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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,

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