



TOWNS & COMMUNITIES OVERVIEW & SCRUTINY SUB- COMMITTEE AGENDA

7.30 pm	Tuesday 22 September 2020	VIRTUAL MEETING
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Members 9: Quorum 4

COUNCILLORS:

Conservative Group (4)

Robby Misir (Vice-Chair)
Timothy Ryan
Carol Smith
Ray Best (Chairman)

Residents' Group (2)

Paul Middleton
Gerry O'Sullivan

Upminster & Cranham Residents' Group (1)

Christopher Wilkins

Independent Residents' Group (1)

Tony Durdin

Labour Group (1)

Keith Darvill

**For information about the meeting please contact:
Richard Cursons 01708 432430
richard.cursons@onesource.co.uk**

Protocol for members of the public wishing to report on meetings of the London Borough of Havering

Members of the public are entitled to report on meetings of Council, Committees and Cabinet, except in circumstances where the public have been excluded as permitted by law.

Reporting means:-

- filming, photographing or making an audio recording of the proceedings of the meeting;
- using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later; or
- reporting or providing commentary on proceedings at a meeting, orally or in writing, so that the report or commentary is available as the meeting takes place or later if the person is not present.

Anyone present at a meeting as it takes place is not permitted to carry out an oral commentary or report. This is to prevent the business of the meeting being disrupted.

Anyone attending a meeting is asked to advise Democratic Services staff on 01708 433076 that they wish to report on the meeting and how they wish to do so. This is to enable employees to guide anyone choosing to report on proceedings to an appropriate place from which to be able to report effectively.

Members of the public are asked to remain seated throughout the meeting as standing up and walking around could distract from the business in hand.

What is Overview & Scrutiny?

Each local authority is required by law to establish an overview and scrutiny function to support and scrutinise the Council's executive arrangements. Each overview and scrutiny sub-committee has its own remit as set out in the terms of reference but they each meet to consider issues of local importance.

The sub-committees have a number of key roles:

1. Providing a critical friend challenge to policy and decision makers.
2. Driving improvement in public services.
3. Holding key local partners to account.
4. Enabling the voice and concerns to the public.

The sub-committees consider issues by receiving information from, and questioning, Cabinet Members, officers and external partners to develop an understanding of proposals, policy and practices. They can then develop recommendations that they believe will improve performance, or as a response to public consultations. These are considered by the Overview

and Scrutiny Board and if approved, submitted for a response to Council, Cabinet and other relevant bodies.

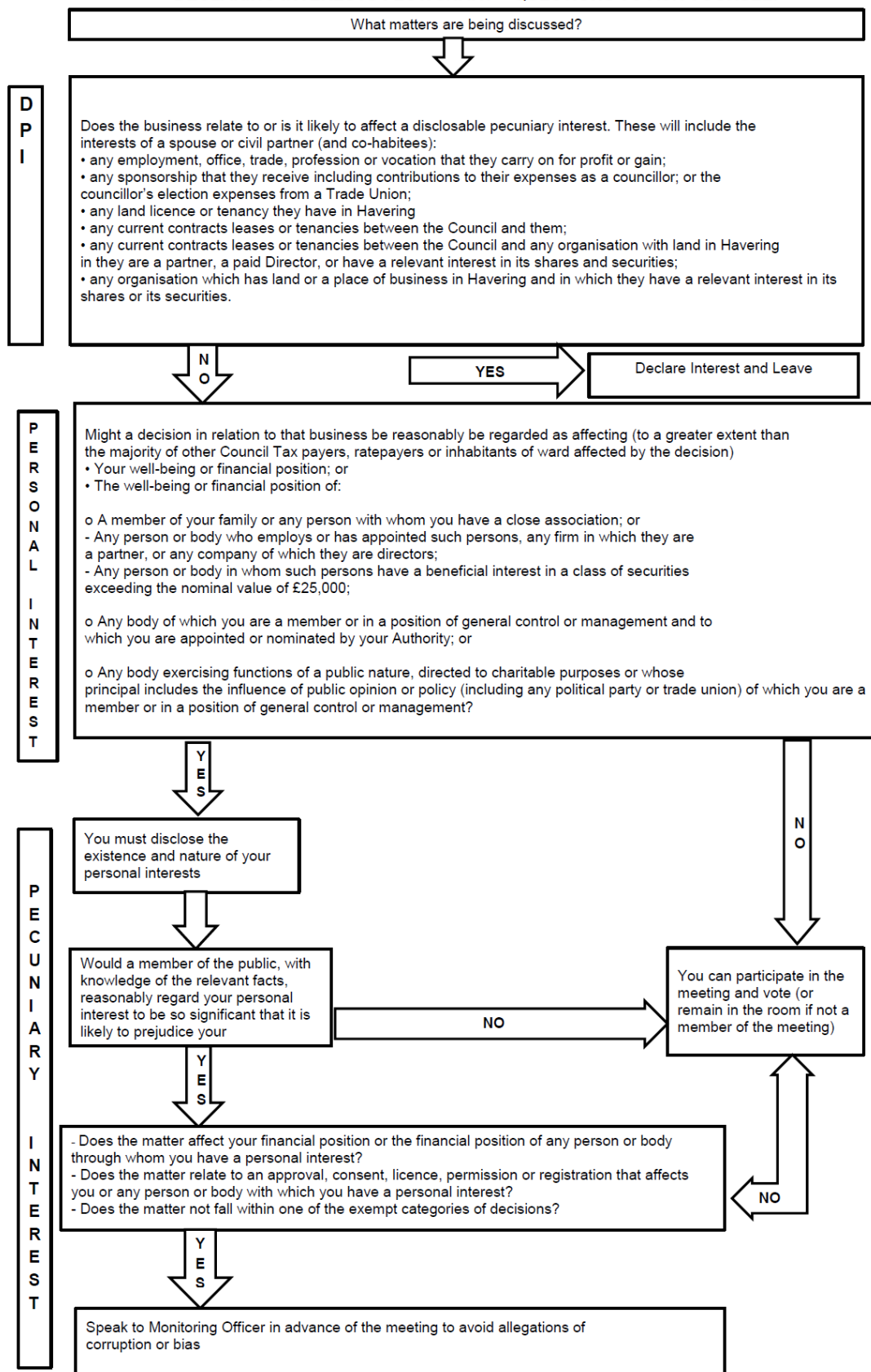
Sub-Committees will often establish Topic Groups to examine specific areas in much greater detail. These groups consist of a number of Members and the review period can last for anything from a few weeks to a year or more to allow the Members to comprehensively examine an issue through interviewing expert witnesses, conducting research or undertaking site visits. Once the topic group has finished its work it will send a report to the Sub-Committee that created it and will often suggest recommendations for the Overview and Scrutiny Board to pass to the Council's Executive.

Terms of Reference

The areas scrutinised by the Committee are:

- Regulatory Services
- Planning and Building Control
- Town Centre Strategy
- Licensing
- Leisure, arts, culture
- Housing Retained Services
- Community Safety
- Social and economic regeneration
- Parks
- Social inclusion
- Councillor call for Action

DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF



AGENDA ITEMS

1 APOLOGIES FOR ABSENCE AND ANNOUNCEMENT OF SUBSTITUTE MEMBERS

(if any) - receive.

2 DECLARATION OF INTERESTS

Members are invited to declare any interests in any of the items on the agenda at this point of the meeting. Members may still declare an interest in an item at any time prior to the consideration of the matter.

3 CHAIRMAN'S ANNOUNCEMENTS

The Chairman will announce details of the arrangements in case of fire or other events that might require the meeting room or building's evacuation.

4 PROTOCOL ON THE OPERATION OF OVERVIEW & SCRUTINY SUB-COMMITTEE MEETINGS DURING THE COVID-19 PANDEMIC RESTRICTIONS (Pages 1 - 4)

5 MINUTES (Pages 5 - 8)

To approve as a correct record the minutes of the meeting of 25 February 2020 and to authorise the Chairman to sign them.

6 QUARTER 1 PERFORMANCE REPORT (Pages 9 - 32)

Report and appendix attached.

7 HOUSING REPAIRS & GAS SAFETY (Pages 33 - 38)

Report attached.

8 PRIVATE SECTOR HOUSING ENFORCEMENT SCHEME TWO TO EXPAND ADDITIONAL LICENSING FOR HOUSING IN MULTIPLE OCCUPATION AND INTRODUCE SELECTIVE LICENSING (Pages 39 - 224)

Report & appendices attached.

Andrew Beesley
Head of Democratic Services

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LONDON BOROUGH OF HAVERING

PROTOCOL ON THE OPERATION OF OVERVIEW & SCRUTINY SUB- COMMITTEE MEETINGS DURING THE COVID-19 PANDEMIC RESTRICTIONS

1. Introduction

In accordance with the Local Authority and Police Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panels Meetings (England and Wales) Regulations 2020, all meetings of Overview & Scrutiny Sub- Committee held during the Covid-19 restrictions will take place in a 'virtual' format. This document aims to give details on how the meetings will take place and establish some rules of procedure to ensure that all parties find the meetings productive.

2. Notification of Meeting

Once the date for a meeting has been set, an electronic appointment will be sent to all relevant parties. This will include a link to access the virtual meeting as well as guidance on the use of the technology involved.

3. Format

For the duration of the Covid-19 restrictions period, Overview & Scrutiny Sub- Committee meetings will be delivered through video conference call, using Zoom software. Instructions sent with meeting appointments will cover how to use the software. Additional IT support will also be provided to any Member requesting this in advance of the meeting.

4. Structure of the Meeting

Although held in a virtual format, Overview & Scrutiny Sub-Committee Meeting will follow, as far as is possible, the standard procedure for these meetings, with the following principal stages:

- Chairnan's annoucnements
- Apologies for absence
- Disclosures of interest
- Minutes of the previous meeting
- Presentation and consideration of reports

5. Technology Issues

Agendas setting out the items for the meeting will be issued in advance in the normal way, to all parties, in accordance with statutory timetables. The agenda will also be published on the Council's website – www.havering.gov.uk in the normal way. The guidance below explains how the meeting is to be conducted, including advice on what to do if participants cannot hear the speaker and etiquette of participants during the meeting.

Remote access for members of the public together with access for the Press will be provided via a webcast of the meeting at www.havering.gov.uk.

If the Chairman is made aware that the meeting is not accessible to the public through remote means, due to any technological or other failure of provision, then the Chairman shall temporarily adjourn the meeting immediately. If the provision of access through remote means cannot be restored within a reasonable period as determined by the Chairman in consultation with the Clerk, then the remaining business will be considered at a time and date fixed by the Chairman. If he or she does not fix a date, the remaining business will be considered at the next scheduled ordinary meeting of the Overview & Scrutiny Sub-Committee.

6. Management of Remote Meetings for Members

The attendance of Members at the meeting will be recorded by the Democratic Services Officer clerking the meeting. The normal quorum requirements for meetings as set out in the Council's Constitution will also apply to a virtual meeting of Audit Committee.

Democratic Services Officers will monitor participant involvement during the virtual call to ensure that there are no drop outs. Members will be informed at the beginning of the meeting to use the chat function if they have missed part of the debate, and to request for the clerk or Chairman to recap briefly over what was said.

In the event that a Member's video feed has failed but he/she is able to hear what is being said then the Member should confirm as such using the chat function to the clerk.

In the event that a Member's audio and video feed has failed then the Chairman will invite the Committee to determine whether to proceed or adjourn the meeting to a later date.

7. Etiquette at the meeting

For some participants, this will be their first virtual meeting. In order to make the hearing productive for everyone, the following rules must be adhered to and etiquette observed:

- The meeting will be presided over by the Chairman who will invite participants to speak individually at appropriate points. All other participants must remain silent or muted until invited to speak by the Chairman;
- If invited to contribute, participants should make their statement, then wait until invited to speak again if required;
- If it is possible, participants should find a quiet location to participate in the Zoom meeting where they will not be disturbed as background noise can affect participants.
- If there are intermittent technological faults during the meeting then the Chairman will ask the speaker to repeat from the point where the disruption started. Whilst intermittent disruption is frustrating, it is important that all participants remain professional and courteous.
- The Committee Procedure Rules as shown in the Council's Constitution will apply to the meeting in the normal way, as far as is practicable.

8. Meeting Procedures

Democratic Services Officers will facilitate the meeting. Their role will be to control

conferencing technology employed for remote access and attendance and to administer Member interaction, engagement and connections on the instruction of the Chairman.

The Council has put in place a technological solution that will enable Members participating in meetings remotely to indicate their wish to speak via this solution. This will be via the 'raise hand' function in the Participants field of the Zoom software used for the meeting.

The Chairman will follow the rules set out in the Council's Constitution when determining who may speak, as well as the order and priority of speakers and the content and length of speeches in the normal way.

The Chairman, at the beginning of the meeting, will make reference to the protocol for the meeting.

Members are asked to adhere to the following etiquette during remote attendance at the meeting:

- All Councillors and participating officers are asked to join the meeting no later than twenty minutes before the start to allow themselves and Democratic Services Officers the opportunity to test the equipment.
- Any camera (video-feed) should show a non-descript background or, where possible, a virtual background relating to Havering and Members should be careful to not allow any exempt or confidential papers to be seen in the video-feed.
- During general discussion, rather than raising one's hand or rising to be recognised or to speak, Members attending remotely should avail themselves of the remote process for requesting to be heard and use the 'raise hand' function in the participants field of the Zoom software.
- Members may only speak when invited to by the Chairman of the meeting.
- Only one person may speak at any one time.
- All speakers and attendees, both Councillors and members of the public, are welcome to remain on the Zoom call until the conclusion of the meeting. The meeting will also be webcast so that it can be viewed by non-participants.
- When referring to a specific report, agenda page, or slide, participants should mention the report, page number, or slide so that all Members have a clear understanding of what is being discussed at all times

Any voting will be conducted by the Clerk asking Members individually of their voting intentions. The Democratic Services Officer will announce the result of the vote and the Chairman will then move on to the next agenda item.

A record of votes and how individual Members voted will be appended to the minutes, following the meeting.

Any Member participating in a remote meeting who declares a disclosable pecuniary interest, or other declarable interest, in any item of business that would normally require them to leave the room, must also leave the remote meeting. The Democratic Services Officer or meeting facilitator will move the Member to the Zoom waiting room until the item is complete, and then return them to the meeting.

9. Public Access to Meeting Documentation following the Meeting

Members of the public may access minutes, decision notices and other relevant documents

through the Council's website. www.havering.gov.uk

For any further information on the meeting, please contact
richard.cursons@onesource.co.uk, tel: 01708 432430

**MINUTES OF A MEETING OF THE
TOWNS & COMMUNITIES OVERVIEW & SCRUTINY SUB- COMMITTEE
Committee Room 2 - Town Hall
25 February 2020 (7.30 - 9.20 pm)**

Present:

Councillors Ray Best (Chairman), Robby Misir (Vice-Chair), Keith Darvill, Paul Middleton, Gerry O'Sullivan, Christopher Wilkins, Timothy Ryan and Carol Smith

An apology for absence was received from Councillor Tony Durdin

13 DECLARATION OF INTERESTS

There were no declarations of interest.

14 MINUTES

The minutes of the meeting held on 4 December 2019 were agreed as a correct record and signed by the Chairman.

Following the presentation on the Romford Masterplan at the last meeting Members requested that a site visit of the town centre be organised with officers from Regeneration.

15 CORPORATE PERFORMANCE INFORMATION QUARTER 3

The report and presentation before Members detailed the Corporate Performance Information for quarter 3.

A total of 11 performance indicators were included in the report. Of these, ten have been assigned a RAG status. Two are currently rated red (off track), three are rated amber and five are rated green (on track).

Members noted that the number of Housing services complaints dealt with in Q3 was below target and that the amount HRA debt was higher than the target. Housing services complaints was however higher than the comparable Q3 of last year.

With regard to the number of housing repairs carried out ion time had improved. The contractors had shown a steady improvement throughout the 2019-20 financial year but still had yet to reach the target of 95% completions within

target time. Regular conversations were taking place with Breyers to assist in meeting the target.

At the end of Q3 2019-20, 86% (18 of 21) of major planning applications were completed within the target 13 week statutory period. There had been a steady improvement in performance in each quarter of 2019-20 to date.

At the end of Q3 2019-20, 82% (285 of 348) of major planning applications were completed within the target time 8 week statutory period. Performance was strong in this area and currently well above the target set of 65%.

At the end of Q3 2019-20, 94% (913 of 975) of “other” planning applications were completed within target. Performance was very strong in this area and currently well above the target 8 week statutory period.

Members felt it would be useful to invite someone from Planning to attend a future meeting to discuss the new Planning Permitted Development regulations.

The Sub-Committee **noted** the report.

16 HOUSING REPAIRS UPDATE

The report before Members provided the Sub-Committee with an update on the provision of responsive repairs and the carrying out of gas safety checks to Council owned and managed housing stock. Following on from the initial report from July 2019

As part of its statutory duties as a landlord the Council was required to undertake responsive repairs to its properties. This included those associated with gas appliances and heating systems.

Following a procurement exercise, in accordance with the Public Contract legislation, in 2014 a five year contract was awarded to the Breyer Group. This contract was on a Price Per Property basis, and subject to inflation uplift. Repairs deemed “out of scope” were priced and agreed in accordance with a pre priced schedule of rates.

Due to the specialist nature of the gas service, in 2018, two specialist providers were appointed to provide responsive repairs and planned servicing to gas appliances and heating installations. The appointed contractors were K&T Heating for domestic installations and BSW Ltd for communal (commercial) installations. BSW were changed to Stonegrove in August due to performance issues. The payment structure is for payment on completion of each service or repair request

In regards to responsive repairs the current contract with Breyer expired in March 2019 and approval was obtained to extend the contract for a further two years until March 2021 to enable re-procurement.

There had been major improvements in Breyer's performance and more robust contract management, an often visited improvement plan and a shift in attitude from both client and contractor side has seen Breyer achieve their main KPI target of 95% of jobs completed on time in November and each month since. This KPI was at 82% at the beginning of the financial year. A swing of 13% in 6 months is testament to the work being done on both sides.

Earlier Performance issues have been addressed through contract supervision meetings and the corrective actions in place are beginning to deliver better quality.

With regards to Gas servicing the long term contractor, K&T had made measured improvements and are currently recording 99.97% for domestic gas servicing and 97.38% for repairs completed in time

Stonegrove were currently 100% compliant and were working well and bringing innovative solutions to our sheltered schemes

It had been agreed that going forward price per property was working well and was the preferred choice.

The Sub-Committee **noted** the report

Chairman

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TOWNS AND COMMUNITIES OVERVIEW AND SCRUTINY SUB-COMMITTEE, 22 SEPTEMBER 2020

Subject Heading:	Quarter 1 performance report
SLT Lead:	Jane West, Chief Operating Officer
Report Author and contact details:	Cynthujaa Satchithanathan, Customer Insight Officer x4960
Policy context:	The report sets out Quarter 1 performance relevant to the Towns and Communities Overview and Scrutiny Sub-Committee
Financial summary:	There are no immediate financial implications. Adverse performance against some Performance Indicators may have financial implications for the Council. Whilst it is expected that targets will be delivered within existing resources, officers regularly review the level and prioritisation of resources required to achieve the targets agreed by Cabinet at the start of the year.

The subject matter of this report deals with the following Council Objectives

Communities making Havering	[X]
Places making Havering	[X]
Opportunities making Havering	[X]
Connections making Havering	[]

SUMMARY

1. This report supplements the presentation attached as **Appendix 1**, which sets out the Council's performance against indicators within the remit of the Towns and Communities Overview and Scrutiny Sub-Committee for Quarter 1 (April to June 2020).

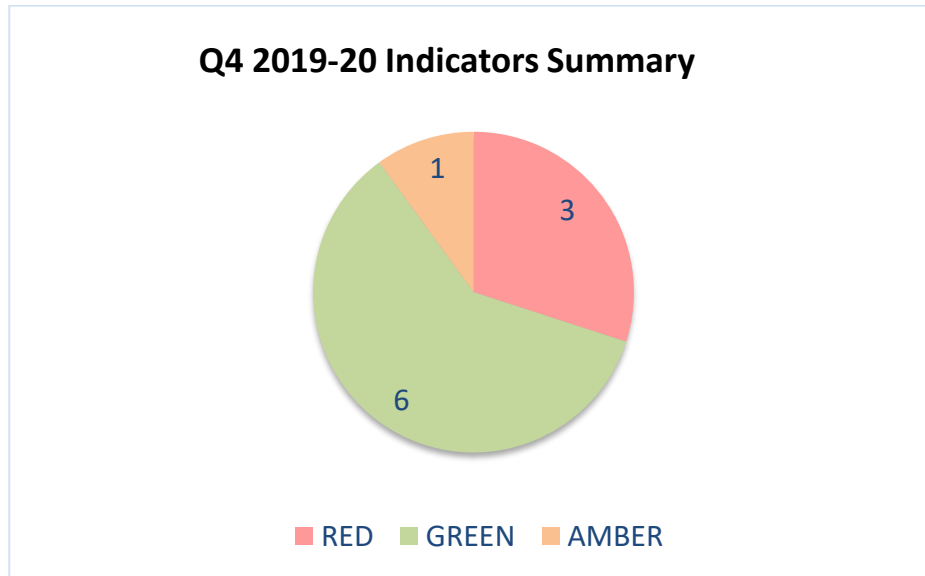
RECOMMENDATION

That Member of the Towns and Communities Overview and Scrutiny Sub-Committee note the contents of the report and presentation and make any recommendations as appropriate.

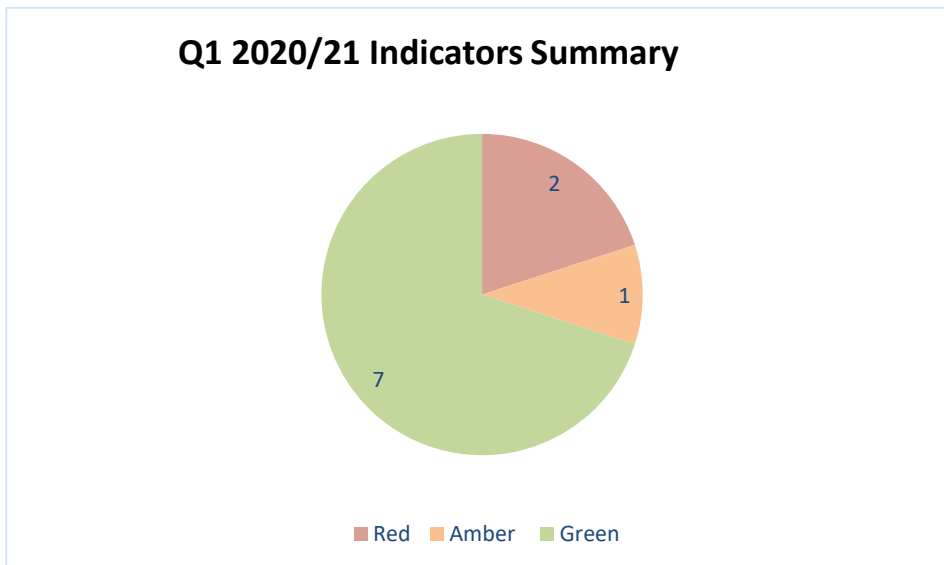
REPORT DETAIL

1. The report and attached presentation provide an overview of the Council's performance against the performance indicators selected for monitoring by the Towns and Communities Overview and Scrutiny Sub-Committee. The presentation highlights areas of strong performance and potential areas for improvement.
2. The report and presentation identify where the Council is performing well (**Green**) and not so well (**Amber** and **Red**). The RAG ratings for the 2020/21 reports are as follows:
 - **Red** = more than the 'target tolerance' off the quarterly target
 - **Amber** = within the 'target tolerance' of the quarterly target
 - **Green** = on or better than the quarterly target
3. Where performance is off track against the quarterly target and the rating is '**Red**', 'Improvements required' are included in the presentation. This highlights what action the Council will take to address poor performance.
4. Also included in the presentation (where relevant) are Direction of Travel (DoT) columns, which compare:
 - Short-term direction of travel – with performance the previous quarter (Quarter 4 2019/20)
 - Long-term direction of travel – with performance during the same time the previous year (Quarter 1 2019/20)
5. A green arrow (↑) means performance is better and a red arrow (↓) means performance is worse. An amber arrow (→) means that performance has remained the same.
6. Due to COVID-19, performance was not reported according to the original reporting schedule in order to prioritise service delivery. Performance for Quarter 4 2019/20 will be reported with Quarter 2020/21 to provide the opportunity to understand performance in this period.

7. It is important to note that though service delivery is returning to business as usual, there will be still be an impact on performance due to COVID-19.
8. In total, eleven performance indicators have been included in the Quarter 4 2019/20 report and presentation. Of these, ten have been assigned a RAG status. Three are currently rated '**red**' (off track), one is rated '**amber**' and six are rated '**green**' (on track).



9. In total, eleven performance indicators have been included in the Quarter 1 2020/21 report and presentation. Of these, ten have been assigned a RAG status. Two are currently rated '**red**' (off track), one is rated '**amber**' and seven are rated '**green**' (on track).



IMPLICATIONS AND RISKS

Financial implications and risks:

There are no financial implications arising directly from this report which is for information only.

Adverse performance against some indicators may have financial implications for the Council, particularly where targets are explicitly linked with particular funding streams and/or levies from other bodies. Whilst it is expected that targets will be delivered within existing resources, officers regularly review the level and prioritisation of resources required to achieve the targets agreed by the Cabinet at the start of the year.

Robust ongoing monitoring is undertaken as part of the established financial and service management processes. Should it not be possible to deliver targets within approved budgets this will be raised through the appropriate channels if required.

Legal implications and risks:

Whilst reporting on performance is not a statutory requirement, it is considered best practice to regularly review the Council's progress.

Human Resources implications and risks:

There are no HR implications or risks involving the Council or its workforce that can be identified from the recommendations made in this report.

Equalities implications and risks:

The Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 requires the Council, when exercising its functions, to have due regard to:

- (i) the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (ii) the need to advance equality of opportunity between persons who share protected characteristics and those who do not, and;
- (iii) foster good relations between those who have protected characteristics and those who do not.

Note: 'Protected characteristics' are: age, sex, race, disability, sexual orientation, marriage and civil partnerships, religion or belief, pregnancy and maternity and gender reassignment.

The Council is committed to all of the above in the provision, procurement and commissioning of its services, and the employment of its workforce. In addition, the Council is also committed to improving the quality of life and wellbeing for all Havering residents in respect of socio-economics and health determinants.

BACKGROUND PAPERS

Towns and Communities Q1 Presentation

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Havering

LONDON BOROUGH

Quarter 1 Performance Report 2020/21

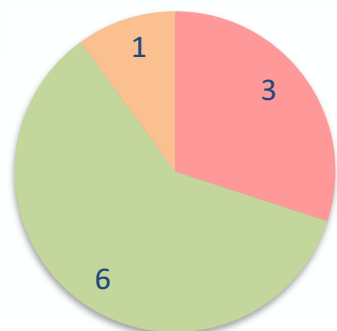
Towns and Communities O&S Sub-Committee

SEPTEMBER 2020

- Overview of the key performance indicators as selected by the Towns and Communities Overview and Scrutiny Sub-Committee
- The report identifies where the Council is performing well (**Green**), and not so well (**Amber** and **Red**).
- Where the RAG rating is '**Red**', '**Corrective Action**' is included. This highlights what action the Council will take to address poor performance.
- Due to COVID-19, performance was not reported according to the original reporting schedule in order to prioritise service delivery. Performance for Quarter 4 2019/20 will be reported with Quarter 2020/21 to provide the opportunity to understand performance in this period.
- It is important to note that though service delivery is returning to business as usual, there will be still be an impact on performance due to COVID-19.

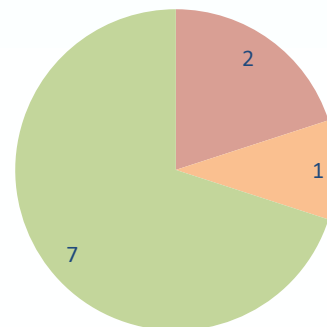
OVERVIEW OF TOWNS & COMMUNITIES INDICATORS

Q4 2019-20 Indicators Summary



■ RED ■ GREEN ■ AMBER

Q1 2020/21 Indicators Summary

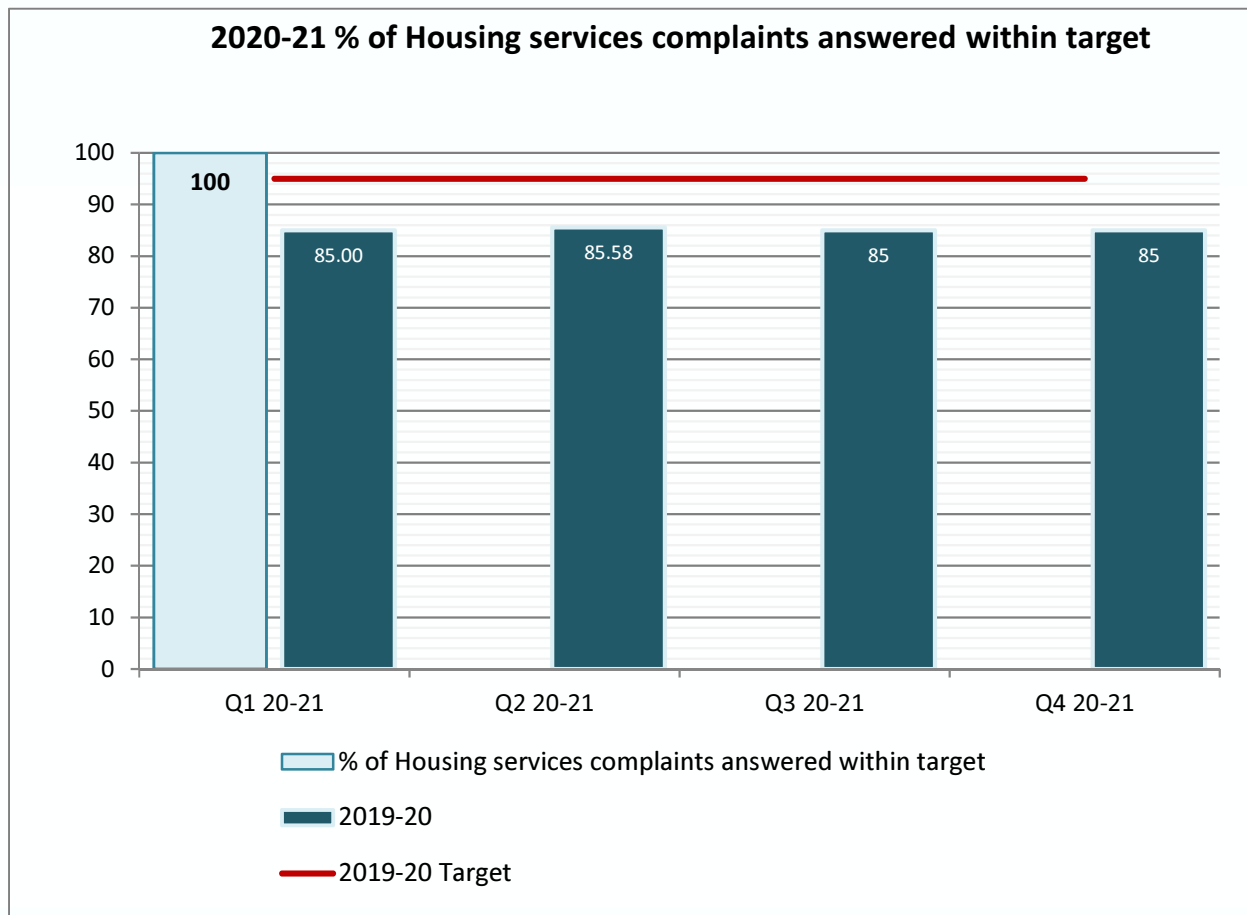


■ Red ■ Amber ■ Green

- 11 Performance Indicators are reported to the Towns and Communities Overview & Scrutiny Sub-Committee.
- Data is available for all the indicators.
- Q4 19/20 Performance ratings are available for 10 of the 11 indicators. **3** are **Red** (off target), **1** is **Amber** and **6** are **Green** (on target)
- Q1 20/21 Performance ratings are available for 10 of the 11 indicators. **2** are **Red** (off target), **1** is **Amber** and **7** are **Green** (on target)

Indicator and Description	Value	2020/21 Annual Target	2020/21 Q1 Target	2020/21 Q1 Performance	Short Term DOT against Q4 2019/20	Long Term DOT against Q1 2019/20
% of Housing services complaints answered within target time	Bigger is better	96% (5%)	96% (5%)	100% (Green)	↑ 85.0% (Red)	↑ 94.29% (Green)
Repairs right first time (Breyer Contractor only)	Bigger is better	95% (5%)	95% (5%)	98.34% (Green)	↓ 98.82% (Green)	↑ 98.29% (Green)
Percentage of all repairs completed within target Main Contractor(s) (cumulative)	Bigger is better	95% (5%)	95% (5%)	97.95% (Green)	↑ 93.12% (Amber)	↑ 88.69% (Red)
% HRA Gas servicing compliance (General needs & Sheltered)	Bigger is better	100%	100%	99.95% (Amber)	↓ 100% (Green)	↑ 99.98% (Amber)
% of fire risk assessments due	Bigger is better	100%	100%	100% (Green)	↔ 100% (Green)	↔ 100% (Green)
Percentage of HRA arrears over debit	Smaller is better	1.40%	1.40%	3.83% (Red)	↓ 2.60% (Red)	↓ 2.96% (Red)
Total current UC tenants arrears (General, sheltered, HMO & AST)	Smaller is better	Demand Pressure	Demand Pressure	£1.2M	↓ £882K	↓ £702K
Average days re-let time of ALL HRA Voids	Smaller is better	14 days	14 days	58.7 days (Red)	↓ 15.8 days (Red)	↓ 16.0 days (Red)
Major Planning Applications completed within Target	Bigger is better	65%	65%	71.4% (Green)	↑ 71.0% (Green)	↓ 100% (Green)
Minor Planning Applications completed within Target	Bigger is better	65%	65%	73.7% (Green)	↓ 74.0% (Green)	↓ 100% (Green)
Other Planning Applications completed within Target	Bigger is better	80%	80%	89.1% (Green)	↑ 89.0% (Green)	↓ 100% (Green)

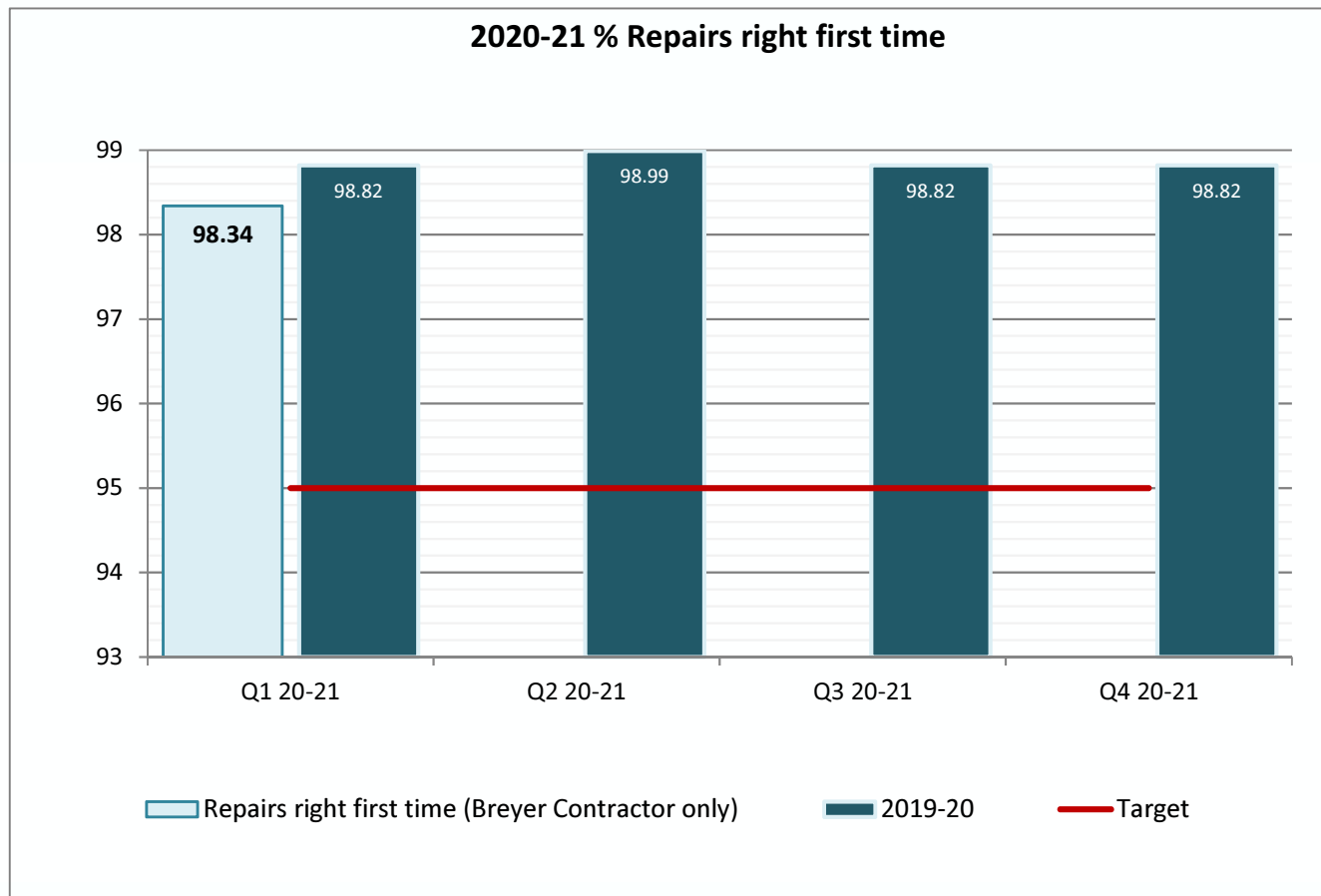
Complaints (Stage 1): Quarter 1 2020-21



At the end of Q4 2019-20 a total of 530 complaints were answered within the 10 days target out of a total of 628 complaints which were received between April 2019 - March 2020.

At the end of Q1 2020-21 a total of 8 complaints were answered within the 10 days target out of a total of 8 complaints which were received between April and end of July 2020.

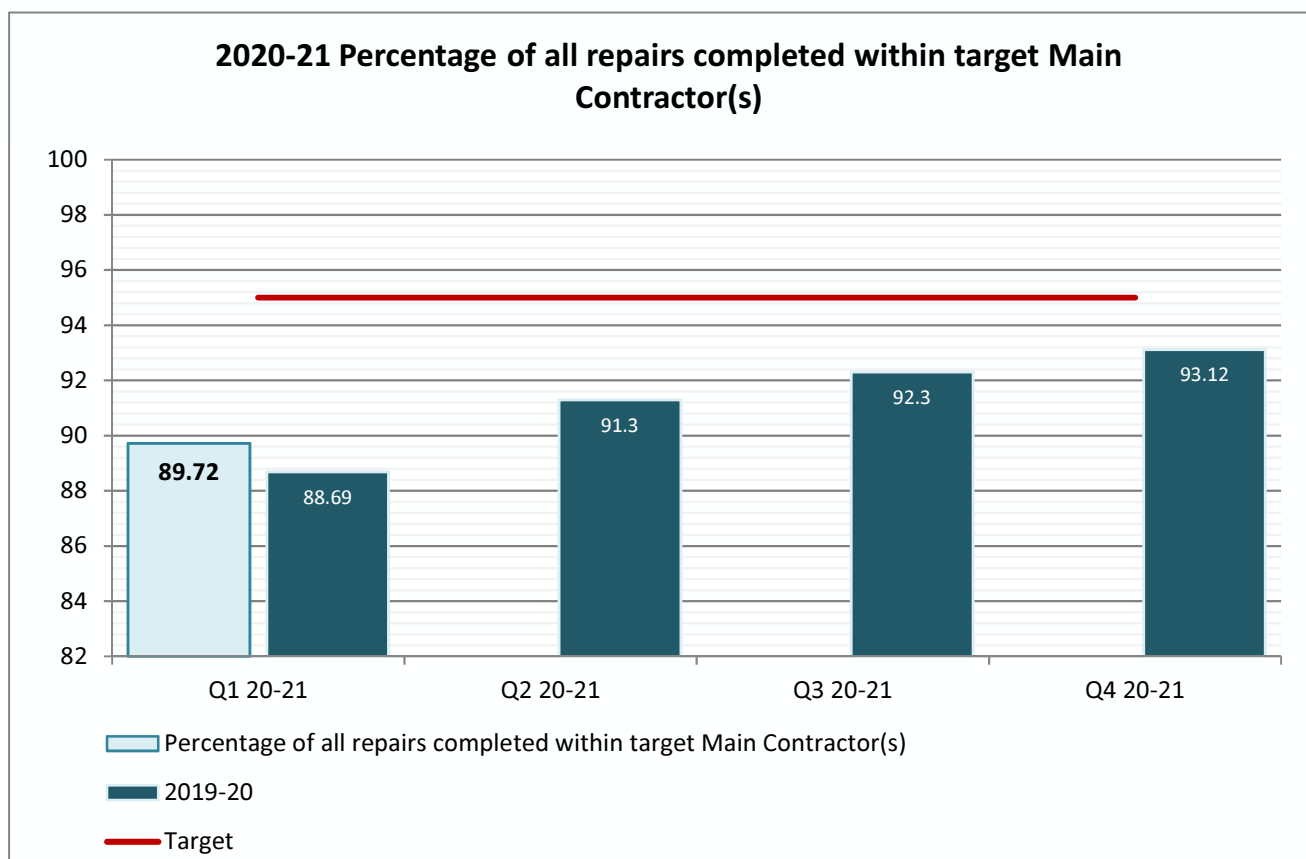
Repairs right first time (Breyer Contract) : Quarter 1 2020-21



At the end of Q4 2019-20, 98.82% of responsive repairs were reported and had been completed right first time. This is above the target of 95%, and an improvement on quarter 4 2018/19.

At the end of Q1 2020-21, 98.34% of responsive repairs were reported and had been completed right first time. This is above the target of 95% but is slightly impacted due to Covid 19.

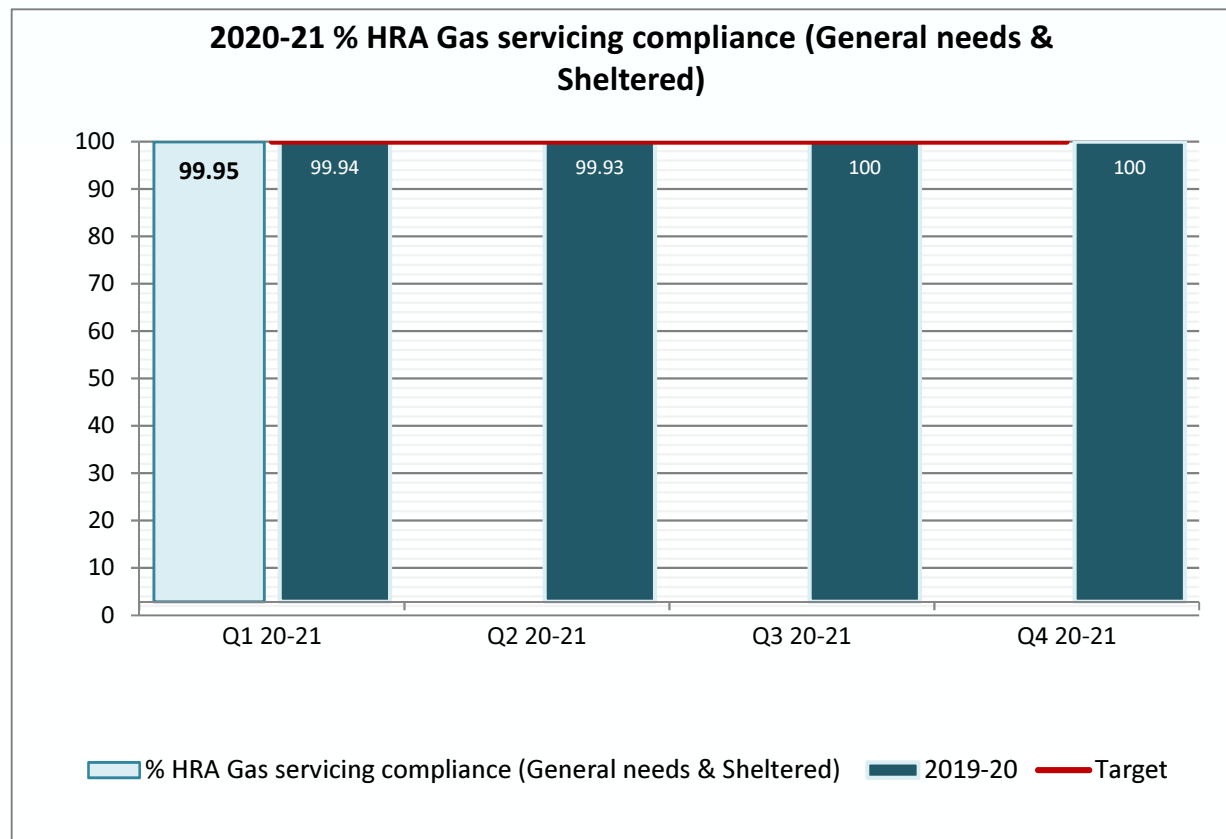
Repairs completed within target – main contractors: Quarter 1 2020-21



By the end of Q4 2019-20 a total of 28264 repairs orders have been raised (year to date) for the main maintenance and gas contractors and of these a total 30352 were completed within target.

By the end of Q1 2020-21 a total of 4196 repairs orders have been raised (year to date) of these 3697 repairs were completed within target.

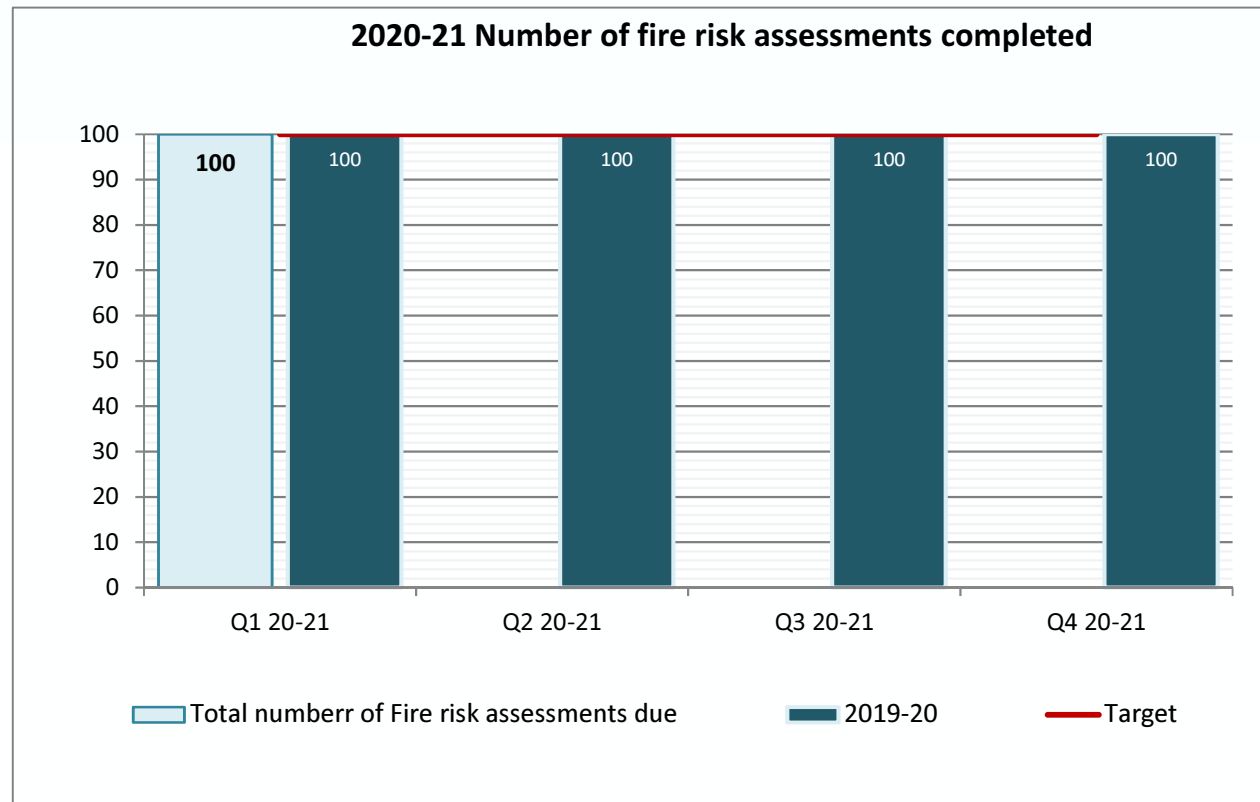
Repairs completed within target – main contractors: Quarter 1 2020-21



At the end of Q4 2019-20, 100% of 8535 properties have a current gas safety record out of a total compliance stock count of 8535 properties (general needs only)

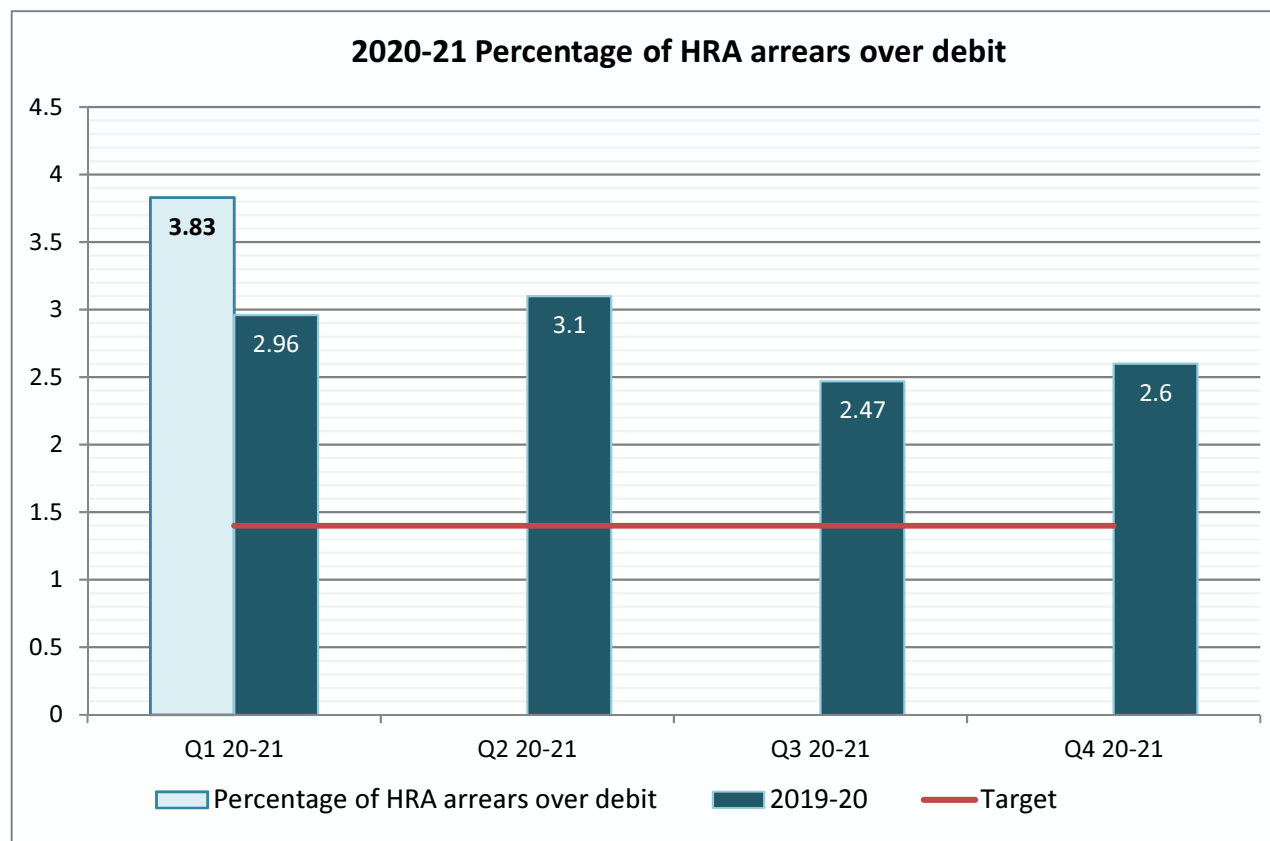
At the end of Q1 2020-21, 99.95% of 8531 properties have a current gas safety record out.

Repairs: HRA Safety Compliance – Fire: Quarter 1 2020-21



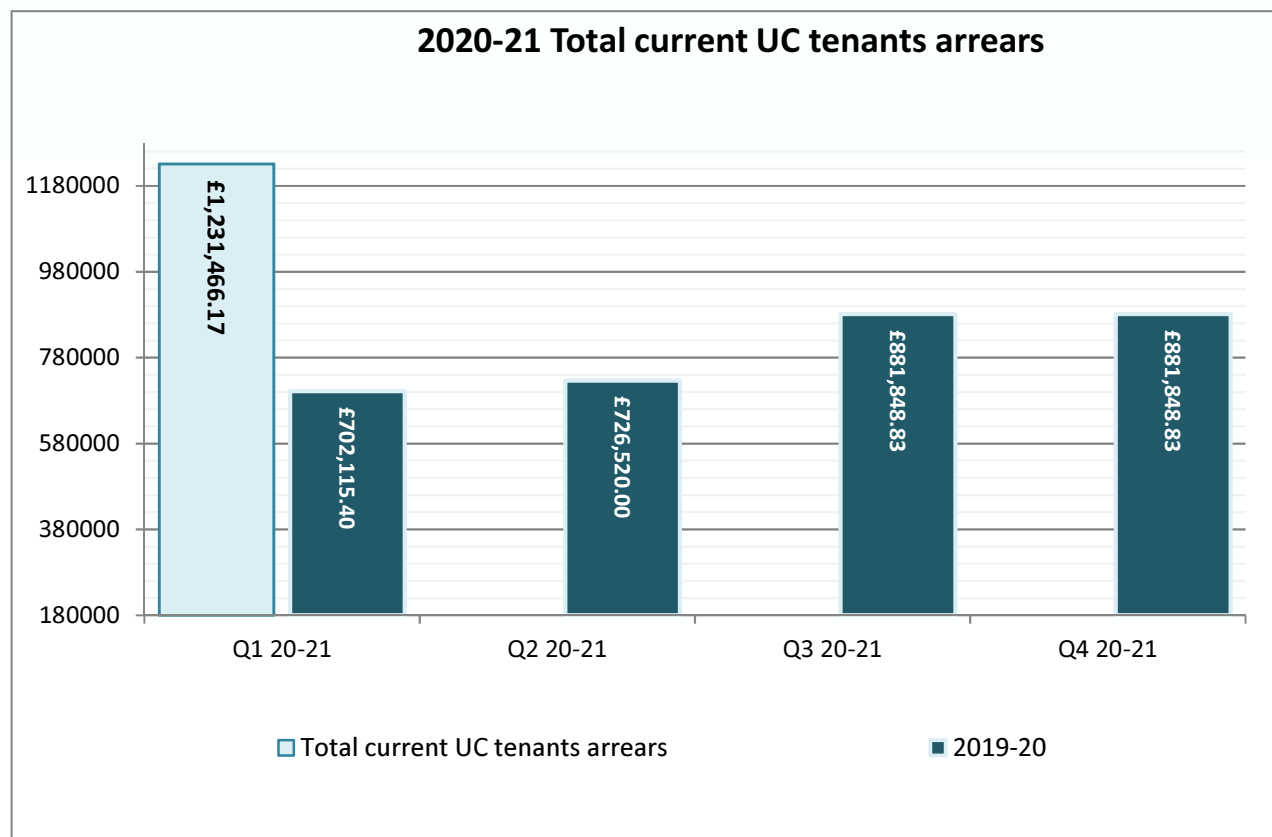
At the end of Q4 2019/20 there was 100% of Fire assessments due were completed.

At the end of Q1 2020/21 there was 100% of Fire assessments due were completed.



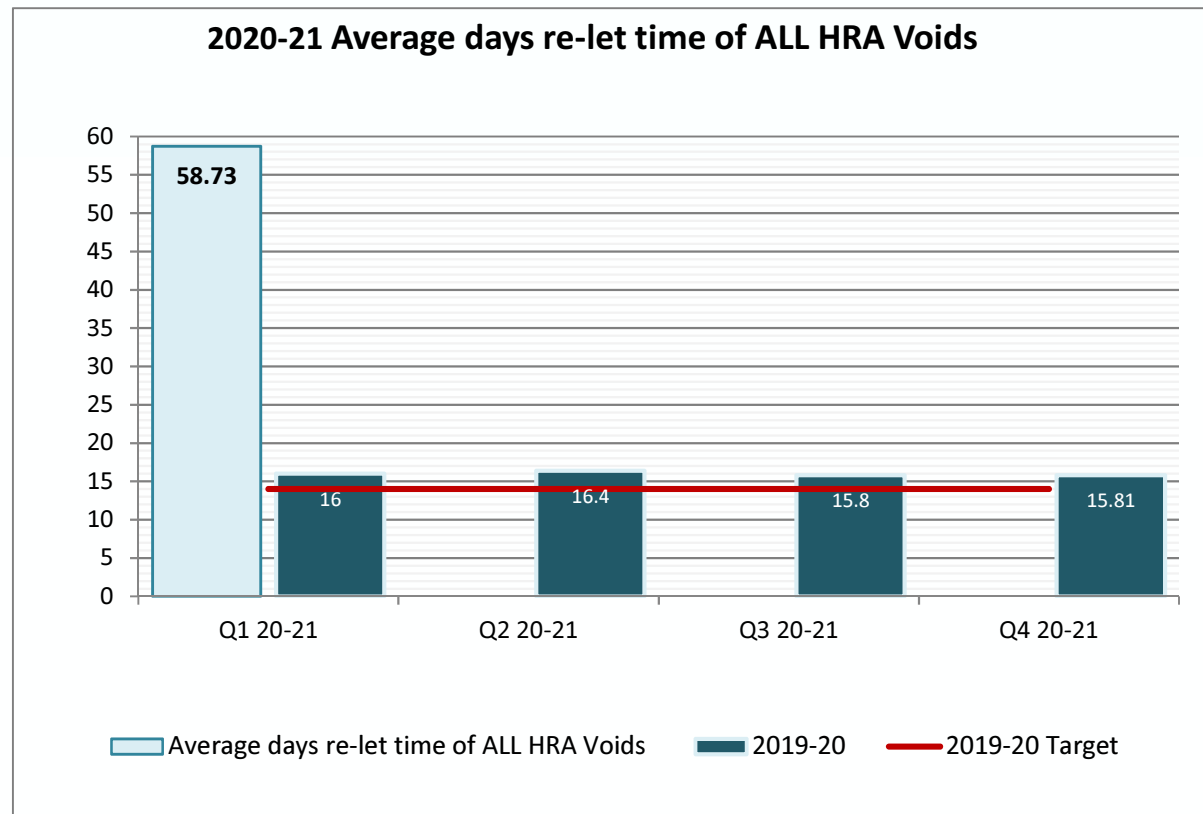
At the end of Q4 2019-20 2.60% equals £1,376,121 of HRA tenants current arrears over £0.01. Of which £1,364,105 for General needs and £12,016 for Sheltered.

At the end of Q1 2020-21 3.83% equals £1,838,485 of HRA tenants current arrears over £0.01. Of which £1,825,221 for General needs and £13,264 for Sheltered.



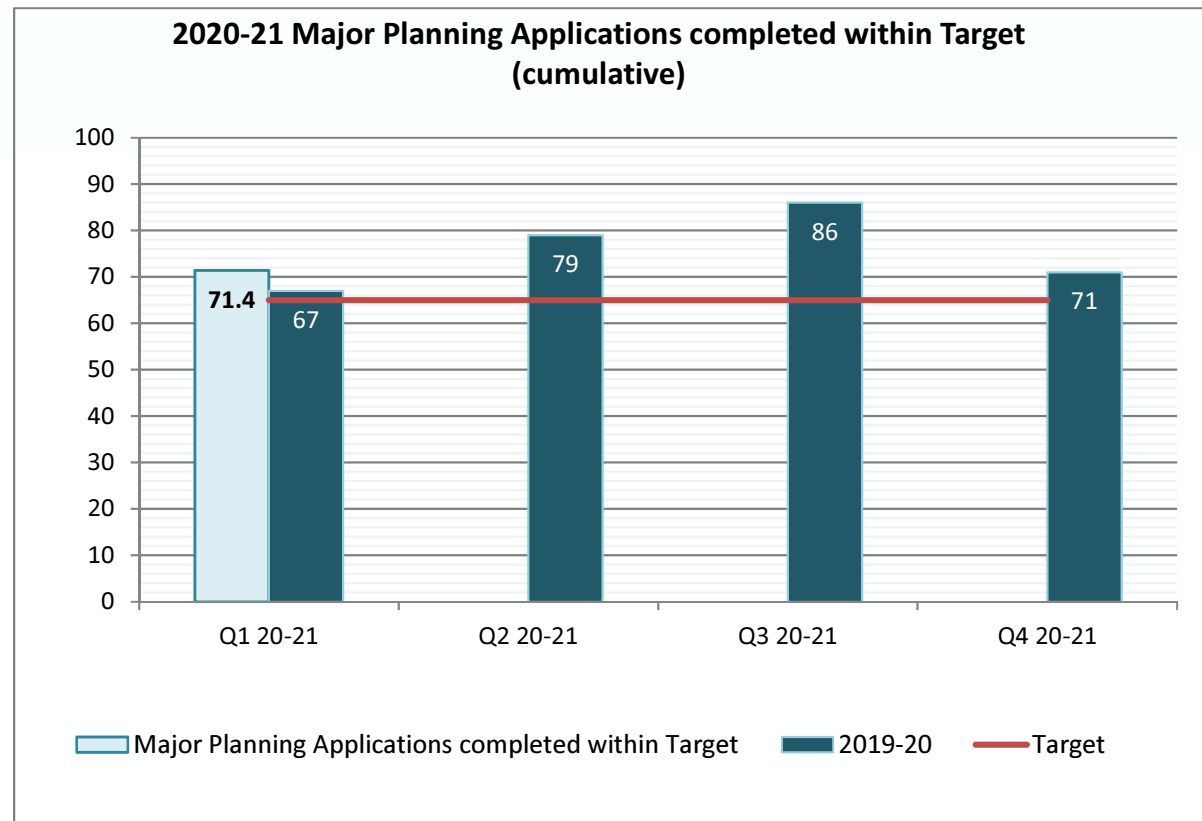
At the end of Q4 2019-20 the total amount of £881,848.83 UC arrears represents a total of 1466 tenants receiving Universal Credit.

At the end of Q1 2020-21 the total amount of £1,231,466.17 UC arrears represents a total of 1448 tenants receiving Universal Credit in arrears out of a total 1956 tenants receiving Universal Credit.



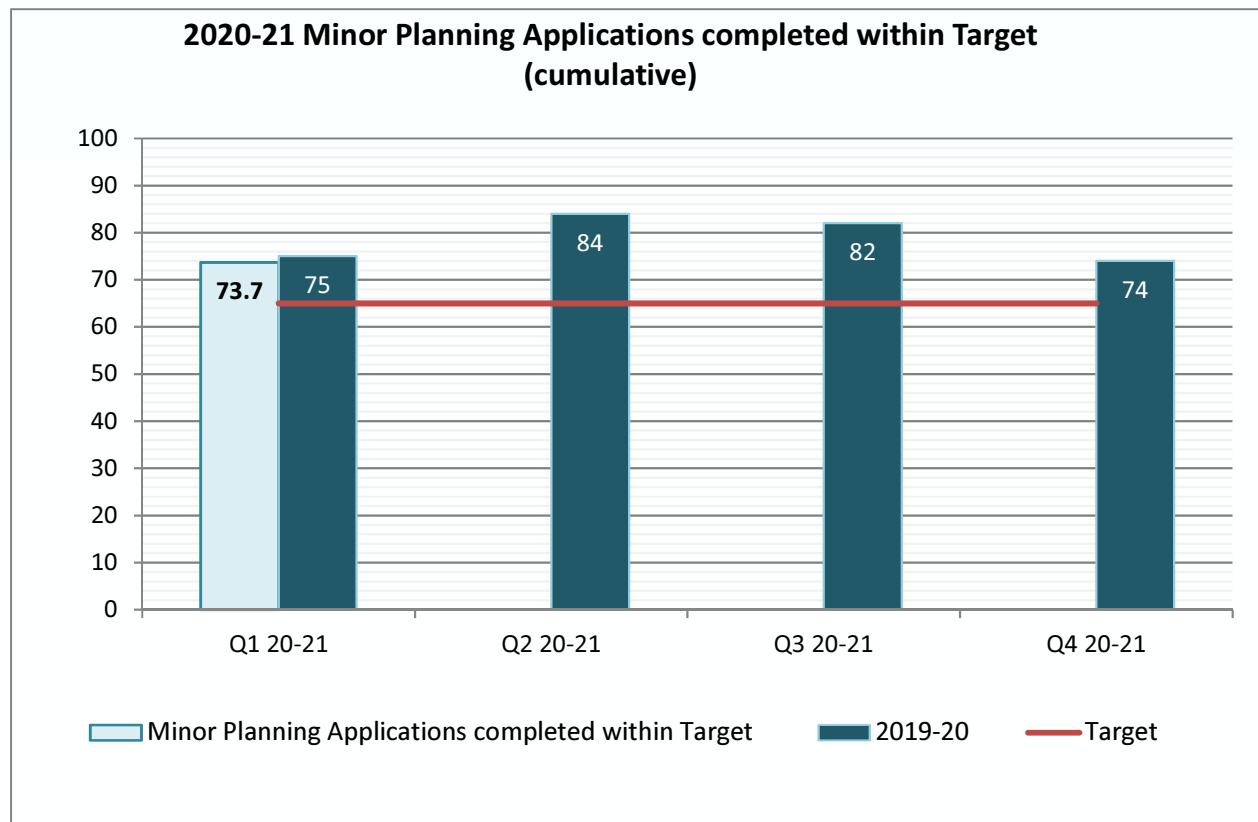
At the end of Q4 2019-20, a total of 332 HRA re-lets were carried out within an average time of 15.81 days. Of these a 294 were general needs properties with an average re-let time days of 14.47 days.

At the end of Q1 2020-21, a total of 41 HRA re-lets were carried out within an average time of 58.73 days. Of this total, 40 were general needs properties with an average re-let time days of 57.53 days.



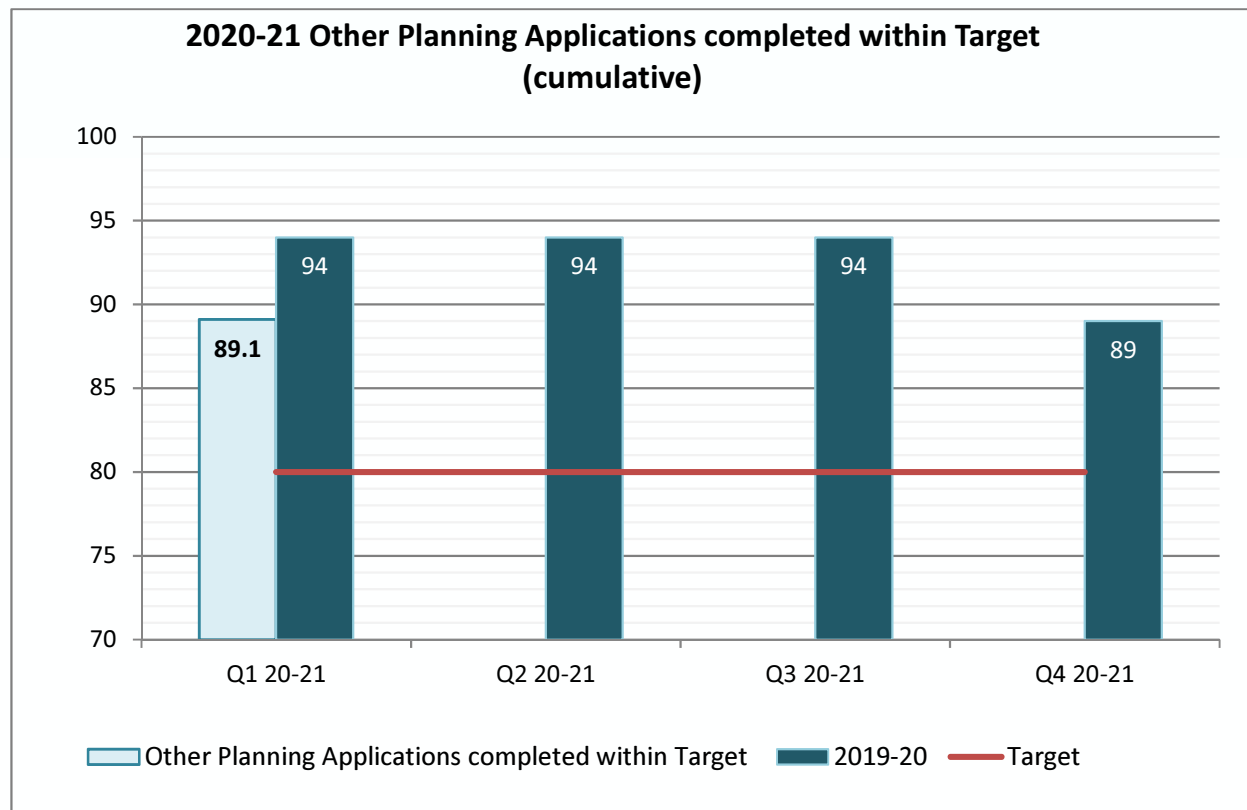
At the end of Q4 2019-20, 71.0% of major planning applications were completed within the target 13 week statutory period.

At the end of Q1 2020-21, 71.1% of major planning applications were completed within the target 13 week statutory period. The performance is still steadily improving following on from increasing performance during 2019-20.



At the end of Q4 2019-20, 74.0% of minor planning applications were completed within the target time 8 week statutory period.

At the end of Q1 2020-21, 73.7% of minor planning applications were completed within the target time 8 week statutory period. Performance is strong in this area and currently well above the target set of 65%.



At the end of Q4 2019-20, 89.0% of other planning applications were completed within target.

At the end of Q1 2020-21, 89.1% of other planning applications were completed within target. Performance is still remaining strong in this area and currently well above the 8 week statutory period.

Any questions?



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TOWNS AND COMMUNITIES OVERVIEW AND SCRUTINY SUB-COMMITTEE 22 September 2020

Subject Heading:

Housing Repairs and Gas Safety

SLT Lead:

Patrick Odling-Smee Director of Housing

Report Author and contact details:

Garry Knights
AD of Housing Property Service
garry.knights@havering.gov.uk

Policy context:

The policy context is associated with the Council's statutory duties associated with landlord responsibilities.

Financial summary:

There are no significant financial implications associated with this report, which is for information only

The subject matter of this report deals with the following Council Objectives

Communities making Havering	<input type="checkbox"/>
Places making Havering	<input checked="" type="checkbox"/>
Opportunities making Havering	<input type="checkbox"/>
Connections making Havering	<input type="checkbox"/>

SUMMARY

The purpose of this report is to provide the committee with an update on the provision of responsive repairs and carrying out gas safety checks to Council owned and managed housing stock. Following on from the initial report from July 2019

RECOMMENDATIONS

That members note the contents of this report.

REPORT DETAIL

As part of its statutory duties as a landlord the Council is required to undertake responsive repairs to its properties. This includes those associated with gas appliances and heating systems.

Following a procurement exercise, in accordance with the Public Contract legislation, in 2014 a five year contract was awarded to the Breyer Group. This contract is on a Price Per Property basis, and subject to inflation uplift. Repairs deemed “out of scope” are priced and agreed in accordance with a pre priced schedule of rates.

Due to the specialist nature of the gas service, in 2018, two specialist providers were appointed to provide responsive repairs and planned servicing to gas appliances and heating installations. The appointed contractors are K&T Heating for domestic installations and Stonegrove for commercial servicing. The payment structure is for payment on completion of each service or repair request.

Responsive Repairs

The current contract with Breyer expired in March 2019 and approval was obtained to extend the contract for a further two years until March 2021 to enable re-procurement.

A full options appraisal was undertaken to determine the best future approach and following approval a full OJEU compliant procurement exercise is in train.

Current Performance

Through a more active contract management approach, focussing on the partnering approach which was originally envisaged for the contract, we have been able to see continued improvement in the repairs service.

The current KPIs for the repairs service are shown below;

Description	2020/21 Target	Value	Apr-20	May-20	Jun-20	Jul-20	Aug-20
Percentage of Responsive repairs completed on time*	C: 95% (5%)	Bigger is better	95.37%	94.82%↓	96.76%↑	97.30%↑	95.59%↓
Percentage of Emergency repairs completed on time*	C: 95% (5%)	Bigger is better	96.35%	97.46%↑	97.91%↑	97.99%↑	98.00%↑



Percentage of Urgent repairs completed on time*	C: 95% (5%)	Bigger is better	88.57%	90.18%↑	93.81%↑	94.38%↑	90.71%↓
Percentage of Routine repairs completed on time*	C: 95% (5%)	Bigger is better	82.05%	70.35%↓	92.73%↑	95.56%↑	92.75%↓
Percentage of repairs (appointable) completed right first time	C: 95% (5%)	Bigger is better	91.95%	95.87%↑	97.89%↑	98.471%↑	98.37%↑

The repairs completed right first time has continued to exceed target and demonstrates the commitment to improving the customer experience.

Breyer have continue to engage and are looking at how we can ensure added value which was originally included in the contract can be delivered for the remainder of the term.

Covid Impact

During the covid period we moved to an essential repairs service only, ensuring all emergency H&S works were completed and essential services were maintained to all residents.

The contractors implemented all of the relevant safe working and PPE requirements and worked with residents to ensure the safety of our tenants and the operatives was maintained throughout the lockdown period. Where residents expressed concerns, we either worked with them to undertake works in a manner in which they were comfortable or rescheduled the works.

Once the government issue guidance on how to safely work in residents homes in May we resumed our full service in all properties with the excepted of sheltered properties. We have since resumed a full service.

As can be seen in the figures above we maintained good levels of service however, we are now experiencing the expected backlog of repairs. Breyer would normally hold a WIP (works in progress) of around 1,000 jobs at any one time, this currently stands at 1,700 as residents have again started to report repairs.

This is reflected in the drop off in routine and urgent repairs figure shown above but Breyers are currently bringing in more operatives to reduce this backlog down to normal numbers.

We have also seen issues in the supply chain around certain materials, significantly plaster products and timber, this has had an impact on undertaking some workstreams. Whilst this is starting to normalise local lockdowns and the shutting down of factories has had a continued impact.

Subject to no further lockdowns we expect to return to normal volumes by the end of the year and we will continue to ensure that all emergency works are completed on time and works for vulnerable residents are prioritised where possible

Gas Servicing

Compliance has been an area of significant focus for all stakeholders and we have been working hard to ensure we maintain compliance.

A new Housing Compliance Board has been created, chaired by the Director of Housing, which included key stakeholder from cross the council

We have also improved the reporting of compliance projects to provide greater clarity and transparency across all compliance areas and continue to evolve the reporting function and governance.

All housing compliance KPIS are now reported monthly to Compliance Board, SLT and Cabinet for full visibility at all levels.

We have now developed our suite of compliance policies which will further reinforce our approach and we are implementing IT systems which will allow us to manage programmes and provide greater clarity over compliance going forward.

Current Performance

Both K&T and Stonegrove have continued to perform at high levels and we have introduced some more proactive approaches to engaging with residents to help obtain access to properties.

As can be seen below we have been able to maintain 100% compliance, or close too, for the last few months. This has been achieved without the need to obtain any court warrants to force entry, which is testimony to the work of both our compliance team and K&T.

GAS COMPLIANCE						
Domestic Gas - General Needs		99.94%	100.00%	100.00%	2	100%



	8539	8534	8539	8539		
Domestic Gas - PSL		99.87%	100.00%	100.00%	2	100%
	796	795	796	796		
Gas Carcassing		100.00%	100.00%	100.00%	2	100%
	87	87	87	87		
Communal Gas servicing		100.00%	100.00%	100.00%	2	100%
	67	67	67	67		

Covid Impact

Due to the H&S nature of gas servicing we continued to deliver the full programme throughout the lockdown period. K&T implement the full safe working protocols going over and above to ensure residents safety.

We were able to maintain extremely high levels of compliance and had very few residents who expressed reluctance for us to enter their homes to undertake the service.

Where residents were concerned we worked with them, explaining exactly what would take place, the cleaning regimes, the social distancing regimes and the timescales involved and took into account any special concerns/request they had.

IMPLICATIONS AND RISKS

Financial implications and risks:

There are no financial implications as a result of this report which is for information only.

The control frameworks in place associated with contract performance are strictly adhered to.

Legal implications and risks:

There are no legal implications as a result of noting this report.

Members should note that the Gas Safety (Installation and Use) Regulations 1998 govern the Council's actions associated with gas safety management. It is understood that the requirements for a review programme on the anniversary of the safety check and a robust systems for gaining access are in place.

Human Resources implications and risks:

There are no HR implications as a result of this report.

Equalities implications and risks:

An Equalities Assessment (EA) is not required associated with this report.

The Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 requires the Council, when exercising its functions, to have due regard to:

- (i) the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (ii) the need to advance equality of opportunity between persons who share protected characteristics and those who do not, and;
- (iii) foster good relations between those who have protected characteristics and those who do not.

Note: 'Protected characteristics' are: age, sex, race, disability, sexual orientation, marriage and civil partnerships, religion or belief, pregnancy and maternity and gender reassignment.

The Council is committed to all of the above in the provision, procurement and commissioning of its services, and the employment of its workforce. In addition, the Council is also committed to improving the quality of life and wellbeing for all Havering residents in respect of socio-economics and health determinants.

Towns & Communities Overview & Scrutiny Sub-Committee

22 September 2020

REPORT

Subject Heading:

Pre-Decision Scrutiny of a Cabinet Report
- Private Sector Housing Enforcement
Scheme Two to Expand Additional
Licensing for Housing in Multiple
Occupation and Introduce Selective
Licensing

SLT Lead:

Abdus Choudhury – Deputy Director of
Legal & Governance

Report Author and contact details:

Richard Cursons – Democratic Services
Officer
richard.cursons@onesource.co.uk

Policy context:

Following the decision taken at Cabinet in
May 2019 to consult on a further licensing
scheme for private rented properties,
Cabinet will be asked to review the results
of the consultation and give approval to a
Selective Licensing Scheme in Romford
Town and Brooklands wards and an
Additional Licensing Scheme in Cranham,
Emerson Park, Hacton, Hylands, St
Andrews and Upminster.

Financial summary:

These new licensing schemes are
forecasted to be cost neutral over the 5
year term of the schemes as expenditure
will be offset by fee income.

The subject matter of this report deals with the following Council Objectives

Communities making Havering
Places making Havering
Opportunities making Havering
Connections making Havering

[X]
[X]
[]
[]

SUMMARY

The attached report is brought to the Sub-Committee for scrutiny and comment prior to a final decision being made by Cabinet.

RECOMMENDATION

The attached report on the Private Sector Housing Enforcement Scheme Two to Expand Additional Licensing for Housing in Multiple Occupation and Introduce Selective Licensing has been suggested as a subject for pre-decision scrutiny. It is suggested that the Sub-Committee discuss the proposals contained in the report and agrees any points, comments or, if appropriate, alternative recommendations it would like addressed when the report is presented to Cabinet on 14 October. These will be addressed by the Cabinet Member in their introduction to the report at the Cabinet meeting.

It should be noted that, unless the proposal is different from that which the decision-maker is subsequently required to consider, the pre-decision scrutiny of the subject prevents the opportunity for call-in once the decision is made by the Cabinet.

REPORT DETAIL

As per Appendices

Appendix A – Cabinet report
Appendices 1-8



CABINET

14 October 2020

Subject Heading:

Private Sector Housing Enforcement Scheme Two to Expand Additional Licensing for Housing in Multiple Occupation and Introduce Selective Licensing

Cabinet Member:

Cllr Persaud, Lead Member for Public Protection & Safety

SLT Lead:

Barry Francis Director of Neighbourhoods

Report Author and contact details:

Louise Watkinson Head of Public Protection
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01708 432771

Policy context:

Following the decision taken at Cabinet in May 2019 to consult on a further licensing scheme for private rented properties, Cabinet will be asked to review the results of the consultation and give approval to a Selective Licensing Scheme in Romford Town and Brooklands wards and an Additional Licensing Scheme in Cranham, Emerson Park, Hacton, Hylands, St Andrews and Upminster.

Financial summary:

These new licensing schemes are forecasted to be cost neutral over the 5 year term of the schemes as expenditure will be offset by fee income.

Is this a Key Decision?

Significant effect on two or more Wards

When should this matter be reviewed?

January 2022

Reviewing OSC:

Towns and communities

The subject matter of this report deals with the following Council Objectives

Communities making Havering
Places making Havering
Opportunities making Havering
Connections making Havering

[x]
[x]
[]
[]

SUMMARY

This report seeks approval from members for the introduction and operation of a selective private landlord licensing scheme in Romford Town and Brooklands wards and an additional, house in multiple occupation (HMO) scheme in Cranham, Emerson Park, Hacton, Hylands, St Andrews and Upminster based on the Private Rented Sector (PRS): Housing Stock Condition and Stressors Report Appendix 1. The results of the consultation on the licensing scheme proposals are also presented in Appendices 2 and 3.

The public consultation and the evidence collated, support the case for the introduction of a selective licensing scheme in these two wards due to poor housing conditions and anti-social behaviour. There is also a significant proportion of smaller HMO's in the proposed area which are being poorly managed as to give rise to one or more particular problems, either for those occupying the HMO's or for members of the public e.g. poor housing conditions and/or anti-social behaviour (ASB).

Approval from members is therefore sought to introduce an additional (HMO) licensing scheme covering the remaining six wards in the Borough; Cranham, Emerson Park, Hacton, Hylands, St Andrews and Upminster Appendix 4. Also to introduce a small selective licensing scheme in Romford Town and Brooklands wards Appendix 5.

This will require all privately rented houses in Romford Town and Brooklands to have a licence from the Council. It is estimated that up to 5000 properties may require a licence.

Smaller privately rented HMOs in Cranham, Emerson Park, Hacton, Hylands, St Andrews and Upminster will be required to obtain a licence from the Council.

This Council believes that the implementation of selective and additional licensing will, alongside other existing and proposed activities, improve management practices in private rented properties and reduce the negative impact that below standard and poorly-managed accommodation in the private rented sector can sometimes have on the local community.

Approval is also sought to agree the fees in Appendix 7

The evidence report was provided in the May 2019 cabinet report.

RECOMMENDATION

Cabinet is recommended to:

Consider the representations received in response to the consultation on the selective licensing and additional HMO licensing scheme (as attached at Appendix 3).

- 1) Agree to introduce a selective licensing of private rented properties and to designate a selective licensing area of the district of the London Borough of Havering as delineated and shaded pink on the map at Annex A in Appendix 5 which covers 2 wards (Romford Town and Brooklands) in the Borough and to come into force from 25th January 2021 and be of five years duration.
- 2) Agree to introduce an additional licensing of houses in multiple occupation (HMO's) and to designate an additional licensing area of the district of the London Borough of Havering as delineated and shaded pink on the map at Annex A in Appendix 4 which covers Cranham, Emerson Park, Hacton, Hylands, St Andrews and Upminster wards in the Borough and to come into force from 25th January 2021 and be of five years duration.
- 3) Agree that the selective licensing scheme shall be cited as the London Borough of Havering Designation for an Area for Selective Licensing No 1, 2020
- 4) Agree that the additional HMO licensing scheme shall be cited as the London Borough of Havering Designation for an Area for Additional Licensing of Houses in Multiple Occupation No 2, 2020.
- 5) The scheme shall be publicised as required by regulation before enforcement starts and a comprehensive publicity campaign to begin as soon as the schemes are approved.
- 6) Delegate to the Director of Neighbourhoods in consultation with the Lead Cabinet Member for Public Protection and Safety, the authority to agree minor changes to the proposed implementation and delivery, including administration, fees and conditions where necessary and ensure that all statutory notifications are carried out in the prescribed manner for the licensing designation.

REPORT DETAIL

1. Background

- 1.1 There has been a substantial shift from owner occupation to the private rented sector in recent years, this trend has been recognised and is of concern to the council which they have been monitoring this closely. Private rented accommodation has the poorest housing conditions and can have a significant impact on the community.
- 1.2 In October 2017 the council considered a report to introduce a discretionary additional licensing scheme in 12 wards of the Borough and this came into force in March 2018.

- 1.3 At the time conditions did not exist to introduce any discretionary selective licensing in the area, but as housing tenure was considered to be changing rapidly the council committed to monitoring this and potentially introducing further licensing if required.
- 1.4 In 2011, 10,464 properties in Havering were owned by the local authority, 3,355 by registered social landlords, 71,698 were owner-occupied and 9,601 (9.6%) were privately-rented.
- 1.5 The latest figures suggest that, in 2018, there were approximately 105,798 dwellings in total, of which approximately 30,125 (29%) are privately-rented, with two wards having a level of 37.6% (Romford Town) and 34.9% (Brooklands) PRS. This growth has been largely through the activities of 'buy to let' investors and these new landlords have replaced owner occupiers in many of our streets and neighbourhoods. Havering has also experienced a rise in the growth of Houses in Multiple Occupation (HMOs). There are estimated to be 1310 HMOs in Havering.
- 1.6 Additional licensing provides a power for local authorities to licence HMO's not covered by Mandatory licensing. Under section 56 (1) the Housing Act 2004 a Local Housing Authority has the power to designate the whole or any parts of its area as being subject to Additional Licensing for Houses in Multiple Occupation (HMO's). Generally, these are HMO's which are not covered by mandatory licensing such as those which are occupied by fewer than five or more people, in two or more separate households. Before designating further areas for Additional Licensing, the Authority must be satisfied there is evidence in relation to each proposed area. Further it considers that a significant proportion of the HMO's of the relevant description in the area are being managed sufficiently ineffectively as to give rise to, or to be likely to give rise to, one or more particular problems either for those occupying the HMO's or for members of the public. Selective licensing allows local authorities to introduce licensing for privately rented properties accommodating single households. It is intended to address the impact of poorly rented properties on the local environment and to improve housing conditions. Under Section 80 of the Housing Act 2004, a local authority can designate the whole or any part(s) of its area as being subject to Selective Licensing. Where a Selective Licensing Designation is made it applies to all Part 3 houses or flats which are privately rented (as set out in section 79 and 99 of the Act). Exemptions apply for example for registered social landlords. If the local authority makes a Selective Licensing Designation that covers i) 20% or less of its total geographical area and ii) includes less than 20% of its privately rented properties, then the scheme will not need to be submitted to the Secretary of State for Communities and Local Government (DCLG) for approval. (Larger Selective Licensing Schemes covering a wider designation or whole borough will require specific Government approval). Before the Council introduces a Selective Licensing Scheme applying to non HMO's, under The Selective Licensing of Houses (Additional Conditions) (England) Order 2015 they must be satisfied it is in an area in which one or more of the following general conditions apply;

- I. That the area is, or is likely to become, an area of low housing demand;

- II. That the area is experiencing a significant and persistent problem caused by antisocial behaviour;
 - III. The area has poor property conditions;
 - IV. The area has high levels of migration;
 - V. The area has high levels of deprivation;
 - VI. The area has high levels of crime.
- 1.7 The authority must also be satisfied that making the designation will when combine with other measures in the area by the local housing authority (or by other persons together with the local housing authority) lead to a reduction in, or elimination of the problems).
- 1.8 For the Council to introduce discretionary licensing as set out in the recommendations, the Council must demonstrate that conditions exist in the Borough to meet the legal evidential test set out in this section. The evidence collated in the report meets these tests, in summary for the proposed selective licensing:
- Brooklands and Romford Town wards have more than 19% of the housing stock which is privately rented, these wards therefore have an above (national) average % of PRS.
 - That the area is experiencing a significant and persistent problem caused by anti-social behaviour.
 - 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.
 - There are a significant number of properties in poor condition in Brooklands and Romford Town wards.
- 1.9 For the proposed extension of Additional Licensing in the remaining six wards in the Borough namely Cranham, Emerson Park, Hacton, Hylands, St Andrews and Upminster there is evidence which shows that there is a significant proportion of the HMOs of the relevant description in the area 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.
- 1.10 The evidence to support the introduction of discretionary licensing in the area was presented in the May 2019 Cabinet Report before the start of the consultation. A full evidence report will be placed in the member's room for reference.
- 1.11 Licensing Objectives
- The objective of the licensing schemes is to:
- Benefit neighbourhoods and local communities in terms of reducing anti-social behaviour and crime, making Havering a safer and more desirable place to live.

- Improvement in the physical condition, management practices and overall quality of PRS properties make sure more landlords manage their properties responsibly and regulate rogue landlord activity.
- Continued promotion of landlord training and accreditation schemes and support for landlords in dealing with anti-social tenants.
- Focus enforcement on landlords that provide below standard accommodation and have unlicensed properties.
- Provide a light touch solution for landlords who meet the requirements and already provide good quality accommodation and service.
- Provide more protections for private rented tenants.
- Education for tenants in their responsibilities to behave in a tenant like manner.

2. The Legal Framework

- 2.1 Under the Housing Act 2004 a Local Authority has the power to designate the whole or any parts of its area as being subject to selective licensing and/or additional licensing for HMOs.
- 2.2 Certain conditions are required to be met before any licensing designations can be made, these are detailed in the above section and in the legal implications within this report.
- 2.3 Prior to adopting the extension of the additional (HMO) licensing scheme and introduction of the selective licensing scheme in the proposed wards the local authority must consider:-
 - a. whether there are other courses of action available that might provide an effective method of achieving objectives that the designation would be intended to achieve and
 - b. that making the designation will significantly assist it to achieve the objective or objectives.
- 2.4 Before the designations are made, the Council must ensure that they are consistent with the overall Housing Strategy and must seek to adopt a co-ordinated approach in tackling homelessness, empty properties and antisocial behaviour in the privately rented sector whether on its own or in combination with other measures.
- 2.5 The designations, if any are made, may be challenged by judicial review. The Council will need to consider alternative options in the event of a successful challenge. The time limit for issuing a claim for judicial review is three months from date of designation.
- 2.6 Alternatives to licensing

The Council, and its partners, have attempted to resolve the problems associated with anti-social behaviour, sub-standard accommodation, poorly managed HMOs

using a number of methods, but none have been capable of providing an effective widespread solution to the problems experienced. The courses of action already in place or considered are set out in the table below.

Type of action	Description
Landlord Accreditation and Engagement	This is a voluntary scheme and has been available for several years. Havering has a low rate of accreditation compared with other London boroughs. The proposed license fee will offer a discount to accredited landlords. Engagement events will be delivered throughout the proposed scheme.
Community Safety Partnership	Although powers under the partnership can be effective at addressing problem behaviour of individuals, they are not capable of regulating the management and occupation of HMOs.
Part 1 Housing Act	Complaint work only deals with a very small number of properties, many poor conditions are 'hidden' due to tenants not reporting problems with their landlords. The process is also slow and relies on pre-informed inspections.
Enforcement HMO Management Regulations	Powers already being used, however currently relies on tenants reporting problems and reactive visits. General under reporting due to tenants fear of repercussions
Nuisance and Noise	Powers come under EPA 1990 to prosecute offenders are not suitable for addressing the majority of problems associated with the PRS that the Council has identified.
Article 4	Article 4, which seeks to control the creation of new HMOS is in place and can be expected to reduce the number of new HMOs being created in the Borough. However, this does not help address standards in existing HMOs
Homelessness	The additional licensing designation will provide greater protection for assured short hold tenants living in unlicensed HMOs and protect against retaliatory evictions.
Empty properties	Empty properties are not a significant issue in the Borough as Havering is not an area of low demand for housing. However where they are identified action is taken to help bring them back into use. Licensing and the use of data management tools will assist in the identification of these properties and targeted action can be taken.

2.7 Existing additional licensing

The existing scheme is being implemented successfully and through its operation has uncovered a significant level of housing crimes. This non-compliance has been worse than expected and enforcement action has been intelligence led

focussing on unlicensed properties and those with high levels of anti-social behaviour. Key outputs from April 2018 to May 2020 are;

- 50 multi-agency operations, involving Police and Home Office Enforcement Officers
 - 185 Financial Penalty Notices with a value of £655,000
- 2.8 Any designation cannot come into force until the lapse of 3 months after the date it is made. If the designations are agreed there will be a comprehensive publicity campaign inviting landlords to license and an awareness campaign for residents to report rental properties which might not be licensed.
- 2.9 If the designations are approved the authority will review the operation of the licensing scheme from time to time. This will be essential to monitor the progress of the scheme and the effectiveness of dealing with rogue landlords.
- 2.10 It is proposed that an initial review is carried out at the end of the first year of enforcement in October 2021 with a further review towards the end of year 4 which will be useful for determining the strategic direction of the scheme in particular if a further one is required.

3. Consultation

- 3.1 Before making a designation under Part 2 (additional licensing) and Part 3 (selective licensing) of the Housing Act 2004, the authority must undertake all reasonable steps to consult persons who are likely to be affected by the designation, and consider any representations made in accordance with the consultation and not withdrawn. The statutory consultation must be for a minimum period of at least ten weeks.
- 3.2 The council has run informal events and a formal consultation in respect to licensing since 2017, a landlord forum was established in Havering in June 2019. This, and a current evidence report, were used to inform the basis of the statutory consultation which ran from 26 June 2019 to 20 September 2019.

The outcome from the statutory public consultation was that:

- There is general support and consensus among all represented groups for licensing HMOs and that this should be expanded to cover the remaining six wards.
- The response shows strong support for HMO licensing, the majority choice being 'strongly agree' (52%). By collating the agree/strongly agree and disagree/strongly disagree categories it can be seen that, 66% of respondents agreed with the proposal with 34% against.
- By collating the agree/strongly agree and disagree/strongly disagree categories it can be seen that that 44% agree and 38.5% disagree with the fee proposal for HMO licensing.

- There are strong opinions both for and against selective licensing. The views are split broadly between landlords being opposed and residents, tenants and a handful of landlords being supportive of a scheme.
 - By collating the agree/strongly agree and disagree/strongly disagree categories it can be seen that 52.5% agree and 47.5% disagree with the selective scheme proposal.
 - There is considerable opposition to the proposed fee for selective licensing. By collating the agree/strongly agree and disagree/strongly disagree categories it can be seen that 61.47% disagree and 34% agree with the proposal.
 - Most opposition to the scheme stemmed from the fee element, although many landlords and agents agreed with registering landlords.
 - There was strong support for offering a discount for early applications, with 66% agreeing and only 19% disagreeing.
 - 69% agreed with reduced licence sanction for criminal landlords.
 - There was strong support for the proposed licence conditions.
- 3.3 A summary of the consultation responses & the Councils responses to these is attached at Appendix 3. This includes the questionnaire responses, consultation events, written submissions and the Council's consideration of responses to the consultation and any changes to the proposals.
- 3.4 Several changes were made to the proposals as a result of comments received. The wording of some conditions were amended. Also a further review was carried out of the fees schedule, as a result a decision has been made, not to offer a discount on the additional (HMO) fees but also not to increase them, to keep them in line with the current additional scheme operating in the rest of the Borough. A early bird discount has been applied for selective licensing fees to encourage compliance with the new scheme. A further review of the licensing fees, including mandatory licence fees, will be carried out later in the year. A review of the inclusion of 257 HMOs was also revisited due to Safeagent feedback which has not resulted in any change to the designation but an amendment to the services Enforcement Policy.
- 3.5 A Members' briefing session was held on 29th October 2019 to discuss the proposal and consultation feedback. Members welcomed the introduction of the licensing schemes and emphasised the need for enforcement.

REASONS AND OPTIONS

4. Reasons for the decision:

- 4.1 Havering has become a sought-after location for buy to let investors as it is currently more affordable with higher yields than other Boroughs. This is borne out by the growth of the private rented sector in Havering over the last few years. The demand for housing in the South East is still predicted to grow putting more pressure on housing supply. Licensing provides a useful tool to regulate this sector

and raise the standards in private rented accommodation, contain ASB and regulate HMOs.

- 4.2 It is also considered that the renewal of additional and/or selective licensing schemes in neighbouring local authorities has exacerbated the problems that already existed within Havering's private rented sector. The licensing regimes threaten to displace the worst landlords from those boroughs and drive them into boroughs that do not operate any form of non-mandatory private rented housing licensing which are, therefore, seen as being more lightly regulated.
- 4.3 There is evidence that a significant proportion of these landlords are operating in Havering and further licensing is required to counter act this displacement. Through the successful enforcement of the current HMO licensing scheme poor and dangerous housing conditions have been unearthed by proactive enforcement against unlicensed HMOs. It is therefore important for Havering to continue to implement suitable measures to enable it to reduce such displacement and to bring unscrupulous landlords to account.
- 4.4 In response to these issues, it is anticipated that the introduction of more robust controls, such as those achievable through discretionary licensing, will (i) further deter the migration of rogue landlords into Havering, (ii) provide an opportunity to drive up standards within the private rented sector (iii) reduce antisocial activity often linked to poorly managed properties. A more proactive approach to tackle these complex issues will see benefits for landlords, tenants and local residents.
- 4.5 Other options considered:
- To retain additional licensing in only six wards.
 - Not to designate any of the Borough for additional or selective licensing.
 - Introduce selective licensing in more areas than Romford Town and Brooklands

IMPLICATIONS AND RISKS

Financial implications and risks:

- 5.1 If the selective and additional licensing scheme is agreed, the scheme will need to be cost neutral over the five-year duration. Fee income is forecasted to peak in the next financial year so will require ring fencing to meet subsequent years funding requirements. Fees must be set at a level which are reasonable and proportionate, and it would be ultra vires to make more money than it costs to administer the licensing scheme.
- 5.2 The Council has experience of running an additional licensing scheme and an understanding of landlord compliance and behaviour which has been used to forecast income and costs. The income achieved to date has been below forecasted and has required robust enforcement to root out unlicensed properties. The profile over five years for the proposed scheme has been adjusted to take account of this experience.

- 5.4 Civil penalty income will be recycled into enforcement and has not been included in the figures as it cannot be predicted.
- 5.5 It is proposed to operate a two part fee structure where a Part A fee is charged for the administration and processing cost of the licence which is non-refundable, and if the licence is approved, a further Part B fee will be charged to cover the management and enforcement of the scheme in view of the most recent case law on this subject. The proposed fees are attached Appendix 7.
- 5.6 The profile of income and expenditure over the life of the scheme is shown in the table below

Cabinet Report OCT 2020 - Financial Plan							
	Yr 1 (2020/21)	Yr 2 (2021/22)	Yr 3 (2022/23)	Yr 4 (2023/24)	Yr 5 (2024/25)	Yr 6 (2025/26)	Totals
License Fee Income	-473,115	-709,672	-354,836	-354,836	-236,557	-236,557	-2,365,574
Expenditure	422,446	494,998	566,162	410,999	282,577	188,390	2,365,573
Net	-50,669	-214,674	211,326	56,163	46,020	-48,167	0

Table notes

- Expenditure includes, IT infrastructure, staff costs, legal fees and communication costs.
- Income has been estimated based on expected applications per year over the five-year period for both the new additional and selective schemes.
- The profile assumes peak applications will be in years one and two of the schemes.

- 5.7 This scheme is expected to be fully self-financing over the five-year period. This forecast is based on a high compliance figure emphasising the need for unlicensed properties to be identified and licensed throughout the life of the scheme. Due to the timing of the introduction of the scheme against the financial year the net cost in later years may not be offset by the potential income in the same period due to the lower numbers of applications expected. The year two net position will be held as a reserve to fund the future year's deficits.
- 5.8 The above figures do not include the set-up costs £87,000 (staff, consultation and communications costs) which have already been met from the existing budget.
- 5.9 For 2020/21, and beyond, a prudent approach has been taken and it is expected that the scheme will breakeven at the end of the five-year period.
- 5.10 There are risks associated with the scheme, whether the income targets will be achieved and whether these will be sufficient to offset the costs incurred. Income and expenditure will be closely monitored throughout the life of the schemes.

- 5.12 If the licence fee income does not cover the cost there is a risk to the general fund although the risk will be mitigated by employing a robust enforcement approach to ensure all properties which require a licence are licensed.

6. Legal implications and risks:

- 6.1 This report seeks Members approval to introduce an extension of the existing additional HMO licensing scheme to a further 6 wards as set out in the report, and to introduce selective licensing scheme in the wards of Brooklands and Romford Town. The statutory tests for additional HMO licensing and selective licensing are set out in the body of this report. Under the Housing Act 2004 a Local Authority has the power to designate the whole or parts of its area as being subject to Selective licensing and / or Additional Licensing for Houses in Multiple Occupation.
- 6.2 Under section 80 of The Housing Act 2004 a Local Authority can designate whole or any parts of its area subject to Selective Licensing and this applies to privately rented properties in the area. Before designating a Selective licensing area, the Council must consider;
- a) The area is or is likely to become an area of low housing demand and that the conditions in the areas will be improved by the designation combined with other measures or;
 - b) That the area is experiencing a significant and persistent problem caused by anti-social behaviour which is not being dealt with by private landlords and that designation will in combination with other measures lead to a reduction in or elimination of the problem.
- 6.3 Under The Selective Licensing of Houses (Additional Conditions) (England) Order 2015 a Selective Licensing designation may be made if the area to which it relates satisfies one or more conditions as set out in paragraph 1.6 of the report.
- 6.4 Before designating further areas for Additional Licensing, under section 56 (2) of the Housing Act 2004 the authority must be satisfied that a significant proportion of the HMOs of the relevant description in the area are being managed sufficiently ineffectively as to give rise to, 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. A significant proportion means a proportion of the overall HMOs of the description falling within the proposed designation which the Authority considers to be significant (bearing in mind local conditions). This test applies to each area proposed for Additional licensing.
- 6.4 Before the designations are made, the Authority must consider the matters set out in sections 1 and 2 of this report. They must also ensure they are consistent with the overall Housing strategy and must seek to adopt a co-ordinated approach in tackling homelessness, empty properties and antisocial behaviour in the privately rented sector whether on its own or in combination with other measures.

- 6.5 Further to paragraph 1.5 the selective licencing proposal covering Romford Town and Brooklands wards is below 20% of Havering council's geographical area and below 20% of its privately rented properties. Therefore scheme does not require a submission to the secretary of state.
- 6.6 The Council must take reasonable steps to consult with persons likely to be affected by the proposed designations such as local residents, businesses, landlords, tenants, and managing agents within the proposed and surrounding area. This has taken place and members must consider the responses before a decision is made and be satisfied that; i) an effective consultation has taken place ii) the proposals were consulted on at a formative stage, iii) sufficient reasons have been given for the proposals to enable the consultees to consider them and respond intelligently, iv) adequate time has been allowed for consideration and response. This has been set out in the body of the report and in Appendix 2 the Consultation Report.
- 6.7 If implemented the proposed schemes may be challenged by way of judicial review. The Council will need to consider alternative options in the event of a successful challenge. Although the public consultation ended in September 2019, the decision for the implementation of the proposed schemes has inevitably been delayed due to the COVID19 pandemic. Any claim for judicial review in respect of the delay is very likely to be unsuccessful. The time limit for issuing a claim for judicial review is three months from the date of the designation.

7. Human Resources implications and risks:

- 7.1 The staffing requirements have been forecasted as part of the fee setting exercise. Staffing is required to be bolstered on the enforcement side once the scheme goes live later in 2020. Investment in technology has kept these requirements to a minimum. Any recruitment activity or engagement of agency worker resources will be undertaken in accordance with the Councils usual recruitment and selection policies & procedures.

8. Equalities implications and risks:

- 8.1 The Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 requires the Council, when exercising its functions, to have due regard to:
- i. the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
 - ii. the need to advance equality of opportunity between persons who share protected characteristics and those who do not, and;
 - iii. foster good relations between those who have protected characteristics and those who do not.

Note: 'Protected characteristics' are: age, sex, race, disability, sexual orientation, marriage and civil partnerships, religion or belief, pregnancy and maternity and gender reassignment.

8.2 The Council is committed to all of the above in the provision, procurement and commissioning of its services, and the employment of its workforce. In addition, the Council is also committed to improving the quality of life and wellbeing for all Havering residents in respect of socio-economics and health determinants.

8.3 An equalities assessment was carried out prior to the consultation and has been reviewed following this consultation. There are no significant impacts on any of the protected characteristics and as such is not appended to this report but listed

9. Health and Wellbeing implications and Risks:

9.1. Housing is a key wider determinant of health and improving the quality of housing will improve health and wellbeing of the community.

9.2. The proposed selective and additional licensing will improve management practices in private rented properties, reduce the negative impact of below standard and poorly-managed accommodation in the private rented sector.

9.3. Public health is therefore supportive of the proposed introduction of a selective licensing scheme in the two wards to reduce the poor housing conditions, reduce anti-social behaviour and improve quality of housing.

9.4 The COVID 19 pandemic is a global and national emergency with serious impact on lives and socio economic activities. National guidance recommends social distancing measures, working from home and only essential travels to reduce further risk to lives.

Given the threat to lives posed by the ongoing pandemic, the overriding consideration is to follow national guidance to protect lives. This decision is consistent with that guidance.

Appendix 1: Private Rented Sector: Housing Stock Condition and Stressors Report

Appendix 2: Havering Consultation Report October 2019

Appendix 3: Collation & Summary of Consultation Responses & LBH Response

Appendix 4: Designation of an area for Additional Licensing

Appendix 5: Designation of an area for Selective Licensing

Appendix 6: Additional and Selective Licensing Conditions

Appendix 7: Licence Fees

Appendix 8: Equality & Health Impact Assessment

BACKGROUND PAPERS

None

London Borough of Havering

Private Rented Sector: Housing Stock Condition and Stressors Report

Russell Moffatt & Pip Watson

February 2019



Executive Summary

It has been a number of years since the London Borough of Havering reviewed the housing stock in the borough and assessed housing stressors related to key types of property tenures, particularly in the private rented sector.

The detailed housing stock information provided in this report will facilitate the development and delivery of Havering's housing strategy and enable a targeted approach to tackling poor housing, particularly in the private rented sector.

The main aim of this review was to investigate and provide accurate estimates of:

- Current levels of private rental sector (PRS) properties and tenure change since 2001
- Information on the number of Houses in Multiple Occupation (HMOs) as a subset of the PRS
- Levels of serious hazards that might amount to a Category 1 hazard (HHSRS)
- Other housing related stressors, including antisocial behaviour (ASB), council tax arrears, tenants' complaints of disrepair etc
- Assist the council to make policy decisions, including the introduction of property licensing schemes under Part 2 and Part 3 of Housing Act 2004

Metastreet has developed a stock-modelling approach based on metadata and machine learning to provide insights about the prevalence and distribution of a range of housing factors. This approach has been used by a number of councils to understand their housing stock and relationships with key social, environmental and economic stressors.

The housing models are developed using unique property reference numbers (UPRN) as keys, which provide detailed analysis at the property level.

Data records used to form the foundation of this report include:

- Council tax
- Housing benefit
- Electoral register
- Private housing complaints and interventions records

- Planning complaints and interventions records
- ASB complaints and interventions records
- Experian Mosaic records

Key Findings

- There are a total of 105,798 residential properties in Havering, 29% (30,125) of which are PRS, 54% are owner occupied and 17% socially rented.
- 7480 PRS properties have category 1 HHSRS hazards. This represents 25% of the PRS stock, i.e. 1 in 4 rental properties have serious hazards.
- The highest concentration of PRS properties are located in Romford Town and Brooklands wards
- The data modelling predicts that Havering has 1310 HMOs
- HMOs as a subset of the PRS in Havering, have high rates of ASB and category 1 (HHSRS) hazards
- The highest concentration of HMOs can be found in the Romford Town and Brooklands wards.

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(Source Ti 2018)

Map 4: Showing properties in Romford Town and Brooklands with category 1 hazards (source Ti
2018)

1. Introduction

1.1 Project Objectives

Metastreet was commissioned by the London Borough of Havering to review its housing stock with a focus on the following key areas:

- Residential property tenure changes since 2001
- Housing age profile
- Distribution of the private rented sector (PRS)
- Condition of housing stock in the PRS
- Tenure and housing related stressors, including Anti-Social Behaviour (ASB)

The report provides the council with the evidence base for developing housing policy and service interventions. The report also satisfies the council's responsibility to review its housing stock as set out under Part 1, Section 3 of the Housing Act 2004.

The first section of the report has collated a wide range of publicly held data to understand population, households and property economics, including 2011 Census, ONS, valuation office and public health data, and council held data.

The second section details the findings of the stock and tenure modelling, and the methodology used. Havering's data warehouse and the use of predictive analytics have been used to pinpoint tenure type and identify property conditions within the boroughs PRS housing stock. An advanced property level data warehouse house has been used to identify property tenure to facilitate the stock and tenure analysis. A large sample of properties with poor housing conditions has been used to predict housing conditions across the stock.

For the purposes of this review, it was decided that a ward-level summary is the fairest and most appropriate basis to assess housing conditions across Havering, built up from property level data.

Four separate predictive tenure models have been developed as part of this project which are unique to Havering, they include:

- Private rented sector (PRS)
- Houses in Multiple occupation (HMO)
- Owner occupiers
- PRS Housing hazards (Category 1)

The third section provides a housing policy overview and uses this to provide further analysis of the tenure modelling information to determine if characteristics exist in the Borough to support any specific action.

The appendices at the end of the report contain a summary of the various PRS enforcement interventions available to the council plus some case studies provided by the team as examples of recent interventions.

2. About Havering

2.1 Introduction

The London Borough of Havering (LBH) is the third largest geographical borough in London and contains eighteen electoral wards. It is mainly characterised by suburban development, with almost half of the area dedicated to open green space, particularly to the east of the borough.

There are 105,798 properties in Havering, according to council records (November 2018). The Borough has a high proportion of residential properties built between the First and Second World Wars. New house building since the 1960 has generally been lower than the national average up to 2014.

In the published census data in 2011 the PRS was reported to be 10% of the total stock. The PRS profile has increased substantially since 2011 and is now estimated to be 29% in Havering. This increase is also seen across London.

The principal town of Romford is densely populated and is an area of major metropolitan retail and night time entertainment. The southern part of Havering is within the London Riverside section of the Thames Gateway redevelopment area and will be an area of increasing development and population change.

Havering is a relatively affluent local authority but there are pockets of deprivation to the north (Gooshays and Heaton wards) and south (South Hornchurch) of the borough.

2.2. Population Profile

Havering has experienced a rapid population growth as a result of migration in the last 15 years.

Following a net population loss of 6.3% from 1983 (240,200) to 2002 (225,100), the population of Havering has increased year on year from 2002, with a 10.7% increase from 2002 to 2015 (Fig. 1)¹.

¹ *This is Havering 2017. A Demographic and socio-economic Profile. Some Key Facts and figures. V 2.4* (Marc, 2017) London Borough of Havering Public Health Service http://www.haveringdata.net/wp-content/uploads/2017/04/This-is-Havering_Havering-Demographic-Profile_Main-Document-v2.4.pdf

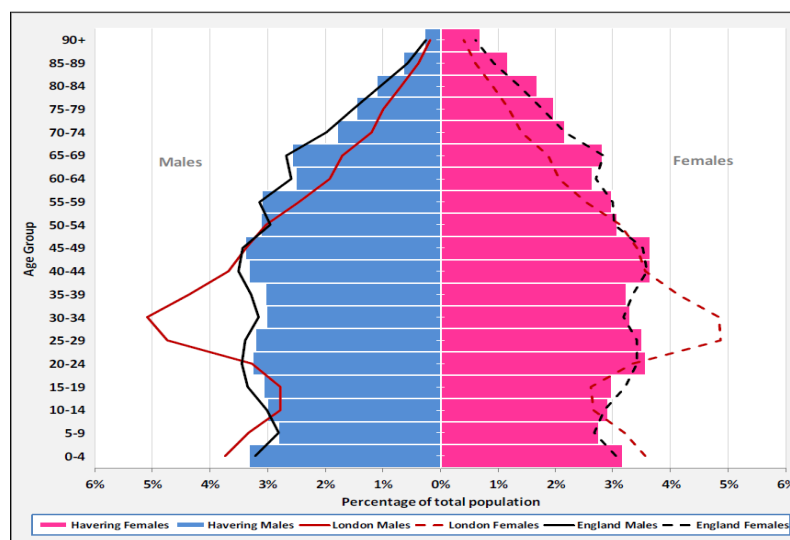
Figure 1: Change in population, London Borough of Havering 1993-2015



Source: mid-year population estimates, ONS cited in 'This is Havering, LBH (2017)'

The estimated population of the London Borough of Havering is 252,783. It has the oldest population in London with a median age of approximately 40 years old. However, from 2011 to 2016, Havering experienced the largest net inflow of children across all London boroughs. 4,580 children settled in the borough from another part of the United Kingdom during this six-year period.

Figure 2 - Population pyramid 2016, source: - ONS, Public Health Intelligence



Source: - ONS, Public Health Intelligence

Most existing data related to households is from the 2011 census. In Havering households are mainly composed of pensioners and married couples with dependent children. In 2011, there were 7,224 one-adult households with children under 16 in Havering. This is an increase from 2001 when there were 4,005 lone parent households. There has also been an increase in the number of one-adult households with no children. 32% (13,449) of the population aged 65 years and above are living in one-person households. Almost half (48%) of all one person households in Havering are occupied by persons aged 65 years and over, which is the highest proportion in London

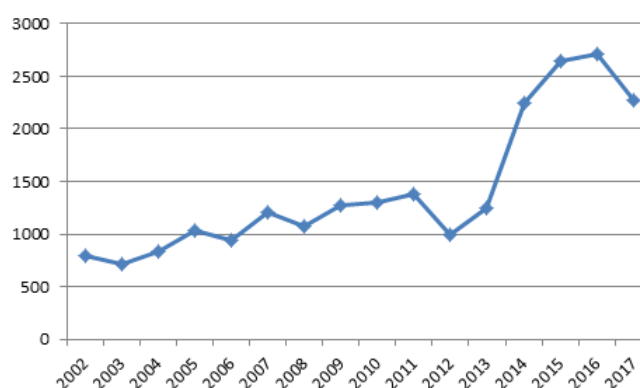
It is projected that the largest increases in population will occur in children (0-17 years) and older people age groups (65 years and above) up to 2033.

The life expectancy at birth for people living in Havering is 80.2 years for males and 83.9 years for females. About 18% of working age people living in Havering disclosed that they have a disability or long-term illness.

Havering is one of the most ethnically homogenous areas in London, with 83% of its residents recorded as White British, higher than both the London and England averages. About 90% of the borough's population were born in the United Kingdom.

National Insurance number registration to adult overseas nationals entering the UK have more than doubled in Havering since 2012 even though there was a slight downturn last year as shown below in Figure 3 (DWP 2018)².

Figure 3 National Insurance number registration to adult overseas nationals entering the UK 2002-2017



Source: NI number allocations. DWP. November 2018

² National Insurance number allocations to adult overseas nationals entering the UK. Statistics on National Insurance number allocations. 29 November 2018. Department of Work and Pensions
<https://www.gov.uk/government/collections/national-insurance-number-allocations-to-adult-overseas-nationals-entering-the-uk>

2.3 Economic profile

The average gross income per household in Havering (£44,430, as measured in 2012/13) is low in comparison to the London average (£51,770) and slightly higher than the England average (£39,557).

In 2017 the average gross salary for full time male was £35,869 and female £28,686 (source: ONS ASHE Table 7). 77% of households in Havering have at least one car and compared to other local authorities in London, Havering has the second highest proportion of households (32.8%) with 2 or more cars.

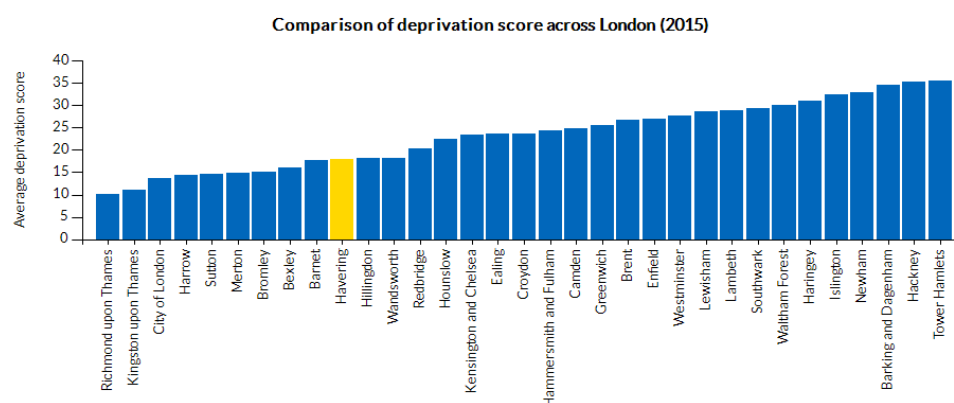
The majority of children in Havering are not poor, but around 8,800 live in income-deprived households. Gooshays and Heaton wards have the highest proportion of children living in poverty.

About 79.8% of working age residents in Havering were in employment between October 2016 – September 2017. Overall employment rate in Havering is higher than London (73.7%) and England (74.5%). The proportion of working age residents in Havering claiming out-of-work benefits (6.6%) is significantly lower than England (8.4%).

The recent data from the ONS shows that the average property in the area sold for £373,241; significantly higher than the UK average of £232,797. The average homeowner in Havering will have seen their property increase in value by around £147,000 in the last five years.

Deprivation in Havering compared to other London Boroughs is shown in the chart below. Havering is relatively less deprived than its neighbouring Boroughs.

Figure 4: Comparison of Deprivation Scores across London

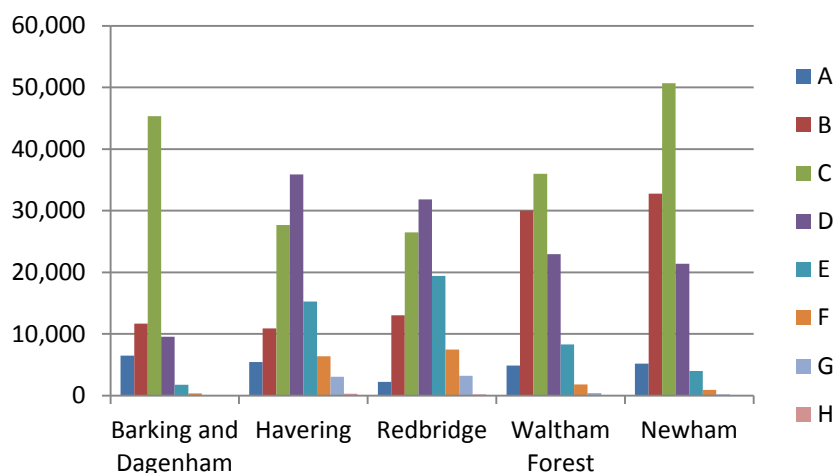


Source: DCLG, 2015

2.4 Council tax and household size

The Council tax band profile provides useful indicators for property value and type and is helpful for comparing housing stock. Council tax is banded A-H, (A being lowest value and H being highest value). Council tax bands were determined on the value of properties as of the 1st April 1991; the lower rated properties are generally more likely to be flats.

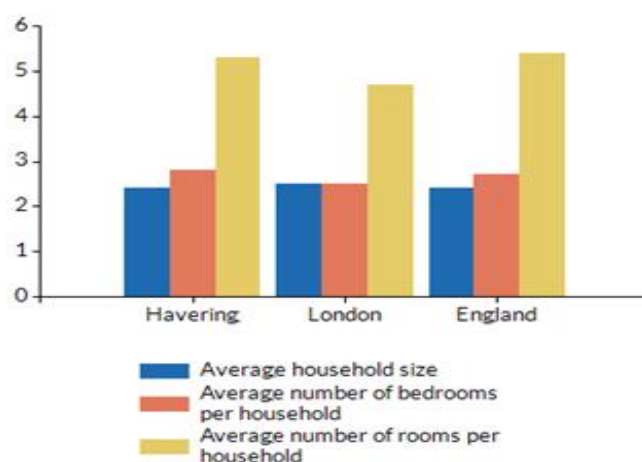
Figure 5: Council Tax Bands in Havering and neighbouring boroughs



Compared to Barking and Dagenham, Newham, and Waltham Forest, there are far fewer lower rated properties available in Havering, and the stock profile is very similar to that of Redbridge.

This profile is also reflected in the above London average number of bedrooms per household shown in the following charts and tables show the household size and number of rooms in housing in Havering, as recorded in the 2011 Census.

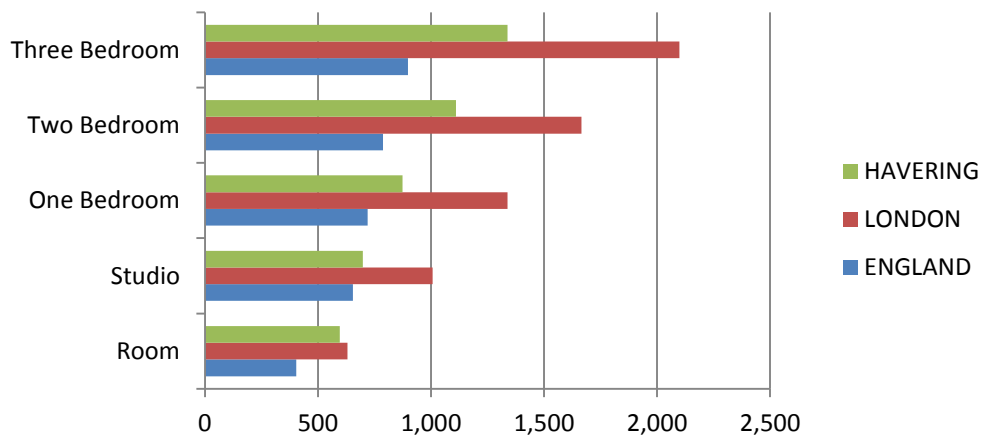
Figure 6: Household size and rooms Havering, London and England



Source: ONS 2011

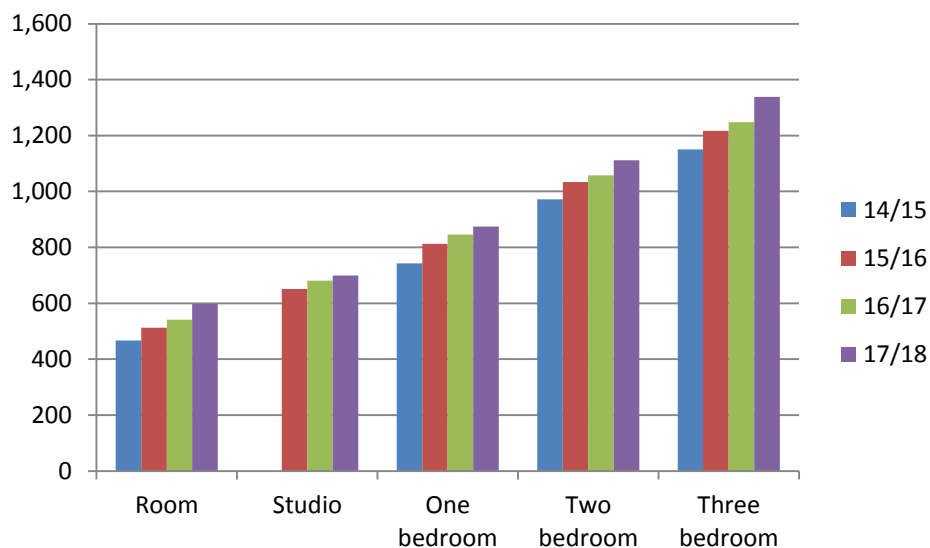
2.5 Rent levels

Average rents in Havering are below the London average across all types of accommodation but significantly more than the average in England. At the cheaper end of the market rents per room are almost on par with the London average.



Source: Valuation office agency 2018

Figure 7 Average rents (£) in Havering 2018 (Source: Valuation office agency)



Source: Valuation office agency 2018

2.6 Homelessness

The rate of homeless households in temporary accommodation (7.2 per 1,000 households) is lower than London (15.1 per 1,000) but higher than England (3.4 per 1,000) (Source Havering JSNA 2017).

The rate of statutory homelessness (eligible people not in priority need) in Havering (0.5 per 1,000 households), in 2016/17, is lower than both London (1.1 per 1,000) and England (0.9 per 1,000) (Source Havering JSNA 2017).

2.7 Empty homes

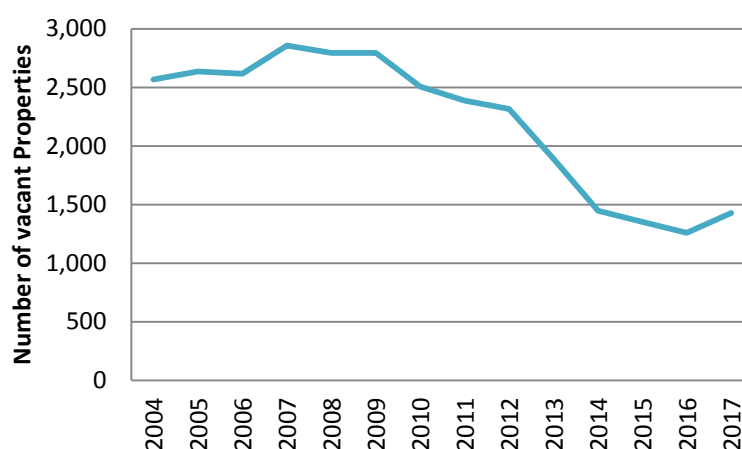
The need to bring empty private sector dwellings back into use when there are considerable shortages in housing, especially in greater London should be a consideration for most councils and part of a local housing strategy.

There will always be some stock that is empty for a short period of time i.e. for refurbishment, sales, probate etc. The only dwellings that tend to come to the attention of councils are those that are centres for nuisance, anti-social behaviour etc and are long-term empty properties.

The data provided in this report does not identify empty properties individually as this is outside the scope of this report, however a similar modelling methodology could be used in the future to assist with this.

The graph below shows the number of vacant properties from 2004 to 2017, the most recent figure available is in 2017 there were 1,427 vacant properties. The total in London in 2017 was 62,366.

Chart 1: Number of vacant properties in Havering 2004- 2017



Source: MHCLG Table 615 Vacant dwellings by Local Authority district

3. Results of housing stock and stressor modelling

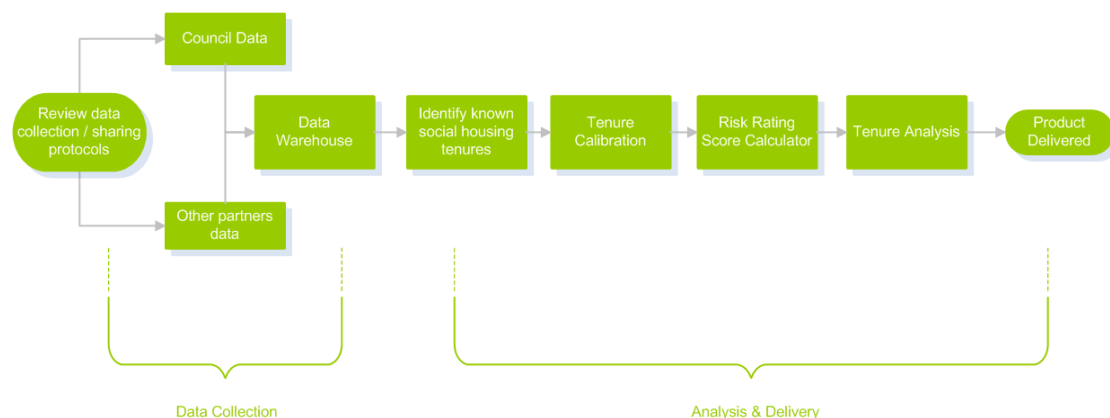
3.1 Methodology

Metastreet has developed Tenure Intelligence (Ti) which uses council held data and publicly available data to identify tenure and analyse property stressors, including property conditions and ASB.

Data trends at the property level are analysed by mathematical algorithms to help predict the tenure of individual properties using factors such as occupant transience and housing benefit data.

Metastreet has worked with the council to create a residential property data warehouse. This has included linking millions of cells of data to 105,798 unique property references (UPRN). This data includes council and externally held data.

Advanced mathematics is used to make predictions for each for tenure and property condition. Results are analysed to produce a summary of housing stock and predictions of Category 1 hazards (HHSRS). To achieve the maximum accuracy, algorithms are built for each council, incorporating individual borough data and using known outcomes to train predictive models.



Once the data warehouse was created, tenure modelling is used to determine tenure using the methodology outlined below.

Based on information for each address, risk factors were created that are predictive of an outcome. Different combinations of risk factors were systematically analysed for their predictive power in terms of either of these outcomes. Risk factors that duplicated other risk factors but were weaker in their predictive effect were systematically eliminated. Risk factors that were not statistically significant were also excluded through the same processes of elimination.

For each UPRN a risk score was calculated using logistic regression techniques. The selected risk factors have a better or worse than evens chance of being predictive

Four separate predictive models have been developed as part of this project which is unique to the council:

- Private rented sector (PRS)
- Houses in Multiple occupation (HMO)
- Owner occupiers
- PRS Housing hazards

It is important to note that this approach cannot be 100% accurate as all statistical models include some error.

3.2 Results - Private Rented Sector

3.2.1 Population and distribution

The private rented sector (PRS) in Havering has grown significantly since 2001 and rapidly since 2011. Population growth, lower London median rents and new transport infrastructure are key drivers.

Based on tenure modelling (November 2018), Havering's PRS is now estimated to be 30,125 properties (29% of housing stock). This compares to 5,049 households in 2001 (ONS census data) and 10,500 households in 2011. This represents a six-fold increase over the last 17 years with approximately 25,000 properties transferring from owner occupation and social renting to PRS.

Chart 2: Tenure profile 2011

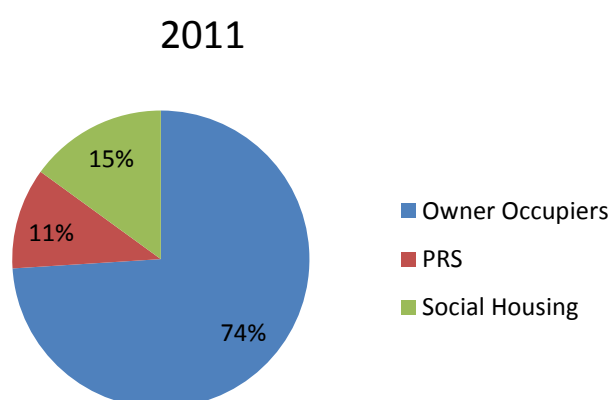
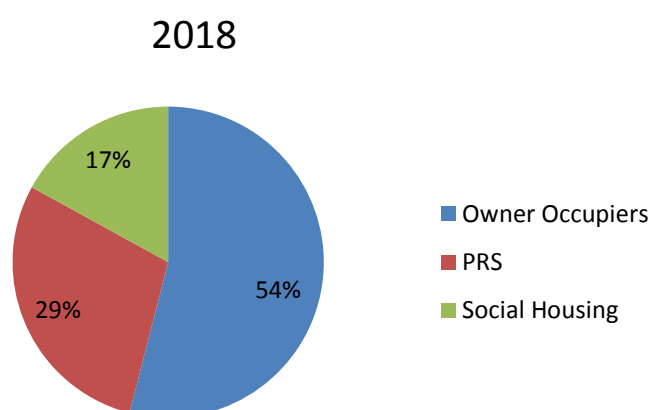
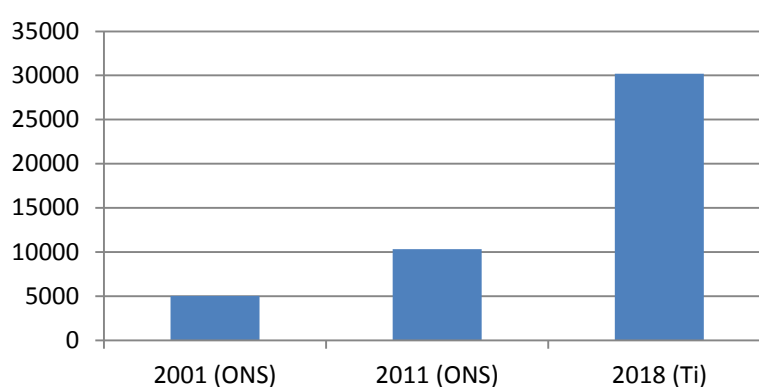


Chart 3: Modelled tenure profile 2018

Source: Metastreet Ti model

Chart 4: Numbers of PRS in Havering since 2001 – 2018

Source: ONS and Metastreet

This increase is part of a nationwide and regional trend, the PRS in the UK has grown from 9.4% of housing stock in 2000³, and now accounts for approximately a fifth of all households in England – with a significantly higher proportion in the PRS in many urban areas⁴. It is now the second largest housing tenure in England, with a growing number of households renting from a population of around 1.5 million private landlords⁵. In East London; Newham has more than 52k PRS dwellings⁵ (47% of housing stock) and Redbridge, Barking and Dagenham, Waltham Forest all have large and growing PRS populations.

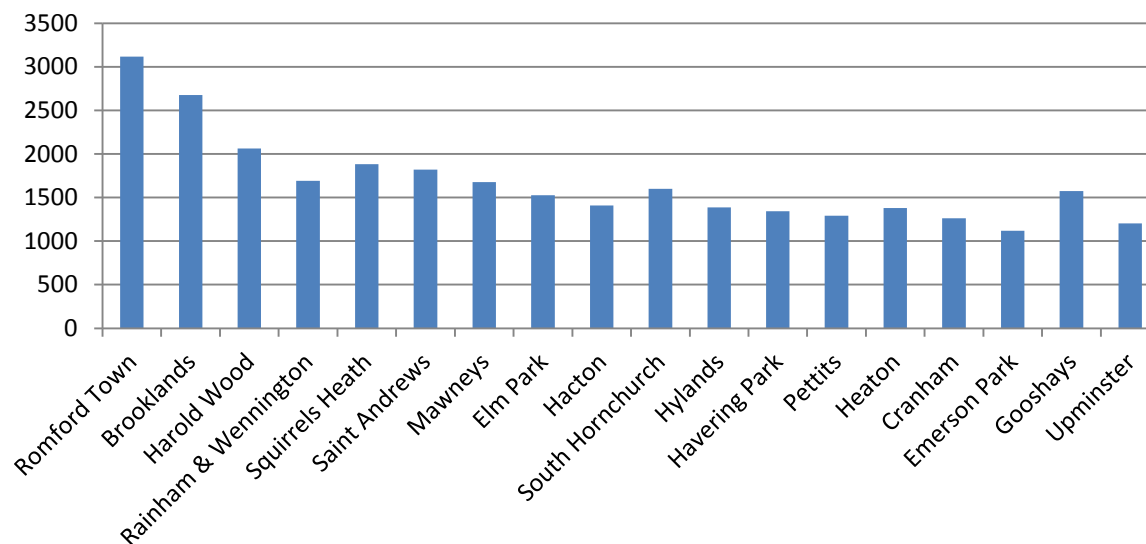
³ The profile of UK private landlords Scanlon K & Woodhead C CML research. LSE London. December 2017 www.cml.org.uk

⁴ Department for Communities and Local Government (DCLG) (2016) English housing survey 2014 to 2015: headline report.

⁵ Landlord Licensing. Interim report-overview of the incidence and cost of HMO & discretionary schemes in England. February 2015. www.landlords.org.uk

The PRS in Havering is distributed across all 18 wards. Romford Town and Brooklands have the highest numbers of PRS.

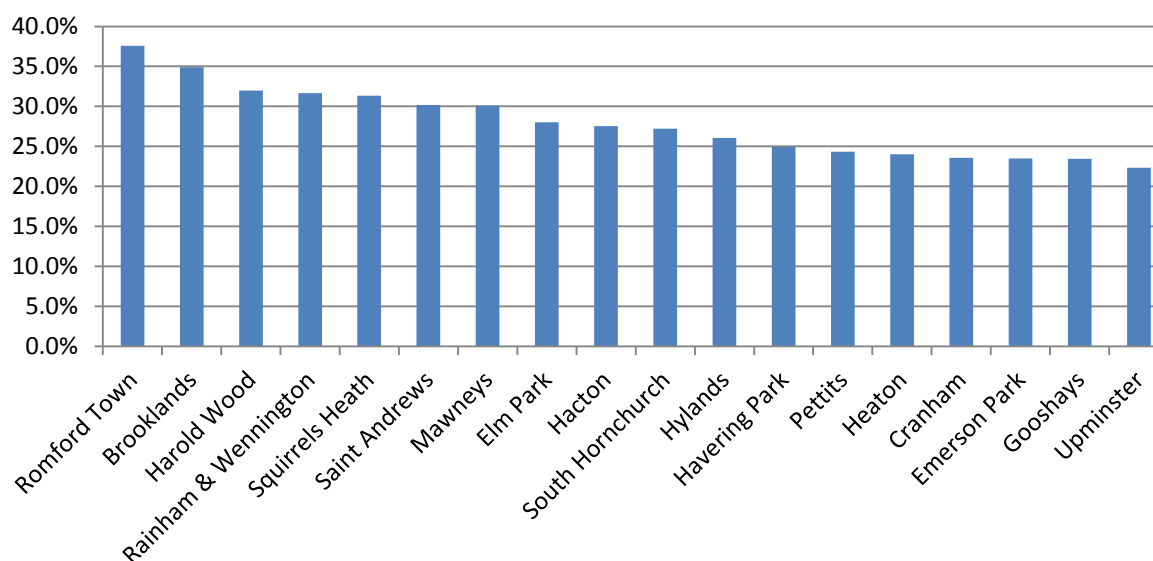
Figure 9 Number of PRS dwellings by each Havering ward



Source Ti 2018

The percentage of PRS properties in each ward ranges between 37.6% (Romford Town) and 22.3% (Upminster).

Figure 10: Percentage of PRS dwellings by each ward



Source: Ti 2018

The table below (table 1: percentage and number of PRS properties) shows the total predicted PRS in each ward and the % of the PRS against total housing stock. The wards on the western side of the borough generally have higher rates of PRS, with the exception of Harold Wood.

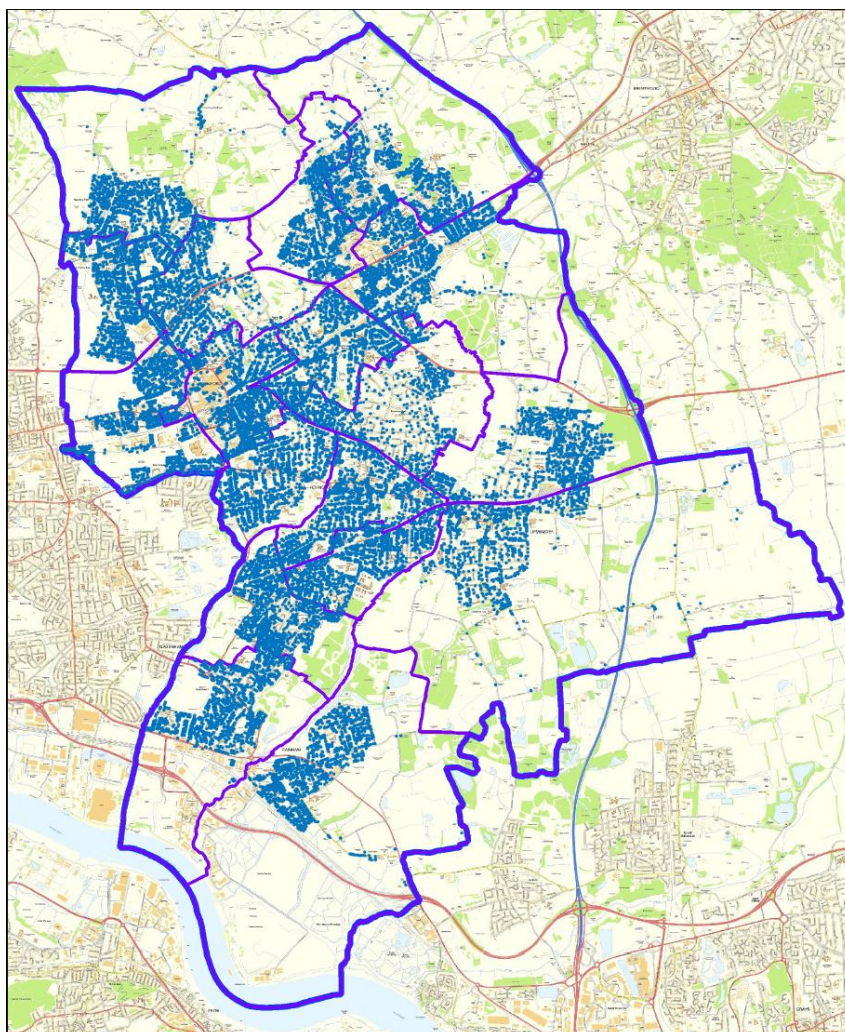
Table 1 – Percentage and number of PRS properties by ward

Ward	% of ward dwellings PRS	No. PRS dwellings per ward
Romford Town	37.6%	3117
Brooklands	34.9%	2674
Harold Wood	32.0%	2061
Squirrels Heath	31.3%	1884
Saint Andrews	30.2%	1821
Rainham & Wennington	31.6%	1692
Mawneys	30.1%	1676
South Hornchurch	27.2%	1599
Gooshays	23.4%	1575
Elm Park	28.0%	1525
Hacton	27.5%	1410
Hylands	26.0%	1386
Heaton	24.0%	1380
Havering Park	24.9%	1342
Pettits	24.3%	1291
Cranham	23.6%	1261
Upminster	22.3%	1204
Emerson Park	23.5%	1120
Total	28.4%	30018

Source: Ti 2018

The map below plots the PRS across Havering and shows that it is widely distributed across the Borough.

Map 1: Distribution of PRS properties in Havering



Source: Ti 2018

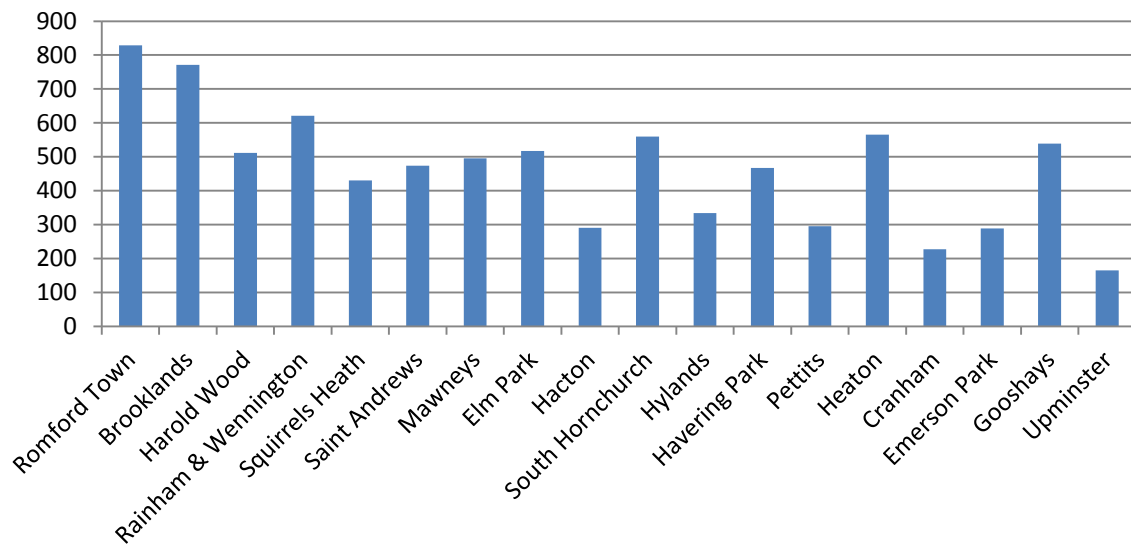
Map 2 PRS properties in Romford Town and Brooklands wards



Source: Ti 2018

The figure below shows the number of housing benefit claims being paid to PRS properties by ward, illustrating the amount of public finance being paid to private landlords

Figure 11 Housing benefit paid to PRS properties

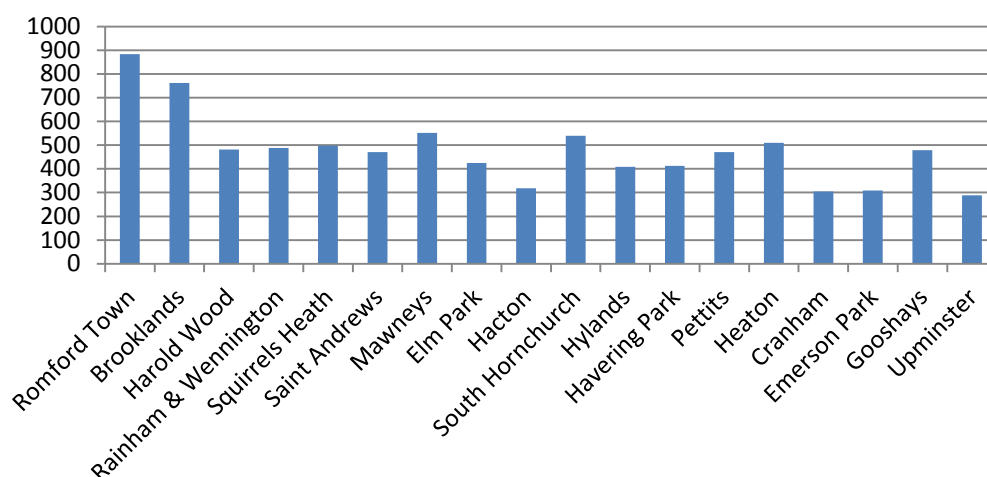


Source: Tf 2018

3.2.2 Anti-social behaviour (ASB)

The evidence shows that there are high levels of ASB in Romford Town and Brooklands in the PRS population. It also shows there are significant levels of ASB in all other wards in Havering. These are reported ASB incidents such as noise nuisance, rubbish accumulations etc.

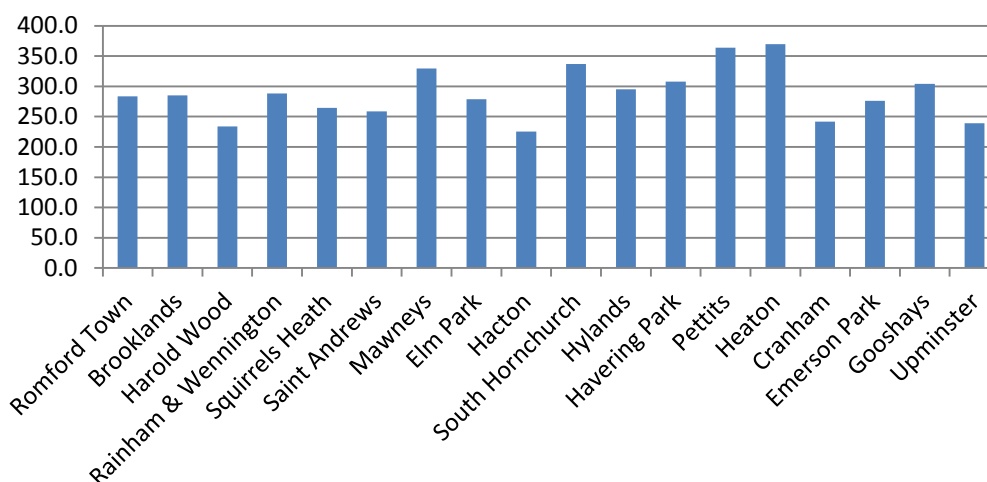
Figure 12 Number of ASB incidents linked to PRS 2013-18



Source: Ti 2018

ASB in the PRS expressed as incidents per 1000 dwellings and shows a relatively even distribution across all wards. Using this measure, Heaton and Pettits have the greatest number of recorded ASB incidents proportional to the size of the PRS in each ward.

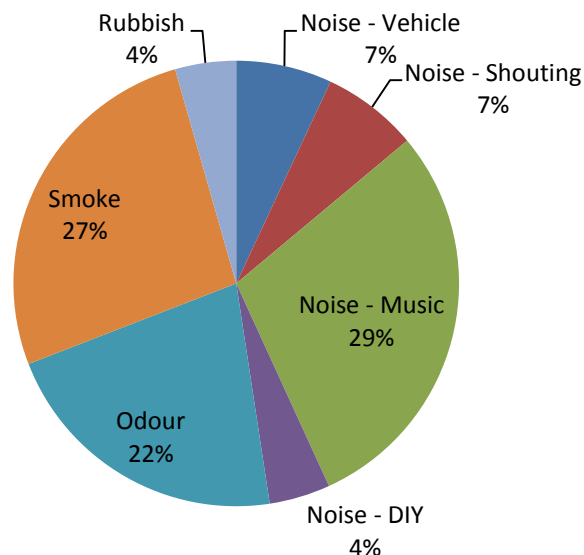
Figure 13 Incidents of ASB linked to PRS per 1000 properties 2013-18



Source: Ti 2018

Recorded ASB can be divided into a number of types. Each ASB incident has an impact on the environment and neighbourhood.

Chart 5- Types of ASB in PRS since 2013



Source: Ti 2018

3.2.3 Housing conditions (Category 1 hazards)

Housing conditions are affected by the level of maintenance and quality of repair, the age of the property and type of construction. Category 1 hazards have a physiological or psychological impact on the occupant and may result in medical treatment. The negative impact of poor housing on health is well understood. It is widely accepted that every person and family should have a safe and decent place to live.

A council's property age profile can have an impact on housing conditions.

Table 2 Age profile of Housing stock (all tenures)

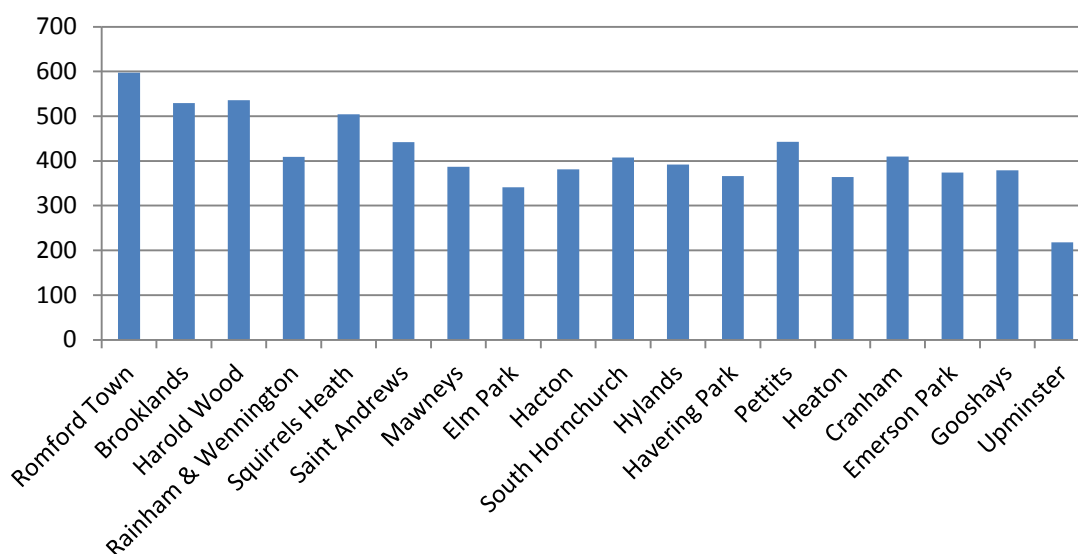
Property Age Profile	Havering (%)	England (%)
Pre 1900	1.7%	16.2%
1900-1918	3.5%	5.5%
1919-1929	3.9%	5.3%
1930-1939	34.1%	11.1%
1945-1954	15.8%	7.0%
1955-1964	14.3%	10.8%
1965-1972	7.9%	10.4%

1973-1982	5.4%	9.7%
1983-1992	3.7%	7.5%
1993-1999	2.0%	5.5%
2000-2009	5.3%	7.7%
2010-2014	2.1%	2.3%

Havering has a high proportion of residential properties built between the First and Second World Wars. New house building since the 1960s has generally been lower than the national average up to 2014.

In 2016, 15% (750,000) of private rented dwellings in England had at least one Category 1 hazard; this was a higher proportion than owner occupied (13%) and social rented homes (6%) (Source: - MHCLG Private rented sector 2016-17 English Housing survey).

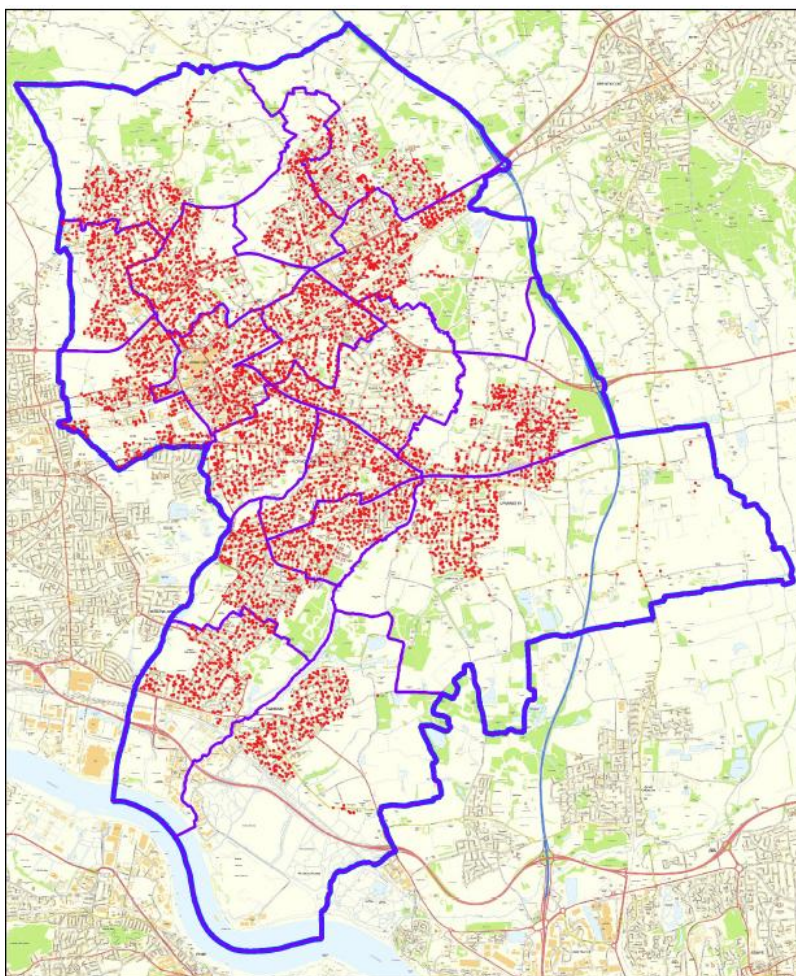
Figure 14 – Estimated number of Category 1 hazards by ward



Source: Ti 2018

Using analytic modelling there are 7,480 rental properties in Havering predicted to have a category 1 hazard. Romford Town ward is predicted to have the largest number of properties followed closely by Brooklands and Harold Wood. All other wards also show consistently high levels of category 1 hazards.

Map 3: Distribution of PRS properties with category 1 hazards across Havering



Source: Ti 2018

These properties are widespread across the Borough, however there are fewer issues in Upminster. The following map shows more detail of the category 1 hazards in Romford Town and Brooklands.

Map 4: showing properties in Romford Town and Brooklands with category 1 hazards

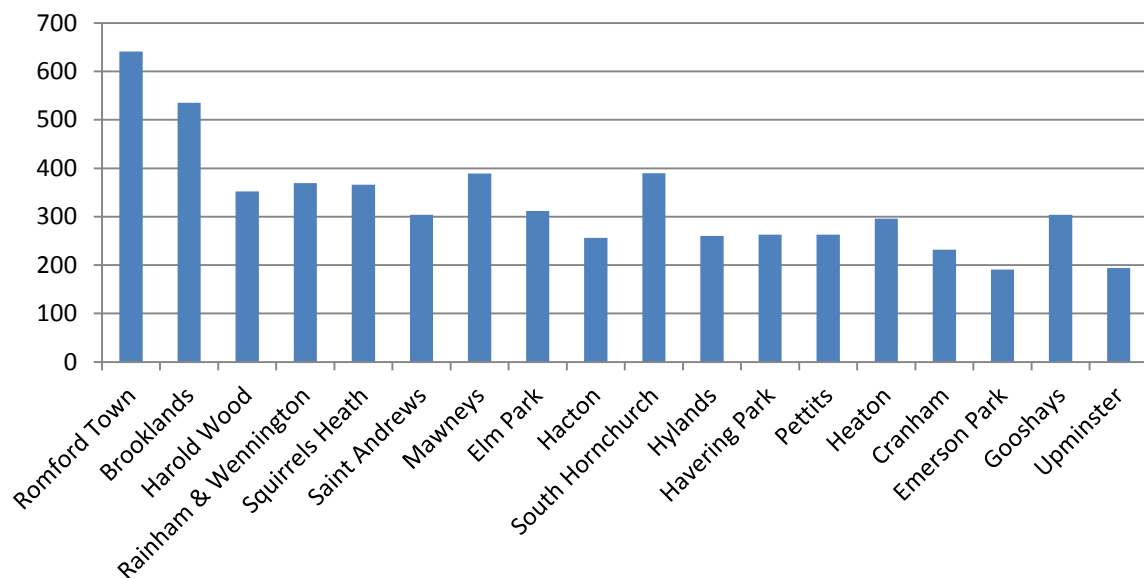


Source: Ti 2018

3.3 Council environmental interventions

Part of the housing conditions picture is to report on council intervention in the private rented sector. These are often as a result of a complaint being made by a tenant about their accommodation and a result of other nuisances. Romford Town and Brooklands have required more resources than other wards in Havering.

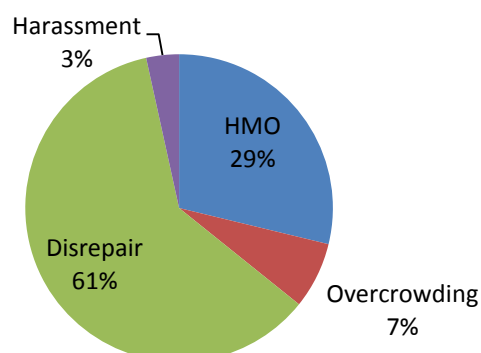
Fig 15: The number of councils PRS interventions by ward 2013-18



Source: Ti 2018

The council receives a range of complaint from tenants regarding PRS properties, the majority relating to disrepair in rental properties and HMOs.

Chart 6 Types of complaints to the council about PRS properties



Source: Ti 2018

3.4 Results - Houses in Multiple Occupation

Houses in Multiple Occupation (HMO) are a sub-set of properties within the PRS and represent the cheapest rental accommodation- rent by room with the sharing of amenities. The Housing Act 2004 defines HMOs as a “dwelling of 3 or more persons not forming a single household”. This definition has been used for the purposes of this report.

3.4.1. Population and distribution

HMOs are the cheapest form of housing available and have traditionally been occupied by single adults. Pressure on affordable housing and higher rates of homelessness has driven up demand for this type of dwelling. Greater demand has resulted in growth in this sector across London over the last decade.

Table 3 - Numbers of HMOs per ward

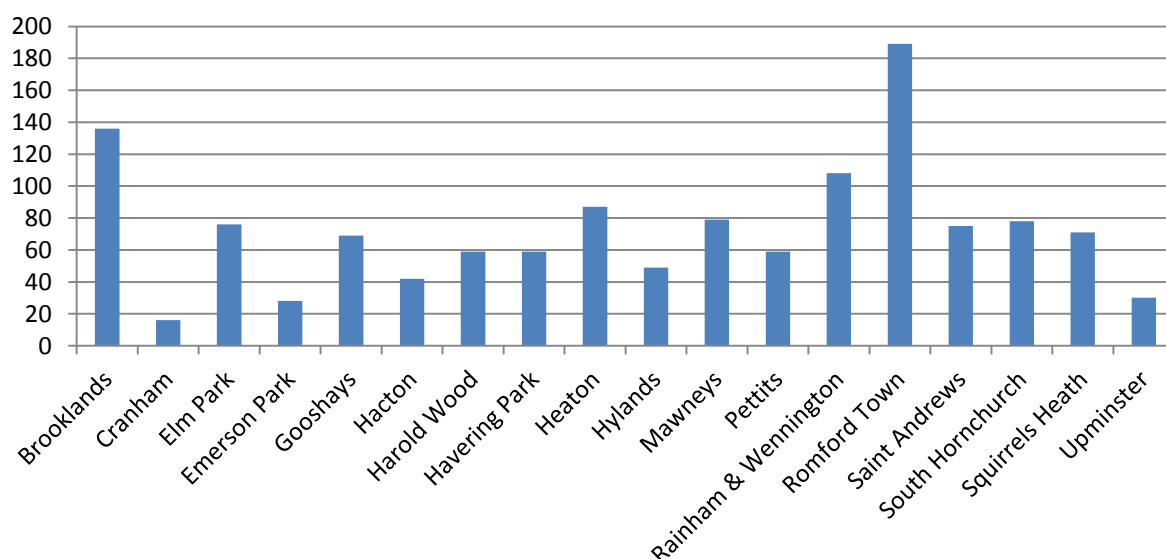
Ward	Number HMOs
Brooklands	136
Cranham	16
Elm Park	76
Emerson Park	28
Gooshays	69
Hacton	42
Harold Wood	59
Havering Park	59
Heaton	87
Hylands	49
Mawneys	79
Pettits	59
Rainham & Wennington	108
Romford Town	189
Saint Andrews	75
South Hornchurch	78
Squirrels Heath	71
Upminster	30

Source: Ti 2018

The number of predicted HMOs was 800 at the time of introducing the additional licensing scheme for the twelve wards in October 2017. It is now estimated to be 1070 for these twelve wards and 1310 for all wards. Note, this will include HMOs that are not licensable, including temporary accommodation etc. The modelling is supported by enforcement work on the ground as it is being used to identify unlicensed HMO properties with a high degree of accuracy.

Romford Town has the highest number of HMOs, followed closely by Brooklands.

Figure 16: Number of HMOs in each ward

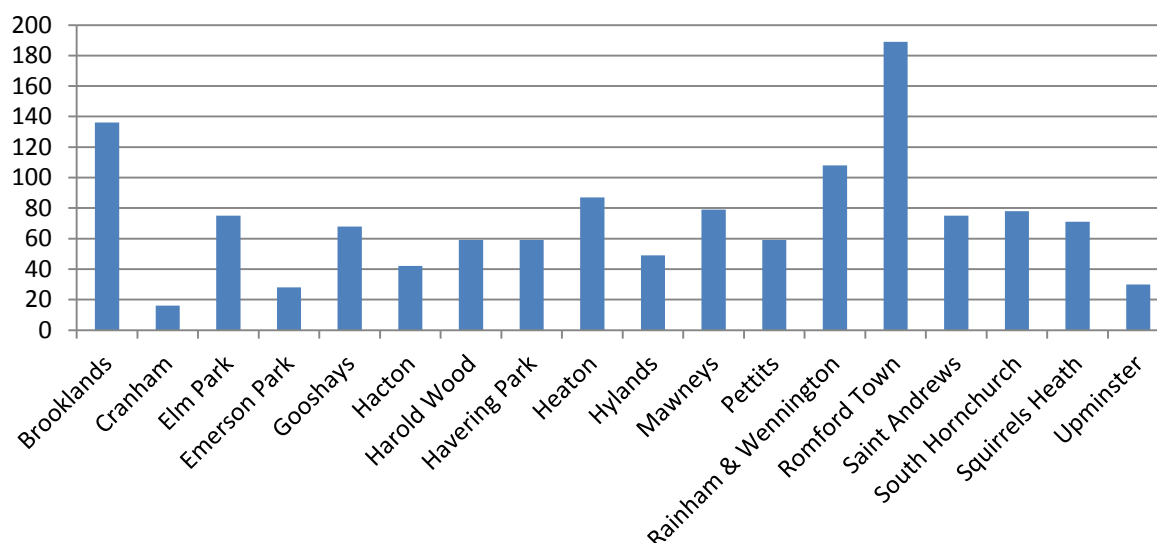


Source: Ti 2018

3.4.2. HMO & Anti-Social Behaviour

The number of ASB incidents shown above relate to ASB associated with residential premises only, commercial and ASB incidents on the street are excluded from these figures. The number of ASB incidents correlates with the highest levels of HMOs. Romford and Brooklands wards having the highest number of incidents. Across all wards the number of incidents is significant and is almost a 1 to 1 ratio.

Figure 17: Number of ASB incidents linked to HMOs by ward



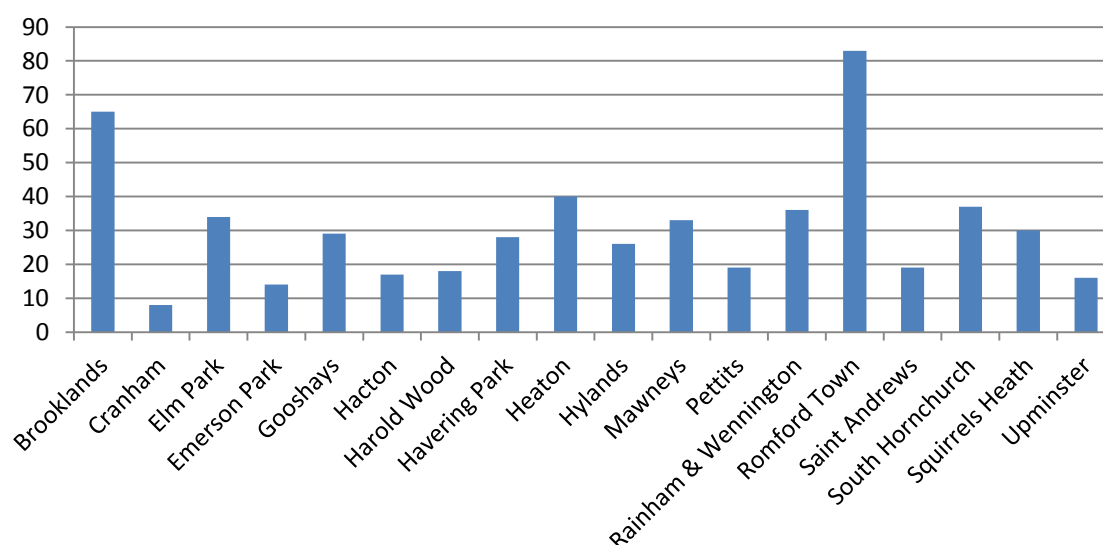
Source: Ti 2018

3.4.3. HMO & Housing conditions

HMOs have the some of the poorest housing conditions of any tenure. Analysis shows that 553 of 1312 (42%) HMOs in Havering are predicted to have serious hazards (Category 1 HHSRS).

Numbers of Category 1 hazards are highest in Romford Town and Brooklands. All wards have HMOs with Category 1 hazards.

Figure 18 Predicted number of serious hazards in HMO by ward

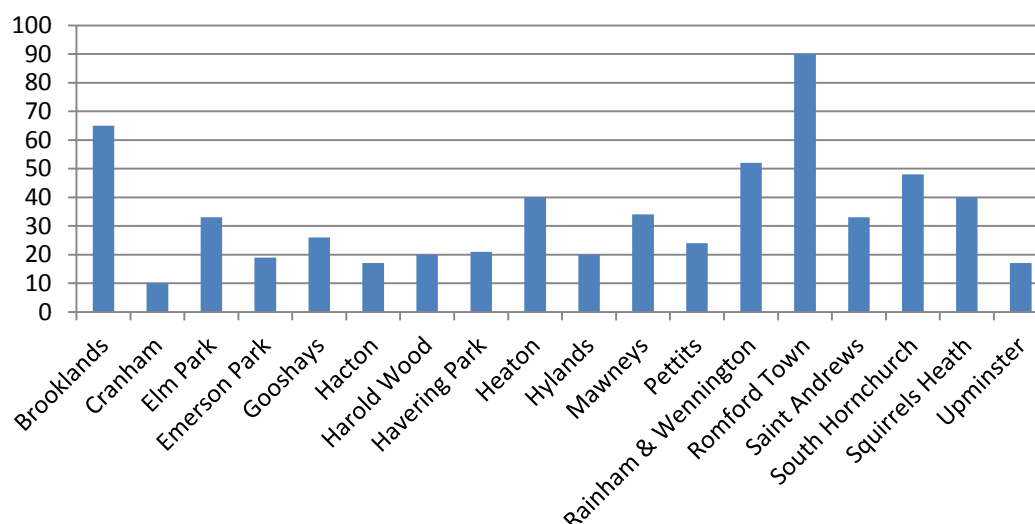


Source: Ti 2018

3.4.4. HMO economic stressors

Operational based practice has shown that HMOs (where the landlord is legally responsible for the council tax) have high rates of council tax arrears; The highest number of cases where the arrears total over £1000 are highest in the two wards with the highest number of HMOs- Romford Town and Brooklands.

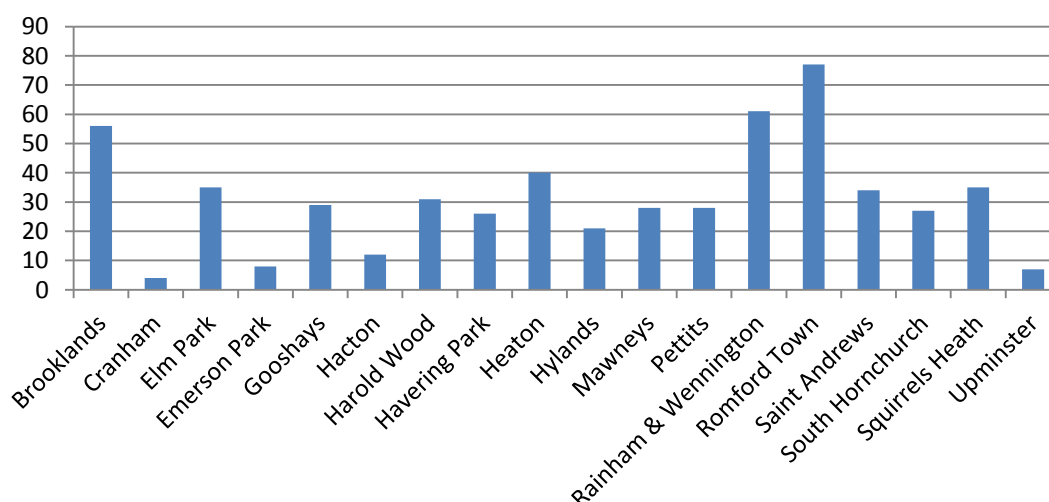
Figure 19: Council tax arrears in HMOs of more than £1000



Source: Ti 2018

The figure below shows the number of housing benefit claims being paid to tenants in HMO by ward. This illustrates the large numbers of economically vulnerable tenants and the amount of public finance being paid to private landlords.

Figure 20: Housing benefit claims in HMOs



Source: Ti 2018

4. Policy Context

4.1 PRS Strategy across East London

Rapid PRS growth has been seen across east London over the last 15 years. The policy response has generally been greater regulation of the market through property licensing to mitigate some of the concerns that accompany large and growing PRS populations. Havering currently has the lowest level of PRS licensing of any outer east London borough. Table 1 provides an overview of the PRS and property licensing across east London.

London Borough	No. PRS	% PRS	% PRS covered by licensing	Notes
Newham	52,000	47%	97%	Borough wide additional and selective licensing introduced in 2013, excluding Olympic Park.
Havering	30,215	29%	3%	Additional licensing introduced in 2018 in 12 of 18 wards
Barking and Dagenham	21,000	28%	100%	Borough wide licensing introduced in 2014, currently under renewal. PRS figures probably below actuals
Waltham Forest	38,000	39%	100%	Borough wide licensing introduced in 2015, currently under renewal
Redbridge	46,000	45%	80%	Borough wide additional and 80% Selective introduced in 2016

*Additional licensing - relates to small HMOs only (3&4 person) **Selective licensing - related to all private single-family dwellings

Table 4: size of the PRS and proportion covered by licensing schemes in several East London boroughs

4.2 Reviewing Housing conditions

A local housing authority must keep the housing conditions in their area under review with a view to identifying any action that may need to be taken by them under the Housing Act 2004, Part 1, specifically:

- dwellings that are below standard (currently category 1 hazards HHSRS)
- licensing of HMOs,
- selective licensing of other houses
- management orders
- demolition orders and slum clearance
- renewal areas and
- to provide assistance (either directly or indirectly) to any person for the purpose of improving living conditions in the local authority area e.g. adaptations to the home for disabled persons

This report contains a review of housing conditions in the area to satisfy this requirement, the section below outlines the current interventions and policy in the LB Havering.

4.3 Current PRS interventions by London Borough of Havering

4.3.1 Article 4

The council introduced an Article 4 direction to protect family homes from conversion to HMO. Although this is a useful policy in protecting family homes, there is evidence that many properties have been converted to HMO before the new rules took effect in 2016.

4.3.2 Additional Licensing Scheme

The Council introduced Additional Licensing in twelve wards in October 2017. Enforcement of the scheme started in March 2018. The scheme mandates that all small HMOs (3 or more person and 2 or more households) must licence with the council. The scheme offers the council new powers to tackle overcrowding, poor property management and ASB. Compliance with the scheme launch has been low, with less than 10% of landlords licensing on time.

To ensure the scheme is a success and that all landlords comply, Havering is taking a proactive enforcement stance to identify non-compliant landlords and agents. To help promote good landlords, every effort is made to enable landlords to comply with the scheme by sending out

warning letters. For those landlords that choose not to licence, Private Housing Enforcers work closely with partners internally and externally including, planning, Police and Immigration Enforcement targeting problematic and dangerous rental properties.

Since March 2018 the service has overseen 19 early morning multi-agency operations and issued 108 financial penalties in respect to poor housing conditions and failure to licence, with a value of £304,250. In addition, 16 notices related to property standards (see monthly update below) have been served. Property history is used to identify non-compliant properties, including residents' complaints, overcrowding, council tax arrears and ASB reports amongst other factors. This approach has worked well so far and the evidence on the ground shows a clear correlation between poor housing conditions and unlicensed properties.

In addition to licensing enforcement, the service receives more than 400 complaints from private tenants each year, with peak demand during colder months. This demand is managed on a risk basis and often requires the use of statutory notices to address serious hazards, such as damp and mould and no heating.

4.3.3 Tackling Disrepair

Part I of the Act contains powers for regulating the private rented sector which includes; improvement notices for disrepair, prohibition notices, management orders etc.

The housing health and safety rating system (HHSRS) is a risk-based evaluation tool to help local authorities identify and protect against potential risks and hazards to health and safety from any deficiencies identified in dwellings. Where category 1 hazards are present local authorities have a general duty to act. They must take one of the following actions; serve an improvement notice, make a prohibition order, serve a hazard awareness notice, take emergency remedial action, make a demolition order or declare a clearance area.

Reviewing notices and interventions under Part 1, the Council has historically preferred an informal approach to enforcement. However, since March 2018 a more formal enforcement approach has been adopted aided by additional powers from licensing.

4.3.4 Housing and Planning Act 2016

Provides councils with additional powers to tackle criminal/rogue landlords in the private rented sector. The Act also covers other housing policy areas such as social housing rents to earnings, changes in social housing tenancies etc.

For the purposes of this report the additional powers are of most importance; local authorities now have an alternative to prosecution as this Act provides for a council to impose a civil penalty with a maximum fine of £30,000. The local authority can also retain the money recovered, which can then be reinvested into housing enforcement.

Havering have drawn down these powers and have been using them appropriately since March 2018.

Other powers include;

- Creating a national database of rogue landlords/letting agents, which will be maintained by local authorities
- Allowing tenants or local authorities to apply for a rent repayment order where a landlord has committed certain offences (for example continuing to operate while subject to a banning order or ignoring an improvement notice). If successful, the tenant (or the authority if the tenant was receiving universal credit) may be repaid up to a maximum of 12 months' rent

No banning orders or rent repayment orders have been applied for to date as circumstances/cases currently do not exist.

4.4 Interventions currently not in use

4.4.1 Management orders

At the time of writing no management orders were in place in Havering, as currently there are no cases that warrant this action.

4.4.2 Demolition orders and slum clearance

Although 25% of the rental stock have category 1 hazards, this does not mean that Demolition orders or slum clearance are appropriate. Taking into account the cost of remediation and value of

the properties in the borough it is unlikely that this will be an appropriate course of action for the foreseeable future. However, this is always assessed on a case by case basis and could be used if the correct circumstances are present.

4.4.3 Renewal areas

There are currently no renewal areas in Havering.

4.4.4 Selective Property licensing

Havering currently licence large HMOs which fall into the Mandatory scheme and from March 2018 smaller HMOs if they are present in 12 wards. There is therefore an option, if the evidential criteria are met, to introduce more licensing i.e. to extend the additional licensing scheme to the other 6 wards and introduce some selective licensing (to licence properties that are rented to single households).

Large-scale selective licensing schemes are an important tool for local authorities seeking to tackle criminal landlords and improve standards in the private rented sector, as well as helping to address wider issues such as anti-social behaviour. This approach has been widely adopted in east London. Newham, Tower Hamlets, Hackney, Waltham Forest and Barking and Dagenham all have large selective licensing schemes and use the extended powers to exclude rogue landlords operating in each borough.

Mandatory licensing of Households in Multiple Occupation (HMOs) was extended in October 2018, however it is not sufficient to address the scale of problems in many areas as it excludes smaller HMOs and is challenging to enforce without the additional powers and resources that discretionary licensing provides.

Licensing powers sit under Parts 2 and 3 of the Housing Act 2004, to regulate and license HMOs and also rentals let to single households if the local council has chosen to use them. There is mandatory licensing and discretionary licensing:-

a) *Mandatory licensing* – HMOs with 5 or more people, forming more than 2 households. In 2018, the UK government published new guidance for landlords to extend mandatory licensing and further protect tenants from poor living conditions. As of 1st October 2018, any landlord who lets a property

to five or more people (or 2 separate households), irrespective of the number of storeys the property has must be licensed by their local housing authority.

b) *Discretionary licensing* – licensing schemes which can be introduced by Councils at a local level if certain criteria can be met.

- i) Additional licensing – regulate smaller HMOs i.e those with 3 or 4 persons forming more than 1 household
- ii) Selective licensing – Rentals let to single households

There are exemptions which include Local Authority stock and some non-profit registered provider properties.

Licensing provides a useful regulatory framework to improve housing standard through licensing conditions as well as being able to focus enforcement on unlicensed properties where evidence-based practice shows most of the housing crimes are committed.

Benefits of licensing include:

- **Greater enforcement capability, including powers of entry:** This increased capacity can be clearly seen in London, where the four London councils with borough-wide selective licensing account for 73.7% of all prosecutions across the capital's 33 boroughs.
- **Resources:** In a context of significant cuts to council budgets, licensing provides ring-fenced income for local authorities to fund regulation and enforcement over a sustained period.
- **Data and intelligence:** Enabling councils to better understand the scale of the private rented sector and target their interventions.
- **Improved housing conditions and tackling Anti-Social Behaviour (ASB):** Licensing conditions, backed by enforcement, can lead to improvements in standards and safety as well as helping local authorities to tackle crime and ASB.
- **Joint working:** Licensing provides the intelligence and legal framework that enables enhanced partnership working with other agencies.
- **Engagement with landlords:** Licensing enables councils to engage with landlords and helps to inform and professionalise the market (Core Cities Licensing Report, Moffatt/Watson 2018 ⁶)

⁶ https://metastreet.co.uk/files/Core_Cities_UK_Metastreet_licensing_report_Oct_2018.pdf

However, licensing itself is not a 'catch all' solution. Criticisms raised in relation to schemes that are overly bureaucratic, insufficiently targeted, and poorly enforced, are valid where the approach has not been well designed and implemented. To maintain effectiveness and legitimacy, large-scale licensing schemes should be backed by robust, targeted enforcement, and be part of a wider strategy to improve the PRS and/or tackle ASB (Core Cities Licensing Report, Moffatt/Watson 2018).

4.4.5 Energy Act 2011

The Energy Act 2011 requires that from 2016 reasonable requests by tenants for energy efficiency improvements will not be able to be refused.

In theory from 2018 it has been unlawful for landlords to rent out properties that do not reach a minimum standard of energy efficiency (set at Energy Performance Certificate rating E). However, the exemptions are generous making this legislation less effective in improving energy efficiency of domestic homes.

5 Conclusions and recommendations

The evidence provided in this report shows a substantial rise in privately rented properties in Havering. This tenure group is always shown as living in properties with the highest proportion of disrepair.

It is estimated that over 7000 properties have category 1 hazards.

ASB in privately rented properties as a whole is high and higher in the sub set HMO group. It can be seen that some wards have a particular high incident of ASB which warrants further action.

The council is fully utilising its existing powers under Part I of the Housing Act 2004 and is also using the new powers afforded it in the Housing and Planning Act 2016 appropriately.

This report has outlined some further intervention options available to the council to improve Housing conditions. These are mainly to;

- Extend the number of properties covered by discretionary licensing
- Focus resources on areas with the worst conditions
- Continue multi agency enforcement

The remit of this report does not extend to more strategic housing interventions in respect to house building, affordable housing or regeneration activities.

Appendix 1 – Ward summaries

Ward	Summary	
Romford Town	Total residential stock	8292
	% PRS	37.6%
	No. PRS	3117
	No. PRS dwellings claiming housing benefit	829
	No. ASB incidents since 2013	883
	No. Category 1 hazards	597
	No. HMOs (note, included licensable HMOs)	189
Brooklands	Total residential Stock	7663
	% PRS	34.9%
	No. PRS	2674
	No. PRS dwellings claiming housing benefit	771
	No. ASB incidents since 2013	762
	No. Category 1 hazards (predicted)	529
	No. HMOs	136
Harold Wood	Total residential Stock	6444
	% PRS	32.0%
	No. PRS	2061
	No. PRS dwellings claiming housing benefit	511
	No. ASB incidents since 2013	482
	No. Category 1 hazards	536
	No. HMOs	59
Squirrels Heath	Total residential Stock	6013
	% PRS	31.3
	No. PRS	1884
	No. PRS dwellings claiming housing benefit	430
	No. ASB incidents since 2013	498
	No. Category 1 hazards	504

	No. HMOs	71
Rainham & Wennington	Total residential Stock	5347
	% PRS	31.6%
	No. PRS	1692
	No. PRS dwellings claiming housing benefit	621
	No. ASB incidents since 2013	488
	No. Category 1 hazards	409
	No. HMOs	108
Mawneys	Total residential Stock	5572
	% PRS	30.1%
	No. PRS	1676
	No. PRS dwellings claiming housing benefit	495
	No. ASB incidents since 2013	552
	No. Category 1 hazards	387
	No. HMOs	79
Saint Andrews	Total residential Stock	6032
	% PRS	30.2%
	No. PRS	1821
	No. PRS dwellings claiming housing benefit	474
	No. ASB incidents since 2013	471
	No. Category 1 hazards	442
	No. HMOs	75
Hacton	Total residential Stock	5121
	% PRS	27.5%
	No. PRS	1410
	No. PRS dwellings claiming housing benefit	290
	No. ASB incidents since 2013	318
	No. Category 1 hazards	381
	No. HMOs	42
Elm Park	Total residential Stock	5446
	% PRS	28.0%
	No. PRS	1525
	No. PRS dwellings claiming housing benefit	517

	No. ASB incidents since 2013	425
	No. Category 1 hazards	341
	No. HMOs	76
South Hornchurch	Total residential Stock	5879
	% PRS	27.2%
	No. PRS	1599
	No. PRS dwellings claiming housing benefit	560
	No. ASB incidents since 2013	539
	No. Category 1 hazards	408
	No. HMOs	78
Hylands	Total residential Stock	5323
	% PRS	26.0%
	No. PRS	1386
	No. PRS dwellings claiming housing benefit	334
	No. ASB incidents since 2013	409
	No. Category 1 hazards	392
	No. HMOs	49
Pettits	Total residential Stock	5307
	% PRS	24.3%
	No. PRS	1291
	No. PRS dwellings claiming housing benefit	295
	No. ASB incidents since 2013	470
	No. Category 1 hazards	443
	No. HMOs	59
Havering Park	Total residential Stock	5385
	% PRS	24.9%
	No. PRS	1342
	No. PRS dwellings claiming housing benefit	467
	No. ASB incidents since 2013	413
	No. Category 1 hazards	366
	No. HMOs	59
Cranham	Total residential Stock	5353
	% PRS	23.6%

	No. PRS	1261
	No. PRS dwellings claiming housing benefit	227
	No. ASB incidents since 2013	305
	No. Category 1 hazards	410
	No. HMOs	16
Emerson Park	Total residential Stock	4767
	% PRS	23.5%
	No. PRS	1120
	No. PRS dwellings claiming housing benefit	289
	No. ASB incidents since 2013	309
	No. Category 1 hazards	374
	No. HMOs	28
Heaton	Total residential Stock	5747
	% PRS	24.0%
	No. PRS	1380
	No. PRS dwellings claiming housing benefit	565
	No. ASB incidents since 2013	510
	No. Category 1 hazards	364
	No. HMOs	87
Upminster	Total residential Stock	5390
	% PRS	22.3%
	No. PRS	1204
	No. PRS dwellings claiming housing benefit	165
	No. ASB incidents since 2013	288
	No. Category 1 hazards	218
	No. HMOs	30
Gooshays	Total residential Stock	6717
	% PRS	23.4%
	No. PRS	1575
	No. PRS dwellings claiming housing benefit	539
	No. ASB incidents since 2013	479
	No. Category 1 hazards	379
	No. HMOs	69

Ward PRS summary

Ward	Total Stock	% PRS	Total PRS
Romford Town	8292	35.9%	2978
Brooklands	7663	33.0%	2528
Harold Wood	6444	30.6%	1973
Squirrels Heath	6013	30.2%	1817
Rainham & Wennington	5347	29.8%	1591
Mawneys	5572	29.1%	1623
Saint Andrews	6032	28.9%	1742
Hacton	5121	26.9%	1378
Elm Park	5446	26.7%	1455
South Hornchurch	5879	25.2%	1484
Hylands	5323	25.2%	1340
Pettits	5307	23.7%	1259
Havering Park	5385	23.3%	1253
Cranham	5353	22.9%	1227
Emerson Park	4767	22.5%	1073
Heaton	5747	22.2%	1276
Upminster	5390	22.0%	1187
Gooshays	6717	22.0%	1477

Appendix 2- A summary of PRS enforcement options

Action	Circumstances
1. No action	<ul style="list-style-type: none"> Complaints or allegations of housing legislation breaches or statutory nuisances are of minor or low risk to health and the landlord has not been informed by the complainant, or allegations are unsubstantiated and unwitnessed. Formal action is inappropriate in the circumstances.
2. Advisory notices and	<ul style="list-style-type: none"> Where conditions are evidenced to justify action and investigation

letters	<p>and it is appropriate to give opportunity to landlords and tenants to make representations, provide information or effect change to meet compliance.</p> <ul style="list-style-type: none"> • No health impacts are present which poses a risk to health or nuisance.
3. Formal notices or orders	<ul style="list-style-type: none"> • The defect/conditions presents a risk to health and/or a nuisance. • There are previous failures of statutory requirements. • Previous advisory notices/letters ignored or action was not taken in a timely manner or to the correct standard. • There is a lack of confidence in the individual or management i.e. the willingness to respond to an informal approach • The Council is legally required to serve a statutory notice.
4 Financial Penalties (of up to £30,000.)	<ul style="list-style-type: none"> • Non-compliance with an improvement or overcrowding notice. • Failure to obtain a property licence • Significant and/or repeated breaches of HMO management regulations. • Breaches of the conditions of the property licence. • Amount of penalty decided by financial penalty Matrix Used as alternative to a prosecution.
4. Works in Default – Emergency Remedial Action & Emergency Prohibition Order	<ul style="list-style-type: none"> • There is an imminent risk to health and safety to the occupant and/or public • Awaiting the service of a notice or a prosecution would not adequately protect the public interest. • However, this does not rule out subsequent action being taken in conjunction with a prosecution, financial penalty, RRO or other legal action.

5. Works in Default – non-compliance with a notice	<ul style="list-style-type: none"> • We may choose to carry out works required by a notice if they have not been completed within the permitted time or are not likely to be completed within the permitted time. • This may be taken in conjunction or followed with a prosecution or financial penalty and/or RRO.
6. Reducing the term (length) of an additional HMO Licence.	<ul style="list-style-type: none"> • When assessing a Property Licence application, where appropriate and in conjunction with the Council's Fit and Proper and Cause for Concern policies, we may reduce the term of the licence. • A Licence holder may continue to stay on a 1 year licence if they still are a 'Cause for Concern'. E.g. not fulfilling the training requirement, poor management etc;
7. Adding new property licence conditions	<ul style="list-style-type: none"> • When assessing a Property Licence application, where appropriate and in conjunction with the Council's Fit and Proper and Cause for Concern policies, we may add further conditions to remedy poor landlord behaviour or standards e.g. not fulfilling the training requirement, poor management etc.;
8. Formal (Simple) Caution	<ul style="list-style-type: none"> • This will be offered as an alternative to a financial penalty or a prosecution for very low level offending where it is appropriate to do so in line with the Home Office Guidance on Simple Cautions and The Code of Crown Prosecutors.
9. Refusal to grant a property licence and Revocation of property licenses and approvals	<ul style="list-style-type: none"> • Where the Licence application is not made in accordance with the Council's application requirements; or • Where the Licence application is not accompanied by the appropriate fee; or • Where the proposed manager/licence holder is not a 'fit and proper' person; or • Where the proposed manager/licence holder is not the most appropriate person to hold a licence; or • Where the proposed manager/licence holder is not the person or an

	<p>agent of a person who has control of the property; or</p> <ul style="list-style-type: none"> • Where the proposed management arrangements are not satisfactory; or • Where the property is not reasonably suitable of occupation in regards the number of persons or households. • Where the Council consider that the licence holder or any other person has committed a serious breach or repeated breaches of a condition of the licence. • Or a combination of the above.
10. Prosecution	<ul style="list-style-type: none"> • This will be considered for the more serious cases which satisfy the legal tests under the 'Code for Crown Prosecutors' in that it passes the i) evidential stage and ii) public interest stage. At the charging stage, there must be 'a realistic prospect of conviction'. • Once the case is issued in Court, if the case is contested, the Authority must prove the case 'beyond reasonable doubt'. • See section 3.18 for more detail.
11. Rent Repayment Orders (RRO)	<ul style="list-style-type: none"> • RRO will be considered after every successful prosecution for failure to comply with an Improvement Notice (section 30); Prohibition Order, including Emergency Prohibition Orders (section 32); Offences in relation to licensing of HMOs (section 72) and in relation to licensing of houses under Part 3 of the Act (section 95). • Where a landlord fails to licence a licensable property and they received a significant amount of Housing Benefit, a RRO application may be made to the First Tier Tribunal.
12. Banning Order	<ul style="list-style-type: none"> • The Council may decide to seek a Banning Order following the breach of 'banning order offences' by landlords and agents. A banning order last for a minimum of 12 months and prevent landlords or agents from letting their own properties or being involved in the lettings and property management industry across

	England.
13..Proceeds of Crime Act	<ul style="list-style-type: none"> Where landlords or others have benefited from the proceeds of a criminal activity we will work with Trading Standards colleagues and other internal departments as necessary to consider applications or legal proceedings under the Proceeds of Crime Act 2002 or other associated legislation. .

Appendix 3 - Enforcement Case Studies

Case Study 1 – HMO Fire

In April this year, the London Fire Brigade (LFB) notified Havering's Private Sector Housing Team of a fire in a 3 storey House in Multiple Occupation (HMO) in Harold Hill. The fire started as a result of an unattended pan in a shared kitchen. An investigation carried out by Havering Council in partnership with the LFB confirmed that **the fire alarm system was defective and did not sound** and in fact had not been in working order for some time.

A life threatening situation was only averted by a quick thinking tenant who discovered the fire. The tenant alerted other occupants residing on the top floor and assisted the evacuation of the property.

Key fact: Tenants in HMOs face much higher fire risks than occupant of other tenure types.

One of the key conditions on a **HMO licence** is that effective **fire detection is maintained in proper working** for just this type of scenario. For this serious breach, a **Financial Penalty Notice (FPN) of £5,000** was issued to the licence holder. The licence holder accepted liability and agreed to pay the full penalty amount claimed. Private Sector Housing are reviewing the status of the licence.



Fire damage in shared kitchen

Case Study 2 –Overcrowding and disrepair

An unannounced inspection by officers from Private Sector Housing in July 2018 found 8 Turkish national males living in unhygienic shared housing conditions.

The unlicensed HMO above shops in the centre of Gidea Park was found to be overcrowded, filthy and had no working fire detection. Every room in the property had been converted into a bedroom, a number of which had bunkbeds.

The property became a target for action because a HMO license had not been received and the data and intelligence suggest it could be a HMO.

Police, Immigration Enforcement and Housing Officers visited the property.



Case Study 3 – Poor living conditions

A multi-agency enforcement operation organised by Havering PRS Officers on 5th October 2018 found an overcrowded unlicensed HMO being occupied by a number of non-related residents, some of whom worked in the Indian Restaurant on the ground floor of the premises.

The living accommodation was found to be in poor condition with inadequate fire safety. Two of the persons found sleeping on the premises were removed from the property by immigration officers.

Financial Penalty Notices are to be served on the property owner for failing to licence a HMO and for Management Regulation breaches.

A referral has also been made to the Food Safety team as there was concern over the hygiene of the food business, given the general run-down condition of the premises overall. The fire authorities have also been informed about fire safety concerns as this premises is part commercial.



Appendix 2

Consultation Report

London Borough of Havering

Statutory Consultation on proposals for licensing privately rented properties

November 2019

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Executive Summary

Introduction

The London Borough of Havering has undertaken a consultation exercise to seek the views of residents, businesses and other stakeholders about proposals to introduce additional licensing scheme for 1) houses in multiple occupation (HMOs) in the six wards currently not covered by a scheme, and 2) a selective licensing scheme in Romford Town and Brooklands wards for the private rented sector (PRS).

Process and method

The consultation period ran between 26 June 2019 until 20 September 2019 and included the following:

- A questionnaire for all residents, stakeholders and organisations (the questionnaire was available online and paper questionnaires were circulated in libraries, service centres, and provided on request.
- Landlord/business consultation events
- Residents' consultation events
- Written submissions

The consultation and the events were widely publicised and directly marketed at stakeholder groups

Key Findings

There is general support and consensus among all represented groups for licensing HMOs and that this should be expanded to cover the remaining six wards

There are strong opinions both for and against selective licensing. The views are split broadly between landlords being opposed to a scheme and residents, tenants and a handful of landlords being supportive of a scheme.

It should be noted that most opposition to the scheme stemmed from the fee element, with many landlords and agents agreeing with proposals to register landlords.

The views expressed in the consultation events and in the open comments of the on-line questionnaire from those who opposed selective licensing said it was unfair for good landlords to pay for the misdemeanours of bad landlords. Some commented that it was another cost burden on top of several other council and government 'raids' on landlord income (Stamp Duty for example).

Those who supported selective licensing said it was helpful to create a consistent set of standards across the private rented sector and that it would help reduce overcrowding in single family homes.

Although the majority of respondents reacted positively to the levels of fees proposed, this was the weakest comparative result between those in favour and those against, with support for the selective fee levels being below 35%. There was also strong support for discounted fees for compliant landlords who applied early.

The support for the tenancy and management conditions was strong.

1. The Consultation Process

The London Borough of Havering (LBH) undertook a consultation exercise to seek the views of residents, businesses and other stakeholders, about proposals to introduce an additional licensing scheme for houses in multiple occupation (HMOs) in the six wards currently not covered by a scheme and a selective licensing scheme in Romford Town and Brooklands wards for the private rented sector (PRS).

A consultation pack was produced outlining:

- The reasons and evidence for each of the two proposals
- Why Brooklands and Romford Town were chosen as an area which would benefit from selective licensing
- The Council's objectives for licensing

This proposal presented aimed to do the following:

- Add to the existing licensing scheme which covers smaller HMOs so that the remaining six wards- Cranham, Upminster, St Andrews, Emerson Park, Hacton and Hylands are covered by a licensing scheme.
- To introduce licensing of properties in the private rented sector let to single households in Romford Town and Brooklands wards.

A full set of proposed licence conditions and the proposed fees were provided as part of the consultation pack. Respondents were also invited to comment on discounts and some aspects of enforcement, such as to reduce the length of the licence term if the applicant has a record of poor management.

The consultation period ran from 26 June 2019 until 20 September 2019 and there were several opportunities provided to stakeholders to present their views this included the following:

- A questionnaire for all residents, stakeholders and organisations. The questionnaire was available online and paper questionnaires were circulated in libraries and posted out on request.
- Eight landlord/business/resident consultation events, lunchtime and evening sessions in Upminster and Romford
- A discussion group and telephone interviews with residents
- Written submissions (Some organisations and individuals provided written submissions which are also included in this report).

1.1 Publicity and messaging

The consultation was publicised through the following channels:

- Residential Landlords Association and National Landlords Association: advertised the consultation on their websites
- 16,000 leaflets delivered to every home in the proposed selective licensing area

- Articles in *Living in Havering* magazine, delivered to every household in the borough
- Leaflets and questionnaires at all libraries in Havering
- Newspaper advertisements in Havering and surrounding boroughs
- London Property Licensing website advertisements
- Social media: e.g. Havering Twitter and Facebook pages
- Direct correspondence with existing licence holders
- Direct correspondence with estate agents and letting agents
- Direct e-mail to developers

This questionnaire along with documentation outlining the proposals, evidence, fees and conditions was published on the council website. Links to this information were also included in all external advertised promotions and all forms of Council media.

Posters about the consultation were put up in the following locations:

- Local Libraries
- Council Buildings

Adverts about the consultation were placed in local/neighbouring borough newspapers.

1.1.2 Council communication

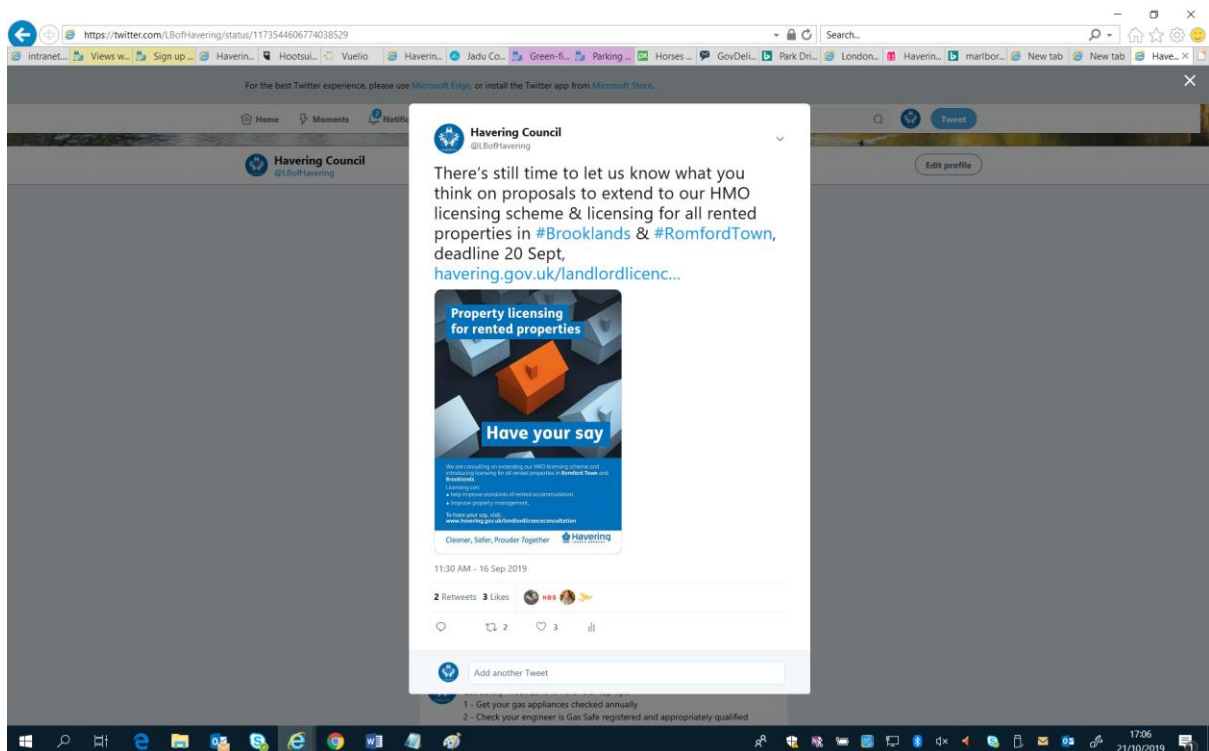
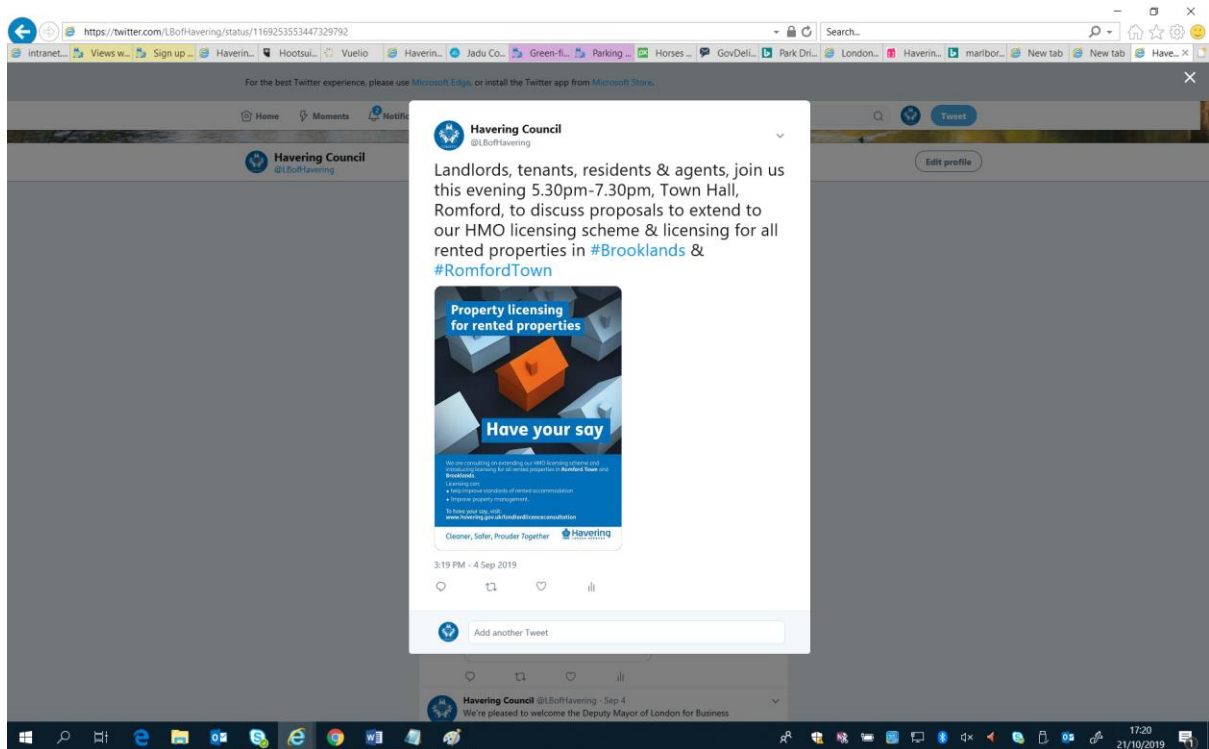
Hand-delivered flyers - 16,000 letters/flyers were hand delivered to every residential property in both Romford Town and Brooklands wards informing residents about the consultation and events.

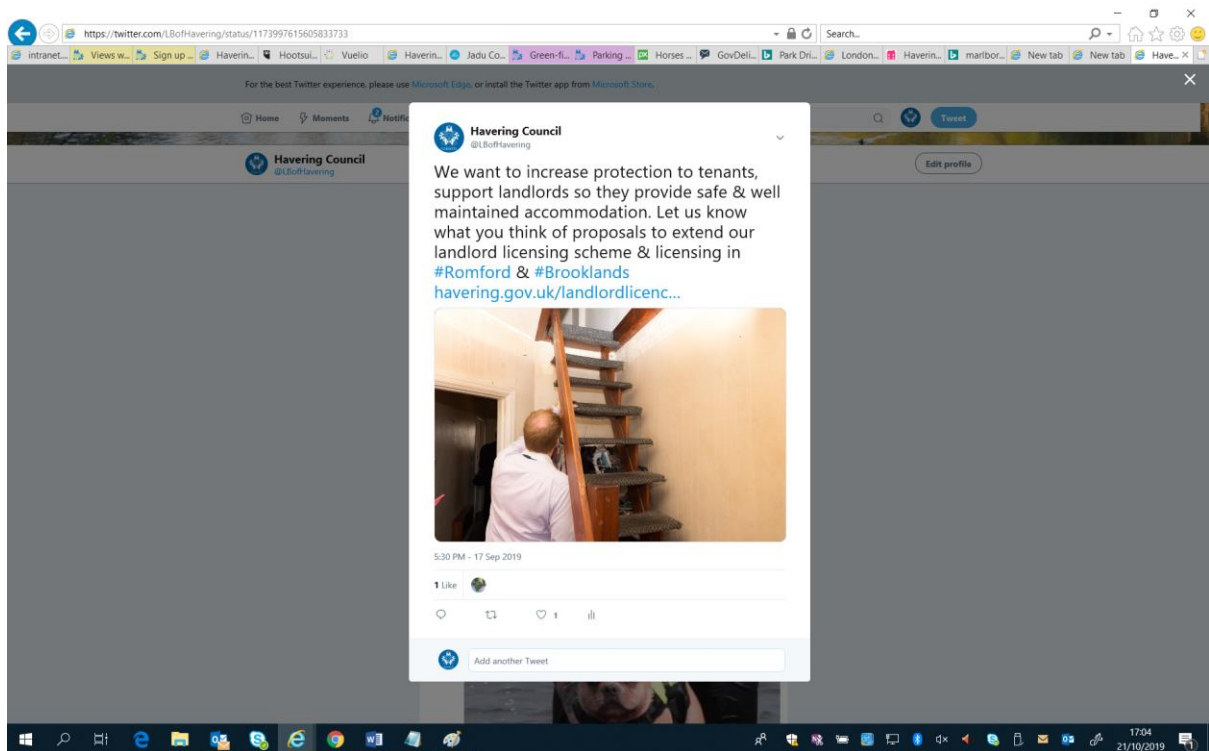
Email/letter notifications - were sent to solicitors, landlord associations, estate and letting agents, voluntary organisations, individual landlords (that the council had contact details for), property developers. Contact lists for estate and letting agents were put together from commercial listings in and around Havering. List of property developers were compiled from published planning records

Council correspondence - all Public protection staff added notification about the consultation to their e-mail signatures

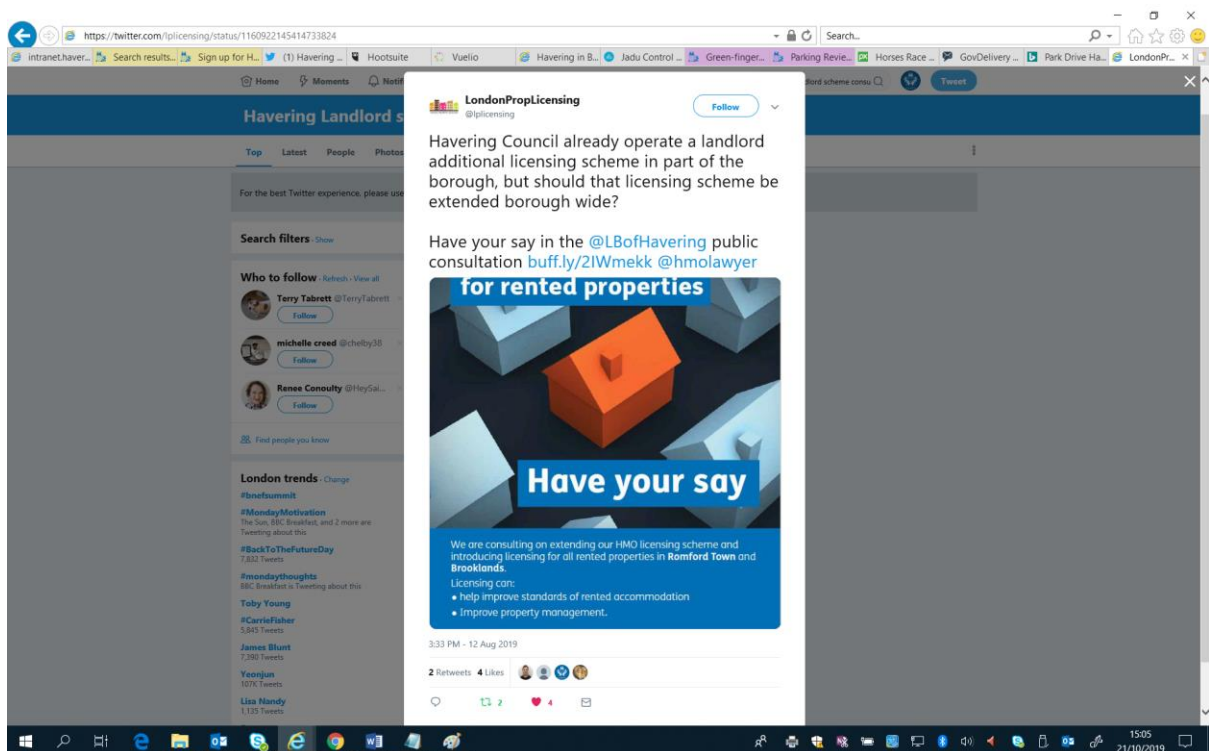
Social media - Posts were sent out daily during the duration of the consultation, including weekends and messaging was varied between promoting the consultation as a whole and promoting the events, targeting residents but also landlords, tenants, agents in the relevant areas.

The London Borough of Havering has a following of 13.5k on Twitter and there were between 2-5 likes per tweet per day, plus an average daily engagement on Facebook 20-70 people per/from any one post per day. Some examples of social media posts are shown below.





Posts were also shared with London Property Licensing who were commissioned to run an awareness campaign for the consultation particularly aimed at landlords and letting agents.



Press release - Press release to launch the consultation 28 June 2019

https://www.havering.gov.uk/news/article/609/views_wanted_on_extension_plans_for_successful_landlord_scheme

External media including trade press

Recorder newspapers:

July 2019

<https://www.romfordrecorder.co.uk/news/havering-council-consultation-on-landlord-licensing-scheme-1-6135254>

Paid for advertising:

Recorder newspapers: September 2019 – the adverts rang alongside an article [based on press release] about the latest enforcement action around HMO landlord licensing, boosting the promotion of the consultation before its deadline in September.

Circulation [general figure] of Romford Recorder is 21, 500 [including 9,600 free copies distributed per week]

Ilford Recorder – around 9,800 copies

Article: 12 September

<https://www.romfordrecorder.co.uk/news/havering-council-s-crackdown-on-criminal-landlords-1-6265419>

Monthly Safer Havering – Safety & Enforcement newsletter

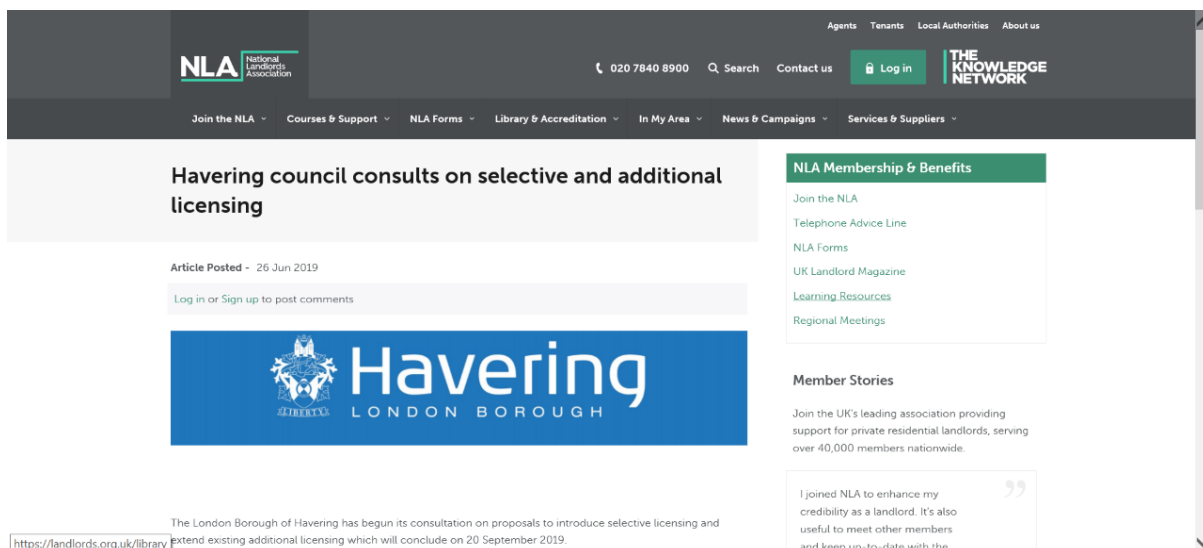
From June to September, promotion of the consultation was featured in the monthly newsletter on the work that goes on in public protection, community safety, police partnership working & enforcement. This resulted in promotion in four monthly newsletters overall. This is circulated to 6,567 people.

Link to example of a newsletter:

<https://content.govdelivery.com/accounts/UKLBH/bulletins/24d35b5>

External promotion

The National landlord association (NLA) and Residential Landlord Association (RLA) were informed about the consultation and a notification of the consultation was available on its respective websites in June 19.



London Property licensing (LPL) - were commissioned to publicise the consultation on their website, the report below outlines the activity carried out. It is the only website dedicated to providing simple, impartial and expert advice on property licensing and explaining the licensing requirements across every London Borough. The website reaches out to landlords based throughout the UK together with those based abroad. Since launching in April 2015, the website has received over 835,000 page views (Source: Google Analytics, 2015 - 2019).

Throughout the consultation period LPL had a listing from 26/06/2019 to 20/09/2019, the licensing consultation was advertised on the LPL latest events webpage. It was also promoted in the events section on the LPL home page, the LBH borough page and all other London borough pages. Separate listings were added for LBH licensing consultation landlord events held on 4 July (two sessions) and 4 September (two sessions). The listings were promoted on the same web-pages listed above.

During the consultation period, the home page and all borough pages that promoted the licensing consultation exercise were viewed 31,261 times. The consultation banner advert was also displayed on twenty news articles and four blogs that attracted a further 5,774 views.

A news article about the licensing consultation was posted in the LPL news section on 28/06/2019 and promoted on social media and in the LPL newsletter. The five most recent news stories are listed on the LPL home page and the LPL LBH page.

LBH licensing consultation banner advertising A high profile 300x400 pixel banner advert promoting the licensing consultation was placed on the LPL home page, the LPL news and comment summary pages, all newly published news and comment articles and all LPL London borough pages from 26/06/2019 to 20/09/2019. Anyone clicking on the advert was taken directly to the consultation page on the council's website.

LPL Newsletter:- A regular LPL newsletter is sent out to people who have requested updates on housing regulation and property licensing schemes. The newsletter is widely distributed free of charge to landlords, letting agents, organisations, local authority officers and government officials. The licensing consultation was promoted in the newsletters distributed on 15/07/2019, 19/08/2019 and 19/09/2019. Each newsletter was sent to between 2,379 and 2,476 people.

LPL Social media promotion:- The licensing consultation was promoted in articles published on the LPL Facebook page and the LPL LinkedIn page on 01/07/2019, 06/08/2019 & 16/09/2019. Tweets about the licensing consultation were published on the LPL Twitter Feed (@lplicensing) at least once every 6 to 8 days, timed to cover a variety of morning, afternoon and evening posts, between 01/07/2019 and 20/09/2019. Each tweet was sent to between 2,159 and 2,175 followers, generating impressions, likes, retweets and comments from a variety of people including Havering Council, safeagent, Residential Landlords Association, Eastern Landlords Association, members of the public, property businesses and a property commentator.

1.2 Consultation questionnaire

The consultation questionnaire was available for anyone to complete - either online via the consultation page on LBH's website, or in hard copy which was widely available. The questionnaire was also available on request from council offices or by post.

Questionnaires are important forms of engagement as they are inclusive and provide people an opportunity to express their views.

In total, 109 responses were received, 1 paper copy was spoilt so has been excluded, of those that were submitted;

- 89 from those identifying themselves as residents;
- Of the 89 residents, 24 of the respondents also identified themselves as a landlord
- 15 from landlords not residents of Havering

The full analyses are shown in section 3 of this report.

1.3 Public events

The Council held eight events and a discussion group during the consultation in Upminster and Romford. LBH engaged the services of an independent facilitator to lead these consultation events, Volition Ltd. A total of 37 people took part.

Volition Ltd.'s detailed report is attached as an appendix to this document (Appendix 1)

Each session began with a presentation by a council officer from the private sector housing team followed by a facilitated question & answer session and discussion. This covered the main issues; the reasons for considering a scheme, objectives, proposed fee levels and licence conditions. The independent facilitator ensured that all voices were heard, and views recorded.

As shown above, the meetings were widely publicised and were intended to be separate events for landlord/business stakeholder groups and residents. However, all sessions had a mixture of residents and landlord groups/agents and no one was turned away.

1.4 Residents discussion group and telephone interviews

Residents were under-represented at the advertised events. To ensure the consultation heard the voices of residents as well as landlords, residents who had had previous contact with the council about housing issues were invited to take part in a discussion group on the proposed licensing scheme. Those unable to attend the discussion groups were interviewed over the phone. All the residents in the group had lived in the borough for more than 10 years and so had seen the growth of the private rented sector in their neighbourhoods.

1.5 Written submissions

During the formal consultation process, organisations and individuals provided written submissions to the council. Contributions were received from:

- National Landlords Association
- Residential Landlords Association
- Association of residential letting agents (ARLA)
- Safeagent
- 2 local landlords

2. Nature of consultation

2.1 Proportional and fair

The council's consultation programme was designed to be open, accessible and fair to all stakeholders across the borough. The process was also proportional to the importance of the issues and conforms with good practice and government guidance¹ on these types of consultation.

The key aims of delivering a good quality consultation should:

- Provide the public and stakeholders with enough background information to allow them to consider the issues and any proposals intelligently and critically.
- Consultations should be targeted
- Consultations should take account of the groups being consulted

(1) ¹ *Principles of consultation* Cabinet Office (2018)

- Allow sufficient time for people to participate and respond
- Be properly taken into consideration before decisions are finally taken
- Ensure responses to consultations are published in a timely fashion

2.2 Accountability

The views and verbal feedback from the consultation will assist decision-making. The contents of this report will be considered by the council, and a formal response made to the points raised. All responses are considered in order to:

- Be informed of any issues, viewpoints, implications or options that might have been overlooked;
- Re-evaluate proposals
- Review priorities and principles.

It is important to note that this is a consultation and not a referendum, i.e. the majority views should not automatically decide the policy or proposal. The levels of, and reasons for, public support or opposition are very important, but as considerations to be taken into account, not as factors that necessarily determine authorities' decisions.

3. The consultation report

3.1 Introduction

This report presents the views and statements of attendees from the organised meetings and also from the questionnaire submissions in respect to the council's private rented sector (PRS) licensing proposals. The report seeks to capture the many different and often opposing viewpoints accurately and clearly. The report does not make the case for or against any of the proposals.

The consultation responses will be considered and responded to by the London Borough of Havering separately to this report.

3.2 Consultation Questionnaire

3.2.1 Introduction

A consultation questionnaire was produced to capture views on key issues such as introduction of a PRS licensing scheme, proposed fees, licence conditions and views on the proposed geographical areas. A full suite of documents detailing evidence, conditions, fees and detailed proposals was also produced and published alongside the questionnaire.

The questionnaire was designed with questions which required agree/disagree answers but there was also an opportunity for respondents to make any additional comments.

The consultation document and questionnaire were available on the council's website between 26 June 2019 and 20 September 2019 (the duration of the consultation period). Paper versions were available on request and were also made available in libraries, for those who were unable to fill it in online.

The council publicised the questionnaire through a variety of means, including (but by no means limited to):

- Residential Landlords Association and National Landlords Association: advertised the consultation on their websites
- 16,000 leaflets delivered to every home in the proposed selective licensing area
- Articles in *Living in Havering* magazine, delivered to every household in the borough
- Leaflets and questionnaires at all libraries in Havering
- Newspaper advertisements in Havering and surrounding boroughs
- London Property Licensing website advertisements
- Social media: e.g. Havering Twitter and Facebook pages
- Direct correspondence with existing licence holders
- Direct correspondence with estate agents and letting agents
- Direct e-mail to developers

Details of all publicity and communication are detailed in section 1 above.

3.2.2 Interpretation of the data

Graphs are used in this chapter to aid interpretation of the data. These graphs show the proportions of respondents to each question by category.

3.2.3 Respondent profile

The first section of the questionnaire sought to understand the type of respondent, for example a resident or landlord or both; of the 109 individuals that responded to the questionnaire. 89 identified as Havering residents, of these respondents 24 were also landlords or managing agents. There were 15 respondents who were only landlords and not residents.

The second section asked respondents opinion on their living environment and concerns with the area.

Error! Reference source not found.: **Breakdown of the category of respondent**

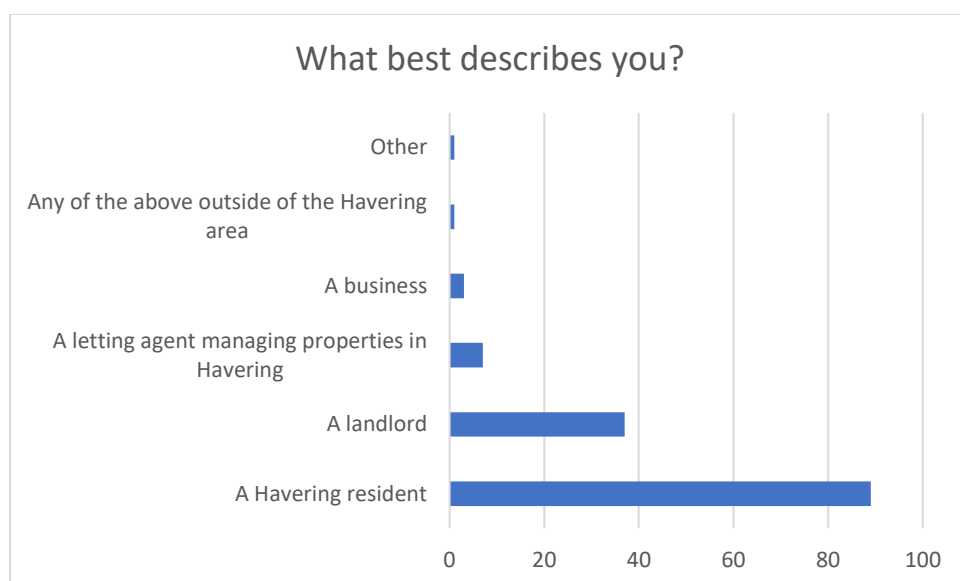


Figure 1: Tenure of the respondent e.g. tenant, owner occupier

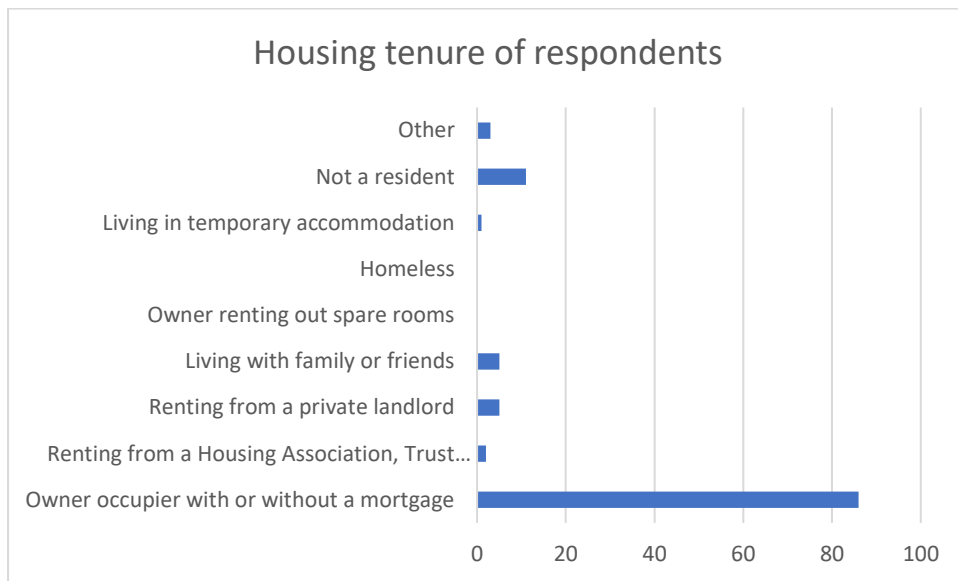


Figure 1 and 2 show the majority of respondents are owner occupiers, landlords are included in this group as some had already indicated they were local residents

Figure 2: Which of the following are you most concerned about in Havering

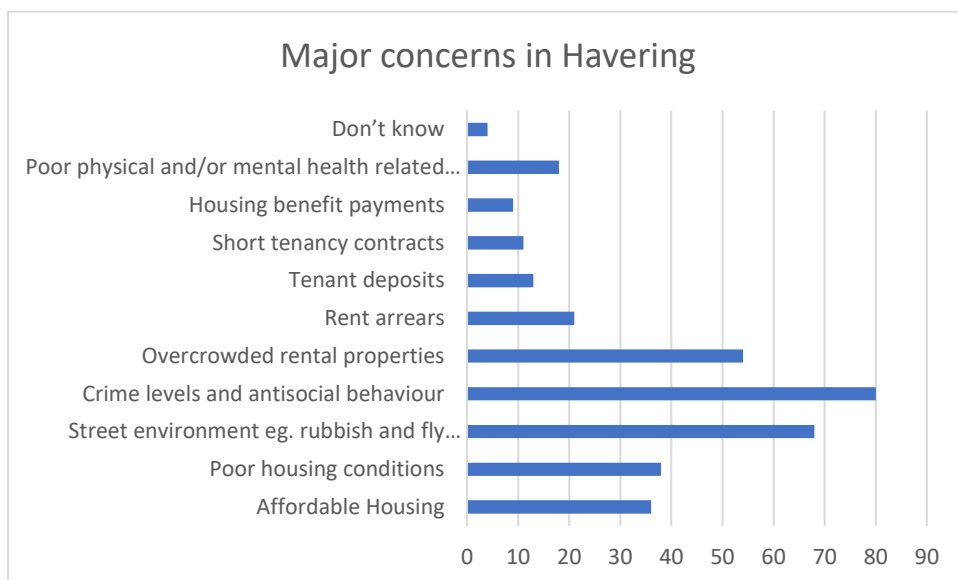


Figure 3:- More than one option could be chosen, the top three concerns identified from the housing related options were crime levels/anti-social behaviour, street environment and overcrowded rental properties. Followed by poor housing conditions and affordable housing.

Figure 3: Respondents were asked to rank what types of ASB were of concern

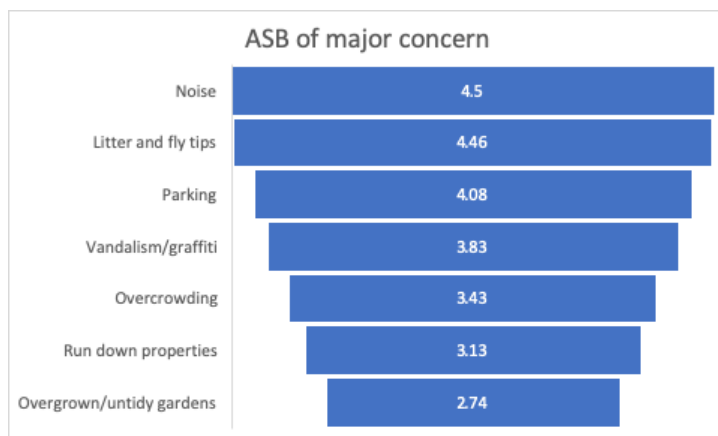


Figure 4 shows respondents' ranking of various types of antisocial behaviour. Noise, litter and fly tips received the highest ranking, followed by parking and vandalism. Five of the paper returns duplicated some of the rankings, however this has not affected the overall results

Figure 4: If you are a tenant of a privately rented property do you have concerns about any of the following?

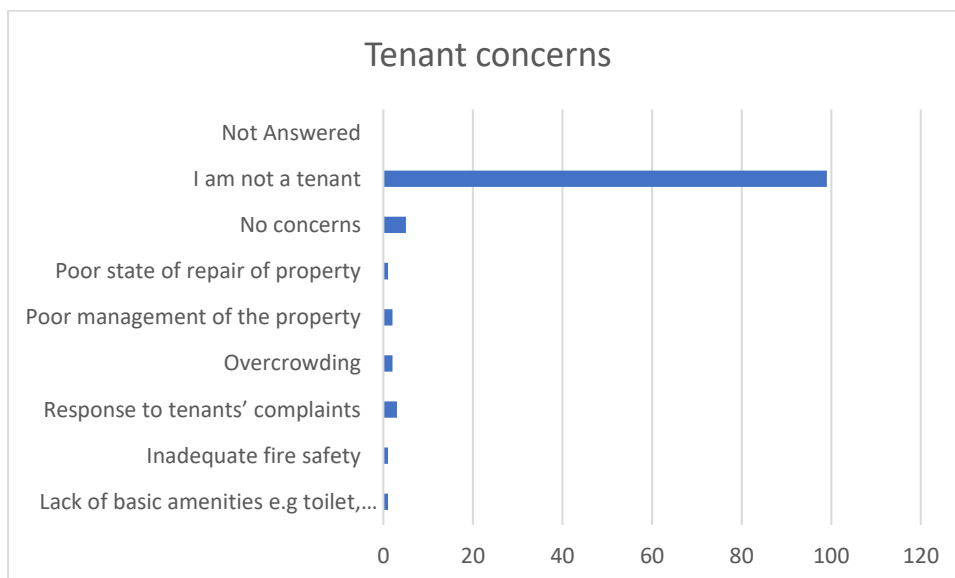
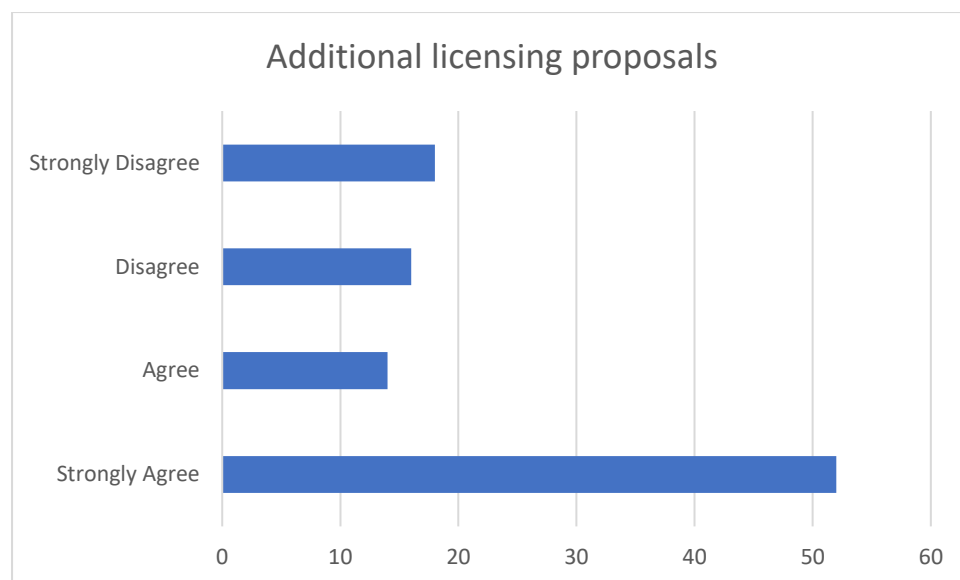


Figure 5 explores PRS tenant's key areas of concern. Unfortunately, this group was under-represented for the on-line questionnaire as can be seen by the results in figure 2, only 8 identified as tenants. 15 respondents answered this question so 7 of those responding had not identified as tenants earlier in the questionnaire. Due to the poor response of tenants to the on-line survey the results for this question cannot be seen as significant. The views of tenants were better represented in the residents' discussion event.

3.2.4 Licensing proposal responses

The following section shows responses to specific questions about the licensing proposals. The consultation page had a suite of documents detailing the proposals in detail, including maps of the proposed areas, proposed fees and the proposed conditions.

Figure 5: To what extent do you agree or disagree with the 'additional' licensing scheme proposal



The response in figure 6 shows strong support for additional licensing, the majority choice being 'strongly agree' (52%). By collating the agree/strongly agree and disagree/strongly disagree categories it can be seen that, 66% of respondents agreed with the proposal with 34% against.

Figure 6: To what extent do you agree or disagree with the 'selective' licensing scheme proposal for Romford Town and Brooklands wards

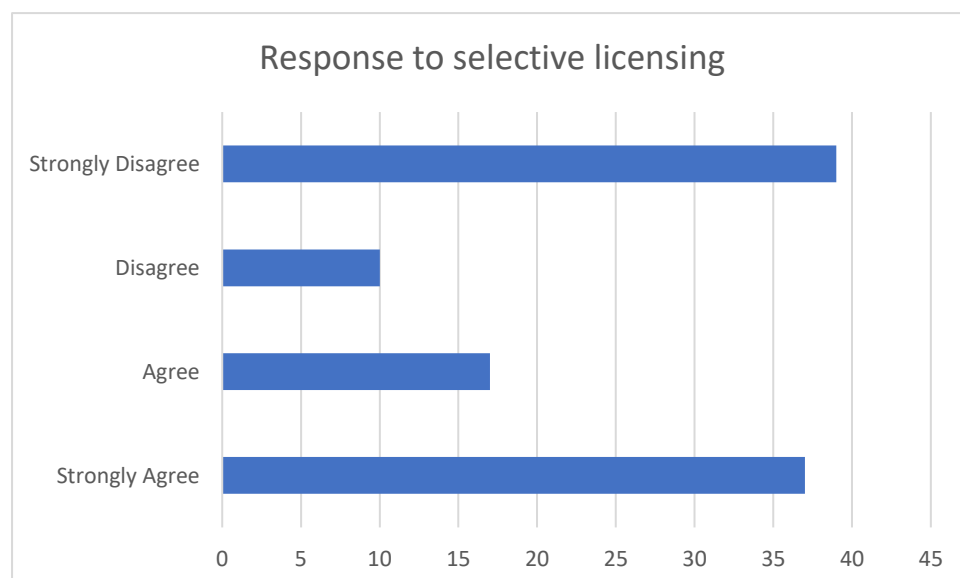


Figure 7 shows the opinions expressed for the selective licensing proposal are more evenly matched. By collating the agree/strongly agree and disagree/strongly disagree categories it can be seen that 52.5% agree and 47.5% disagree with the selective scheme proposal.

3.2.5 Fees

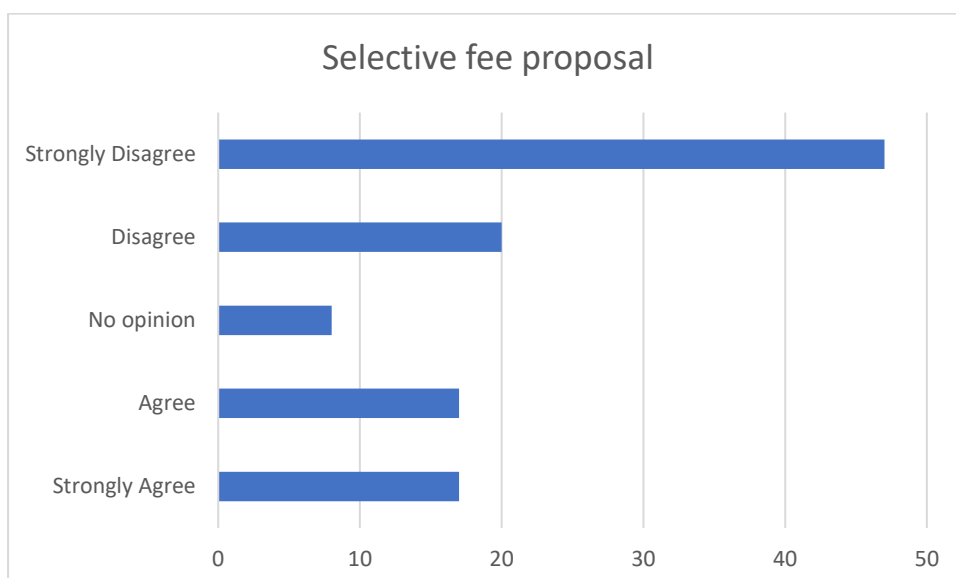
Figure 7: The proposed fee for an additional licence is £1250, do you think this is reasonable?



Figure 8 shows that by collating the agree/strongly agree and disagree/strongly disagree categories it can be seen that that 44% agree and 38.5% disagree with the proposal. There was a large number of respondents who expressed no opinion on this proposal, 17.

A question was also asked on a specific proposed discount of £900, this provided an inconclusive response.

Figure 8: The proposed fee for a selective licence is £900, do you think this is reasonable?



There is considerable opposition to the proposed fee for selective licensing shown in figure 9. By collating the agree/strongly agree and disagree/strongly disagree categories it can be seen that 61.47% disagree and 34% agree with the proposal.

A question was also asked on a specific proposed discount of 450, this provided an inconclusive response.

Figure 9: Should a discount be offered to landlords who apply early and have a history of compliance



Figure 10 -This question sought the views on whether those that applied early and with a good history of compliance should receive a discount. There was strong support for this policy, with 66% agreeing and only 19% disagreeing.

3.2.6 Length of licence and conditions

Figure 11: Should only a one-year licence be issued to landlords with previous management concerns

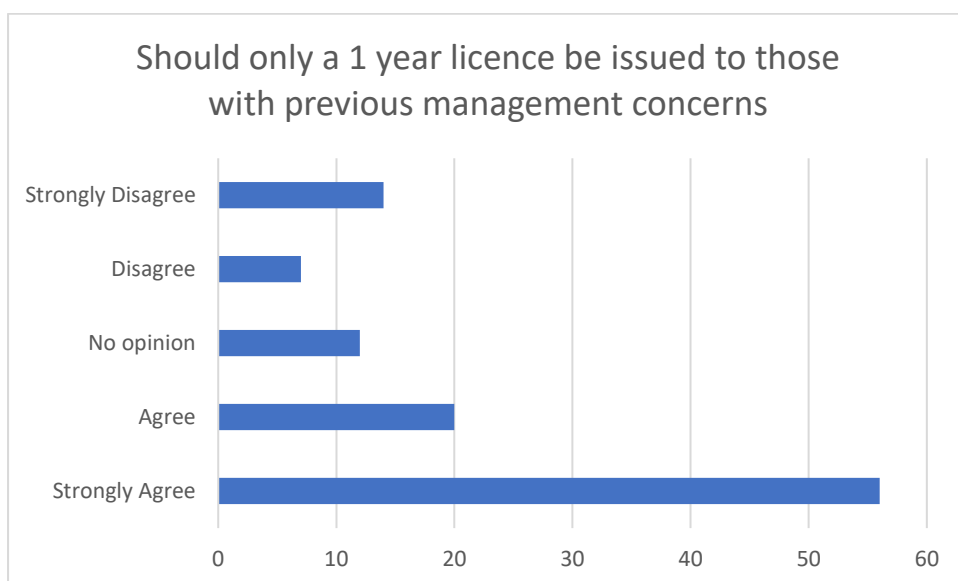


Figure 11 shows that there is strong support for this enforcement approach, 69%. This is policy is being applied in the current licensing schemes in Havering, the most common relate to breaches in management regulations and conditions.

Figure 12: Do you agree or disagree with the proposed tenancy management conditions

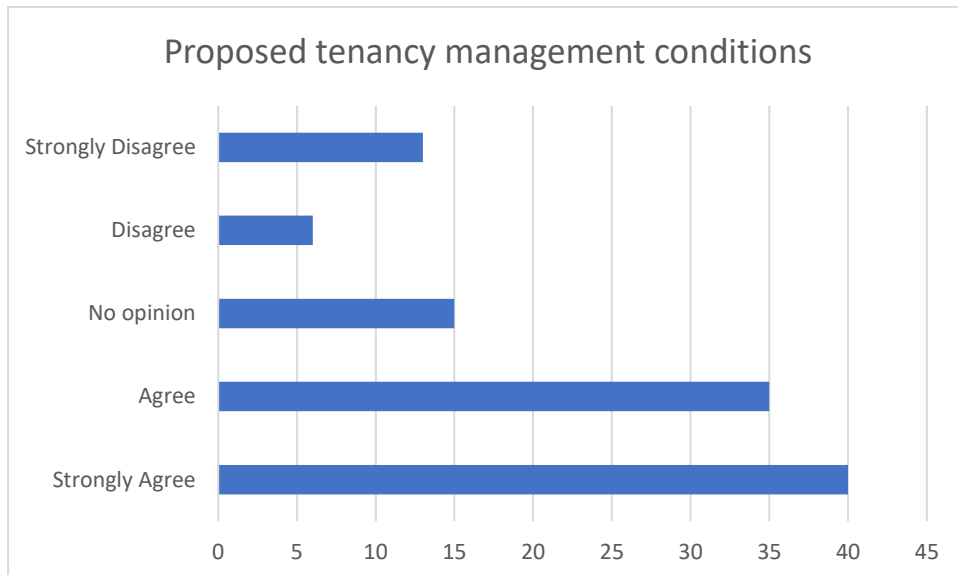


Figure 12 - There was a detailed list of tenancy conditions for the respondents to review, these conditions are proposed to be attached to the licence and require a landlord to adhere to them. There was strong support for these conditions 68.8%.

Figure 13: Do you agree or disagree with the proposed management conditions?

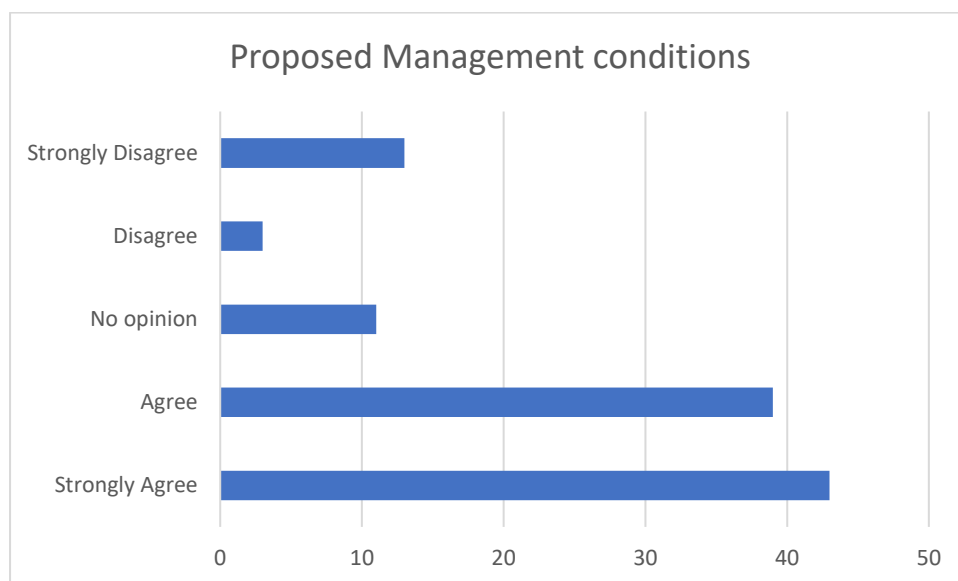


Figure 13 -There was a detailed list of management conditions for the respondents to review, these conditions are proposed to be attached to the licence and require a landlord to adhere to them. There was strong support for these conditions 75%.

3.2.7 Summary of other comments and alternatives

There was also an opportunity for questionnaire respondents to make additional comments if they wished. Key issues raised, alternatives and other suggestion have been captured and considered by the council. The responses can be seen in the report titled 'Consultation Response'

53 comments were received about the additional (HMO) licence proposal. The most common responses were:

- expressing support for the scheme
- proposed fees are too high
- no more HMOs should be created in the Borough
- HMOs should be regularly inspected and monitored
- licensing should cover all areas
- the council already has powers to deal with these properties
- fear that the fee will be passed onto tenants
- scheme will drive landlords away
- need condition to keep gardens tidy
- not sure that licensing will tackle unscrupulous landlords
- license only those that do not have a letting agent.
- It's a stealth tax

64 comments were received about the selective licensing proposal. The most common comments were:

- Not supporting the scheme
- expressing support for the scheme
- Don't punish good landlords
- Just a scheme to generate income for the council
- proposed fees are too high
- Licensing will not deal with the rogue landlords
- licensing should cover all areas and all landlords
- the council already has powers to deal with these properties
- fear that the fee will be passed onto tenants
- scheme will drive landlords away
- not sure that licensing will tackle unscrupulous landlords
- fee too low
- Bureaucratic

Key themes are emerging from these comments and these will be responded to in the 'Consultation Response' document.

Many respondents were concerned that the cost of the licensing fees would just be passed onto tenants who were already having to pay high rents.

There were also several alternative suggestions to the proposed licensing scheme:

- Some called for reduction in council tax for landlords
- Make more use current enforcement powers.
- Access to recycling sites

3.2.8 Conclusion

It is clear that there are strong opinions on each side, for licensing or against it. From the comments in the questionnaire nearly all landlords oppose the scheme. However, there are many other groups of residents and tenants that are supportive, and this is reflected in some of the results shown above.

There is more support for an additional scheme (HMO) than for the selective licensing proposals although both scheme proposals have more respondents that support them rather than are against them.

Although the majority of respondents reacted positively to the levels of fees proposed, this was the weakest comparative result between positive and negative responses. Responses that supported selective fee levels were less than 35%. There was also strong support for discounted fees for compliant landlords who apply early.

The support for the tenancy and management conditions was strong.

3.3 Public Events

There were originally four sessions organised for landlords and four for residents, however no one was turned away if they attended a session primarily organised for residents or landlords or vice versa. Resident participation in these events was low.

All the public events were facilitated by Volition Ltd whose staff are independent facilitators with experience in central government public engagement and social research companies with a strong track record of running public engagement events.

Volition Ltd provided a detailed report on these events which is attached Appendix 1 to this report. The following section provides a summary of that report.

3.3.1 Landlord and resident public events

There were four advertised landlord/letting agent consultation sessions held at Romford Town Hall on 4 July and 4 September, on each day there were two sessions 2pm-4pm and 6pm-8pm. There were four advertised residents'/tenants' consultation sessions two held at Upminster library on 3rd July, and two at Romford Town Hall on 20th August

The sessions were timed to be held near the beginning and end of the consultation to correspond to the large amount of publicity at consultation launch and to avoid the summer holidays as much as possible.

The aim of the sessions was to provide an opportunity for interested parties to find out about, and discuss the proposals with, key council officers, allowing for interactive and informed discussions.

The sessions were promoted directly to agents and landlords in local papers, via social media, trade and landlord organisations, advertised on the council website, and through posters at council locations. Details of the publicity and communications can be seen in the section above.

3.3.2 General comments- Public sessions

Top level summary of participant's responses to the licensing proposals: (Volition Ltd Report)

- General approval for the proposal to extend the current HMO licensing scheme to the remaining six wards of Emerson Park, Cranham, Upminster, Hylands, St Andrew's and Hacton.
- The selective licensing proposal was opposed by most of the landlords and agents who attended the events but supported by all the residents who took part and a handful of agents and landlords.
- Those who opposed selective licensing said it was unfair for good landlords to pay for the misdemeanours of bad landlords and that it was another cost burden, on top of several other council and government 'raids' on landlord income (Stamp Duty for example).
- Those who supported selective licensing said it was helpful to create a consistent set of standards across the private rented sector and that it would help reduce overcrowding in single family homes.
- Most landlords and agents at the events felt that proposed fees for HMOs were acceptable, given the higher revenue earned and the greater expense associated with regulating multi-individual properties.
- The fees for selective licensing were more hotly contested, because they were felt to be imposed on smaller landlords, with lower revenue.
- The selective fees were also contested because many landlords and agents at the events could not see what they would get in return for the payment.

- Residents at the discussion group and some landlords were keen to ensure that the proposed property management and tenant management conditions were tightened up, with the good of the neighbourhood in mind.

3.3.3 General comments on the proposals

The proposal to extend the HMO licensing to the remaining six wards of Emerson Park, Cranham, Upminster, Hylands, St Andrew's and Hacton was met with general approval by most landlords, agents and all residents who came to the events. Many felt that houses in multiple occupation, required a high level of scrutiny and regulation. Issues related to poorly managed HMOs, such as rubbish accumulation and anti-social behaviour, were recognised as a problem in the borough and across London, and licensing was seen by most to be a sensible way to try to raise standards.

The proposal for licensing all private rented single-family homes in the Brooklands and Romford Town wards was opposed by most landlords and agents but supported by all residents who attended and a few landlords and agents.

The detailed feedback can be seen in the report but the key themes which have been raised in the comments section of the questionnaire were broadly repeated in the public sessions.

3.3.4 Fees

Most landlords and agents at the events felt that proposed fees for HMOs were acceptable, given the higher revenue earned and the greater expense associated with regulating multi-individual properties.

The fees for selective licensing were more controversial, because they were felt to be imposed on smaller landlords, with lower revenue.

Most participants agreed with the plan to charge non-compliant landlords annually, rather than every five years. Most also supported the proposed 'early discount' scheme, where landlords who register in the first few weeks of the scheme pay less. Residents at the discussion group wanted to see higher fees for both schemes.

3.3.5 Licensing conditions

There was no clear opposition to the proposed licensing conditions, however the view was that Tenant and Property Management Conditions should be written with the needs of the neighbourhood in mind e.g. time permitted to report and tackle anti-social behaviour such as noise and drug taking.

3.3.6 Alternatives

There were several suggestions made for alternatives to licensing;

- Provide education for landlords.
- Set up MP forums to listen to landlords and tenants and develop solutions to poor housing conditions and poor tenant/landlord behaviour.
- Set up a Housing Court.
- Have an annual MOT for a private rented property.
- Set up an accredited landlord scheme.
- Only allow properties to be managed by licensed agents or professional landlords.
- Fine landlords for each warning for not complying with licence conditions.
- Charge per hazard found as part of an inspection.
- Change laws at Westminster.

3.4 Written Submissions

During the formal consultation process, organisations and individuals provided written submissions to the council. The contributors were:

- National Landlords Association (NLA)
- Residential Landlords Association (RLA)
- ARLA
- Safeagent
- Two local landlords
- Police

All the written submissions summarised below into main themes. Letters from organisations have also been included in Appendix 2 in full

3.4.1 Supportive of the schemes

There was support received from the scheme from the Police

3.4.2 Oppose the scheme

The RLA is opposed to the scheme and has many objections to licensing overall

Those opposing the scheme asked that the council make better use of existing enforcement powers as there is already a scheme in place to deal with rogue landlords.

Safeagent - state that the additional licensing scheme is intended to cover 'some section 257 HMOs' but does not specify which section 257 HMOs would be included and which would be excluded. We would not support a proposal to include all converted blocks of flats, as defined in section 257 of the Housing Act 2004, within a borough wide additional licensing scheme

For properties converted since 1 June 1992, a Building Control completion certificate would satisfy this requirement. But for properties converted before that date, it would be very difficult for a layperson to assess compliance with the Building Regulations 1991 and many local authority licensing teams would struggle to make a definitive assessment. Letting agents cannot be expected to make this sort of judgement.

3.4.3 Fees

The RLA wrote that the fee:

'is an unnecessary financial burden to put on landlords...likely, pass the cost on to tenants in the form of increased rents'.

The fear that the licensing fee would be passed onto tenants was expressed a number of times by both residents, tenants and landlords.

RLA - The council have made no mention in the fee structure document if tacit consent applies should the processing of the licence goes beyond the advertised times, as well as not provided a timescale for the length of processing time for a licence application RLA - The proposed fee of £1250 for a new application for an additional licence is excessively high for a landlord to pay

Safeagent - 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

Safeagent - For the selective licensing scheme, we note the intention is to charge £900 per property. We believe this is excessively high.

3.4.4 Conditions

There was a very detailed response from Safeagent in respect to some of the conditions which will be considered and responded to in detail in the consultation response document.

3.4.5 Enforcement

There is support from both landlords and tenant organisations that the scheme should be enforced, especially activities that find unlicensed properties and identifying rogue landlord behaviour.

Landlord groups stated that no details on the operational approach had been provided and asked whether it was joined up and co-ordinated with the police service.

ARLA -Many licensing schemes fail due to the lack of adequate resources needed to undertake the necessary enforcement activity

Licensing schemes heavily focus on the administration involved, often directing staff away from enforcement to process applications

Safeagent- 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

3.4.6 Further views and alternatives

The RLA stated that they:

‘support a system of self-regulation for landlords whereby compliant landlords join a co-regulation scheme which deals with standards and complaints in the first instance’

4 Conclusion

This report describes the consultation exercise undertaken by the London Borough of Havering between 26 June 2019 and 20 September 2019 about the possible introduction of additional scheme for 1) houses in multiple occupation (HMO) to cover six wards previously not included in the first licensing designation and 2) a selective licensing scheme in two wards in the borough. The report contains information about the methods used and a detailed presentation of the findings from a wide range of stakeholders.

Appendix 1 – Independent facilitators reports

Appendix 2 – Written submissions from organisations

Appendix 3

Collation & Summary of Consultation Responses and Havering Council Response

The responses outlined below were received from on-line questionnaires, landlord and resident events and landlord and letting group correspondence. These have been split into themed sections, general comments in support or against the proposals have not been included. The purpose of this summary document is to answer/consider or accept alternative suggestions raised during the consultation.

Ref Key	Consultation Representation	Respondent	Consideration	Response
	General additional licensing proposal			
	All landlords need to be licensed. This helps ensure standards are maintained.	On-line questionnaire	Considered and responded	There is currently no legislation requiring all landlords to be licensed. Local authorities can only introduce licensing when the evidential criteria are met.
	Properties should be regularly inspected by the council	On-line questionnaire	Agreed	If introduced the council will follow an inspection programme prioritising unlicensed properties initially and then a prioritised risk-based inspection of licensed properties
	What resources have you put in place for inspection of all property to comply licensing regulations, staffing levels to carrying proposed licensing.	On-line questionnaire	Considered and responded	We have a recruitment and training plan in place to be able to meet the additional workload if licensing is introduced
	You have no idea who or how many people are living in these rented places or who owns these property's	On-line questionnaire	Rejected	The council has put in place a very effective intelligence led programme of proactive inspections for its current licensing

				scheme. We use tenure analytics to find unlicensed properties and a range of tools to identify property ownership.
	<p>It is totally wrong to allow more houses of multiple occupation in the borough.</p> <p>This is just a vehicle for people with money to make more at poorer people expense and make the possibility of younger people owning their own homes even more remote.</p>	On-line questionnaire	Considered and responded	<p>Havering Council has already taken steps to minimise the creation of new HMOs. We have made two Article 4 Directions to remove permitted development rights in relation to change of use from dwelling houses to a house in multiple occupation.</p> <p>The effect of this Article 4 Direction is that permitted development rights to change a dwelling which is a flat, terraced house or semi-detached house located within any part of the borough other than in four wards (Brooklands, Romford Town, Gooshays and Heaton Wards) into a house in multiple occupation do not apply and planning permission will be required.</p> <p>The Direction was confirmed on 3 November 2015 and came into force on 13 July 2016.</p> <p>https://www.havering.gov.uk/info/20034/planning/147/article_4_directions/2</p>
	The council have made no mention in the Fee Structure document if Tacit Consent applies should the processing of the licence goes beyond the advertised times, as well as not provided a timescale for the length of processing time for a licence application	RLA letter	Considered and responded	If the proposals go ahead Havering Council will publish the service standards it will work to.

The council has enough legislative powers already to supervise and take action on most of the areas covered by this new license.	On-line questionnaire	Considered and rejected	All other enforcement powers available to the Council are being fully utilised, licensing of private rented properties is only one part of the Councils enforcement activity/strategy. The new Housing and Planning Act 2016 gives Councils more powers, but half of the contraventions can only be used if there is a licensing scheme in place
More bureaucracy many of many conditions are already required by statute. You have statutory powers HMO's already why not use them	On-line questionnaire	Considered and rejected	Havering Council are using all existing powers available already as well as proactively finding HMOS. Unfortunately, even though some of the condition requirements are well established and well known we find that these basic requirements are often ignored. Licensing provides a framework for Councils to enforce these provisions
More expense to owners means less supply of property and pressure to put up rents both due to shortage and costs	On-line questionnaire	Considered and rejected	There is no evidence to support this, the number of rental properties and rents continue to rise suggesting other economic factors are driving the market. Indeed, the costs associated with the sale of a property and any capital gain tax dues far exceeds the cost of the proposed licence fee over 5 years
"Licensing would like to reduce anti-social behavior from rented properties, which is caused by poor management." How does poor management cause anti-social behavior?	On-line questionnaire	Considered and responded	Poor management of a rented property leads to increases in fly tips, rubbish in front gardens, overflowing bins, overcrowding, potential sub-letting and disrepair which can impact on neighbouring properties etc
HMOs shouldn't be allowed. HMOs doesn't just impact on neighbours who have to live next door to HMOs but it impacts the area negatively. I unfortunately live next door to HMO and have many issues from, parking, noise, rubbish, parties late at night, not looking after the property ie the chimney stack fell down over a year ago and caused 8 of my roof tiles damaged where water leak into the	On-line questionnaire	Noted	Havering Council introduced an article 4 in July 2016 which limits the expansion of HMOs via planning controls. For details please see above

	celling and still today the chimney stack left on the roof after reporting this to the council.			
	The sooner the better to help put a stop to unlicensed proliferation of letting activity. Its bad for residents and the tenants that have to live with the fallout which is often mess noise and anti social behaviour. If landlords have to pay, they may take more care of the property and have better control on those they rent to.	On-line questionnaire	Noted	If the proposal is approved the first priority will be to unearth unlicensed properties and use powers in the Housing and planning act 2016 to impose civil penalties.
	You have already outlined the problems associated with HMO's - and yet continue to allow licenses and extend areas . We feel that having HMO's ruins neighbourhoods. As you are aware it causes problems with parking and anti social behaviour. When we moved to Havering 35 years ago it was a pleasant and peaceful place to live. Now with the problems caused by HMO's we feel that we have no alternative but to find an area that doesn't feel the need for an increase in overcrowding!	On-line questionnaire	Noted	The law only allows licenses to be refused in a limit number of circumstances. The conditions, however lay out what is expected of a landlord when managing their property. If the proposals are agreed the council will expect landlords to comply with the conditions and will follow a programme of risk-based inspections. As stated above LBH has introduced an article 4 direction which restricts the creation of more HMOs
	Letting Agents should have to be licensed before them open up. At present anyone can say they are a letting agent.	On-line questionnaire	Noted and accepted	Havering Council have a multiagency approach to enforcement. Letting agents are now required to be part of a redress scheme and Trading standard officers have consumer protection powers to help regulate these businesses.
	There is no issues in these locations. Havering are using this purely for income generation. There will be no appropriate supervision and unscrupulous landlords will not change through this and will not even register.	On-line questionnaire	Rejected	If the scheme is agreed, the Council has committed to ensuring that the scheme is properly enforced. Data analytics will be used to identify unlicensed properties and if they do not licence when asked to will face enforcement action.

	How would the scheme be monitored, including how the money is spent	On-line questionnaire	Agreed	If the scheme goes ahead there will be a requirement to regularly report on the schemes' outputs and achievements
	<p>Consultation events had a relatively low turnout – particularly the first events</p> <p>Allow the consultation to run for a few weeks and gain momentum before holding consultation events.</p>	Event feedback	Noted	<p>There was a large amount of publicity carried out by the Council, see consultation report. Timed to peak in the run up to events.</p> <p>The council also wanted to make sure some events ran before the school holidays.</p> <p>However, if we consult again the council will try and offer events after a few weeks to build momentum</p>
	General Selective licensing proposal			
	This needs to be thought out as charging a fee and licencing rental property that is not being used as an HMO could discourage landlords from renting and reduce the amount of housing available across the borough for young family's	On-line questionnaire	Rejected	There is no evidence to suggest that the fee proposed will reduce the amount of rental properties available.
	Some people need lodgers to pay for mortgages and for someone to be in the house to avert burglaries. Havering Council is wanting money for doing nothing pressurising ordinary people to give more money to the avaricious Council.	On-line questionnaire	Noted	A resident owner occupier/long leaseholder can have up to two lodgers without requiring a licence.
	Havering council by proposing introducing licensing are implying that there is problems which could push investment away	NLA	Rejected	There is no evidence that this will affect investment in Havering. The licensing fee is so low compared to other investment costs it is not likely to be a contributing factor

	This change proposed by the council will reduce secure tenancies and increase the cost for tenants; it could also increase homelessness (how will they get a reference) with people being unable to secure a tenancy due to references.	NLA	Rejected	There is no evidence for this assertion. Very few secure protected tenancies remain in the private rented sector and are often only available to council housing or housing association tenants.
	I am not convinced that houses occupied by one family need to be licensed as I am not of the opinion that this type of occupation leads to anti-social behaviour.	On-line questionnaire	Rejected	<p>Romford Town and Brooklands have the highest number of private rentals, high levels of poor housing conditions, highest levels of ASB in Havering and have required substantial interventions from the Council.</p> <p>When analysing ASB figures care is taken to exclude any report which does not relate to a residential property. For example ASB incidents related to pubs are excluded from the data.</p>
	There is already enough legislation in place for Landlords to comply with in terms of the condition that a property is offered to a tenant and what a Landlord is required to do in terms of electrical and gas safety, smoke alarms etc. Surely the council have enough powers to prosecute Landlords not complying with their statutory obligations already.	On-line questionnaire	Rejected	The examples given are not all enforced by the same regulatory body. e.g gas safety is regulated by the HSE. One of the benefits of licensing is that these can be enforced by one authority under a clear framework rather than by a patchwork of different regulatory bodies. Licensing brings these all under one umbrella and requires the documents to be produced on request which ensure all these are in place.
	The council are charging the good landlords to fund trying to prosecute the bad ones	On-line questionnaire	Rejected	The fees proposed only cover the cost of processing and administration of the scheme. Havering Councils current enforcement policy places a higher cost burden on 'bad' landlords. This is done by targeting enforcement towards unlicensed properties, reducing the length of the licence if the landlord has a record of poor management or has not licensed their properties when asked to do so.

				As currently there is no mandate to provide information on what properties are rented a licensing scheme is the only way to collate this information in a Council area. Having a scheme in place helps identify those that are absent via our use of tenure analytics and therefore allows the council to target enforcement.
	whilst there is a record of more ASB in these areas there is little reference to what % of this is made up of social housing.	On-line questionnaire	Rejected	The evidence on ASB presented excludes social housing
	This is unnecessary and simply a way to generate income.	On-line questionnaire	Rejected	<p>The Councils has carefully evaluated the evidence available and considered various proposals before presenting those that were consulted on.</p> <p>The size of the scheme proposed is modest and has been focussed on the areas which meet the criteria as set out in the legislation.</p> <p>There can be no profit made from licensing, however the Council is keen to introduce licensing in a cost neutral way so the private rented sector is not subsidised by council tax payers</p>
	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	Safeagent	Accepted	If the scheme goes ahead there will be a requirement to regularly report on the schemes' outputs and achievements as well as publishing the service standards it will work to.
	Havering Council's proposals are not strong enough. Romford will become "letting land" and will be a dump town in ten yrs unless something is done to clip the wings of these buy-to-let sharks invading our community. The rented house nearby needs drastic repair and	On-line questionnaire	Noted	The Council has identified specific problems in Romford and are trying to regulate this sector more effectively by proposing this licensing scheme

	routine maintenance. The last time the gutters were cleared I and a neighbour paid!			
	Will there be a point of contact for adjoining property owners to inform the Council of their concerns etc 're overcrowding and anti social behaviour	On-line questionnaire	Agreed	The Council will provide a 'report it' tool on their website for this purpose
	Five years is too long for a licence as tenants don't normally stay that long (usually 2-3 years is the norm in my experience)	On-line questionnaire	Rejected	The legislation allows an area to be designated for up to five years. To have a scheme running for less time would not enable sufficient time to meet the council's objectives and will be more of a burden on landlords by having to apply more regularly rather than once every five years
	The selective licensing is proved not effective to improve the living conditions of the tenants in other boroughs	On-line questionnaire	Reject	There is a recent report on the effectiveness of licensing schemes, it can be found here https://www.cieh.org/news/blog/2019/how-effective-is-selective-licensing/
	I agree to licensing but think the charge is excessive and there needs to be something on offer to good landlords e.g free use of recycling centre in the area even if they live outside the Borough	On-line questionnaire	Considered	The council has investigated whether an arrangement can be made. The site is not under the Councils control as it is managed by a different waste disposal authority. No discount/access options are available
	Many licensing schemes fail due to the lack of adequate resources needed to undertake the necessary enforcement activity	ARLA NLA	Agree	Enforcement, especially of unlicensed properties is key to delivering an effective licensing scheme
	Licensing schemes heavily focus on the administration involved, often directing staff away from enforcement to process applications	ARLA	Agree	There has been some examples of this nationally, however, Havering have proven that with its current licensing scheme its focus has been on enforcement and has worked hard to put in place efficiencies to avoid directing staff away from this

	ARLA Propertymark believes that instead of introducing further discretionary property licensing, Local Authorities should adopt a collaborative approach with letting agents, landlords and professional bodies to tackle issues within the private rented sector	ARLA	Partially agree	<p>Havering welcome a collaborative approach with letting agents and landlords and have been encouraged by the formation of a landlord forum in the Borough. The Council looks forward to fully participating in this going forward. However, self-regulation has proven not to be successful in this sector. There is poor take up of accreditation schemes and high numbers of serious hazards and breaches of management regulations are still being found in rental properties</p>
	With council figures showing there are currently almost 1,000 licensable but unlicensed HMOs in the borough, we believe the council should concentrate resources on enforcing the existing licensing schemes before seeking to introduce any further licensing schemes.	Safeagent	Noted	<p>Havering Council are focusing their current enforcement activity on unlicensed properties. The poor compliance with the regulation is a concern and leads to higher overheads for the Council. What is of greater concern is the number of criminal landlords that have been uncovered operating in Havering as a result of the licensing scheme. These would never have been identified without licensing.</p>
	the additional licensing scheme is intended to cover 'some section 257 HMOs' but does not specify which section 257 HMOs would be included and which would be excluded. We would not support a proposal to include all converted blocks of flats, as defined in section 257 of the Housing Act 2004, within a borough wide additional licensing scheme	Safeagent	Considered and rejected	<p>The Council has looked again at s.257 HMOs as a result of this consultation feedback.</p> <ul style="list-style-type: none"> -to review if these should be included -if so what definition to use <p>After careful consideration it has been concluded that the council will include s.257 HMO's that are managed and in control of the freeholder (including a management company) under one licence for the block. The tenure requirement will remain as set out in the legislation.</p> <ul style="list-style-type: none"> -Be a converted house -All flats are self-contained -less than two-thirds of the self-contained flats are owner-occupied.

				<p>Exemption to s.257 HMO's will be offered to freeholders that arrange to bring the property up to the standards of the 1991 building regulations and effectively take the property out of the category.</p> <p>In cases where the individual rented flats within the s.257 HMO are within the management and or control of a leaseholder and they fit the definition HMO definition then the leaseholder will need to licence the individual flat. For flats that are single family dwelling in s.257 HMO's under the control of a leaseholder within Romford or Brooklands will require a licence for each flat under the selective licensing designation.</p>
	For properties converted since 1 June 1992, a Building Control completion certificate would satisfy this requirement. But for properties converted before that date, it would be very difficult for a layperson to assess compliance with the Building Regulations 1991 and many local authority licensing teams would struggle to make a definitive assessment. Letting agents cannot be expected to make this sort of judgement	Safeagent	Noted	<p>The council acknowledges that this is a particular complex area. The main difference is the fire precautions within the building. The council's enforcement policy has been reviewed to take into account concerns raised by Safeagent.</p> <p>In the first instance the council will encourage the appropriate person to seek a building control certificate and to carry out the work required to meet the standard.</p> <p>If a building control certificate is obtained the property ceases to be licensable.</p> <p>If this is not available and some buildings still require a licence, the most appropriate person will be invited to licence.</p> <p>Enforcement action will only be taken if repeated request to licence are not actioned</p>
	In situations where there is a freeholder and separate long leaseholders, the situation is further complicated by the need to determine	Safeagent	Noted	Long lease holders have been no less informed of the consultation than anybody else. Within the current scheme we

	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			have come across this type of 257's and are of the view that it would be beneficial to include them. As regards enforcement please see comment above
	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.	Safeagent	Noted	See above
	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.	Safeagent	Agreed	Havering Council welcome liaison and effective dialogue with letting agents and look forward to building this relationship via the landlord forum. The Council will also explore holding other events to encourage liaison
	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.	Safeagent	Agreed	Havering Council have a multiagency approach to enforcement and includes consumer protection as well as referral mechanisms for safeguarding of vulnerable tenants. We also work with other agencies to address modern slavery and exploitation where encountered.
	Provide help to landlords such as education and training sessions and post-inspection checklists	Event feedback	Considered and noted	Havering Council are part of LLAS and encourage landlords to take part in the training sessions offered The Council does liaise with landlords after inspection, however we will further investigate with landlords what they expect to receive after an inspection.

Communicate the impacts of neighbouring licence schemes (particularly those related to selective licensing) such as impact on anti-social behaviour; impact on the size of the private rented sector and impact on house values.	Event feedback	Noted and partially agreed	<p>Havering council will report on the scheme and on key issues such as enforcement activity and meeting its licensing objectives.</p> <p>However, it would be difficult to report on other councils' ASB but new census data will be available during the life of the proposed scheme which will assist in collating this information</p>
If the scheme is approved, provide interim and end of scheme reports on the impacts on anti-social behaviour and housing conditions	Event feedback	Agreed	If the scheme proceeds there will be reporting and evaluation reports
Demonstrate how the fee is being used to improve neighbourhoods.	Event feedback	Agreed	Part of the scheme reports will include financial breakdown
<p>How to make the application process pain free</p> <p>Test the application process with landlords to help ensure it is easy to use.</p> <p>Provide real time advice through chat boxes.</p> <p>Provide a comprehensive Q&A on the scheme website (using some of the questions raised in this report and added to as the scheme rolls out).</p> <p>Provide telephone support for people without internet access.</p>	Event feedback	Noted	<p>Havering council is investing in IT to ensure that the process is as easy and straight forward as possible</p> <p>Telephone support is also available and if the scheme proceeds will ensure there are enough staff resources in place to support telephone demand</p>

	Alternatives to licensing			
	Licensing should only apply if you do not use a recognised agent	On-line questionnaire	Rejected	The licensing legislation does not allow this distinction to be applied.
	A simpler scheme, of having voluntarily registered Landlords could at least have been trialled throughout the borough, prior to introducing this expensive, but onerous (on all parties) selective licensing scheme. Which I believe will now become borough-wide eventually.	On-line questionnaire	Rejected	<p>Havering Council part funds the London Landlord Accreditation scheme and has been part of the scheme for many years. To date there are 572 members in Havering.</p> <p>Although not a registration scheme per se it shows that voluntary take up of these types of schemes is low.</p> <p>Havering currently offer a discount to accredited landlords. This has been reviewed and if the scheme goes ahead this will be continued</p> <p>Evidence from other schemes where a discount for landlord accreditation has been offered shows that only ¼ of applications were from accredited landlords.</p>
	I agree but think the charge is excessive. The council could offer a discount in council tax by e.g £100 for landlords who licence their properties	On-line questionnaire	Considered and rejected	Most landlords do not pay council tax as it is a tenant obligation apart from HMOs. Offering a discount to landlords when council

				<p>tax-payers are already subsidising in this sector would not be possible.</p> <p>In addition, there is a correlation between council tax arrears and private rented properties.</p>
	<p>Make better use of existing enforcement powers. There is already a scheme in place to deal with rogue landlords.</p> <p>Powers to deal with disrepair and ASB</p>	On-line questionnaire	Rejected	<p>All other enforcement powers are being fully utilised by the Council, licensing of private rented properties is only one part of the Councils enforcement activity/strategy. The new Housing and Planning Act 2016 gives Councils more powers but half of the contraventions can only be used if there is a licensing scheme in place</p>
	<p>“There are alternatives to licensing. The RLA supports a system of self-regulation for landlords whereby compliant landlords join a co-regulation scheme which deals with standards and complaints in the first instance, while those outside the scheme remain under the scope of local authority enforcement. We also support the use of the council tax registration process to identify private rented properties and landlords. Unlike licensing, this does not require self-identification by landlords, making it harder for criminals to operate under the radar. “</p>	RLA letter	Rejected	<p>Council tax information is already used.</p> <p>Co- regulation remains under review however there is no evidence that this is a viable alternative.</p>
	<p>RLA is not supportive of licensing schemes because most schemes do not support local authorities to improve standards or increase enforcement activities.</p>	RLA	Rejected	<p>There is substantial evidence that enforcement is more targeted and increases in areas with selective and additional schemes. Raising standards and identifying criminal landlords.</p> <p>If licensing is introduced it will be clear which landlords have not applied for a new licence and enforcement action can initially be targeted at these landlords. We will then continue with our</p>

				intelligence led enforcement to ensure that all landlords are licensed and are complying with licence conditions.
	Area to be covered			
	All landlords need to be licensed. This helps ensure standards are maintained.	On-Line questionnaire	Noted	The legislation does not allow for this, licensing can only be introduced if certain criteria are satisfied e.g high levels of private rentals, poor housing conditions.
	All properties being rented out should be licenced regardless of how few occupants there are and regular checks should be made on the tenants and if the Council receives noise complaints etc the landlord should have his licence revoked immediately	On-Line questionnaire	Noted	See above
	Additional Fees			
	Licence fees could be higher	On-line questionnaire	Rejected	The council cannot make a profit out of a licensing scheme, so fees are set to reflect costs.
	Fees are excessive and will probably end up getting passed onto tenants by rent increases making it harder for people to afford to live in the area	On-line questionnaire NLA	Considered	Landlords and managing agents tend to set their rents to achieve the maximum rent that the market will sustain i.e they are price takers. Fees were looked at again to see if there are any more cost savings which can be applied, no further reduction in the fee is possible.
	It is necessary as bad landlords are moving out from east London. However the fee should not be so high as to put off good landlords as they create homes when the government doesn't and the council can't.	On-line questionnaire	Considered	Fees were looked at again to see if there are any more cost savings which can be applied, no further reduction in the fee is possible.

	This fee is high compared to other LA	On-line questionnaire	Considered	<p>The fees were set to reflect costs of the licensing scheme, we also benchmarked with other schemes and are about in the middle.</p> <p>The council will however revisit the fee to see if there are any other cost savings it can make.</p>
	<p>I think the fees for HMOs are very low. This type of business may cause more issues which the council will need more resources to deal with effectively.</p> <p>Not to mention that it is a lot more profitable than renting a flat or house and there should be treated differently</p>	On-line questionnaire	Considered	<p>The fees were set to reflect costs of the licensing scheme, the Council can not make a profit from licensing</p>
	<p>We think it is unreasonable to increase the additional licensing fee to £1,250 per property within such a short period of time. We note no justification has been given for the proposed 39% increase in the application fee. There is also no mention of continuing the accreditation discount</p>	Safeagent	Considered	<p>The council have had the experience of running an additional licensing scheme and has a better understanding of the costs of running the scheme now.</p> <p>The current fee does not meet the costs of licensing.</p> <p>However, the Council will keep them under review</p> <p>Note:- Average rents in Havering are £550 for a room</p>
	The proposed fee of £1250 for a new application for an Additional Licence is excessively high for a landlord to pay	RLA letter	Considered and rejected	See above
	Consider the merits of discounting fees based on criteria such as landlord/agent accreditation and level of enforcement needed by ward	Event feedback	Considered and rejected	<p>Accreditation discounts are being considered. To distinguish between level of enforcement by ward would be too costly to administer.</p> <p>Instead the Council will apply its enforcement policy which means provides a higher cost burden on those landlords that do not apply for a licence and are breaching conditions.</p>

	Selective licensing fee			
	Increase the fee. It is a pittance compared to the rent they charge	On-line questionnaire	Rejected	The fees were set to reflect costs of the licensing scheme, the Council cannot make a profit from licensing
	Do not believe there should be any discounts	On-line questionnaire	Considered	The council is reviewing its policy on discounts
	If the scheme is renewed, communicate clearly again the rationale for the fee when registration is already completed	Event feedback	Considered	A renewal fee and renewal requirements is something that the council will keep under review as we approach the end of any scheme. The Council will consider this should we decide that a renewal of any designation is necessary.
	License should not be used as a way of raising revenue and no evidence so far has been shown as to where these funds are being spent on! prices are way too high	On-line questionnaire	Rejected	The fees presented are set to reflect costs of the licensing scheme, the Council cannot make a profit from licensing
	Fees should be around £500 like other LA	On-line questionnaire	Reject	If the scheme is to be implemented, the proposal is to charge £450 for a selective licence for those that apply on time. The council will publicise the rate widely and give at least 3 months for an application to be made at this rate.
	For the selective licensing scheme, we note the intention is to charge £900 per property. We believe this is excessively high. We note this would be the highest selective licensing fee in London, matched only by Barking & Dagenham. With an average selective licensing fee of £733 in London (source: London Property Licensing, 2019), no justification has been given to explain why fees in Havering need to be 23% higher. There is also no mention of an accreditation discount.	Safeagent	Reject	If the scheme is to be implemented, the proposal is to charge £450 for those that apply on time. The council will publicise the rate widely and give at least 3 months for an application to be made at this rate. The enforcement element will then apply and reflects additional costs that the council have to absorb.

	If an accreditation discount is to be offered, we would request it includes licensed properties where the designated manager is an accredited letting agent - including members of safeagent. This would help to acknowledge the benefit of using an accredited agent to ensure that licensed properties are well managed	Safeagent	Considered	See above
	We do welcome the proposed early bird fee discount to reward compliant landlords and agents and support the smooth implementation of the scheme. To make the arrangements work effectively, it is important that the new licensing scheme is well publicised and that the council allows at least three months for applications to be submitted before the scheme comes into force	Safeagent	Agreed	The council will allow at least three months for applications to be submitted and will publicise the scheme widely if it goes ahead
	There were concerns that additional costs may be passed to tenants through rent rises	On line questionnaire RLA	Rejected	There is no evidence that licensing fees have directly resulted in higher rents, in areas which have licensing schemes. We have established that landlords set rents based on market rates which are determined by tenant affordability.
	Conditions			

Tenant and Property Management Conditions written with the needs of the neighbourhood in mind e.g. time permitted to report and tackle anti-social behaviour such as noise and drug taking	Event feedback	Considered	<p>This has been considered and at the moment it would be fair and proportional for the time to remain as set out in the conditions</p> <p>Because the licence conditions impose a duty on the landlord to respond to ASB complaints and keep records of any correspondence with occupiers in relation to this. The local authority can request copies of this and take account of it to determine whether or not the landlord has responded in a timely manner and had sufficient time to address the issues.</p>
<p>If schemes introduced recommended</p> <p>Develop a comprehensive communication plan to reach landlords and agents.</p> <p>Build a comprehensive database of landlord and agent contacts by distributing advance information emails through organisations such as LLAS, ARLA etc.</p> <p>Use local and regional media as well as Council communication channels to publicise the scheme if it launches.</p>	Event feedback	Agree	A communication plan will be developed encompassing all these suggestions if the scheme is implemented
In <i>Brown</i> Mr Justice Hildyard confirmed that the s90(5) of the Housing Act 2004 is not itself a source of any power, residual or otherwise	RLA letter	Rejected	The proposed conditions do not seek to require works that should be actioned under Part 1 of the Housing Act 2004

	<p>permitting the local authority to include licence conditions that seek to identify, remove or reduce hazards. These are covered by Part 1 of the Act and should be enforced using Part 1 powers, and the Housing Health and Safety Rating System. Councils should not rely on Part 3 licensing powers to enforce Part 1.</p>			
	<p>Challenge as to whether the condition related to electrical appliance test report is appropriate as a selective condition</p>	<p>RLA letter</p>	<p>Considered</p>	<p>For selective licensing condition, 3.2 simply states that the licence holder shall ensure that any electrical appliances provided in the property are in a safe condition. It does not specify the need for a report. However should the government seek to change legislation and introduce the requirement for test certificate every 5 years in a phased approach with tenancies as per the DCLG consultation 2018 then we would also reflect this in our conditions from date of enactment to phase in with new licence applications. This would not affect existing licences at this point.</p>
	<p>There should be conditions applied to ensure that all external areas to a property should be kept in a tidy condition</p>	<p>On-line questionnaire</p>	<p>Considered</p>	<p>The council are using the powers under the Housing Act 2004 and Housing and Planning Act 2016 to their full extent. As such any improvements to external areas can be addressed under Part 1 of the act, or other legislation such as the Prevention of damage by Pests Act 1949 or the Public Health Act 1936. The council will assess such cases on their own merits and take the relevant action.</p>
	<p>As a general point, we welcome the proposal to require safety documentation to be provided to</p>	<p>Safeagent</p>	<p>Noted and agree</p>	<p>This approach allows the council to focus on the worst properties</p>

the council on request rather than submitted automatically each year. We also welcome the flexibility to either display certain documentation in each property or provide copies at the tenancy sign up. Both these proposals help to support a light touch approach for safeagent members who are committed to offering high standards of property management			
Condition 1.1: the condition needs to be amended to comply with the new mandatory licence conditions introduced by the Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018. In particular these regulations set out new notification requirements that must be applied in situations where the property is deemed over-occupied at the time of application, or if it becomes over-occupied during the period of the licence without the knowledge or consent of the landlord.	Safeagent	Agreed	This has been amended
Condition 2.3: this condition should be amended as the timescale to provide tenants with prescribed information is within 30 days of taking a deposit and not at the time the deposit is taken.	Safeagent	Agreed	The licence holder shall protect any deposit taken under an assured short-hold tenancy by placing it in a statutory tenancy deposit scheme. The tenant must be given the prescribed information about the scheme being used within 30 days of the deposit being safeguarded in a statutory deposit scheme. This information must be provided to the council within 28 days on demand.
Condition 2.4: it is unclear what is meant by 'implement a fit for purpose tenancy management system' and this will leave landlords and agents unsure what the 6 council has in mind. For	Safeagent	Agreed	The licence holder whilst fully meeting his/her obligations; shall in combination with their tenancy agreement, develop and

	example, how would this system differ from the landlord and tenant responsibilities as outlined in the tenancy agreement? The only other items mentioned are a 24 hour emergency number and arrangements for disposal of rubbish. The wording and/or intended meaning of this condition needs to be clarified.			<p>implement a fit for purpose tenancy management system that ensures tenants occupy the property in a 'Tenant-like manner.' The following arrangements shall be implemented to fulfil the requirements of this condition. Copies of the documents and evidence must be provided to the council within 28 days on demand:</p> <ul style="list-style-type: none"> • provision of an emergency contact number (including out of hours response arrangements) • formal arrangements for the disposal of rubbish and bulky waste • schedule or details of the tenants' role and responsibility, including instructions for the heating systems and equipment.
	<p>2.5 d) where the licence holder must contact the tenant within 14 days of receiving a complaint about anti-social behaviour and</p> <p>2.5 f/ If the anti-social behaviour is continuing after 28 days, the licence holder must send a warning letter with 7 days were seen as too slow and did not take into account the impact on neighbours of continuing anti-social behaviour – particularly late night noise and drug taking. They wanted to see swifter response times written into the conditions, such as 24 hours after the complaint, the landlord must issue a warning to tenants.</p>	Event feedback	Considered but rejected	<p>There are practical considerations here, depending on where the landlord resides.</p> <p>(f) Actually requires the landlord or his agent to visit with a warning letter, so it is really a hand delivery of a warning letter, and the opportunity for a discussion with the occupier about the contents of the letter.</p>

Condition 3.2: this condition refers to electrical appliances but then references an EICR which relates to the electrical installation. It appears this may be intended as two separate licence conditions.	Safeagent	Agreed	Amended to:- The licence holder shall ensure that all electrical appliances provided in the property are in a safe condition. The licence holder must submit to the council, for their inspection, an electrical appliance test report in respect of all electrical appliances that are supplied by the landlord to the council within 28 days on demand. (Note: The licence holder must ensure the electrical appliance test report is supplied by a competent person, who is appropriately qualified to issue this report.
Condition 3.5: as explained in the LACORS fire safety guidance, the fire safety order only applies to properties where each letting within the property is on a separate tenancy. It does not apply if a property is let to a group of sharers who have exclusive use on a single tenancy. We do not think a licence condition can apply the fire safety order to licensed HMOs that fall outside the scope of the order.	Safeagent	Agreed	The condition has been amended
Below condition 3.6 is a note in bold which could imply the council's HMO standards are a condition of the licence, although it is unclear whether this is the intended meaning. The Upper Tribunal have ruled that local HMO standards are intended as guidance and need to be applied with a degree of flexibility according to the characteristics of each property. For this reason, guidance within the HMO standards should only be added as a property specific condition if it is deemed appropriate to do so.	Safeagent	Considered and partially agreed	The text in bold has been deleted from the conditions

Condition 3.9: we do not think it is reasonable to require monthly testing of fire alarm systems in a low occupancy HMO let to a group of sharers on a single tenancy. It is also impractical to do so as the landlord and agent have no right of access into the property without giving at least 24 hours' notice. In our experience, many councils will accept the tenants in shared houses being shown how to conduct their own monthly tests and to notify the manager if there are any faults. The system can then be checked by the landlord or agent on the 3 monthly interim inspections.	Safeagent	Rejected	This is referring to periodical inspection of an automatic fire system not a monthly check. The minimum expectation is for this to be carried out on a 3 monthly inspection to identify disrepair or maintenance issues. We cannot put a condition on the licence requiring that landlords impose a duty on tenants to test fire alarms. Occupiers are provided with details on how to contact the landlord and report a problem with smoke detection.
Condition 6.2: the condition should be amended as if the HMO is let to a group of sharers on one tenancy, landlords and agents must give tenants at least 24 hours' notice of any inspection. As such, they cannot grant access into those properties in a shorter timescale. For HMOs let out by the room, the agent could grant access into the common parts during normal office hours	Safeagent	Rejected	The condition requires 'reasonable time' If a council officer is to survey the property by pre-arrangement then we are required to provide a minimum of 24 hours' notice to the landlord and occupiers, we merely ask that the landlord ensure access is provided. In practice this will usually be more than just 24 hours. If there is a compelling reason to reschedule then this can be arranged, but provision of access does not mean that the landlord must be present, a tenant suitably notified can agree to provide access.
Selective licensing Condition 1.1: as selective licences will only apply to single family lets or properties occupied by two sharers, any overall occupancy limit should not include occupancy limits for each room as the landlord or agent would have no control over which family member sleeps in each room once the tenancy is granted.	Safeagent	Rejected	Providing the overall occupancy is not exceeded, and there are sufficient rooms for the purpose of sleeping. Should occupiers choose to sleep together it is unlikely that the local authority would try and interfere. The issue would only arise if a room no longer used by a person (because they have decided for whatever reason to share a room) suddenly becomes occupied by a new person and that exceeds the permitted number.

Selective Condition 2.6(f): it is unclear what the council means by warning the tenant about legal proceedings. Only the local authority and/or the police can instigate legal proceedings if it is alleged a criminal offence has been committed. We would suggest the council use the same wording contained in additional licensing condition 2.5(f)	safeagent	Agreed	Amended to; Where the licence holder or his agent has reason to believe that the anti-social behaviour involves criminal activity the licence holder shall ensure that the appropriate authorities are informed. For example, police, council, DWP, Home Office, etc.
Condition 3.6: there is no requirement to obtain test certificates for smoke alarms installed in a single family property. We believe it should be acceptable for the landlord or agent to check the smoke alarms during interim inspections and confirm they are in good working order	Safeagent	Rejected	Actually p.25 of LACORs fire safety guidance is clear that for normal risk single occupancy of up to 4storeys should be Grade D; LD3 coverage (interlinked) so there is existing legislation requiring that landlords make sure that smoke detectors work at the start of each tenancy, (Smoke and Carbon Monoxide Alarm (England) Regulations 2015. Therefore they are reasonably expected to have the relevant certificates in their possession, and we are entitled to ask to see them. We would also expect that landlords check alarms on inspection.
Condition 6.2: the condition should be amended as landlords and agents must give tenants at least 24 hours notice of any inspection. As such, they cannot grant council officers access to the property in a shorter timescale.	Safeagent	Rejected	We are not asking them to grant shorter than 24 hours' notice see response to this earlier.
Condition 6.3: as selective licences will only be granted to a single family let or a property occupied by two sharers, it would be reasonable for the landlord or agent to	Safeagent	Rejected	See previous answer to above to permitted numbers

	provide the tenants' details. However, it is unlikely they would know which family member sleeps in each room and requesting such information from the family could be considered overly intrusive.			
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Appendix 4

Designation of an area for Additional Licensing

London Borough of Havering Designation of Area for Additional Licensing of Houses in Multiple Occupation No 2, 2020

London Borough of Havering 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.

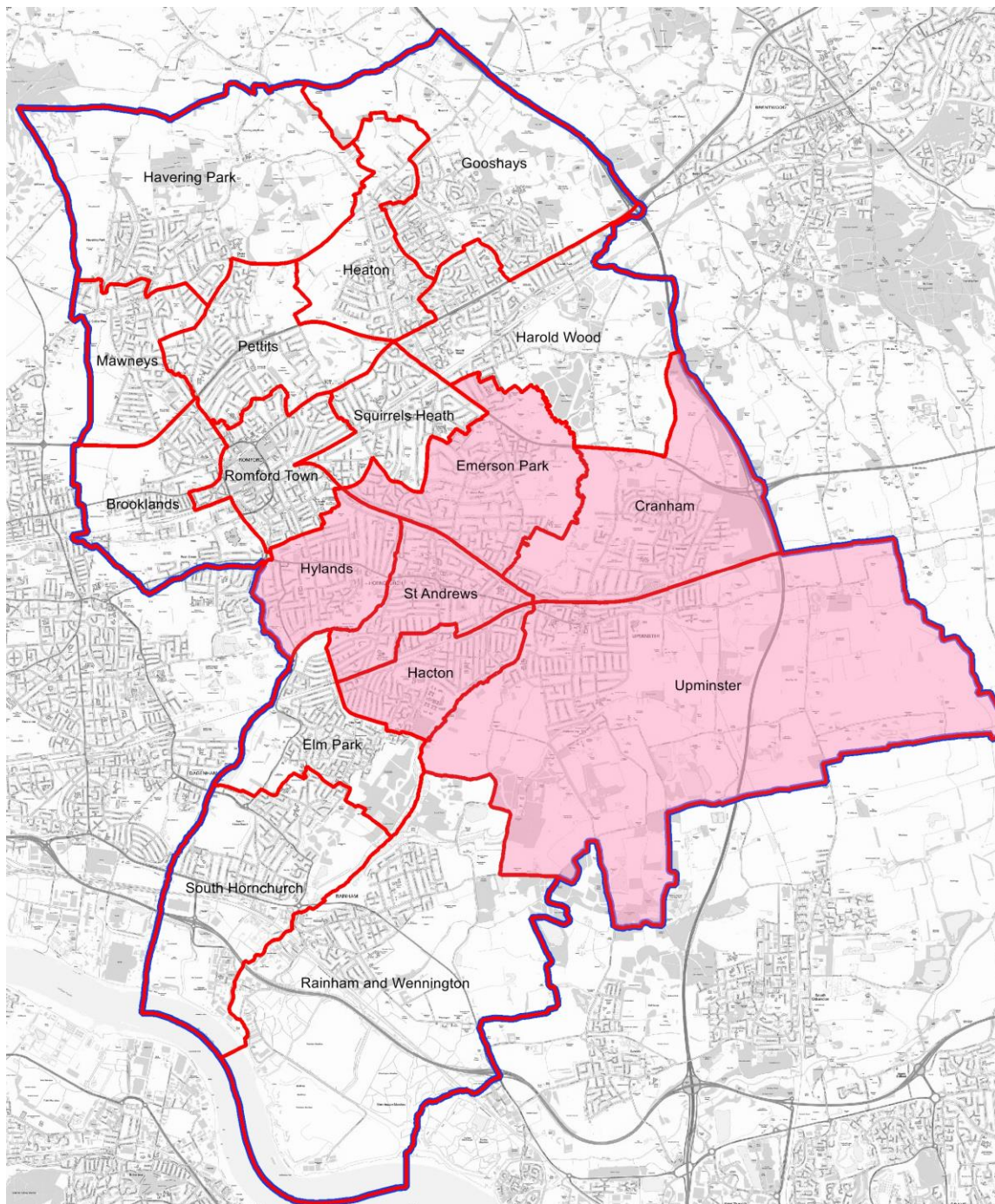
CITATION, COMMENCEMENT AND DURATION

1. This designation may be cited as London Borough of Havering Designation for Additional Licensing of Houses in Multiple Occupation No 2, 2020.
2. This designation is made on 14th October 2020 or 7 days after a general approval under section 58 of the Act applies to it, the Housing Act 2004: Licensing of Houses in Multiple Occupation and Selective Licensing of Other Residential Accommodation (England) General Approval 2015.
3. This designation shall come into force on 25th January 2021 needs to be at least 90 days from date above and shall cease to have effect on. 24th January 2026 should be 5 years from when it comes into force -1 day

DESIGNATION, AREA AND DESCRIPTION OF HMOS

4. The Council hereby designates for additional licensing under section 56 of the Act the area within the London Borough of Havering shown shaded pink on the map at Annex A in relation to all HMOs that are not subject to mandatory licensing under section 55(2)(a) of the Act.

ANNEX A – Paragraph 4: Map of Designated Area covering Cranham, Emerson Park, Hacton, Hylands, St Andrews and Upminster wards



(Please note the legislation cited is up to date as at 16th March 2020 and may subsequently be amended).

APPLICATION OF THE DESIGNATION

5. This designation applies to all Houses in Multiple Occupation within the area described in paragraph 4 unless –
- a) the building is of a description specified in Annex G (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

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. London Borough of Havering 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

Leader of the Council and Cabinet

Date: 14th October 2020

1 For the application of mandatory licensing see SI 2006/371 – The Licensing of Houses in Multiple 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 regulation 11 of SI 2006/37

ANNEX B – Paragraph 5: HMOs subject to the designation;

1. For the purposes of the designation a building or a part of a building is a “house in multiple occupation” if—

- a) it meets the conditions in subsection (2) (“the standard test”);
 - b) it meets the conditions in subsection (3) (“the self-contained flat test”);
 - c) it meets the conditions in subsection (4) (“the converted building test”);
 - d) an HMO declaration is in force in respect of it under section 255 of the Act; or
 - e) it is a converted block of flats to which section 257 of the Act applies
2. A building or a part of a building meets the standard test 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 of the Act);
 - 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 (see section 259 of the Act);
 - 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.
3. A part of a building meets the self-contained flat test if—
- a) it consists of a self-contained flat; and
 - b) paragraphs (b) to (f) of subsection (2) apply (reading references to the living accommodation concerned as references to the flat).
4. A building or a part of a building meets the converted building test 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 (see section 258 of the Act);
 - 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 (see section 259 of the Act);
 - 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.
5. But for any purposes of the designation a building or part of a building within subsection (1) is not a house in multiple occupation if listed in Annex C below.

References to an HMO include (where the context permits) any yard, garden, outhouses, outbuildings and appurtenances belonging to, or usually enjoyed with, it (or any part of it).

Interpretation

In Annex B —

- “basic amenities” means—
 - a) a toilet,
 - b) personal washing facilities, or
 - c) cooking facilities;
- “converted building” means a building or part of a building consisting of living accommodation in which one or more units of such accommodation have been created since the building or part was constructed;
- “enactment” includes an enactment comprised in subordinate legislation (within the meaning of section 21 of the Interpretation Act 1978);
- “self-contained flat” means a separate set of premises (whether or not on the same floor)—
 - a) which forms part of a building;
 - b) either the whole or a material part of which lies above or below some other part of the building; and
 - c) in which all three basic amenities are available for the exclusive use of its occupants.

ANNEX C – Paragraph 5(a): Buildings that are not HMOs for the purpose of the Act⁴

Buildings controlled or managed by public bodies etc⁵

1. A building where the person managing or having control of it is⁶:
 - a) a local housing authority;
 - b) a non-profit registered provider of social housing;
 - c) a body which is registered as a social landlord under Part 1 of the Housing Act 1996;
 - d) a police and crime commissioner;
 - e) the Mayor’s Office for Policing and Crime;
 - f) a fire and rescue authority under the Fire and Rescue Services Act 2004; or
 - g) a health service body within the meaning of section 9 of the National Health Service Act 2006;

Buildings regulated by other enactments ⁷

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 19988;
 - e) The Prison Rules 19999;
 - f) The Young Offender Institution Rules 200010;
 - g) The Detention Centre Rules 200111;
 - h) The Criminal Justice and Court Service Act 2000 (Approved Premises) Regulations 200112;
 - i) The Care Homes Regulations 200113;
 - j) The Children's Homes (England) Regulations 201514;
 - k) The Residential Family Centres Regulations 2002.15
-

4 Schedule 14 of the Act as amended and SI 2006/373

5 Paragraphs 2, 2A and 2B of schedule 14 as amended

6 For the definition of "person managing" and "person having control" see section 263 of the Act

7 Paragraph 3 of schedule 14 of the Act as amended and paragraph 6 (1) and schedule 1 of SI 2006/373

8 SI 1998/472 as amended

9 SI 1999/728 as amended

10 SI 2000/3371 as amended

11 SI 2001/238. 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

12 SI 2001/850

13 SI 2001/3965 as amended

14 SI 2001/3967 as amended

15 SI 2015/541

Certain student lettings etc ¹⁶

5. A building –
- a) which is managed or controlled by a specified educational establishment or is of a specified description of such establishments and

- b) the occupiers of the house or dwelling are undertaking a full time course of further or higher education at the specified establishment¹⁷ and
- c) 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.¹⁸

Religious communities ¹⁹

- 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.

Buildings occupied by owners ²⁰

- 7. A building which is only occupied by –
 - a) 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
 - b) and/or any member of the household²¹ 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 etc²²

- 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 persons²³, not forming part of the owner's household.

Buildings occupied by two persons²⁴

- 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.

16 Paragraph 4 of schedule 14

17 See the schedule to The Houses in Multiple Occupation (Specified Educational Establishments) (England) Regulations 2016/420 for the list of specified bodies

18 The relevant codes of practice are approved under The Housing (Codes of Management Practice) (Student Accommodation) (England) Order 2010/2615 and specified in paragraphs 2 - 4 of that Order

19 Paragraph 5 of schedule 14

20 Paragraph 6 of Schedule 14

21 For the definition of “household” see section 258 (2) and paragraphs 3 and 4 of SI 2006/373

22 Paragraph 6 of schedule 14 and SI 2006/373

23 Paragraph 6 (2) of SI 2006/373

24 Paragraph 7 of schedule 14 of the Act

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Appendix 5

Designation of an area for Selective Licensing

London Borough of Havering Designation of an Area for Selective Licensing No. 01, 2020

London Borough of Havering in exercise of their powers under section 80 of the Housing Act 2004 ("the Act") hereby designates for selective licensing the area described in paragraph 4.

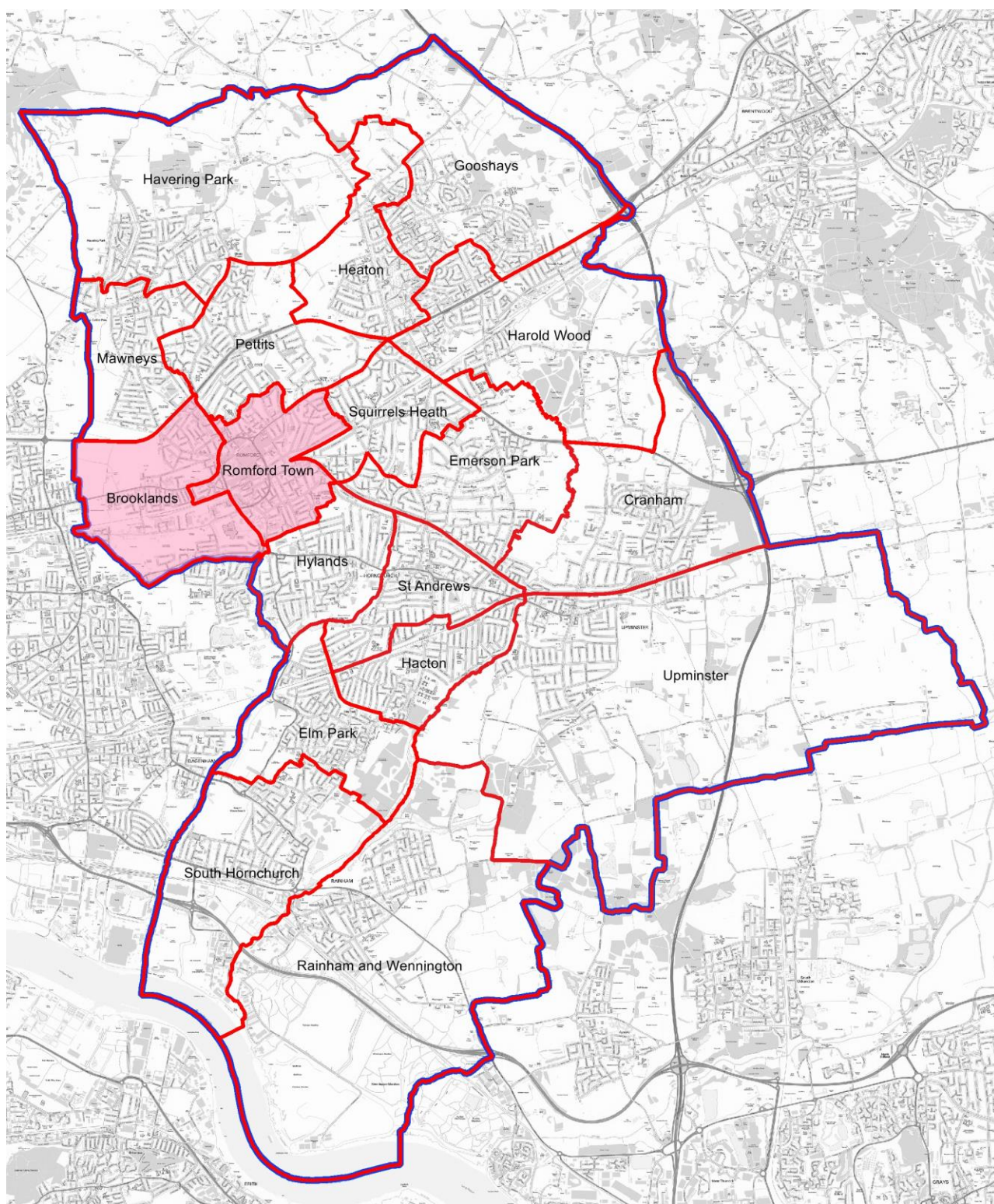
CITATION, COMMENCEMENT AND DURATION

1. This designation may be cited as London Borough of Havering Designation for an Area for Selective Licensing No 01 2020
2. This designation is made on 14th October 2020. The combined areas of all the designation do not exceed 20% of the Boroughs geographical area or 20% of the Private rented sector. The area therefore does not require confirmation by MHCLG.
3. This designation is made on 14th October 2020 or 7 days after a general approval under section 58 of the Act applies to it, the Housing Act 2004: Licensing of Houses in Multiple Occupation and Selective Licensing of Other Residential Accommodation (England) General Approval 2015.
4. This designation shall come into force on 25th January 2021 and shall cease to have effect on 24th January 2026.

DESIGNATION AND AREA

5. The Council hereby designates under section 80 of the Act as subject to selective licensing the area within the London Borough of Havering shown highlighted in Pink on the map at Annex A

Annex A – Paragraph 4: Map of Designated Area (Selective)



(Please Note: The legislation cited below is up to date as at 16th March 2020 and may be subsequently amended

APPLICATION OF THE DESIGNATION

5. This designation applies to any house¹ which is let or occupied under a tenancy or licence within the area described in paragraph 4 unless –
- (a) the house is a house in multiple occupation and is required to be licensed under Part 2 of the Act²;
 - (b) the tenancy or licence of the house has been granted by a registered social landlord³;
 - (c) the house is subject to an Interim or Final Management Order under Part 4 of the Act;
 - (d) the house is subject to a temporary exemption under section 86 of the Act; or
 - (e) the house is occupied under a tenancy or licence which is exempt under the Act⁴ or the occupation is of a building or part of a building so exempt as defined below;

EFFECT OF THE DESIGNATION

6. Subject to sub paragraphs 5(a) to (e) every house in the area specified in paragraph 4 that is occupied under a tenancy or licence shall be required to be licensed under section 85 of the Act.⁵
7. London Borough of Havering will comply with the notification requirements contained in section 83 of the Act and shall maintain a register of all houses registered under this designation, as required under section 232 of the Act.⁶

Leader and Cabinet

Date: 14th October 2020

¹ For the definition of “house” see sections 79 and 99 of the Act

² Section 55 of the Act defines which Houses in Multiple Occupation are required to be licensed under the Act. See also The Licensing of Houses in Multiple Occupation (Prescribed Descriptions) (England) Order 2006 (SI 2006/371)

³ Section 79 (3) of the Act. For the definition of a Registered Social Landlord see Part 1 of the Housing Act 1996

⁴ Section 79 (4) of the Act and the Selective Licensing of Houses (Specified Exemptions) (England) Order SI 2006/370

⁵ Section 86 of the Act provides for certain temporary exemption. As to suitability see section 89. Note, if the house is not suitable to be licensed the Council must make an Interim Management Order-see section 102.

⁶ Section 232 of the Act and regulation 11 of the Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations SI 2006/373

Annex B – Paragraph 5(d): Exempted Tenancies or licences⁷

Prohibition of occupation by law

1. A tenancy or licence of a house⁸ or a dwelling⁹ within a house where the house or the dwelling is subject to a prohibition order made under section 20 of the Act the operation of which has not been suspended under section 23.

Certain tenancies which cannot be assured tenancies

2. A tenancy which cannot be an assured tenancy by virtue of section 1 (2) of the Housing Act 1988 and falling within any paragraph in Part I of Schedule 1 of that Act and which is:
 - (a) a business tenancy under Part II of the Landlord and Tenant Act 1954;
 - (b) a tenancy under which the dwelling-house consists of or comprises premises, which, by virtue of a premises licence under the Licensing Act 2003, may be used for the supply of alcohol (within the meaning of Section 14 of that Act) for consumption on the premises¹⁰;
 - (c) a tenancy under which agricultural land, exceeding two acres, is let together with the house¹¹;
 - (d) a tenancy under which the house is comprised in an agricultural holding or the holding is comprised under a farm business tenancy if it is occupied (whether as tenant or as a servant or agent of the tenant), in the case of an agricultural holding, by the person responsible for the control of the farming of the holding, and in the case of a farm business tenancy, by the person responsible for the control of the management of the holding¹².

Tenancies and licences granted etc by public bodies

3. A tenancy or licence of a house or dwelling within a house that is managed or controlled¹³ by:

⁷ See The Selective Licensing of Houses (Specified Exemptions) (England) Order 2006 SI 2006/370

⁸ Sections 79 (2) and 99 of the Act

⁹ For the definition of a dwelling – see section 99 of the Act

¹⁰ See paragraph 5 of Schedule 1 of the 1988 Act as amended by section 198 (1) and paragraph 108 of schedule 6 of the Licensing Act 2003

¹¹ For the meaning of “agricultural land” section 26 (3) (a) of the General Rate Act 1967

¹² See paragraph 7 of Schedule 1 of 1988 Act as amended by section 40 and paragraph 34 of the Schedule to the Agricultural Tenancies Act 1995

¹³ For the definition of “person managing” and “person having control” see section 263 of the Act

- (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.

Tenancies, licences etc regulated by other enactments

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 1998¹⁴;
 - (e) The Prison Rules 1999¹⁵;
 - (f) The Young Offender Institution Rules 2000¹⁶;
 - (g) The Detention Centre Rules 2001¹⁷;
 - (h) The Criminal Justice and Court Service Act 2000 (Approved Premises) Regulations 2001¹⁸;
 - (i) The Care Homes Regulations 2001¹⁹;
 - (j) The Children's Homes (England) Regulations 2015²⁰;

¹⁴ SI 1998/472 as amended

¹⁵ SI 1999/728 as amended

¹⁶ SI 2000/3371 as amended

¹⁷ SI 2001/238. 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

¹⁸ SI 2001/850

¹⁹ SI 2001/3965 as amended

²⁰ SI 2015/541

- (k) The Residential Family Centres Regulations 2002²¹.

Certain student lettings etc

5. A tenancy or licence of a house or a dwelling within a house –
- (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 establishment²² 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 Act²³

Long leaseholders

6. A tenancy of a house or a dwelling within a house provided that –
- (i) the full term of the tenancy is for more than 21 years and
 - (ii) the tenancy does not contain a provision enabling the landlord (or his successor his in title) to determine it other than by forfeiture, earlier than at the end of the term and
 - (iii) the house or dwelling is occupied by a person to whom the tenancy was granted or his successor in title or by any members of either of those person's family.

Certain family arrangements

7. A tenancy or licence of a house or a dwelling within a house where –
- (i) the person who has granted the tenancy or licence to occupy is a member of the family of the person who has been granted the tenancy or licence and
 - (ii) the person who has granted the tenancy or licence to occupy is the freeholder or long leaseholder of the house or dwelling and

²¹ SI 2002/3213 as amended

²² See the schedule to The Houses in Multiple Occupation (Specified Educational Establishments) (England) Regulations 2016 for the list of specified bodies

²³ The relevant codes of practice are approved under The Housing (Codes of Management Practice) (Student Accommodation) (England) Order 2010/2615 and specified in paragraphs 2 - 4 of that Order

- (iii) the person occupies the house or dwelling as his only or main residence (and if there are two or more persons at least one of them so occupies).

Holiday lets

- 8. A tenancy or licence of a house or a dwelling within a house that has been granted to the person for the purpose of a holiday.

Certain lettings etc by Resident Landlord etc

- 9. A tenancy or licence of a house or a dwelling within a house under the terms of which the person granted the tenancy or licence shares the use of any amenity with the person granting that tenancy or licence or members of that person's family. An "amenity" includes a toilet, personal washing facilities, a kitchen or a living room but excludes any area used for storage, a staircase, corridor or other means of access.

Interpretation

In Annex D -

- (a) a "person" includes "persons", where the context is appropriate;
- (b) a "tenancy" or "licence" includes "a joint tenancy" or "joint licence", where the context is appropriate;
- (c) "long leaseholder" in paragraph 7 (ii) has the meaning conferred in paragraphs 6 (i) and (ii) and in those paragraphs the reference to "tenancy" means a "long lease";
- (d) a person is a member of the family of another person if –
 - (i) he lives with that person as a couple;
 - (ii) one of them is the relative of the other; or
 - (iii) one of them is, or is a relative of, one member of a couple and the other is a relative the other member of the couple and
 - (iv) For the purpose of this paragraph –
 - (1) "couple" means two persons who are married to each other or live together as husband and wife or in an equivalent arrangement in the case of persons of the same sex;
 - (2) "relative" means a parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew, niece or cousin;

- (3) a relationship of the half-blood is to be treated as a relationship of the whole blood and
- (4) a stepchild of a person is to be treated as his child

Appendix 6

Licence conditions

Additional and Mandatory HMOs

1. Permitted occupation

1.1 A new resident must not be permitted to occupy the house or any part of the house if that occupation:

- exceeds the maximum permitted number of persons for the house as detailed in the schedule of permitted occupation below
- exceeds the maximum permitted number of households for the house as detailed in the schedule of permitted occupation below.

A new resident means a person who was not an occupier of the house and/or the specific room at the date of the issue of the licence.

Occupancy and Maximum Permitted Persons per Letting

Letting	Location	Area (sqm)	Max permitted per room
Bedroom 1	ground floor	9.03	1 person
Bedroom 2	1st floor 4 by 3	9.86	1 person
Bedroom 3	1st floor 4.5m x 3.5	17.2	2 persons
Bedroom 4	1st floor	7.13	1 person
Bedroom 5	1st floor	10.85	2 persons
Bedroom 6	1st floor	6.93	1 person

Current number of occupants in the house:	6
Current number of households:	3
Total maximum permitted number of persons for the house:	5
Total maximum permitted number of households:	5
There is a bathroom located on:	ground floor toilet /bathroom
There is a bathroom located on:	1st floor
There is a kitchen	7.0 sqm

1.2 The above shall apply UNLESS the room sizes are below the mandatory standards which are set out below

1.2.1 The licence holder must ensure the following minimum space standards are complied with:

- (a) the floor area of any room in the HMO used as sleeping accommodation by one person aged over 10 years is not less than 6.51 square metres;
- (b) the floor area of any room in the HMO used as sleeping accommodation by two persons aged over 10 years is not less than 10.22 square metres;
- (c) the floor area of any room in the HMO used as sleeping accommodation by one person aged under 10 years is not less than 4.64 square metres;
- (d) any room in the HMO with a floor area of less than 4.64 square metres is not used as sleeping accommodation.

1.2.2 The licence holder must ensure that—

- (a) where any room in the HMO is used as sleeping accommodation by persons aged over 10 years only, it is not used as such by more than the maximum number of persons aged over 10 years specified in the licence;
- (b) where any room in the HMO is used as sleeping accommodation by persons aged under 10 years only, it is not used as such by more than the maximum number of persons aged under 10 years specified in the licence;
- (c) where any room in the HMO is used as sleeping accommodation by persons aged over 10 years and persons aged under 10 years, it is not used as such by more than the maximum number of persons aged over 10 years specified in the licence and the maximum number of persons aged under 10 years so specified.

1.2.3 The licence holder must take the necessary steps to rectify any breaches within **18 months** of the date of notification.

- (a) any of the conditions imposed above have been breached in relation to the HMO,
- (b) the licence holder has not knowingly permitted the breach, and
- (c) the local housing authority have notified the licence holder of the breach

1.2.4 the licence holder to notify the local housing authority of any room in the HMO with a floor area of less than 4.64 square metres.

Notes

(i) a reference to a number of persons using a room in an HMO as sleeping accommodation does not include a person doing so as a visitor of an occupier of the HMO.

(ii) a room is used as sleeping accommodation if it is normally used as a bedroom, whether or not it is also used for other purposes.

(iii) Any part of the floor area of a room in relation to which the height of the ceiling is less than 1.5 metres is not to be taken into account in determining the floor area of that room for the purposes of this paragraph.

(iv) This does not apply to an HMO which is managed by a charity registered under the Charities Act 2011 and which—

(a) is a night shelter, or

(b) consists of temporary accommodation for persons suffering or recovering from drug or alcohol abuse or a mental disorder.

(v) This applies in relation to an HMO in England in respect of the first licence granted on or after 1st October 2018 in relation to the HMO, regardless of whether a licence was in force in relation to the HMO immediately before that date.

Household Waste

1.3. The licence holder must comply with any scheme which is provided by the local housing authority to the licence holder relating to the storage and disposal of household waste at the HMO pending collection.

2 . Tenancy management

2.1 The licence holder shall supply the occupiers of the property with a written statement of the terms on which they occupy the property and details of the arrangements in place to deal with repair issues and emergency issues. Copies of the written statement of terms must be provided to the council for inspection within 7 days upon demand.

2.2 The licence holder shall protect any deposit taken under an assured short-hold tenancy by placing it in a statutory tenancy deposit scheme. The tenant must be given the prescribed information about the scheme being used within 30 days of the deposit being safeguarded in a statutory deposit scheme. This information must be provided to the council within 28 days on demand.

2.3 The licence holder whilst fully meeting his/her obligations; shall in combination with their tenancy agreement, develop and implement a fit for purpose tenancy management system that ensures tenants occupy the property in a 'Tenant-like manner.'

The following arrangements shall be implemented to fulfil the requirements of this condition. Copies of the documents and evidence must be provided to the council within 28 days on demand:

- provision of an emergency contact number (including out of hours response arrangements)
- formal arrangements for the disposal of rubbish and bulky waste
- schedule or details of the tenants' role and responsibility, including instructions for the heating systems and equipment.

2.4 The licence holder shall effectively address problems of antisocial behaviour resulting from the conduct on the part of occupiers of, or visitors to the premises by complying with the requirements of paragraphs (a) to (j) below.

a) The licence holder must not ignore or fail to take action within a reasonable timescale, if he has received complaints of anti-social behaviour (ASB) that concern the visitors to or occupiers of the premises.

b) Any letters, relating to anti-social behaviour, sent or received by the licence holder, or agent of the licence holder, must be kept for 3 years by the licence holder.

c) The licence holder must ensure that written notes are kept of any meetings or telephone conversations or investigations regarding anti-social behaviour for 3 years.

d) If a complaint is received, or anti-social behaviour is discovered, the licence holder must contact the tenant within 14 days. The tenant must be informed of the allegations of the anti-social behaviour in writing and of the consequences of its continuation.

e) The licence holder shall, from the date of receipt of the complaint of anti-social behaviour, monitor any allegations of anti-social behaviour.

f) Where the anti-social behaviour is continuing after 28 days from receipt of the complaint, the licence holder, or his agent must within 7 days visit the premises concerned with a warning letter about the consequences should the anti-social behaviour continue.

g) Where the licence holder or his agent has reason to believe that the anti-social behaviour involves criminal activity the licence holder shall ensure that the appropriate authorities are informed. For example, police, council, DWP, Home Office, etc.

h) If after 14 days of giving a warning letter the tenant has taken no steps to address the anti-social behaviour and the ASB is continuing the licence holder shall take formal steps under the written statement of terms for occupation, e.g. the tenancy agreement or licence and which shall include promptly taking any legal proceedings to address the anti-social behaviour.

i) Where the licence holder is specifically invited they shall attend any case conferences or multiagency meetings arranged by the council, police or any other agency.

j) The license holder is expected to co-operate fully and assist any agency that becomes involved in dealing with any matter relating to ASB.

Any correspondence, letters and records referred to in condition 2.4 above must be provided to the council within 28 days on demand.

3. Property management

- 3.1 The licence holder shall ensure all gas installations and appliances are in a safe condition at all times. The licence holder must have available a current valid gas safety certificate obtained within the last 12 months. This must be provided to the council within 28 days on demand and copies must be provided to all tenants/occupiers at the start of their tenancy. All work on gas appliances must be carried out by gas safe certified operatives.
- 3.2 The licence holder shall ensure that all electrical appliances provided in the property are in a safe condition. The licence holder must submit to the council, for their inspection, an electrical appliance test report in respect of all electrical appliances that are supplied by the landlord to the council within 28 days on demand. (Note: The licence holder must ensure the electrical appliance test report is supplied by a competent person, who is appropriately qualified to issue this report.
- 3.3 The licence holder shall ensure that every fixed electrical installation is inspected and tested at intervals not exceeding five years by a person qualified to undertake such inspection and testing. They shall obtain a certificate from the person conducting that test, specifying the results of the test; and supply that certificate to the council within 7 days of receiving a request in writing for it from the council.
- 3.4 No refuse shall be kept in the front or rear garden other than in an approved storage container for that purpose.
- 3.5 Where the licence holder becomes aware of a pest problem or infestation at the property he shall take steps to ensure that a treatment program is carried out to eradicate the pest infestation. Records shall be kept of such treatment programs and these must be provided to the council within 28 days on demand.
- 3.6 The licence holder must take general fire precautions to ensure, as far as is reasonably practicable, the safety of the people on the premises and in the immediate vicinity to include the carrying out of a fire risk assessment for the purpose of identifying the general fire precautions and other measures needed to comply with the Regulatory Reform (Fire Safety) Order 2005.

- 3.7 The licence holder shall install and maintain in good working order appropriate smoke alarms in the property and shall submit to the council, upon request, a declaration by him as to the condition and positioning of such alarms within 21 days of the request.
- a) The licence holder shall ensure that a smoke alarm is installed on each storey of the house on which there is a room used wholly or partly as living accommodation (If there is only a bathroom or lavatory on a storey a smoke detector is still required).
- b) The licence holder shall ensure each smoke alarm installed in any room in the house shall be kept in proper working order.
- c) The licence holder shall submit to the council, on demand, a declaration by him as to the condition and positioning of any such smoke alarm.
- 3.8 The licence holder shall ensure that a carbon monoxide alarm is installed in any room in the house which is used wholly or partly as living accommodation and contains a solid fuel burning combustion appliance ("room" includes a hall or landing. A bathroom or lavatory is included as a room).
- a) The licence holder shall ensure any carbon monoxide alarm installed in any room in the house shall be kept in proper working order.
- b) The licence holder must supply the authority, on demand, a declaration by him as to the condition and positioning of any such carbon monoxide alarm.
- 3.9 The licence holder shall ensure that any fire-fighting equipment and fire alarms are maintained in good working order. The licence holder must submit to the council, for their inspection, a copy of all periodical inspection report/test certificates for any automatic fire alarm system, emergency lighting and firefighting equipment provided in the property. These must be provided to the council within 28 days on demand.
- 3.10 The licence holder shall ensure that furniture made available in the property is in a safe condition. All upholstered furniture and covers and fillings of cushions and pillows should comply with current fire safety legislation. A declaration as to the safety of such furniture must be provided to the Council within 28 days on demand.
- 3.11 The license holder shall proactively inspect and identify any disrepairs or maintenance issues and address them as required.

The following arrangements shall be implemented to fulfil the requirements of this condition. Copies of the documents and evidence must be provided to the council within 28 days on demand.

- Updated log of property inspections for management, repair and maintenance purposes, and at least once every 3 months. This should include, date of inspection and actions taken, or repairs carried out.
- Schedule of routine maintenance and cleaning programme including works undertaken.
- Schedule of monthly fire testing report including an evacuation plan.

4. Documents to be displayed

- 4.1 The licence holder shall display a copy of the licence to which these conditions apply in the common parts of the property. Alternatively, copies must be provided to all tenants/occupiers at the start of their tenancy.
- 4.2 The licence holder shall display a notice with the name, address and emergency contact number of the licence holder or managing agent in the common parts of the property. Alternatively, copies must be provided to all tenants/occupiers at the start of their tenancy and provided to the council within 28 days on demand.
- 4.3 The licence holder shall display a copy of the current gas safety certificate in the common parts of the property. Alternatively, copies must be provided to all tenants/occupiers at the start of their tenancy and provided to the council within 28 days on demand.
- 4.4 If there have been new tenancies issued after 1 October 2008 for the premises, the licence holder must obtain a valid Energy Performance Certificate (EPC). Copies must be/have been made available to all tenants/occupiers at the start of their tenancy and provided to the council within 28 days on demand. Where individual rooms in a building are rented out and there are shared facilities (e.g. kitchen and/or bathroom), an EPC is not required.

5. Financial management

- 5.1 No person other than the licence holder or the agent named on the licence may collect and receive rental monies from the occupants of the property. The licence holder and/or agent may pass on the rental monies to any third parties as required.
- 5.2 Where rents are collected or received from occupants, the licence holder must ensure that the payment is recorded and that the occupants receive a receipt for the payment, unless the occupant is an assured shorthold tenant and pays their rent via bank standing order or direct debit. The licence holder must keep a copy of all such records and receipts and must provide the council with a copy of the same within 28 days of any request to inspect them.

6. General

- 6.1 The licence holder must advise the council department responsible for licensing, in writing of any proposed changes to the construction, layout or amenity provision of the house that would affect the licence or licence conditions. Email:- landlordlicensing@havering.gov.uk

For planning and building regulation queries please refer to the relevant pages on the council's website. www.havering.gov.uk

- 6.2 The licence holder must arrange for access to be granted at any reasonable time and must not obstruct council officers carrying out their statutory duties including the surveying of the property to ensure compliance with licence conditions and any relevant legislation.
- 6.3 The licence holder shall, if required by written notice provide the council with following particulars as may be specified in the notice with respect to the occupancy of the house: The names and numbers of individuals/households accommodated specifying the rooms they occupy within the property and the number of individuals in each household. The particulars shall be provided to the Council within 28 days on demand.
- 6.4 The licence holder shall inform the council of any change in address, ownership or management of the house.
- 6.5 The licence holder shall ensure that whilst any alteration or construction works are in progress, the work is carried out to ensure the safety to all persons occupying or visiting the premises.
- 6.6 The licence holder shall ensure that on completion of any works, the property shall be left in a clean tidy condition and free from builders' debris.

Failure to comply with any licence condition may result in proceedings including unlimited fines per breach or financial penalty and loss of the licence.

The property licence and conditions do not imply or grant by inference or otherwise any approval or permission for any other purposes including those for Building Control, Development Control and under The Regulatory Reform (Fire Safety) Order 2005. Conversely, compliance with any of those requirements does not confer or imply compliance with the requirements of the Housing Act 2004 including property licensing.

Any HMO for more than six people will also require planning permission. Please contact the planning team planning_enforcement@haverling.gov.uk to clarify what planning permissions are already in place for the property and advice on the process. Please note that unlawful HMOs may be subject to planning enforcement action. The council do have powers of enforcement against breaches of planning control and that, upon summary conviction, continued failure to meet the council's enforcement requirements could ultimately result in an unlimited fine.

For planning and building regulation queries, please refer to the planning pages on the council's website. WWW.HAVERING.GOV.UK

Any requirements relating to the licence and conditions are without prejudice to assessments and appropriate actions including enforcement actions under the Housing Act 2004. This includes actions to deal with category 1 and category 2 hazards as may be identified under the Housing Health and Safety Rating System (HHSRS) and does not preclude such action.

Selective Licence conditions

1. Permitted occupation

1.1 A new resident must not be permitted to occupy the house or any part of the house if that occupation:

- exceeds the maximum permitted number of persons for the house as detailed in the schedule of permitted occupation below
- exceeds the maximum permitted number of households for the house as detailed in the schedule of permitted occupation below.

A new resident means a person who was not an occupier of the house and/or the specific room at the date of the issue of the licence.

Occupancy and Maximum Permitted Persons

Room	Location	Area (sqm)	Max permitted persons
Bedroom 1	ground floor	15.6	2 people
Bedroom 2	ground floor	8.6	1 person
Living room 1	ground floor	2.6	0 person
Current number of occupants in the house:			2
Current number of households:			1
Total maximum permitted number of persons for the house:			3
Total maximum permitted number of households:			1
There is a bathroom located on:			ground floor
There is a kitchen			12.3 sqm

2. Tenancy management

2.1 The licence holder shall supply the occupiers of the property with a written statement of the terms on which they occupy the property and details of the arrangements in place to deal with repair issues and emergency issues. Copies of the written statement of terms must be provided to the council for inspection within 7 days upon demand.

2.2 The licence holder shall demand references from persons who wish to occupy a letting in the property before entering into any tenancy, licence or other

agreement with them to occupy the accommodation. No new occupiers shall be allowed to occupy the accommodation if they are unable to provide a reference.

- 2.3 The licence holder must retain all references obtained for occupiers for the duration of this licence and provide copies to the council within 28 days on demand.
- 2.4 The licence holder shall protect any deposit taken under an assured short-hold tenancy by placing it in a statutory tenancy deposit scheme. The tenant must be given the prescribed information about the scheme being used within 30 days of the deposit being safeguarded in a statutory deposit scheme. This information must be provided to the council within 28 days on demand.
- 2.5 The licence holder whilst fully meeting his/her obligations; shall in combination with their tenancy agreement, develop and implement a fit for purpose tenancy management system that ensures tenants occupy the property in a 'Tenant-like manner.'

The following arrangements shall be implemented to fulfil the requirements of this condition. Copies of the documents and evidence must be provided to the council within 28 days on demand:

- provision of an emergency contact number (including out of hours response arrangements)
 - formal arrangements for the disposal of rubbish and bulky waste
 - schedule or details of the tenants' role and responsibility, including instructions for the heating systems and equipment
- 2.6 The licence holder shall effectively address problems of anti-social behaviour resulting from the conduct on the part of occupiers of, or visitors to the premises by complying with the requirements of paragraphs (a) to (j) below.
- (a) The licence holder must not ignore or fail to take action, if he has received complaints of anti-social behaviour (ASB) that concern the visitors to or occupiers of the premises.
- (b) Any letters, relating to anti-social behaviour, sent or received by the licence holder, or agent of the licence holder, must be kept for 3 years by the licence holder.
- (c) The licence holder must ensure that written notes are kept of any meetings or telephone conversations or investigations regarding anti-social behaviour for 3 years.

- (d) If a complaint is received, or anti-social behaviour is discovered, the licence holder must contact the tenant within 14 days. The tenant must be informed of the allegations of the anti-social behaviour in writing and of the consequences of its continuation.
- (e) The licence holder shall from the date of receipt of the complaint of anti-social behaviour, monitor any allegations of anti-social behaviour.
- (f) Where the anti-social behaviour is continuing after 28 days from receipt of the complaint, the licence holder, or his agent must within 7 days visit the premises and provide the tenant with a warning letter advising them of the possibility of legal proceedings if their behaviour continues.
- (g) Where the licence holder or his agent has reason to believe that the anti-social behaviour involves criminal activity the licence holder shall ensure that the appropriate authorities are informed. For example, police, council, DWP, Home Office, etc.
- (h) If after 14 days of giving a warning letter the tenant has taken no steps to address the anti-social behaviour and the ASB is continuing the licence holder shall take formal steps under the written statement of terms for occupation, e.g. the tenancy agreement or licence and which shall include promptly taking any legal eviction proceedings to address the anti-social behaviour.
- (i) Where the licence holder is specifically invited they shall attend any case conferences or multi-agency meetings arranged by the council, police or any other agency.
- (j) The license holder is expected to co-operate fully and assist any agency that becomes involved in dealing with any matter relating to ASB.

Any correspondence, letters and records referred to in condition 2.6 above must be provided to the council within 28 days on demand.

3. Property management

- 3.1 The licence holder shall comply with the Gas Safety (Installation and Use) Regulations 1998 (or any successor legislation), In particular they shall ensure that any gas installations and appliances are in a safe condition at all times. The licence holder must have available a current valid gas safety certificate obtained within the last 12 months. This must be provided to the council within 28 days on demand and copies must be provided to all tenants/occupiers at the start of their tenancy. All work on gas appliances must be carried out by gas safe certified operatives.

- 3.2 The licence holder shall ensure that all electrical appliances provided in the property are in a safe condition. The licence holder must submit to the council, for their inspection, an electrical appliance test report in respect of all electrical appliances that are supplied by the landlord to the council within 28 days on demand. (Note: The licence holder must ensure the electrical appliance test report is supplied by a competent person, who is appropriately qualified to issue this report.
- 3.3 No refuse shall be kept in the front or rear garden other than in an approved storage container for that purpose.
- 3.4 Where the licence holder becomes aware of a pest problem or infestation at the property he shall take steps to ensure that a treatment program is carried out to eradicate the pest infestation. Records shall be kept of such treatment programs and these must be provided to the council within 28 days on demand.
- 3.5 The licence holder shall comply with The Smoke and Carbon Monoxide Alarm (England) Regulations 2015.
- (a) The licence holder shall ensure that a smoke alarm is installed on each storey of the house on which there is a room used wholly or partly as living accommodation (If there is only a bathroom or lavatory on a storey a smoke detector is still required).
- (b) The licence holder shall ensure each smoke alarm installed in any room in the house shall be kept in proper working order.
- (c) The licence holder shall submit to the council, on demand, a declaration by him as to the condition and positioning of any such smoke alarm.
- (d) The licence holder shall ensure that a carbon monoxide alarm is installed in any room in the house which is used wholly or partly as living accommodation and contains a solid fuel burning combustion appliance ("room" includes a hall or landing. A bathroom or lavatory is included as a room).
- (e) The licence holder shall ensure each/any carbon monoxide alarm installed in any room in the house shall be kept in proper working order.
- (f) The licence holder must supply the authority, on demand, a declaration by him as to the condition and positioning of any such carbon monoxide alarm.
- 3.6 The licence holder shall ensure that any firefighting equipment and fire alarms are maintained in good working order.
- 3.7 The licence holder must submit to the council, for their inspection, a copy of all periodical inspection report/test certificates for any automatic fire alarm system, emergency lighting and firefighting equipment provided in the property. These must be provided to the council within 28 days on demand.

- 3.8 The licence holder shall ensure that furniture made available in the property is in a safe condition. All upholstered furniture and covers and fillings of cushions and pillows should comply with current fire safety legislation. A declaration as to the safety of such furniture must be provided to the council within 28 days on demand.
- 3.9 The licence holder shall ensure that inspections of the property are carried out at least every six (6) months to identify any problems relating to the condition and management of the property. The records of such inspections shall be kept for the duration of this licence. As a minimum requirement the records must contain a log of who carried out the inspection, date and time of inspection and issues found, and action(s) taken. Copies of these must be provided to the council within 28 days on demand.

4. Documents to be displayed

- 4.1 The licence holder shall display a copy of the licence to which these conditions apply in the common parts of the property. Alternatively, copies must be provided to all tenants/occupiers at the start of their tenancy.
- 4.2 The licence holder shall display a notice with the name, address and emergency contact number of the licence holder or managing agent in the property. Alternatively, copies must be provided to all tenants/occupiers at the start of their tenancy and provided to the council within 28 days on demand.
- 4.3 The licence holder shall display a copy of the current gas safety certificate in the property. Alternatively, copies must be provided to all tenants/occupiers at the start of their tenancy and provided to the council within 28 days on demand.
- 4.4 If there have been new tenancies issued after 1 October 2008 for the premises, the licence holder shall comply with the Energy Performance of Buildings (England and Wales) Regulations 2012, this means they must obtain a valid Energy Performance Certificate (EPC). Copies must be/have been made available to all tenants/occupiers at the start of their tenancy and provided to the council within 28 days on demand.

5. Financial management

- 5.1 No person other than the licence holder or the agent named on the licence may collect and receive rental monies from the occupants of the property. The

licence holder and/or agent may pass on the rental monies to any third parties as required.

- 5.2 Where rents are collected or received from occupants, the licence holder must ensure that the payment is recorded and that the occupants receive a receipt for the payment, unless the occupant is an assured shorthold tenant and pays their rent via bank standing order or direct debit. The licence holder must keep a copy of all such records and receipts and must provide the council with a copy of the same within 28 days of any request to inspect them.

6. General

- 6.1 The licence holder must advise the council's property licensing team in writing of any proposed changes to the construction, layout or amenity provision of the house that would affect the licence or licence conditions.
LandlordLicensing@Havering.gov.uk
- 6.2 The licence holder must arrange for access to be granted at any reasonable time and must not obstruct council officers carrying out their statutory duties including the surveying of the property to ensure compliance with licence conditions and any relevant legislation.
- 6.3 The licence holder shall if required by written notice provide the council with following particulars as may be specified in the notice with respect to the occupancy of the house:
- the names and numbers of individuals/households accommodated specifying the rooms they occupy within the property
 - number of individuals in each household.

The particulars shall be provided to the council within 28 days on demand.

- 6.4 The licence holder shall inform the council of any change in address, ownership or management of the house.
- 6.5 The licence holder shall ensure that whilst any alteration or construction works are in progress, the work is carried out to ensure the safety to all persons occupying or visiting the premises.
- 6.6 The licence holder shall ensure that on completion of any works, the property shall be left in a clean tidy condition and free from builders' debris.

For planning and building regulation queries, please refer to the relevant pages on the council's website. WWW.HAVERING.GOV.UK

Failure to comply with any licence condition may result in proceedings including unlimited fines or financial penalty and loss of the licence.

The property licence and conditions do not imply or grant by inference or otherwise any approval or permission for any other purposes including those for Building Control, Development Control and under The Regulatory Reform (Fire Safety) Order 2005. Conversely, compliance with any of those requirements does not confer or imply compliance with the requirements of the Housing Act 2004 including property licensing.

Any requirements relating to the licence and conditions are without prejudice to assessments and appropriate actions including enforcement actions under the Housing Act 2004. This includes actions to deal with category 1 and category 2 hazards as may be identified under the Housing Health and Safety Rating System (HHSRS) and does not preclude such action.

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Appendix 7

Licence Fees

A Selective fee is set out below and it's usually valid for 5 years.

Selective licence	Part A	Part B	Total
Selective *Early application discount (available until 24 th January 2021)	£450	£nil	£450
Selective (Full)	£450	£450	£900

*A £35 discount on the Part B fee only is available to accredited landlords. To qualify certificates and membership numbers must be supplied at time of application

An additional licence fee is set out below and it's usually valid for 5 years.

Additional licence (HMO)	Part A	Part B	Total
Additional	£450	£450	£900

*A £35 discount on the Part B fee only is available to accredited landlords. To qualify certificates and membership numbers must be supplied at time of application

Licensing Actions Applicable Fees

The table below contains details of charges applied depending on the actions/results of your licence(s).

Revocation of licence	No fee
Application to licence following revocation of licence	Application fee
Application refused by the council	Part A Application fee with no refund
Application withdrawn by the applicant	Application fee with no refund
Application made in error e.g. duplicate	A refund of any fees paid will be made
Properties that cease to be licensable during the licensing process	Part A Application fee with no refund

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Equality & Health Impact Assessment (EqHIA)

Document control

Title of activity:	Private Sector Landlord Licensing
Lead officer:	Louise Watkinson
Approved by:	Dipti Patel
Date completed:	02/12/2019
Scheduled date for review:	October 2021

Did you seek advice from the Corporate Policy & Diversity team?	Yes
Did you seek advice from the Public Health team?	Yes
Does the EqHIA contain any confidential or exempt information that would prevent you publishing it on the Council's website?	No

1. Equality & Health Impact Assessment Checklist

Please complete the following checklist to determine whether or not you will need to complete an EqHIA and ensure you keep this section for your audit trail. If you have any questions, please contact EqHIA@havering.gov.uk for advice from either the Corporate Diversity or Public Health teams. Please refer to the Guidance in Appendix 1 on how to complete this form.

About your activity

1	Title of activity	<i>Private Sector Landlord Licensing</i>
2	Type of activity	<i>Strategy</i>
3	Scope of activity	<p>Under the provisions of Part 2 and Part 3 of the Housing Act 2004 the council is proposing to extend property licensing of HMOs to cover the 6 remaining wards not already covered by HMO licensing and introduce a selective licensing scheme (single households) to cover 20 % of the Borough in Romford Town and Brooklands wards. This will have the effect of requiring landlords of <u>all</u> houses in multiple occupation (HMO) not currently covered by mandatory licensing and landlords letting to single households in the Brooklands and Romford Town wards will be required to have a license.</p> <p>The scheme has been subject to a full public consultation with landlords, residents, businesses and community groups across the borough and all other potentially affected stakeholders who were invited to comment on the proposals. All feedback has been fully considered and will be presented to members prior to making the final informed decision at cabinet.</p> <p>Any designation made is intended to last for five years and the council will be required to review the scheme from time to time within this period.</p> <p>The aims of Havering Council's Private Sector Landlord Licensing Project are:</p> <ul style="list-style-type: none"> to exercise the council's powers under the provisions under Part 2, section 55-56 and Part 3 of Housing Act 2004 <p>to improve management practices and improve housing conditions within the private rented residential sector and to deter the activities of rogue or unprofessional landlords within the Borough</p>

4a	Are you changing, introducing a new, or removing a service, policy, strategy or function?	Yes	If the answer to <u>any</u> of these questions is 'YES', please continue to question 5.	If the answer to <u>all</u> of the questions (4a, 4b & 4c) is 'NO', please go to question 6.
4b	Does this activity have the potential to impact (either positively or negatively) upon people (9 protected characteristics)?	No		
4c	Does the activity have the potential to impact (either positively or negatively) upon any factors which determine people's health and wellbeing?	Yes		
5	If you answered YES:	Please complete the EqHIA in Section 2 of this document. Please see Appendix 1 for Guidance.		
6	If you answered NO:	n/a		

Completed by:	Pip Watson
Date:	02/12/2019

2. The EqHIA – How will the strategy, policy, plan, procedure and/or service impact on people?

Background/context:
<p>Under the provisions of Part 2 and Part 3 of the Housing Act 2004 the council is consulting on extending landlord property licensing. The proposal will extend the coverage of the HMO licensing scheme to cover the remaining 6 wards not covered and introduce licensing for single household rentals in the Romford Town and Brooklands Wards</p> <p>The proposal has been the subject to a full public consultation with landlords, residents, businesses and community groups across the borough and all other potentially affected stakeholders. All feedback has been fully considered and will be presented to members prior to making the final informed decision at cabinet.</p> <p>Percentage and number of PRS properties by ward</p>

Ward	% of ward dwellings PRS	No. PRS dwellings per ward
Romford Town	37.6%	3117
Brooklands	34.9%	2674
Harold Wood	32.0%	2061
Squirrels Heath	31.3%	1884
Saint Andrews	30.2%	1821
Rainham & Wennington	31.6%	1692
Mawneys	30.1%	1676
South Hornchurch	27.2%	1599
Gooshays	23.4%	1575
Elm Park	28.0%	1525
Hacton	27.5%	1410
Hylands	26.0%	1386
Heaton	24.0%	1380
Havering Park	24.9%	1342
Pettits	24.3%	1291
Cranham	23.6%	1261
Upminster	22.3%	1204
Emerson Park	23.5%	1120
Total	28.4%	30018

**Expand box as required*

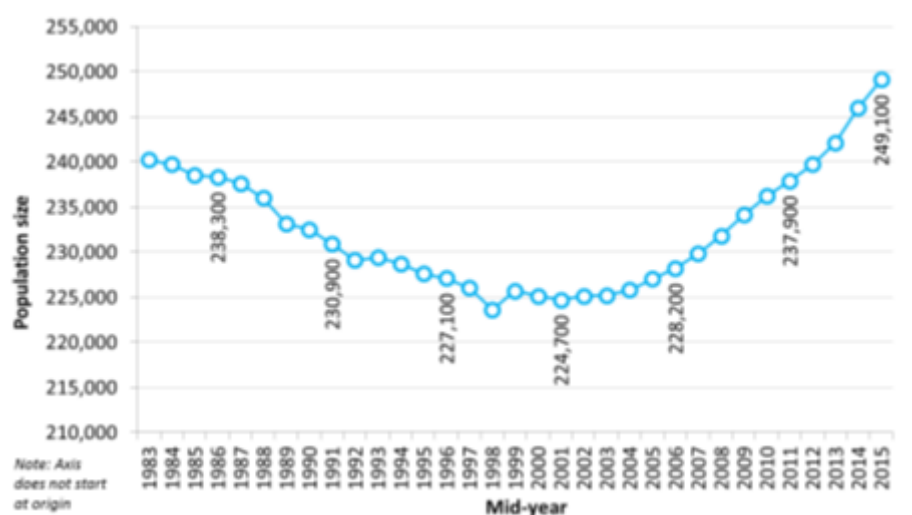
Who will be affected by the activity?	
<p>The extension of a property licensing scheme will impact on the following individuals/ groups :</p> <ul style="list-style-type: none"> • Landlords who operate any HMOs within the designated zones • Landlords who operate single household rentals in Romford Town and Brooklands • Tenants who occupy or are potential occupiers of privately rented HMOs within designated areas and single household renters in Romford Town and Brooklands • Borough residents and businesses located within the vicinity of the rental properties and the surrounding areas. 	

Protected Characteristic - Age: Consider the full range of age groups	
<p>Please tick (✓) the relevant box:</p>	<p>Overall impact:</p>

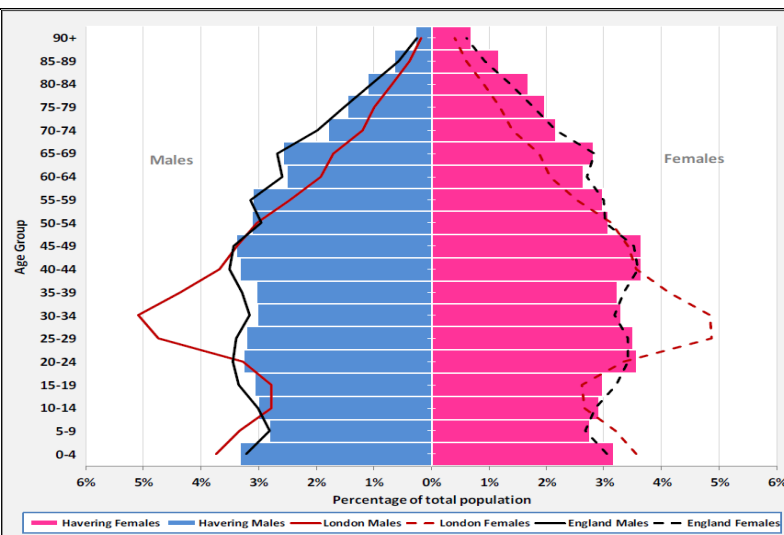
Positive	✓	<p>Houses in Multiple Occupation are more likely to be occupied by young people under the age of 35 as shared accommodation is often the only type of affordable accommodation available to benefit reliant tenants as a result of housing benefit caps for young people. Licensing proposals could impact on this group negatively in the short term due to the possibility that some landlords may seek to return converted houses currently used as bedsit type accommodation back into single family homes in order to avoid licensing requirements or sell their properties. However there is no evidence that this occurs and the Council is not aware of any significant pattern of this from experience with the existing scheme.</p> <p>Housing and the quality of housing has a major impact on health and wellbeing of all age groups. Investment in improving poor, overcrowded or inappropriate housing will improve the quality of life of residents and have a preventative effect on future health and social care need. By driving up standards, licensing in the long term can deliver better individual health outcomes.</p> <p>Licensing also affords tenants better protection from eviction as a landlord can not evict a tenant if they have not licensed the property where required to.</p>
Neutral		
Negative		

**Expand box as required*

Evidence:



Source: *mid-year population estimates*, ONS cited in 'This is Havering, LBH (2017)'



Population pyramid 2016, source: - ONS, Public Health Intelligence

Most existing data related to households is from the 2011 census. In Havering households are mainly composed of pensioners and married couples with dependent children. In 2011, there were 7,224 one-adult households with children under 16 in Havering. This is an increase from 2001 when there were 4,005 lone parent households. There has also been an increase in the number of one-adult households with no children. 32% (13,449) of the population aged 65 years and above are living in one-person households. Almost half (48%) of all one person households in Havering are occupied by persons aged 65 years and over, which is the highest proportion in London. It is projected that the largest increases in population will occur in children (0-17 years) and older people age groups (65 years and above) up to 2033.

- There are a total of 105,798 residential properties in Havering, 29% (30,125) of which are PRS, 54% are owner occupied and 17% socially rented.
- 7480 PRS properties have category 1 HHSRS hazards. This represents 25% of the PRS stock, i.e. 1 in 4 rental properties have serious hazards.
- The highest concentration of PRS properties are located in Romford Town and Brooklands wards
- The model predicts that Havering has 1310 HMOs
- HMO as a subset of the PRS in Havering, have high rates of ASB and category 1 (HHSRS) hazards
- The highest concentration of HMOs can be found in the Romford Town and Brooklands wards.

London Borough of Havering Private Rented Sector: Housing Stock Condition and Stressors Report 2019

Improvements in property standards

Our research found clear evidence that property standards have been improved. The high number of inspections carried out as part of the schemes often shed light on the high level of non-compliance and the prevalence of dangerous properties being rented out in licensable areas. We found numerous examples of councils who could clearly demonstrate that large numbers of hazards had been identified and addressed Source: A

The core cities report outlines the key benefits of licensing

Benefits of landlord licensing

Landlord licensing can bring benefits for local authorities and residents through greater powers and ability to improve standards in the private rented sector. In particular:

Greater enforcement and regulation capability: *Councils with licensing schemes have demonstrated a greater capacity to deliver effective regulation and enforcement. This benefit is a product of a spread of other benefits, including additional powers; resources; and intelligence. This increased capacity can be clearly seen in London, where the four London Boroughs with borough wide selective licensing (Newham, Barking and Dagenham, Croydon and Waltham Forest) account for 73.7% of prosecutions across the capitals 33 boroughs. Including all London boroughs with some level of selective licensing in the same year takes the total to 87.5%.³⁸*

Improved powers of entry: *linked to the above, licensing schemes provide councils with enhanced powers of entry (the Housing Act 2014 gives local authorities powers to inspect a property without notice where it is suspected that it a property is in breach of a licence condition or doesn't have a licence).*

Resources: *significant cuts to council budgets over recent years have reduced resources available to tackle landlords who provide poor or unsafe living conditions. Licensing provides a ring-fenced income stream for local authorities to fund greater regulation and enforcement at local level over a sustained period. Without licensing fees, many councils would be forced to cut back on PRS regulation and forced to deal with tenants' complaints only. Experience shows that these reactive complaints are not always where most of the worst conditions or housing crimes exist.*

Comprehensive data and intelligence: *Through the data that licensing provides, local authorities can better understand the scale and profile of the private rented sector. This enables councils to shape and target their interventions, reducing the burden on good landlords and providing a much more cost-effective approach for the council.*

Housing conditions and safety: *Licensing is being used in a range of ways to improve property standards, including:*

- o Alerting the authority to properties that are more likely to have issues with poor standards and management. Licensed properties with Category 1 hazards can be more effectively dealt with because landlord information is readily available, including name, address and contact details.*
- o Convicted landlords can be found 'not fit and proper', and other landlords subject to enforcement can be issued with shorter licences and additional licensing conditions.*
- o Preventing overcrowding by specifying the number of people and households permitted in the property.*
- o Ensuring the good condition of the property by requiring the landlord to inspect the property at least every six months.*
- o Risk based documents audits of licensing conditions can be checked to ensure key hazards are properly managed, including safety certificates and tenancy management documents This includes:*
 - o Ensuring gas and electrical safety by requiring the landlord to have a valid gas safety certificate and provide an electrical appliance test report to the council.*

o *Tackling pest infestations by requiring the landlord to take pest control measures, if required.*

o *Ensuring Fire Safety by ensuring that the landlord tests all smoke alarms and fire equipment. The Licence requires the landlord to provide a copy of periodical test certificates/reports to the council.*

Anti-Social Behaviour: *Licensing offers information and powers covering a range of common ASB issues, including:*

o *Requiring the landlord to take steps to address anti-social behaviour with tenants.*

o *Requiring the landlord to ensure there are formal arrangements for the disposal of rubbish and bulky waste.*

o *Working in partnership with landlords to reduce and prevent ASB at an early stage.*

Crime and disorder: *Through private rented sector licensing councils are able to help tackle criminal activity, including:*

o *Tax evasion by sharing data with HMRC about landlords not paying all their tax.*

o *Recovering Council Tax by working in partnership with council tax enforcement teams to recoup unpaid council tax from HMO landlords.*

o *Illegal immigration through joint working with Immigration Enforcement.*

o *Sharing data to detect and prevent crimes, enabling the council to identify properties that are in the private rented sector but also the occupants. This has assisted the police with serious crime prevention activity. It also assists*

other Council departments, for example assisting social services to identify children who may be at risk.

Joint working: *Licensing provides intelligence and a legal framework that enables enhanced joint working with other enforcement partners. The additional intelligence and powers offered by licensing enable councils to jointly target properties of concern.*

Engagement with landlords: *Licensing enables councils to engage and communicate with large numbers of landlords on a range of issues, helping to inform and professionalise the market through newsletters and meetings.*

Source – Core cities report 2019

**Expand box as required*

Sources used:

Shaw M, Danny D and Brimblecombe N (1998) Health problems in houses in multiple occupation.

Environmental Health Journal 106(10) 280-281.

Professional Evaluation: Beyond safety to wellbeing: How local authorities can mitigate the mental health risks of living in houses in multiple occupation-

Dr Caroline Barratt, Christopher Kitcher and Dr Jill Stewart

A Licence to Rent - joint research project between Chartered Institute of Environmental Health and Chartered Institute of Housing Jan 2019

Core City Report -

<https://www.corecities.com/publications/cities-need-more-powers-licence-private-landlords-and-protect-communities> Feb 2019 Moffatt and Watson

Protected Characteristic - Disability: Consider the full range of disabilities; including physical mental, sensory and progressive conditions

<i>Please tick (✓) the relevant box:</i>		Overall impact: There are a significant number of tenants with mental health disabilities living in HMO accommodation and single household rentals. The potential risk to the number of available HMO and rental units as a direct result of licencing could impact negatively on this group. There is no evidence the housing supply reduces in licensing areas. However, the envisaged benefits of better quality housing accommodation that is well managed and complies with all relevant standards outweighs the possible negative impact that may result from implementing the proposed licensing scheme. The council's Housing service has a duty to assist vulnerable adults to find alternative accommodation in cases where they have become unintentionally homeless, therefore it is expected that the majority of adversely affected individuals would be assisted to secure either temporary or permanent alternative accommodation.
Positive	✓	
Neutral		
Negative		

**Expand box as required*

Evidence:

- (1) Previous research has highlighted the relationship between mental health problems and HMOs. Shaw *et al.*, (1998) note that HMO residents are eight times more likely than the general population to suffer from mental health problems as well as having other problems:

'These groups [living in HMOs] are more likely to be drug or alcohol-dependent, many have spent their early lives in care, or are ex-prisoners, and have nowhere else to go' (Shaw et al., 1998: 67

'Within HMOs some of the greatest threats to the mental health of tenants come from the actions of other tenants. Landlords currently have a duty to ensure that the behaviour of tenants in the property does not impinge on the surrounding community but it is not specified that tenants should be protected from the behaviour of other tenants'. (2)

'In terms of mental health, preventing ASB in the property will make tenants feel safer and more secure', (2)

'current legislation has the potential to contribute significantly to the safety and quality of housing and this is likely to positively affect the mental health of tenants, through creating a sense of safety and security' (2)

**Expand box as required*

Sources used:

(1) Shaw M, Danny D and Brimblecombe N (1998)
Health problems in houses in multiple occupation.
Environmental Health Journal 106(10) 280-281.

(2) Professional Evaluation: Beyond safety to wellbeing: How local authorities can mitigate the mental health risks of living in houses in multiple occupation-
Dr Caroline Barratt, Christopher Kitcher and Dr Jill Stewart

**Expand box as required*

Protected Characteristic - Sex/gender: Consider both men and women

Please tick (✓)
the relevant
box:

Positive

Neutral

✓

Overall impact:

No differential impact has been identified on the grounds of this protected characteristic in respect of landlords who may be affected by the licensing proposals as it applies equally to all landlords operating in Havering irrespective of sex / gender.

Negative

Evidence suggests that Houses in Multiple Occupation are twice as likely to be occupied by males, predominantly under the age of 30, as shared accommodation is often the only type of affordable accommodation available to them and they usually have no access to social housing accommodation.

Additional licensing proposals could impact on this group negatively in the short term due to the possibility that some landlords may seek to return converted houses currently used as bedsit type accommodation back into single family homes in order to avoid licensing requirements which may result in consequential shortages of HMO accommodation and evictions.

This is however only expected to be the case for poorly managed properties in the worst condition and may have the beneficial effect of driving bad landlords out of the market which, in the longer term, should result in increased availability of better quality and well managed bedsit type accommodation. Residents that are displaced as

		<p>a result of this process will have access to housing advice albeit it may not be possible for the council to make a direct offer of alternative accommodation in all cases.</p> <p style="text-align: right;"><i>*Expand box as required</i></p>
<p>Evidence:</p> <p>Community Safety report using data collected from Havering databases and Metropolitan Police records stated that of all known HMOs in the Borough, 67% were occupied by males.</p> <p style="text-align: right;"><i>*Expand box as required</i></p>		
<p>Sources used:</p> <p>Data on noise nuisance collated by London Borough of Havering and Metropolitan Police records of reported crime and anti-social behaviour (for period April 2015-March 2016)</p> <p style="text-align: right;"><i>*Expand box as required</i></p>		

Protected Characteristic - Ethnicity/race: Consider the impact on different ethnic groups and nationalities		
Please tick (✓) the relevant box:		<p>Overall impact:</p> <p>There is a significant concentration of migrant households in HMOs and low quality homes where this is the only affordable form of accommodation for a working household on low wages.</p> <p>Vulnerable tenants, such as new arrivals in the country may be more likely to be affected by poor housing conditions. Overcrowding disproportionately affects migrants.</p> <p>PRS tenants within ethnic minority groups are therefore likely to be adversely affected by licensing in the short term due to the potential of a shortage of rental accommodation resultant from licensing requirements. However, they should be positively affected in the longer term by way of better quality accommodation and landlord management practices and more protection from eviction to be implemented through licence conditions. Housing advice will be available to any tenant that has been displaced as a consequence of licensing.</p>
Positive	✓	
Neutral		
Negative		

Licenses state the permitted number of occupants for the property, therefore compliance will reduce overcrowding.

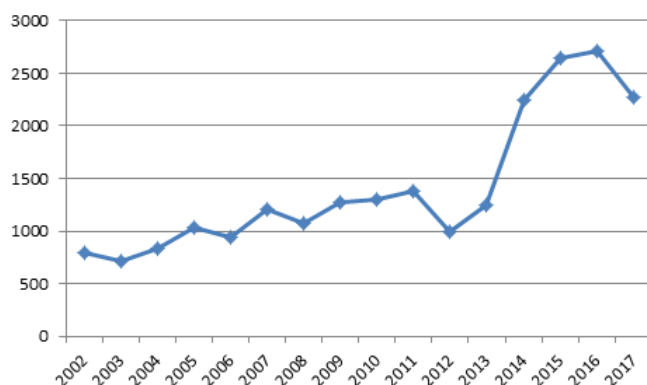
The PRS Landlord Licensing proposal applies equally to all landlords operating within the London Borough of Havering irrespective of ethnicity / race therefore this group will not be negatively affected. A range of measures will be implemented in order to support landlords to respond to reports of antisocial behaviour and unsocial tenants.

**Expand box as required*

Evidence:

Havering is one of the most ethnically homogenous areas in London, with 83% of its residents recorded as White British, higher than both the London and England averages. About 90% of the borough's population were born in the United Kingdom. National Insurance number registration to adult overseas nationals entering the UK have more than doubled in Havering since 2012 even though there was a slight downturn last year as shown below (DWP 2018)¹.

National Insurance number registration to adult overseas nationals entering the UK 2002-2017



**Expand box as required*

Sources used:

1. National Insurance number allocations to adult overseas nationals entering the UK. Statistics on National Insurance number allocations. 29 November 2018. Department of Work and Pensions <https://www.gov.uk/government/collections/national-insurance-number-allocations-to-adult-overseas-nationals-entering-the-uk>

**Expand box as required*

Protected Characteristic - Religion/faith: Consider people from different religions or beliefs including those with no religion or belief		
Please tick (✓) the relevant box:		Overall impact: No differential impact has been identified on the grounds of this protected characteristic. The Private Sector Landlord Licensing proposal applies equally to all tenants and Landlords operating within Havering irrespective of religion / faith. <i>*Expand box as required</i>
Positive	<input type="checkbox"/>	
Neutral	<input checked="" type="checkbox"/>	
Negative	<input type="checkbox"/>	
Evidence: N/A <i>*Expand box as required</i>		
Sources used: N/A <i>*Expand box as required</i>		

Protected Characteristic - Sexual orientation: Consider people who are heterosexual, lesbian, gay or bisexual		
Please tick (✓) the relevant box:		Overall impact: No differential impact has been identified on the grounds of this protected characteristic. The Private Sector Landlord Licensing proposal applies equally to all tenants and landlords operating in Havering irrespective of sexual orientation. <i>*Expand box as required</i>
Positive	<input type="checkbox"/>	
Neutral	<input checked="" type="checkbox"/>	
Negative	<input type="checkbox"/>	
Evidence: There is insufficient data available to measure accurately the potential effect of these proposals in relation to sexual orientation of tenants <i>*Expand box as required</i>		

<p>Sources used:</p> <p>N/A</p>	
---	--

**Expand box as required*

Protected Characteristic - Gender reassignment: Consider people who are seeking, undergoing or have received gender reassignment surgery, as well as people whose gender identity is different from their gender at birth

Please tick (✓) the relevant box:		<p>Overall impact:</p> <p>No differential impact has been identified on the grounds of this protected characteristic. The Private Sector Landlord Licensing proposal applies equally to all tenants and landlords operating in Havering irrespective of gender reassignment.</p>
Positive		
Neutral	✓	
Negative		<p>Licensing aims to reduce anti-social behaviour which is likely to benefit people who suffer from harassment, abuse or other crimes and incidents. A range of measures will be implemented in order to support landlords to respond to reports of anti-social behaviour and unsocial tenants.</p>

**Expand box as required*

<p>Evidence:</p> <p>There is insufficient data available to measure accurately the potential effect of these proposals in relation to people who are seeking, undergoing or have received gender reassignment surgery, as well as people whose gender identity is different from their gender at birth</p>

**Expand box as required*

<p>Sources used:</p> <p>N/A</p>	
---	--

**Expand box as required*

Protected Characteristic - Marriage/civil partnership: Consider people in a marriage or civil partnership

Please tick (✓) the relevant box:		Overall impact: No differential impact has been identified on the grounds of this protected characteristic. The Private Sector Landlord Licensing proposal applies equally to all tenants and landlords operating in Havering irrespective of marriage / civil partnership. <i>*Expand box as required</i>
Positive		
Neutral	✓	
Negative		
Evidence: N/A <i>*Expand box as required</i>		
Sources used: N/A <i>*Expand box as required</i>		

Protected Characteristic - Pregnancy, maternity and paternity: Consider those who are pregnant and those who are undertaking maternity or paternity leave		
Please tick (✓) the relevant box:		Overall impact: Proposed restrictions on numbers of occupants in rental accommodation may impact upon pregnant tenants as the addition of a baby may result in a property becoming overcrowded. However a landlord is NOT required to evict a tenant where the property has become 'naturally' overcrowded. Tenants are afforded more protections under licensing schemes. Housing advice will be available to any tenant that has been displaced as a consequence of licensing and in many cases tenants falling within this protected characteristic will be owed a homeless duty by the council's housing service. <i>*Expand box as required</i>
Positive	✓	
Neutral		
Negative		

Evidence:

It is projected that the largest increases in population will occur in children (0-17 years) and older people age groups (65 years and above) up to 2033.

**Expand box as required*

Sources used:

London Borough of Havering Private Rented Sector: Housing Stock Condition and Stressors Report 2019

**Expand box as required*

Socio-economic status: Consider those who are from low income or financially excluded backgrounds

Please tick (✓) the relevant box:

Positive

✓

Neutral

Negative

Overall impact:

Vulnerable residents and those on low incomes have found that access to housing appropriate to their needs has been restricted by a lack of affordability and large numbers find themselves living in the worst PRS properties or shared accommodation. Changes to the national welfare system has had a negative impact on the provision of quality housing options due to displacement of benefit dependent households into cheaper shared accommodation as a result of the Local Housing Allowance rent caps. Some landlords may decide to increase rents or leave the private rental market altogether as a result of introducing licensing in Havering and this could negatively impact tenants due to a reduction in the supply of rental accommodation and subsequent increase in evictions and homelessness.

On the positive side, a significant protection that would be provided for assured shorthold tenants is that a s.21 Notice to evict tenants cannot be used by the landlord where a property has not been licensed when it is required to be and the Courts will therefore refuse to issue Possession Orders on that basis. The life chances of residents are closely linked to the quality of their neighbourhoods and their housing accommodation. Licensing seeks to address some of these issues by driving up the quality of the PRS and will improve housing conditions and security of tenure, particularly for the poorest tenants, over the longer term.

A common complaint is that licensing will lead to an increase in rents, with the costs of licensing passed on to tenants. However, there is little evidence that this is case.

The reality is that the PRS is a competitive market. Rents are set at what the market will bear and can respond quickly to market conditions

		e.g. if a property is hard to let the rent will be adjusted down, and vice versa. There is no conclusive evidence that licensing fees increase rents, and with healthy profits in the private rented sector such licensing fees are usually paid for by landlords' surplus and do not impact on tenants. (core cities)
		<i>*Expand box as required</i>
Evidence: <p>The average gross income per household in Havering (£44,430, as measured in 2012/13) is low in comparison to the London average (£51,770) and slightly higher than the England average (£39,557).</p> <p>In 2017 the average gross salary for full time male was £35,869 and female £28,686 (source: ONS ASHE Table 7). 77% of households in Havering have at least one car and compared to other local authorities in London, Havering has the second highest proportion of households (32.8%) with 2 or more cars.</p> <p>The majority of children in Havering are not poor, but around 8,800 live in income-deprived households. Gooshays and Heaton wards have the highest proportion of children living in poverty.</p> <p>About 79.8% of working age residents in Havering were in employment between October 2016 – September 2017. Overall employment rate in Havering is higher than London (73.7%) and England (74.5%). The proportion of working age residents in Havering claiming out-of-work benefits (6.6%) is significantly lower than England (8.4%).</p> <p>The recent data from the ONS shows that the average property in the area sold for £373,241; significantly higher than the UK average of £232,797. The average homeowner in Havering will have seen their property increase in value by around £147,000 in the last five years.</p> <p>Havering is relatively less deprived than its neighbouring Boroughs, however Romford Town and Brooklands have some of the highest deprivation.</p>		
		<i>*Expand box as required</i>
Sources used: <p>source: ONS ASHE Table 7</p>		
		<i>*Expand box as required</i>

Health & Wellbeing Impact: Consider both short and long-term impacts of the activity on a person's physical and mental health, particularly for disadvantaged, vulnerable or at-risk groups. Can health and wellbeing be positively promoted through this activity? Please use the Health and Wellbeing Impact Tool in Appendix 2 to help you answer this question.		
Please tick (✓) all the relevant boxes that apply:	Overall impact: There are claims that licensing of private rented properties can reduce investment, supply and affordability which could have a negative impact on health and well being.	
Positive	<input checked="" type="checkbox"/>	

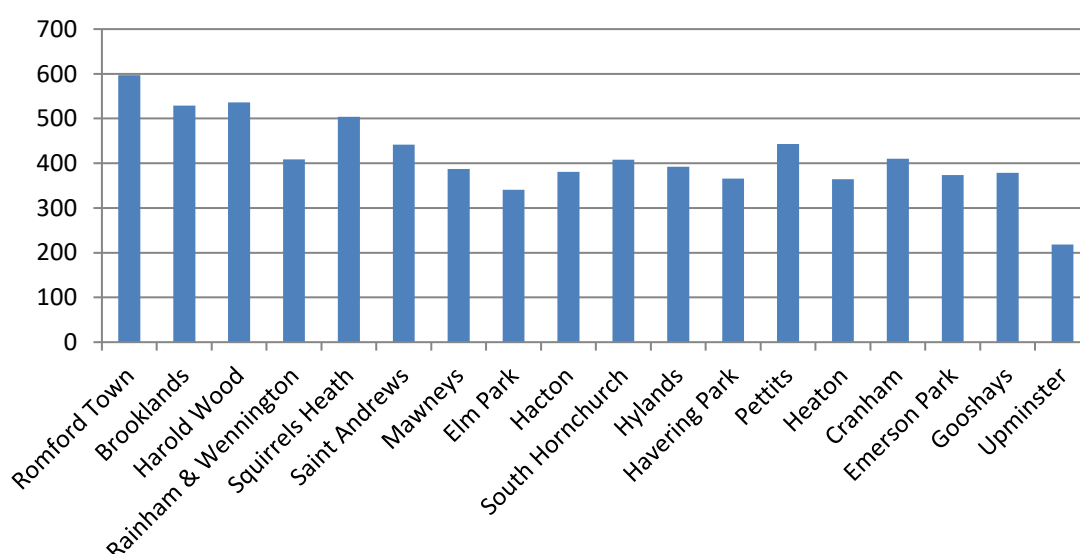
Neutral		Recent reports on licensing show that this is not the case. Landlords are price takers so rents are set at maximum in most cases.
Negative		<p>Investment continues to grow if yields and markets are good rather than from a licensing scheme.</p> <p>The areas of the borough with the highest concentration of HMOs and the proposed selective licensing area are Romford Town and Brooklands – these are both areas where there is existing deprivation and significant inequalities in health and wellbeing.</p> <p>Licensing can assist in improving the condition of rental accommodation by improving management and responsiveness of property owners.</p> <p>Poor housing impacts seriously on health, the most common hazards are excess cold, damp and mould and lack fire precautions.</p> <p>Do you consider that a more in-depth HIA is required as a result of this brief assessment? Please tick (✓) the relevant box</p> <p style="text-align: right;">Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>

Evidence:

In 2016, 15% (750,000) of private rented dwellings in England had at least one Category 1 hazard; this was a higher proportion than owner occupied (13%) and social rented homes (6%) (Source: - MHCLG Private rented sector 2016-17 English Housing survey).

The Havering housing report concludes that PRS properties have been a source of 8,600 recorded ASB incidents since 2013 (Graph 2) and 7,400 (24.5%) properties are predicted to have serious home hazards (Category 1), including damp, mould, electrical faults.

Estimated number of Category 1 hazards by ward



**Expand box as required*

Sources used:

<https://researchbriefings.files.parliament.uk/documents/POST-PN-0573/POST-PN-0573.pdf>

MHCLG Private rented sector 2016-17 English Housing survey

3. Outcome of the Assessment

The EqHIA assessment is intended to be used as an improvement tool to make sure the activity maximises the positive impacts and eliminates or minimises the negative impacts. The possible outcomes of the assessment are listed below and what the next steps to take are:

Please tick (✓) what the overall outcome of your assessment was:

✓	1. The EqHIA identified <u>no significant concerns</u> OR the identified <u>negative concerns</u> have already been <u>addressed</u>	➔	Proceed with implementation of your activity
	2. The EqHIA identified some <u>negative impact</u> which still needs <u>to be addressed</u>	➔	COMPLETE SECTION 4: Complete action plan and finalise the EqHIA
	3. The EqHIA identified some <u>major concerns</u> and showed that it is <u>impossible to diminish negative impacts</u> from the activity to an acceptable or even lawful level	➔	Stop and remove the activity or revise the activity thoroughly . Complete an EqHIA on the revised proposal.

4. Action Plan

The real value of completing an EqHIA comes from the identifying the actions that can be taken to eliminate/minimise negative impacts and enhance/optimize positive impacts. In this section you should list the specific actions that set out how you will address any negative equality and health & wellbeing impacts you have identified in this assessment. Please ensure that your action plan is: more than just a list of proposals and good intentions; sets ambitious yet achievable outcomes and timescales; and is clear about resource implications.

Protected characteristic / health & wellbeing impact	Identified Negative or Positive impact	Recommended actions to mitigate Negative impact* or further promote Positive impact	Outcomes and monitoring**	Timescale	Lead officer

Add further rows as necessary

* You should include details of any future consultations and any actions to be undertaken to mitigate negative impacts

** Monitoring: You should state how the impact (positive or negative) will be monitored; what outcome measures will be used; the known (or likely) data source for outcome measurements; how regularly it will be monitored; and who will be monitoring it (if this is different from the lead officer).

5. Review

In this section you should identify how frequently the EqHIA will be reviewed; the date for next review; and who will be reviewing it.

Review:

This will be reviewed again after the scheme has been implemented

Scheduled date of review: Autumn 2021

Lead Officer conducting the review: Louise Watkinson

**Expand box as required*

Appendix 1. Guidance on Undertaking an EqHIA

This Guidance can be deleted prior to publication.

What is it?

The Equality & Health Impact Assessment (EqHIA) is a tool to ensure that your activity meets the needs of individuals and groups that use your service, whilst at the same time ensuring a person's chance of leading a healthy life is the same wherever they live and whoever they are. We want to ensure that the activities of the Council are 'fit for purpose' and meet the needs of Havering's increasingly diverse communities and employees. This robust and systematic EqHIA process ensures that any potential detrimental effects or discrimination is identified, removed, or mitigated and positive impacts are enhanced.

When to Assess:

An EqHIA should be carried out when you are changing, removing or introducing a new service, policy, strategy or function; for simplicity, these are referred to as an "activity" throughout this document. It is best to conduct the assessment as early as possible in the decision-making process.

Guidance: Equality & Health Impact Assessment Checklist

The Checklist in Section 1 asks the key questions,

4a) Are you changing, introducing a new, or removing a service, policy, strategy or function?

4b) Does this activity (policy/strategy/service/decision) have the potential to impact (either positively or negatively) upon people (9 protected characteristics)?

4c) Does this activity (policy/strategy/service/decision) have the potential to impact (either positively or negatively) upon any factors which determine people's health and wellbeing?

- If the answer to ANY of the questions 4a, 4b or 4c of the Checklist is 'YES' then you must carry out an assessment. e.g. Proposed changes to Contact Centre Opening Hours
'YES' = you need to carry out an EqHIA
- If the answer to ALL of the questions, 4a or 4b of the Checklist is NO, then you do not need to carry out an EqHIA assessment. e.g. Quarterly Performance Report
'NO' = you DO NOT need to carry out an EqHIA. Please provide a clear explanation as to why you consider an EqHIA is not required for your activity.

Using the Checklist

The assessment should take into account all the potential impacts of the proposed activity, be it a major financial decision, or a seemingly simple policy change. Considering and completing this EqHIA will ensure that all Council plans, strategies, policies, procedures, services or other activity comply with relevant statutory obligations and responsibilities. In particular it helps the Council to meet its legal obligation under the [Equality Act 2010 and the Public Sector Equality Duty](#) and its public health duties under the [Health and Social Care Act 2012](#).

Having Due Regard

To have due regard means that in making decisions and in its other day-to-day activities, the Council must consciously consider the need to:

- Eliminate unlawful discrimination, harassment and victimisation
- Advance equality of opportunity between different groups
- Foster good relations between different groups
- Reduce inequalities in health outcomes

Combining Equality and Health Impact Assessment:

[Equality Impact Assessments \(EIAs\)](#) provide a systematic way of ensuring that legal obligations are met. They assess whether a proposed policy, procedure, service change or plan will affect people different on the basis of their 'protected characteristics' and if it will affect their human rights. Currently there are **nine protected characteristics** (previously known as 'equality groups' or 'equality strands'): age, disability, sex/gender, ethnicity/race, religion/faith, sexual orientation, gender reassignment, marriage/civil partnership, and pregnancy/ maternity/paternity.

An activity does not need to impact on all 9 protected characteristics – impacting on just one is sufficient justification to complete an EqHIA.

[Health Impact Assessments \(HIAs\)](#) consider the potential impact of any change or amendment to a policy, service, plan, procedure or programme on the health and wellbeing of the population. HIAs help identify how people may be affected differently on the basis of where they live and potential impacts on health inequalities and health equity by assessing the distribution of potential effects within the population, particularly within vulnerable groups. 'Health' is not restricted to medical conditions, or the provision of health services, but rather encompasses the wide range of influences on people's health and wellbeing. This includes, but is not limited to, experience of discrimination, access to transport, housing, education, employment - known as the 'wider determinants of health'.

This [Equality and Health Impact Assessment \(EqHIA\)](#) brings together both impact assessments into a single tool which will result in a set of recommendations to eliminate discrimination and inequality; enhance potential positive impacts and mitigate where possible for negative impacts. In conducting this EqHIA you will need to assess the impact (positive, neutral or negative) of your activity on individuals and groups with **protected characteristics** (this includes staff delivering your activity), **socio-economic status** and **health & wellbeing**. Guidance on what to include in each section is given on the next pages.

Guidance: What to include in background/context

In this section you will need to add the background/context of your activity, i.e. what is the activity intending to do, and why?

Make sure you include the scope and intended outcomes of the activity being assessed; and highlight any proposed changes. Please include a brief rationale for your activity and any supporting evidence for the proposal. Some questions to consider:

- What is the aim, objectives and intended outcomes?
- How does this activity meet the needs of the local population?
- Has this activity been implemented in another area? What were the outcomes?
- Is this activity being implemented as per best practice guidelines?
- Who were the key stakeholders in this activity?

*Note that the boxes will expand as required

Guidance: Who will be affected by the activity?

The people who will be affected may be

Residents: pay particular attention to vulnerable groups in the population who may be affected by this activity

Businesses/ manufacturing / developers / small, medium or large enterprises

Employees: e.g. Council staff for an internal activity, other statutory or voluntary sector employees, local businesses and services

*Note that the boxes will expand as required

Guidance: What to include in assessing a Protected Characteristic e.g. AGE

Please tick (✓) the relevant box:

Positive

Neutral

Negative

Overall impact: In this section you will need to consider and note what impact your activity will have on individuals and groups (including staff) with protected characteristics based on the data and information you have. You should note whether this is a positive, neutral or negative impact.

It is essential that you note all negative impacts. This will demonstrate that you have paid 'due regard' to the Public Sector Equality Duty if your activity is challenged under the Equality Act.

*Note that the boxes will expand as required

Evidence: In this section you will need to document the evidence that you have used to assess the impact of your activity.

When assessing the impact, please consider and note how your activity contributes to the three aims of the Public Sector Equality Duty (PSED) as stated in the section above.

It is essential that you note the full impact of your activity, so you can demonstrate that you have fully considered the equality implications and have paid 'due regard' to the PSED should the Council be challenged.

- If you have identified a **positive impact**, please note this.
- If you think there is a **neutral impact** or the impact is not known, please provide a full reason why this is the case.
- If you have identified a **negative impact**, please note what steps you will take to mitigate this impact. If you are unable to take any mitigating steps, please provide a full reason why. All negative impacts that have mitigating actions must be recorded in the **Action Plan**.
- **Please ensure that appropriate consultation with affected parties has been undertaken and evidenced**

Sources used: In this section you should list all sources of the evidence you used to assess the impact of your activity. This can include:

- Service specific data
- Population, demographic and socio-economic data. Suggested sources include:
 - o Service user monitoring data that your service collects
 - o [Havering Data Intelligence Hub](#)
 - o [Office for National Statistics \(ONS\)](#)

If you do not have any relevant data, please provide the reason why.

*Note that the boxes will expand as required

Guidance: What to include in assessing Health & Wellbeing Impact:

Please tick (✓) all the relevant boxes that apply:

Positive

Neutral

Negative

Overall impact: In this section you will need to consider and note whether the proposal could have an overall impact on, or implications for, people's health and wellbeing or any factors which determine people's health.

How will the activity help address inequalities in health?

Include here a brief outline of what could be done to enhance the positive impacts and, where possible, mitigate for the negative impacts.

*Note that the boxes will expand as required

Do you consider that a more in-depth HIA is required as a result of this brief assessment? Please tick (✓) the relevant box

Yes ☐ No ☐

Evidence: In this section you will need to outline in more detail how you came to your conclusions above:

- What is the nature of the impact?
- Is the impact **positive** or **negative**? It is possible for an activity to have **both positive and negative impacts**. Consider here whether people will be able to access the service being offered; improve or maintain healthy lifestyles; improve their opportunities for employment/income; whether and how it will affect the environment in which they live (housing, access to parks & green space); what the impact on the family, social support and community networks might be
- What can be done to mitigate the negative impacts and/or enhance the positive impacts?
- If you think there is a **neutral impact**, or the impact is not known, please provide a brief reason why this is the case.
- What is the likelihood of the impact? Will the impact(s) be in weeks, months or years? In some cases the short-term risks to health may be worth the longer term benefits.
- Will the proposal affect different groups of people in different ways? A proposal that is likely to benefit one section of the community may not benefit others and could lead to inequalities in health.

Please use the Health & Wellbeing Impact Tool in Appendix 2 as a guide/checklist to assess the potential wider determinants of health impacts.

This tool will help guide your thinking as to what factors affect people's health and wellbeing, such as social support, their housing conditions, access to transport, employment, education, crime and disorder and environmental factors. It is not an exhaustive list, merely a tool to guide your assessment; there may be other factors specific to your activity.

Some questions you may wish to ask include:

- Will the activity impact on people's ability to socialise, potentially leading to social isolation?
- Will the activity affect a person's income and/or have an effect on their housing status?
- Is the activity likely to cause the recipient of a service more or less stress?
- Will any change in the service take into account different needs, such as those with learning difficulties?
- Will the activity affect the health and wellbeing of persons not directly related to the service/activity, such as carers, family members, other residents living nearby?
- If there is a short-term negative effect, what will be done to minimise the impact as much as possible?

- Are the longer-term impacts positive or negative? What will be done to either promote the positive effects or minimise the negative effects?
- Do the longer term positive outcomes outweigh the short term impacts?

*Note that the boxes will expand as required

Sources used: In this section you should list all sources of the evidence you used to assess the impact of your activity. This could include, e.g.:

Information on the population affected

- Routinely collected local statistics (e.g. quality of life, health status, unemployment, crime, air quality, educational attainment, transport etc.)
- Local research/ Surveys of local conditions
- Community profiles

Wider Evidence

- Published Research, including evidence about similar proposals implemented elsewhere (e.g. Case Studies).
- Predictions from local or national models
- Locally commissioned research by statutory/voluntary/private organisations

Expert Opinion

- Views of residents and professionals with local knowledge and insight

*Note that the boxes will expand as required

Guidance: Outcome of the Assessment

On reflection, what is your overall assessment of the activity?

The purpose of conducting this assessment is to offer an opportunity to think, reflect and **improve** the proposed activity. It will make sure that the Council can evidence that it has considered its due regard to equality and health & wellbeing to its best ability.

It is not expected that all proposals will be immediately without negative impacts! However, where these arise, what actions can be taken to mitigate against potential negative effects, or further promote the positive impacts?

Please tick one of the 3 boxes in this section to indicate whether you think:

1. all equality and health impacts are adequately addressed in the activity – proceed with your activity pending all other relevant approval processes
2. the assessment identified some negative impacts which could be addressed – please complete the Action Plan in Section 4.
3. If the assessment reveals some significant concerns, this is the time to stop and re-think, making sure that we spend our Council resources wisely and fairly. There is no shame in stopping a proposal.

*Note that the boxes will expand as required

Guidance: Action Plan

For each protected characteristic/health & wellbeing impact where an impact on people or their lives has been identified, complete one row of the action plan. You can add as many further rows as required.

State whether the impact is Positive or Negative

Briefly outline the actions that can be taken to mitigate against the negative impact or further enhance a positive impact. These actions could be to make changes to the activity itself (service, proposal, strategy etc.) or to make contingencies/alterations in the setting/environment where the activity will take place.

For example, might staff need additional training in communicating effectively with people with learning difficulties, if a new service is opened specifically targeting those people? Is access to the service fair and equitable? What will the impact on other service users be? How can we ensure equity of access to the service by all users? Will any signage need changing? Does the building where the service being delivered comply with disability regulations?

Guidance: Review

Changes happen all the time! A service/strategy/policy/activity that is appropriate at one time, may no longer be appropriate as the environment around us changes. This may be changes in our population, growth and makeup, legislative changes, environmental changes or socio-political changes.

Although we can't predict what's going to happen in the future, a review is recommended to ensure that what we are delivering as a Council is still the best use of our limited resources. The timescale for review will be dependent on the scale of the activity.

A major financial investment may require a review every 2-3 years for a large scale regeneration project over 10-15 years.

A small policy change may require a review in 6 months to assess whether there are any unintended outcomes of such a change.

Please indicate here how frequently it is expected to review your activity and a brief justification as to why this timescale is recommended.

Appendix 2. Health & Wellbeing Impact Tool

Will the activity/service/policy/procedure affect any of the following characteristics? Please tick/check the boxes below

The following are a range of considerations that might help you to complete the assessment.

Lifestyle YES <input type="checkbox"/> NO <input type="checkbox"/>	Personal circumstances YES <input type="checkbox"/> NO <input type="checkbox"/>	Access to services/facilities/amenities YES <input type="checkbox"/> NO <input type="checkbox"/>
<input type="checkbox"/> Diet <input type="checkbox"/> Exercise and physical activity <input type="checkbox"/> Smoking <input type="checkbox"/> Exposure to passive smoking <input type="checkbox"/> Alcohol intake <input type="checkbox"/> Dependency on prescription drugs <input type="checkbox"/> Illicit drug and substance use <input type="checkbox"/> Risky Sexual behaviour <input type="checkbox"/> Other health-related behaviours, such as tooth-brushing, bathing, and wound care	<input type="checkbox"/> Structure and cohesion of family unit <input type="checkbox"/> Parenting <input type="checkbox"/> Childhood development <input type="checkbox"/> Life skills <input type="checkbox"/> Personal safety <input type="checkbox"/> Employment status <input type="checkbox"/> Working conditions <input type="checkbox"/> Level of income, including benefits <input type="checkbox"/> Level of disposable income <input type="checkbox"/> Housing tenure <input type="checkbox"/> Housing conditions <input type="checkbox"/> Educational attainment <input type="checkbox"/> Skills levels including literacy and numeracy	<input type="checkbox"/> to Employment opportunities <input type="checkbox"/> to Workplaces <input type="checkbox"/> to Housing <input type="checkbox"/> to Shops (to supply basic needs) <input type="checkbox"/> to Community facilities <input type="checkbox"/> to Public transport <input type="checkbox"/> to Education <input type="checkbox"/> to Training and skills development <input type="checkbox"/> to Healthcare <input type="checkbox"/> to Social services <input type="checkbox"/> to Childcare <input type="checkbox"/> to Respite care <input type="checkbox"/> to Leisure and recreation services and facilities
Social Factors YES <input type="checkbox"/> NO <input type="checkbox"/> <input type="checkbox"/> Social contact <input type="checkbox"/> Social support <input type="checkbox"/> Neighbourliness <input type="checkbox"/> Participation in the community <input type="checkbox"/> Membership of community groups <input type="checkbox"/> Reputation of community/area <input type="checkbox"/> Participation in public affairs <input type="checkbox"/> Level of crime and disorder <input type="checkbox"/> Fear of crime and disorder <input type="checkbox"/> Level of antisocial behaviour <input type="checkbox"/> Fear of antisocial behaviour <input type="checkbox"/> Discrimination <input type="checkbox"/> Fear of discrimination <input type="checkbox"/> Public safety measures <input type="checkbox"/> Road safety measures	Economic Factors YES <input type="checkbox"/> NO <input type="checkbox"/> <input type="checkbox"/> Creation of wealth <input type="checkbox"/> Distribution of wealth <input type="checkbox"/> Retention of wealth in local area/economy <input type="checkbox"/> Distribution of income <input type="checkbox"/> Business activity <input type="checkbox"/> Job creation <input type="checkbox"/> Availability of employment opportunities <input type="checkbox"/> Quality of employment opportunities <input type="checkbox"/> Availability of education opportunities <input type="checkbox"/> Quality of education opportunities <input type="checkbox"/> Availability of training and skills development opportunities <input type="checkbox"/> Quality of training and skills development opportunities <input type="checkbox"/> Technological development <input type="checkbox"/> Amount of traffic congestion	Environmental Factors YES <input type="checkbox"/> NO <input type="checkbox"/> <input type="checkbox"/> Air quality <input type="checkbox"/> Water quality <input type="checkbox"/> Soil quality/Level of contamination/Odour <input type="checkbox"/> Noise levels <input type="checkbox"/> Vibration <input type="checkbox"/> Hazards <input type="checkbox"/> Land use <input type="checkbox"/> Natural habitats <input type="checkbox"/> Biodiversity <input type="checkbox"/> Landscape, including green and open spaces <input type="checkbox"/> Townscape, including civic areas and public realm <input type="checkbox"/> Use/consumption of natural resources <input type="checkbox"/> Energy use: CO2/other greenhouse gas emissions <input type="checkbox"/> Solid waste management <input type="checkbox"/> Public transport infrastructure

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