
REPORT FOR: CABINET

Date of Meeting:	7th December 2017
Subject:	Selective Licensing of private rented accommodation in Roxbourne and Roxeth Wards
Key Decision:	No
Responsible Officer:	Simon Baxter, Divisional Director (Environment & Culture)
Portfolio Holder:	Councillor Graham Henson, Portfolio Holder for Environment
Exempt:	No
Decision subject to Call-in:	Yes
Wards affected:	Roxbourne and Roxeth
Enclosures:	Appendix A – Project Report on Selective Licensing Appendix B – Proposal for Introduction of Selective Licensing Scheme Consultation Reports Appendix C – Designation of Selective Licensing Appendix D – Draft Conditions Appendix E – Fee breakdown Appendix F – Equality Impact Assessment

Section 1 – Summary and Recommendations

This report proposes the introduction of a Selective Licensing Scheme (hereinafter referred to as “the Scheme”) in the wards of Roxbourne and Roxeth, which would require private rented accommodation to be licensed and meet conditions set out in the licence, in order to address significant and persistent problems with anti-social behaviour in those wards.

Previous schemes have been introduced in Edgware and Wealdstone, and the impact of these is starting to be seen with improved housing standards, better identification of “rogue” premises and increased powers for Officers to take action to improve premises.

Recommendations:

Cabinet is requested to:

1. Consider the evidence, consultation responses and other information forming part of this report, and determine whether the Roxbourne and Roxeth wards (as delineated and edged in red on the map at **Appendix C** should be designated as being subject to selective licensing).
2. If the Roxbourne and Roxeth wards are to be designated as being subject to selective licensing, confirm that the designation is to take effect from 1st February 2018 for a period of five years.
3. If approved, agree that the Council can begin to accept applications for selective licensing from 1st January 2018, in anticipation of the scheme coming into effect on 1st February 2018.
4. Note the licence fee of £550 and approve a discount of £75 on that fee where applicable
5. If the Scheme is approved, delegate authority to the Corporate Director of Community, following consultation with the Portfolio Holder for Environment, to take all steps necessary to publicise, commence and administer the Scheme.
6. If approved, note that the Scheme and the operation of the designation will be reviewed as and when required in line with Department of Culture and Local Government: Selective Licensing in the private rented sector – a guide for local authorities
7. If approved, delegate authority to the Corporate Director of Community, in consultation with the Portfolio Holder for Environment, to amend and approve discretionary licensing conditions
8. If approved, agree that a review of the Scheme will go to quarterly Improvement Board

Reason: (For recommendation)

To address issues of anti-social behaviour, deprivation, migration and crime in the Roxbourne and Roxeth Wards, in line with the corporate priorities of making a difference to residents, community, businesses and the vulnerable.

Section 2 – Report

1. Introduction

- 1.1 Harrow Council is committed to maintaining a clean and safe environment for the benefit of everyone in the Borough. The commitment recognises the Council’s responsibility to keep the local environment clear of litter, fly-tipping and vandalism; encourage behaviour change to initiate improvements; and, reduce the fear of crime in the Borough. This includes tackling rogue landlords, and assisting those that need help.
- 1.2 A project was set up in 2012-13 to identify areas within the Borough that were suffering from high levels of anti-social behaviour and environmental issues. This included using data held on the private rented sector, including council tax data.
- 1.3 As a result, three areas were identified that suffered from a high levels of problems, evidenced in the Project Report which can be found at **Appendix A**. This included the wards of Roxeth and Roxbourne, which showed above Borough average rates for serious crime and ASB, high levels of fly-tipping and a large volume of noise nuisance (especially from private rented properties).
- 1.4 The data was analysed for the period 2012-13 and addresses were cross-referenced with council tax data to determine how many ASB and housing related complaints related to private rented properties, which was 40% for Roxeth and Roxbourne.
- 1.5 Part 3 of the Housing Act 2004 allows Local Authorities to introduce a Selective Licensing Scheme if certain conditions are met for the area. The Department for Communities and Local Government “Selective Licensing in the Private Rented Sector: A Guide for Local Authorities” (hereinafter “the DCLG guidance”) states that the an area must have one or more of the following issues being experienced:
- i. low housing demand (not applicable in Roxeth and Roxbourne)
 - ii. significant and persistent problem caused by anti-social behaviour (ASB),
 - iii. poor property conditions,
 - iv. high levels of migration,
 - v. high level of deprivation
 - vi. high levels of crime
- 1.6 Details of what factors can be considered in respect of each problem area listed in para 1.5 are set out in pages 8 to 13 of the DCLG Guidance.
- 1.7 Designating an area for Selective Licensing, in combination with other actions, should lead to a reduction in, or the elimination of, the problems being experienced.
- 1.8 The designation of an area as being subject to selective licensing means that all private rented properties in the area, save for those subject to certain statutory exemptions, have to be licensed by the local authority, unless the property is a House in Multiple Occupation (HMO) and therefore subject to another licensing scheme.
- 1.9 The Local Housing Authority can decide to designate an area, or part of an area, as subject to selective licensing, subject to meeting the requirements, without Secretary of State approval. This is unless the designation exceeds 20% of the Borough’s geographical area or would affect more than 20% of private rented properties in the local authority area, in which case it would need Secretary of State approval. Although there are already other

selective licensing designations in effect in the Borough, cumulatively neither threshold is exceeded and approval is not therefore required.

Objectives and outcomes of a selective licensing scheme

- 1.10 The purpose of a Selective Licensing Scheme is to directly tackle issues affecting an area, as detailed in 1.5 above, attributable to private rented accommodation.
- 1.11 In addition, 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 a lack of a suitable numbers of bins for the occupants in place.
- 1.12 The evidence base for the areas concerned is covered within Appendix A (initial project report) and from 1.31 of this report. This includes evidence to show ASB and environmental issues across the two wards
- 1.13 By introducing the Scheme, proactive measures can be put in place through conditions imposed on all private rented properties including, for example, specific conditions relating to refuse and anti-social behaviour. This can be seen in the mandatory conditions, set out in Schedule 4 of the Housing Act 2004, and the proposed conditions (**Appendix D**) to be applied to licences issued by the Council.
- 1.14 It is intended that the introduction of a clear licensing regime will bring confidence to the private rented sector within the Wards, with all parties understanding the standards that private rented accommodation will operate to. This, as well as targeted enforcement against rogue landlords, will aim to reduce and, where feasible, remove the issues identified in section 1.5 but also give Enforcement more options to address them.
- 1.15 Encouragement is given to good landlords with a discount off the licence fee being offered for membership of an accredited landlord scheme. The proposed discount is £75, in line with what was agreed with the introduction of selective licensing in Wealdstone and Edgware Wards. This is in line with the DCLG Guidance which encourages support of voluntary arrangements such as accreditation.
- 1.16 For tenants, it will be clear what is expected of them as conditions imposed by the Scheme will require tenancy agreements to clearly define tenant obligations regarding the prevention of anti-social behaviour. This, as well as the requirement for references prior to the tenancy being granted, should lead to a reduction in ASB in the wards.
- 1.17 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 premises. Selective licensing, in conjunction with educational work that officers routinely carry out, will aid in setting down clear guidance and standards that help landlords better meet their obligations.
- 1.18 For rogue landlords, the introduction of selective licensing introduces a range of enforcement options leading to financial penalties that should discourage their activities. For instance a landlord that operates without a licence in an area where selective licensing is in force can be ordered by the Courts to pay to the Council rent received when the premises should have been licensed but was not.

1.19 Overall, selective licensing aims to improve the conditions of premises in an area, as well as the management of premises, and the behaviour of tenants, which will reduce negative impacts that they have on the communities they are in. 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. It will be conducive to good landlords but provide an environment that is less opportunistic and attractive for rogue landlords. It will also give the authority and landlords more power to deal with those tenants that choose to cause anti-social behaviour.

Aims:

To ensure:

1. A regulated standard of management and condition of private rented properties. Improving the standards to ensure landlords improve their properties and manage tenancy agreements to reduce anti-social behaviour;
2. A more settled and diverse community living with improved security and a sense of community;
3. Home owners who do not sell up purely because of frustration / fear that their area is considered less appealing and house prices falling compared to neighbouring areas;
4. Encourage the good tenants to stay in the area and avoid displacement of tenants;
5. The area to be considered an attractive area to live and work, which can result in improved economic future for local businesses;
6. A fairer market for good landlords to operate in.

Objectives:

A reduction in:

1. Accumulation of waste ;
2. Drug and alcohol related crime;
3. Gang nuisance;
4. Illegal conversions;
5. Negativity due to badly managed and poorly maintained properties;
6. Overcrowding;
7. Sub-letting;
8. Vandalism;
9. Transient population, leading to a more stable community.

Ward Area Approach

1.20 The National Landlord Association view have stated that Selective Licensing can be an effective tool for councils in improving standards when carried out properly, but must be fully resourced¹. This is in line with the DCLG Guidance, which sets out that Local Housing Authorities should ensure that their schemes are adequately resourced and include services to engage with landlords and tenants who need their assistance.

1.21 A large number of Authorities have adopted a borough wide approach to selective licensing, which has resulted in an increase in staffing to address the whole borough requiring licensing at the same time. Due to the a selective licensing designation lasting for 5 years, where a whole borough designation has been applied this has led to a high level of fees being received at the start of the scheme, but then falling away over the 5 year designation period. As a result, resources to engage with landlords and sustain the scheme diminish.

¹ <http://www.londonpropertylicensing.co.uk/harrow-council-implement-selective-licensing-scheme>

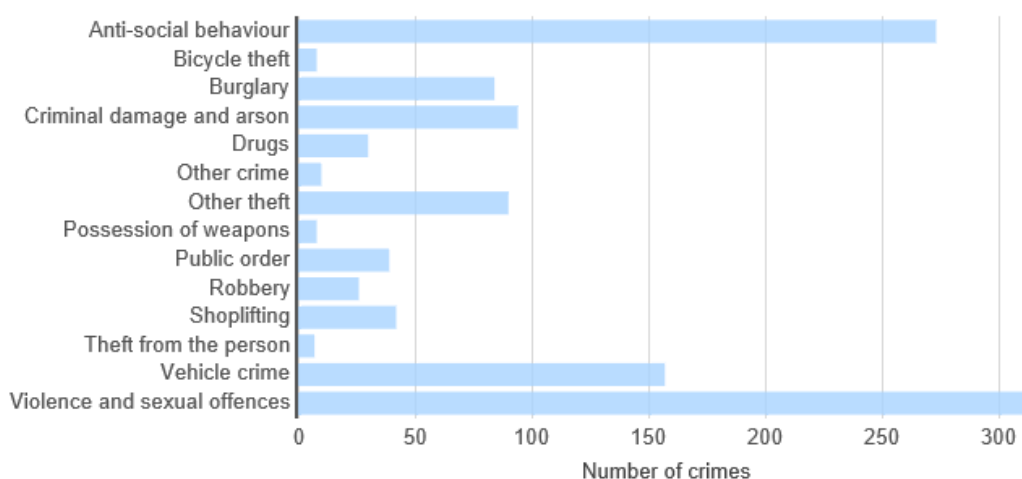
- 1.22 Harrow Council has adopted the approach of looking at the key locality areas identified by the previous project (**Appendix A**), as being those with clear links between the private rented sector and matters of ASB and Environmental issues. By addressing these on an individual basis it ensures that they receive attention for their own specific needs, allows consultation on those areas, and ensures any fee from the introduction of a local scheme is sufficient to adequately manage it including providing support elements to landlords and tenants.
- 1.23 Harrow therefore agreed in 2014 to pilot some of the key areas identified in the project, namely Edgware, Wealdstone and South Harrow. Each area was consulted about selective licensing, with selective licensing introduced after the period of consultation. Edgware was consulted on and introduced in December 2015. Wealdstone was then consulted upon and introduced in June 2016. In line with the March 2015 Cabinet report, Roxbourne and Roxeth were the next areas to be looked at, and consultation took place between January and July 2017 through various mechanisms.
- 1.24 There is nothing in relevant legislation to prevent a ward by ward (or area by area) approach. It can be argued that this approach is more in line with the requirements of the legislation and the guidance. This is because it allows the requirements for selective licensing to be introduced, shown in 1.5 above, to be considered for each area rather than assumed for the whole borough
- 1.25 The DCLG guidance states “A designation may be made to combat problems in an area experiencing poor property conditions, an influx of migration, a high level of deprivation or high levels of crime”. It is not feasible, as it stands, to argue that the whole Borough of Harrow suffers from such issues, and it is for this reason that a whole borough approach is not considered.
- 1.26 Taking an individual area by area approach in the Borough has:
- Allowed targeting of areas in specific need rather than a generic borough-wide approach;
 - Allowed addressing of the specific issues in each area, showing the evidence base linked to the DCLG guidance; and
 - Allowed sustained resources as schemes are introduced over 5 years, leading to licensing funding continuing rather than being concentrated at the start of the scheme.
- 1.27 There have been two concerns raised as part of the consultation process to this approach, being:
- a. It is seen as an attempt to introduce a scheme to avoid the 20% criteria set out in 1.9 above; and
 - b. There are far worse areas in Harrow that are not being consulted on
- 1.28 The DCLG Guidance is very clear in that “if the local housing authority makes one or more designations that are in force partly concurrent to an existing scheme, and cumulatively all the designations cover more than 20% of the area or the private rented stock (estimated with this scheme, will be at around 15% maximum), those new designations will need to be submitted to the Secretary of State for approval”. Therefore the concerns in a. above are addressed in the DCLG Guidance and the Council has no intention of avoiding these requirements. With the introduction of this new scheme, as well as the previous 2, it is estimated that only around 12% of the 18,000 private rented accommodation across the Borough will be affected.

- 1.29 In terms of areas selected, the requirements of legislation and DCLG Guidance is to identify if an area suffers from one or more of the criteria detailed in 1.5. The fact that other areas may also meet the criteria is relevant for future schemes but not a deciding factor in terms of order of approach or whether any one area is more suitable for such a scheme than another.
- 1.30 This appears to be supported by the DCLG guidance, for example under the element of “High levels of crime” is stated “whether the crime rate in the area is significantly higher than in other parts of the local authority area or that the crime rate is higher than the national average”. It does not state it must be higher than all other areas in the borough or that even it must be the worst in the borough.

Roxbourne – Evidence Base

- 1.31 To meet the requirements to introduce selective licensing, it must be shown that Roxbourne and Roxeth wards meets one or more criteria set out in the DCLG Selective Licensing Guidance (see paragraph 1.5 above).
- 1.32 Government census data shows Roxbourne to have 4512 households of which 23.69% are private rented. This is above the average for Harrow (21.74%). One of the requirements of the DCLG guidance on Selective Licensing is to show an area has a high proportion of private rented sector accommodation, with anything above the national average of 19% meeting this criterion.
- 1.33 Roxbourne Ward has had Anti-Social Behaviour designated as a priority² due to it being the second biggest crime issue for the Ward as can be seen in the table below:

Comparison of crime types in this area between June 2016 and May 2017



- 1.34 Anti-Social Behaviour accounted for 23.08% of all crime types over the period June 2016 to May 2017 in Roxbourne Ward.

² Police.uk

- 1.35 Government census data³ also shows that Roxbourne ward has a high level of migrant population, accounting for 48.39% of the population. This includes high levels of transient population in the ward, which can have a direct effect on the economic stability of an area. which is specifically recognised in the DCLG Guidance as an influence on deciding to introduce such a scheme.
- 1.37 The average household size in Roxbourne is 2.83 compared to a Harrow Borough average of 2.81. Due to the increase in size of population and relatively high level of occupancy levels, there are tangible concerns over properties becoming overcrowded. This is a consideration under the DCLG Guidance for the introduction of such a scheme.
- 1.38 The CLG indices of deprivation show that Roxbourne is the ward with the second highest level of multiple deprivation (Wealdstone being the first), followed by Greenhill and Marlborough.⁴ It has one of the highest levels deprivation in the Borough around income, education, skills, training and employment. In terms of Income Deprivation Domain, being the proportion of people aged under 60 in an area that are living in low income households and claiming certain out-of-work means tested benefits, Roxbourne Ward is the second most deprived ward in the Borough after Wealdstone
- 1.39 These deprivation levels mean that Roxbourne Ward falls within the remit of high level of deprivation as defined under DCLG Selective Licensing Guidance. This is due to meeting multiple deprivation levels and having a high proportion of rented accommodation (Page 11, DCLG Guidance)
- 1.40 Roxbourne has fallen in to the top 5 wards in the Borough for crime levels over the last 5 years running, with particular emphasis on criminal damage, vehicle crime and sexual offences⁵. As stated, Anti Social Behaviour is one of the top crime areas, and at 38 incidents per 1000 persons, is above the average for both London (31) and England & Wales (35)
- 1.41 The private rented sector in Roxbourne is also subject to numerous complaints that are directly linked to the criteria of Selective Licensing, including rubbish (lack of bins / fly tipping), noise (music and DIY), poor conditions (damp, overcrowding). This was originally demonstrated within the original project report (Section 3.1 of the report covers the main evidential aspects)

Roxeth – Evidence Base

- 1.31 Government census data shows Roxeth to have 3791 households of which 22.5% are private rented. This is above the average for Harrow (21.74%). One of the requirements of the DCLG guidance on Selective Licensing is to show an area has a high proportion of private rented sector, with anything above the national average of 19% meeting this criterion.
- 1.33 Roxeth ward has had Anti-Social Behaviour designated as a priority⁶ due to it being the biggest crime issue for the Ward as can be seen in the table below:

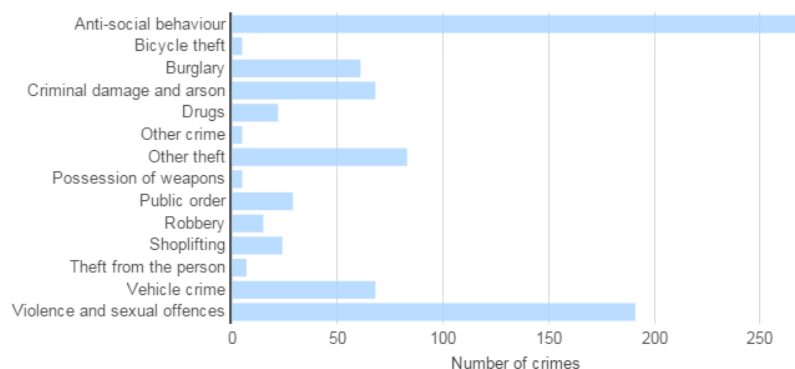
³ http://www.harrow.gov.uk/download/downloads/id/2017/2011_census_briefing_note_13

⁴ http://www.harrow.gov.uk/download/downloads/id/3791/2011_2013_deprivation

⁵ Greater London Authority - Met Police recorded offences per ward for London

⁶ Police.uk

Comparison of crime types in this area between November 2014 and October 2015



- 1.34 Anti-Social Behaviour accounted for 31.89% of all crime types over the period July 2016 and June 2017 in Roxeth ward .
- 1.35 Government census data⁷ also shows that Roxeth ward has a high level of migrant population, accounting for 48.38% of the population. This includes high levels of transient population in the ward, which can have a direct effect on the economic stability of an area. This is recognised in the DCLG Guidance.
- 1.37 The average household size in Roxeth is 3.07 compared to a Harrow Borough average of 2.81. Due to the increase in size of population and relatively high level of occupancy levels, there are tangible concerns over properties becoming overcrowded. This is a consideration under the DCLG Guidance for the introduction of such a scheme.
- 1.38 The CLG indices of deprivation show that Roxeth has above average levels of multiple deprivation for the Borough.⁸ It has the above average levels deprivation of the Borough around income, education, skills, training, health, adults, children and employment. Roxeth is in the bottom third of wards in Harrow in terms of Indoors Living Sub-Domain deprivation. The 'indoors' living environment measures the quality of housing and is made up of the following indicators –
- Houses without central heating: The proportion of houses that do not have central heating
 - Housing in poor condition: The proportion of social and private homes that fail to meet the Decent Homes standard
- 1.39 These deprivation levels mean that Roxeth ward falls within the remit of high level of deprivation as defined under DCLG Selective Licensing Guidance. This is due to meeting multiple deprivation levels and having a high proportion of rented accommodation (Page 11, DCLG Guidance – **Appendix A**)
- 1.41 The private rented sector in Roxeth is also subject to numerous complaints that are directly linked to the criteria of Selective Licensing, including rubbish (lack of bins / fly tipping), noise (music and DIY) and poor conditions (damp, overcrowding). This was originally

⁷ http://www.harrow.gov.uk/download/downloads/id/2017/2011_census_briefing_note_13

⁸ http://www.harrow.gov.uk/download/downloads/id/3791/2011_2013_deprivation

demonstrated within the original project report (Section 3.1 of the report covers the main evidential aspects)

Consistent with Housing Strategy

Ensure selective licensing is consistent with the Authority's overall housing strategy

- 1.42 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.
- 1.43 The DCLG Guidance on Selective Licensing states that any selective licensing designation is consistent with the Borough's overall housing strategy, in line with Section 81(2) of the Housing Act 2004.
- 1.44 The Council's Housing Strategy⁹ (2013-2018) 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. Selective Licensing fits into the objectives set out in the strategy being:

Housing Strategy Objectives	Private Sector Housing Strategy Objectives
Increase the supply of housing, including locally affordable housing and make best use of existing social housing stock	<ol style="list-style-type: none"> 1. Increase the supply of privately rented accommodation within the borough 2. Enable and enforce better housing conditions in the private sector
Continue to tackle homelessness by improving access to, and improving standards in the private rented sector	<ol style="list-style-type: none"> 3. Bring empty properties back into use (indirect effect)
Enhanced housing options, promoting mobility and choice (by bringing housing up to standard across the area)	<ol style="list-style-type: none"> 4. Meet the needs of vulnerable households living in the private sector
Improving neighbourhoods and the quality of existing homes	<ol style="list-style-type: none"> 5. Improve energy efficiency and reduce fuel poverty 6. Develop new and strengthen existing partnerships to support private sector housing

- 1.44 In setting a designation, a set of conditions applicable to the area are applied and enforced under a licensing scheme. As can be seen in **Appendix E** (draft conditions), aspects of management, energy efficiency and protection of those using the premises is covered.
- 1.45 The use of Selective Licensing is therefore in line with the Council Housing Strategy.

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

⁹ Harrow Strategies can be found at:

http://www.harrow.gov.uk/info/200003/housing_policies_and_planning_for_housing/184/housing_changes/2

- 1.46 Section 81(3) of the Housing Act 2004 sets out that a local housing authority must seek to adopt a co-ordinated approach in connection with dealing with homelessness, empty properties and anti-social behaviour affecting the private rented sector.
- 1.47 Selective licensing is just one aspect of the Public Protection Service, which also oversees the Anti-Social Behaviour Team, inspection of private rented accommodation and enforcement of environmental issues (e.g. fly tipping caused by persons including tenants). This team also liaises with the Council's Housing Services Anti-Social Behaviour Officer to ensure a consistent approach to issues.
- 1.48 The Anti-Social Behaviour, Crime and Disorder Act 2014 introduced new powers that can be used to address issues of ASB, including absolute grounds for possession as well as injunctions for conduct causing nuisance to landlord etc. These powers, as well as those considered in Section 2 of this report (Options considered) will be used in parallel with selective licensing to improve the area.
- 1.49 Key to the success of the services conducted, and schemes such as Selective Licensing, is partnership working and for that reason Officers meet regularly with the Council's Housing Service to ensure a consistent approach to Homelessness, empty properties and emergency accommodation.
- 1.50 It is through such schemes as selective 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.
- 1.51 It is understood that other aspects can have an impact on landlords, for example changes to tax and stamp duty. Therefore meetings between Public Protection and Housing Services will continue to assess steps that can be taken to assist landlords with understanding the changes and how to meet their obligations. This includes regular newsletters to landlords involved in selective licensing areas.
- 1.51 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.
- 1.52 Officers also undertake a substantial volume of partnership work with the Police, Immigration and Social Services around the private rented sector, to ensure issues are addressed and solutions found. This includes a number of raids on unlicensed and unsuitable premises, with focus on protecting the vulnerable.
- 1.53 The Edgware and Wealdstone selective licensing schemes have already seen this in action. Inspections are conducted on all licensed premises and, as a result of one, found that the tenant was involved in drug offences. Licensing Officers, Police, ASB and Social Workers have combined to protect the children living in the accommodation and assist the landlord who was unaware of the activity taking place.
- 1.54 By having a well-managed private rented sector, it increases the residential stock of suitable standard for the purposes of addressing homelessness and emergency accommodation. The improvement of this sector is also likely to increase demand for housing and attract good landlords to an area. In turn, this will hopefully encourage the bringing back into use of any empty homes.

2. Options considered

- 2.1 Section 81(4) of the Housing Act 2004 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, and that making the designation will significantly assist them to achieve the objective(s).
- 2.2 Discussion about these options took place as part of the consultation, including at the landlord and Ward forums. For some, such as the additional and mandatory HMO licensing schemes, these are already in place.

Do Nothing

- 2.3 Evidence (appendix A) has shown that the Wards are subject to conditions that require intervention, for the purpose of helping the community.
- 2.4 Consultation shows that issues have remained in place despite other forms of intervention taking place.
- 2.5 In line with Council commitments and requirements of putting the community first, the option of doing nothing is not recommended. If no action is taken the problems experienced in the Wards are likely to continue.

Mandatory & Additional Licensing

- 2.6 Mandatory licensing refers to the licensing of Houses in Multiple Occupation (HMO) where the premises are three or more storeys, is occupied by five or more people who form two or more households and the occupants share toilet, bathroom or kitchen facilities. This licensing regime has been in place in Harrow since 2006, but only covers a small portion of the rented accommodation sector unlike selective licensing.
- 2.7 Despite being in place for more than ten years, with proactive enforcement being in place, some of the issues highlighted in the evidence above have still continued to occur.
- 2.8 Mandatory Licensing is able to ensure that standards are in place for specific, individual premises but not able to raise them in an area per se. Therefore the use of this licensing regime alone would not meet the same objectives as a selective licensing scheme.
- 2.10 Additional Licensing covers Houses in Multiple Occupation not subject to the mandatory scheme noted above. In Harrow this covers two storey properties occupied by different households. Harrow had such a scheme in place from 2010, with the 5 year designation ending in November 2015. It came back into force from 1st March 2016 after approval by Cabinet in November 2015.
- 2.11 Again, this addresses matters of multi occupied premises, but does not ensure a consistent approach across the rented sector in an area to bring standards up.
- 2.12 Relying on additional licensing would only address one aspect of the private rented sector and most of the private rented accommodation in Roxeth and Roxbourne would not fall within the additional licensing scheme.

Borough Wide Designation under Selective Licensing

- 2.14 Some councils have adopted Borough Wide schemes, such as seen in Newham, but Harrow Council 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. For the areas proposed in this report, Roxeth and Roxbourne, the evidence base is established, but it is not established for the whole Borough.
- 2.15 It should be noted that there has been wide spread public support for selective licensing on a larger scale, but there is insufficient evidence to justify the introduction of 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 problem areas.
- 2.16 It is important that any such scheme is actually seen to work, and it therefore makes operational sense to introduce selective licensing gradually in areas identified by the project to understand how it works and ensure it does deliver the outcomes required. This has occurred in Edgware, and is starting to be seen in Wealdstone.
- 2.17 It is the intention of the Council, if Selective Licensing is approved for Roxeth and Roxbourne, to monitor the implementation of the scheme as well as look at the other identified areas to understand its effect fully and whether such schemes would be suitable for implementation for other areas identified within the Borough.
- 2.19 As it currently stands, there is insufficient evidence to justify a Borough wide roll out of such a scheme, and the area approach will provide good evidence to show effect and need going forward.

Accredited Landlord Scheme

- 2.19 There are accredited landlord schemes in operation that put in place a consistent standard and lead to improved standards of accommodation, but not necessarily matters of ASB. While such schemes are valuable, it is imperative that all landlords in an area engage in improving it. Accredited landlord schemes are 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.
- 2.20 As part of the selective 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 rewards 'good' landlords who have been proactive in approach and who have already signed up to implement agreed standards. This would provide a consistent approach as introduced in Edgware and Wealdstone
- 2.21 This option is already in place, but merely complements licensing and does not address the wider issues that selective licensing is expected to help with.

Action against Individual Cases

- 2.22 Legislation allows enforcement action to be taken against cases of nuisance and fly tipping (Environmental Protection Act 1990), Anti-Social Behaviour (ASB, Crime and Policing Act 2014) and other related matters.

- 2.23 The Council has introduced Fixed Penalty Notices for environmental issues, such as littering across the Borough as well as a Borough wide Public Space Protection Order to address low level ASB, such as spitting.
- 2.24 The Anti-Social Behaviour, Crime and Policing Act 2014 also introduced additional powers to local housing authorities by way of absolute grounds for possession in housing cases where certain conditions are met, although this will only assist with council tenancies.
- 2.25 The issue with reliance on these powers is that it affects property and / or person specific issues and does not necessarily address a wider issue, although their use may have some deterrent effect.
- 2.26 The DCLG Guidance recognises that selective licensing is not a tool that can be used in isolation, and the above enforcement powers can be used to compliment a change in culture and address issues.
- 2.27 Action is already taken against individual cases, but has localised effect on its own.

Special Interim Management Order

- 2.28 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 a residential property tribunal.
- 2.29 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.
- 2.30 These are strong powers to deal with isolated individual problems of individual anti-social behaviour which nevertheless seriously impact upon the community.
- 2.31 This option is already in place, but has localised effect on its own and can be used where a focused approach is needed.

Part 1 of the Housing Act 2004

- 2.32 These enforcement powers are designed to effectively deal with hazards within a property and though effective at getting landlords to remedy such hazards, Part 1 of the Act does not offer a wider strategic option to improve a designated area.

Empty Property Strategy

- 2.33 The Council already has an intervention team dedicated to bringing long-term empty dwellings back into use but this initiative is only restricted to empty homes and cannot deal with poorly managed private rented accommodation.

Landlords Forum

- 2.34 The Council has been hosting landlord forums for many years which have shown a lot of interest from landlords and are a great way of exchanging information and educating our landlords who operate in the Borough. But, the Forum 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.

Designation of the Roxbourne and Roxeth wards for Selective Licensing

- 2.35 Selective licensing applies to privately rented homes which are not HMOs.
- 2.36 In light of the consultation outcome, in conjunction with the evidential reports within the appendices including the consultation feedback, it appears that a Selective Licensing scheme designation for the Roxbourne and Roxeth wards would help to tackle the issues identified.
- 2.37 The introduction of such a designation would allow a consistent approach across the Ward that works in conjunction with the Mandatory and proposed Additional Licensing Schemes, as well as enforcement powers, to address the issues highlighted in the area.
- 2.38 It should be noted that a premises that is subject to Mandatory or Additional Licensing would not also need to apply for a Selective License.
- 2.39 This option is recommended to Cabinet to put in place a targeted approach to deal with the issues being experienced in the Wards.

3. Community Consultation

- 3.1 The Department of Communities and Local Government Selective Licensing Guidance recommends that any consultation on a scheme is for a minimum 10 weeks.
- 3.2 Consultation must cover local residents, landlords and tenants (and any other person likely to be affected by the selective licensing designation). It should also include those who operate businesses or provide services in the surrounding area outside of the proposed designation that will be affected.

The Department of Culture and Local Government Guidance sets out that this involves “reasonable steps”. Case law relating to consultation (including R v Brent London Borough Council, ex parte Gunning (1985), Regas, R (On the Application of) v London Borough of Enfield, and Croydon Property Forum Ltd, R (on the application of) v The London Borough of Croydon) has also been taken into account.

- 3.3 The consultation on the introduction of a selective licensing scheme in the ward of Roxeth and Roxbourne ran from January to end of July 2017. The aim of the consultation was to seek the views of residents, landlords, local businesses and other stakeholders in the area and neighbouring boroughs about the issues in the Ward and the potential introduction of the selective licensing scheme. It included details of the draft licence conditions and fee that would be involved.
- 3.4 The consultation was both on line and also available in hard copy. It also comprised social media communications, use of London Property Licensing website and comms, and email signatures promoting the consultation on all officers emails. Copies of the form are attached in **Appendix B**. Consultation was not restricted to any one area, and accepted views from any person / business that had a view or would be affected.
- 3.5 Consultation was also conducted with neighbouring Boroughs due to potential concerns over displacement of issues, as well as being in line with recent case law. This included provision of the consultation document to neighbouring ward premises that could be impacted.

- 3.6 Feedback from the consultation is contained in **Appendix B**, with a summary below.
- 3.7 Formal consultation also took place with other relevant partners, including Housing Needs, due to the need to ensure a tie in with any approach addressing homelessness and empty homes.
- 3.8 Considering other Councils who have introduced a Selective Licensing scheme, there appears to be no evidence base to suggest an increase in homelessness as a result of such a scheme being introduced. This ties in with the lack of evidence of an increase in homelessness as a result of introducing additional and mandatory HMO licensing in the Borough.
- 3.9 It should be noted that although consultation officially ended on the 31st July 2017, the service has continued to accept consultation feedback and comments. This is important to take on board all views and work with the area to improve it. Such aspects of the licensing scheme, for instance the discretionary conditions, can be adapted should there be a need so it is important that any feedback is taken into account as part of an on-going review process.
- 3.10 Section 84 of the Housing Act 2004 requires local housing authorities to review the operation of a designation made by them from time to time. It is important to note that the Designation can be revoked if the authority considers it appropriate to do so, eg. as it is no longer needed or not contributing to the aims and objectives set out.

Summary of Consultation

- 3.11 The consultation feedback is found within **Appendix B**.
- 3.12 There was limited response despite consultation taking place through different methods, and the majority of respondents came from businesses and residents based in Harrow.
- 3.13 The key results from the consultation showed:
- 47% of people had experienced problems with private rented properties
 - 74% of respondents believe the Council should have more control over the way that private rented landlords manage their properties
 - 25% of landlords / managing agents believe landlords are not taking enough action against tenants who cause a nuisance/ ASB
 - 46% of landlords / managing agents believe the Council should have more control over the way that private rented landlords manage their properties
 - 75% of respondents believe that selective licensing may or will lead to improvements
 - 77% of respondents believe that selective licensing will provide greater confidence in the private rented sector
 - 70% of respondents believe will lead to partnership to address ASB issues in the private rented sector
- 3.14 Therefore while consultation responses were very limited, the majority of those responding acknowledged there was an issue and that selective licensing would address it.

4. Licensing Requirements and Impact

- 4.1 Under the Housing Act 2004, selective licensing is subject to certain mandatory conditions that would be applied to all licences.
- 4.2 Further, discretionary conditions can also be applied in relation to certain aspects; it is proposed to include these to directly address elements of anti-social behaviour, including environmental impact. All proposed conditions, together with the mandatory ones, are shown in **Appendix D**.
- 4.3 The discretionary conditions are linked to the management of the premises and the tenant's use of the premises, and try not to put any further financial burden on any party. Additionally, they include the requirement to inform the Authority of any material change to the premises or any legal action / convictions that occur. This is aimed at maintaining confidence in the licensing scheme.
- 4.4 The original assessment of a selective licensing scheme (Report seen in **Appendix B**) addressed the conditions that would be applicable, and these formed the basis of those proposed and subject to discussion during consultation.
- 4.5 Further consultation covered the aspect of what the conditions were to address including information given (e.g. The Selective Licensing Leaflet) as well as during forums and door-to-door survey discussions. As a result of the consultation process, these conditions were amended and adjusted to ensure direct impact to address the areas of evidenced concern in the areas.
- 4.6 The conditions have also been set in line with those applied by neighbouring boroughs, to ensure consistency of approach as landlords and tenants operate across boundaries, and therefore trying to minimise the burden on landlords by minimising conflicting or additional requirements and to avoid displacing any issues.
- 4.7 The fee set on application covers the reasonable monitoring of licences to ensure compliance, with the majority of the fee expected to cover the cost of the application and approval stages, as well as covering the initial administration costs.
- 4.8 It should be noted that the Council has no influence on the mandatory conditions that are applied regardless of the area and extent of any selective licensing scheme; they are prescribed by statute. It is accepted that, to ensure that the scheme addresses issues in the areas, that the discretionary conditions are subject to change.
- 4.9 In terms of fee, this is proposed at £550, with a £75 discount for accredited landlords. The breakdown of the Fee, in terms of how it is reached, can be found in **Appendix E**. The £550 is set within the Council fees and charges and the £75 is proposed to be in line with the other Selective Licensing areas.
- 4.10 The statutory requirements that govern the fee can be found in Section 7 below.
- 4.11 It is understood that the introduction of such a scheme can be seen as having a negative impact, as raises the concern that the fee is then passed on to the tenant or discourages investment in an area.
- 4.12 The fee of £550 is for a licence up to 5 years, which equates to £2.11 additional cost a week. When taken into context of a current 7% annual rise in rent in Harrow¹⁰, and a 2.6%

¹⁰ <https://data.london.gov.uk/dataset/average-private-rents-borough>

increase in Greater London rents month to month¹¹, this fee does not appear to impose any restrictive element to the market.

- 4.13 The fee does not include enforcement costs, or additional costs from non-compliance. Therefore the cost to a compliant landlord remains low. For those who breach their licences or legislation, and enforcement is considered in line with policy and procedure, enforcement costs can be recovered as part of the enforcement process.
- 4.14 From the schemes introduced throughout the Country to date there appears no evidence, which the Council is aware of, of any detrimental effect on an area by the introduction of a Selective Licensing scheme.

Unfortunately other London Boroughs that have implemented Selective either are not comparable size, composition etc. (e.g. Newham with 40%+ rented accommodation, 36% social housing), or have not been carrying it out long enough (e.g. Croydon which has been going for less than 2 years), or been carrying out a Borough wide version to provide a comparison of a similar scheme to show impact to date.

- 4.15 As well as looking at other Schemes to learn from their experience, Harrow has also listened to Landlords, Landlord Associations and other relevant bodies in understanding what would make a positive difference. As a result, Harrow is committed to carrying out inspections of all properties it licences to ensure standards are met and maintained, and this can be seen in the comparison above. This will aim to help meet the aims and objectives set out previously.
- 4.16 The Edgware Selective Licensing Scheme has demonstrated the Councils commitment to addressing the issues identified within 1.5 since coming into effect from 7th December 2015.
- 4.17 Harrow is committed to actually having a positive effect on the areas involved, but also on the landlords and their properties. The feedback from Edgware Landlords to date when submitting applications has been positive in the majority, understanding the aims of the scheme and the beneficial impact to the area.

5. Designation

- 5.1 Should Cabinet agree to the introduction of the Scheme for Roxeth and Roxbourne wards, a Designation Notice must be issued which gives formal notification of the Scheme. This Designation Notice must comply with the requirements set out in Section 83 of the Housing Act 2004, including the proper publication of it.
- 5.2 A period of no less than three (3) months (from the designation being made) must pass before the scheme then comes into force. This period is to be used to advertise the scheme, work with landlords and ensure the Scheme's successful implementation.
- 5.3 Based on the above, it is proposed that the designation of the scheme comes into force on 1st February 2018, which meets the 3 month period prescribed by statute and allows for the call in period.

6. Implications of the Recommendation

¹¹ <https://homelet.co.uk/homelet-rental-index>

Resources

- 6.1 There are currently four licensing officer posts and an administration officer that is involved in selective licensing. As part of an on-going enforcement review, additional resources are to be placed within this team to ensure effective compliance and enforcement.
- 6.2 Additionally, in year for 2017-18, temporary funding has been made available to bolster the number of officers to 3 additional licensing officers. This covers any capacity issue while the enforcement review is put in place.

Performance Issues

- 6.3 Improving the private rented sector in Roxbourne and Roxeth will have a positive impact on helping make a difference to families, businesses and communities. It fits in with Harrow's Housing Strategy to provide good quality private sector housing locally, which recognises the contribution that a healthy private rented sector can make to the provision of housing solutions for those who cannot access home ownership or affordable housing.
- 6.4 The process to consult with, and introduce the selective licensing scheme has also enabled the identification of empty properties. The Council can enable and encourage property owners by offering a range of grants, funded with both external and council resources, to bring properties up to a standard suitable for letting. Selective licensing will enable the environment that encourages the right responsible landlords, but with assistance to them to help with tenancies, to contribute to the area.
- 6.5 By introducing the scheme, with clear conditions that must be met, the Council can assist and enable landlords and owners to achieve good standards, but recognising that it will be easier to target and achieve compliance with those landlords who seek to provide sub-standard accommodation. This will hopefully provide more suitable accommodation that the Council could also use for the purpose of housing homeless, knowing that minimum standards are ensured.
- 6.6 The introduction of selective licensing also ties in with the Council's Private Sector Housing Strategy for 2013-2018, using additional powers to address areas where private sector housing can be seen to contribute to issues faced in the community and need addressing. It is to work with good landlords to provide them the environment where their properties will be successful and can be managed successfully. This includes removing rogue landlords from the area which lead to detrimental effects on areas (e.g. lack of refuse management, noise, ASB) which are adverse to attracting tenants and giving a detrimental view of an area.
- 6.7 With the Council's Private Sector Housing strategy and with the introduction of further selective licensing, Harrow Council believes that, through investment in private sector housing and by ensuring that good standards are maintained, wider benefits for the residents of Harrow will be delivered.
- 6.8 In view of the Council's limited resources, the Private Sector Housing Strategy focuses on what can be done to encourage and facilitate the continued provision of a good quality private housing sector, including private rented housing. This will be achieved by working in partnership with other boroughs, landlords, developers and private tenants and residents, whilst using available enforcement resources to tackle the worst conditions in the sector. Selective licensing builds on, and encourages this process and allow a sustainable approach.

- 6.9 The introduction of selective licensing will make a difference to the community within Roxeth and Roxbourne, by directly influencing the ASB, property standards and environmental issues affecting the area. It will introduce conditions that the private rented sector will have to meet to ensure that their properties are maintained and managed properly. And it will encourage a sustainable private rented sector market.
- 6.10 If the scheme is not introduced, then it will limit the options the Council has to make change across an area, with resources being focused on individual problem premises and people and not addressing the wider issues.

Environmental Implications

- 6.11 The aspects seeking approval are expected to have a hugely positive impact on the Environment, by putting in place a proactive scheme that addresses matters evidenced within the area. Recent reports regarding Edgware show increase in house prices and desirability to live in the area¹²
- 6.12 The conditions on the licences will also directly relate to environmental matters, for instance in the aspect of refuse storage, and ensure that all parties connected to private residential properties play their part in improving the area they reside in.

Risk Management Implications

- 6.13 This scheme does not feature in the Directorate or any other corporate risk register.
- 6.14 The consultation and processes undertaken to get to the stage of recommending selective licensing were carried out in line with government guidance and minimises legal risk. It has also taken on board legal challenges faced by other Councils that introduced, or looked to introduce, selective licensing schemes such as Enfield and Rotherham.
- 6.15 The introduction of a consistent standard across an area also enables that properties, and those connected to them, are treated fairly and consistently, minimising any complaint regarding process or policy.
- 6.16 The aspect of resources is covered in 6.1 and there are no health & safety implications associated with this proposal.

7. Legal Implications

Selective Licensing designations

- 7.1 Sections 80 to 84 of the Housing Act 2004 (hereinafter referred to as 'the Act'), specifically covers the designation of selective licensing areas. Section 80(1) allows a local housing authority (i.e. the Council) to designate either the whole of its area or an area within it to be subject to selective licensing.
- 7.2 However, under section 80(2) of the Act, before introducing a selective licensing scheme, the Council must consider that:
- a) the first or second set of general conditions mentioned in section 80(3) or (6) of the Act;
- or

¹² <http://edition.pagesuite-professional.co.uk/launch.aspx?pbid=2f9a24f6-35d0-4abe-bc3c-6c7ae76a2204>

b) any conditions specified in an order under section 80(7) of the Act as an additional set of conditions

are satisfied in relation to the area

7.3 Section 80(3) of the Act states:

“(3) The first set of general conditions are—

(a) that the area is, or is likely to become, an area of low housing demand; and

(b) that making a designation will, when combined with other measures taken in the area by the local housing authority, or by other persons together with the local housing authority, contribute to the improvement of the social or economic conditions in the area.”

7.4 Section 80(6) of the Act states:

“(6) The second set of general conditions are—

(a) that the area is experiencing a significant and persistent problem caused by anti-social behaviour;

(b) that some or all of the private sector landlords who have let premises in the area (whether under leases or licences) are failing to take action to combat the problem that it would be appropriate for them to take; and

(c) that making a designation will, when combined with other measures taken in the area by the local housing authority, or by other persons together with the local housing authority, lead to a reduction in, or the elimination of, the problem.

“Private sector landlord” does not include [a non-profit registered provider of social housing or] a registered social landlord within the meaning of Part 1 of the Housing Act 1996 (c 52).”

7.5 Section 57(5) of the Act sets out the definition of “anti-social behaviour”.

Consultation & other requirements and options

7.6 Before making a (selective licensing) designation, the local housing authority is required by section 80(9) of the Act, to:

“(a) take reasonable steps to consult persons who are likely to be affected by the designation; and

(b) consider any representations made in accordance with the consultation and not withdrawn.”

7.7 The consultation should run for at least 10 weeks. As noted elsewhere in this report the consultation for the proposed Roxbourne and Roxeth wards scheme ran for much longer than this minimum period. Details of the consultation carried out to meet this requirement are set out in **Appendix B**.

- 7.8 Section 81(2) of the Act requires the local housing authority to “ensure that any exercise of the power (selective licensing designation) is consistent with the authority’s overall housing strategy.” Section 81(3) of the Act goes on to require that the authority seeks to adopt a co-ordinated approach in connection with dealing with homelessness, empty properties and anti-social behaviour.
- 7.9 Section 81(4) of the Act states that a designation should not be made unless the authority:
- “(a) ...have considered whether there are any other courses of action available to them (of whatever nature) that might provide an effective method of achieving the objective or objectives that the designation would be intended to achieve, and
 - (b) they consider that making the designation will significantly assist them to achieve the objective or objectives (whether or not they take any other course of action as well).”
- 7.10 In addition, under the Selective Licensing of Housing (Additional Conditions) (England) Order 2015, article 3 requires:
- “(1) The following conditions are specified as additional conditions for the purposes of section 80(2)(b) of the 2004 Act, which a local housing authority must consider are satisfied in relation to the area before making a selective licensing designation under this provision—
 - (a) that the area contains a high proportion of properties in the private rented sector, in relation to the total number of properties in the area;
 - (b) that the properties referred to in sub-paragraph (a) are occupied either under assured tenancies or licences to occupy; and
 - (c) that one or more of the sets of conditions in articles 4 to 7 is satisfied.
 - (2) For the purposes of this article, a property shall not be regarded as being in the private rented sector where the landlord is a private registered provider of social housing, as defined by section 80 of the Housing and Regeneration Act 2008.”
- 7.11 Articles 4-7 cover conditions relating to housing conditions, migration, deprivation, and crime.
- 7.12 From 1 April 2015, a local housing authority will need to apply to the Secretary of State for Communities and Local Government for confirmation of any scheme which would cover more than 20% of its geographical area or that would affect more than 20% of privately rented homes in their area. The proposed designation in this case will not require Secretary of State confirmation.

Commencement, duration and notification

- 7.13 Under section 82 of the Act, a designation cannot come in to force earlier than 3 months after the date on which the designation is made. Any designation cannot be for no longer than a 5 year period and the local housing authority is expected to review the operation of the designation from time to time, and can revoke it if appropriate (section 84).
- 7.14 As soon as a designation is made, the authority is required to publicise this in accordance with the requirements of section 83 of the Act.

Conditions

- 7.15 Section 90 of the Act states that a licence can include such conditions as the local housing authority consider appropriate for regulating the management, use or occupation of the house concerned, and schedule 4 of the Act sets out general conditions that apply to licences (further to section 91(4)).
- 7.16 The Housing Act 2004, Schedule 4 sets out the mandatory conditions that need to go on to a licence (under a selective licensing scheme).
- 7.17 There are procedures under the Act relating to appeals against decisions regarding to licences (section 94), and the Act also sets out offences (and other consequences) relating to licensing requirements (sections 95-98).

Relevant case law

- 7,18 Recent case law on the subject of selective licensing schemes has raised challenges against local authorities on issues such as:
- compliance with the consultation requirements (adequacy of consultation, length of it, who was consulted and also how long before the designation it was obtained),
 - the level of evidence to support a selective licensing scheme,
 - inadequate consideration of alternative options to a selective licensing scheme.

Licence Fees

- 7.19 Section 87(7) of the HA 2004 states as follows regarding fixing licensing fees for selective licensing:

“(7) When fixing fees under this section, the local housing authority 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 Part 3 houses (so far as they are not recoverable under or by virtue of any provision of that Chapter).”

- 7.20 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.”

8. Financial Implications

- 8.1 Section 87(7) of the Housing Act 2004 states that “when fixing fees under this section, the local housing authority 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 [i.e. Part 3 of the HA 2004 relating to selective licensing], and

- (b) all costs incurred by them in carrying out their functions under Chapter 1 of Part 4 in relation to Part 3 houses (so far as they are not recoverable under or by virtue of any provision of that Chapter).

8.2 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.”

8.3 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.

8.4 Based on the scheme intending to be self-financing, for the life of the licensing period (5 years), a fee of £550 is set per application, and is set at a level where the total revenue from the fee is intended to cover the costs as stated above.

8.5 An initial discount of £75 is proposed for landlords who are a member of an accredited landlord scheme. This is in line with recognising the DCLG guidance that Selective Licensing is to be used in conjunction with other action to improve the private rented sector. Ultimately, the ideal would be for the private sector to manage itself, addressing the issues, and the recognition of accredited schemes assists in encouraging this.

8.6 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.

8.7 If further areas are identified and warranted, to ensure sustainability, any introduction of selective licensed areas would be staggered across a 5 year period to ensure resources can manage the applications and inspections to ensure the scheme(s) are successful, as well as ensure costs are able to be covered over a 5 year period. This is likely to mean no more than 2 areas looked at in any given year.

8.8 The introduction of cost neutral selective licensing will reduce any impact on the service costs of Public Protection.

9. Equalities implications / Public Sector Equality Duty

9.1 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.

9.2 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.

9.3 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 F** and to

summarise, found that no group would be adversely impacted by the introduction of this scheme.

- 9.4 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.

10. Council Priorities

The Council's vision:

Working Together to Make a Difference for Harrow

The introduction of selective licensing in Roxeth and Roxbourne aids in meeting all the priorities of the Council including:

Making a difference to communities:

Fundamentally, links into this priority, by addressing environmental and anti-social behaviour, and improving an area for its residents, visitors and businesses especially in terms of rented accommodation and ASB.

Making a difference to businesses:

The tackling of environmental and ASB crime fits in with supporting businesses, ensuring a vibrant business environment.

Making a difference to the most vulnerable:

By putting in place a proactive approach to ensuring a minimum standard of housing, especially in terms of safety aspects, it aids in protecting those that may be considered vulnerable in the private sector housing market.

Making a difference to families:

The tackling of environmental and ASB crime helps build confidence in an area families live, as well as ensure a minimum housing standard families can expect in the housing market.

Section 3 - Statutory Officer Clearance

Name: Jessie Man

on behalf of the
Chief Financial Officer

Date: 11th November 2017

Name: Andrew Lucas

on behalf of the
Monitoring Officer

Date: 11th November 2017

Ward Councillors notified:	YES
EqIA carried out:	YES
EqIA cleared by: David Corby	If 'NO' state why an EqIA is not required for Cabinet to take a decision

Section 4 - Contact Details and Background Papers

Contact: Richard Le-Brun, Environmental Services Manager (Public Protection), 020 8424 6267, Richard.lebrun@harrow.gov.uk

Background Papers:

Department of Culture and Local Government: Selective Licensing in the private rented sector – a guide for local authorities

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/418551/150327_Guidance_on_selective_licensing_applications_FINAL_updated_isbn.pdf

Call-In Waived by the Chairman of Overview and Scrutiny Committee	NOT APPLICABLE <i>[Call-in applies]</i>
--	---