach.
- 3.4 With the use of a clear licensing regime, it will continue to bring confidence to the private rented sector within the Borough, with all parties understanding the standards that all HMOs will operate to.
- 3.5 Encouragement is given to good landlords with a discount being offered for membership of a recognised accredited landlord scheme.
- 3.6 For the vast majority of landlords that the Council encounters in terms of non-compliant premises, the problem tends to stem from a lack of understanding of standards or inexperience of managing a premise. Additional Licensing, in conjunction with educational work that officers routinely carry out, will aid in setting down clear guidance and standards to assist rather than penalise, and help the landlord and tenants.
- 3.7 For “rogue” landlords, the renewal of the Additional Licensing Scheme introduces elements that discourage their activities. The licensing scheme allows a sanction that is would not otherwise be available, being that a landlord that operates without a licence can be made, by Court Order, to repay rent paid in respect of the unlicensed premise. Additionally, it will discourage the approach to use all available space, regardless of suitability, to house tenants to put money before safety.
- 3.8 The Licensing scheme also introduces powers to reject applications based on the “fit and proper person” test, for instance a Landlord who has previously been convicted for housing offences, to ensure responsible management of this type of premise.
- 3.9 Overall, additional licensing aims to improve premises conditions in an area of high risk, being multiply occupied premises. It will aid in protecting the welfare of tenants, provide confidence in the rented sector, and put clear standards in place for the good of all allowing all landlords of HMOs to understand the clear standards that apply. This, as well as targeted enforcement against rogue landlords, will help ensure a fair playing field in that area to encourage good landlords to operate.
- 3.10 The Council and its partners have an excellent track record of multi-agency working and ensuring a co-ordinated approach in dealing with homelessness, empty properties and anti-social behaviour. This has included the housing survey of Edgware and Wealdstone to identify

such issues, as well as partner visits to areas of concern on a regular basis.

- 3.11 Public Protection also benefits from having all necessary enforcement agencies under one service, including Licensing, Environmental Health, ASB and Environmental Compliance. This provides a co-ordinated approach in dealing with matters affecting residential premises, supported by schemes such as additional HMO Licensing.

Aims:

To ensure:

1. A regulated standard of management and condition of private rented multiply occupied properties, setting clear standards to ensure safe, compliant premises;
2. Protect tenants, especially those that are classed as vulnerable;
3. Aid landlords in understanding their legal obligations and help provide sustainable accommodation;
4. Benefit those who live next to HMOs; and
5. Harrow to be considered an attractive area to live and work, which can result in improved economic future for local businesses including landlords.

Objectives:

A reduction in:

1. Rogue landlords;
2. ASB;
3. Environmental non-compliance (e.g. fly tipping);
4. Fire incidents related to Houses in Multiple Occupation;
5. Illegal conversions;
6. Detrimental effect on an area due to badly managed and poorly maintained properties;
7. Overcrowding; and
8. Sub-letting.

4. Renewal Procedure

- 4.1 Should the designation be agreed to renew the scheme, a 3-month period will be in place in line with legislation where licensing does not take place. This period will be used to advertise the new designation, as well as the standards that apply and the fee structure.
- 4.2 The current designation has naturally ended in March 2021, and the new designation will come into place after a 3 month statutory period if approved by Cabinet. The 3-month statutory period is set out in the Housing Act 2004 and in line with The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006.

- 4.3 This break is being used to reassess HMO standards being operated in Harrow and to specifically address the issues found over the last designation. In these current times, it also allows consideration to covid-19 restrictions to be taken into account.
- 4.4 The HMO standards have been updated to ensure remain relevant and are in place to accompany the new designation when it comes into force. Therefore, a clear break between designations is a sensible option to be able to highlight to landlords the change in any standards linked to the new designation, rather than the impression it is an exact continuation of what was in place.
- 4.5 Additionally, after a low response from the initial consultation, it was felt best to consult again to increase coverage and opportunity to comment. This has led to a delay but felt necessary to ensure a fair process and maximise input. The responses of the consultation are found at **Appendix C**.

5. Implications of the Recommendation

Resources

- 5.1 If (discretionary) additional licensing is not reinstated then this will adversely affect resources as the service would have to react to issues and complaints about HMOs rather than carry on a proactive approach.
- 5.2 The licensing fee is calculated on the basis of self-financing the scheme following the increase in statutory responsibilities introduced due to the Act.
- 5.3 In line with the Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006 (as amended), any designation must be published in line with the requirements of Regulation 9.
- 5.4 The cost of meeting the publication requirements, including the advertising in two papers, would equate to approximately £10,000 that would have to be met by the Service.
- 5.5 Staffing for the operation of the scheme, including processing of the applications, is already in place and no further staff resources would be required.

6. Legal comments

- 6.1 The Housing Act 2004 Sections 56 and 57 provides Local Authorities with the power to designate areas within their district, or the whole district, as being subject to an additional HMO licensing scheme in relation to some or all of their HMO properties in that area. These

HMOs would be those not already subject to the mandatory HMO Licensing that is required under the Act.

- 6.2 Converted properties containing flats, which fail to meet the Building Regulations 1991 can be licensable under an additional licensing scheme. These are referred to as Section 257 HMOs, due to Section 257 of the Act defining them.
- 6.3 The Authority must consider that a significant proportion of the HMOs proposed to fall within the designation are being managed sufficiently ineffectively. Additionally, a ten-week consultation period must take place, and the scheme must be consistent with the Authority's overall housing strategy. This ten-week period is defined under The Licensing of Houses in Multiple Occupation and Selective Licensing of Other Residential Accommodation (England) General Approval 2015.
- 6.4 Once a designation is issued to implement such a Scheme, the designation will only be in force for a period not exceeding 5 years but must be subject to review.
- 6.5 The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006, regulation 9 sets out the method by which any designation must be advertised, and people informed.
- 6.6 The Council will therefore ensure all parties stated within the legislation specified in paragraph 6.5 are informed and advised of the impact through a Public Notice in two local newspapers, informative leaflets/letters, the website and landlords forum to be held in the Autumn.

7. Financial Implications

- 7.1 Section 63(7) of the Housing Act 2004 states that: *“when fixing fees under this section, the local housing association may (subject to any regulations made under subsection (5)) take into account:*
 - (a) *all costs incurred by the authority in carrying out their functions under this Part, and*
 - (b) *all costs incurred by them in carrying out their functions under Chapter 1 of Part 4 in relation to HMOs (so far as they are not recoverable under or by virtue of any provision of that Chapter)”*.
- 7.2 However, the EU Directive and the Provision of Services Regulations 2009 which was subsequently passed states, at Regulation 18(4):

“Any charges provided for or by a competent authority which applicants may incur under an authorisation scheme must be reasonable and proportionate to the cost of the procedures and formalities under the

scheme and must not exceed the cost of those procedures and formalities.”

- 7.3 In line with *Hemming v Westminster City Council*, the fee is split into an administrative and management parts.
- 7.4 Once fees are set, the Council is expected to review its fees and adjust them where necessary to reflect previous deficits or surpluses. It can take into account the cost of administering the licence over a 5-year period.
- 7.5 The fees and charges are reviewed annually and presented to Cabinet for approval under a separate report. HMO licensing fees are included in the fees and charges schedule for Cabinet noting, and they were approved by Full Council in February 2021.
- 7.6 An initial discount of £75 is proposed for landlords who are a member of an accredited landlord scheme. This is in line with recognising that Additional Licensing is to be used in conjunction with other action to improve Houses in Multiple Occupation. Ultimately, the ideal situation would be for the private sector to manage itself, addressing the issues, and the recognition of accredited schemes assists in encouraging this.
- 7.7 A licence will not be issued until a complete application and full payment has been received by the Local Authority, to ensure that costs are covered.
- 7.8 If the scheme is not renewed, reactive work will still need to take place by the Service in receipt of complaints to ensure the safety of Houses in Multiple Occupation, but costs would not be recovered. Additionally, due to not having in place licensing conditions or process, enforcement would be more time consuming and less clear. Overall, it would place a burden on the service.
- 7.9 The only additional cost this renewal would bring to the service would be that incurred in meeting statutory requirements for publishing the designation, if approved. This is estimated at £10K in total and will be met from the service’s budget.
- 7.10 In line with requirements, benchmarking of fees and charges takes place regularly to ensure they meet the needs of the legislation as well as do not pose an additional burden to landlords who operate across a number of Authorities. Such benchmarking includes comparison with other London Boroughs, for example at <https://www.hmoserviceslondon.com/hmo-licensing-cost/>

8. Performance Issues

- 8.1 Performance issues not identified.

9. Environmental Impact

9.1 Such a scheme assists with the environment by ensuring clear conditions attached to address such aspects as waste. This has seen improvements, but enhanced since October 2018, when it has been mandatory to add a condition about waste to any HMO licence. Work has recently taken place with Keep Britain Tidy to do some understanding of waste and HMOs, to feed into a HMO waste policy to be implemented.

10. Procurement Impact

10.1 There is no procurement impact associated with the renewal of this scheme.

11. Risk Management Implications

11.1 Risks included on corporate or directorate risk register? **No**

11.2 Separate risk register in place? **No**

11.3 The relevant risks from the risk register are attached/summarised below. **N/A**

11.4 The following key risks should be taken onto account when agreeing the recommendations in this report:

Risk Description	Mitigations	RAG Status
Bad publicity due to being seen as a tax on landlords	<ul style="list-style-type: none"> ▪ Evidence based approach to show need, especially with increase in HMOs over the last 5 years ▪ Consultation process allowing input from all to understand any concerns ▪ Scheme been in place for the last 5 years so is known 	
Poor compliance, including take up of the scheme	<ul style="list-style-type: none"> ▪ Publicity, including 3 months advertising as per legislation, to take place to push scheme ▪ Better understanding of where premises are from the last 5 years 	
Lack of benefit from the scheme	<ul style="list-style-type: none"> ▪ Inspections of premises as part of the licensing scheme means all premises do gain a proper inspection and follow up ▪ Monitoring of progress conducted to show effective, including conditions applied 	
Judicial review of the scheme by a landlord / representative	<ul style="list-style-type: none"> ▪ Evidence base to show justification for renewing ▪ Meet the legislation in terms of 	

	consultation, advertising and implementation ▪ Address any concerns raised directly to prevent need for a judicial review	
Lack of resources to implement properly	▪ Residential Licensing team in place to oversee, with additional officers introduced to assist ▪ Better on line applications and payments scheme, with further work taking place	
Cost of scheme not recovered	▪ Part of wider licensing target, so mitigation in place to cover costs if needed ▪ Past scheme shows targets are met and this is likely as increasing amount of HMOs in the Borough	

12. Equalities implications / Public Sector Equality Duty

12.1 Pursuant to section 149 of the Equality Act 2010 (“the Act”), the council, in the exercise of its functions, has to have ‘due regard’ to (i) eliminating discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (ii) advancing equality of opportunity between those with a relevant protected characteristic and those without; and (iii) fostering good relations between those who have a relevant protected characteristic and those without.

12.2 The relevant protected characteristics are age, race, disability, gender reassignment, pregnancy and maternity, religion or belief, sex and sexual orientation. The duty also covers marriage and civil partnership, but to a limited extent.

12.3 In line with this, an Equalities Impact Assessment (‘EqIA’) has been conducted and took into account the consultation feedback. The EqIA can be found in **Appendix C**, and to summarise, found that no group has been or would be adversely impacted by the introduction of this scheme.

12.4 Additionally, the policies and procedures governing, that oversee the licensing process and enforcement, address equalities and ensure a fair, balanced approach in line with statutory requirements and guidance.

12.5 Part of the benefits of such a scheme mean that there is a better standard of housing available to all. With consideration that HMOs are being used more due to cost of living, such a licensing scheme helps protect the vulnerable using them.

13. Council Priorities

The renewal of the additional HMO Scheme feeds into the following priorities:

1. **Improving the environment and addressing climate change**
2. **Tackling poverty and inequality**

3. **Building homes and infrastructure**
4. **Addressing health and social care inequality**

Section 3 - Statutory Officer Clearance

Statutory Officer: Jessie Man

Signed on behalf of the Chief Financial Officer

Date: 8th March 2021

Statutory Officer: Jabou Kinteh

Signed on behalf of the Monitoring Officer

Date: 14th April 2021

Statutory Officer: Nimesh Mehta

Signed by the Head of Procurement

Date: 20th February 2021

Statutory Officer: Michael Butler

Signed by the Corporate Director

Date: 14th April 2021

Statutory Officer: Susan Dixon

Signed by the Head of Internal Audit

Date: 5th March 2021

Mandatory Checks

Ward Councillors notified: No as Borough Wide

EqIA carried out: YES

EqIA cleared by: Dave Corby

Section 4 - Contact Details and Background Papers

Contact: Richard Le-Brun, Head of Community and Public Protection, 020 8424 6267, Richard.lebrun@harrow.gov.uk

Background Papers:

The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006, regulation.9
<https://www.legislation.gov.uk/uksi/2006/373/regulation/9/made>

Housing Act 2004

<https://www.legislation.gov.uk/ukpga/2004/34/contents>

Call-in waived by the Chair of Overview and Scrutiny Committee

NO

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Equality Impact Assessment (EqIA)



You will need to produce an Equality Impact Assessment (EqIA) if:

- You are developing a new policy, strategy, or service
- You are making changes that will affect front-line services
- You are reducing budgets, which may affect front-line services
- You are changing the way services are funded and this may impact the quality of the service and who can access it
- You are making a decision that could have a different impact on different groups of people
- You are making staff redundant or changing their roles

Guidance notes on how to complete an EqIA and sign off process are available on the Hub under Equality and Diversity. You must read the [guidance notes](#) and ensure you have followed all stages of the EqIA approval process (outlined in appendix 1). Section 2 of the template requires you to undertake an assessment of the impact of your proposals on groups with protected characteristics. Equalities and borough profile data, as well as other sources of statistical information can be found on the Harrow hub, within the section entitled: [Equality Impact Assessment](#) - sources of statistical information.

Equality Impact Assessment (EqIA)

Type of Decision:	<input checked="" type="radio"/> Cabinet <input type="radio"/> Portfolio holder <input type="radio"/> Other (state)	
Title of Proposal	Additional Licensing of Houses in Multiple Occupation	Date EqIA created 17 th November 2020
Name and job title of completing/lead Officer	Richard Le-Brun, Head of Community & Public Protection	
Directorate/ Service responsible		
Organisational approval		
EqIA approved by Directorate Equalities Lead	Name Dave Corby	Signature <input type="checkbox"/> Tick this box to indicate that you have approved this EqIA Date of approval

44

1. Summary of proposal, impact on groups with protected characteristics and mitigating actions

(to be completed after you have completed sections 2 - 5)

a) What is your proposal? Renewal of a licensing scheme for Houses in Multiple Occupation that fall outside the mandatory scheme to ensure meets property standards

b) Summarise the impact of your proposal on groups with protected characteristics The renewal of such a scheme helps improve the standards in the private rented sector, including fire safety, and therefore benefits all persons regardless of characteristic

c) Summarise any potential negative impact(s) identified and mitigating actions None Identified

2. Assessing impact					
You are required to undertake a detailed analysis of the impact of your proposals on groups with protected characteristics. You should refer to borough profile data , equalities data , service user information, consultation responses and any other relevant data/evidence to help you assess and explain what impact (if any) your proposal(s) will have on each group. Where there are gaps in data, you should state this in the boxes below and what action (if any), you will take to address this in the future.		What does the evidence tell you about the impact your proposal may have on groups with protected characteristics? Click the relevant box to indicate whether your proposal will have a positive impact, negative (minor, major), or no impact			
Protected characteristic	For each protected characteristic, explain in detail what the evidence is suggesting and the impact of your proposal (if any). Click the appropriate box on the right to indicate the outcome of your analysis.	Positive impact	Negative impact		No impact
			Minor	Major	
Age	There is no evidence found to show additional licensing has a potential impact on this characteristic. The findings of other Councils that have conducted this scheme have found no adverse affect against any characteristic, as it affects all equally. It has the potential to improve the situation for areas of high risk accommodation in the community as increases knowledge of legal requirements and affects landlords and tenants regardless of age, race, disability etc.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Disability	As Above	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Gender reassignment	As Above	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Marriage and Civil Partnership	As Above	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Pregnancy and Maternity	As Above	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Race/ Ethnicity	As Above	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Religion or belief	As Above	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Gender	As Above	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sexual Orientation	As Above	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>2.1 Cumulative impact – considering what else is happening within the Council and Harrow as a whole, could your proposals have a cumulative impact on groups with protected characteristics?</p> <p><input type="checkbox"/> Yes No <input checked="" type="checkbox"/></p>					
<p>If you clicked the Yes box, which groups with protected characteristics could be affected and what is the potential impact? Include details in the space below</p>					

2.2 Any other impact - considering what else is happening nationally/locally (national/local/regional policies, socio-economic factors etc), could your proposals have an impact on individuals/service users, or other groups?

Yes No

The results of enforcement may lead to certain premises being stopped from being rented out, due to not meeting minimum standards, and assistance being given to the occupants but these could be of any age, race, disability, etc. but does ensure they are subject to minimum acceptable living conditions as is their human right

3. Actions to mitigate/remove negative impact

Only complete this section if your assessment (in section 2) suggests that your proposals may have a negative impact on groups with protected characteristics. If you have not identified any negative impacts, please complete sections 4 and 5.

In the table below, please state what these potential negative impact (s) are, mitigating actions and steps taken to ensure that these measures will address and remove any negative impacts identified and by when. Please also state how you will monitor the impact of your proposal once implemented.

State what the negative impact(s) are for each group, identified in section 2. In addition, you should also consider and state potential risks associated with your proposal.	Measures to mitigate negative impact (provide details, including details of and additional consultation undertaken/to be carried out in the future). If you are unable to identify measures to mitigate impact, please state so and provide a brief explanation.	What action (s) will you take to assess whether these measures have addressed and removed any negative impacts identified in your analysis? Please provide details. If you have previously stated that you are unable to identify measures to mitigate impact please state below.	Deadline date	Lead Officer
N/A	N/A	N/A		

4. Public Sector Equality Duty

How does your proposal meet the Public Sector Equality Duty (PSED) to:

1. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010
2. Advance equality of opportunity between people from different groups
3. Foster good relations between people from different groups

The renewal of such a scheme ensures that tenants of any characteristic are protected from harassment and victimisation from unlawful evictions

5. Outcome of the Equality Impact Assessment (EqIA) click the box that applies

Outcome 1

No change required: the EqIA has not identified any potential for unlawful conduct or disproportionate impact and all opportunities to advance equality of opportunity are being addressed

Outcome 2

Adjustments to remove/mitigate negative impacts identified by the assessment, or to better advance equality, as stated in section 3&4

Outcome 3

This EqIA has identified discrimination and/ or missed opportunities to advance equality and/or foster good relations. However, it is still reasonable to continue with the activity. Outline the reasons for this and the information used to reach this decision in the space below.

Include details here

London Borough of Harrow

Designation of an area for additional HMO licensing

The London Borough of Harrow Designation of an Area for Additional Licensing of Houses in Multiple Occupation 2015.

The London Borough of Harrow in exercise of their powers under section 56 of the Housing Act 2004 (“the Act”) hereby designates for additional licensing of Houses in Multiple Occupation (“HMOs”) the area described in paragraph 4.

CITATION, COMMENCEMENT AND DURATION

1. This designation may be cited as the London Borough of Harrow Designation for an Area for Additional Licensing of Houses in Multiple Occupation 2015.
2. This designation is made on 28th January 2021 and shall come into force on 28th April 2021
3. This designation shall cease to have effect on 27th April 2026 or earlier if the Council revokes the scheme under section 60 of the Act.

AREA TO WHICH THE DESIGNATION APPLIES

4. This designation shall apply to the Wards of Belmont, Canons, Edgware, Greenhill, Harrow on the Hill, Harrow Weald, Hatch End, Headstone North, Headstone South, Kenton East, Kenton West, Marlborough, Pinner, Pinner South, Queensbury, Rayners Lane, Roxbourne, Roxeth, Stanmore Park, Wealdstone and West Harrow as delineated and edged red on the map at Annex A.

APPLICATION OF THE DESIGNATION

5. This designation applies to all Houses in Multiple Occupation (HMOs), including properties under section 254 and section 257 of the Act, within the area described in paragraph 4 unless –
 - (a) the building is of a description specified in annex c (Buildings that are not HMOs for the purpose of the Act- other than Part 1);
 - (b) the HMO is subject to an Interim or Final Management Order under Part 4 of the Act;
 - (c) the HMO is subject to a temporary exemption under section 62 of the Act; or
 - (d) the HMO is required to be licensed under section 55 (2) (a) of the Act (mandatory licensing).¹

¹ For the application of mandatory licensing see SI 371/2006 – The Licensing of Houses in Multiple

**The London Borough of Harrow Designation of an Area for Additional Licensing of Houses in
Multiple Occupation 2015**

EFFECT OF THE DESIGNATION

6. Subject to sub paragraphs 5(a) to (d) every HMO of the description specified in that paragraph in the area specified in paragraph 4 shall be required to be licensed under section 61 of the Act.²
7. The London Borough of Harrow Council will comply with the notification requirements contained in section 59 of the Act and shall maintain a register of all houses registered under this designation, as required under section 232 of the Act.³

This Designation is made on 28th January 2021 in line with Cabinet Decision of 21st January 2021

Occupation (Prescribed Descriptions) (England) Order 2006

² Section 62 of the Act provides for certain temporary exemption. As to suitability see section 64. Note, if the house is not suitable to be licensed the Council must make an Interim Management Order-see section 10

³ Section 232 of the Act and paragraph 11 of SI 373/2006

Annex a – paragraph 4: Map of Designated Area



Annex b – Paragraph 5: HMOs subject to the designation

For the purpose of this designation and subject to the following eight paragraphs an HMO is a building or part of a building which is occupied by three or more persons in two or more households.

- 1) A building or a part of a building is an HMO if:-
 - a) it consists of one or more units of living accommodation not consisting of a self-contained flat or flats;
 - b) the living accommodation is occupied by persons who do not form a single household (see section 258);
 - c) the living accommodation is occupied by those persons as their only or main residence or they are to be treated as so occupying it;
 - d) their occupation of the living accommodation constitutes the only use of that accommodation;
 - e) rents are payable or other consideration is to be provided in respect of at least one of those persons' occupation of the living accommodation; and
 - f) two or more of the households who occupy the living accommodation share one or more basic amenities or the living accommodation is lacking in one or more basic amenities.
- 2) A self-contained flat is an HMO if paragraphs 1(b) to 1(f) apply.
- 3) A converted building or a part of a converted building is an HMO if:-
 - a) it is a converted building;
 - b) it contains one or more units of living accommodation that do not consist of a self-contained flat or flats (whether or not it also contains any such flat or flats);
 - c) the living accommodation is occupied by persons who do not form a single household;
 - d) the living accommodation is occupied by those persons as their only or main residence or they are to be treated as so occupying it ;
 - e) their occupation of the living accommodation constitutes the only use of that accommodation; and
 - f) rents are payable or other consideration is to be provided in respect of at least one of those persons' occupation of the living accommodation.
- 4) Persons are to be regarded as not forming a single household unless:-
 - a) they are all members of the same family, or
 - b) their circumstances are circumstances of a description specified for the purposes of this section in regulations made by the appropriate national authority.
- 5) A person is a member of the same family as another person if:-
 - a) those persons are married to each other or live together as husband and wife (or in an equivalent relationship in the case of persons of the same sex);
 - b) one of them is a relative of the other; or
 - c) one of them is, or is a relative of, one member of a couple and the other is a relative of the other member of the couple.
- 6) For those purposes:-
 - a) a "couple" means two persons who are married to each other or otherwise fall within 5(a);
 - b) "relative" means parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew, niece or cousin;
 - c) a relationship of the half-blood shall be treated as a relationship of the whole blood; and
 - d) the stepchild of a person shall be treated as his child.

The London Borough of Harrow Designation of an Area for Additional Licensing of Houses in Multiple Occupation 2015

- 7) A person is to be treated as occupying a building or part of a building as their only or main residence if it is occupied by the person:-
- a) as the person's residence for the purpose of undertaking a full-time course of further or higher education;
 - b) as a refuge, or
 - c) in any other circumstances which are circumstances of a description specified for the purposes of this section in regulations made by the appropriate national authority.
- 8) "refuge" means a building or part of a building managed by a voluntary organisation and used wholly or mainly for the temporary accommodation of persons who have left their homes as a result of—
- a) physical violence or mental abuse, or
 - b) threats of such violence or abuse,
- from persons to whom they are or were married or with whom they are or were co-habiting

Annex c – Paragraph 5(a): Buildings that are not HMOs for the purpose of the Act¹

Buildings controlled or managed by public bodies etc²

1. A building where the person managing or having control of it is³:
 - (a) a local housing authority;
 - (b) a police authority established under section 3 of the Police Act 1996 or the Metropolitan Police Authority established under section 5B of that Act;
 - (c) a fire and rescue authority under the Fire and Rescue Services Act 2004;
 - (d) a health service body within the meaning of section 4 of the National Health Service and Community Care Act 1990;
 - (e) a body which is registered as a social landlord under Part 1 of the Housing Act 1996.

Buildings regulated by other enactments⁴

4. A tenancy, licence or occupation of a house which is regulated under the following enactments:
 - (a) sections 87 to 87D of the Children Act 1989;
 - (b) section 43 (4) of the Prison Act 1952;
 - (c) section 34 of the Nationality, Immigration and Asylum Act 2002;
 - (d) The Secure Training Centre Rules 1998⁵;
 - (e) The Prison Rules 1998⁶;
 - (f) The Young Offender Institute Rules 2000⁷;

¹ Schedule 14 of the Act and SI 373/2006

² Paragraph 2 of schedule 14

³ For the definition of “person managing” and “person having control” see section 263 of the Act

⁴ Paragraph 3 of schedule 14 and paragraph 6 (1) and schedule 1 of SI 373/2006

⁵ SI 472/1998 as amended by SI 3005/200

⁶ SI 728/1999 as amended by SI 1794/2000, SI 1149/2001, SI 2116/2002, SI 3135/2002. SI 3301/2003 and SI 869/200

⁷ SI 3371/2000 as amended by SI 2117/2002, SI 3135/2002 and SI 897/20

The London Borough of Harrow Designation of an Area for Additional Licensing of Houses in Multiple Occupation 2015

- (g) The Detention Centre Rules 2001⁸;
- (h) The Criminal Justice and Court Service Act 2000 (Approved Premises) Regulations 2001⁹;
- (i) The Care Homes Regulations 2001¹⁰;
- (j) The Children's Homes Regulations 2001¹¹;
- (k) The Residential Family Centres Regulations 2002.¹²

Certain student lettings etc¹³

5. A building –

- (i) which is managed or controlled by a specified educational establishment or is of a specified description of such establishments and
- (ii) the occupiers of the house or dwelling are undertaking a full time course of further or higher education at the specified establishment¹⁴ and
- (iii) the house or dwelling is being managed in conformity with an Approved Code of Practice for the management of excepted accommodation under section 233 of the Act.¹⁵

Religious communities¹⁶

6. A building which is occupied principally for the purpose of a religious community whose principal occupation is prayer, contemplation, education or the relief of the suffering except if the building is a converted block of flats to which section 257 of the Act applies.

⁸ SI 238/2001. Section 66 (4) of the Nationality, Immigration and Asylum Act 2002 provides that the reference to a detention centre is to be construed as a reference to a removal centre as defined in Part VIII of the Immigration and Asylum Act 1999

⁹ SI 850/2001

¹⁰ SI 3965/2001 as amended by SI 865/2001. SI 534/2003, SI 1590/2003, SI 1703/2003, SI 1845/2003, SI 664/2004, SI 696/2004, SI 1770/2004, SI 2071/2004 SI and SI 3168/200

¹¹ SI 3967/2001 as amended by SI 865/2002, SI 2469/2002, SI 664/2004 and SI 3168/2004

¹² SI 3213/2002 as amended by SI 664/2004, SI 865/2004 and SI 3168/2004

¹³ Paragraph 4 of schedule 14

¹⁴ See the schedule to The Houses in Multiple Occupation (Specified Educational Establishments) (England) (No 2) Regulations 2006 for the list of specified bodies

¹⁵ The relevant codes of practice are approved under SI 646/2006 – The Housing (Approval of Codes of Management Practice) (Student Accommodation) (England) Order 2006

¹⁶ Paragraph 5 of schedule 14

Buildings occupied by owners¹⁷

7. A building which is only occupied by –
- (i) one or more persons who hold the freehold or a leasehold interest granted for a term of more than 21 years of the whole, or any part of, the building
 - (ii) and/or any member of the household¹⁸ of that person or persons but this exemption does not apply to a converted block of flats to which section 257 of the Act applies, except for ascertaining the status of any flat within the block.

Buildings occupied by Resident Landlord etc¹⁹

8. A building which is occupied by a person or persons to whom paragraph 7 applies (subject to the proviso therein) and no more than two other persons²⁰, not forming part of the owner's household.

Buildings occupied by two persons²¹

9. Any building which is only occupied by two persons (forming two households)

Meaning of “building”

10. In this annex a “building” includes a part of a building.

¹⁷ Paragraph 6 of Schedule 14

¹⁸ For the definition of “household” see section 258 (2) and paragraphs 3 and 4 of SI 373/2006 Paragraph 6 of Schedule 14

¹⁹ Paragraph 6 of schedule 14 and SI 373/200

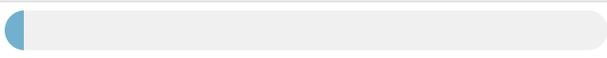
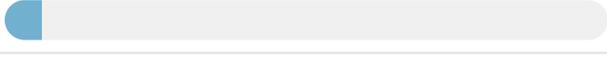
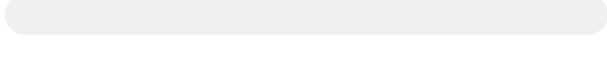
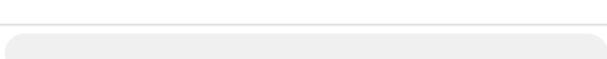
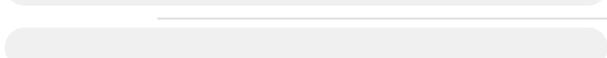
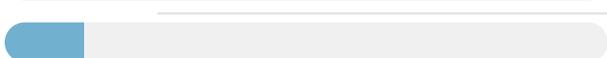
²⁰ Paragraph 6 (2) of SI 373/200

²¹ Paragraph 7 of schedule 1

Housing Act 2004 -Additional Licensing Renewal Consultation 15 January 2021- 26 March 2021

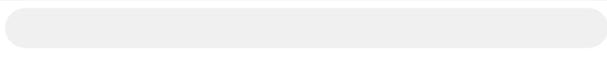
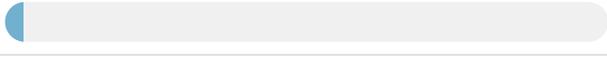
1.

Are you responding as :

Private Tenant		3
Private Landlord		68
Lettings/Estate Agent		5
Community Organisation (please state who in "other")		0
Councillor or MP		0
Harrow Staff		0
Resident (not private tenant)		11

2.

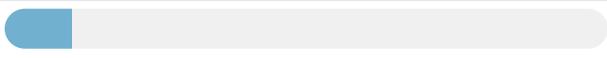
If an owner of an HMO or other rented accommodation, please state how many properties you own within the London Borough of Harrow:

1-4		62
5-9		0
10+		2

3

See Appendix A for comments .

Have you experienced any of the following issues in HMO's in Harrow?

Anti-Social Behaviour		15
Damage to property		9
Dampness		3

Disrepair to property		9
Drugs		9
Flytipping		23
Lack of basic amenities (bath, sink, etc)		1
Lack of fire safety measures		6
Littering		16
Noise Nuisance		12
Odour Nuisance		5
Poor letting practices (including subletting, illegal evictions and harassment)		6
Rent Arrears		13
Rubbish Accumulation		15
Sex work in the premises		3
Subletting		9
None of the above		42

4. See Appendix B for comments

Did you report any of the above issues to Harrow Council?

Yes		19
No		62

5. See Appendix C for comments

Have you ever contacted the Council regarding other privately rented properties (other than the one you own, manage or live in) regarding the following:

Drug or Alcohol related crime		5
Gang Nuisance		0
Harassment		1
Noise Nuisance		6
Nuisance Neighbours		10
Nuisance from Parking		7
Overflowing Bins/Flytipping		13
Racial Prejudices		0
Violence		0

6. See Appendix D for comments

Did the Council deal with the matter effectively?

Yes		8
No		20
Partially		9

7. See Appendix E for comments

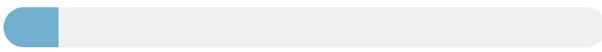
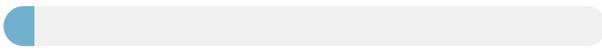
Do you feel Anti-social problems are dealt with effectively by:

The Police		21
The Council		6
Your Landlord/Managing Agent		12

8.

To what extent do you agree or disagree with the proposal to continue with

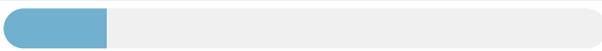
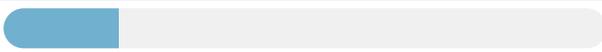
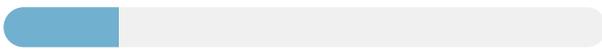
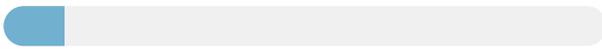
the Whole Borough Additional Licensing Scheme in Harrow?

Strongly agree		13
Agree		8
Neither agree nor disagree		4
Disagree		14
Strongly disagree		46

9. See Appendix F for comments

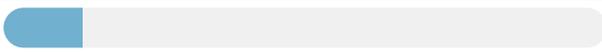
To what extent do you agree with our reviewed HMO Standards and Conditions?

Please see the document attached to this consultation.

Strongly agree		13
Agree		15
Neither agree nor disagree		15
Disagree		8
Strongly disagree		26

10. See Appendix G for comments

To what extent do you agree with the proposed fees for Additional Licensing?

Strongly agree		11
Agree		7
Neither agree nor disagree		12
Disagree		9
Strongly disagree		46

11.

See Appendix H for comments

Our Service is currently operating Monday-Friday 8am to 6pm.
How do you rate this availability?

Strongly agree		8
Agree		21
Neither agree nor disagree		25
Disagree		10
Strongly disagree		15

12.

See Appendix I for comments

Do you have any final comments that have not been covered by the consultation questions that you would like us to consider?

This question has been answered 45 times. **SEE APPENDIX K for SAFEAGENT LETTER**

13.

If you would like a response to your comments please enter your name and contact email/ contact number below.

This question has been answered 22 times

Equalities Monitoring

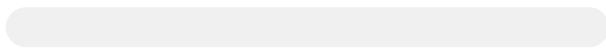
White

British		27
Irish		3
Other		20

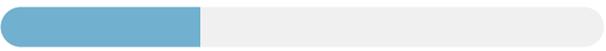
Asian or Asian British

Indian		29
Pakistani		2
Bangladeshi		0
Any other Asian background		8

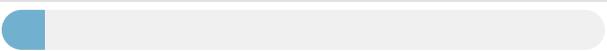
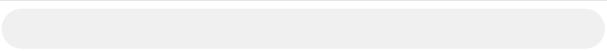
Mixed

White and Black Caribbean		0
White and black African		0
White and Asian		1
Any other mixed background		5

Black or Black British

Caribbean		1
African		1
Any other black background		1

Other Ethnic Group

Chinese		1
Any other Ethnic Group		0

I do not wish to disclose my ethnic origin

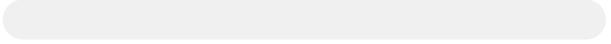
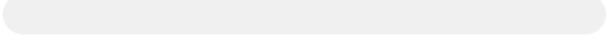
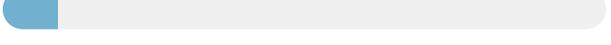


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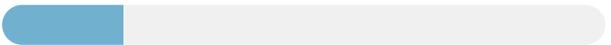
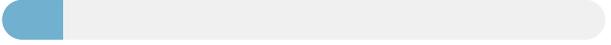
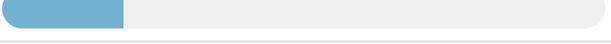
CONSULTATION ON ADDITIONAL HMO LICENSING SCHEME
3 September -12 November 2020

Are you:

A Resident of Harrow		21
A Service Provider in Harrow		0
A Business in Harrow		0
A Landlord/Managing agent with a property or properties in Harrow		2

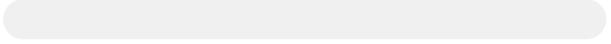
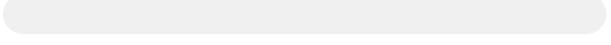
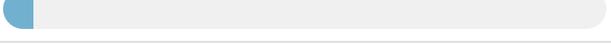
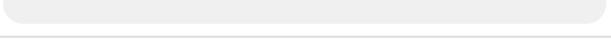
A1

Our service is open from 9am to 5pm Monday to Friday. How do you rate this availability?

Excellent		4
Good		2
OK		10
Poor		4

A2

Are you?

Owner occupier		20
Private rented tenant		0
Housing Association tenant		0
Council tenant		1
Other (specify):		0

A3

Do you like where you live?



A3b

Has the area changed for the better or worse



A4

What do you **like best** about the area (please specify)

This question has been answered 19 times.

A4b

What do you **dislike** about the area (**please specify**)

This question has been answered 19 times.

A5

How long have you lived in Harrow (please specify)

This question has been answered 20 times.

A6

If you are a tenant has your landlord

	Yes	No
Requested references prior to renting	1	2
Provided written tenancy agreements	1	
Have an annual gas safety check	1	
Keep the property in a good state of repair	1	

B1

Have you experienced any

	Yes	No
Anti social problems in the neighbourhood, which have affected you	20	1
Landlord/Agent		10

threatening if you complaint about your living conditions		
Affected by subletting/ overcrowding	11	2
Damage caused by tenants	5	5
Complaints from the Council		10
Overflowing bins and/or refuse dumped around the property	15	2
Nuisance from anti social behaviour	15	1
Noise nuisance	12	2
Other (please specify below)	6	

B2

Have you used the Services of any of the following Teams:

	Yes	No
Homelessness		13
Environmental Health	5	9
Anti-Social Behaviour	7	9

Police	10	6
Other (please specify below)	3	6

B3

Have you complained about

	Yes	No
Noise nuisance	9	7
Nuisance from parking	9	6
Noise from cars	5	7
Nuisance neighbours	8	7
Overflowing bins/ fly tipping	12	5
Drug dealing or drug related crime	9	6
Alcohol related crime	6	7
Gang nuisance	1	11
Violence	2	9
Harassment	3	9
Racial prejudices	1	11
Other (please specify below)	3	6

B4

With regards to anti social behaviour have you?

	Yes	No
Being a victim	6	10
Witnessed it	15	4

B5

Do you feel anti social problems are dealt effectively

	Yes	No	Don't know
By the Council	2	15	4
Police	6	11	4
Partnership working with Landlords/ Managing agents		11	7
Other (please specify below)		1	9

B6

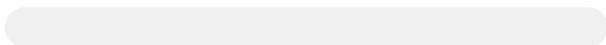
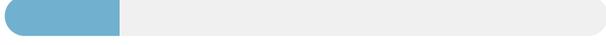
Do you think that landlords are taking enough action against tenants who cause a nuisance or anti-social behaviour

Yes	<input type="text" value="0"/>
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No		16
Don't know		5

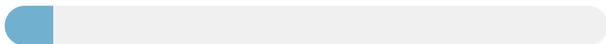
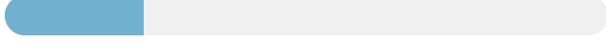
B7

Do you think the Council is dealing effectively with landlords and agents who neglect their properties

Yes		0
No		17
Don't know		4

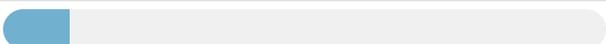
B8

If you have made any complaints, were you happy with the way your complaint was dealt with

Yes		1
No		9
Don't know		3

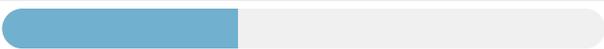
B9

If you have made any complaints, were you happy with the way your complaint was dealt with

Yes		1
No		8

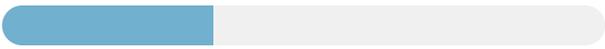
C1

What was your overall opinion of our service?

Excellent		0
Good		2
OK		9
Poor		7

C2

Are there any other aspects you wish to comment on?

Yes		6
No		11

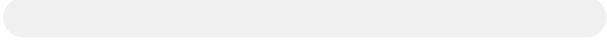
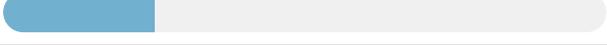
C3

Is there anything else, which you feel, is important for the service or would improve the service?

Yes		10
No		5

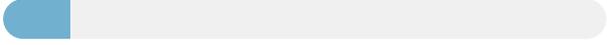
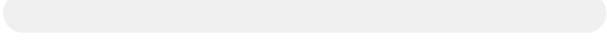
D1

Would you be interested in participating in future stakeholder consultation exercises regarding the review of the Council's Private Sector Housing Enforcement policies?

Yes		12
No		0
Don't Know		4

D2

Additional licensing scheme would enable the Council to have greater control on private rented properties. Therefore do you agree that Harrow Council should introduce additional licensing scheme?

Yes		16
No		2
Don't Know		0

Name:

This question has been answered 6 times.

Address:

This question has been answered 4 times.

Day time telephone number :

This question has been answered one time.

Mobile number :

This question has been answered 2 times.

Email:

This question has been answered 6 times.

A1

What type of service provider are you

No responses have been submitted to this question.

A2

Do you support the Council's proposal to introduce additional licensing?

No responses have been submitted to this question.

A3

Do you agree landlords/Agents should have a responsibility to have satisfactory management arrangements

No responses have been submitted to this question.

A4

Please provide any additional comments regarding any complaints received with private rented properties. *(Please specify if your response is evidence based).*

No responses have been submitted to this question.

B1

If the Selective licensing scheme was **not** implemented what impact do you think this may have on the community? *(Please specify if your response is evidence based).*

No responses have been submitted to this question.

B2

Do you think that landlords are taking enough action against tenants who cause a nuisance or anti-social behaviour *(Please specify if your response is evidence based).*

No responses have been submitted to this question.

B3

Do you think the Council is dealing effectively with landlords and agents who neglect their properties? *(Please specify if your response is evidence based).*

No responses have been submitted to this question.

B4

What do you think? *(Please specify if your response is evidence based).*

Should the Council intervene in areas suffering from low housing demand

No responses have been submitted to this question.

B5

Do you think:

Poorly managed properties contribute to the decline of an area. *(Please specify if your response is evidence based).*

No responses have been submitted to this question.

B6

Do you think:

Ineffectively managed tenancies contribute to the decline of an area. *(Please specify if your response is evidence based).*

No responses have been submitted to this question.

B6

Do you think:

Ineffectively managed tenancies contribute to the decline of an area. *(Please specify if your response is evidence based).*

No responses have been submitted to this question.

B7

Do you think:

Selective licensing will help reduce anti-social behaviour. *(Please specify if your response is evidence based).*

No responses have been submitted to this question.

B8

Do you think:

Selective licensing will help make an area more attractive to potential renters, and so increase rental values and property prices. *(Please specify if your response is evidence based).*

No responses have been submitted to this question.

C1

Are there any other aspects you wish to comment on? *(Please specify).*

No responses have been submitted to this question.

C2

Is there anything else, which you feel, is important for the service or would improve the service?

No responses have been submitted to this question.

D1

Do you have any further comments regarding this proposal

No responses have been submitted to this question.

D2

Do you believe there is a better option or alternatives to Selective Licensing, please provide details including your justification.

Please specify if your response is evidence based.

No responses have been submitted to this question.

Please provide your contact details

Name

No responses have been submitted to this question.

Address

No responses have been submitted to this question.

Telephone numbers

No responses have been submitted to this question.

Email

No responses have been submitted to this question.

A1

Our services are open from 9am to 5pm Monday to Friday. How do you rate this availability?

No responses have been submitted to this question.

A2

Is your business:

No responses have been submitted to this question.

A3

What type of business do you run

No responses have been submitted to this question.

A4

Would you invest further in the borough

No responses have been submitted to this question.

B1

Have you experienced any of the following problems with private rented properties?

No responses have been submitted to this question.

B2

Has your business being affected by

No responses have been submitted to this question.

B3

Do you agree that Harrow Council should hold Landlords and Managing

Agents responsible to manage their properties?

No responses have been submitted to this question.

B4

Do you think that landlords are taking enough action against tenants who cause a nuisance or anti-social behaviour

No responses have been submitted to this question.

B5

Do you think the Council is dealing effectively with landlords and agents who neglect their properties

No responses have been submitted to this question.

B6

Selective licensing scheme would enable the Council to have greater control on private rented properties. Therefore do you agree that Harrow Council should introduce selective licensing scheme?

No responses have been submitted to this question.

B7

Do you feel anti social problems are dealt effectively

No responses have been submitted to this question.

C1

What is your overall opinion of our service?

No responses have been submitted to this question.

C2

Are there any other aspects you wish to comment on?

No responses have been submitted to this question.

C3

Is there anything else, which you feel, is important for the service or would improve the service?

Suggestions

- 1.
- 2.
- 3.

No responses have been submitted to this question.

D1

Would you be interested in participating in future stakeholder consultation exercises regarding the review of the Council's Private Sector Housing Enforcement policies?

No responses have been submitted to this question.

Name

No responses have been submitted to this question.

Address

No responses have been submitted to this question.

Tel no

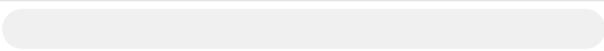
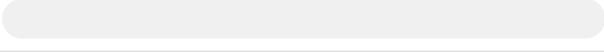
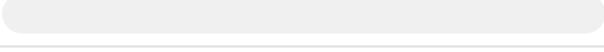
No responses have been submitted to this question.

Email

No responses have been submitted to this question.

A1

Our service is open from 9am to 5pm Monday to Friday. How do you rate this availability?

Excellent		0
Good		2
OK		0
Poor		0

A2

Which of the following are you?

Landlord	<input checked="" type="radio"/>	2
Managing Agent	<input type="radio"/>	0
Leaseholder	<input type="radio"/>	0
Other (please specify below)	<input type="radio"/>	0

A3

Are you a member of the London Landlords accreditation scheme or any other recognised landlord body? If yes Please specify which one

Yes	<input checked="" type="radio"/>	1
No	<input checked="" type="radio"/>	1

Are your rented properties

	Yes	No
In Harrow	2	
Outside the borough	1	

A5

Do you

	Yes	No
Request references prior to renting	2	
Provide written tenancy agreements	2	

B1

Have you experienced any of the following

	Yes	No
Renting your properties.	2	
Anti social problems in the neighbourhood, which have affected your tenants.		2
Keeping the good tenants	2	
Evicting bad tenants		2
Tenants breaching the tenancy agreement ie subletting/overcrowding		2
Rent arrears	1	1
Damage caused by tenants		2

Complaints from the Council		2
Overflowing bins and/or refuse dumped around the property		2
Nuisance from anti social behaviour		2
Noise nuisance from the tenants		2
Other (please specify below)		1

B2

Have you used the services of any of the following Teams:

	Yes	No
Homelessness	1	1
Environmental Health	1	1
Anti-Social Behaviour		2
Police		2
Other (please specify below)		1

B3

Have you complained to the Council about other private rented properties causing

	Yes	No
Noise nuisance		2
Nuisance from parking		2
Nuisance neighbours		2
Overflowing bins/ fly tipping		2
Drug dealing or drug related crime		2
Alcohol related crime		2
Gang nuisance		2
Violence		2
Harassment		2
Racial prejudices		2
Other (please specify below)		1

B4

With regards to anti social behaviour have you?

	Yes	No
Been a victim		2
Witnessed it		2

B5

Do you feel anti social problems are dealt effectively

	Yes	No
By the Council	1	1
Police	1	1
Partnership working with Landlords/ Managing agents	1	1
Other (please specify below)		1

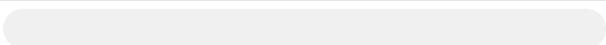
B6

Were you happy with the way your complaint was dealt with

Yes		1
No		1

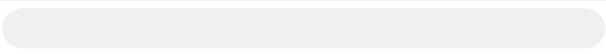
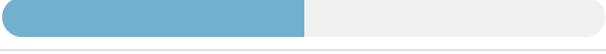
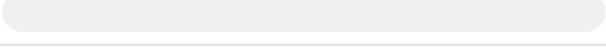
B7

Are there any other Services you would like more information on?

Yes		0
No		2

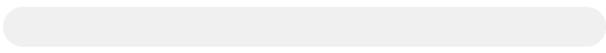
D1

What was your overall opinion of our service?

Excellent		0
Good		1
OK		1
Poor		0

D2

Are there any other aspects you wish to comment on?

Yes		0
No		2

D3

Is there anything else, which you feel, is important for the service or would improve the service?

Yes		0
No		2

E1

Would you be interested in participating in future stakeholder consultation exercises regarding the review of the Council's Private Sector Housing Enforcement policies?

Yes		2
No		0

E2

Selective licensing scheme would enable the Council to have greater control on private rented properties. Therefore do you agree that Harrow Council should introduce selective licensing scheme?

Yes		1
No		1

Name

No responses have been submitted to this question.

Address

No responses have been submitted to this question.

Day time Tele

No responses have been submitted to this question.

Mobile number

No responses have been submitted to this question.

Email

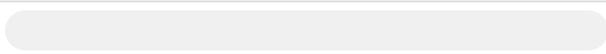
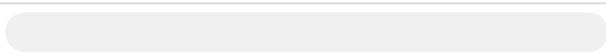
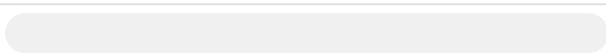
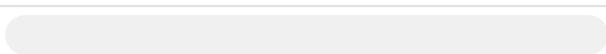
No responses have been submitted to this question.

Age

Under 16		0
16 - 24 years		0
25 - 44 years		6
45 - 64 years		4
65 & over		3

Disability

Are your day-to-day activities limited because of a health problem or disability which has lasted or is expected to last at least 12 months?

No		15
Yes, affecting mobility		0
Yes, affecting hearing		0
Yes, affecting vision		0
Yes, a learning disability		0
Yes, mental ill-health		0
Yes, another form of disability -		0

Ethnic origin

Asian or Asian British

Afghan		0
Bangladeshi		0
Chinese		0
Indian		7
Pakistani		1
Sri Lankan		0
Any other Asian background -		0

Black or Black British

No responses have been submitted to this question.

Mixed background

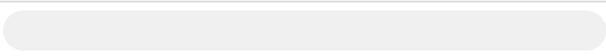
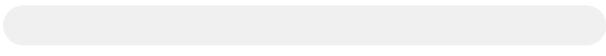
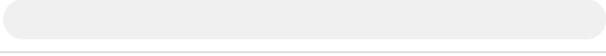
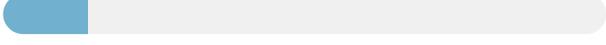
No responses have been submitted to this question.

Other ethnic background

No responses have been submitted to this question.

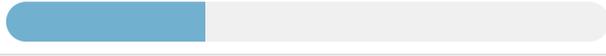
White or White British

Albanian		0
English		5
Gypsy / Irish Traveller		0
Irish		1
Polish		0

Romanian		0
Scottish		0
Welsh		0
Any other White background -		1

Marriage or Civil Partnership

Are you married

Yes		10
No		5

Are you in a Civil Partnership?

Yes		0
No		12

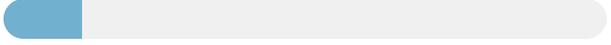
Pregnancy or Maternity

Have you been pregnant and / or on maternity leave during the past 2 years?

Yes		0
No		13

Sex

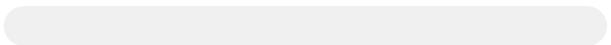
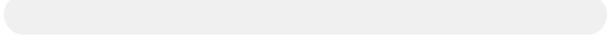
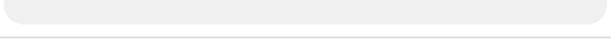
Are you?

Male		13
Female		2

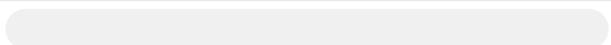
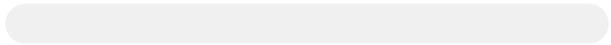
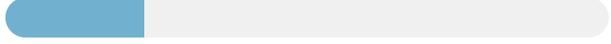
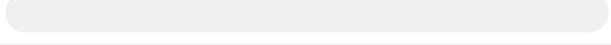
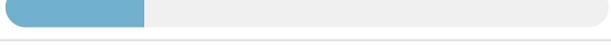
Is your gender identity the same as the gender you were assigned at birth?

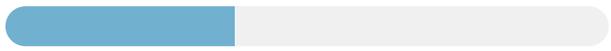
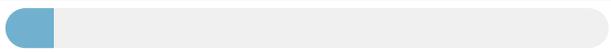
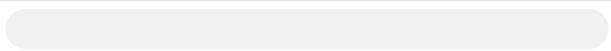
Yes		10
No		0

Sexual orientation

Bisexual		0
Gay Man		0
Gay Woman / Lesbian		0
Heterosexual		10
Other-		0

Religion and belief

Buddhism		0
Judaism		0
Christianity (all denominations)		3
Sikh		0
Hinduism		3

Zoroastrian		0
Islam		1
No religion / Atheist		5
Jainism		1
Other -		0

Comments to questions

97

Question: A4 What do you like best about the area (please specify)
QUIET LOCALITY OF LAING ESTATE
Green spaces, transport links, local shops
1. Village Feel 2. Community 3. High Street 4. Parks and Open Spaces including Green belt
A leafy suburb with good transport connections and in the main a safe place to live.
Green Spaces and areas to walk.
History, proximity to shops and transport.
Good service
Residential area of mainly families, quiet, friendly, well cared for houses and gardens where we are in Pinner
Close to public transport, shops and a park
Quiet and safe residential streets
Reason I moved to barrow 11 years ago was for the travel links. It's easy to get to two airports and into central London. I also love the history of harrow on the hill with the school and the amazing architecture.
Neighbours are pleasant and quiet. No real trouble. Good transport links.
Residential and good neighbours Facilities transport shops etc
Good community; Access to schools and shops; Access to great transport; Wonderful parks
Great place
green spaces and good access to shops. Some nice people and nice places in town centre.
Near parks, station & shops. Pleasant tree lined street with grass verges. Typical Metroland.
Environment - space, grass, trees, low rise housing, relatively low density.
It used to be a friendly clean residential area with all necessary services available nearby and families living in the area for most of their lives. The old character has now totally changed.

Question: A4b What do you dislike about the area (please specify)
INFLUX OF NON-CITIZENS STRANGERS WITH BIG WHITE VANS CONVERTING HOUSES IN MULTIPLE rotating FAMILY UNITS IN ONE HOUSE NOT FOLLOWING CIVIC DUTIES HAPHAZARD DANGEROUS PARKING SOME TIME ON DOUBLE YELLOW LINE SOME TIME BLOCKING DRIVE WAYS OF NEIGHBORS
Private landlords renting to people whom don't respect their property, neighbours and the laws. Multi occupied residences. Litter every where
1. Increasing Crime especially, massive increase in graffiti, anti-social and violent crime 2. Council given up on maintaining residential roads, grass verges and vehicle driveways and parks. 3. Too many rented properties in the area leading to anti social behaviour
The amount of alterations to the existing housing stock has turn a well planned 1930s estate into an unpleasant mish mash of over extended properties. In our road there are a couple of rented properties. One seems well managed the other has had a stream of troublesome tenants and the landlord seems to get away with it despite numerous complaints
Dirty streets, fly tipping, garages being used for living, poor services being provided by local council.
Number of properties on rent with vast people living together, beds in sheds, fly tipping, rampant speeding. Lack of trees on many roads. Uncontrolled public drinking which results in littering. Poor community engagement by local ward councillors. Bonfires at all hours. Music blasting on weekends. There is no peace in the area due to no law enforcement or home owners, just renters with no known landlords. Used to be a very respectful area, clean and strong community effort.
Rented properties are in a mesh
Some areas like South Harrow are typified by low quality shops and housing which is less well cared for. We moved from the County Roads which were getting worse in terms of anti social behaviour from groups of people hanging around on Pinner Road etc
Number of new developments such as: houses split into flats, new developments mainly consisting of small units, loss of housing suitable for disabled / older people. Increase in renting as opposed to owner -occupier. Result: great increase in demand for parking spaces, far too many parties constant loud music, seemingly stemming from higher proportion of rental not owner-occupier. Higher crime and public nuisance from park and usual drug-dealing spots (near stations etc.), police and parking enforcement / park regulations enforcement due to cuts.
Litter and anti-social behaviour
There are too many HMOs and flats that are clearly overcrowded which creates noise, fly tipping and parking issues locally. I understand that cheap housing is needed however the numbers of HMOs in Harrow has risen dramatically over the past 10 years to the point where I don't think the council can manage or enforce against them if there are issues.
Occasional fly-tipping.

Seems messier.
The last 5 years more HMO's creating anti-social issues and untidiness plus more parking issues.
Increasing number of fast food and betting shops Lack of consideration of parking for shoppers and residents from both council and residents themselves Increasing number of HMOs and developments out of character with the surroundings HMOs lead to breakdown in community.
Too much fly tipping
what i dislike about harrow is the people have no morals and they seem to not care about the area. The town centre is full of beggars and people asking for money. The church seating area is abused by drunks and people using the bushes as a toilet. People shoplifting from the shops in harrow. people in harrow dump their rubbish on green spaces and in alleys ways. Wealdstone is full of drunks and people asking for money as well..
Massive extensions being put up. A loft room extensions and extra-long back garden extension prevents sun from shining in gardens and comprises privacy. Too many extensions over 3metres in length. Badly and incompatibly designed. Not in keeping with existing properties & area. Mere boxes slung up. Huge brick sheds like mini bungalows erected in gardens. Some are used for sleeping in as are some garages. Cars parking and driving on grass verges thus making them muddy, rutted and ugly. Cars parking over dropped kerb driveways. Car dealers using area to put their cars instead of getting a sales plot. They run businesses from homes and avoid business rates. Regularly see pictures of these cars in 2nd hand car buying Web sites and papers. People who run businesses from their home that cause with people going in and out the property all day and associated traffic and parking linked to these businesses. Also avoiding business tax and renting an office. Drug dealers use quiet suburban roads to meet clients, deliver drugs to other cars, take drugs to bike drug dealers in local park. Meet their distributes in local park. Hide packages in hedges etc in park.
Ever-increasing number of loft conversions. Extensions to houses which are not in keeping with the surrounding housing. Thoughtlessness of those using the area, e.g. parking over driveways and on the verge, driving onto or over the footpath, leaving rubbish behind, drug-related activity, spitting, lack of respect for other people's property, damaging the road surface, etc: and, in general, "We'll do what we like because we want to do it."
The neighbourhood has now changed drastically, too many houses are now rented out with multiple tenants, pavements are littered throughout with rubbish, people dumping furniture, fridges, etc. everywhere, no maintenance carried out on the rented properties - fences broken, garden growing wild, foxes and rats running wild, health/safety/security greatly compromised, the values of neighbouring properties are going downhill fast. It is not at all sustainable at this rate. The whole area is now a total disgrace for a country like ours. You may consider visiting the neighbourhood and 17 Milford Gardens to experience the squalor for yourself.

Question: B1 Have you experienced any Other Comment
GRANGE AVENUE COLDALE DRIVE JUNCTION WITH WETHERAL DRIVE
A rented property in our road has caused numerous problems. Noise continuing until the early hours. Rubbish overflowing into the street. Multi occupied residences not adhering to social distancing.
Frequent Crime of all sorts.
Fly tipping, littering every day and in the same spots. Rampant speeding and alcohol consumption on the road at all times of the day.
Burning rubbish in the garden almost every day can't open the windows for fresh air while working from home due to Corona virus have complained many times nothing so far.
parking nuisance - too many residents with cars, few parking spaces
cars and motorbikes parked on pavements party's with loud music affecting the whole neighbourhood shouting in the streets
Drug dealing. Unsolicited door knocking for miscellaneous repairs, sales etc despite in my case having a notice's saying no unsolicited callers, sales.
See A4b
Comments above refer.

Question: B2 Have you used the Services of any of the following Teams: Comment
PARKING UNIT WHEN MY DRIVEWAY WAS BLOCKED BY VAN DRIVER
Spoken directly with police on the beat. Reported infringement of social distancing.
reported these people for dumping rubbish in broad daylight many times to council and these people are still doing it. only this week I see 2 different people dumping rubbish in 2 different spots.
Planning and Building Control

Question: B5 Do you feel anti-social problems are dealt effectively**| Comment**

Numerous complaints about the tenets to the council have resulted in nothing.

These people still live like animals..

don't the council think if 20 people complain about somebody that they are all wrong..

Nothing ever seems to happen when complaints are made about anti-social tenants.

Even when several people have complained about this tenant.

Question: B6 Do you think that landlords are taking enough action against tenants who cause a nuisance or... | Comment

The landlord doesn't appear concerned. As long as he gets his rent.....

We have had a year of complaining about one household. I believe that the previous tenants were deemed to be in a house in multiple occupation and the landlord may have been fined. But he really doesn't seem to care. Also the house looks very scruffy from the outside.

Unknown as rubbish continues to appear overnight and in general is left by gates/ entry to alleyway(s) behind houses. This I suspect is by the landlords or their agents rather than the persons that are living in these unsuitable dwellings.

Landlords make zero effort; you don't know who the landlord is as the properties are let directly and people pay in cash. Even the tenants don't want to know who the landlord is.

not checking that property is kept rubbish free, no anti-social activities such as drugs, noise

Landlords are disconnected from the local area and don't take any responsibility for their tenants' actions or anti- social behaviour. It's basically another income or business for them.

I do think that landlord need to be more accountable by the council.

Landlords are just interested in making their money and don't vet their tenants or their behaviours especially in residential areas.

HMO on our road has tenants smoking weed, talking at top of their voices late at night, overflowing their bins.

Nothing ever seems to happen when complaints are made about anti- social tenants.

Even when several people have complained about this tenant.

I know private tenants that have moved because anti-social people have moved in next door to them and the council has done nothing.

Landlords themselves are responsible in many cases. Their main interest appears to be just financial gain and their responsibilities to the properties, tenants or the neighbourhood.

Question: B7 Do you think the Council is dealing effectively with landlords and agents who neglect their... | Comment

Obviously not. We have had about 4 years of issues with this house

It is difficult to judge as the police have been out to the house and have said it is down to the council to deal with noise complaints. This of course may be down to the limited powers the council have had due to COVID. But I believe it took a long time for any action to be taken with the previous tenants too which was pre COVID.

Multiple complaints regarding fly tipping from rented properties, speeding, music blasting, bonfires at all times of the day. Councillors only tell us they don't have resource or there is no law to enforce.

The system needs to move quicker.

Planning application from landlord of said HMO seems to be declined and re-raised without any inspection or consideration of comments made by neighbours. we have all seen this on tv when they followed the housing officers of harrow council.

The Council needs to register / licence / monitor all landlords.

Question:C1 What was your overall opinion of our service? | Comment

INNER STREET INSPECTIONS ARE REQUIRED

I like being able to use website to report matters, make enquiries, make certain payments and get information

Don't know

Question:C2 Are there any other aspects you wish to comment on? | Comment

The council has given up on looking after the interests of its council taxpayer who are burden with one of the highest council taxes in London and seem to be more interested in politics than on improving the life of residents in the borough. It has always been hard to contact the council about anything and now it's been made for difficult. Nothing ever seems to get resolved smoothly and sometimes I have just given up and hope that we get a better administration in the borough.

Would like to see the register for HMOs being easily available to Harrow residents.

Poor maintenance of streets, overgrown weeds, poor periodic street cleaning. Parking arrangements / double parking and respective charges in Rayners Lane shopping area.

SINGLE FAMILY DWELLING PROPERTY STILL BEING USED AS An HMO ON THE RIDGEWAY WHY?

I appreciate people are aspiring to move to Harrow. There is lack of sufficient housing so development of HMOs, blocks of flats and conversion of houses has boomed. However, there is not enough infrastructure to support this influx of people into the borough. This includes schools, GPs, transport. The council needs to control how many such developments are approved or carried out as it is seriously putting the reputation and pleasantness of the borough at risk of deteriorating.

Council website can be difficult to navigate. Needs to be more user friendly and easy to use. Difficult to phone council and/or getting to correct dept.

Question:C3 Is there anything else, which you feel, is important for the service or would improve the service? | Comment

More Benches are required for old people in centenary parks

Repairs and replacement of damaged benches

More tree planting is required

Newly built Cafe shop is closed Why not re tender for new operator

Conservative Councillors are absent from active service Stop their emoluments and compensation

Take complaints from numerous neighbours, over many months and years seriously. It seems all the power is with the landlord!

Reduce HMO's in the borough in residential streets, this would help to reduce anti -social behaviour and crime

I believe that a speedy response to any complaints would generate more confidence in the system.

The proposed landlord licensing scheme that is presently in a consultation phase is long overdue and should have been introduced many years ago. Whilst this does not directly affect me the knock-on does as mentioned above. Furthermore, I would also like to think that if it is introduced it will be policed adequately so as to protect both the tenants whose rights in my opinion are being abused and lead to the prosecution of unscrupulous landlords and letting agents.

extend rental control in all wards

Someone to actually come and see the property to ensure its being used to what it says

If HMO application is rejected due to reasonable feedback, then further applications should not be allowed.

Also, said HMO application has been created with a use to deceive the neighbours and council. Initial application was for a single- family extension (dissolving the current HMO) and then as work started, a new application for a bigger HMO was made. After that was rejected, a new HMO application with one or two fewer people was made. The development for a single -family extension was started with an HMO in mind.

This sort of shady behaviour should be discouraged in Harrow.

Another house has been rented out on same road which has multiple households but falls under the HMO license. These tenants are respective of surroundings however.

We need a balance of how big an HMO can be.

Planning needs to ensure regulations & building plans adhered to. More checking needed. Properties in my area submit plans that get approve & then when they actual do the build plans are not adhered to. Extra building is done more than approved & the designs changed.

Not able to comment.

Question: D2 Additional licensing scheme would enable the Council to have greater control on private rented... | Comment

100% until you know which properties are on rent and who is living in them, there is no accountability.

People should live in decent homes. Both landlords and tenants need to be considerate to each other and to their neighbours.

Most private landlords are respectful of tenants and neighbours. The few select that fall foul of Anti-Social Behaviour should be made to apply for license and inspected. Having a blanket licensing scheme makes it harder for the good landlords to provide an efficient service.

Seems like Harrow council can't really organise anything properly so how they could sort out selective licensing is a question not really worth asking.

It may help stop dangerous exploitative HMO affecting tenants and neighbours. Avoid so many of these HMOs being used for human trafficking and slave trade. May avoid beds in sheds/garages often used in some HMO Avoid horrendous overcrowding that happens in so many HMOs. Stop cots and box where night workers share same bed with day workers.

Tighter control of HMOs and privately rented properties that are HMOs in all but name:

- Health and Safety of individuals in and around the property.
- Overcrowding, fire.
- Inappropriate / illegal use of properties.
- Exploitation.
- Parking and inadequate provision for cars and white vans.
- "Beds in Sheds" and illegal extensions.
- General deterioration in the immediate area - refuse, lack of respect for surrounding properties and residents, etc. - a form of "planning blight" resulting from unreasonable and inconsiderate actions of individuals and then the lack of robust action and enforcement by the local authority (supported by police where appropriate).
- It seems that, in the past, it has been all-too-easy to just allow things to happen and to allow people to do whatever they want.
- The Local Authority should be the protectors and guardians of the built environment in which we (and future generations) live.
- (If everybody behaved reasonably and respected the law and other individuals and their property, there wouldn't be the need for enforcement etc)

It should cover all properties and landlords and not just a few special selected properties - the problem in the area is quite widespread.

Question: D1 Would you be interested in participating in future stakeholder consultation exercises..

Left blank as contained personal information

XX
XX Chandos Road
Harrow
HA1 4QX

12.11.2020

To whom it may concern,

CONSULTATION ON ADDITIONAL HMO LICENSING SCHEME

I wish to respond to the Council's consultation on the matter of Additional Licensing. I live in the borough and until retirement in 2017. I worked as an Environmental Health Officer, specialising in housing for 30 years in London (not in Harrow). I have some experience of housing conditions in Harrow from voluntary work and, believe me the need for public oversight of the rented sector here is as important as anywhere else.

The law covering this area, including the various definitions of different types of 'houses in multiple occupation' is complex and confusing to say the least; property owners often express frustration about this and indeed, as someone involved in putting it into practice I have some sympathy with that. Unnecessarily complex law is often referred to as 'bad law' by lawyers. But we have to work with what we have got.

The reason why law might be unnecessarily complicated can lead to interesting discussions and insights about the type of society we live in. In the area of rented housing and regulation (or looking at it another way 'public accountability') a comment made by a former manager of mine sheds some light on the issue. 'It's interesting' he said 'if you want to open up a pet shop and put animals in it you need a licence, finish. But if you want to rent out a home and put people in it then that's apparently far less straight forward'.

I don't need to go on here about the short comings of the UK private rented sector for providing people with secure, decent and safe homes. The authoritative evidence is there for all to see:

https://england.shelter.org.uk/data/assets/pdf_file/0006/892482/6430_04_9_Million_Renters_Policy_Report_Proof_10_opt.pdf

<https://commonslibrary.parliament.uk/research-briefings/cbp-7328/>

And I do not think that this can be put down to the simple binary view that seems to underlie so much of the mainstream thinking on this and other big social issues; there are nice landlords and nasty ones; or the jargon in this area responsible ones and rogue ones; I couldn't help noticing in the report there was only one example of a 'rogue' mentioned – a rogue tenant fixing his bike in the hallway where there was no fire alarm. Yes he probably shouldn't have been doing it; but how about renting out the place with no fire alarm in the first place?

The problem is that the system is recognised as unfit for purpose. With highly inflated house prices and rents, the high number of buy to let owners or people

inheriting property and renting out one property with no experience of property management as a profession increases risks. Being out of your depth doesn't make you a rogue but it is still dangerous for the people relying on you for the safety of a home for them and their family.

The greatest contributor to homelessness in Harrow has been the rise of no fault evictions ('s21') by private landlords. As an EHO I had to be aware that one of the most likely things I might do by following up a complaint from a tenant about often severe and dangerous conditions in their home was that they could become homeless. And although the enforcement powers of councils can play an important part in protecting the health and well-being of renters, the processes are often long complex and undermined by huge cuts in resources. And it relies on the landlord first being 'found out' and then a successful resolution without the tenant losing their home.

The main benefit of a licencing approach is that it puts the responsibility for ensuring the rented property is safe and decent where it rightly belongs – with the building owner or manager. To obtain and continue to hold the licence they must ensure the property meets a certain standard; if they do not they will be held to account.

At a recent meeting of mental health service users I heard first hand the story of a young woman who was homeless and in mental health crisis when she first came to Harrow. Her period of homelessness was prolonged by the fact that whenever she found somewhere she could rent the landlord refused to let to her when they found out she was on benefits. This has recently been found, quite rightly, to be unlawful on grounds of discrimination. It has been suggested that the Licencing system may be one area in which Local Authorities could take action to redress this injustice. Harrow should look into this, including if appropriate, seeking an expert legal opinion maybe in conjunction with other authorities to see if this is in fact possible and act accordingly.

Leaders in the field of Licensing schemes in London like Newham and Camden employ Tenancy Relations Officers in their Licensing teams to ensure that tenants 'rights are respected in the enforcement process. Harrow should follow this example.

The case for at least keeping the scheme the same as the current one seemed to be quite well made in the report; that the scheme should continue to be applied to 'all small HMOs with shared facilities and houses converted into flats prior to 1991 standards which will have inadequate fire protection. This should not be reduced to only include this last type as proposed.

Rents in Harrow are unaffordable for younger people in particular and this coupled with the lack of supply means there will be more 'multi occupied buildings'. With the Covid crisis and the rise in unemployment this will only get worse. The idea that only larger buildings present a risk worthy of public accountability and regulation is misplaced. The condition and suitability of people's homes is recognised as a key factor in maintaining health and well-being; it is one of the key determinants for consideration in the Department of Health Care and Support Statutory Guidance Issued under the Care Act 2014. Hence ensuring that housing is up to an acceptable

standard should be seen as a key part of a Local Authorities Public Health Duty which should be applicable to all housing.

Hence I think that Harrow's approach as stated in para 2.66, to borough wide Selective Licencing Schemes is inappropriate and inconsistent with its public health responsibilities as a local authority

It is therefore unreasonable, and would not stand up to scrutiny, to introduce a Borough wide scheme for the purposes of capturing all private rented sector premises including those HMOs that fall outside of the mandatory licensing scheme.

Landlords often raise objections about the cost of regulation

<https://www.landlordtoday.co.uk/breaking-news/2018/9/new-hmo-rules-to-cost-landlords-an-extra-79m>

However there is another cost that has to be considered in the case of poor housing – the cost to the NHS of increases in ill health and impact on long term conditions:

<https://www.bre.co.uk/filelibrary/pdf/87741-Cost-of-Poor-Housing-Briefing-Paper-v3.pdf>

And it is this latter 'cost', not least the human cost of suffering and ill health, which should take precedence for a public authority and, ultimately government, who are responsible for providing the means for carrying out these public duties. Increasingly this appears not to be the case.

Hence I think the likes of Newham should be rightly seen as leaders in the field and Harrow, in preparation for reconsideration of their selective licensing scheme should consider the one agreed last year by Waltham Forest.

Finally, the report makes specific reference to 'exemptions' from licencing (para 5.2). Waltham Forest recently obtained a legal opinion which states that, contrary to popular belief, nightly booked private sector temporary accommodation used by Councils for homeless households is not in fact exempt from Licencing. This opinion has been shared with all London authorities and has been considered at both the GLA Environmental Health Housing Leads meeting and the GLA Homelessness Forum, both of which are attended by Harrow. Any Harrow Licencing scheme should proceed on the basis of this opinion.

Yours Sincerely,

XX X XX

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Proposed Additional Licensing Scheme Renewal in the London Borough of Harrow

Safeagent Consultation Response

26 March 2021

An Introduction to safeagent

Safeagent is a not for profit accrediting organisation for lettings and management agents in the private rented sector. Safeagent (formally NALS) was established in 1999, by the Empty Homes Agency, with backing from the Royal Institution of Chartered Surveyors (RICS) the Association of Residential Lettings Agents (ARLA) and the National Association of Estate Agents (NAEA). Safeagent provides an overarching quality mark, easily recognised by consumers, with minimum entry requirements for agents.

Safeagent agents are required to:

- deliver defined standards of customer service
- operate within strict client accounting standards
- maintain a separate client bank account
- be included in a Client Money Protection Scheme

Agents must provide evidence that they continue to meet safeagent criteria on an annual basis to retain their licence. The scheme operates UK wide and has 1,500 firms with over 3,000 offices, including a number of agents within the London Borough of Harrow.

Safeagent was recognised by the GLA as an approved body for the London Rental Standard. We are a recognised training provider under the Rent Smart Wales scheme and are also recognised by the Scottish Government in providing qualifications to meet the requirements of the Scottish Register.

We very much welcome the opportunity to contribute to this consultation exercise.

Overview

We understand Harrow Council is seeking to renew the additional licensing scheme that operated throughout the borough from 1 March 2016 to 28 February 2021.

In considering this proposal, we have studied the consultation report published on the council's website.

We are pleased to note the commitment to consider all views expressed during the consultation and provide a full reply where key issues are raised. We look forward to reading the council's response to our consultation and trust our submission will be presented to councillors as part of the Cabinet report.

The introduction to the consultation report says the proposed additional licensing scheme will start in April 2021. Once the consultation closes on 26 March 2021, the council must consider all representations and present a report to Cabinet. A scheme

designation must then be made three months before the scheme starts. As such, the earliest start date would be Summer 2021.

Existing licensing scheme

Before deciding to renew the scheme, we think it is important for the council to demonstrate they have effectively implemented and enforced the previous additional licensing scheme.

The consultation report says 562 additional licences have been approved but contains no information about the type of HMOs, how many have been inspected and the nature of issues encountered.

This is set out in the Cabinet report. While not always feasible, the Council aims to inspect all HMOs prior to the final licence being issued

There is no information about the steps that have been taken to identify, investigate and enforce against licensable but unlicensed HMOs, nor any indication about how many unlicensed properties there may be. It is therefore difficult to evaluate how successful the scheme has been.

There has been a 465% increase in suspected HMOs over the last 5 years, showing clearly that there is an ongoing and significant issue with residential accommodation in the Borough. Identification has been through an intelligence based approach including surveys, complaints, council tax and other means. The scheme to date has therefore been successful in licensing known HMOs but still continues to be needed to address those remaining.

Evidence base

Section 1.3 in the Foreword says all HMOs have inadequate fire precautions because they were all converted prior to 1991 and were never made compliant. There is no evidence, and it seems highly unlikely, that all HMOs in the borough were created at least 30 years ago. The use and occupancy of properties is subject to change. We also note the council has been operating an HMO licensing scheme over the last five years and during that time, has presumably required inadequate fire precautions to be upgraded.

In section 2.43, the report acknowledges the council have not undertaken a physical or desktop statistical housing survey and has no estimate for the number of HMOs in the borough. Likewise, there is no indication of how many HMOs would fall above or below the threshold for mandatory HMO licensing. Without this information, there is no baseline data to show the nature and geographical spread of properties that would fall within scope of an additional licensing scheme, nor evidence to show why such properties need to be licensed. The report does not even show the geographical spread of existing licensed HMOs.

This is provided at the end of this document for reference and shows that while there are “clusters”, HMOs exist in all areas of the Borough (note – these are the licensed HMOs, and does not include potential unlicensed HMOs)

We understand that 330 properties have been licensed under the mandatory HMO licensing scheme and 562 under the additional licensing scheme. The report implies these properties have already been inspected and where necessary, upgraded to the required standards. It is therefore unclear why they need to be licensed again.

Reasons stated above

The reference to 80 overcrowding complaints in section 2.46 does not say whether this relates to HMOs. Rather, it says this indicates the need for more HMOs.

The majority of those found are within HMOs / Unlicensed HMOs

In section 2.47, the report highlights a substantial reduction in disrepair complaints, down 52% in the last 10 years. This is a positive development and demonstrates how housing conditions have improved.

The reference to resident owner occupiers and block managers of large leasehold blocks in section 5.2 has no obvious relevance to an additional licensing scheme. If there is an implied relevance, it is not clear how this relates to HMOs that would require licensing under an additional licensing scheme.

Section 5.4 lists four HMO-types which it says would be licensable under an additional licensing scheme. It says the scheme would cover buildings converted into a mixture of the flats and shared accommodation. It seems unlikely there will be many such buildings with less than five occupants. Buildings occupied by five or more occupants are already licensable.

It also says the scheme would cover nightly let hotels and hostels used as temporary accommodation. We understand the scheme would not apply to such buildings if the person having control or managing the property is a local authority. Even if the building was managed by a private landlord, it seems unlikely there will be many such buildings with less than five occupants. Buildings occupied by five or more occupants are already licensable.

Noted but some do exist in the Borough and therefore included

In section 5.4, we note the council say “...all larger HMOs have the potential to be *ineffectively managed*”, but that is not the legal test to be applied. It is for the council to show that a significant proportion of HMOs that fall within the proposed designation are being ineffectively managed.

The amount of unlicensed premises, and the yearly increase, indicates that there is a significant amount of HMOs that are already not being managed correctly as not meeting the licensing requirements

“Approval steps for additional and selective licensing designations in England”, Communities and Local Government Guidance, published February 2010, sets out the evidential steps required before an additional licensing scheme can be introduced. It says a local 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.

The guidance contains examples of the type of evidence required to meet this legal test. It includes properties where:

- External condition and curtilage (including yards and gardens) adversely impact upon the general character and amenity of the area in which they are located.
- 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.
- 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.
- The lack of management or poor management skills or practices are otherwise adversely impacting upon the welfare.

The consultation report contains no such evidence. There is no information about the location and prevalence of HMOs that fall within the proposed additional licensing scheme, the internal / external condition and management of those properties or associated anti-social behaviour. There is no anti-social behaviour data at all, either from local authority or police records. The only information is that HMO licence applications have doubled in the last five years. This is unsurprising as it corresponds to a widening of the council’s additional licensing scheme criteria

in 2016.

This is covered in the Cabinet report and also refers back to unlicensed premises as well

Where the council propose to include section 257 HMOs within the licensing scheme, government guidance makes clear this should only be done if the council can demonstrate such properties are being poorly managed. In this case, no such evidence has been provided.

As above

In conclusion, the absence of a published evidence base falls far short of the legal steps required to implement a new additional licensing scheme. If the council were to proceed on this basis, it would place the local authority at considerable risk of legal challenge through Judicial Review. In the circumstances, we would encourage Harrow Council to step back, take stock and undertake a thorough evidential review before deciding whether to launch a new public consultation.

Whilst we do not believe there is justification to proceed with the additional licensing scheme, we have still commented on other aspects of the consultation.

Section 257 HMOs (certain converted blocks of flats)

We understand the council intend to include all section 257 HMOs within the additional licensing scheme, albeit no information has been provided about the estimated number, location and problems associated with such properties.

In this context, we were surprised to read the comment in section 5.4 that the vast majority of HMOs in Harrow fall within the definition of a section 257 HMO. This seems highly unlikely and we would ask council to explain how they have reached this conclusion in the absence of any published data.

We have concerns about including all such properties within the additional licensing scheme due to the difficulty experienced by letting agents in knowing when a property was converted and whether the conversion satisfies the relevant building standards. It is not something that is reasonable for a letting agent to assess.

In situations where there is a freeholder and separate long leaseholders, the situation is further complicated by the need to determine whether less than two thirds of the flats are owner-occupied. Only the freeholder may possess this information and the tenure of each flat may vary over time.

This would make it extremely difficult for a safeagent letting agent to assess whether a licence is required, despite their best endeavours. For example, it may be that the building did not require a licence when a flat was rented out, but subsequently requires licensing because another leaseholder in the building has rented out their flat. As such, a letting agent could find themselves committing an offence of managing a flat in a licensable building without a licence, simply because another flat had been rented out without their knowledge.

Bringing section 257 HMOs within the additional licensing scheme could also be problematic for long-leasehold owner-occupiers who find their flat is within a licensable building. The licensing fee may push up their service charge and could cause difficulties with their mortgage lender. As the licence would need to be disclosed to a prospective purchaser, some mortgage lenders may be reluctant to

lend on a residential mortgage for a flat within a licensed HMO, thus adversely impacting on the property's value.

It is also the case that the 2015 general approval to introduce an additional licensing scheme only applies if the council has consulted persons likely to be affected by the scheme designation. Without actively consulting with long leaseholder owner occupiers and explaining the implications of licensing section 257 HMOs, the conditions in the general approval would not be met and the additional licensing scheme could not be introduced without Secretary of State approval.

Whilst we are opposed to the idea of including all section 257 HMOs within the additional licensing scheme, we recognise that there are circumstances where a particular type of section 257 HMO may be worthy of more intensive regulation. For example, where a landlord has converted a property into cramped and poorly designed studio flats entirely for private rental without any planning and building regulation approval.

In such circumstances, the additional licensing scheme could be restricted to section 257 HMOs where the whole building and all the individual flats within it are in single ownership or considered to be effectively under the same control. The London Borough of Ealing adopted this approach in response to our consultation feedback. They also restrict the licensing of section 257 HMOs to situations where the number of flats exceeds the number of storeys in the building. Several other London boroughs have restricted the licensing of section 257 HMOs in response to our constructive feedback. We would encourage Harrow Council to give this further thought and consider adopting a similar approach.

Harrow has always adopted an engagement approach to licensing, working with landlords / letting agents to meet legislation. While we understand legislation can be confusing, ultimately the responsibility does fall on landlords. We happily take on board the comments made and will keep this under review to ensure that, like all licensing, it does what it sets out to do in an effective manner without putting undue burden where it is not required

Licensing fees

We recognise that the council need to charge a reasonable fee to cover the cost of administering and enforcing the licensing scheme.

It is important that the council implement an efficient and streamlined licence application processing system. This will help to minimise costs and keep fees at a reasonable level, thereby minimising upward pressure on the rent that is charged to tenants. We understand the council do not currently offer an online application system and we think this is something that should be considered.

We don't support the proposal in section 6.4 that shorter licences could be issued to landlords with no history of managing HMOs, particularly if they are using a safeagent member to assist in managing the property. The consultation report does not explain how this would operate in practice and so we have been unable to comment in more detail.

This is noted and therefore we will make this change that shorter licences will be issued in the cases of premises that we have had to find and have not been proactive in approach or where they lack planning / building control permission and this needs to be rectified (as per previous Tribunal ruling)

For additional licensing, we note the council currently charge £1,310 per property and this would be further increased to £1,405, or £997 for licence renewals if there are no material changes. As a flat rate fee, we think this is too high for a shared house or flat occupied by just three people and will act as a disincentive to landlords allowing sharers.

In addition to an additional licensing fee, we note it says a 'New S/C unit' has a fee of £290. We are unsure if this relates to a flat in multiple occupation or something else. This needs to be clarified.

We understand the council offer an accreditation discount of £75 off the first licence application, although it is unclear if this discount is available if properties are managed by an accredited safeagent member. This is something we would encourage the council to consider.

As part of the annual setting of fees and charges (February 2021 the latest and can be found at harrow.gov.uk) benchmarking does take place to ensure it is in line with others

We note the council proposes to offer an early bird fee discount but does not say the size of the discount and over what period it would apply. We believe any fee discount should operate for at least three months in the lead up to scheme implementation. During this time, it is vital that the council widely promote the scheme amongst landlords and agents.

We strongly oppose the decision not to offer the proposed early bird fee discount if members of an organisation such as safeagent let or manage the property (section 6.9). This discriminates against landlords who use a professional managing agent and we don't understand the rationale for this proposal. Membership of safeagent must not result in higher application fees being charged.

Given the lack of clarity, we would ask the council to publish full details of the proposed fee schedule, discounts and eligibility and consult on the proposals before they are finalised.

Noted

Additional Licensing Application Criteria

We would encourage the council to look again at their proposed criteria for issuing a one year licence. This sanction, with no fee discount, should be reserved for landlords where there are significant management or property condition concerns. The published list implies the criteria for a one year licence will be interpreted much more broadly.

For example, note 'a' says if the property has not been licensed before, it will only get a one year licence. This could be because it is being let as an HMO for the first time. Adopting this approach would be unreasonable and act as a significant disincentive to accepting sharers. This in turn will reduce supply and prejudice tenants seeking affordable shared accommodation.

Note 'b' implies fire risk assessments are a requirement in all HMOs but this is not the case. They are not required in shared houses and flats let to sharers on a single tenancy with exclusive use. Landlords should not receive a shorter licence simply because they do not possess a document that is not required.

Note 'd' needs further consideration. It again lists fire risk assessments which we

have commented on above. Not all HMOs need emergency lighting and some smaller shared-flats may not have a mains wired fire alarm system at time of application. This could be added as a property specific condition. There is no requirement to have a PAT test certificate at the time of application, although this could be added as a licence condition.

We do not understand what is meant by 'no outstanding licence conditions' as conditions must, by law, be added to every licence.

We think 'Good application history – no reminders' needs to be reconsidered. We have come across councils that send an advisory or warning letter informing the landlord they have 14 days to apply. We do not agree that a short-licence sanction should be applied unless a warning letter has been sent and the landlord has failed to comply with the deadline set.

Noted and addressed

We do not understand what is meant by 'adhere to Private rented Sector Code of Practice'. What code of practice is this referring to and how would that be determined at the time of application? If it is discretionary guidance, non-compliance should not result in a sanction being applied.

We have serious reservations about the 'self-certification' criteria. Self-certification normally relates to the fit and proper person assessment which involves prescribed questions that must be asked and answered on every application. Note 'f' implies something very different. It says the landlord must sign up to a Private rented Sector Code of Practice without explaining what it is. This duplicates the criteria mentioned above. It says the landlord must have 'qualified employees' without explaining what that means. Most landlords don't employ staff and nor is there a requirement for them to do so. We are pleased the council is recognising managing agents with professional membership although we are unsure how this proposal will work in practice.

Overall, the proposed licence duration criteria are confusing and impractical. We have no objection to shorter licences being used as a stop-gap measure for poor performing landlords, allowing them time to improve or face licence refusal the following year. This proposal is very different, overcomplicated and not one we would support.

We would be happy to discuss this with the council to help find a more appropriate way forward. Our willingness for constructive discussion extends to all aspects of the proposed scheme. Other councils have taken up this offer and found the dialogue worthwhile.

Noted and addressed

Licence Conditions

Whilst not strictly a licence condition, we noticed a comment in section 5.7 that self-contained flats within a building covered by an additional licence may require a selective licence. We believe this is the wrong interpretation and would encourage the council to seek legal advice. Section 85(1) of the Housing Act 2004 makes clear that selective licensing does not apply to properties licensed under Part 2 of the Act.

Noted and corrected

We have studied the current list of standard HMO licence conditions that is hyperlinked from Appendix 4 of the consultation report.

We have made a number of suggestions to help improve and fine tune the wording of the conditions. This in turn should help landlords and agents to understand and comply with the requirements.

Condition 13:

We note the requirement for all prospective tenants to undergo referencing. Whilst most safeagent members routinely undertake referencing, we would encourage the council to consider how this condition would be applied in respect of care leavers, prison release, people fleeing domestic violent and the provision of temporary accommodation for a homeless family at the request of a local authority. In these situations, referencing will not always be possible. The licensing arrangements need to ensure certain groups are not excluded from shared accommodation.

This is a standard condition across Councils for HMOs, but will be amended to take the above into account

Condition 19:

We do not agree with the requirement to display notices in every private rented home informing the tenants they must not cause anti-social behaviour. We have not come across this requirement before. It is not something desirable in someone's home and creates an institutional feel. We assume this is not done in every Harrow Council property and do not think private tenants should be discriminated against in this way. The more sensible approach is to have appropriate ASB clauses in the tenancy agreement.

This is amended to state tenants must be told of this requirement and highlighted in tenancy agreements

Condition 20:

The general fire safety conditions should be those imposed by Schedule 4 of the Housing Act 2004 (as amended). If the fire precautionary arrangements need to be upgraded, this should be via property specific conditions with an agreed timescale for compliance. In our experience, councils often insert property specific conditions in a schedule at the end of the licence and we would encourage Harrow Council to do the same.

Noted

Condition 24:

Similar to condition 20, if the fire precautionary arrangements need to be upgraded, this should be via property specific conditions with an agreed timescale for compliance. It is not appropriate to have a general condition saying all kitchen, lounge, dining room and bedroom doors must be fire doors. The LACORS fire safety guidance only requires this in some HMOs and the guidance is referenced in condition 27 as setting an appropriate standard. In small low risk HMOs, sound, well-constructed and close fitting doors may suffice. This condition exceeds the prescribed standards for some licensed HMOs.

Noted

Condition 28:

This condition needs to be updated to reflect the new prescribed wording in imposed by Schedule 4 of the Housing Act 2004 (as amended).

Done

Condition 29:

As explained in the LACORS guidance, the Regulatory Reform (Fire Safety) Order 2005 does not impose a requirement for a fire risk assessment in all HMOs. It excludes HMOs let to sharers on a single tenancy with exclusive use. If this condition is to be retained, it needs to make clear it only applies if the HMO falls within the remit of the Fire Safety Order.

Done

Condition 30:

We understand the smoking ban only applies to the common parts of buildings containing different lettings. It does not apply to HMOs let to sharers on a single tenancy with exclusive use. Having said that, many landlords will still choose to insert a no-smoking clause in the tenancy agreement.

Noted

Condition 31:

We do not think the council can impose a condition saying the property must be fully compliant with planning and building regulations. Those are different regulatory regimes that sit independently of HMO licensing. It would be improper for the council to make any perceived planning breach a strict criminal offence with the risk of a civil financial penalty of up to £30,000. Planning has a separate regulatory regime. Any perceived planning breach should be dealt with by serving a planning enforcement notice which can be subject to appeal. We would encourage the council to remove this condition and follow the approach adopted by most other councils. It is common practice for licences to have clauses explaining that granting the licence does not infer the property has all necessary planning and building regulation approval.

Amended

Condition 33:

We would ask the council to amend the wording of this condition. At present it says the licence holder must attend training and refers to section 233 Housing Act 2004 without explaining what the training requirement is, nor how to find out. We understand no training requirement has been imposed under section 233 and so we assume the condition is not imposing a training requirement. This needs to be clarified.

Amended

Condition 34:

Many local authorities have widened this condition to allow either the licence to be displayed in the property, or a full copy provided to the tenants. We think this is a preferable approach as the licence could be removed from display between interim inspections and if it is placed behind a cover, only the front page is visible.

Amended

General

Where conditions impose requirements for documents to be produced, we would request that the timescale for returning documents is extended from 7 to 14 days. Otherwise, it creates a serious compliance risk if a landlord or agent is absent from the office for a few days and unaware of the request until they return.

Amended

Inspection regime

If properties are to be inspected as part of the licence application process, it is vital that the council has sufficient officers available to conduct any inspections in a timely manner so that licence approvals are not unduly delayed.

We would ask the council to publish clear service standards setting out the timescale for processing and approving licence applications and to publish regular updates so that performance in this area can be monitored. In other boroughs, we regularly see licence approvals taking six months or more due to a backlog of work and inadequate resourcing.

This is in place

Delivering effective enforcement

It is vital that the council establishes and maintains a well-resourced and effective enforcement team to take action against those landlords and agents that seek to evade the licensing scheme.

Without effective enforcement, new regulatory burdens will fall solely on those that apply for a licence whilst the rogue element of the market continue to evade the scheme and operate under the radar. This creates unfair competition for safeagent members who seek to comply with all their legal responsibilities. They are saddled with extra costs associated with the licence application process and compliance, whilst others evade the scheme completely.

Noted and clear enforcement / CPN regime in place

Recognising the important role of letting agents

Letting agents have a critical role to play in effective management of the private rented sector. We would encourage the council to explore mechanisms for effective liaison with letting agents and to acknowledge the benefits of encouraging landlords to use regulated letting agents such as safeagent licensed firms.

Noted

Regulation of letting agents

To achieve better regulation of the private rented sector and improve consumer protection, it is important the council takes a holistic approach that extends far beyond the proposed licensing scheme.

Since October 2014, it has been a requirement for all letting agents and property managers to belong to a government-approved redress scheme. In May 2015, a further requirement was introduced requiring agents to display all relevant landlord and tenant fees, the redress scheme they belong to and whether they belong to a client money protection scheme, both in-store and on the company's website. On 1 April 2019, the requirements were updated again, requiring letting agents and property managers to be members of a government approved client money protection scheme if they hold client funds. At safeagent we operate one of the government-approved client money protection schemes.

To assist councils in regulating the private rented sector and effectively utilising these enforcement powers, we developed the NALS Effective Enforcement Toolkit. Originally published in June 2016, the toolkit has been updated in conjunction with London Trading Standards and is currently undergoing a further review. The latest toolkit can be downloaded free of charge from our website:

<https://safeagents.co.uk/wp->

[content/uploads/2018/12/07618_NALS_EnforcementToolkit_Web.pdf](#)

Should you wish to discuss any aspect of this consultation response, please do not hesitate to contact me. Can you also please confirm the outcome of the consultation exercise in due course.

Thank you

Isobel Thomson
Chief Executive

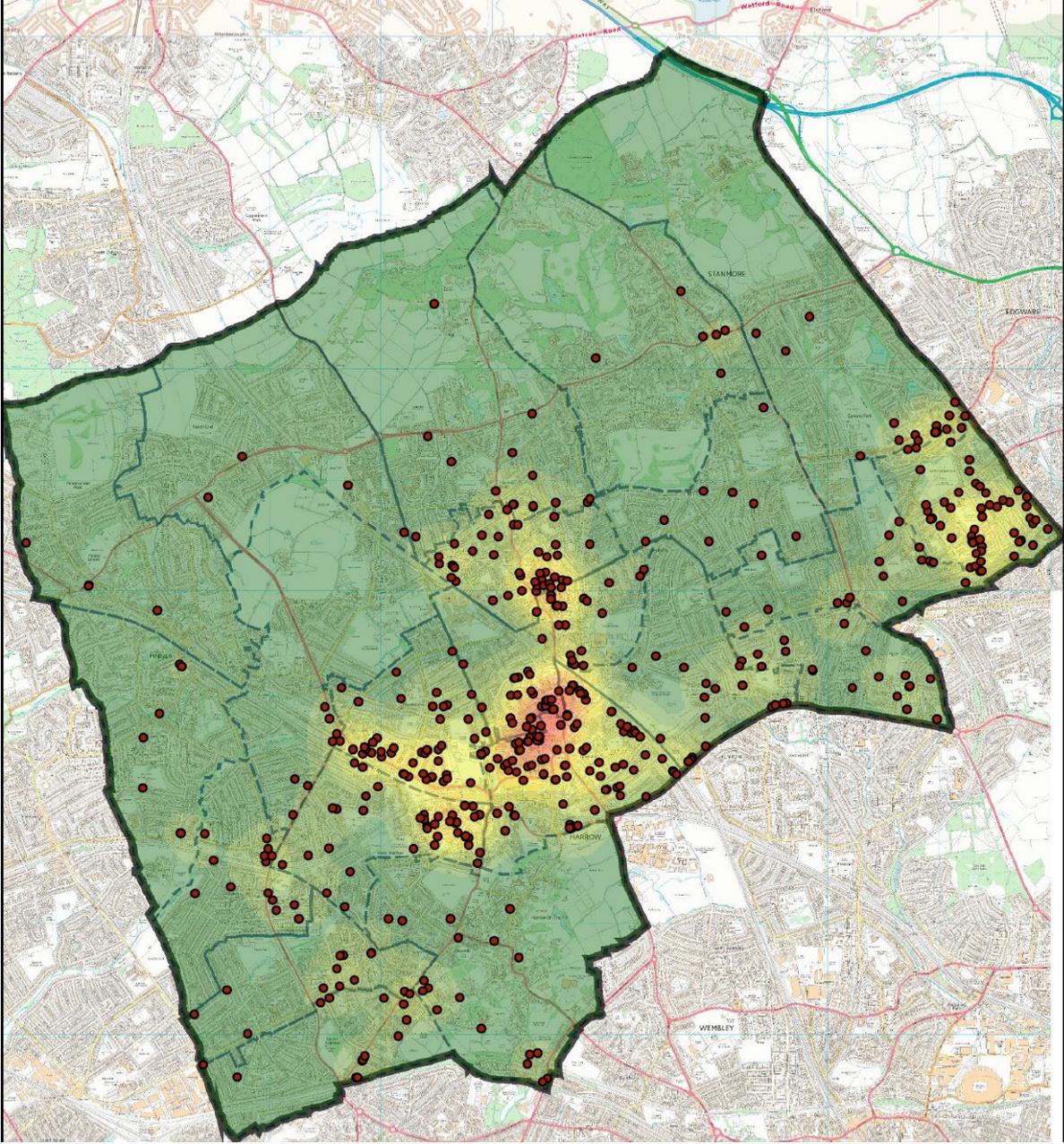
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HMO Map



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Report for: Cabinet

Date of Meeting:	29 th April 2021
Subject:	Re-procurement of Building Maintenance Covering Planned Preventative Maintenance /Compliance and Minor Works
Key Decision:	Yes
Responsible Officer:	Paul Walker - Corporate Director Community
Portfolio Holder:	Councillor Varsha Parmar, Portfolio Holder for Environment and Equalities
Exempt:	No
Decision subject to Call-in:	Yes
Wards affected:	All
Enclosures:	None

Section 1 – Summary and Recommendations

This report seeks Cabinet approval to embark on the procurement exercise for the re-procurement of the Minor Works and Planned and Preventative Frameworks for both planned and reactive maintenance and the provision of refurbishment and building works to both corporate sites and schools.

Recommendations:

Cabinet is requested to:

1. Grant approval to commence the re-procurement of two frameworks to deliver property maintenance minor works schemes as part of the Councils planned and reactive maintenance works and the planned and preventative maintenance.

2. Delegate authority to the Corporate Director of Community, following consultation with the Portfolio Holder Environment and Equalities, the Portfolio Holder for Finance and Resources and the Director of Finance, to finalise the procurement and award of the contract/s and operationally by Interim Divisional Director of Environmental Services.

Reason:

To provide an efficient and compliant procurement route for the award of building, repair, PPM and decoration works across the Corporate estate and schools, to ensure the Council fulfils its statutory responsibilities for maintaining its buildings and related assets.

Section 2 – Report

- 2.1 The Community Directorate is responsible for planned and reactive maintenance and the provision of refurbishment and building works to over 100 corporate sites, as well as having responsibility for the delivery of the schools' capital maintenance programme.
- 2.2 Since April 2018, the majority of these works have been delivered via the Minor Works and Planned Preventative Maintenance frameworks, which have provided a mechanism to enable the procurement of sub OJEU schemes to deliver the planned maintenance works, including building and refurbishment works, and reactive maintenance.
- 2.3 As the existing frameworks are coming to an end, it is proposed to procure two new multi-supplier frameworks to facilitate the future procurement of such schemes in a process compliant with procurement rules, with the flexibility for a direct call-off or mini-competition to maintain price competition and ensure value for money.
- 2.4 The risks of not having a dedicated minor works and PPM framework in place include:
 - Delay in response times to address identified statutory compliance requirements
 - Extended procurement processes for the significant majority of planned and reactive work
 - Loss of an established set of common standards/expectations that provide the basis for effective performance management for key contractors.

3. Options considered

- 3.1 The options considered were:
 - (a) **Allow the existing frameworks to expire and tender for each piece of work separately** – This option will leave the Council in the position of having to tender all works, except for the lowest value where a single

quote will suffice, on a scheme by scheme basis. This option would prove time consuming, would not prove efficient in terms of officer time required for issuing and evaluating tenders and would likely lead to reduce performance in completing works within acceptable timelines

- (b) **Commence the re-procurement of a framework via competitive tender** – this will replicate the existing arrangement of providing a mechanism for the procurement of sub OJEU schemes, providing a flexible and efficient means for the delivery of ongoing maintenance works, both planned and responsive, which is essential in the effective management of the council's estate.
- (c) **Extend current arrangement** – This option is not available under the current framework conditions

3.2 The preferred option is to progress with Option (b), with the re-procurement of a multi supplier minor works and Planned Preventative Maintenance frameworks offering the following benefits:

- a quicker route to the market compared to complex and costly tender processes
- value for money
- the ability to be flexible and responsive to variations in workload
- reduced response times leading to improved performance and higher client satisfaction rates
- an emphasis on being able to use smaller local suppliers for maintenance and smaller capital works, helping meet our obligations under the Social Value Act and our own corporate aims.

4. Current Situation

- 4.1 The existing Minor Works framework was procured in 2018. The framework has a value of £4m over 3-year framework with 6 contractors appointed.
- 4.2 Works are currently awarded through a combination of direct awards, where the value is below £10,000 and mini tenders, based primarily on the lowest priced quote and the timeline within which the contractor can commit the resources to deliver the scheme
- 4.3 The existing frameworks have a remaining value of £250k which will be exhausted within a month and once the existing framework value has been fully expended, [works](#) including reactive works, will need to be awarded via a tendering process or waiver.

5. Risk Management Implications

- 5.1 Risks included on corporate or directorate risk register? **No**
- 5.2 Separate risk register in place? **No**

5.3 The relevant risks contained in the register are attached/summarised below. **N/A**

The following key risks should be taken onto account when agreeing the recommendations in this report:

Risk Description	Mitigations	RAG Status
Frameworks will have expired and works will not be carried out in time	Ensuring the direct procurement is carried out through a complaint route whilst Frameworks not in place so that compliance status for both Corporate and school's portfolio is achieved	Low
Non-complaint procurement process leading to legal challenge by unsuccessful bidders	Procurement fully engaged, with fully compliant tender process to reduce any risk of challenge of award outcomes	Low
Value for money not achieved	Tender process will require bidders to provide commercial submission, including discount against NSR rates, with mini competitions on schemes over £10k providing further mitigation	Low
Insufficient interest in the procurement process	Tender is split into lots to allow for bids for smaller lots of works	Low

6. Procurement Implications

- 6.1 It is proposed to procure the frameworks via an open tender, with bidders required to provide technical and commercial submissions, with all Tenders being evaluated for both their technical and commercial suitability in relation to the Authority's Requirements.
- 6.2 The evaluation methodology will be determined during the pre-tender stage in which the tender documents, quality questions and weightings will be drafted and agreed upon by Procurement and service area.
- 6.3 Any procurement arising from this report will be advised on and supported by the procurement team and will be conducted in compliance with the Public Contract Regulations [as amended] and the Contract Procedure Rules.
- 6.4 Post award mini competitions will continue to be held between the successful framework contractors, where it is considered appropriate, to ensure best value on a project by project basis. A quality weighting will also be applied to these projects to ensure that quality is not compromised whilst seeking lowest cost.

7. Legal Implications

- 7.1 There are a number of statutory requirements that set out the Authority's responsibilities in ensuring properties are maintained in a safe and appropriate condition and comply with appropriate statutory, regulatory and corporate standards, including, but not limited to:
 - The general provisions set out under the Health and Safety at Work Act (HSWA) 1974 which apply relevant health and safety legislation in order to provide for the health, safety and welfare at work of employees, and to ensure that those who are not employees are exposed to health and safety risks.
 - Asbestos Management, as outlined in the Control of Asbestos regulations 2012
 - Fire Safety, including requirements set out in the Regulatory Reform (Fire Safety) Order 2005
 - Water Safety, including the control of Legionella as set out in the L8 Code of Practice
 - Lifting Operations and Lifting Equipment Regulations 1998 (LOLER) -
 - Construction Design and Management Regulations 2007

8. Financial Implications

- 8.1 The ongoing cost of the construction and repairs and maintenance work which is to be procured through the Framework will be funded through a combination of capital and annual repairs & maintenance revenue budgets; there will be no requirement to spend on works until budgets are approved and orders placed

- 8.2 The total anticipated spend on Minor Works and PPM for the corporate estate and schools including schools through this contract is expected to remain in the region of £3 million per annum

9. Equalities implications / Public Sector Equality Duty

- 9.1 The proposals described above do not adversely impact upon persons within the protected categories.

Council Priorities

Please identify how the decision sought delivers these priorities.

- 1. Improving the environment and addressing climate change**
The framework will play a key role in the delivery of schemes designed to improve the energy efficiency of buildings and contribute towards the Council's decarbonisation strategy
- 2. Tackling poverty and inequality**
The framework will support the maintenance and refurbishment across the corporate estate, ensuring properties remain in a suitable condition to continue to support delivery of services, often to our most vulnerable residents
- 3. Building homes and infrastructure**
Supports investment in improving the infrastructure across the Corporate Estate and schools.
- 4. Addressing health and social care inequality**
- 5. Thriving Economy**
There will be an emphasis on using smaller, local suppliers for maintenance and smaller capital works, helping meet our obligations under the Social Value Act and our own corporate aims.

Section 3 - Statutory Officer Clearance

Statutory Officer: Dawn Calvert

Signed by the Chief Financial Officer

Date: 16/04/21

Statutory Officer: Graham McIntosh

Signed on behalf of the Monitoring Officer

Date: 14/04/21

Chief Officer: Paul Walker

Signed by the Corporate Director

Date: 14/04/21

Head of Procurement: Nimesh Mehta

Signed by the Head of Procurement

Date: 19/04/21

Head of Internal Audit: Susan Dixson

Signed by the Head of Internal Audit

Date: 19/04/21

Mandatory Checks

Ward Councillors notified: NO, as it impacts on all Wards

EqIA carried out: NO

The appointment of contractors to a minor works framework does not adversely impact on any of the protected groups. Where works is awarded to a contractor, specific EQIA's will be undertaken on a scheme by scheme basis

Section 4 - Contact Details and Background Papers

Contact: Mick Wynne, Head of Service, Corporate Landlord Capital Programme. Email: mick.wynne@harrow.gov.uk

Michael Rourke, Building Maintenance Manager

Background Papers: None

Call-in waived by the Chair of Overview and Scrutiny Committee

NO

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Report for: Cabinet

Date of Meeting:	29 April 2021
Subject:	Delay to Implementation of the IT System Dynamics
Key Decision:	Yes -the delay involves revenue and capital expenditure in excess of £500k.
Responsible Officer:	Charlie Stewart - Corporate Director of Resources
Portfolio Holder:	Councillor Adam Swersky - Portfolio Holder for Finance and Resources
Exempt:	No, except for Appendices 1 and 2 which are exempt on the grounds that they contain "exempt information" under paragraph 3 of Part I of Schedule 12A to the Local Government Act 1972 (as amended) in that they contain information relating to the financial and business affairs of the Council and PwC.
Decision subject to Call-in:	Yes
Wards affected:	All
Enclosures:	Appendices 1 & 2 – Commercial and Business details

Section 1 – Summary and Recommendations

This report requests Cabinet to note the requirement to delay the introduction of the Dynamics IT system due to Covid-19 constraints and seeks approval for the associated additional spend of £850k, and the appointment of PwC as the Council's Dynamics post implementation support and development provider for a period of 2 years. The award of the support contract will be funded from the existing IT revenue budget and Capital Programme in 2021/22.

Recommendations:

Cabinet is requested to approve:

1. The additional capital spend of £850,000 on the Dynamics programme in 2021/22.
2. The addition of £850k to the Dynamics Capital Budget in 2021/22 to be funded by a virement from the Resources ICT Capital Programme of £85k, plus virements totalling £765k from schemes which have underspent in the 2020/21 Capital Programme.
3. The appointment of PwC as the Council's Dynamics post implementation support and development provider for a period of 2 years. The cost as set out in Appendix 2 will be funded from the existing ICT revenue budget and phase 2 of the Dynamics Capital Programme in 2021/22.

The two-year extension, variation and increase in contract value of the existing contract with PwC is the maximum period permissible under the terms of the existing contract. This will allow work to continue that is required to 'Go Live' and agree the maximum period of post implementation support as per this recommendation.

Reason: (For recommendations)

The Council has had to divert significant resource and focus onto its response to the Covid-19 pandemic. It was hoped that even with these constraints the Council could complete the introduction of the Dynamics system on time. Up until the end of last year the programme was on track for completion by April 2021.

However, the most recent lockdown and its associated additional workload has diverted too much resource and focus to an already stretched programme and a delay to the implementation date is inevitable. The programme has been re-planned to complete in July 2021 and there are costs associated with this delay. Although these have been minimised, several essential resources are required to continue the programme and so reduce risks, and to undertake additional tasks that are necessary because of the delay. The additional cost of these resources is £850,000.

Post implementation application support is needed for the Dynamics system. The Council has conducted a soft market testing exercise and

determined that PwC offer the best value for money at lowest operational risk over a 2 year term. After 2 years the Council intends to be self-sufficient and will not require a support contract of this type.

Section 2 – Report

Background

In March 2020 Cabinet agreed to replace our 15 year old SAP system with Microsoft Dynamics so giving the Council a modern system to run most of our HR/pay, Finance and Procurement functions. The Dynamics HR/pay functions are run through an integrated solution developed by its partner Loki. There will be significant benefits from the introduction of Dynamics including continuous development of the system by a global software developer, easier rapid development by ourselves and integration with our other MS products.

However, although Dynamics is used globally by many large organisations including central government, Harrow will be the first UK Local Authority to introduce the solution, so the partnership with the highly respected system implementer PwC was also key. It was accepted by all partners (Microsoft, PwC and Harrow) that the implementation was of great importance for all as Microsoft and PwC wished to 'break into' the UK Council market with the Dynamics product.

There was therefore a firm commitment by all to work together to make this a successful implementation by April 2021 and up until Christmas the system's development was on track. Keeping the implementation on track was down to the hard work and tenacity of the combined team who had to grapple with the lockdowns and remote working. It was the first time PwC had ever done a development totally remotely.

However, the lockdown after Christmas took further resources and focus away from the programme and especially effected the programme's ability to ensure data was accessible, engagement was possible and capacity was available for testing and to work through the last, most difficult, development requirements. This last lockdown has therefore proved too much for the programme to continue on course and a delay has become inevitable.

The option to force through the development to try and complete on time was considered. However, this would have significantly increased the risk of system failure at go-live effecting staff pay, finance operations and procurements. Additionally, engagement and training of staff would have been at best minimal as staff were focused on Covid-19 duties.

The programme has been re-planned to now finish in July. This three-month extension provides enough time for resource to be made available and, as lockdown is eased, engagement with staff to become more viable.

Options for covering costs of three-month project extension.

The costs fall under three areas:

1. PwC and MS costs to manage the re-arrangement of staff's time and availability to fit the new timeline, including keeping staff available which means that they will not be able to move to other work. The cost estimate for this is £65,000, but PwC have said that they will cover this fee.
2. Additional work that occurs because of the delay to cover two further data migrations from SAP into Dynamics and two scheduled software upgrades which would have become due after go-live but are now required during the delay period.

3. Maintaining a cadre of staff who will continue to work on the programme. This will be additional resource to that required under the original plan as the work is spread over a longer time.

Three cost options have been considered, as set out below with more detail in Appendix 1.

1. Option one (total cost £1.5m) maintains the entire team for the three-month period of the delay. This option reduces the implementation risks to a minimum, but the high cost is not considered to add sufficient relative value and sufficient risk reduction is achieved through option 2.
2. Option two, (total cost £850k) which is recommended, provides a balance of cost, and risk mitigation by ensuring key staff are retained and we have the essential continuity. PwC and Microsoft have both agreed to pay for some of the costs in this option as outlined below.
3. Option three (total cost £723k) provides the minimal resource needs to only take the essential extra work. However, we will then lose key staff and continuity. This will place the programme at high risk and is therefore not recommended.

Options for ongoing support and development

Harrow is in the early stages of establishing an in-house Dynamics support and development function as part of the new IT service, but it will take time to retrain and recruit staff with sufficient technical and functional skills.

In the meantime, a third-party support and development partner is needed to undertake the following:

- Fix incidents (faults) or problems raised with the Dynamics Application, as part of the Council's wider IT support service.
- Apply regular updates to the software so it is maintained at a recent, supported version.
- Deal with requests raised for changes/enhancements to the system.
- Undertake major projects and programmes involving Dynamics, subject to capacity and leveraging capital funding where appropriate.
- Undertake a transfer of skills to the Harrow Finance, HR and IT teams

Three potential providers have been considered as set out in detail in Appendix 2. The most cost-effective option is offered by PwC who can leverage their off-shore capability to offer a support and development service to Harrow for a period of 2 years. PwC, as our Dynamics implementation partner also have an advantage that they know the system and its Harrow configuration. PwC have also agreed to reduce this fee by £100k as part of the deferred go-live commercial agreement.

Data Protection Implications

There are no new data protection implications arising because of this delay.

The Council's Data Protection Officer is involved in the project and the data protection impact assessment has been completed.

Ward Councillors' comments

Not applicable

Risk Management Implications

Risks included on corporate or directorate risk register? **Yes - Directorate** Risk Register.

Separate risk register in place? **Yes** - there is a risk register for the Project.

The relevant risks contained in the register are attached/summarised below: N/A as this report relates to the delay and the risks in the Register relate to the whole project.

The following key risks should be considered when agreeing the recommendations in this report:

Risk Description	Mitigations	RAG Status
Resurgence of Covid-19 taking resource and focus away from the programme.	Given the current progress in tackling Covid-19 and the successful vaccination programme this is felt unlikely. However, this is not within the control of the Council.	G
Data migration and testing uncovering issues with the development which could cause further delay.	Work actively with all partners to validate and reconcile data. Review test progress daily and escalate as necessary.	A
Programme staff leaving reducing continuity and losing knowledge from the team.	Partners have committed to retaining existing subject matter experts and development resources through to go-live. Council team also committed.	G
The main risk resulting from choosing option 2 over option 3 is the reduced Project Management and governance support from PWC.	All other partners such as LOKI (payroll implementer) and Edenhouse are providing the same level of support in all options. Also, the Council's internal resources are maintained at a consistent level, and it is therefore felt that this mitigates the risk from the reduced management and governance support from PWC. Also, all governance boards and meetings have been maintained with internal governance increased as we approach the end of the project.	A

Procurement Implications

The contract with PWC for the ERP implementation was compliantly awarded through the G-Cloud Framework and commenced in February 2020 and comes to an end at the end of May 2021.

There is provision within the contract to extend for up to two years. To that end we have the ability to compliantly extend our relationship with PWC for the period set out in the recommendations of this report. This will enable us to extend for the additional few months required as a result of the delay to the 'go live' date as well as for the period of post implementation support required from PWC as set out in the recommendations and body of this report.

There will also be a requirement to extend our current contractual arrangements with Loki and Eden house because of the delay in the 'go live' date which will also be done in compliance with procurement regulations.

Legal Implications

The contract with PwC for the ERP implementation was compliantly awarded through the G-Cloud Framework and commenced in February 2020 and comes to an end at the end of May 2021 or on the date on which the Deliverables under the Contract have been delivered in accordance with the terms and conditions of the Contract.

The Contract can be extended by the Council for up to 2 years on 4 weeks written notice to PwC before its expiry.

The Contract can therefore be extended under Regulation 72 (1) (a) of the Public Contracts Regulations 2015 (PCR) as the Contract contains a clear and express extension option.

The Contract can also be varied to include the post implementation support and development services under Regulation 72 (1) (b) (ii) of the PCR because the post implementation support and development services are additional services that have become necessary and were not included in the initial procurement, there are economic reasons to vary the Contract to include those services, a change of contractor would cause significant inconvenience and substantial duplication of costs for the Council, and the increase in the Contract price does not exceed 50% of the value of the original Contract.

Under Regulations 72(3) and (4) of the PCR the Council must submit a modification notice to Find a Tender Service.

The Contract extension and variation will need to be fully agreed and documented in a legal deed of variation to the Contract.

Financial Implications

The original capital budget for the Dynamics project is £6.150m as agreed by cabinet in March 2020. The additional £850k required as a result of the delay will take the total cost to £7.0m. Capital schemes cannot be added to the Capital Programme in year unless they are funded by grant or other external funding, in other words they need to be self-funding and not require any additional borrowing and therefore should be at no additional cost to the Council.

The additional £850k for the project extension will be funded as follows:

- £85k from a virement from the ICT Capital Programme as a result of a known underspend in the IT Capital budget.
- The remaining £765k will be funded by virements from other capital schemes that have underspent in 2020/21.

The funding for support and development over 23 months (July 2021 to May 2023) will be funded by a £100k cost-reduction offered by PwC, and from the current IT revenue budget and the phase 2 Dynamics 365 Capital budget in 2021/22 which will fund the development element of the support contract set out in Appendix 2.

Equalities implications / Public Sector Equality Duty

There are no Equality implications to this decision as follows.

- You are developing a new policy, strategy, or service - No
- You are making changes that will affect front-line services - No
- You are reducing budgets, which may affect front-line services - No
- You are changing the way services are funded and this may impact the quality of the service and who can access it - No

- You are making a decision that could have a different impact on different groups of people - No
- You are making staff redundant or changing their roles - No

Council Priorities

The Council's vision:

Working Together to Make a Difference for Harrow

The proposal meets the Council priorities and the Harrow ambition plan in terms of 'Be More Business Like and Business Friendly' by implementing a new and improved cloud based system which meets all our statutory, legislative requirements and business needs.

Section 3 - Statutory Officer Clearance

Statutory Officer: Sharon Daniels

Signed on behalf of the Chief Financial Officer

Date: 20/04/21

Statutory Officer: Stephen Dorrian

Signed on behalf of the Monitoring Officer

Date: 21/04/21

Chief Officer: Charlie Stewart

Signed by the Corporate Director

Date: 20/04/21

Head of Procurement: Nimesh Mehta

Signed by the Head of Procurement

Date: 20/04/21

Head of Internal Audit: Susan Dixon

Signed by the Head of Internal Audit

Date: 21/04/21

Mandatory Checks

Ward Councillors notified: NO, as it impacts on all Wards

EqIA carried out: NO - there are no equality implications identified as per the EQIA section of the report.

Section 4 - Contact Details and Background Papers

Contact: Chris Martin, Dynamics Programme Manager,
Email: Chris.Martin@harrow.gov.uk

Background Papers: None

**Call-in waived by the Chair of Overview and Scrutiny Committee -
NO**

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