



CABINET

7.30 pm	Wednesday 14 October 2020	Council Chamber - Town Hall
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Members 9: Quorum 3

Councillor Damian White (Leader of the Council), Chairman

Cabinet Member responsibility:

Councillor Robert Benham

Cabinet Member for Education, Children & Families

Councillor Osman Dervish

Cabinet Member for Environment

Councillor Joshua Chapman

Cabinet Member for Housing

Councillor Jason Frost

Cabinet Member for Health & Adult Care Services

Councillor Roger Ramsey

Cabinet Member for Finance & Property

Councillor Viddy Persaud

Cabinet Member for Public Protection and Safety

Andrew Beesley
Head of Democratic Services

For information about the meeting please contact:

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**Please note that this meeting will be webcast.
Members of the public who do not wish to appear
in the webcast will be able to sit in the balcony,
which is not in camera range.**

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.



AGENDA

1 ANNOUNCEMENTS

On behalf of the Chairman, there will be an announcement about the arrangements in case of fire or other events that might require the meeting room or building's evacuation.

2 APOLOGIES FOR ABSENCE

(if any) - receive

3 DISCLOSURES OF INTEREST

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

4 PROTOCOL ON THE OPERATION OF CABINET MEETINGS DURING THE COVID-19 PANDEMIC RESTRICTIONS (Pages 1 - 2)

5 MINUTES

To approve as a correct record the minutes of the meeting held on 16 September 2020, and to authorise the Chairman to sign them.

The minutes will be published and will follow subsequently.

6 DISPOSAL OF LAND AT HALL LANE PITCH & PUTT COURSE, UPMINSTER FOLLOWING ITS APPROPRIATION FOR PLANNING PURPOSES - DETERMINATION OF CALL-IN

This matter went to Cabinet in September for decision and was subsequently Called-in and will be the subject of consideration by the Overview and Scrutiny Board on Tuesday 13 October 2020. Subject to the outcome of the Board meeting, this matter may be referred to Cabinet for further consideration and determination.

7 PRIVATE SECTOR HOUSING ENFORCEMENT SCHEME TWO. EXPAND ADDITIONAL LICENSING FOR HOUSING OF MULTIPLE OCCUPATION AND INTRODUCE SELECTIVE LICENSING IMPLEMENTATION AND ENFORCEMENT (Pages 3 - 194)

8 PAID FOR PARKING CHARGES AND HAVERING HERO PERMIT (Pages 195 - 214)

9 PARKS BYELAWS (Pages 215 - 270)

10 EXTENSION OF THE ROMFORD TOWN CENTRE PSPO (Pages 271 - 324)

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LONDON BOROUGH OF HAVERING

PROTOCOL ON THE OPERATION OF CABINET 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 Cabinet Meetings held during the Covid-19 restrictions will take place using 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. Prior to the 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

During the Covid-19 restrictions period, all Cabinet meetings will be hybrid meetings delivered through conference call, using Zoom software, with some members and officers present in the Chamber. Zoom can be accessed using a PC, laptop or mobile/landline telephone etc. and the instructions sent with meeting appointments will cover how to do this.

4. Structure of the Meeting

Although held in a hybrid virtual format, Cabinet Meetings will follow the usual procedure and the Executive Procedure Rules set out in Part 4 of the Constitution will apply.

5. Technology Issues

An agenda setting out the items for the meeting will be issued in advance, to all parties in accordance with statutory timetables. This will include details of reports to be considered and any other relevant documents. The agenda will also be published on the Council's website – www.havering.gov.uk in the normal way.

All parties should be aware that the sheer volume of virtual meetings now taking place across the country has placed considerable strain upon broadband network infrastructure. As a result, Zoom meetings may experience intermittent faults whereby participants lose contact for short periods of time before reconnecting to the call. 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 call.

Members and the public will be encouraged to use any Zoom video conferencing facilities provided by the Council to attend a meeting remotely. If this is not possible, attendance may be through an audio link or by other electronic means.

Remote access for members of the public and Members who are not attending to participate in the meeting, 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 Chair shall temporarily adjourn the meeting immediately. If the provision of access through remote means cannot be restored within a reasonable period, 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 Cabinet.

6. Management of Remote Meetings for Members

The Chairman will normally confirm at the outset and at any reconvening of an Cabinet meeting that they can see and hear all participating members. Any Member participating remotely should also confirm at the outset and at any reconvening of the meeting that they can see and hear the proceedings and the other participants.

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

If a connection to a Member is lost during a meeting of the Board, the Chair will stop the meeting to enable the connection to be restored. If the connection cannot be restored within a reasonable time, the meeting will proceed, but the Member who was disconnected will not be able to vote on the matter under discussion given that they would not have heard all the discussion.

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 confirm the departure and will also invite the relevant Member by link, email or telephone to re-join the meeting at the appropriate time, using the original meeting invitation,

7. After the Meeting - Public Access to Meeting Documentation following the meeting

Members of the public may access minutes, decisions and other relevant documents through the Council's website. www.havering.gov.uk

CABINET

14th 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:

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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

[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.

3.6 At an Overview and Scrutiny sub-committee meeting held on 22nd September 2020 additional comments were asked to be added into this report. These were as follows:-

1) Further intervention options. (See Appendix 1, Section 4, sub section 4.4 Interventions currently not in use) The Cabinet should adopt the further intervention options available to the Council to improve Housing conditions including the following:-

- a) In the future extend the number of properties covered by discretionary licensing;
- b) Focus resources on the areas with the worst conditions; and,
- c) Continue multi agency enforcement.

As the report sets out to maintain the effective and legitimacy large scale licensing schemes they should be backed by robust, targeted enforcement, and be part of a wider strategy to improve the private rented sector and/or tackle anti-social behaviour (see Core Cities Licensing Report Moffatt/Watson 2018)

2) Licensing Conditions. (See Appendix 2 Consultation Report para 3.3.5) Tenant & Management Conditions should be written with the needs of neighbourhoods in mind.

3) Service Standards for processing Licence Applications (See Appendix 3 Collation & Summary of Consultation Responses page 2) In response to the Residential Landlords Association comments regarding the Fee Structure Documentation and processing licence applications -

4) Point of Contact for reporting concerns (see Appendix 3 Collation & Summary of Consultation Responses page 8) The Final Cabinet Report should contain more details of the proposed 'Report it' tool to be available on the Council Website which will be used as a point of contact for adjoining property owners to inform the Authority of concerns including overcrowding and anti-social behaviour.

5) The role of Letting Agents in effective management of the private rented sector (see Appendix 3 Collation & Summary of Consultation Responses page 11) - The Final Cabinet Report should contain a clear policy statement that it welcomes effective dialogue with letting agents and looks forward to building this relationship via the Landlord Forum. Also it will hold further events to encourage liaison with professionals working in the private rented sector.

6) Comprehensive Communication Plan (see Appendix 3 Collation & Summary of Consultation Responses page 19) - The Final Cabinet Report should set out a draft comprehensive communications plan to improve contact with landlords and agents.

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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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.

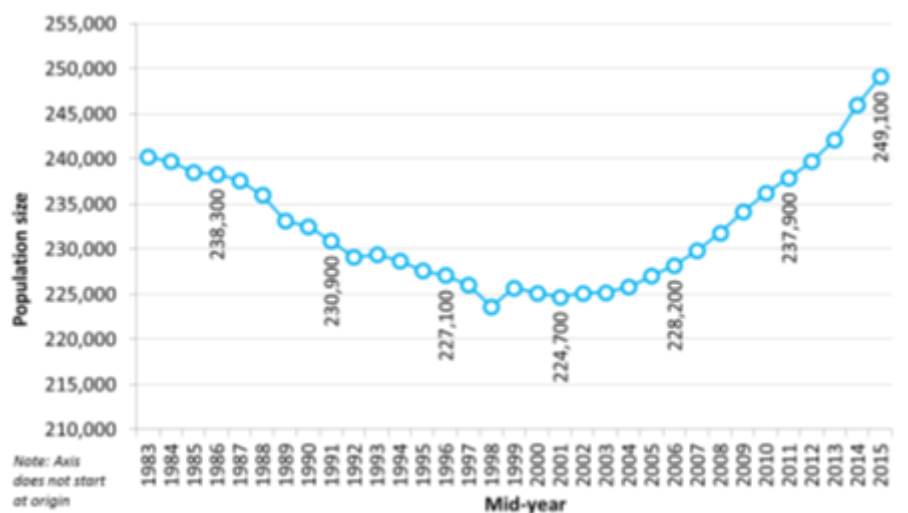
2.2. Population Profile

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

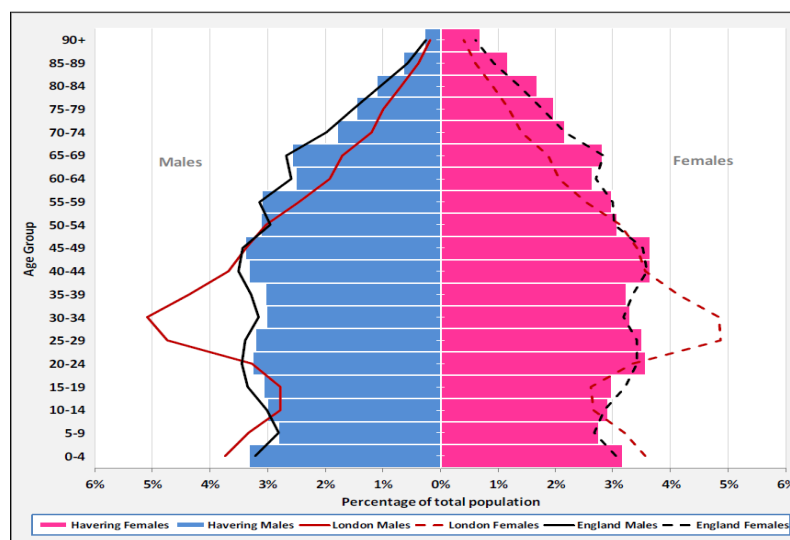
Figure 1: Change in population, London Borough of Havering 1993-2015



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

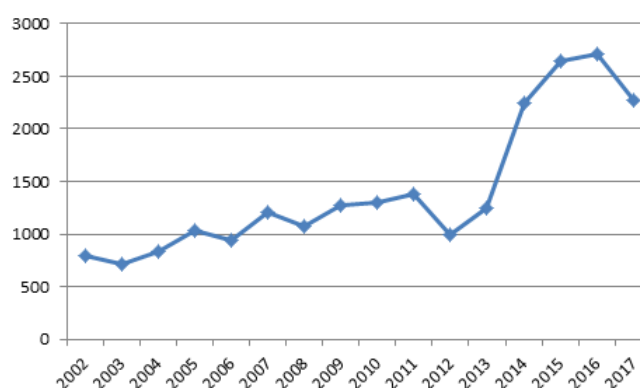
It is projected that the largest increases in population will occur in children (0-17 years) and older people age groups (65 years and above) up to 2033.

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.

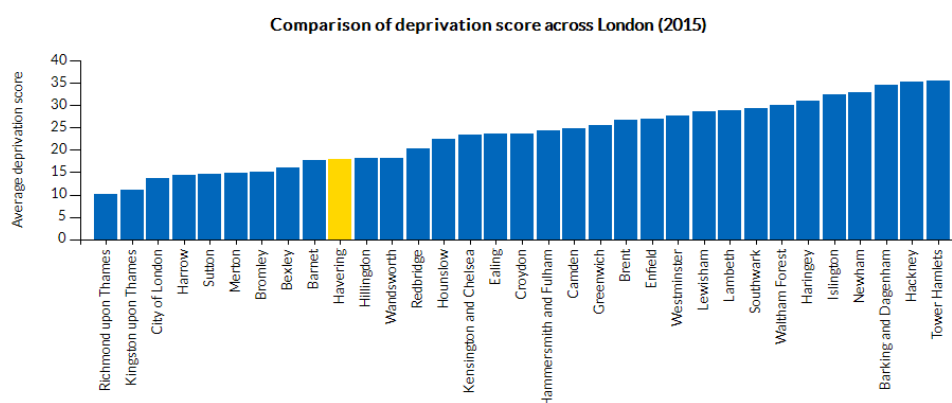
The majority of children in Havering are not poor, but around 8,800 live in income-deprived households. Gooshays and Heaton wards have the highest proportion of children living in poverty.

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

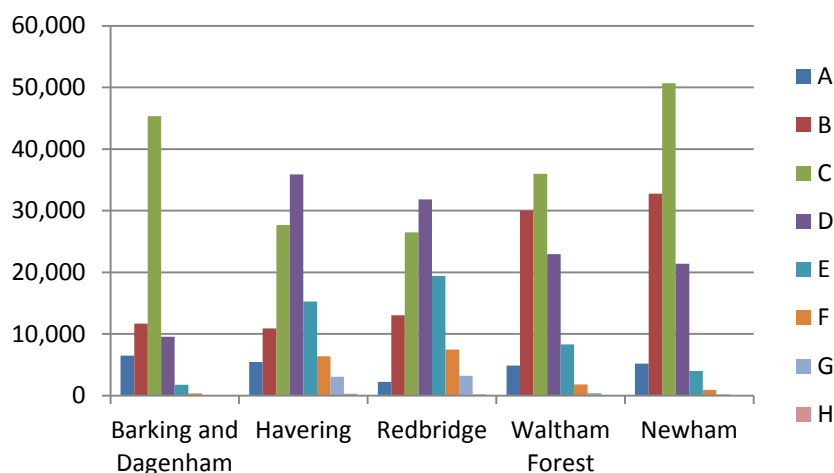


Source: DCLG, 2015

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.

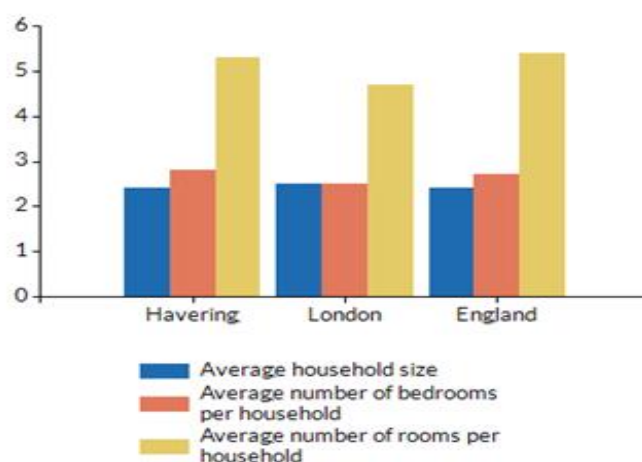
Figure 5: Council Tax Bands in Havering and neighbouring boroughs



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.

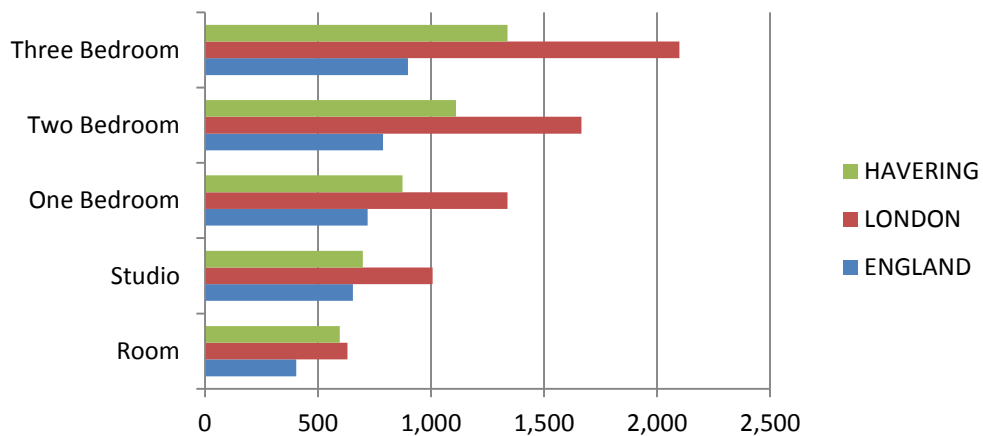
Figure 6: Household size and rooms Havering, London and England



Source: ONS 2011

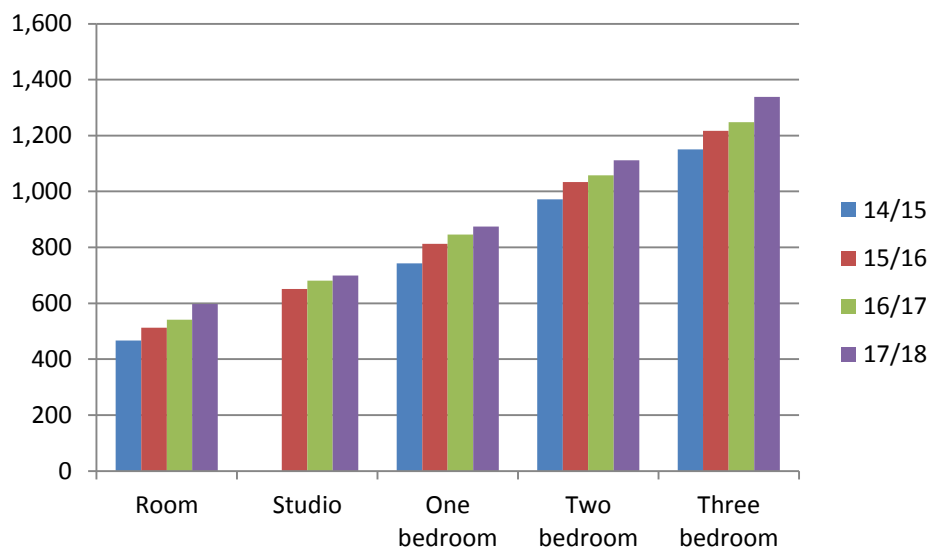
2.5 Rent levels

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

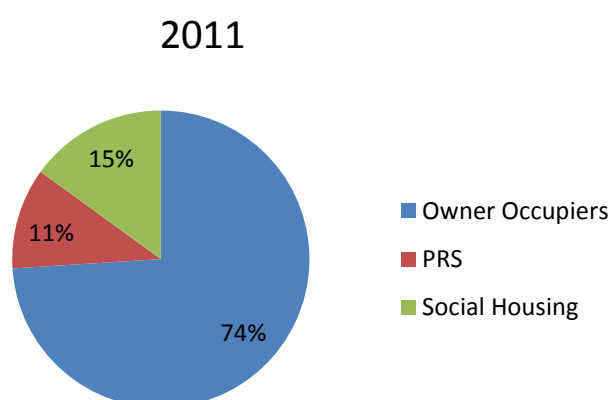
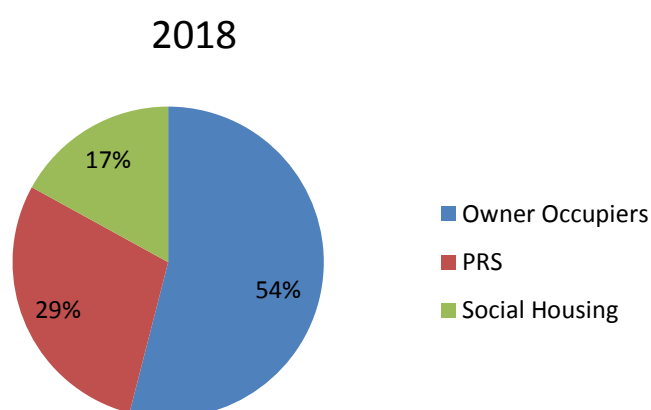
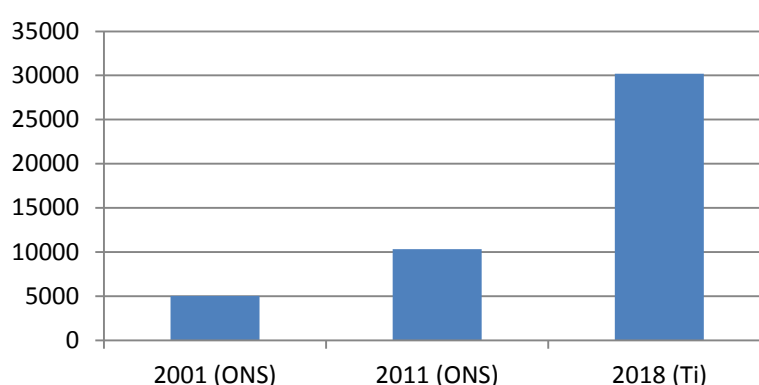


Chart 3: Modelled tenure profile 2018

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.

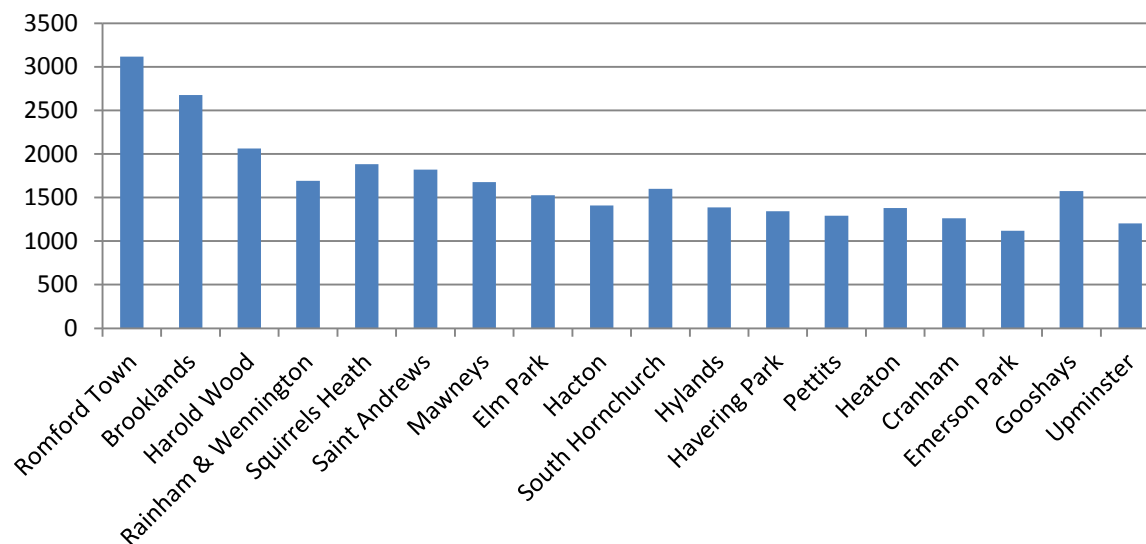
³ The profile of UK private landlords Scanlon K & Woodhead C CML research. LSE London. December 2017 www.cml.org.uk

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.

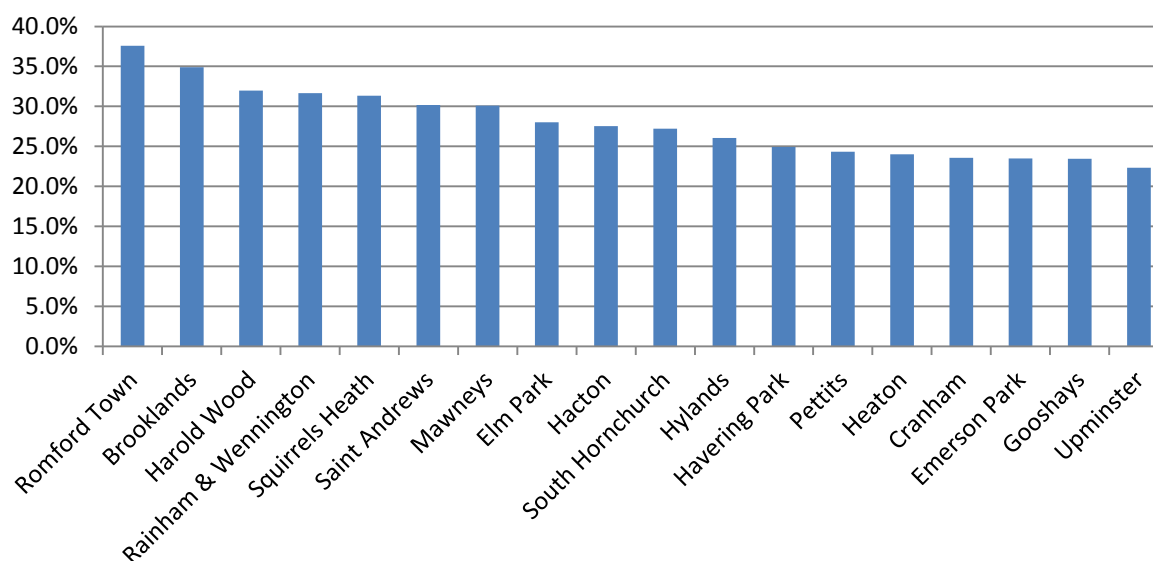
Figure 9 Number of PRS dwellings by each Havering ward



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.

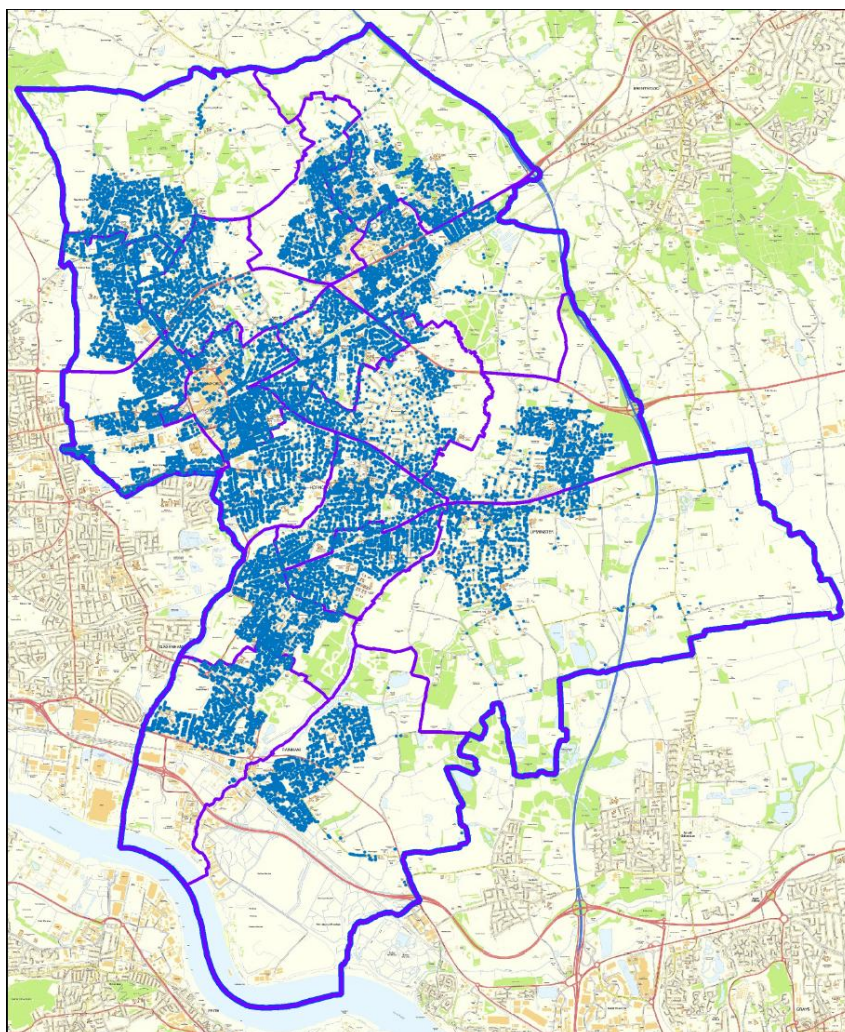
Table 1 – Percentage and number of PRS properties by ward

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

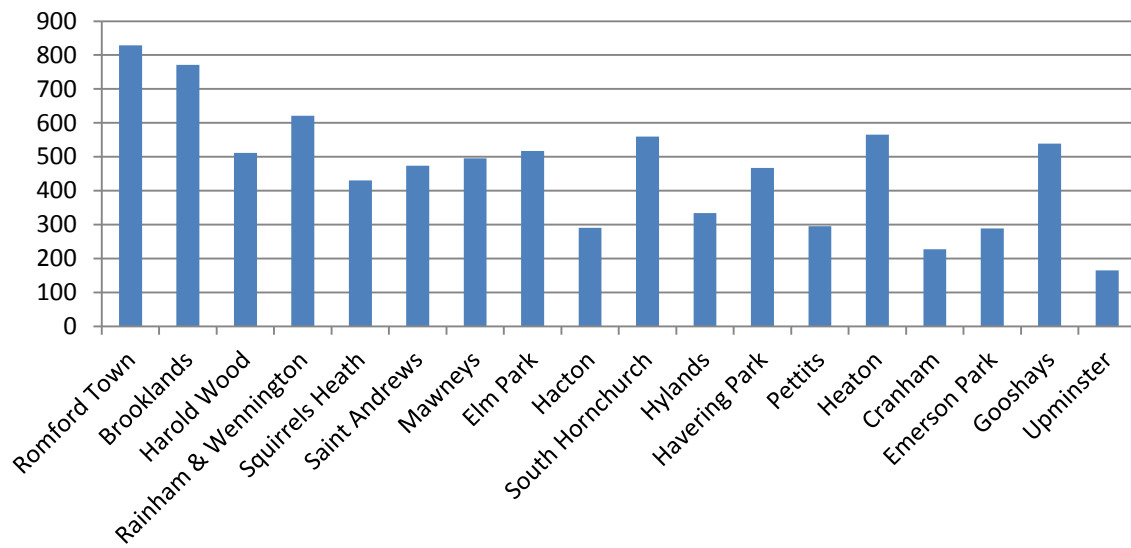
Map 2 PRS properties in Romford Town and Brooklands wards



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

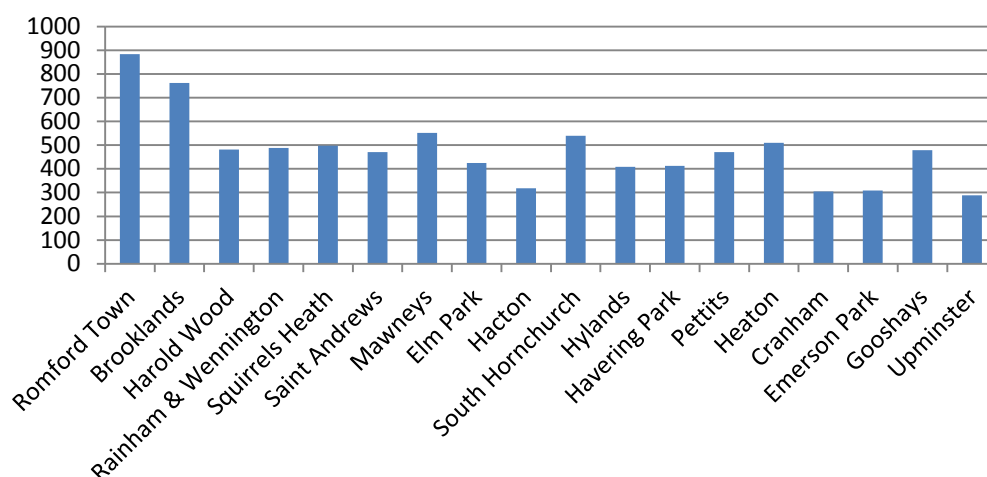


Source: Tf 2018

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.

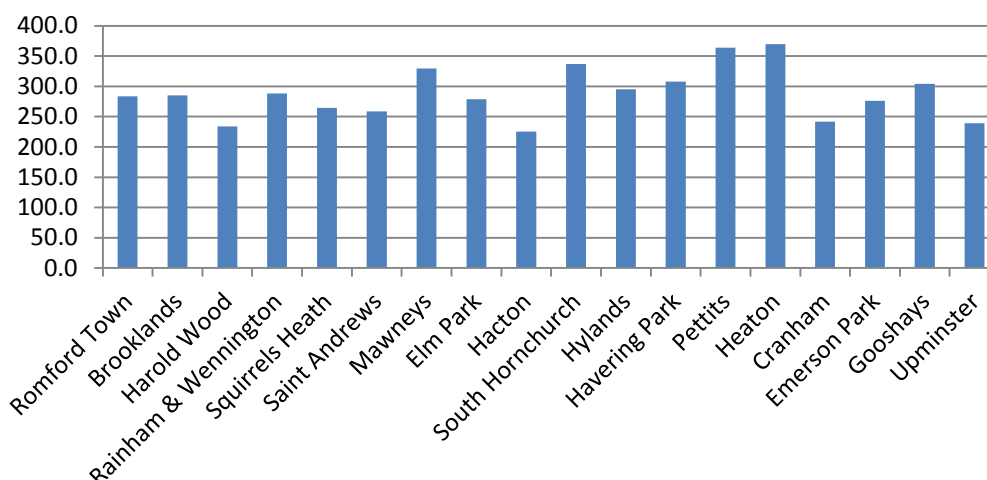
Figure 12 Number of ASB incidents linked to PRS 2013-18



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.

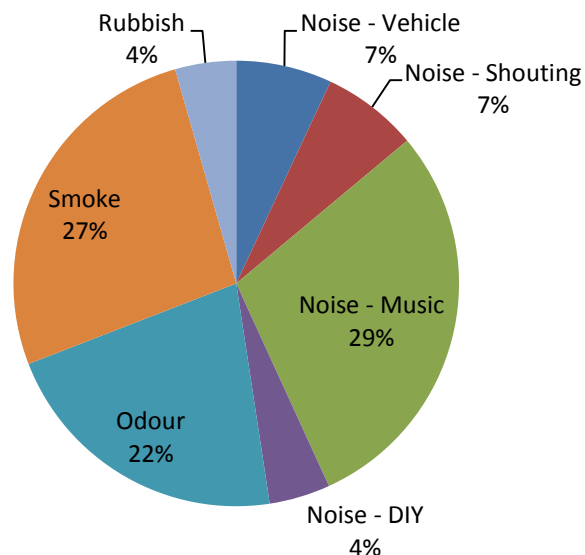
Figure 13 Incidents of ASB linked to PRS per 1000 properties 2013-18



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)

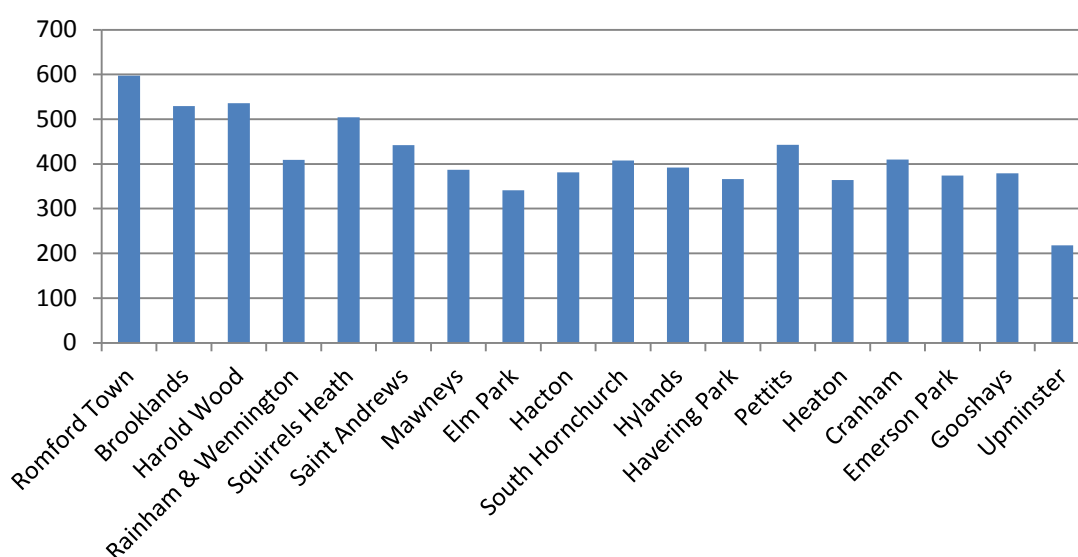
Property Age Profile	Havering (%)	England (%)
Pre 1900	1.7%	16.2%
1900-1918	3.5%	5.5%
1919-1929	3.9%	5.3%
1930-1939	34.1%	11.1%
1945-1954	15.8%	7.0%
1955-1964	14.3%	10.8%
1965-1972	7.9%	10.4%

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).

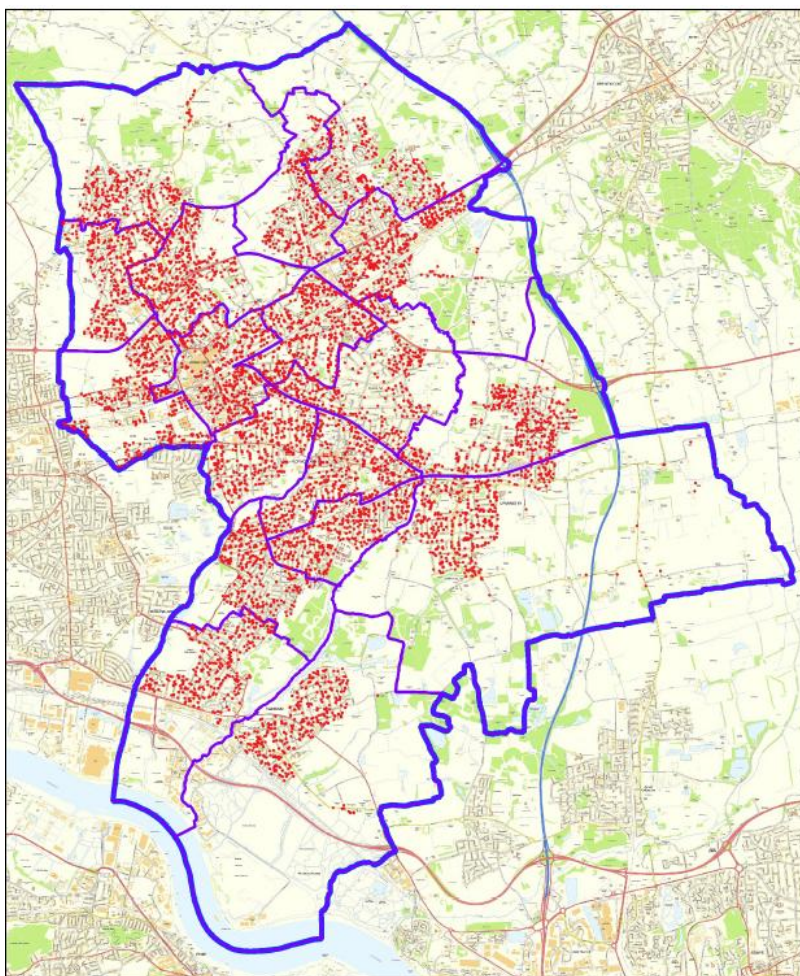
Figure 14 – Estimated number of Category 1 hazards by ward



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

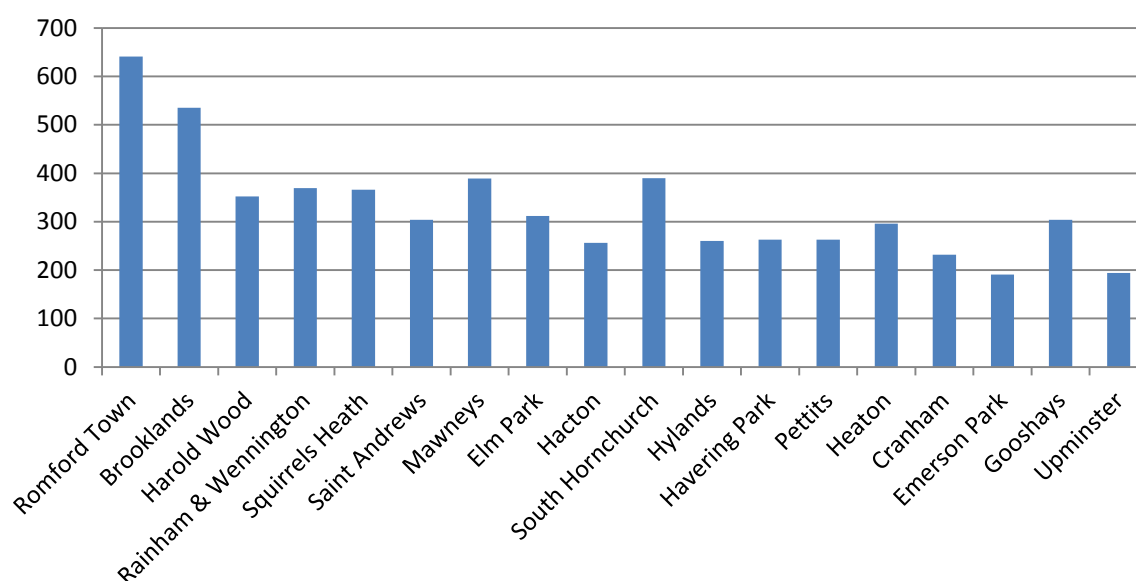


Source: Ti 2018

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.

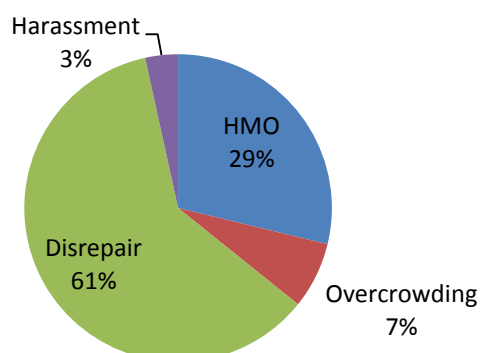
Fig 15: The number of councils PRS interventions by ward 2013-18



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

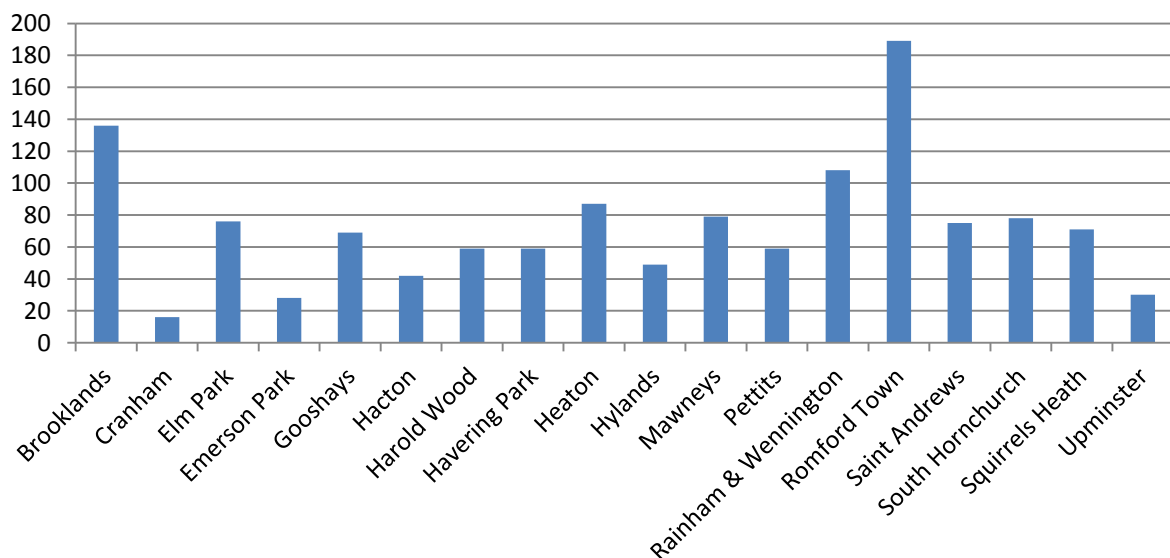
Ward	Number HMOs
Brooklands	136
Cranham	16
Elm Park	76
Emerson Park	28
Gooshays	69
Hacton	42
Harold Wood	59
Havering Park	59
Heaton	87
Hylands	49
Mawneys	79
Pettits	59
Rainham & Wennington	108
Romford Town	189
Saint Andrews	75
South Hornchurch	78
Squirrels Heath	71
Upminster	30

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

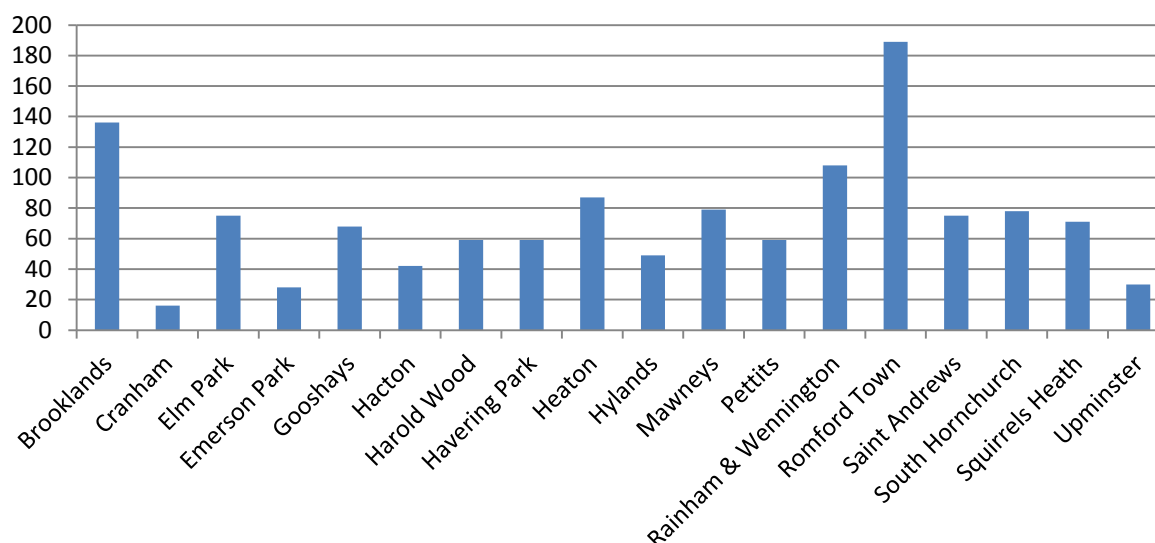


Source: Ti 2018

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



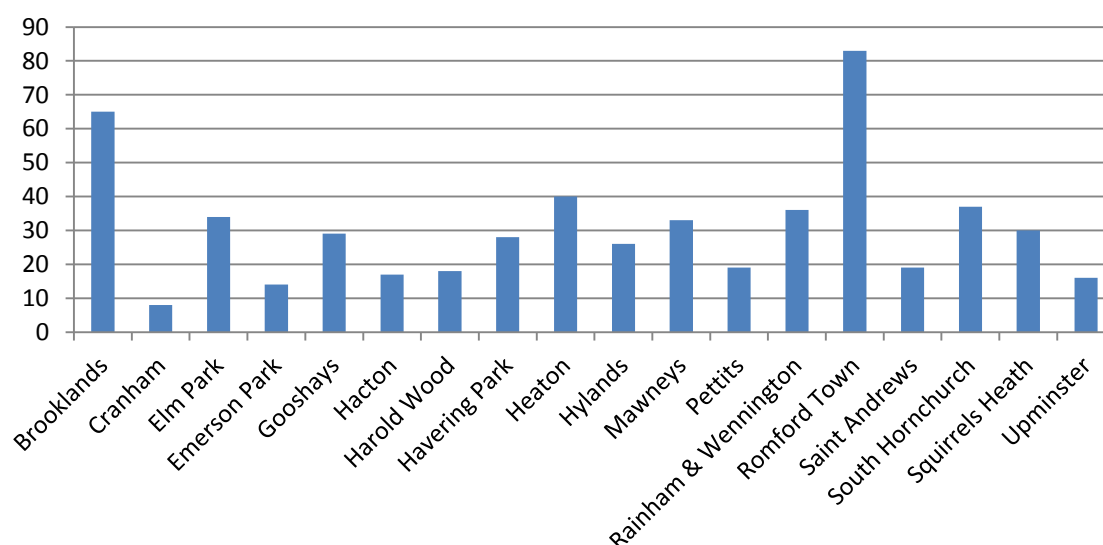
Source: Ti 2018

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

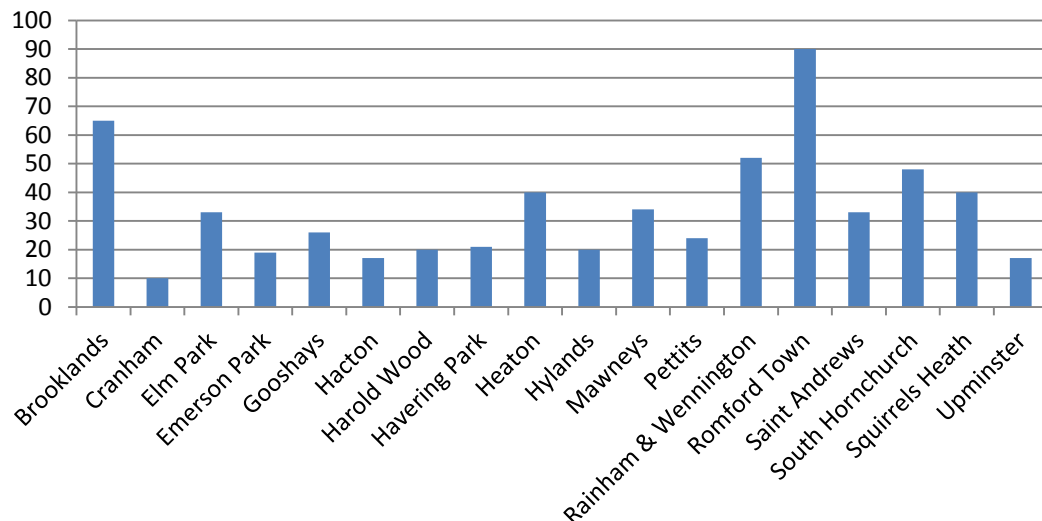


Source: Ti 2018

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.

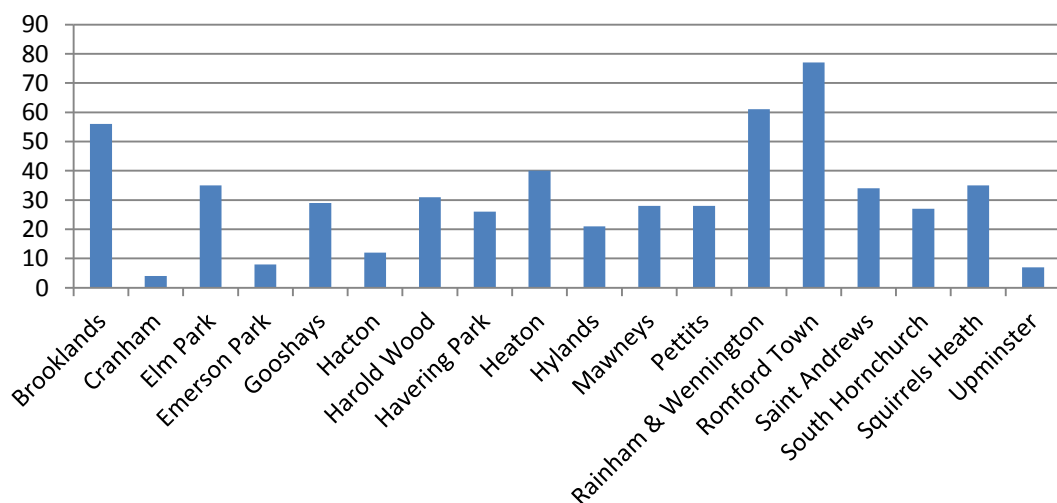
Figure 19: Council tax arrears in HMOs of more than £1000



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

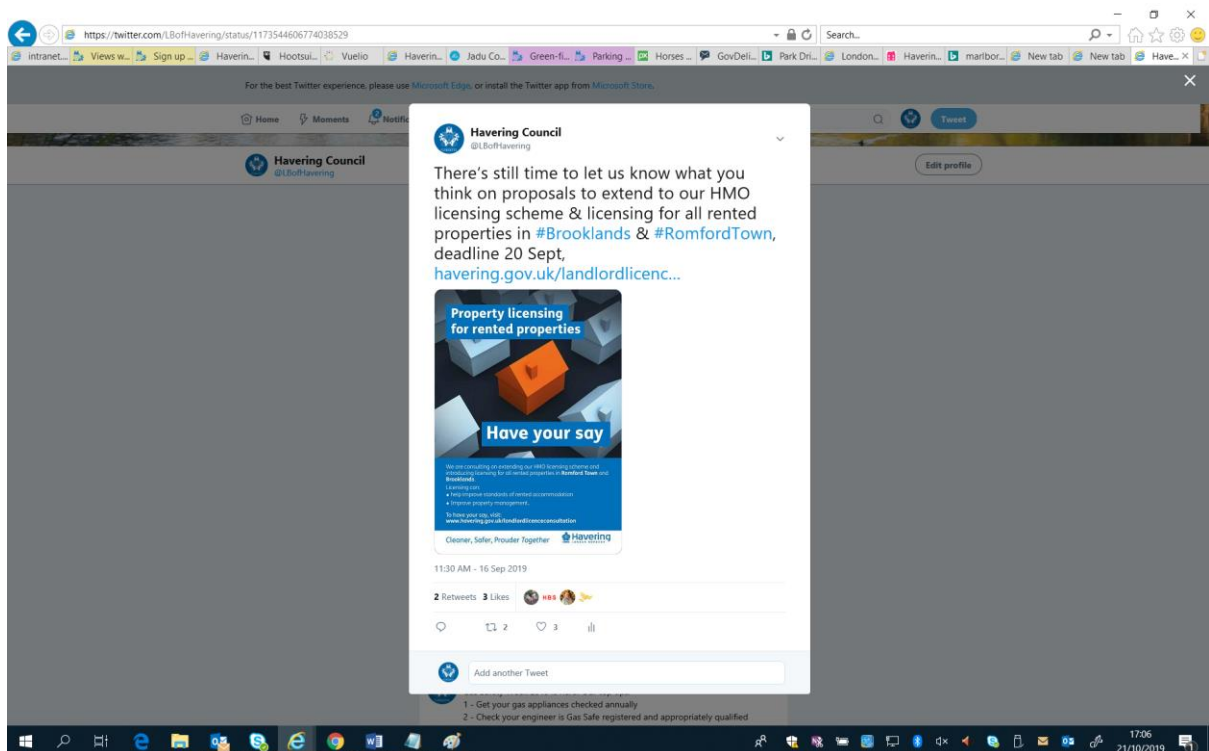
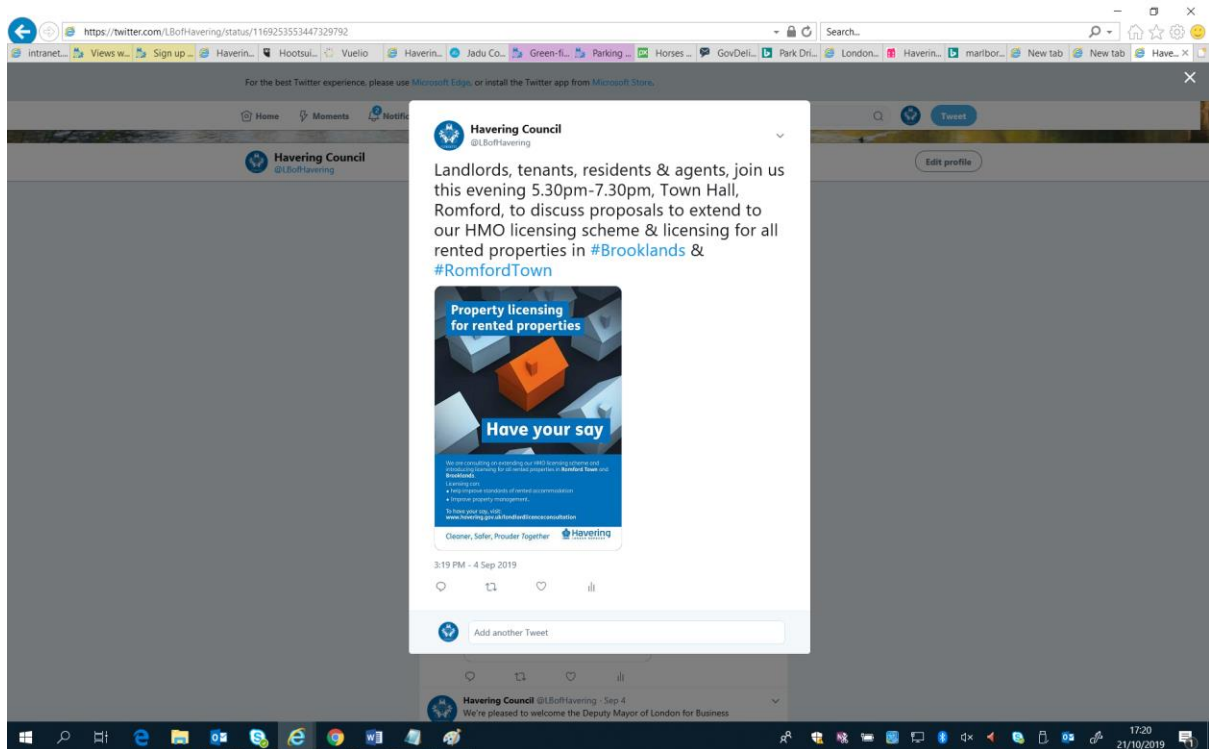
Hand-delivered flyers - 16,000 letters/flyers were hand delivered to every residential property in both Romford Town and Brooklands wards informing residents about the consultation and events.

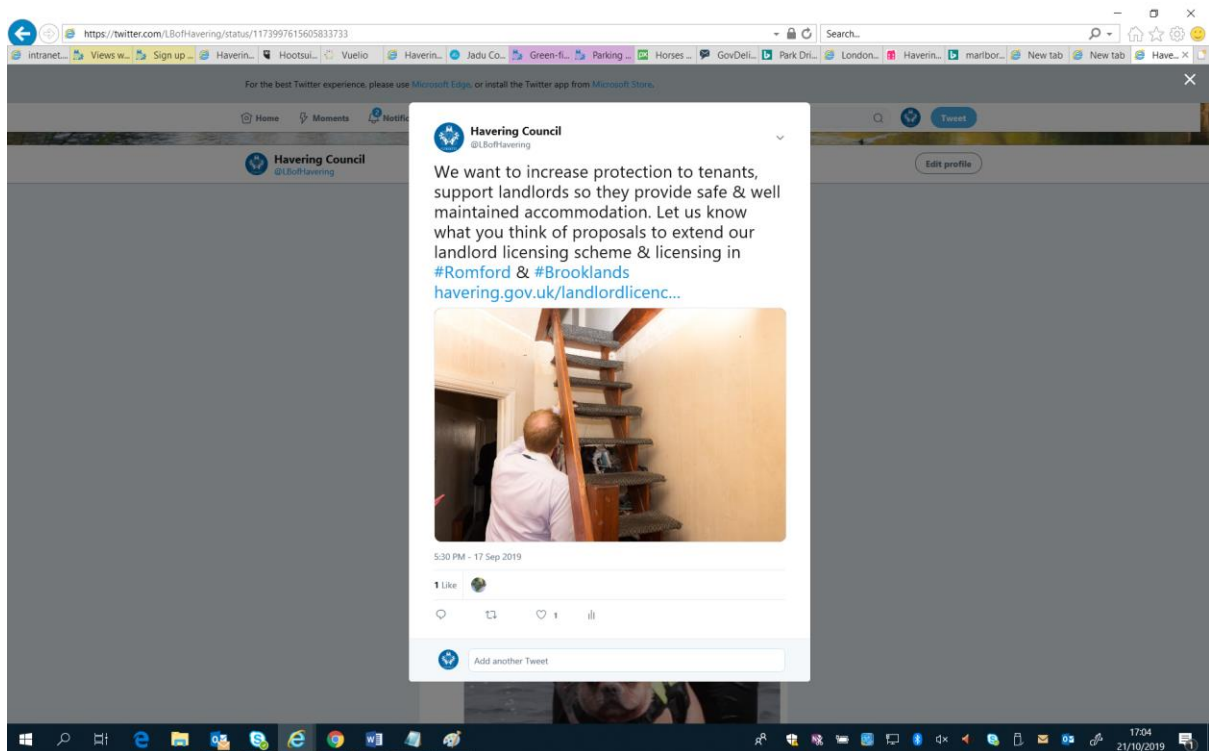
Email/letter notifications - were sent to solicitors, landlord associations, estate and letting agents, voluntary organisations, individual landlords (that the council had contact details for), property developers. Contact lists for estate and letting agents were put together from commercial listings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

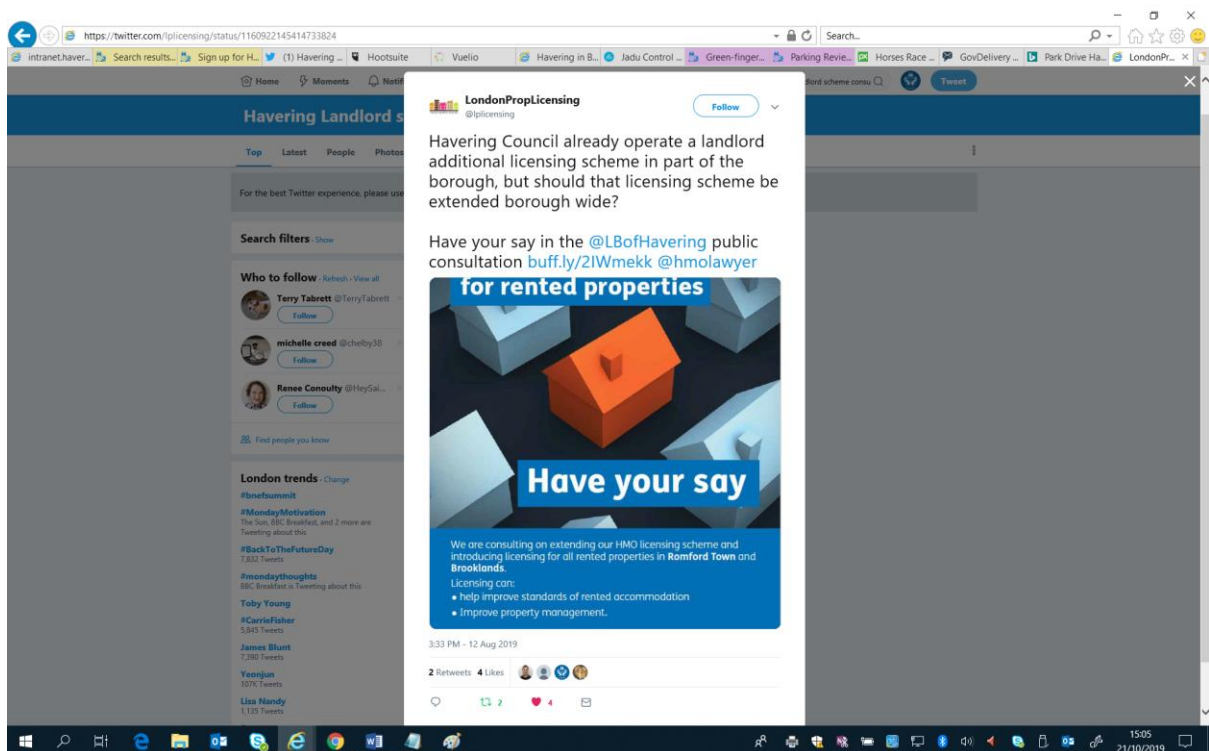
Social media - Posts were sent out daily during the duration of the consultation, including weekends and messaging was varied between promoting the consultation as a whole and promoting the events, targeting residents but also landlords, tenants, agents in the relevant areas.

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

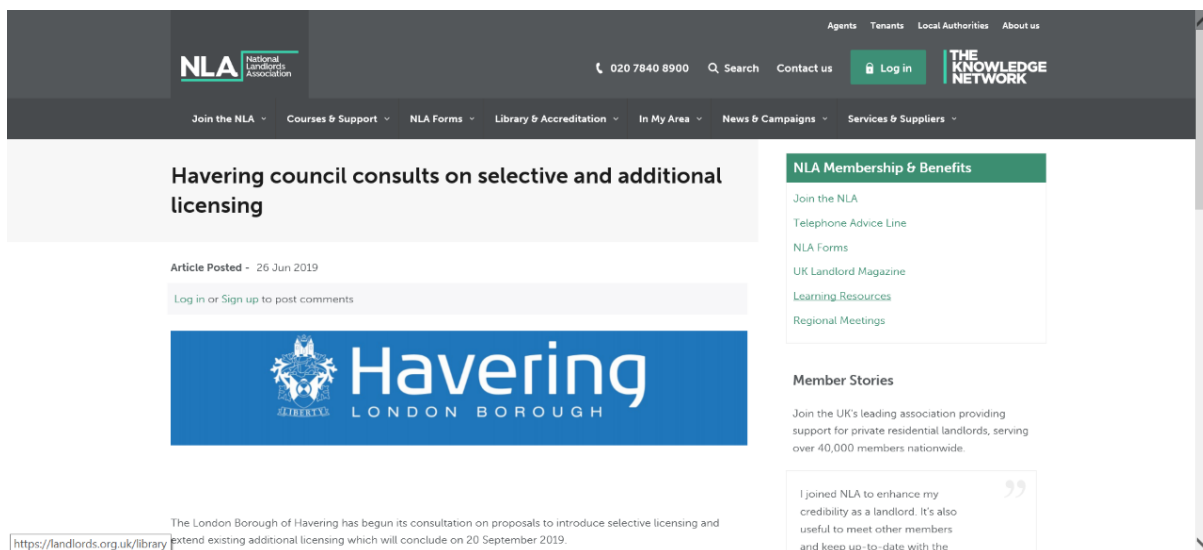
From June to September, promotion of the consultation was featured in the monthly newsletter on the work that goes on in public protection, community safety, police partnership working & enforcement. This resulted in promotion in four monthly newsletters overall. This is circulated to 6,567 people.

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**

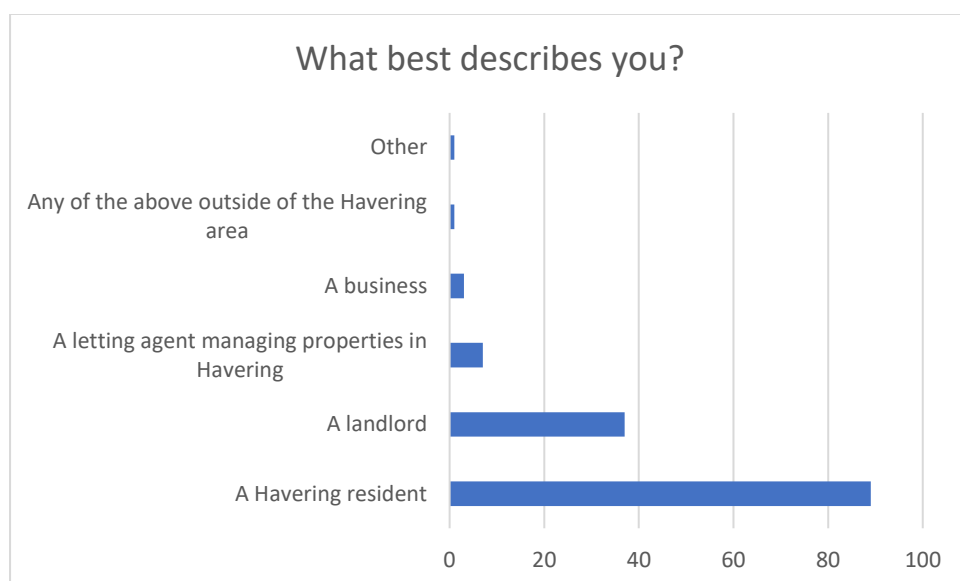


Figure 1: Tenure of the respondent e.g. tenant, owner occupier

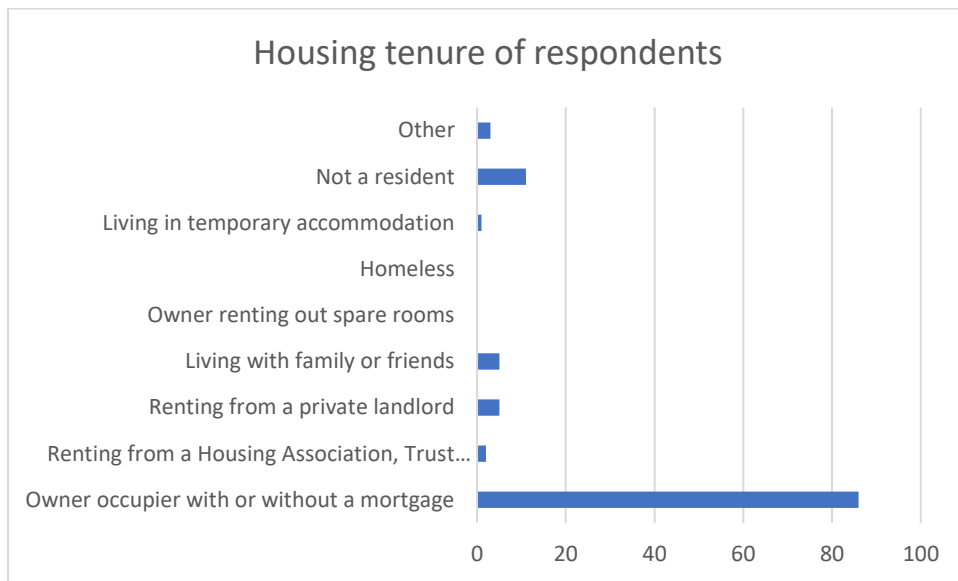


Figure 1 and 2 show the majority of respondents are owner occupiers, landlords are included in this group as some had already indicated they were local residents

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

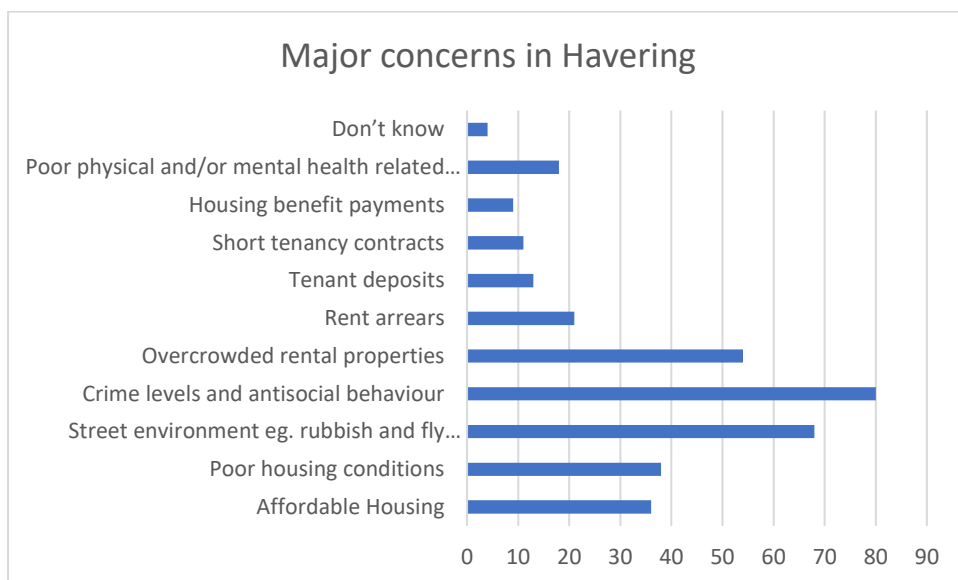


Figure 3:- More than one option could be chosen, the top three concerns identified from the housing related options were crime levels/anti-social behaviour, street environment and overcrowded rental properties. Followed by poor housing conditions and affordable housing.

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

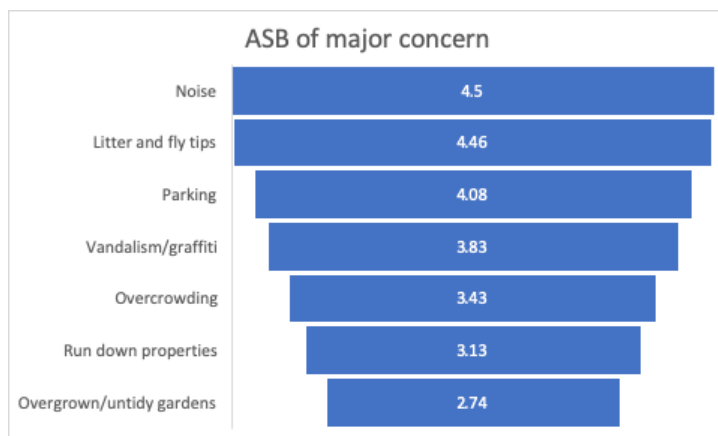


Figure 4 shows respondents' ranking of various types of antisocial behaviour. Noise, litter and fly tips received the highest ranking, followed by parking and vandalism. Five of the paper returns duplicated some of the rankings, however this has not affected the overall results

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

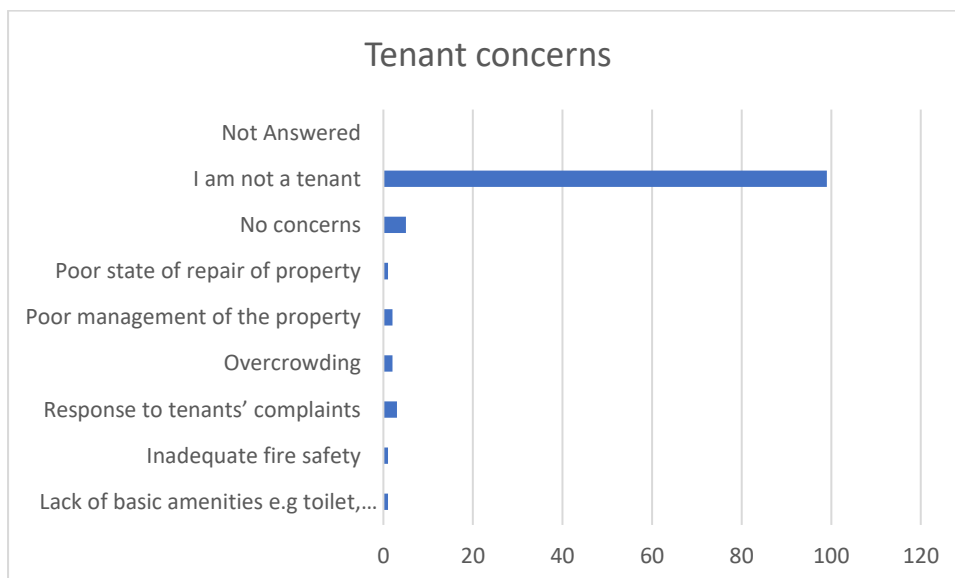
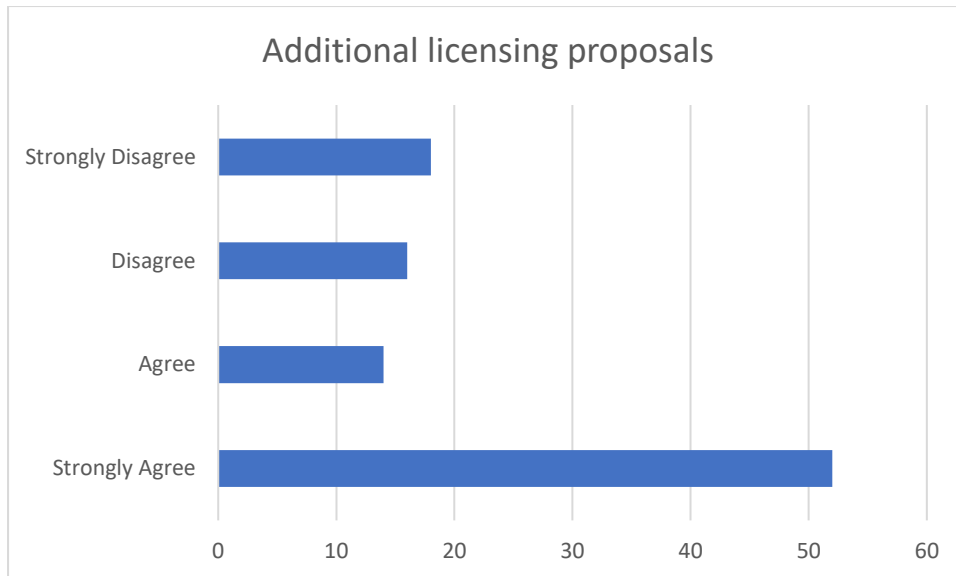


Figure 5 explores PRS tenant's key areas of concern. Unfortunately, this group was under-represented for the on-line questionnaire as can be seen by the results in figure 2, only 8 identified as tenants. 15 respondents answered this question so 7 of those responding had not identified as tenants earlier 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

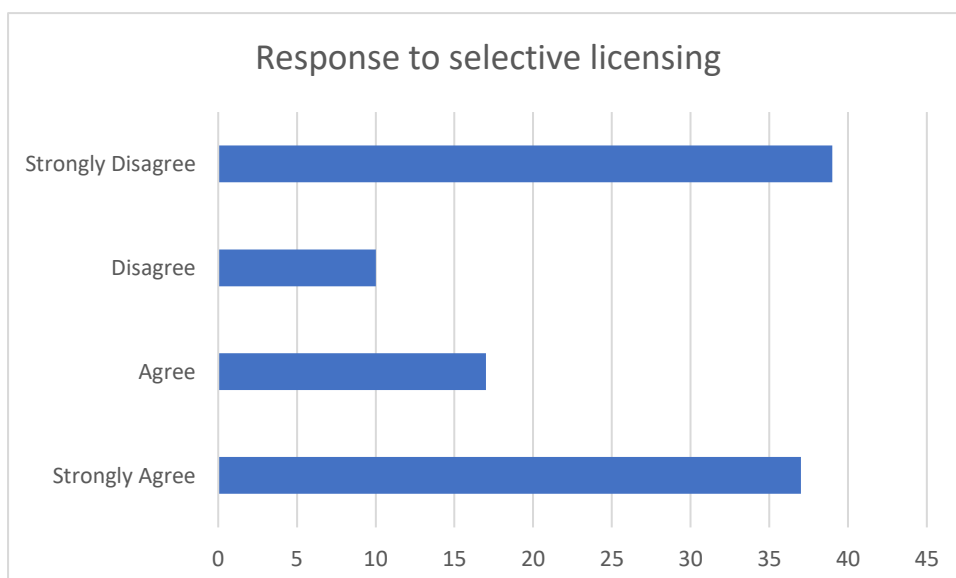


Figure 7 shows the opinions expressed for the selective licensing proposal are more evenly matched. By collating the agree/strongly agree and disagree/strongly disagree categories it can be seen that 52.5% agree and 47.5% disagree with the selective scheme proposal.

3.2.5 Fees

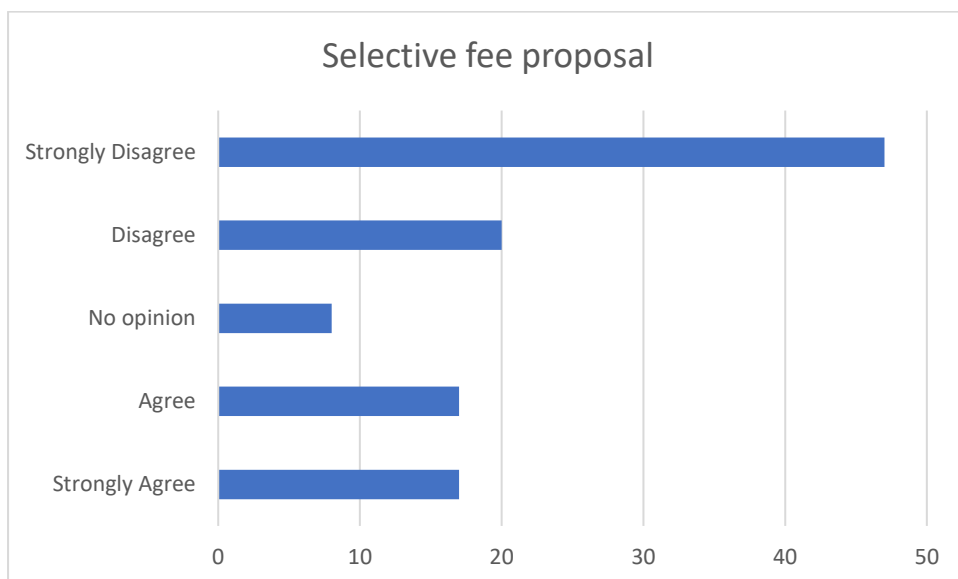
Figure 7: The proposed fee for an additional licence is £1250, do you think this is reasonable?



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

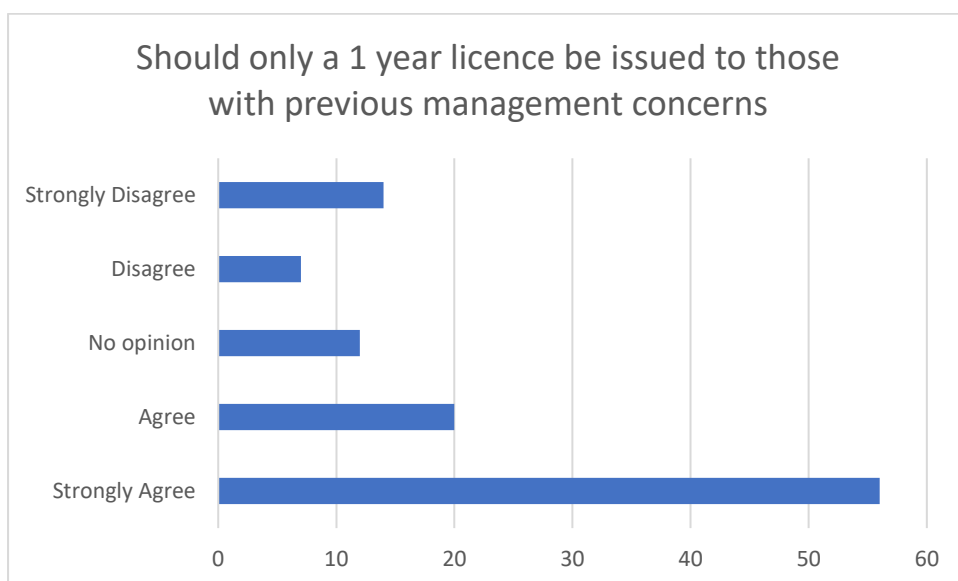


Figure 11 shows that there is strong support for this enforcement approach, 69%. This is policy is being applied in the current licensing schemes in Havering, the most common relate to breaches in management regulations and conditions.

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

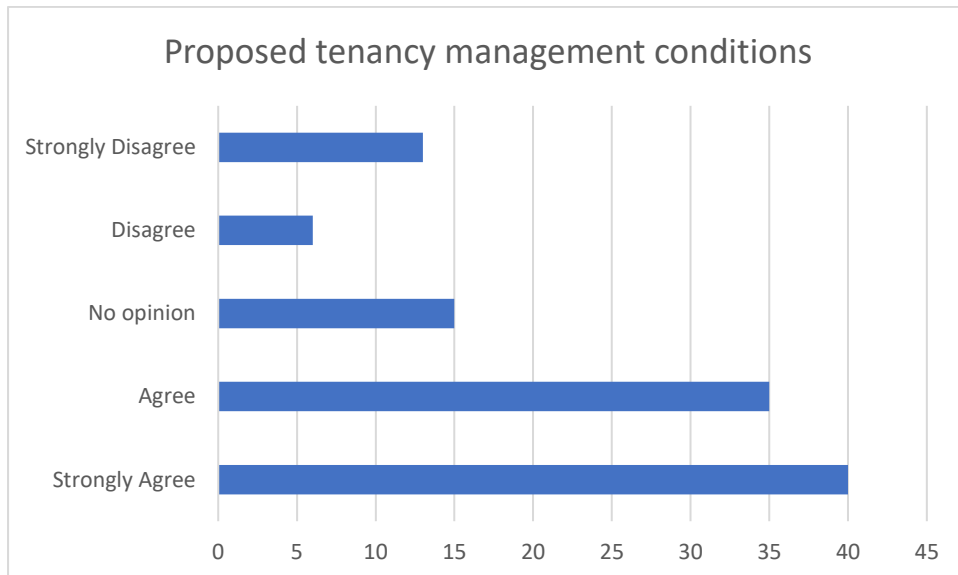


Figure 12 - There was a detailed list of tenancy conditions for the respondents to review, these conditions are proposed to be attached to the licence and require a landlord to adhere to them. There was strong support for these conditions 68.8%.

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

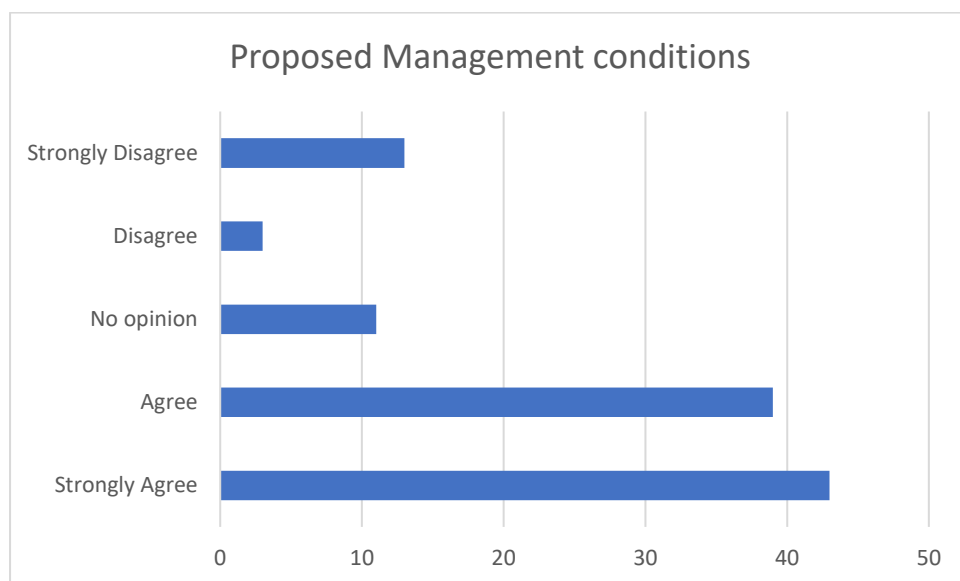


Figure 13 -There was a detailed list of management conditions for the respondents to review, these conditions are proposed to be attached to the licence and require a landlord to adhere to them. There was strong support for these conditions 75%.

[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 suggestions 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	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. 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.
	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	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
	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	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.
	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	The Council has looked again at s.257 HMOs as a result of this consultation feedback. -to review if these should be included -if so what definition to use 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. -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.			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: <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.
	2.5 d) where the licence holder must contact the tenant within 14 days of receiving a complaint about anti-social behaviour and 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.	Event feedback	Considered but rejected	There are practical considerations here, depending on where the landlord resides. (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.

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.

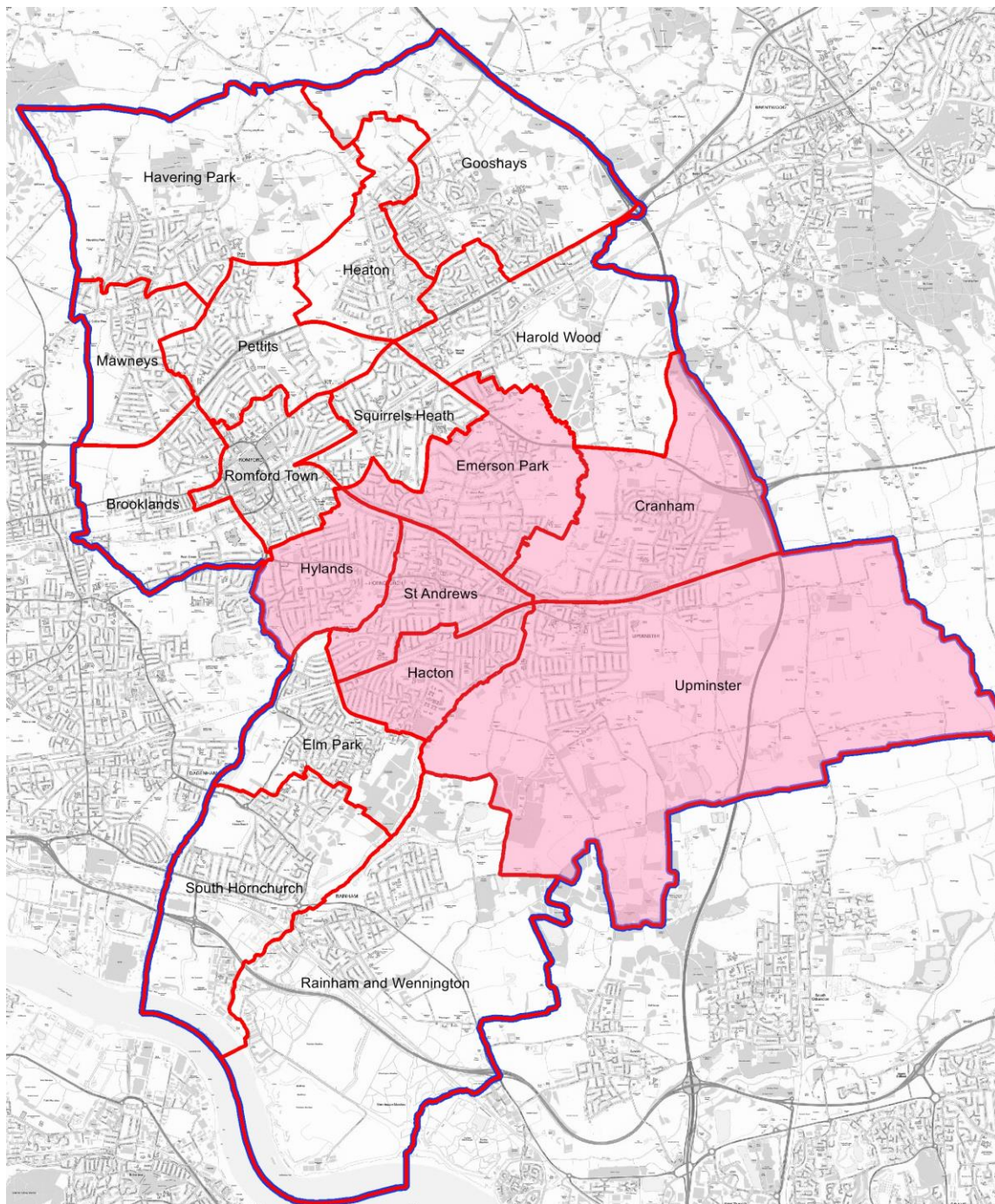
CITATION, COMMENCEMENT AND DURATION

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 24th June 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 12th October 2020 needs to be at least 90 days from date above and shall cease to have effect on. 11th October 2025 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: 24th June 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
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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.

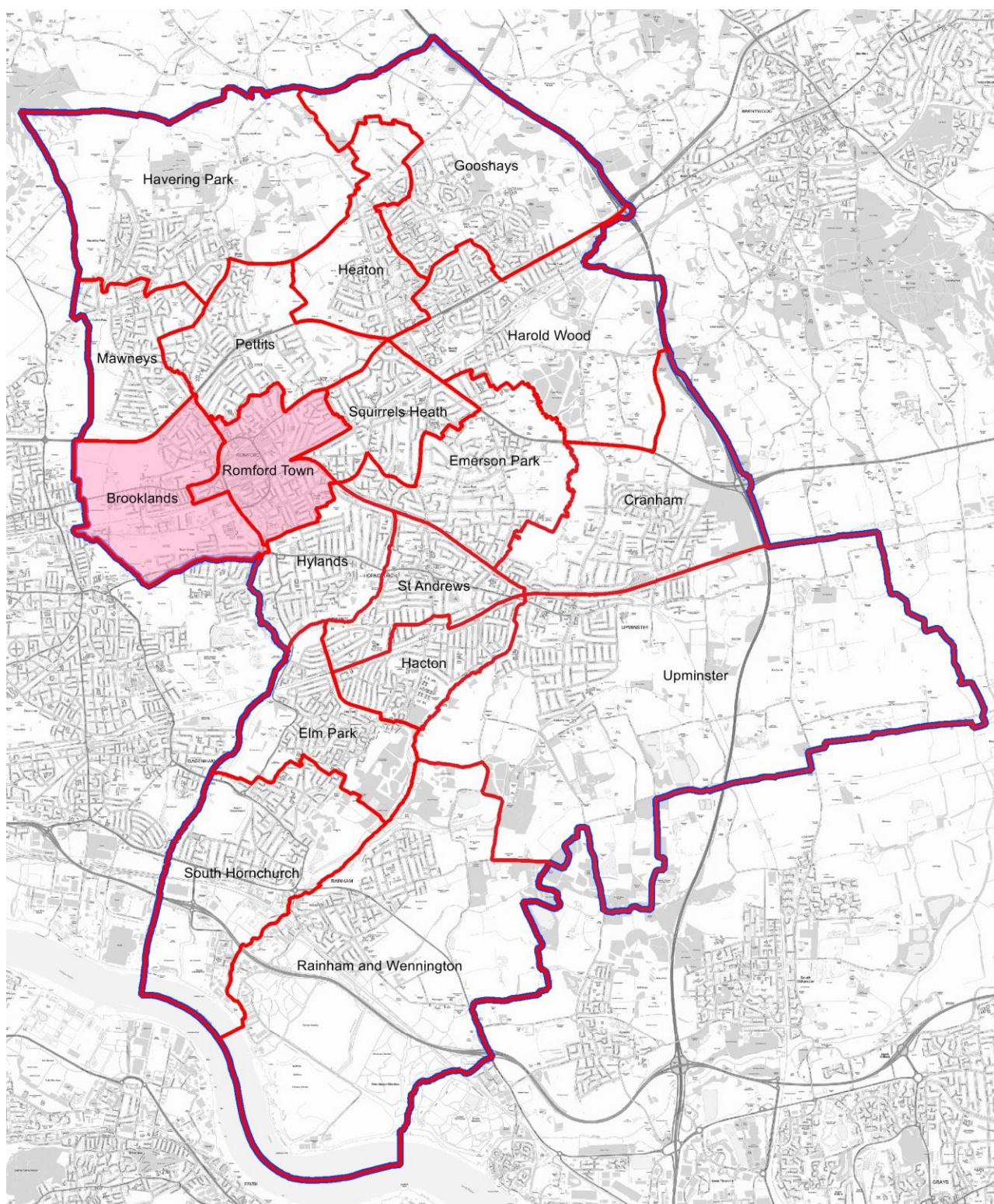
CITATION, COMMENCEMENT AND DURATION

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 24th June 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 24th June 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 12th October 2020 and shall cease to have effect on 11th October 2025.

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: 24th June 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

Licensing 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.

[There will be a table here showing number of occupants etc]

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@havering.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 licensing 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 per Letting

Letting	Location	Area (sqm)	Max permitted per room
Bedroom 1	G.front	14	2 persons
Bedroom 2	Ground rear	14	2 persons
Bedroom 3	Gfr round rear	6	1 child under 10 years old
Living room 1	Ground side	15	2 persons

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.

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 12th October 2020)	£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?

<p>Background/context:</p> <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*

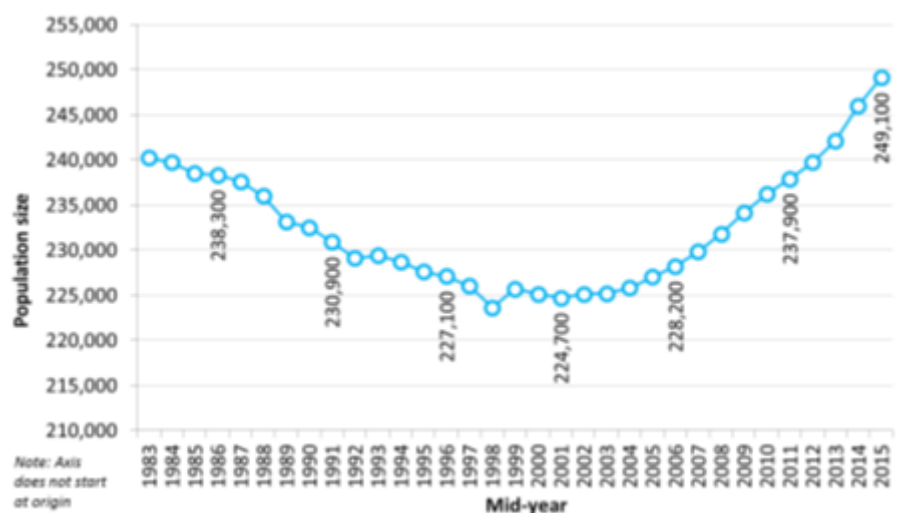
Who will be affected by the activity?	
<p>The extension of a property licensing scheme will impact on the following individuals/ groups :</p> <ul style="list-style-type: none"> • Landlords who operate any HMOs within the designated zones • Landlords who operate single household rentals in Romford Town 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>

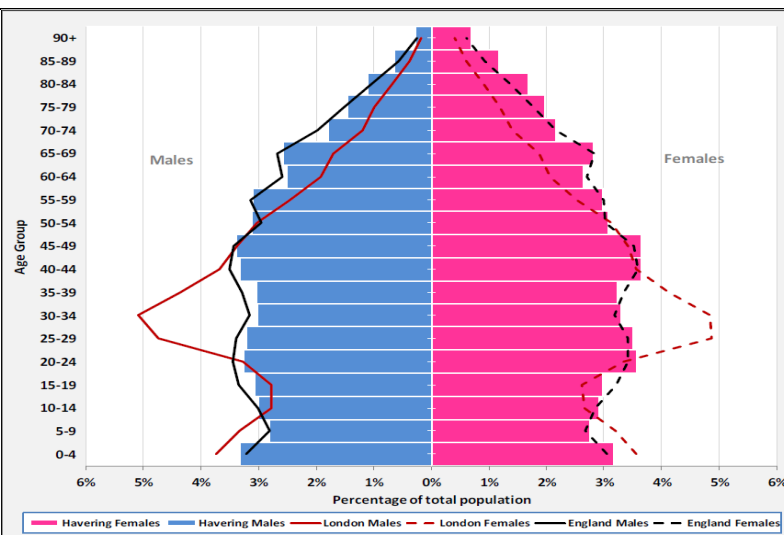
Positive	✓	<p>Houses in Multiple Occupation are more likely to be occupied by young people under the age of 35 as shared accommodation is often the only type of affordable accommodation available to benefit reliant tenants as a result of housing benefit caps for young people. Licensing proposals could 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:		Overall impact:
Positive	✓	<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>
Neutral		
Negative		

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

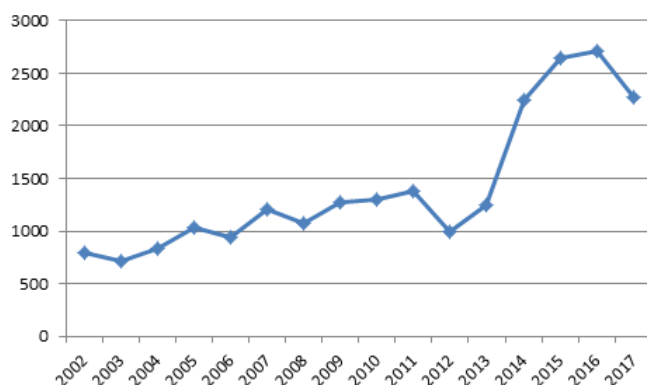
The PRS Landlord Licensing proposal applies equally to all landlords operating within the London Borough of Havering irrespective of ethnicity / race therefore this group will not be negatively affected. A range of measures will be implemented in order to support landlords to respond to reports of antisocial 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:		Overall impact:
Positive		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. 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.
Neutral	✓	
Negative		

**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"/>	

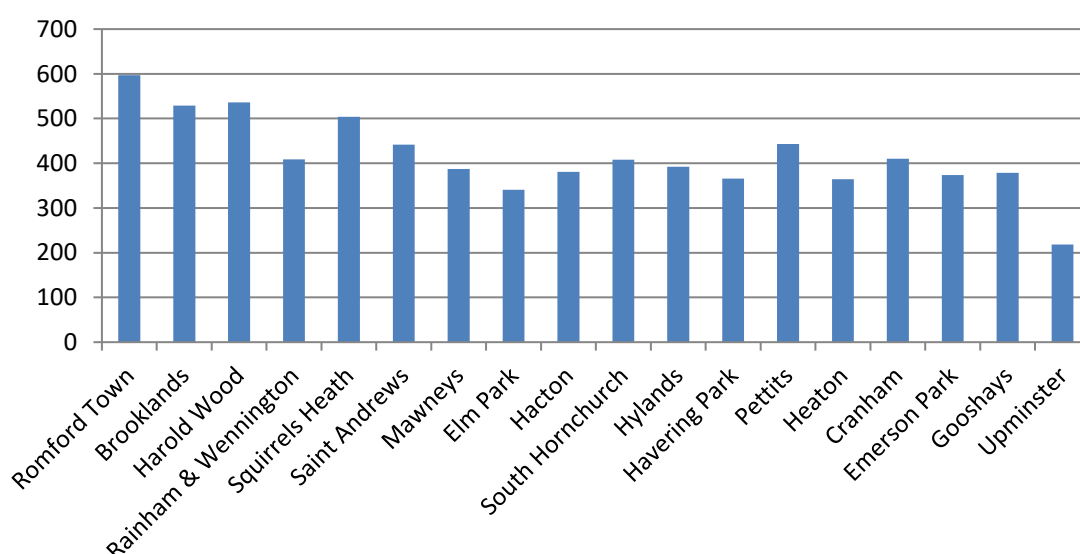
Neutral		Recent reports on licensing show that this is not the case. Landlords are price takers so rents are set at maximum in most cases.
Negative		<p>Investment continues to grow if yields and markets are good rather than from a licensing scheme.</p> <p>The areas of the borough with the highest concentration 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"/>	Economic Factors YES <input type="checkbox"/> NO <input type="checkbox"/>	Environmental 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	<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	<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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Appendix 9 Communications Plan

Background

A publication and communication statutory requirements is to be met after a designation is made.

Phase 1:

Cabinet Decision to designate

- report due to be submitted in 14th October 2020
- Communicate decision of cabinet – the shape of the scheme could vary depending on the results of the consultation

Phase2:

Implementation of new scheme

- There are statutory publication requirements (2 local papers, 6x adverts 2 weeks apart)
- Mailouts to specified people
- New scheme to be implemented from 25th January 2021
- Key message 'call to action' – get landlords to make licence applications
- Discount offered on selective – key messaging
- If you don't licence in time you could be fined or prosecuted

Objectives

Phase 1: Cabinet decision (if licensing is to proceed)

- To publicise and to communicate the cabinet decision additional and selective licensing
- Potential media/press release from cabinet meeting

Phase 2: Implementation of new property licensing scheme/s

- To meet legal publication requirements
- To communicate the new property licensing scheme/s to the target audiences
- To encourage landlords to make licensing applications
- To encourage landlords to take up discount
- To create key messaging for all the different audiences. Advise this is worked through with comms and service lead and signed off by lead member

Appendix 9 Communications Plan

Audience

Due to the statutory publication requirements all those likely to be affected should be targeted. Due to the scope of the campaign, the following stakeholders are:

- Landlords
- Private sector landlords
- Social housing registered providers (some may fall into licensing)
- Leaseholders
- Tenants
 - o Private sector tenants
 - o Social housing tenants
- Residents
- Lettings and estate agents in the region
- Businesses in the region
- Developers in the region
- Neighbouring boroughs (local councils)
- Members
- Local and neighbouring Borough media
- Local/National landlord association
- Trade press
- Council Staff (internal Communications) Has to be on the council website/Banner for home page

Implementation

- Landlords / Tenants / Letting Agents / Residents / Members/Staff –
 - o Local Media – public notices
 - o Council website
 - o Social Media – twitter and Facebook
 - o Local and regional media
 - o Local landlord forums
 - o Landlord trade press
 - o National landlord forum – NLA
 - o Business newsletter
 - o Posters and flyers at libraries and community centres
 - o Citizen Advice Bureau
 - o Members Briefing
 - o Flyer drop to local estate agents and letting agents in Borough
 - o Member surgeries

Appendix 9 Communications Plan

- Intranet

- **Local media**
Press Releases
- **Regional media**
Press Releases
- **Local councils (peers)**
Local and national media

Timings

Phase 1: Designation onwards to cover at least 90 days after cabinet report

Statutory requirements are set out in s.9 The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006, for details see Appendix 1.

S.9 also details what should be included in the public notice.

Description:

Within 7 days* put notices on public notice boards (photos of notice in situ and a record of putting these up should be recorded by an officer uploaded onto consultation folder and kept securely in case of legal challenge)

Within 7 days put up a notice on council web site

Within 7 days – *arrange* to publish designation in at least two local newspapers in the next edition. Advert to appear at least six times in each 2 weeks apart (due to lead in times for publication it is advisable to have a slot on hold and the notice agreed)

Within 2 weeks, mail out of designation outcome to be communicated to all required organisations/consultees (see list in Appendix 1)

Within 2 weeks Mail out to all those who responded to the consultation

* Councils decisions often do not become live until 7 days (call in) so the Council should decide how to interpret when the '7 days' starts from the date of decision or after the call-in period.

Appendix 9 Communications Plan

Phase 2: Implementing the new scheme: Objective to encourage applications

Description:	Description
Members briefing	
Council Magazine Advert	Editorial - what, why of the scheme
Council Magazine Advert	Half page advert through-out the discount period
Neighbourhoods (living)Newsletter	Throughout the scheme
Council Website	Update web page and book banner
Trade press	Press release to be issued Landlord and Letting Agent Today/NLA (UK Landlord)/ARLA
Landlord Forums	Service to inform landlords
External stakeholders	Email external stakeholders
Local Recorder x 2 Half Page	See legal requirement
Neighbouring Boroughs x3 recorders	To be agreed (non-statutory)
Marketing material	for campaign, Design Posters/leaflets and mailouts
Any additional mail outs	suggestion to include leaflet drop to all estate agents, letting agents in Romford and Brooklands estimated 5000 flyers
E- newsletters	to managing agents/estate agents/solicitors etc designed so they can e-mail onto clients
Contact all known landlords	post/e-mail etc
Social media	Twitter and Facebook campaign ('apply now' and 'report an unlicensed property')

Evaluation

There are two key factors which will determine the success of this project.

- Number of landlord applications
- Performance indicators that are set around communications within the project plan – tweets/retweets/click through

Legal advertising requirements

Publication requirements relating to designations under Part 2 or 3 of the Act

Appendix 9 Communications Plan

9.—(1) A local housing authority that is required under section 59(2) or 83(2) of the Act to publish a notice of a designation of an area for the purpose of Part 2 or 3 of the Act must do so in the manner prescribed by paragraph (2).

(2) Within 7 days after the date on which the designation was confirmed or made the local housing authority must —

(a) place the notice on a public notice board at one or more municipal buildings within the designated area, or if there are no such buildings within the designated area, at the closest of such buildings situated outside the designated area;

(b) publish the notice on the authority's internet site; and

(c) arrange for its publication in at least two local newspapers circulating in or around the designated area—

(i) in the next edition of those newspapers; and

(ii) five times in the editions of those newspapers following the edition in which it is first published, with the interval between each publication being no less than two weeks and no more than three weeks. **(6 weeks)**

(3) Within 2 weeks after the designation was confirmed or made the local housing authority must send a copy of the notice to—

(a) any person who responded to the consultation conducted by it under section 56(3) or 80(9) of the Act;

(b) any organisation which, to the reasonable knowledge of the authority—

(i) represents the interests of landlords or tenants within the designated area; or

(ii) represents managing agents, estate agents or letting agents within the designated area; and

(c) every organisation within the local housing authority area that the local housing authority knows or believes provides advice on landlord and tenant matters, including—

(i) law centres;

(ii) citizens' advice bureaux;

(iii) housing advice centres; and

(iv) homeless persons' units.

(4) In addition to the information referred to in section 59(2)(a), (b) and (c) or 83(2)(a), (b) and (c), the notice must contain the following information—

(a) a brief description of the designated area;

(b) the name, address, telephone number and e-mail address of—

(i) the local housing authority that made the designation;

(ii) the premises where the designation may be inspected; and

(iii) the premises where applications for licences and general advice may be obtained;

Appendix 9 Communications Plan

(c)a statement advising any landlord, person managing or tenant within the designated area to seek advice from the local housing authority on whether their property is affected by the designation; and

(d)a warning of the consequences of failing to licence a property that is required to be licensed, including the criminal sanctions.

Service Standards

The level of service you can expect to receive when applying for a property licence is as follows:

Applications

We will:

- Let you know within 5 days that we have received your application and fee as long as it is complete and valid.
- Acknowledge emails or telephone enquiries within 5 working days.
- Provide a full reply to any queries you have about your application within 10 working days.

We aim:

- To write to you within 21 days if your application is wrong, or if we need more information from you.

Licence Decisions- what we will do

We aim to tell you in writing whether we intend to grant or refuse a licence within 8 weeks of receiving your complete application and fee.

If you have not heard from us within 8 weeks, tacit (implied) consent will not apply. This means you do not automatically have a licence until we have approved your application and given you a licence.

If you have not heard from us within a reasonable period, contact us and we will reply within 10 working days. We will always aim to tell applicants of any delays.

A final licence will not be issued if any outstanding fee remains unpaid.

Refusing a Licence

If your licence application is unsuccessful we will write to you to tell you the reason(s) why a licence has been refused. We will then give you 21 days to ask questions, challenge our decision or make comments.

Granting a Licence

Where we plan to issue a licence, we will provide you with a draft copy of the proposed licence and give you a further 21 days (consultation period) to comment or ask questions.

We will reply to queries or representations regarding licence conditions within 10 working days.

If you do not comment on the draft proposed licence, we will send you a final licence within 21 days after the end of the consultation period, provided that the full licence fee has been paid.

Requesting a Variation or Revocation of a Licence

If you request for your licence to be varied or revoked, we aim to do this within 21 days. If we propose to vary your licence a further 21 day consultation period will also apply prior to issuing a final varied licence.

Applying for a Temporary Exemption Notice

If you make an application for a temporary exemption notice we aim to approve or refuse your application within 21 days or receipt.

Updating our Public Register of Licensed HMO's

We will aim to update and publish a revised public register of licensed HMO's every three months. This document will be available electronically via the Council's website.



Havering
LONDON BOROUGH

CABINET

Subject Heading:

Paid for parking charges and Havering Hero permit

Cabinet Member:

Councillor Osman Dervish

SLT Lead:

Barry Francis

Director of Neighbourhoods

Report Author and contact details:

Nicolina Cooper, Head of Highways Traffic and Parking

nicolina.cooper@havering.gov.uk

01708 431123

Policy context:

Parking Strategy and Parking Operational Plan

Financial summary:

For the year 20/21 there is a £0.317m financial pressure and £0.533m in 2021/22. The 20/21 pressure is to be funded from the Business Rates Reserve. Future year's pressures will be addressed through the MTFS.

Is this a Key Decision?

Yes. Significant effect on two or more Wards

When should this matter be reviewed?

Annually

Reviewing OSC:

Environment

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]

SUMMARY

On 23rd March 2020, a decision was made to re-prioritise the Council's parking enforcement operation in support of the Covid-19 pandemic. This report reviews this decision <https://democracy.havering.gov.uk/ieDecisionDetails.aspx?id=5621&LLL=0>

On 29th June 2020, a decision was made to resume full parking enforcement and charges in support of the post Covid-19 pandemic. This report reviews this decision <https://democracy.havering.gov.uk/ieDecisionDetails.aspx?id=5664&LLL=0>

The Council recognise the issues residents, businesses, visitors and key workers have faced and continue to face as a consequence of Covid-19 and wish to continue to support them.

RECOMMENDATIONS

It is recommended that the following measures are introduced permanently:

- a 20% discount will be offered for customers using Council Car Parks where payment is made only via the cashless service (the discount will not be applicable for payments made via pay and display machines);
- one hours free on street parking for all customers, applicable whether payment is made via the cashless service or via pay and display machines (the free parking allocation excludes Council Car Parks and all off street parking provision);
- Due to the continued threat posed by Covid-19 it is recommended that the Havering Hero's permit (permitting parking in residential bays and Council Car Parks for 3 hours) is extended until the end of January 2021, under the existing terms and conditions (Appendix B)
- That the Council's Enforcement Agents do not clamp and or remove vehicles until such time as deemed reasonable and dependent on the status of the Covid-19 pandemic. This will be monitored and agreed between the service and Lead member going forward

REPORT DETAIL

Due to the recent pandemic outbreak of Covid-19 across the world, measures continue to be taken by the Government which are being actioned by the London Borough of Havering to protect the community.

With the easing of the lockdown, the Council must review and consider the previous decisions made. Parking management is an important public service, which provides benefits to motorists and the wider community. Those benefits include reducing congestion, maintaining road safety, improving air quality, whilst helping to ensure access to goods and services. This is extremely important, particularly for certain key workers that we keep traffic moving to ensure essential services continue to be provided.

REASONS AND OPTIONS

Based on benchmarking with surrounding boroughs, the offer being recommended to continue by Havering exceeds those of surrounding boroughs.

Neighbouring Borough Comparison	Council managed Car Parks	Discount if using Cashless service	On-street Parking Offer (e.g. 1 hour free)	Other comments
Havering	Up to 30 minutes free in some car parks	20% discount applied when using cashless in Council Car Parks	1 hour free – either using P&D machine or cashless service	Havering Hero permit for key workers issued for free
Barking& Dagenham	Up to 30 minutes free in some Council car parks	None	Up to 30 minutes free - only when using cashless (RingGo)	Free parking permits for NHS and frontline workers until end of July.
Newham	None	No. Also offers pay point as an option to pay	None	Free parking will continue to be available for NHS staff and critical key workers via an application process.
Redbridge	None	None	1 hour free	Parking exemptions will remain in place for NHS, care, and emergency workers
Waltham Forest	None	None	Free in town centres in cashless bays only for 15 minutes	No info found
Brentwood	Up to 30 minutes free	None	None	The on-street activity is managed by South Essex Parking Partnership
Thurrock	None	No - but only accept payment at all P&D machines via card payment only	None	No charges for anyone able to evidence they are employed by the NHS

The table below sets out the comparison of cashless take up by device and the year on year comparison for August and September 2019 and 2020, respectively.

The data shows that the most used method for Cashless is the iPhone, followed by Android.

IN terms of take up, when compared to August and September 2019, the council has seen a significant increase in 1 hour stay across the borough of over 22,000. There are slight increases in the 2- and 3-hour stays, with a drop in 4-hour stay across the borough.

SESSIONS BY LENGTH YOY COMPARISON									
Volumes	2019			2020			Movement		
	On-Street	Off-Street	Total	On-Street	Off-Street	Total	On-Street	Off-Street	Total
1 hr	18,200	15,042	33,242	30,620	24,960	55,580	12,420	9,918	22,338
2 hr	7,978	7,842	15,820	6,202	11,611	17,813	-1,776	3,769	1,993
3 hr	4,086	3,558	7,644	3,611	4,480	8,091	-475	922	447
4+ hr	3,064	9,428	12,492	133	7,176	7,309	-2,931	-2,252	-5,183
Total	33,328	35,870	69,198	40,566	48,227	88,793	7,238	12,357	19,595

%s	2019			2020			Movement		
	On-Street	Off-Street	Total	On-Street	Off-Street	Total	On-Street	Off-Street	Total
1 hr	54.6%	41.9%	96.5%	75.5%	51.8%	127.2%	20.9%	9.8%	30.7%
2 hr	23.9%	21.9%	45.8%	15.3%	24.1%	39.4%	-8.6%	2.2%	-6.4%
3 hr	12.3%	9.9%	22.2%	8.9%	9.3%	18.2%	-3.4%	-0.6%	-4.0%
4+ hr	9.2%	26.3%	35.5%	0.3%	14.9%	15.2%	-8.9%	-11.4%	-20.3%
Total	100.0%	100.0%	200.0%	100.0%	100.0%	200.0%	0.0%	0.0%	0.0%

SESSIONS BY CHANNEL TYPE TO DATE		
Channel	Volumes	%
IVR	7,445	8.4%
Web	158	0.2%
iPhone	57,420	64.9%
Android	22,648	25.6%
BlackBerry	-	0.0%
Windows Phone	-	0.0%
SMS	30	0.0%
Machine Cash	-	0.0%
Retail Cash	-	0.0%
Mobile - Web	726	0.8%
Total	88,427	100.0%

Appendix A (attached to this report) demonstrates the analysis undertaken to establish and track the numbers of transactions so far in 2020/21 in comparison to 2019/20 for both on street and in Council car parks. It is of course difficult to directly compare data given the Covid-19 impact and because charges only resumed from 3rd August 2020.

The average uptake of customers using car parks and benefitting from the 20% discount when paying via cashless this year (3rd August to 14th September) is, on average 34% of all transactions. It would therefore appear to be an improved offer to the customer with an upward trend over a much shorter period when compared with 2019/20 which was 28%.

Almost half of the total number of on-street transactions so far this year have been made using the cashless facility. With 45% of all on-street transactions utilising the 1-hour free parking period compared to 26% in 2019/20 when 30 minutes free was offered.

Reasons for the decision:

The Council want to continue and support those measures introduced from 3rd August. It includes a discount when using Council Car Parks and paying using the cashless facility in addition providing one hour of free parking at on-street parking locations.

Other options considered:

To remove the one-hour free parking, the 20% discount and Havering Hero's permit. This option was not feasible as it would undo all the support the council has provided to the community and would not assist in the recovery from Covid 19.

IMPLICATIONS AND RISKS

Financial implications and risks:

The financial risk to the Council so far this year is significant due to the impact of Covid-19 reduction in enforcement, pay and display and permit activity and income across the borough.

There has already been a significant impact on revenue ordinarily achieved through the Parking account which will continue to be monitored and tracked going forward.

The estimated costs to continue to provide the 20% discount in Council car parks when using the cashless service and offering a 1 hour free in all on-street parking bays are noted below;

Between April to July no paid for parking charges were in place due to Covid.

The table below sets out the estimated costs to the council, with the exception of August, which uses actual costs. The ongoing annual costs are also set out in the table.

All assumptions are based on actual transactions and income from 2019/20.

	20% costs	1-hour costs	Totals
August to October 2020/21	£ 37,000	£ 95,000	£ 132,000
November to March 2020/21	£ 60,000	£ 125,000	£ 185,000
April – March 2021/22	£ 245,000	£ 288,000	£ 533,000

Enforcement of overstay in both on and off-street parking bays in 2019/20 and August to September 2020/21

Financial Year	On Street	Off Street
2019/20	£45,754	£56,689
2020/21	£1,200	£1,360

The Council have issued 500 Havering Hero permits between the periods of July to September 2020 at zero cost to the applicant.

In order to fund the changes recommended within this report, the Council will utilise the Business Rates Reserve fund for 20/21. However future years will be a financial pressure to the service and will need to be considered within the MTFs.

Legal implications and risks:

The Council has had to significantly change the way it undertakes business as usual as an urgent and evolving response to impact arising from Covid 19. All authorities throughout the country have had to rapidly adapt the way they manage services including having to prioritise some over others. The Council is mindful of those adjustments including those detailed by London Councils in their guidance dated 22nd March 2020. This paper dealt with how the reprioritisation was to impact the Council's parking arrangements including enforcement.

The Road Traffic Regulation Act 1984 (RTRA 1984), places a duty on the Council to secure the expeditious, convenient, and safe movement of vehicular and other traffic (including pedestrians), and to provide suitable and adequate parking facilities on and off the highway. Parking controls and enforcement are covered under various legislation and guidance including Greater London (Powers) Act 1974, Road Traffic Regulation Act 1984, London Local Authorities Acts 1996 and 2003. The Council intends to continue with activities where they are a necessity and manage its usual duties but in a more responsive way to deal with the crisis at this present time.

It is anticipated that as a consequence of reducing the enforcement activity there would be an impact on the collection of monies which are usually used to maintain the service provision including upkeep of the highways etc. Under s55 RTRA 1984 separate accounts are required to be maintained for each of parking, bus lane and moving traffic contraventions. Any surpluses generated can only be applied to specified purposes including further parking provision, highway improvement and maintenance and public transport support.

Human Resources implications and risks:

Given the Coronavirus outbreak, the paramount consideration of the Council continues to be the health and wellbeing of Members, officers, residents, businesses and visitors. There are no HR implications or risks arising directly as a result of this decision.

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.

An EQHIA has not been carried out as these changes will affect all members of the public including those with disabilities or those with additional needs but assurance is given that Disabled persons will not be disadvantaged.

Health and Wellbeing implications and Risks

Traffic and parking management is a key element in response to Covid-19, ensuring key workers have access to parking helps assist residents and businesses. Furthermore, traffic and parking management is critical to keeping vehicle movement thus allowing emergency services space to travel. The council has a statutory duty to keep traffic moving and this must be adhered to.

Current national guidance around transport during the COVID-19 pandemic is to walk and cycle to help support road networks and public transport. However, for some residents this will prove more

challenging therefore providing discounted parking facilities provides people the opportunity to move around the borough safely. With the continued easing of lockdown and the encouragement of returning to school and work place, we need to ensure that businesses can operate and residents are able to park.

To help prevent the onward spread of COVID19, the council is promoting contactless payments. For those who choose to use pay and display, the council is regularly cleaning the pay and display machines to prevent spread. The council is consistently sharing national messaging around Hands, Face and Space to remind people to wash their hands regularly to prevent infection.

BACKGROUND PAPERS

On 23rd March 2020, a decision was made to re-prioritise our parking enforcement operation in support of the Covid-19 pandemic. This report reviews this decision
<https://democracy.havering.gov.uk/ieDecisionDetails.aspx?id=5621&LLL=0>

On 29th June 2020, a decision was made to resume full parking enforcement and charges in support of the post Covid-19 pandemic. This report reviews this decision
<https://democracy.havering.gov.uk/ieDecisionDetails.aspx?id=5664&LLL=0>

OTHER ITEMS

Appendix A – On and Off Street Analysis including Cashless (2019/20 and 2020/21)

Appendix B – Havering Hero Terms & Conditions

Appendix C – Town Centre footfall

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Appendix A

		2019/20								2020/21								
Town Centre	Car Park name	Cashless No.	P&D No.	Total all	% P&D	% cashless	30 mins free No.	% of 30min No. against all	% 30 min against all by Ward	Cashless No.	P&D No.	Total all	% P&D	% cashless	30 mins free No	1hr Free No.	% 1hr free against all	% 1hr discount No. against all by Ward
Ardleigh Green	Ardleigh Green Road	2,192	13,483	15,675	86.02%	13.98%	11,201	71.46%	68.71%	535	1,094	1,629	67.16%	32.84%	N/A	1,054	64.7%	72.95%
	Helen Road	1,263	6,539	7,802	83.81%	16.19%	5,146	65.96%		138	740	878	84.28%	15.72%	N/A	713	81.2%	
Collier Row	Carter Drive	198	-	198	0.00%	100.00%	-	0.00%	21.93%	232	-	232	0.00%	100.00%	N/A	-	0.0%	59.64%
	Clockhouse Lane	2,449	1,891	4,340	43.57%	56.43%	1,534	35.35%		149	95	244	38.93%	61.07%	N/A	88	36.1%	
	Hampden Road	3,663	16,554	20,217	81.88%	18.12%	13,722	67.87%		279	1,962	2,241	87.55%	12.45%	N/A	1,799	80.3%	
	Collier Row Road	1,120	61,525	62,645	98.21%	1.79%	4,033	6.44%		192	4,460	4,652	95.87%	4.13%	N/A	4,183	89.9%	
	Collier Row Lane	-	4,856	4,856	100.00%	0.00%	-	0.00%		-	384	384	100.00%	0.00%	N/A	353	91.9%	
Elm Park	Elm Park Broadway	6,890	-	6,890	0.00%	100.00%	-	0.00%	55.34%	361	-	361	0.00%	100.00%	N/A	-	0.0%	50.23%
	Elm Park Diban Avenue	1,133	2,230	3,363	66.31%	33.69%	1,536	45.67%		385	-	385	0.00%	100.00%	N/A	-	0.0%	
	St Nicholas Avenue	2,057	24,518	26,575	92.26%	7.74%	22,911	86.21%		614	2,217	2,831	78.31%	21.69%	N/A	2,211	78.1%	
	Station Parade	11,820	58,438	70,258	83.18%	16.82%	49,571	70.56%		600	5,812	6,412	90.64%	9.36%	N/A	5,489	85.6%	
	Tadworth Parade	6,902	39,239	46,141	85.04%	14.96%	34,268	74.27%		296	3,358	3,654	91.90%	8.10%	N/A	3,195	87.4%	
Gidea Park	Crossways Station	681	-	681	0.00%	100.00%	-	0.00%	30.10%	124	-	124	0.00%	100.00%	N/A	-	0.0%	34.87%
	Balgores Lane	6,421	14,241	20,662	68.92%	31.08%	8,647	41.85%		488	1,447	1,935	74.78%	25.22%	N/A	1,155	59.7%	
	Balgores Crescent	2,423	11,028	13,451	81.99%	18.01%	9,808	72.92%		179	624	803	77.71%	22.29%	N/A	584	72.7%	
	Crossways / Main Road	327	934	1,261	74.07%	25.93%	830	65.82%		80	-	80	0.00%	100.00%	N/A	-	0.0%	
	Heath Drive	-	1,669	1,669	100.00%	0.00%	-	0.00%		113	-	113	0.00%	100.00%	N/A	-	0.0%	
	Heath Park Road	1,122	-	1,122	0.00%	100.00%	-	0.00%		121	616	737	83.58%	16.42%	N/A	566	76.8%	
Hornchurch	Sandown Avenue	95	358	453	79.03%	20.97%	111	24.50%	11.97%	72	78	150	52.00%	48.00%	N/A	67	44.7%	46.83%
	Appleton Way	13,096	4,627	17,723	26.11%	73.89%	-	0.00%		682	3,525	4,207	83.79%	16.21%	N/A	2,876	68.4%	
	Station Lane	6,201	5,076	11,277	45.01%	54.99%	2,208	19.58%		272	534	806	66.25%	33.75%	N/A	495	61.4%	
	Mavis Grove	4,008	7,165	11,173	64.13%	35.87%	1,578	14.12%		432	1,072	1,504	71.28%	28.72%	N/A	898	59.7%	
	Dorrington Gardens	11,833	287	12,120	2.37%	97.63%	202	1.67%		144	148	292	50.68%	49.32%	N/A	-	0.0%	
Outer Hornchurch	Walden Road	171	1,060	1,231	86.11%	13.89%	858	69.70%	33.08%	29	120	149	80.54%	19.46%	N/A	113	75.8%	32.89%
	Hornchurch Road	4,454	1,718	6,172	27.84%	72.16%	1,416	22.94%		1,530	863	2,393	36.06%	63.94%	N/A	776	32.4%	
	Elmer Gardens On Street	578	2,713	3,291	82.44%	17.56%	2,635	80.07%		41	130	171	76.02%	23.98%	N/A	128	74.9%	
	Butts Green Road	726	4,000	4,726	84.64%	15.36%	3,151	66.67%		216	376	592	63.51%	36.49%	N/A	347	58.6%	
	Hylands Way	2,131	7,731	9,862	78.39%	21.61%	6,414	65.04%		533	-	533	0.00%	100.00%	N/A	-	0.0%	
	Candover Road	2,105	4,000	6,105	65.52%	34.48%	3,558	58.28%		219	-	219	0.00%	100.00%	N/A	-	0.0%	
	Cheviot Road	408	-	408	0.00%	100.00%	-	0.00%		30	-	30	0.00%	100.00%	N/A	-	0.0%	
	Cumberland Avenue	654	2,499	3,153	79.26%	20.74%	753	23.88%		66	256	322	79.50%	20.50%	N/A	237	73.6%	
	Kenilworth Gardens	1,334	-	1,334	0.00%	100.00%	-	0.00%		157	-	157	0.00%	100.00%	N/A	-	0.0%	
	Southdown Road	995	925	1,920	48.18%	51.82%	798	41.56%		176	-	176	0.00%	100.00%	N/A	-	0.0%	
	Sutton Gardens	1,001	-	1,001	0.00%	100.00%	-	0.00%		407	-	407	0.00%	100.00%	N/A	-	0.0%	
	Sutton Lane	2,476	5,571	8,047	69.23%	30.77%	2,088	25.95%		176	459	635	72.28%	27.72%	N/A	431	67.9%	
	Vicarage Road	1,767	-	1,767	0.00%	100.00%	-	0.00%		150	-	150	0.00%	100.00%	N/A	-	0.0%	
	Warriner Avenue	709	1,115	1,824	61.13%	38.87%	165	9.05%		17	62	79	78.48%	21.52%	N/A	61	77.2%	
Outer Romford	Norfolk Road	971	893	1,864	47.91%	52.09%	-	0.00%	36.41%	162	248	410	60.49%	39.51%	N/A	248	60.5%	56.41%
	St Andrews Road	354	1,005	1,359	73.95%	26.05%	244	17.95%		79	123	202	60.89%	39.11%	N/A	105	52.0%	
	Knighton Road	616	1,029	1,645	62.55%	37.45%	-	0.00%		81	476	557	85.46%	14.54%	N/A	429	77.0%	
	Cotleigh Road	847	1,045	1,892	55.23%	44.77%	652	34.46%		1,008	131	1,139	11.50%	88.50%	N/A	107	9.4%	
	Kings Road	1,023	1,646	2,669	61.67%	38.33%	1,079	40.43%		116	224	340	65.88%	34.12%	N/A	177	52.1%	
	Kensington Road	315	3,467	3,782	91.67%	8.33%	1,549	40.96%		90	411	501	82.04%	17.96%	N/A	394	78.6%	
	Douglas Road	1,152	6,085	7,237	84.08%	15.92%	5,285	73.03%		60	488	548	89.05%	10.95%	N/A	426	77.7%	
	Craigdale Road	1,256	6,252	7,508	83.27%	16.73%	4,082	54.37%		87	469	556	84.35%	15.65%	N/A	416	74.8%	
	Park Lane	2,655	7,866	10,521	74.76%	25.24%	5,847	55.57%		227	583	810	71.98%	28.02%	N/A	486	60.0%	
	London Road	11,115	15,675	26,790	58.51%	41.49%	1,799	6.72%		593	1,645	2,238	73.50%	26.50%	N/A	1,465	65.5%	
	Birbeck Road	156	2,044	2,200	92.91%	7.09%	1,682	76.45%		289	-	289	0.00%	100.00%	N/A	-	0.0%	
	Kyme Road	290	2,593	2,883	89.94%	10.06%	1,067	37.01%		52	238	290	82.07%	17.93%	N/A	201	69.3%	
Outer Upminster	Highfield Crescent	875	4,706	5,581	84.32%	15.68%	3,579	64.13%	60.46%	165	418	583	71.70%	28.30%	N/A	406	69.6%	65.74%
	Deyncourt Gardens	2,244	6,841	9,085	75.30%	24.70%	3,471	38.21%		113	513	626	81.95%	18.05%	N/A	450	71.9%	
	Minster Way	618	6,922	7,540	91.80%	8.20%	5,985	79.38%		245	880	1,125	78.22%	21.78%	N/A	853	75.8%	
	Upminster Road	916	7,489	8,405	89.10%	10.90%	6,108	72.67%		429	342	771	44.36%	55.64%	N/A	325	42.2%	
	Waldergrave Gardens	620	2,562	3,182	80.52%	19.48%	1,524	47.89%		56	223	279	79.93%	20.07%	N/A	193	69.2%	
	Ferry Lane	2,889	1,951	4,840	40.31%	59.69%	1,376	28.43%		243	404	647	62.44%	37.56%	N/A	370	57.2%	

Rainham	Upminster Road South	3,538	7,489	11,027	67.92%	32.08%	3,207	29.08%	23.94%	429	-	429	0.00%	100.00%	N/A	-	0.0%	19.06%
	Wennington Road	1,916	399	2,315	17.24%	82.76%	331	14.30%		40	-	40	0.00%	100.00%	N/A	-	0.0%	
Romford	Havering Drive	990	283	1,273	22.23%	77.77%	-	0.00%	6.39%	210	94	304	30.92%	69.08%	N/A	87	28.6%	36.76%
	Seymer Road	1,113	293	1,406	20.84%	79.16%	-	0.00%		76	1	77	1.30%	98.70%	N/A	1	1.3%	
	Como Street	5,417	440	5,857	7.51%	92.49%	-	0.00%		905	-	905	0.00%	100.00%	N/A	-	0.0%	
	Linden Street	401	692	1,093	63.31%	36.69%	-	0.00%		53	85	138	61.59%	38.41%	N/A	55	39.9%	
	Ingrave Road	996	996	1,992	50.00%	50.00%	-	0.00%		546	-	546	0.00%	100.00%	N/A	-	0.0%	
	Kingsmead Avenue	781	1,148	1,929	59.51%	40.49%	-	0.00%		76	229	305	75.08%	24.92%	N/A	158	51.8%	
	Albert Road	1,547	1,277	2,824	45.22%	54.78%	-	0.00%		108	478	586	81.57%	18.43%	N/A	425	72.5%	
	Marks Road	1,820	1,369	3,189	42.93%	57.07%	-	0.00%		159	375	534	70.22%	29.78%	N/A	308	57.7%	
	Park Drive	2,148	1,469	3,617	40.61%	59.39%	-	0.00%		147	109	256	42.58%	57.42%	N/A	100	39.1%	
	The Avenue	3,035	1,622	4,657	34.83%	65.17%	-	0.00%		203	3	206	1.46%	98.54%	N/A	3	1.5%	
	Marden Road	1,397	1,625	3,022	53.77%	46.23%	-	0.00%		451	348	799	43.55%	56.45%	N/A	348	43.6%	
	King Edward Road	2,911	1,942	4,853	40.02%	59.98%	-	0.00%		203	42	245	17.14%	82.86%	N/A	31	12.7%	
	Gilbert Road	717	2,278	2,995	76.06%	23.94%	-	0.00%		43	124	167	74.25%	25.75%	N/A	79	47.3%	
	Olive Street	2,726	2,309	5,035	45.86%	54.14%	-	0.00%		174	388	562	69.04%	30.96%	N/A	310	55.2%	
	Gloucester Road	1,337	2,460	3,797	64.79%	35.21%	-	0.00%		105	219	324	67.59%	32.41%	N/A	161	49.7%	
	Oaklands Avenue	2,140	3,394	5,534	61.33%	38.67%	-	0.00%		176	96	272	35.29%	64.71%	N/A	69	25.4%	
	Park End Road	3,772	3,433	7,205	47.65%	52.35%	-	0.00%		175	885	1,060	83.49%	16.51%	N/A	748	70.6%	
	Eastern Road	6,463	6,921	13,384	51.71%	48.29%	-	0.00%		399	648	1,047	61.89%	38.11%	N/A	526	50.2%	
	High Street Romford	4,048	14,007	18,055	77.58%	22.42%	5,146	28.50%		371	1,668	2,039	81.80%	18.20%	N/A	1,448	71.0%	
	Hilldene	51,178	422,563	473,741	89.20%	10.80%	380,417	80.30%		2,038	31,103	33,141	93.85%	6.15%	N/A	30,106	90.8%	
	George Street	168	501	669	74.89%	25.11%	212	31.69%		145	-	145	0.00%	100.00%	N/A	-	0.0%	
	South Street	3,772	251	4,023	6.24%	93.76%	-	0.00%		226	-	226	0.00%	100.00%	N/A	-	0.0%	
Upminster	St Marys Lane	14,098	5,145	19,243	26.74%	73.26%	-	0.00%	11.98%	912	2,710	3,622	74.82%	25.18%	N/A	2,338	64.5%	56.18%
	Howard Road	2,457	5,521	7,978	69.20%	30.80%	1,214	15.22%		410	869	1,279	67.94%	32.06%	N/A	756	59.1%	
	Corbetts Tey Road	20,942	56,853	77,795	73.08%	26.92%	11,427	14.69%		1,161	7,145	8,306	86.02%	13.98%	N/A	6,211	74.8%	
	Branfill Road	5,262	-	5,262	0.00%	100.00%	-	0.00%		383	-	383	0.00%	100.00%	N/A	-	0.0%	
	Gaynes Road	2,218	2,132	4,350	49.01%	50.99%	557	12.80%		235	470	705	66.67%	33.33%	N/A	435	61.7%	
	St Lawrence Road	323	6,078	6,401	94.95%	5.05%	1,868	29.18%		219	1,198	1,417	84.54%	15.46%	N/A	1,090	76.9%	
Total borough wide		283,946	940,951	1,224,897	57.14%	42.86%	638,850	26.48%	25,108	87,535	112,643	51.05%	48.95%	N/A	80,663	44.79%		

		2019/20								2020/21									
Town Centre	Car Park name	Cashless No.	P&D No.	Total all	% P&D	% cashless	30 mins free No.	% of 30 min No. against all	% 30 min against all by Ward	Cashless No.	P&D No.	Total all	% P&D	% cashless	30 mins free No.	20% discount No.	% of 30 min No. against all	% 20% discount No. against all	% 20% discount No. against all by Ward
Hornchurch	Appleton Way CP	12,208	43,073	55,281	77.92%	22.08%	12,595	22.78%	10.72%	1,692	2,073	3,765	55.06%	44.94%		1,146	N/A	30.44%	38.25%
	Billet Lane Car Park	10,421	35,201	45,622	77.16%	22.84%	3,602	7.90%		845	1,007	1,852	54.37%	45.63%	N/A	561	N/A	30.29%	
	Dorrington Gardens	11,562	23,125	34,687	66.67%	33.33%	3,243	9.35%		2,409	2,342	4,751	49.29%	50.71%	N/A	1,708	N/A	35.95%	
	Fentiman Way Car Park	23,842	74,209	98,051	75.68%	24.32%	12,325	12.57%		3,942	4,023	7,965	50.51%	49.49%	N/A	3,942	N/A	49.49%	
	Woodhall Crescent	1,009	4,679	5,688	82.26%	17.74%	-	0.00%		133	172	305	56.39%	43.61%	N/A	133	N/A	43.61%	
	Keswick Avenue Car Park	3,173	12,091	15,264	79.21%	20.79%	1,785	11.69%		566	858	1,424	60.25%	39.75%	N/A	566	N/A	39.75%	
Upminster	Hoppy Hall Car Park	8,894	32,775	41,669	78.66%	21.34%	5,522	13.25%	13.78%	2,266	1,744	4,010	43.49%	56.51%	N/A	2,266	N/A	56.51%	55.55%
	Wilson Close Car Park	45,241	116,622	161,863	72.05%	27.95%	23,172	14.32%		6,601	5,491	12,092	45.41%	54.59%	N/A	6,601	N/A	54.59%	
	Collier Row	18,885	259,600	278,485	93.22%	6.78%	227,358	81.64%	81.64%	3,159	16,007	19,166	83.52%	16.48%	N/A	3,159	N/A	16.48%	16.48%
	Elm Park	2,793	25,135	27,928	90.00%	10.00%	21,113	75.60%	75.60%	263	1,783	2,046	87.15%	12.85%	N/A	263	N/A	12.85%	12.85%
	Gidea Park	2,487	5,026	7,513	66.90%	33.10%	2,369	31.53%	31.53%	178	486	664	73.19%	26.81%	N/A	178	N/A	26.81%	26.81%
	Cranham	5,847	2,669	8,516	31.34%	68.66%	-	0.00%	0.00%	546	5,540	6,086	91.03%	8.97%	N/A	546	N/A	8.97%	8.97%
Rainham	Cherry Tree Car Park	983	17,812	18,795	94.77%	5.23%	15,252	81.15%	73.18%	129	1,689	1,818	92.90%	7.10%	N/A	129	N/A	7.10%	17.88%
	Viking Way Car Park	1,194	6,011	7,205	83.43%	16.57%	4,698	65.20%		86	214	300	71.33%	28.67%	N/A	86	N/A	28.67%	
Romford	Angel Way Multi Storey	11,195	26,259	37,454	70.11%	29.89%	-	0.00%	0.00%	1,418	2,150	3,568	60.26%	39.74%	N/A	1,418	N/A	39.74%	51.29%
	Como Street car Park	5,417	2,838	8,255	34.38%	65.62%	-	0.00%		500	401	901	44.51%	55.49%	N/A	500	N/A	55.49%	
	Market Car Park	23,382	123,565	146,947	84.09%	15.91%	-	0.00%		4,673	9,248	13,921	66.43%	33.57%	N/A	4,673	N/A	33.57%	
	Old Church Rise	40,356	39,814	80,170	49.66%	50.34%	-	0.00%		1,469	760	2,229	34.10%	65.90%	N/A	1,469	N/A	65.90%	
	Slaney Road Car Park	33,178	10,518	43,696	24.07%	75.93%	-	0.00%		3,172	1,248	4,420	28.24%	71.76%	N/A	3,172	N/A	71.76%	
	Town Hall car park	12,829	13,314	26,143	50.93%	49.07%	-	0.00%		676	962	1,638	58.73%	41.27%	N/A	676	N/A	41.27%	
Total borough wide		158,546	532,561	691,107	64.41%	35.59%	270,790	27.93%		16,269	40,488	56,757	65.95%	34.05%	-	16,269	#DIV/0!	34.05%	

TERMS AND CONDITIONS OF USE

1. The Havering Hero permit enables;
 - NHS Staff
 - Emergency services
 - Domestic carers ((people who look after relatives or other residents on a non-paid basis)
 - Social Care key workers (such as social workers, occupational therapists, home care workers and personal assistants)
 - Those dropping off food and essentials via volunteer services, working for our community hub or for voluntary sector partners.
2. The permit allows parking in the following areas –
 - Resident bays for a maximum stay of 3 hours with no return to that bay for 2 hours.
 - Car parks for a maximum stay of 3 hours with no return to that bay for 2 hours
3. Permit holders are required to move their vehicles if requested to do so by a Civil Enforcement Officer employed by the council or a Police Officer. This may be necessary if it is believed an obstruction is being caused.
4. Permit holders are **NOT** allowed to park on single, double yellow lines, bus lanes, restricted bus stops, red route clearways or where there is a loading only or a loading restriction ban in operation.
5. Permit holders are **NOT** allowed to park in “Voucher” bays.
6. Permit holders are **NOT** allowed to park on the footway, grass verge, or on a vehicle crossover (dropped kerb) unless footway parking is permitted and indicated by the appropriate signs and lines.
7. Permits are **NOT** valid for attending meetings or visiting Company/Council offices.
8. This permit **MUST** be clearly displayed in the windscreen of the permit holder’s vehicle. **FAILURE** to clearly display the permit may result in a Penalty Charge Notice being issued.
9. **FAILURE** to comply with these Terms and Conditions may result in a Penalty Charge Notice being issued or the permit being withdrawn.
10. Usage of permits will be monitored and random checks may be carried out to ensure valid use of the Havering Hero permit
11. The London Borough of Havering reserves the right to withdraw a permit if misuse is proved.
12. The London Borough of Havering will consider any misuse by directly employed Havering staff as a disciplinary matter.

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Key Dates

Week 25 Non essential shops allowed to open from 15th June 2020

Week 27 / Week 28 Pubs, Restaurant etc and Hair Salons,Barbers, Hotels etc allowed to open from the 4th July

Town	Year	Week	Week Commencing	Weekly Total	Mon	Tue	Wed	Thu	Fri	Sat	Sun	GL Weekly YOY %	UK Weekly YOY %
Collier Row	2019	25	17-Jun-19	15,126	1,932	2,121	1,912	2,359	2,834	2,686	1,282		
		26	24-Jun-19	15,599	2,015	2,035	2,137	2,478	2,561	2,546	1,827		
		27	01-Jul-19	16,999	2,309	2,711	2,673	2,628	2,713	2,606	1,359		
		28	08-Jul-19	14,044	2,159	1,861	1,931	2,063	2,549	2,218	1,263		
		29	15-Jul-19	14,925	2,101	2,557	2,335	1,955	2,125	2,495	1,357		
		30	22-Jul-19	14,422	2,252	2,454	2,428	2,056	2,049	1,941	1,242		
		31	29-Jul-19	14,311	2,336	1,872	1,848	2,121	2,123	2,521	1,490		
		32	05-Aug-19	13,377	1,654	1,898	1,881	2,416	1,974	2,245	1,309		
		33	12-Aug-19	13,568	1,636	2,410	1,699	2,122	1,801	2,817	1,083		
		34	19-Aug-19	17,999	1,677	2,200	1,499	2,446	1,786	2,327	1,192		
		35	26-Aug-19	17,009	1,696	2,992	2,015	3,004	2,817	2,899	1,586		
		36	02-Sep-19	15,958	2,685	2,006	2,285	3,007	1,896	2,408	1,671		
		37	09-Sep-19	18,346	1,766	2,242	1,999	2,589	4,004	3,742	2,004		
		38	16-Sep-19	23,561	1,787	4,149	3,867	3,983	4,482	4,251	1,042		
	2020	25	15-Jun-20	9,591	1,634	1,531	1,109	1,205	1,522	1,727	863		
	Weekly/Daily YOY %			-36.6%	-15.4%	-27.8%	-42.0%	-48.9%	-46.3%	-35.7%	-32.7%	-66.3%	-60.5%
	2020	26	22-Jun-20	11,588	1,837	1,825	1,637	1,693	1,925	1,684	987		
	Weekly/Daily YOY %			-25.7%	-8.8%	-10.3%	-23.4%	-31.7%	-24.8%	-33.9%	-46.0%	-65.0%	-59.0%
	2020	27	29-Jun-20	10,866	1,405	1,398	1,638	1,567	1,707	1,928	1,223		
	Weekly/Daily YOY %			-36.1%	-39.2%	-48.4%	-38.7%	-40.4%	-37.1%	-26.0%	-10.0%	-65.8%	-58.4%
	2020	28	06-Jul-20	12,020	1,724	1,893	1,496	1,638	2,081	2,063	1,125		
	Weekly/Daily YOY %			-14.4%	-20.1%	1.7%	-22.5%	-20.6%	-18.4%	-7.0%	-10.9%	-60.0%	-50.8%
	2020	29	13-Jul-20	12,035	2,010	1,773	1,697	1,578	2,122	2,001	854		
	Weekly/Daily YOY %			-19.4%	-4.3%	-30.7%	-27.3%	-19.3%	-0.1%	-19.8%	-37.1%	-58.1%	-48.3%
	2020	30	20-Jul-20	12,427	2,103	2,219	1,957	1,666	1,718	1,660	1,104		
	Weekly/Daily YOY %			-13.8%	-6.6%	-9.6%	-19.4%	-19.0%	-16.2%	-14.5%	-11.1%	-54.6%	-44.8%
	2020	31	27-Jul-20	13,403	1,633	1,946	1,922	2,269	2,224	2,220	1,189		
	Weekly/Daily YOY %			-6.3%	-30.1%	4.0%	4.0%	7.0%	4.8%	33.7%	7.7%	-53.5%	-43.9%
	2020	32	03-Aug-20	13,084	2,169	2,100	2,036	1,732	2,141	1,759	1,147		
	Weekly/Daily YOY %			-2.2%	31.1%	10.6%	8.2%	-28.3%	8.5%	-21.6%	-12.4%	-52.4%	-40.2%
	2020	33	10-Aug-20	12,052	1,992	1,994	2,051	1,678	1,709	1,679	949		
	Weekly/Daily YOY %			-11.2%	21.8%	-17.3%	20.7%	-20.9%	-5.1%	-40.4%	-12.4%	-52.7%	-39.4%
	2020	34	17-Aug-20	13,127	1,677	2,200	1,499	2,446	1,786	2,327	1,192		
	Weekly/Daily YOY %			-27.1%	-27.4%	-15.6%	-38.7%	-24.0%	-45.0%	-10.4%	-24.0%	-49.9%	-39.3%
	2020	35	24-Aug-20	12,343	2,051	1,708	1,807	1,703	2,090	1,769	1,215		
	Weekly/Daily YOY %			-27.4%	20.9%	-42.9%	-10.3%	-43.3%	-25.8%	-39.0%	-23.4%	-43.9%	-32.7%
	2020	36	31-Aug-20	14,947	1,214	2,946	2,471	1,727	1,994	3,145	1,450		
	Weekly/Daily YOY %			-6.3%	-54.8%	46.9%	8.1%	-42.6%	5.2%	30.6%	-13.2%	-41.5%	-31.2%
	2020	37	07-Sep-20	15,915	1,801	1,882	1,973	3,210	2,523	2,619	1,907		
	Weekly/Daily YOY %			-13.3%	2.0%	-16.1%	-1.3%	24.0%	-37.0%	-30.0%	-4.8%	-43.4%	-33.6%
	2020	38	14-Sep-20	19,135	1,771	2,937	2,211	3,419	3,559	3,507	1,731		
	Weekly/Daily YOY %			-18.8%	-0.9%	-29.2%	-42.8%	-14.2%	-20.6%	-17.5%	66.1%	-42.4%	-33.4%

	Year	Week	Week Commencing	Weekly Total	Mon	Tue	Wed	Thu	Fri	Sat	Sun	GL Weekly YOY %	UK Weekly YOY %
Elm Park	2019	25	17-Jun-19	52,581	8,143	8,088	7,507	8,923	9,095	7,030	3,795		
		26	24-Jun-19	52,218	7,237	7,513	7,940	9,667	8,582	6,526	4,753		
		27	01-Jul-19	52,169	7,939	8,861	8,659	8,810	8,681	5,466	3,753		
		28	08-Jul-19	46,655	8,314	7,254	7,390	7,020	7,924	5,248	3,505		
		29	15-Jul-19	51,454	7,187	8,694	8,444	7,815	9,256	5,701	4,357		
		30	22-Jul-19	52,031	8,563	8,585	8,792	9,274	7,984	5,008	3,825		
		31	29-Jul-19	53,728	8,927	10,679	7,574	8,577	7,828	6,084	4,059		
		32	05-Aug-19	49,638	6,927	8,302	7,847	7,562	8,387	6,594	4,019		
		33	12-Aug-19	54,746	6,369	9,885	11,698	8,885	7,197	7,152	3,560		
		34	19-Aug-19	51,669	6,815	8,581	8,809	8,935	8,585	6,050	3,894		
		35	26-Aug-19	43,836	4,956	7,981	5,758	7,420	7,452	6,311	3,958		
		36	02-Sep-19	48,062	8,060	6,317	7,509	8,328	7,744	5,598	4,506		
		37	09-Sep-19	55,182	6,713	8,716	7,669	9,387	11,133	7,374	4,190		
		38	16-Sep-19	65,176	7,073	11,618	12,598	10,403	10,971	8,665	3,848		
	2020	25	15-Jun-20	22,781	3,695	3,694	3,070	3,113	3,181	3,765	2,263		
	Weekly/Daily YOY %				-54.6%	-54.3%	-59.1%	-65.1%	-65.0%	-46.4%	-40.4%	-66.3%	-60.5%
	2020	26	22-Jun-20	25,716	4,593	4,448	4,037	4,120	3,699	2,611	2,208		
	Weekly/Daily YOY %				-50.8%	-40.8%	-49.2%	-57.4%	-56.9%	-60.0%	-53.5%	-65.0%	-59.0%
	2020	27	29-Jun-20	24,269	3,415	3,301	4,142	3,798	3,749	3,413	2,451		
	Weekly/Daily YOY %				-53.5%	-57.0%	-52.2%	-56.9%	-56.8%	-37.6%	-34.7%	-65.8%	-58.4%
	2020	28	06-Jul-20	25,139	3,892	4,189	3,115	3,224	3,666	4,049	3,004		
	Weekly/Daily YOY %				-46.1%	-53.2%	-57.8%	-54.1%	-53.7%	-22.8%	-14.3%	-60.0%	-50.8%
	2020	29	13-Jul-20	26,014	4,394	3,575	4,187	3,540	4,595	3,678	2,045		
	Weekly/Daily YOY %				-49.4%	-38.9%	58.9%	50.4%	54.7%	50.4%	35.5%	-58.1%	-48.3%
	2020	30	20-Jul-20	28,553	5,032	6,007	4,936	4,076	3,748	2,525	2,229		
	Weekly/Daily YOY %				-45.1%	-41.2%	-30.0%	-43.9%	-56.0%	-53.1%	-49.6%	-54.6%	-44.8%
	2020	31	27-Jul-20	34,569	3,295	5,415	5,969	6,344	6,049	4,537	2,960		
	Weekly/Daily YOY %				-35.7%	-63.1%	-49.3%	-21.2%	-26.0%	-22.7%	-25.4%	-53.5%	-43.9%
	2020	32	03-Aug-20	30,410	4,036	6,361	4,581	3,745	6,522	3,055	2,110		
	Weekly/Daily YOY %				-38.7%	-41.7%	-23.4%	-41.6%	-50.5%	-22.2%	-53.7%	-52.4%	-40.2%
	2020	33	10-Aug-20	24,377	4,929	3,922	4,268	3,513	3,299	2,641	1,805		
	Weekly/Daily YOY %				-55.5%	-22.6%	-60.3%	-63.5%	-60.5%	-54.2%	-63.1%	-52.7%	-39.4%
	2020	34	17-Aug-20	31,304	4,320	5,707	4,032	6,646	4,512	3,830	2,257		
	Weekly/Daily YOY %				-39.4%	-36.6%	-33.5%	-54.2%	-25.6%	-47.4%	-36.7%	-49.9%	-39.3%
	2020	35	24-Aug-20	28,247	3,862	6,751	3,930	4,283	3,950	2,930	2,541		
	Weekly/Daily YOY %				-35.6%	-22.1%	-15.4%	-31.7%	-42.3%	-47.0%	-53.6%	-43.9%	-32.7%
	2020	36	31-Aug-20	27,908	2,672	6,490	4,005	3,796	4,375	3,888	2,682		
	Weekly/Daily YOY %				-41.9%	-66.8%	2.7%	-46.7%	-54.4%	-43.5%	-30.5%	-41.5%	-31.2%
	2020	37	07-Sep-20	35,186	4,869	4,323	5,988	8,097	4,912	3,629	3,368		
	Weekly/Daily YOY %				-36.2%	-27.5%	-50.4%	-21.9%	-13.7%	-55.9%	-50.8%	-43.4%	-33.6%
	2020	38	14-Sep-20	38,434	6,031	6,053	4,614	6,357	7,474	5,057	2,848		
	Weekly/Daily YOY %				-41.0%	-14.7%	-47.9%	-63.4%	-38.9%	-31.9%	-41.6%	-42.4%	-33.4%

	Year	Week	Week Commencing	Weekly Total	Mon	Tue	Wed	Thu	Fri	Sat	Sun	GL Weekly YOY %	UK Weekly YOY %
Harold Hill	2019	25	17-Jun-19	47,910	7,096	7,162	6,205	7,150	7,375	8,072	4,850		
		26	24-Jun-19	48,813	7,046	6,271	6,057	7,467	7,554	8,563	5,855		
		27	01-Jul-19	50,677	7,672	7,764	7,083	7,444	8,314	7,602	4,798		
		28	08-Jul-19	44,404	6,970	6,155	5,990	6,542	7,320	6,893	4,534		
		29	15-Jul-19	46,689	6,612	7,498	7,210	6,318	6,685	7,181	5,185		
		30	22-Jul-19	51,299	8,009	7,992	8,197	7,775	7,153	7,403	4,770		
		31	29-Jul-19	46,758	7,782	5,926	6,217	6,494	7,188	8,044	5,107		
		32	05-Aug-19	45,656	6,859	6,599	6,626	7,168	6,848	6,711	4,845		
		33	12-Aug-19	46,196	6,148	7,073	5,195	7,039	6,519	9,518	4,704		
		34	19-Aug-19	49,223	7,263	7,074	6,800	7,086	7,984	7,976	5,040		
		35	26-Aug-19	49,433	6,404	7,527	6,895	7,518	7,555	7,958	5,576		
		36	02-Sep-19	46,176	7,791	6,557	6,126	6,978	6,264	7,140	5,320		
		37	09-Sep-19	46,493	6,079	6,884	5,959	6,505	7,919	7,836	5,311		
		38	16-Sep-19	48,314	6,750	7,360	7,095	7,041	7,708	7,979	4,381		
	2020	25	15-Jun-20	37,203	5,771	5,438	4,531	4,726	5,604	6,873	4,260		
	Weekly/Daily YOY %			-22.3%	-18.7%	-24.1%	-27.0%	-33.9%	-24.0%	-14.9%	-12.2%	-66.3%	-60.5%
	2020	26	22-Jun-20	41,520	6,068	6,428	6,142	6,605	6,770	5,552	3,955		
	Weekly/Daily YOY %			-14.9%	-13.9%	2.5%	1.4%	-11.5%	-10.4%	-35.2%	-32.5%	-65.0%	-59.0%
	2020	27	29-Jun-20	36,997	5,334	5,075	5,700	5,246	6,022	5,476	4,144		
	Weekly/Daily YOY %			-27.0%	-30.5%	-34.6%	19.5%	-29.5%	-27.6%	-28.0%	-13.6%	-65.8%	-58.4%
	2020	28	06-Jul-20	39,054	5,639	6,367	5,058	5,028	6,104	6,467	4,391		
	Weekly/Daily YOY %			-12.0%	-19.1%	3.4%	-15.6%	-23.1%	-16.6%	-6.2%	-3.2%	-60.0%	-50.8%
	2020	29	13-Jul-20	39,185	6,159	5,692	5,796	5,364	6,247	6,050	3,877		
	Weekly/Daily YOY %			-16.1%	-6.9%	-24.1%	-19.6%	-15.1%	-6.6%	-15.7%	-25.2%	-58.1%	-48.3%
	2020	30	20-Jul-20	39,787	6,638	6,168	6,117	5,895	5,747	5,268	3,954		
	Weekly/Daily YOY %			-22.4%	-17.1%	-22.8%	-25.4%	-24.2%	-19.7%	-28.8%	-17.1%	-54.6%	-44.8%
	2020	31	27-Jul-20	40,116	5,136	5,936	5,386	6,177	6,484	6,590	4,407		
	Weekly/Daily YOY %			-14.2%	-34.0%	0.2%	-13.4%	-4.9%	-9.8%	-18.1%	-13.7%	-53.5%	-43.9%
	2020	32	03-Aug-20	40,002	6,384	5,889	5,401	5,243	6,626	6,239	4,220		
	Weekly/Daily YOY %			-12.4%	-6.9%	-10.8%	-18.5%	-26.9%	-3.2%	-7.0%	-12.9%	-52.4%	-40.2%
	2020	33	10-Aug-20	37,721	6,205	5,705	5,714	5,468	5,249	5,404	3,976		
	Weekly/Daily YOY %			-18.3%	0.9%	-19.3%	10.0%	-22.3%	-19.5%	-43.2%	-15.5%	-52.7%	-39.4%
	2020	34	17-Aug-20	38,074	6,146	5,579	4,464	6,122	5,493	5,904	4,366		
	Weekly/Daily YOY %			-22.6%	-15.4%	-21.1%	-34.4%	-13.6%	-31.2%	-26.0%	-13.4%	-49.9%	-39.3%
	2020	35	24-Aug-20	37,224	5,906	4,967	5,011	5,461	5,696	5,858	4,325		
	Weekly/Daily YOY %			-24.7%	-7.8%	-34.0%	-27.3%	-27.4%	-24.6%	-26.4%	-22.4%	-43.9%	-32.7%
	2020	36	31-Aug-20	39,871	4,235	6,652	5,941	5,414	6,337	6,801	4,491		
	Weekly/Daily YOY %			-13.7%	-45.6%	1.4%	-3.0%	-22.4%	1.2%	-4.7%	-15.6%	-41.5%	-31.2%
	2020	37	07-Sep-20	41,933	6,095	5,598	5,622	6,383	6,889	6,653	4,693		
	Weekly/Daily YOY %			-9.8%	0.3%	-18.7%	-5.7%	-1.9%	-13.0%	-15.1%	-11.6%	-43.4%	-33.6%
	2020	38	14-Sep-20	45,171	7,027	6,465	6,238	6,639	6,941	6,983	4,878		
	Weekly/Daily YOY %			-6.5%	4.1%	-12.2%	-12.1%	-5.7%	-10.0%	-12.5%	11.3%	-42.4%	-33.4%

	Year	Week	Week Commencing	Weekly Total	Mon	Tue	Wed	Thu	Fri	Sat	Sun	GL Weekly YOY %	UK Weekly YOY %
Hornchurch	2019	25	17-Jun-19	66,446	9,885	9,349	9,579	9,859	10,700	12,043	5,031		
		26	24-Jun-19	66,322	9,307	9,446	9,114	10,016	11,573	11,539	5,327		
		27	01-Jul-19	67,954	10,261	9,858	9,677	10,002	10,759	12,118	5,279		
		28	08-Jul-19	66,758	10,160	9,843	9,788	9,667	11,107	11,419	4,774		
		29	15-Jul-19	64,656	9,898	9,792	9,330	9,040	9,836	11,584	5,176		
		30	22-Jul-19	65,357	10,378	9,774	9,814	8,930	10,411	11,010	5,040		
		31	29-Jul-19	67,136	10,646	9,644	9,830	9,977	10,782	11,293	4,964		
		32	05-Aug-19	64,702	9,555	9,570	9,547	9,998	10,116	10,953	4,963		
		33	12-Aug-19	63,085	8,676	9,524	7,863	9,948	9,928	12,573	4,573		
		34	19-Aug-19	66,085	10,062	9,647	9,173	9,796	10,846	11,095	5,466		
		35	26-Aug-19	63,051	6,341	9,844	9,383	9,831	11,352	11,234	5,066		
		36	02-Sep-19	66,900	10,028	10,054	9,393	10,175	10,578	11,681	4,991		
		37	09-Sep-19	64,856	8,742	9,951	9,270	9,519	11,016	11,163	5,195		
		38	16-Sep-19	65,852	9,867	9,610	9,179	10,135	10,900	11,285	4,876		
	2020	25	15-Jun-20	29,197	4,309	4,541	4,260	4,503	4,764	4,907	1,913		
	Weekly/Daily YOY %			-56.1%	-56.4%	-51.4%	-55.5%	-54.3%	-55.5%	-59.3%	-62.0%	-66.3%	-60.5%
	2020	26	22-Jun-20	27,997	4,395	4,258	3,947	4,089	4,695	4,619	1,994		
	Weekly/Daily YOY %			-57.8%	-52.8%	-54.9%	-56.7%	-59.2%	-59.4%	-60.0%	-62.6%	-65.0%	-59.0%
	2020	27	29-Jun-20	32,726	4,738	4,790	4,664	4,733	5,158	5,821	2,822		
	Weekly/Daily YOY %			-51.8%	-53.8%	-51.4%	-51.8%	-52.7%	-52.1%	-52.0%	-46.5%	-65.8%	-58.4%
	2020	28	06-Jul-20	35,524	5,224	5,249	5,182	5,181	6,143	5,745	2,800		
	Weekly/Daily YOY %			-46.8%	-48.6%	-46.7%	-47.1%	-46.4%	-44.7%	-49.7%	-41.3%	-60.0%	-50.8%
	2020	29	13-Jul-20	37,940	5,797	5,697	5,612	5,686	6,304	6,044	2,800		
	Weekly/Daily YOY %			-41.3%	-41.4%	-41.8%	-39.8%	-37.1%	-35.9%	-47.8%	-45.9%	-58.1%	-48.3%
	2020	30	20-Jul-20	38,604	5,972	6,094	5,834	6,193	6,223	5,613	2,675		
	Weekly/Daily YOY %			-40.9%	-42.5%	-37.7%	-40.6%	-30.6%	-40.2%	-49.0%	-46.9%	-54.6%	-44.8%
	2020	31	27-Jul-20	40,072	5,825	6,375	6,084	6,242	6,122	6,360	3,064		
	Weekly/Daily YOY %			-40.3%	-45.3%	-33.9%	-38.1%	-37.4%	-43.2%	-43.7%	-38.3%	-53.5%	-43.9%
	2020	32	03-Aug-20	41,060	6,788	6,485	6,542	6,428	6,031	6,138	2,648		
	Weekly/Daily YOY %			-36.5%	-29.0%	-32.2%	-31.5%	-35.7%	-40.4%	-44.0%	-46.6%	-52.4%	-40.2%
	2020	33	10-Aug-20	42,471	6,406	6,324	6,356	6,457	7,155	6,789	2,984		
	Weekly/Daily YOY %			-32.7%	-26.2%	-33.6%	-19.2%	-35.1%	-27.9%	-46.0%	-34.7%	-52.7%	-39.4%
	2020	34	17-Aug-20	44,948	7,126	7,215	6,336	7,130	7,158	6,882	3,101		
	Weekly/Daily YOY %			-32.0%	-29.2%	-25.2%	-30.9%	-27.2%	-34.0%	-38.0%	-43.3%	-49.9%	-39.3%
	2020	35	24-Aug-20	46,428	7,444	6,937	7,268	6,765	7,550	7,068	3,396		
	Weekly/Daily YOY %			-26.4%	17.4%	-29.5%	-22.5%	-31.2%	-33.5%	-37.1%	-33.0%	-43.9%	-32.7%
	2020	36	31-Aug-20	45,361	5,178	7,540	6,889	6,839	7,650	7,720	3,545		
	Weekly/Daily YOY %			-32.2%	-48.4%	-25.0%	-26.7%	-32.8%	-27.7%	-33.9%	-29.0%	-41.5%	-31.2%
	2020	37	07-Sep-20	47,538	7,244	7,037	7,046	7,020	7,893	7,872	3,426		
	Weekly/Daily YOY %			-26.7%	-17.1%	-29.3%	-24.0%	-26.3%	-28.3%	-29.5%	-34.1%	-43.4%	-33.6%
	2020	38	14-Sep-20	46,534	6,858	6,793	6,926	7,198	7,741	7,727	3,291		
	Weekly/Daily YOY %			-29.3%	-30.5%	-29.3%	-24.5%	-29.0%	-29.0%	-31.5%	-32.5%	-42.4%	-33.4%

Romford South Street & Market	Year	Week	Week Commencing	Weekly Total	Mon	Tue	Wed	Thu	Fri	Sat	Sun	GL Weekly YOY %	UK Weekly YOY %
	2019	25	17-Jun-19	305,453	34,521	34,797	51,387	42,189	55,429	57,771	29,359		
		26											
		27	24-Jun-19	302,073	36,304	33,090	51,663	42,443	53,190	56,166	29,217		
		28	01-Jul-19	298,539	36,660	40,975	53,246	31,604	42,418	62,923	30,713		
		29	08-Jul-19	292,633	40,208	36,174	46,252	39,358	49,633	56,370	24,638		
		30	15-Jul-19	298,539	36,660	40,975	53,246	31,604	42,418	62,923	30,713		
		31	22-Jul-19	287,757	42,476	40,402	49,396	32,583	38,289	57,674	26,937		
		32	29-Jul-19	300,434	45,590	31,362	44,907	39,218	51,592	62,175	25,590		
		33	05-Aug-19	300,796	35,153	39,350	51,173	44,184	51,533	50,708	28,695		
		34	12-Aug-19	278,667	32,297	45,167	27,556	46,178	37,855	64,037	25,577		
		35	19-Aug-19	322,708	40,767	39,165	55,604	44,939	52,483	61,947	27,803		
		36	26-Aug-19	311,856	29,212	41,517	48,869	44,270	63,356	58,142	26,490		
		37	02-Sep-19	303,109	44,606	45,066	46,878	39,096	37,872	57,617	31,974		
		38	09-Sep-19	289,130	27,217	36,931	37,152	34,607	47,874	69,718	35,631		
			16-Sep-19	321,380	33,055	44,844	52,162	47,032	50,925	70,346	23,016		
	2020	25	15-Jun-20	213,876	33,785	26,878	34,228	23,622	36,298	41,768	17,297		
	Weekly/Daily YOY %			-30.0%	-2.13%	-22.8%	-33.4%	-44.0%	-34.5%	-27.7%	-41.1%	-66.3%	-60.5%
	2020	26	22-Jun-20	206,063	31,227	26,808	34,189	22,742	36,256	35,696	19,145		
	Weekly/Daily YOY %			-31.8%	-14.0%	-19.0%	-33.8%	-46.4%	-31.8%	-36.4%	-34.5%	-65.0%	-59.0%
	2020	27	29-Jun-20	226,803	26,034	26,099	37,015	29,263	42,061	41,591	24,740		
	Weekly/Daily YOY %			-25.7%	-26.7%	-24.3%	-32.4%	-32.7%	-22.1%	-23.5%	-14.2%	-65.8%	-58.4%
	2020	28	06-Jul-20	219,659	27,813	28,995	30,880	25,509	40,116	44,883	21,463		
	Weekly/Daily YOY %			-24.9%	-30.8%	-19.8%	-33.2%	-35.2%	-19.2%	-20.4%	-12.9%	-60.0%	-50.8%
	2020	29	13-Jul-20	242,789	30,402	27,760	37,730	27,496	42,028	45,683	31,690		
	Weekly/Daily YOY %			-18.7%	-17.1%	-32.3%	-29.1%	-13.0%	-0.9%	-27.4%	3.2%	-58.1%	-48.3%
	2020	30	20-Jul-20	242,111	30,865	30,931	40,131	30,839	38,596	36,524	34,225		
	Weekly/Daily YOY %			-15.9%	-27.3%	-23.4%	-18.8%	-5.4%	0.8%	-36.7%	27.1%	-54.6%	-44.8%
	2020	31	27-Jul-20	266,946	28,103	32,994	42,783	30,610	41,399	48,416	42,641		
	Weekly/Daily YOY %			-11.1%	-38.4%	5.2%	-4.7%	-21.9%	-19.8%	-22.1%	66.6%	-53.5%	-43.9%
	2020	32	03-Aug-20	254,738	33,064	34,258	48,275	28,405	35,865	37,840	37,031		
	Weekly/Daily YOY %			-15.3%	-5.9%	-12.9%	-5.7%	-35.7%	-30.4%	-25.4%	29.1%	-52.4%	-40.2%
	2020	33	10-Aug-20	230,818	30,487	27,644	37,142	27,913	36,806	40,516	30,310		
	Weekly/Daily YOY %			-17.2%	-5.6%	-38.8%	34.8%	-39.6%	-2.8%	-36.7%	18.5%	-52.7%	-39.4%
	2020	34	17-Aug-20	253,517	30,338	33,928	27,502	33,210	42,296	49,169	37,074		
	Weekly/Daily YOY %			-21.4%	-25.6%	-13.4%	-50.5%	-26.1%	-19.4%	-20.6%	33.3%	-49.9%	-39.3%
	2020	35	24-Aug-20	274,219	35,144	32,020	42,933	28,950	46,145	42,704	46,323		
	Weekly/Daily YOY %			-12.1%	20.3%	-22.9%	-12.1%	-34.6%	-27.2%	-26.6%	74.9%	-43.9%	-32.7%
	2020	36	31-Aug-20	279,742	31,845	39,263	45,248	29,264	42,861	52,936	38,325		
	Weekly/Daily YOY %			-7.7%	-28.6%	-12.9%	-3.5%	-25.1%	13.2%	-8.1%	19.9%	-41.5%	-31.2%
	2020	37	07-Sep-20	258,612	31,145	29,760	34,907	32,079	43,016	51,492	36,213		
	Weekly/Daily YOY %			-10.6%	14.4%	-19.4%	-6.0%	-7.3%	-10.1%	-26.1%	1.6%	-43.4%	-33.6%
	2020	38	14-Sep-20	274,203	31,586	29,060	36,146	31,838	48,879	58,006	38,688		
	Weekly/Daily YOY %			-14.7%	-4.4%	-35.2%	-30.7%	-32.3%	-4.0%	-17.5%	68.1%	-42.4%	-33.4%

	Year	Week	Week Commencing	Weekly Total	Mon	Tue	Wed	Thu	Fri	Sat	Sun	GL Weekly YOY %	UK Weekly YOY %
Rainham	2019	25	17-Jun-19	24,078	3,692	3,836	3,287	4,073	4,745	3,242	1,203		
		26	24-Jun-19	23,365	3,553	3,326	3,605	4,009	4,032	3,018	1,822		
		27	01-Jul-19	26,065	4,490	4,400	4,107	4,308	4,717	2,784	1,259		
		28	08-Jul-19	22,843	3,965	3,420	3,411	3,682	4,692	2,476	1,197		
		29	15-Jul-19	22,652	3,245	4,657	4,518	2,851	3,369	2,409	1,603		
		30	22-Jul-19	19,963	3,117	3,677	3,731	3,137	3,102	2,039	1,160		
		31	29-Jul-19	19,556	3,609	2,706	2,800	3,111	3,120	2,771	1,439		
		32	05-Aug-19	19,782	2,669	3,173	3,191	3,661	3,017	2,364	1,707		
		33	12-Aug-19	18,792	2,558	3,673	2,436	3,521	2,718	2,665	1,221		
		34	19-Aug-19	22,645	3,305	3,291	3,714	3,568	4,056	3,052	1,659		
		35	26-Aug-19	20,142	1,921	3,660	2,689	3,504	3,868	2,767	1,733		
		36	02-Sep-19	20,079	3,943	2,725	2,757	3,653	2,948	2,208	1,845		
		37	09-Sep-19	23,059	2,720	3,621	3,088	3,397	4,851	3,296	2,086		
		38	16-Sep-19	26,113	2,960	4,611	4,894	4,252	4,961	3,137	1,298		
	2020	25	15-Jun-20	9,570	1,574	1,680	1,303	1,318	1,567	1,409	719		
	Weekly/Daily YOY %			-60.3%	-57.3%	-56.2%	-60.4%	-67.6%	-67.0%	-56.5%	-40.2%	-66.3%	-60.5%
	2020	26	22-Jun-20	11,463	1,933	1,870	1,864	1,914	1,889	1,190	803		
	Weekly/Daily YOY %			-50.9%	-45.6%	-43.8%	-48.3%	-52.3%	-53.1%	-60.6%	-55.9%	-65.0%	-59.0%
	2020	27	29-Jun-20	10,668	1,541	1,339	1,916	1,675	1,849	1,346	1,002		
	Weekly/Daily YOY %			-59.1%	-65.7%	-69.6%	-53.3%	-61.1%	-60.8%	-51.6%	-20.4%	-65.8%	-58.4%
	2020	28	06-Jul-20	12,391	1,993	2,168	1,586	1,703	2,022	1,839	1,080		
	Weekly/Daily YOY %			-45.8%	-49.7%	-36.6%	-53.5%	-53.7%	-56.9%	-25.7%	-9.8%	-60.0%	-50.8%
	2020	29	13-Jul-20	12,399	2,138	1,778	1,985	1,662	2,224	1,741	871		
	Weekly/Daily YOY %			-45.3%	-34.1%	-61.8%	-56.1%	-41.7%	-34.0%	-27.7%	-45.7%	-58.1%	-48.3%
	2020	30	20-Jul-20	12,233	2,128	2,130	2,071	1,800	1,812	1,296	996		
	Weekly/Daily YOY %			-38.7%	-31.7%	-42.1%	-44.5%	-42.6%	-41.6%	-36.4%	-14.1%	-54.6%	-44.8%
	2020	31	27-Jul-20	13,444	1,503	1,860	2,123	2,315	2,317	1,927	1,399		
	Weekly/Daily YOY %			-31.3%	-58.4%	-31.3%	-24.2%	-25.6%	-25.7%	-30.5%	-2.8%	-53.5%	-43.9%
	2020	32	03-Aug-20	12,869	1,891	2,178	1,798	1,798	2,429	1,609	1,166		
	Weekly/Daily YOY %			-34.9%	-29.1%	-31.4%	-43.7%	-50.9%	-19.5%	-31.9%	-31.7%	-52.4%	-40.2%
	2020	33	10-Aug-20	11,876	2,025	1,820	2,029	1,862	1,778	1,491	871		
	Weekly/Daily YOY %			-36.8%	-20.8%	-50.4%	-16.7%	-47.1%	-34.6%	-44.1%	-28.7%	-52.7%	-39.4%
	2020	34	17-Aug-20	12,424	1,932	1,981	1,544	2,023	1,977	1,877	1,090		
	Weekly/Daily YOY %			-45.1%	-41.5%	-39.8%	-58.4%	-43.3%	-51.3%	-38.5%	-34.3%	-49.9%	-39.3%
	2020	35	24-Aug-20	12,043	1,815	1,608	1,723	1,943	2,306	1,483	1,165		
	Weekly/Daily YOY %			-40.2%	-5.5%	-56.1%	-35.9%	-44.5%	-40.4%	-46.4%	-32.8%	-43.9%	-32.7%
	2020	36	31-Aug-20	13,326	1,156	2,510	2,155	1,690	2,221	2,195	1,399		
	Weekly/Daily YOY %			-33.6%	-70.7%	-7.9%	-21.8%	-53.7%	-24.7%	-0.6%	-24.2%	-41.5%	-31.2%
	2020	37	07-Sep-20	16,277	2,096	2,150	2,781	3,288	2,748	1,922	1,292		
	Weekly/Daily YOY %			-29.4%	-22.9%	-40.6%	-9.9%	-3.2%	-43.4%	-41.7%	-38.1%	-43.4%	-33.6%
	2020	38	14-Sep-20	18,705	3,196	3,125	2,330	3,128	3,397	2,250	1,279		
	Weekly/Daily YOY %			-28.4%	8.0%	-32.2%	-52.4%	-26.4%	-31.5%	-28.3%	-1.5%	-42.4%	-33.4%

	Year	Week	Week Commencing	Weekly Total	Mon	Tue	Wed	Thu	Fri	Sat	Sun	GL Weekly YOY %	UK Weekly YOY %
Upminster	2019	25	17-Jun-19	35,661	5,167	5,002	5,279	5,609	6,315	5,697	2,592		
		26	24-Jun-19	37,163	5,214	5,229	5,477	6,045	6,775	5,490	2,933		
		27	01-Jul-19	37,646	5,392	6,530	5,710	6,234	6,428	4,929	2,423		
		28	08-Jul-19	36,743	5,328	5,380	5,721	5,705	6,611	5,373	2,625		
		29	15-Jul-19	35,409	5,366	5,831	5,761	5,363	5,276	5,018	2,794		
		30	22-Jul-19	32,692	5,280	6,208	5,714	4,023	4,974	4,123	2,370		
		31	29-Jul-19	32,160	5,209	4,570	4,809	4,979	5,114	5,111	2,368		
		32	05-Aug-19	31,631	4,503	5,247	4,609	4,992	4,743	5,016	2,521		
		33	12-Aug-19	29,531	4,095	5,634	3,450	4,985	4,239	4,881	2,247		
		34	19-Aug-19	33,021	4,749	5,152	4,963	5,254	5,697	4,695	2,511		
		35	26-Aug-19	29,725	2,520	4,594	4,769	4,882	5,493	4,978	2,489		
		36	02-Sep-19	32,360	4,710	4,816	4,806	5,034	5,167	4,857	2,970		
		37	09-Sep-19	34,990	4,226	5,291	5,429	5,513	6,532	5,278	2,721		
		38	16-Sep-19	35,645	5,000	5,676	5,469	5,472	6,006	5,728	2,294		
	2020	25	15-Jun-20	23,313	3,739	3,312	2,989	3,130	3,755	4,528	1,860		
	Weekly/Daily YOY %			-34.6%	-27.6%	-33.8%	-43.4%	-44.2%	-40.5%	-20.5%	-28.2%	-66.3%	-60.5%
	2020	26	22-Jun-20	23,647	3,905	3,826	3,364	3,709	3,653	3,172	2,018		
	Weekly/Daily YOY %			-36.4%	-25.1%	-26.8%	-38.6%	-38.6%	-46.1%	-42.2%	-31.2%	-65.0%	-59.0%
	2020	27	29-Jun-20	24,108	3,381	3,126	3,174	3,352	4,076	4,366	2,633		
	Weekly/Daily YOY %			-36.0%	-37.3%	-52.1%	-44.4%	-46.2%	-36.6%	-11.4%	8.7%	-65.8%	-58.4%
	2020	28	06-Jul-20	25,531	4,016	4,008	2,911	3,505	4,431	4,170	2,490		
	Weekly/Daily YOY %			-30.5%	-24.6%	-25.5%	-49.1%	-38.6%	-33.0%	-22.4%	-5.1%	-60.0%	-50.8%
	2020	29	13-Jul-20	28,055	4,229	4,113	4,741	3,921	4,714	4,213	2,124		
	Weekly/Daily YOY %			-20.8%	-21.2%	-29.5%	-17.7%	-26.9%	-10.7%	-16.0%	-24.0%	-58.1%	-48.3%
	2020	30	20-Jul-20	26,921	4,538	4,653	3,943	3,859	4,089	3,373	2,466		
	Weekly/Daily YOY %			-17.7%	-14.1%	-25.0%	-31.0%	-4.1%	-17.8%	-18.2%	4.1%	-54.6%	-44.8%
	2020	31	27-Jul-20	25,308	3,272	3,953	3,947	3,950	3,534	4,195	2,457		
	Weekly/Daily YOY %			-21.3%	-37.2%	-13.5%	-17.9%	-20.7%	-30.9%	-17.9%	3.8%	-53.5%	-43.9%
	2020	32	03-Aug-20	24,284	3,665	4,010	3,915	3,599	3,123	3,795	2,177		
	Weekly/Daily YOY %			-23.2%	-18.6%	-23.6%	-15.1%	-27.9%	-34.2%	-24.3%	-13.6%	-52.4%	-40.2%
	2020	33	10-Aug-20	22,033	3,453	3,050	3,314	3,268	3,352	3,721	1,875		
	Weekly/Daily YOY %			-25.4%	-15.7%	-45.9%	-3.9%	-34.4%	-20.9%	-23.8%	-16.6%	-52.7%	-39.4%
	2020	34	17-Aug-20	24,411	3,215	3,900	2,762	4,418	3,995	4,076	2,045		
	Weekly/Daily YOY %			-26.1%	-32.3%	-24.3%	-44.3%	-15.9%	-29.9%	-13.2%	-18.6%	-49.9%	-39.3%
	2020	35	24-Aug-20	25,897	3,636	3,232	5,203	3,506	3,372	3,874	3,074		
	Weekly/Daily YOY %			-12.9%	44.3%	-29.6%	9.1%	-28.2%	-38.6%	-22.2%	23.5%	-43.9%	-32.7%
	2020	36	31-Aug-20	25,757	2,964	3,910	3,736	3,447	4,200	4,953	2,547		
	Weekly/Daily YOY %			-20.4%	-37.1%	-18.8%	-22.3%	-31.5%	-18.7%	2.0%	-14.2%	-41.5%	-31.2%
	2020	37	07-Sep-20	33,901	4,606	4,913	5,418	5,358	6,178	4,815	2,613		
	Weekly/Daily YOY %			-3.1%	9.0%	-7.1%	-0.2%	-2.8%	-5.4%	-8.8%	-4.0%	-43.4%	-33.6%
	2020	38	14-Sep-20	36,296	5,418	5,229	5,495	5,744	6,220	5,669	2,557		
	Weekly/Daily YOY %			1.8%	8.4%	-3.5%	-0.2%	5.0%	3.6%	-1.0%	11.5%	-42.4%	-33.4%

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CABINET

Subject Heading:

Updating Parks and Open Spaces
Byelaws

Cabinet Member:

Councillor Dervish

SLT Lead:

Barry Francis

Report Author and contact details:

**James Rose, x3868,
james.rose@haverling.gov.uk**

Policy context:

As part of the Havering Plan 2019 to 2020
within the Places theme:

*Making sure that our neighbourhoods are
a great place to live by investing in them
and **keeping them clean, green and safe**
with access to quality parks and leisure
facilities*

Within this priority an outcome for parks is:

*Havering has excellent leisure facilities
and **award winning parks***

Financial summary:

The cost of adopting the new byelaws is
limited to the cost of consultation and
signage which is anticipated to be in the
region of £5,000. This will be contained
within the Public Realm revenue budget.

Is this a Key Decision?

This will have an effect on every ward in
the borough.

When should this matter be reviewed?

Annually

Reviewing OSC:

Environment

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

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

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[x]
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SUMMARY

The Council is responsible for various parks, open spaces and public gardens in the Borough. The conduct of the public in these locations is regulated by byelaws, which aim to ensure that everyone is reasonably able to use the spaces without unreasonably inconveniencing other users. The byelaws were last updated in 1983 and over time the nature of park usage has altered and the expectations of park users have also changed. The updated byelaws reflect the way in which the Borough's parks and open spaces are used today and the reasonable expectations of users. The updating also ensures that they are easier for park users to understand. Once approved by Cabinet, full Council will formally decide on whether to adopt the updated byelaws, as set out in Part 1 Paragraph 4.01 (j) of the Constitution.

RECOMMENDATIONS

Cabinet agrees to:

1. Agree the draft New Byelaws for the Borough's Pleasure Grounds, Public Walks, and Open Spaces as shown in Appendix 1 and amended Schedule of areas as shown in Appendix 2 for public consultation.
2. Agree that the existing Pleasure Ground Byelaws as shown in Appendix 3 and existing Schedule of Sites as shown in Appendix 4 are revoked once the final versions of the new Byelaws and Schedule of areas as set out in recommendation 1) above have been approved by Cabinet and subsequently full Council.

REPORT DETAIL

1. Background

1.1 The Council is responsible for public parks, open spaces and gardens in the

Borough. The conduct of the public in these locations is currently regulated primarily by byelaws, which aim to ensure that everyone is reasonably able to use the spaces without unreasonably inconveniencing other users.

1.2 The Council's byelaws were last updated in 1983 but were based on the Victorian model where much of the content is now irrelevant. A copy of the existing byelaws are attached as Appendix 3, these will need to be revoked as part of this process. Over time the nature of park usage has altered as has the expectations of users. In addition, the penalties which may be imposed in serious cases of a breach are insufficient to act as a deterrent.

1.3 A key theme in The Havering Plan 2019-20 is to keep our neighbourhoods safe and clean. The updated byelaws are therefore required to reflect the way in which the Borough's parks and open spaces are used today and the responsible expectations of users.

1.4 The updated byelaws which are based upon model wording published by the Department for Communities and Local Government (DCLG) now The Ministry for Housing, Communities and Local Government (MHCLG), also ensures that they are easier for park users to understand. Officers from Parks, Legal and Enforcement have been working together to produce draft byelaws using the DCLG model. A copy of the 1st draft is in Appendix 1 and a 1st draft of the schedule listing the grounds to which the byelaws will apply is attached as Appendix 2.

1.5 Since the model byelaws have been amended to address specific issues within the London Borough of Havering, the Ministry for Housing, Communities and Local Government (MHCLG), formally DCLG, will need to approve these changes as part of the consultation process.

1.6 In addition to modernising the existing clauses the following new byelaws are proposed:

Temporary Accommodation

This is more specific to using green spaces for accommodation with tents, caravans or any other structure or vehicle.

Overnight Parking

This prohibits leaving vehicles in car parks when the sites are closed.

Children's Play Areas

This prohibits older children (over 14) using play areas. This is already on signage but it is not enforceable.

Public shows, performances, events and organised activities

This prohibits unauthorised events or activities.

1.7 The following bylaw has been significantly amended:

Cycling

The existing bylaw makes it an offence to cycle in any other areas except designated routes in certain sites.

The proposed amendment only makes it an offence to cause annoyance of risk to any others (including rider). Therefore, as long as people cycle responsibly then it will not be a bylaw offence to use any of the sites, unless specifically stated by official signage, e.g. in children's play areas.

1.8 The schedule of sites to which the bylaws apply (Appendix 2) will also be updated to include spaces left out of the existing bylaws. This includes Bretons Outdoor Recreation Centre which has suffered from multiple incidents of anti-social behaviour and Lilliput Road Open Space which has recently been improved with the addition of a local football club using the space. The inclusion of all the sites within this schedule will help improve the management and protection of these areas, however it will not prevent future changes of use.

1.9 The adoption of the new bylaws is clearly set out and will assist with the enforcement of these rules and regulations but will also give other stakeholders, e.g. Friends Groups, a better understanding and assurances around community safety.

1.10 Should a decision be made to proceed with updating the bylaws the process will take approximately 12-18 months. This will involve a public consultation for a period of 8) weeks and will be undertaken by Council Officers or their agents. The Council is required to consult with members of the public and other bodies and organisations who have any interest or are users of the areas which will be the subject of the new Byelaws. The organisations who will be consulted are key stakeholders including friend's groups, sports and recreation groups and equal access groups. A detailed table of the process is in Appendix 5.

1.11 Should the Cabinet and then full Council decide to proceed with the process to update the bylaws, a Communications plan to emphasise the positive impact of the new bylaws on improving the management and protection of the boroughs parks and open spaces will be prepared.

1.12 Enforcement of the Byelaws will be undertaken by the Council's Enforcement teams, and specifically the Parks Protection Service who will have the relevant authority to ensure they are being adhered to.

1.13 Attachments to the report:

- Appendix 1 - (1st Draft of updated Byelaws)
- Appendix 2 - (1st Draft of schedule of sites)
- Appendix 3 - (Existing Byelaws)
- Appendix 4 - (Existing schedule of sites)
- Appendix 5 - (Project Timeline)

REASONS AND OPTIONS

2. Reasons for the decision:

2.1 The existing byelaws are significantly out of date, in some cases irrelevant, unclear to the public and without sufficient clauses to enable effective enforcement of our parks and open spaces to ensure they meet the objectives of the Council.

2.2 It is essential that the Council is able to effectively control activities within the parks and open spaces and when necessary take enforcement action to prevent damage and nuisance to other users and local residents. Therefore the byelaws need to be up to date and cover all sites.

3. Other options considered:

3.1 By continuing to use the existing byelaws certain activities and behaviours cannot be effectively controlled and enforced. Whilst the Parks Protection Service are able to use persuasion in the absence of the necessary byelaws this is not always effective. Bretons Outdoor Recreation Centre has suffered from various incidents of anti-social behaviour, including the frequent and high profile fly-grazing and cart riding. Since this is not covered under the existing byelaws no enforcement action can be taken. This is both harmful for the Council's relationship with the several user groups but also any long-term strategic development of the site.

3.2 The current bylaws are not fit for purpose and do not reflect how our parks are used. For example it is currently an offence to cycle in parks other than on certain designated routes. Responsible cycling is something that should be encouraged and not prohibited in our open spaces.

3.3 Under section 59 of the Anti-social Behaviour, Crime and Policing Act 2014 a Public Space Protection Order (PSPO) can be created if a local authority is satisfied, on reasonable grounds, that activities carried on in public in the local authority's area have had a detrimental effect on the quality of life of those in the locality (or such activities are likely to occur), and the effect of those activities is, or is likely to be, of a persistent and continuing nature, is such as to make the

activities unreasonable, which justifies the restrictions imposed by the PSPO. There must be sufficient evidence gathered of complaints and nuisance etc. to justify such an Order and there is a requirement to consult with the relevant bodies and members of the public who would be affected. Although this can apply to parks and open spaces, the evidence must be of a high standard and an Order will only last for three years. In the circumstances, it has been considered the most appropriate option is to update the existing Byelaws.

IMPLICATIONS AND RISKS

4. Financial implications and risks:

4.1 Consultation and the necessary advertising, including signage, will require funding and although exact costs are not known at this stage it is anticipated that they will not be significant so will be contained within the existing Public Realm budget.

5. Legal implications and risks:

5.1 Byelaws are local laws made by the Council under an enabling power contained in a public general act or a local act requiring something to be done or not done in a specified area. Apart from any general power to make byelaws the relevant legislation supporting the byelaws in this case are The Public Health Act 1875 and The Open Spaces Act 1906. These Acts enable local authorities to make byelaws for the regulation of public walks and pleasure grounds and of open spaces respectively.

5.2 Byelaws are enforced through the magistrates' court and upon successful conviction of contravening these particular byelaws (if adopted) could result in a level 2 fine of up to £500.

5.3 Byelaws are generally considered a measure of last resort after alternative attempts to address the relevant issues has been unsuccessful. . A byelaw cannot be made where alternative legislative measures already exist that could be used to address the problem. Byelaws should always be proportionate and reasonable. Where a byelaw is no longer necessary, it should be revoked.

5.4 The Byelaws (Alternative Procedure) (England) Regulations 2016 introduced new arrangements for byelaws. The regulations simplify the procedures for making new byelaws and amending byelaws, including replacing the Secretary of State for Communities and Local Government's role in confirming byelaws. This is now a matter for the Council, having taken account of any representations made about the proposed byelaw. The Secretary of State's role now is simply to consider an application to make byelaws, and then give leave to do so.

5.5 The regulations also give councils powers to revoke byelaws under an entirely local process. The regulations do not give local authorities powers to create new categories of byelaws. Hence the need to follow the Secretary of States model byelaws.

6. Human Resources implications and risks:

6.1 There should be no significant implications as the existing enforcement team (Parks Protection Service) are well trained and highly competent with the application of byelaws.

6.2 There will be the need for the Parks Protection Service and Parks Officers to familiarise themselves with the new clauses however this is not considered to have any effect on the services.

7. Equalities implications and risks:

7.1 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.

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

7.3 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.

7.4 The adoption of the new byelaws will clearly set out rules and regulations, which aim to ensure that all members of the community are able to use parks without unreasonably inconveniencing other users.

7.5 A EqHIAs (Equality and Health Impact Assessments) will be carried out prior to commencement of the public consultation. This will enable informed decision-making when finalising the updated byelaws.

7.6 The consultation will include those individuals and groups with protected characteristics.

8. Health and Wellbeing implications and Risks

8.1 The adoption of fit for purpose bylaws will contribute to the effective management of our Parks and Open Spaces. These assist with users mental and physical health, e.g. socialising, reflection, access to nature, informal and formal recreation.

BACKGROUND PAPERS

None

APPENDIX 1 – DRAFT UPDATED BYLAWS

THE LONDON BOROUGH OF HAVERING

BYELAWS FOR PLEASURE GROUNDS, PUBLIC WALKS AND OPEN SPACES

ARRANGEMENT OF BYELAWS

PART 1

GENERAL

1. General interpretation
2. Application
3. Opening times

PART 2

PROTECTION OF THE GROUND, ITS WILDLIFE AND THE PUBLIC

4. Protection of structures and plants
5. Unauthorised erection of structures
6. Climbing
7. Grazing
8. Protection of wildlife
9. Gates
10. Camping
11. Fires
12. Missiles
13. Interference with life-saving equipment

PART 3

HORSES, CYCLES AND VEHICLES

14. Interpretation of Part 3
15. Horses- Horse riding prohibited except in certain grounds (subject to bridleway, etc)
16. Cycling
17. Motor vehicles
18. Overnight parking

PART 4
PLAY AREAS, GAMES AND SPORTS

- 19. Interpretation of Part 4
- 20. Children's play areas
- 21. Children's play apparatus
- 22. Skateboarding, etc permitted but must not cause danger or annoyance
- 23. Ball games - Prohibition of ball games
- 24. Designated areas for certain Ball Games
- 25. Ball games - Generally
- 26. Archery
- 27. Field sports
- 28. Golf

PART 5
WATERWAYS

- 29. Interpretation of Part 5
- 30. Bathing
- 31. Ice skating
- 32. Model boats
- 33. Boats- To prohibit use of boats etc without permission
- 34. Fishing-requirements
- 35. Fishing- generally
- 36. Overnight Fishing
- 37. Fishing- permanent removal of fish
- 38. Pollution
- 39. Blocking of watercourses

PART 6
MODEL AIRCRAFT

- 40. Interpretation of Part 6
- 41. Model aircraft - Model aircraft prohibited in certain areas
- 42. Model aircraft - Model aircraft permitted but must not cause danger or annoyance

PART 7
OTHER REGULATED ACTIVITIES

- 43. Provision of services
- 44. Excessive noise
- 45. Public shows and performances
- 46. Aircraft, hang-gliders and hot air balloons
- 47. Kites prohibited
- 48. Kites permitted but must not cause danger or annoyance
- 49. Metal detectors- designated area
- 50. - generally

PART 8
MISCELLANEOUS

- 51. Obstruction
- 52. Savings
- 53. Removal of offenders
- 54. Penalty
- 55. Revocation

SCHEDULE 1- Grounds to which byelaws apply generally
SCHEDULE 2 - Grounds referred to in certain byelaws

Byelaws made under section 164 of the Public Health Act 1875 and sections 12 and 15 of the Open Spaces Act 1906 by the London Borough of Havering with respect to those pleasure grounds, public walks and open spaces as listed in Schedule 1

PART 1

GENERAL

General Interpretation

1. In these byelaws:

“the Council” means the London Borough of Havering;

“designated area” means an area in the ground which is set aside for a specified purpose, that area and its purpose to be indicated by notices placed in a conspicuous position;

“designated times” means the times an activity is permitted indicated by notices placed in a conspicuous position

“invalid carriage” means a vehicle, whether mechanically propelled or not,

- (a) the unladen weight of which does not exceed 150 kilograms,
- (b) the width of which does not exceed 0.85 metres, and
- (c) which has been constructed or adapted for use for the carriage of a person suffering from a disability, and used solely by such a person.

“permission” means written permission from the Parks and Open Spaces manager obtained prior to the activity which will not be unreasonably withheld

Application

2. These byelaws apply to all of the grounds listed in the Schedule 1 unless otherwise stated.

Opening times

3. (1) No person shall enter or remain in the ground except during opening hours.
- (2) “Opening hours” means when the ground is open to the public by 8am every morning until approximately 30 minutes after sunset..
- (3) Byelaw 3(1) applies only to the grounds listed in part 1 of Schedule 2 and car parks listed in part 2 of Schedule 2.
- (4) The Council reserves the right to alter the opening hours of car parks depending on usage

PART 2

PROTECTION OF THE GROUND, ITS WILDLIFE AND THE PUBLIC

Protection of structures and plants

4. (1) No person shall without permission remove from or displace within the ground:
- (a) any barrier, post, seat or implement, or any part of a structure or ornament provided for use in the laying out or maintenance of the ground; or
 - (b) any stone, soil or turf or the whole or any part of any plant, shrub or tree.
- (2) No person shall walk on or ride, stand, sit, lie, drive or station a horse or any vehicle over:
- (a) any flower bed, shrub or plant;
 - (b) any ground in the course of preparation as a flower bed or for the growth of any tree, shrub or plant; or
 - (c) any part of the ground set aside by the Council for the renovation of turf or for other landscaping purposes and indicated by a notice conspicuously displayed.

Unauthorised erection of structures

5. No person shall without the consent of the Council erect any barrier, post, ride or swing, building, shelter or any other structure temporary or otherwise.

Climbing

6. No person shall without reasonable excuse climb any wall or fence in or enclosing the ground, or any tree, or any barrier, railing, post or other structure.

Animals

7. No person shall without the consent of the Council keep any animal in the ground or turn out or permit any animal for which he is responsible to graze in the ground.

Protection of wildlife

8. No person shall kill, injure, take or disturb any animal, or engage in hunting or shooting or the setting of traps or the laying of snares.

Gates

9. (1) No person shall leave open any gate to which this byelaw applies and which he has opened or caused to be opened.

- (2) Byelaw 9(1) applies to any gate to which is attached, or near to which is displayed, a conspicuous notice stating that leaving the gate open is prohibited.

Temporary Accommodation

10. No person shall without the consent of the Council erect a tent, use a, caravan or any other structure or vehicle being used for the purpose of temporary accommodation

Fires

11. (1) No person shall light a fire or place, throw or drop a lighted match or any other thing likely to cause a fire,
- (2) Byelaw 11(1) shall not apply to:
- (a) the lighting of a fire at any event for which the Council has given permission that fires may be lit; eg fireworks displays etc

Missiles

12. No person shall throw or use any device to propel or discharge within the ground any object which is liable to cause injury to any other person.

Interference with life-saving equipment

13. No person shall except in case of emergency remove from or displace within the ground or otherwise tamper with any life-saving appliance provided by the Council.

PART 3

HORSES, CYCLES AND VEHICLES

Interpretation of Part 3

14. In this Part:

“designated route” means a route in or through the ground which is set aside for a specified purpose, its route and that purpose to be indicated by notices placed in a conspicuous position;

“motor cycle” means a mechanically-propelled vehicle, not being an invalid carriage, with less than four wheels and the weight of which does not exceed 410 kilograms;

“motor vehicle” means any mechanically-propelled vehicle other than a motor cycle or an invalid carriage;

“trailer” means a vehicle drawn by a motor vehicle and includes a caravan.

Horses

15. (1) No person shall ride a horse except:
- (a) in the designated areas of the grounds listed in Part 4 of Schedule 2 or
 - (b) in the exercise of a lawful right or privilege.
- (2) Where horse-riding is permitted in any ground by virtue of byelaw 15(1)(a) or a lawful right or privilege, no person shall ride a horse in such a manner as to cause annoyance or risk to any others (including rider)

Cycling

16. No person shall cycle in such a manner as to cause annoyance or risk to any other others (including rider)

Motor vehicles

17. No person shall without permission bring into or drive in the ground a motor cycle, motor vehicle or trailer except in any part of the ground where there is a right of way or a designated route for that class of vehicle.

Overnight parking

18. No person shall without permission leave or cause or permit to be left any motor vehicle between closing and opening times

PART 4

PLAY AREAS, GAMES AND SPORTS

Interpretation of Part 4

19. In this Part:

“ball games” means any game involving throwing, catching, kicking, putting, batting or running with any ball or other object designed for throwing and catching,

“self-propelled vehicle” means a vehicle other than a cycle, invalid carriage or pram which is propelled by the weight or force of one or more persons

skating, sliding or riding on the vehicle or by one or more persons pulling or pushing the vehicle.

Children's play areas

20. No person aged 14 years or over shall enter or remain in a designated area which is a children's play area unless in charge of a child under the age of 14 years.

Children's play apparatus

21. a) Where a notice is conspicuously displayed on or near apparatus states it is to be for the exclusive use of persons under a certain age, no person over that age shall use such apparatus.
- b) Where a notice is conspicuously displayed on or near apparatus states it is to be for the exclusive use of persons over a certain age, no person under that age shall use such apparatus.

Skateboarding, etc

22. No person shall skate, slide or ride on rollers, skateboards or other self-propelled vehicles in such a manner as to cause danger or give reasonable grounds for annoyance to any others .

Ball games

23. No person shall play ball games in the grounds listed in Part 3 of Schedule 2.
24. Where a notice is conspicuously displayed on or near ground states that ground is a designated area for a particular ball game, no person shall play any other game.
25. Where ball games are permitted no person shall play such games in a manner:
- (a) as to cause danger or give reasonable grounds for annoyance to any other person in the ground; or
 - (b) which is likely to cause damage to any tree, shrub or plant in the ground.

Archery

26. No person shall engage in the sport of archery except in connection with an event organised by or held with the consent of the Council.

Field sports

27. No person shall throw or put any javelin, hammer, discus or shot except in connection with an event organised by or held with permission from the Council

Golf

28. No person shall drive, chip, or pitch a hard golf ball except on Hall Lane Miniature Golf Course

PART 5

WATERWAYS

Interpretation of Part 5

29. In this Part:

“boat” means any yacht, motor boat or similar craft but not a model or toy boat;

“power-driven” means driven by the combustion of petrol vapour or other combustible substances; and electricity

“waterway” means any river, lake, pool or other body of water and includes any fountain.

Bathing

30. No person shall without permission bathe or swim in any waterway.

Ice skating

31. No person shall step onto or otherwise place their weight upon any frozen waterway.

Model boats

32. No person shall operate a power-driven model boat on any waterway listed in Part 5 of Schedule 2
33. Where model boats are permitted, no person shall operate a power-driven model boat on any waterway in a manner
- (a) as to cause danger or give reasonable grounds for annoyance to any other person in the ground; or
 - (b) which is likely to cause damage to any waterway,
 - (c) which is likely to cause harm to any fish, bird or other animal

Boats

34. No person shall sail or operate any boat, dinghy, canoe, sailboard or inflatable on any waterway without the consent of the Council.

Fishing

35. No person shall in any waterway cast a net or line for the purpose of catching fish or other animals except in a designated area for fishing in the sites listed in Part 6 of Schedule 2
36. No person shall in any waterway cast a net or line for the purpose of catching fish or other animals in a manner:
- (a) as to cause danger or give reasonable grounds for annoyance to any other person
 - (b) which is likely to cause damage to any waterway, tree, shrub or plant
 - (c) which is likely to cause harm to any fish, bird or other animal
37. No person shall without permission from the Council in any waterway cast a net or line for the purpose of catching fish or other animals overnight.
38. No person shall permanently remove any fish from the water
39. No more than **two** rods per person shall be used.
40. Fishing may be prohibited during the closed season (15th March – 15th June) on lakes where prior notice is given

Blocking of watercourses

41. No person shall cause or permit the flow of any drain or watercourse in the ground to be obstructed, diverted, open or shut or otherwise move or operate any sluice or similar apparatus.

PART 6

MODEL AIRCRAFT

Interpretation of Part 6

42. In this Part:

“model aircraft” means an aircraft which weighs not more than 7 kilograms without its fuel;

“power-driven” means driven by:

- (a) the combustion of petrol vapour or other combustible substances;
- (b) jet propulsion or by means of a rocket, other than by means of a small reaction motor powered by a solid fuel pellet not exceeding 2.54 centimetres in length; or

- (c) one or more electric motors or by compressed gas.

“radio control” means control by a radio signal from a wireless transmitter or similar device.

General prohibition

43. No person shall cause any power-driven model aircraft to:
- (a) take off or otherwise be released for flight or control the flight of such an aircraft; or
 - (b) land in the ground without reasonable excuse;
- in any ground other than the designated area in Bretons Outdoor Recreation Centre
44. Where model aircraft are permitted no person shall use any power-driven model aircraft in a manner to recklessly or deliberately :
- (a) as to cause danger or give reasonable grounds for annoyance to any other person in the ground or surrounding area; or
 - (b) which is likely to cause damage to any tree, shrub or plant in the ground.

PART 7

OTHER REGULATED ACTIVITIES

Provision of services

45. No person shall without permission from the Council provide or offer to provide any service for which a charge is made.

Excessive noise

46. (1) No person shall, after being requested to desist by any other person in the ground, make or permit to be made any noise which is so loud or so continuous or repeated as to give reasonable cause for annoyance to other persons in the ground by:
- (a) shouting or singing;
 - (b) playing on a musical instrument; or
 - (c) by operating or permitting to be operated any radio, amplifier, music player or similar device.
- (2) Byelaw 40(1) does not apply to any person holding or taking part in any entertainment held with the consent of the Council.

Public shows, performances, events and organised activities

47. No person shall without permission from the Council hold or take part in any public show, performance, meeting, event or organised activity.

Aircraft, hang gliders and hot air balloons

48. No person shall except in case of emergency or with the permission of the Council take off from or land in the ground in an aircraft, helicopter, hang glider or hot air balloon.

Kites

49. No person shall fly any kite in the grounds listed in Part 3 of Schedule 2
50. Where it is permitted no person shall fly any kite in such a manner as to cause danger or give reasonable grounds for annoyance to any other person.

Metal detectors

51. No person without permission from the Council shall use any device designed or adapted for detecting or locating any metal or mineral in the ground.
52. Where permission has been granted no person shall use any such device in a manner
- (a) as to cause danger or give reasonable grounds for annoyance to any other person in the ground; or
 - (b) which is likely to cause damage to any flower bed, lawn, tree, shrub or plant in the ground.

PART 8

MISCELLANEOUS

Obstruction

53. No person shall obstruct:
- (a) any officer of the Council or constable in the proper execution of his duties;
 - (b) any person carrying out an act which is necessary to the proper execution of any contract with the Council; or
 - (c) any other person in the proper use of the ground.

Savings

54. (1) It shall not be an offence under these byelaws for an officer of the Council or any person acting in accordance with a contract with the Council to do anything necessary to the proper execution of his duty.
- (2) Nothing in or done under these byelaws shall in any respect prejudice or injuriously affect any public right of way through the ground, or the rights of any person acting lawfully by virtue of some estate, right or interest in, over or affecting the ground or any part of the ground.

Removal of offenders

55. Any person offending against any of these byelaws may be removed from the ground by an officer of the Council or a constable.

Penalty

56. Any person offending against any of these byelaws shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.

Revocation

57. The byelaws made by the London Borough of Havering on *insert date* and confirmed by the Secretary of State for the Department of Communities and Local Government *insert date of confirmation* relating to the ground are hereby revoked.

SCHEDULES

SCHEDULE 1

GROUND TO WHICH BYELAWS APPLY GENERALLY

A12/Whitland Way Bund
Abbey Wood Lane Open Space
Abbs Cross Land
Airfield Way Land Site 1
Airfield Way Land Site 2
Ashbourne Road Amenity land
Avelon Road
Balgores Lane Playing Fields
Bancroft Chase
Bedfords Park
Bell Avenue Playground
Bretons Outdoor Recreation Centre
Bridge Road Land, Rainham
Briscoe Road Verge
Brittons Playing Fields
Brookway Amenity Space/
Broxhill Centre
Byron Way Amenity Land
Cavendish Crescent Playsite
Central Park, Harold Hill
Charlbury Crescent Playsite
Chelmsford Avenue Amenity Land/Playgrounds
Chudleigh Road Open Space
Clockhouse Gardens, Upminster
Colchester Road/Cornflower Way Open space
Collier Row Recreation Ground
Collier Row Green Link/Bacon Link
Coronation Gardens
Cottons Park, Romford
Cranham Brickfields (aka Cranham Playing Fields)
Cross Road Playsite

Dagnam Park
Dagnam Park Amenity Land
Dorking Road Playsite
Duck Wood and adjacent Land
Elliot Playing Field
Faringdon Avenue Flood Lagoon
Fir Wood
Fielder's Sports Ground, Hornchurch
Fleet Close/Severn Drive Recreation Ground
Forest Row Playsite
Frederick Road Playing Fields/Mardyke Open Space
Front Lane Land
Gaynes Parkway, Upminster
Gidea Park Playing Fields/Sports Ground

Glen Estate Playspace
Gooshays Gardens/ Gooshays Drive Amenity Land Site 1
Gooshays Gardens/ Gooshays Drive Amenity Land Site 2
Grenfell Park, Hornchurch
Hacton Parkway, Upminster
Halesworth Road Playground
Hall Lane Miniature Golf Course
Harlow Gardens Playsite
Harold Wood Park
Harrow Lodge Park, Hornchurch
Hatters Wood
Hatters Wood Land Junction of Whitchurch Road and Dagnam Park Drive
Havering Country Park
Havering Playing Field
Havering Road Land
Havering Village Green
Havering Well Garden
Haynes Park, Hornchurch
Heaton Avenue Playsites: Dryden & Kipling
Hitchin Close
Hornchurch Country Park/Ingrebourne Nature Reserve
Hylands Park, Hornchurch
Jutsums Lane Recreation Ground
Keats Avenue Playsite
Kilmartin Way Amenity Land Site 1
Kilmartin Way Amenity Land Site 2
King George's Playing Field, Romford
Land adjacent to 20 Queen Mary Close
Knightswood Recreation Ground
Langtons Gardens, Hornchurch
Launceston Close, Tavistock Close and Widecombe Close
Lawns Park, Romford
Lexington Way
Lilliput Road Open Space
Lodge Farm Park
Lower Mardyke Avenue Land
Malan Square Amenity Space
Mawney Close Playground
Maybank Avenue/South End Road Playsite/Louis Marchesi
Montgomery Crescent Amenity Land
Morris Road/ Meynell Road Playsite
Myrtle Road Open Space
New Road Land, Rainham
New Road Land/Dunedin Road
Newbury Road/ Newbury Close Playsite
Noak Hill Playing Field/Recreation Ground
North Hill Drive Recreation Ground
Ockendon Road Land
Old Church Parksites
Painesbrook Open Space/Adventure Playground
Painesbrook Way/Amersham Amenity Land Site 1
Painesbrook Way/Amersham Amenity Land Site 2
Park Lane Recreation Ground
Parklands Open Space, Corbets Tey Road, Upminster
Penzance Gardens Amenity Land

Petersfield Avenue/A12
Petersfield Avenue/ Fairford Way
Platford/ Tyle Green
Priory Road Land
Priory Road Open Space/Little Hatters Wood
Queens Theatre Green, Billet Lane, Hornchurch
Rainham Bowling Green
Rainham Creekside Path
Rainham Recreation Ground
Raphael Park
Rise Park
Robert Beard Youth Centre land
Rodney Way Playsite
Romford Library Gardens
Romford Ice Rink
Rush Green Road Open Space
Sage Wood Site 1
Sage Wood Site 2
Sage Wood Site 3
Heffield Drive Open Space
Shoulder of Mutton Wood Site 1
Shoulder of Mutton Wood Site 2
Spring Farm Park, Rainham
St Andrews Park, Hornchurch
St Neots Adventure Playing Fields
Stirling Close, Rainham (Bunded Land adjacent to New Road)
Straight Road Woodland, Harold Wood
Stratton Wood
Sunflower Way Flood Lagoon
Suttons Parkway
Swanbourne Drive Amenity Land
The Chase
The Dell Open Space
The Glen, Rainham
The Green, Wennington
Thurloe Gardens adjacent 18 King Edward Road
Thurloe Gardens, Romford
Tiverton Grove/Bedale Road
Tring Gardens/ Whitchurch Road Lane
Tring Gardens Land
Tring Green Amenity Land
Tweedway Hall Land
Tylers Common
Upminster Hall Playing Field
Upminster Park, Upminster
Upminster War Memorial
Upminster Windmill Open Space
Upper Rainham Road Land
Victory Way Amenity Land
Waltom Road Amenity Land
Warley Hall Wood, A127 (Southend Arterial Road)
Waycross Road
Westlands Playing Fields
Land to rear of 6-12 Wheatsheaf Road, Romford
White Hart Lane Playsite, Collier Row

Whybridge Close Playsite
Wigton Way Land
Wrexham Road Amenity Lad

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SCHEDULE 2
GROUND REFERRED TO IN CERTAIN BYELAWS

PART 1

OPENING TIMES (BYELAW 3(1))

Broxhill Centre
Brookway Open Space
Chelmsford Avenue Open Space
Clockhouse Gardens
Collier Row Recreation Ground
Cottons Park
Fielders Sports Grounds
Forest Row Playsite
Gidea Park Sports Ground
Harold Wood Park
Haynes Park
Hylands Park
Jutsums Recreation Ground
King George's Playing Field
Langtons Gardens
Lawns Park
Lodge Farm Park
Louis Marchesi
Park Lane Recreation Ground
Raphael Park
Rise Park
Spring Farm Park
St Andrews Park
The Glen Elm Park
Westlands Playing Field

PART 2 CAR PARKS

Bedfords Park
Bretons Outdoor Recreation Centre
Brittons Playing Field
Cranham Brickfields
Dagnam Park
Harrow Lodge Park
Haynes Park
Hornchurch Country Park
Parklands Open Space
Upminster Hall Playing Fields
Tylers Common
Upminster Park

PART 3 BALL GAMES and KITES

Byron Way Amenity Land
Clockhouse Gardens
Coronation Gardens
Galleywood Crescent Amenity Land
Gooshays Drive Amenity Land- 2 sites
Hacton Lane Land
Kingbridge Circus Amenity land
Langtons Gardens
Louis Marchesi Playsite
St Edward the Confessor Churchyard
St Helen and St Giles Churchyard
St Neots Road/ Penzance Road Amenity Land
Swanbourne Drive Amenity Land
Walton Road Amenity Land

PART 4

HORSE RIDING PROHIBITED EXCEPT IN CERTAIN GROUNDS SUBJECT TO BRIDLEWAY, ETC

Brettons Outdoor Recreation Centre
Dagnam Park (aka The Manor)
Havering Country Park
Hornchurch Country Park

PART 5 MODEL BOATS

Clockhouse Gardens
Langtons Gardens

PART 6 FISHING

Bedfords Park,
Brettons Outdoor Recreation Centre
Dagnam Park,
Harrow Lodge Park,
Hornchurch Country Park,
Parklands,
Raphael Park,

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Appendix 2 - Draft Amended Schedules

SCHEDULE 1

GROUND TO WHICH BYELAWS APPLY GENERALLY

A12/Whitland Way Bund
Abbey Wood Lane Open Space
Abbs Cross Land
Airfield Way Land Site 1
Airfield Way Land Site 2
Aldingham Court
Ashbourne Road Amenity land
Avelon Road
Balgores Lane Playing Fields
Bancroft Chase
Barham Close
Barnstable Road
Bedfords Park
Bell Avenue Playground
Bretons Outdoor Recreation Centre
Briar Road Estate
Bridge Road Land, Rainham
Briscoe Road Verge
Brittons Playing Fields
Brookway Open Space
Byron Way Amenity Land
Cambourne Avenue
Cavendish Crescent Playsite
Central Park, Harold Hill
Charlbury Crescent Playsite
Chelmsford Avenue Amenity Land/Playgrounds
Chudleigh Road (Housing land)
Chudleigh Road Open Space
Clockhouse Gardens, Upminster
Colchester Road/Cornflower Way Open space
Collier Row Green Link/Bacon Link
Collier Row Recreation Ground
Coronation Gardens
Cottons Park, Romford
Cranham Brickfields (aka Cranham Playing Fields)
Cross Road Playsite
Dagnam Park
Dagnam Park Amenity Land
Dartfields
Dorking Road Playsite

Duck Wood and adjacent Land
Dunningford Close
Elliot Playing Field
Faringdon Avenue Flood Lagoon
Fielder's Sports Ground, Hornchurch
Fir Wood
Firbank Road
Fleet Close/Severn Drive Recreation Ground
Forest Row Playsite
Frederick Road Playing Fields/Mardyke Open Space
Front Lane Land
Gaynes Parkway, Upminster
Gidea Park Playing Fields/Sports Ground
Glen Estate Playspace
Gooshays Gardens/ Gooshays Drive Amenity Land Site 1
Gooshays Gardens/ Gooshays Drive Amenity Land Site 2
Grenfell Park, Hornchurch
Hacton Parkway, Upminster
Halesworth Road Playground
Hall Lane Miniature Golf Course
Hamilton Drive
Harlow Gardens Playsite
Harold Wood Park
Harrow Lodge Park, Hornchurch
Hatters Wood
Hatters Wood Land Junction of Whitchurch Road and Dagnam Park Drive
Havering Country Park
Havering Playing Field
Havering Road Land
Havering Village Green
Havering Well Garden
Haynes Park, Hornchurch
Heaton Avenue Playsites: Dryden & Kipling
Heffield Drive Open Space
Hitchin Close
Hornchurch Country Park/Ingrebourne Nature Reserve
Hylands Park, Hornchurch
Jutsums Lane Recreation Ground
Keats Avenue Playsite
Kilmartin Way Amenity Land Site 1
Kilmartin Way Amenity Land Site 2
King George's Playing Field, Romford
Kingsbridge Circus
Lessa Open Space
Land adjacent to 20 Queen Mary Close
Land to rear of 6-12 Wheatsheaf Road, Romford

Langtons Gardens, Hornchurch
Launceston Close, Tavistock Close and Widecombe Close
Lawns Park, Romford
Lexington Way
Leyburn Road
Lilliput Road Open Space
Lindfield Road
Lodge Farm Park
Lower Mardyke Avenue Land
Macon Way
Malan Square / Bader Way
Mawney Close Playground
Maybank Avenue/South End Road Playsite/Louis Marchesi
Montgomery Crescent Amenity Land
Morris Road/ Meynell Road Playsite
Myrtle Road Open Space
Napier / New Plymouth House
Neave Crescent
New Road Land, Rainham
New Road Land/Dunedin Road
Newbury Road/ Newbury Close Playsite
Noak Hill Playing Field/Recreation Ground
Noak Hill Sports Ground
North Hill Drive Recreation Ground
Ockendon Road Land
Old Church Parksit
Owletts Hall Close
Painesbrook Open Space/Adventure Playground
Painesbrook Way/Amersham Amenity Land Site 1
Painesbrook Way/Amersham Amenity Land Site 2
Park Lane Recreation Ground
Parklands Open Space, Corbets Tey Road, Upminster
Penzance Gardens Amenity Land
Petersfield Avenue/ Fairford Way
Petersfield Avenue/A12
Petersfield Close
Platford/ Tyle Green
Priory Road Land
Priory Road Open Space/Little Hatters Wood
Queens Theatre Green, Billet Lane, Hornchurch
Rainham Bowling Green
Rainham Creekside Path
Rainham Recreation Ground
Rainham Wildspace Local Nature Reserve
Raphael Park
Rise Park

Robert Beard Youth Centre land
Rodney Way Playsite
Romford Ice Rink
Romford Library Gardens
Rush Green Road Open Space
Sage Wood Site 1
Sage Wood Site 2
Sage Wood Site 3
Sedgefield Close
Shoulder of Mutton Wood Site 1
Shoulder of Mutton Wood Site 2
Spring Farm Park, Rainham
St Andrews Park, Hornchurch
St Helens & St. Giles Churchyard
St Neots Adventure Playing Fields
Stirling Close, Rainham (Bunded Land adjacent to New Road)
Straight Road
Straight Road Woodland, Harold Wood
Stratton Wood
Sunflower Way Flood Lagoon
Sunrise Avenue
Suttons Parkway
Swanbourne Drive Amenity Land
The Chase
The Dell Open Space
The Glen, Rainham
The Glens Elm Park
The Green, Wennington
Thurloe Gardens adjacent 18 King Edward Road
Thurloe Gardens, Romford
Tiverton Grove/Bedale Road
Tring Gardens Land
Tring Gardens/ Whitchurch Road Lane
Tring Green Amenity Land
Trowbridge Road
Tweedway Hall Land
Tylers Common
Upminster Hall Playing Field
Upminster Park, Upminster
Upminster War Memorial
Upminster Windmill Open Space
Upper Rainham Road Land
Victory Way Amenity Land
Waltom Road Amenity Land
Warley Hall Wood, A127 (Southend Arterial Road)
Waterloo Road / Gardens

Waycross Road
Westlands Playing Fields
White Hart Lane Playsite, Collier Row
Whybridge Close Playsite
Wigton Way
Willoughby Drive land
Wrexham Road Amenity Land

SCHEDULE 2
GROUNDS REFERRED TO IN CERTAIN BYELAWS

PART 1

OPENING TIMES (BYELAW 3(1))

Brookway Open Space
Chelmsford Avenue Open Space
Clockhouse Gardens
Collier Row Recreation Ground
Cottons Park
Fielders Sports Grounds
Forest Row Playsite
Gidea Park Sports Ground
Harold Wood Park
Haynes Park
Hylands Park
Jutsums Recreation Ground
King George's Playing Field
Langtons Gardens
Lawns Park
Lodge Farm Park
Louis Marchesi
Noak Hill Sports Ground
Park Lane Recreation Ground
Raphael Park
Rise Park
Spring Farm Park
St Andrews Park
The Glen Elm Park
Westlands Playing Field

PART 2

CAR PARKS

Bedfords Park
Bretons Outdoor Recreation Centre
Brittons Playing Field
Cranham Brickfields
Dagnam Park
Harrow Lodge Park
Haynes Park
Hornchurch Country Park
Parklands Open Space
Upminster Hall Playing Fields
Tylers Common
Upminster Park

Missing car parks

Clockhouse Gardens (Housing?)

Hacton Parkway

Hylands Park

Langtons Gardens

The Dell

PART 3

BALL GAMES and KITES

Byron Way Amenity Land
Clockhouse Gardens
Coronation Gardens
Galleywood Crescent Amenity Land

Gooshays Drive Amenity Land- 2 sites

Hacton Lane Land Does this include Hacton Parkway as Hacton Lane Land does not appear in the main list and we do allow ball games on Hacton Parkway

Kingbridge Circus Amenity land

Langtons Gardens

Louis Marchesi Playsite

St Edward the Confessor Churchyard

St Helen and St Giles Churchyard

St Neots Road/ Penzance Road Amenity Land

Swanbourne Drive Amenity Land

Walton Road Amenity Land

PART 4

HORSE RIDING PROHIBITED EXCEPT IN CERTAIN GROUNDS SUBJECT TO
BRIDLEWAY, ETC

Are these the land it's allowed? If so Bretons need to be removed from list

Bretons Outdoor Recreation Centre

Dagnam Park (aka The Manor)

Havering Country Park

Hornchurch Country Park

PART 5

MODEL BOATS

Assume these are lakes we don't want boating

Clockhouse Gardens

Langtons Gardens

Cranham Brickfields

Parklands

Harrow Lodge Park (fishing lake) allowed on boating lake

Tyle Green

PART 6
FISHING

Bedfords Park,

Bretons Outdoor Recreation Centre

Dagnam Park,

Harrow Lodge Park, (Fishing lake only NOT boating lake)

Hornchurch Country Park,

Parklands,

Raphael Park,

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Appendix 3 – Existing Bylaws

PLEASURE GROUND BYELAWS

1. In these byelaws "the Council" means the Council of the London Borough of Havering and "the pleasure ground" means each of the pleasure grounds named in the First Schedule hereto.

2. An act necessary to the proper execution of his duty by an officer of the Council, or any act which is necessary to the proper execution of any contract with the Council, shall not be an offence under these byelaws.

3. Each of the pleasure grounds mentioned in the Second Schedule to these byelaws except the pleasure ground known as Lawns Park shall be opened at 8.00 a.m., on each day throughout the year and shall be closed a half an hour after sunset on each day throughout the year, except that in the months of June and July they shall be closed at 9.30 p.m. on each day.

The pleasure ground known as Lawns Park shall be opened at 7.30 a.m., on each day throughout the year and shall be closed at 8.00 p.m., or half an hour after sunset, whichever shall be the earlier on each day throughout the year.

Provided always that this byelaw shall not be deemed to require the pleasure ground to be opened and closed at the hours hereinbefore prescribed on any day when, in pursuance of any statutory provision in that behalf, the Council close the pleasure ground to the public.

4. On any day on which the pleasure ground is open to the public a person shall not enter it before the time or enter or remain in it after the time appointed in the foregoing byelaw.

5. A person shall not be in the pleasure ground without reasonable excuse:-

- (i) climb any wall or fence in or enclosing the pleasure ground, or any tree, or any barrier, railing, post, or other erection;
- (ii) remove or displace any barrier, railing, post, or seat, or any part of any erection or ornament, or any implement provided for use in the laying out or maintenance of the pleasure ground.

6. A person shall not be in the pleasure ground light any fire or place, throw or let fall a lighted match or any other thing so as to be likely to cause a fire.

7. A person shall not, except in pursuance of a lawful agreement with the Council, or otherwise in the exercise of any lawful right or privilege, bring or cause to be brought into the pleasure ground any cattle, sheep, goats or pigs, or any beast of draught or burden.

8. A person shall not, except along the bridleways in the pleasure ground known as Bedfords Park or in the exercise of any lawful right or privilege, ride a horse in the pleasure ground.

9. (i) A person shall not, except in the exercise of any lawful right or privilege, bring or cause to be brought into the pleasure ground any barrow, truck, machine or vehicle other than:-

a wheeled bicycle or other similar machine;

a wheelchair, perambulator or chaise drawn or propelled by hand and used solely for the conveyance of a child or children or an invalid.

Provided that where the Council set apart a space in the pleasure ground for the use of any class of vehicle this byelaw shall not be deemed to prohibit the driving in or to that space by a direct route from the entrance to the pleasure ground of any vehicle of the class for which it is set apart.

(ii) A person shall not except in the exercise of any lawful right or privilege ride any bicycle or other similar machine in any part of the pleasure ground.

10. A person who brings a vehicle into the pleasure ground shall not wheel or station it over or upon:-

(i) any flower bed, shrub or plant, or any ground in course of preparation as a flower bed, or for the growth of any tree, shrub or plant;

(ii) any part of the pleasure ground where the Council by a notice board affixed or set up in some conspicuous position in the pleasure ground prohibits its being wheeled or stationed.

11. A person shall not in the pleasure ground, walk, run, stand, sit or lie upon:-
- (i) any grass, turf, or other place where adequate notice to keep off such grass, turf, or other place is exhibited; provided that such notice shall not apply to more than one-fifth of the area of the pleasure ground;
 - (ii) any flower bed, shrub, or plant or any ground in course of preparation as a flower bed, or for the growth of any tree, shrub, or plant.
12. No person shall in the pleasure ground remove or displace any soil or plant.
13. A person shall not, to the danger or annoyance of any other person in the ground, throw or discharge any missile.
14. A person shall not in the pleasure ground:-
- (i) bathe, wade, or wash in any ornamental lake, pond, stream or other water;
 - (ii) without reasonable excuse foul or pollute any such water;
- Provided that the foregoing byelaw shall not be deemed to prohibit wading in a children's paddling pool.
15. No person shall without lawful excuse or authority in the pleasure ground kill, molest or disturb any animal or fish or engage in hunting, shooting or fishing or the setting of traps or nets or the laying of snares;
- Provided that this byelaw shall not be deemed to prohibit any fishing which may be authorised by the Council.
16. A person shall not, except in the exercise of any lawful right or privilege, have in his possession while he is on the ground any firearm unless it is so cover with a security fastened gun cover that it cannot be fired.
- In this byelaw, firearm means any lethal barrelled weapon of any description from which any shot, bullet or other thing can be discharged.
- This byelaw shall apply to all parts of the land except any part thereof which is a public right of way.
17. No person shall by operating or causing or suffering to be operated any

wireless set, gramophone, amplifier or similar instrument or any musical instrument make, cause or suffer to be made any noise which is so loud and so continuous or repeated as to give reasonable cause for annoyance to other persons on the land. Provided that this byelaw shall not apply to any person holding or taking part in a band show or any other entertainment held in the ground in pursuance of an agreement with the Council.

18. Where the Council set apart any such part of the pleasure ground as may be fixed by the Council, and described in a notice board affixed or set up in some conspicuous position in the pleasure ground, for the purpose of any game specified in the notice board, which, by reason of the rules or manner of playing, or for the prevention of damage, danger, or time discomfort to any person in the pleasure ground may necessitate at any time during the continuance of the game., the exclusive use by the player or players of any space in such part of the pleasure ground - a person shall not in any space elsewhere in the pleasure ground play or take part in any game so specified in such a manner as to exclude persons not playing or taking part in the game from use of such a space.
19. A person resorting to the pleasure ground and playing or taking part in any game for which the exclusive use of any space in the pleasure ground has been set apart shall:-
- (i) not play on the space any game other than the game for which it is set apart;
 - (ii) in preparing for playing and in playing, use reasonable care to prevent undue interference with the proper use of the pleasure ground by other persons;
 - (iii) when the space is already occupied by other players not begin to play thereon without their permission;
 - (iv) where the exclusive use of the space has been granted by the Council for the playing of a match, not play on that space later than a quarter of an hour before the time fixed for the beginning of the match unless he is taking part therein.
20. A person shall not in the pleasure ground drive chip or pitch a hard golf ball except on land set aside by the Council as a golf course, golf driving range or putting course.

21. A person shall not in any part of the pleasure ground which may have been set apart by the Council for any game play or take part in any game when the state of the ground or other cause makes it unfit for use and a notice is set up in some conspicuous position prohibiting play in that part of the pleasure ground.
22. A person shall not in the pleasure ground:-
- (i) except as hereinafter provided, erect any post, rail, fence, pole, tent, booth, stand, building, or other structure;
- provided that this prohibition shall not apply where upon an application to the Council they grant permission to erect any post, rail, fence, pole, tent, booth, stand, building, or other structure upon such occasion and for such purpose as are specified in the application;
- (ii) sell, or offer or expose for sale, or let to hire, or offer to expose for letting to hire, any commodity or article, unless in pursuance of an agreement, with the Council, or otherwise in the exercise of any lawful right or privilege, he is authorised to sell or let to hire in the pleasure ground such commodity or article.
23. (i) No person shall cause any power driven model aircraft to take off or land in the pleasure ground;
- provided that this byelaw shall not apply to the pleasure ground known as Bedfords Park..
- (ii) Where an area within part of the pleasure ground so set apart for the flying of power-driven model aircraft is designated by the Council as an area from which aircraft may be launched and is described in a notice affixed or set up in some conspicuous position on the ground, a person shall not release such an aircraft for flight, or cause such an aircraft to take off, in any part of the ground other than that area.
 - (iii) No person shall (a) in the ground release any power-driven model aircraft for flight or control the flight of such an aircraft; or (b) cause such an aircraft to take off or land in the ground, unless it is attached to a control line and is kept under effective control.
 - (iv) In this byelaw the expression "power driven model aircraft" means

any model aircraft driven by the combustion of petrol vapour or other combustible substances.

24. A person shall not in the pleasure ground:
- (a) intentionally obstruct any officer of the Council in the proper execution of his duties;
 - (b) intentionally obstruct any person carrying out an act which is necessary to the proper execution of any contract with the Council;
or
 - (c) intentionally obstruct any other person in the proper use of the ground, or behave so as to give reasonable grounds for annoyance to other persons in the ground.
25. A person shall not take part in any public show or performance in the pleasure ground provided that this byelaw shall not apply to any person taking part in a band, show or any other function held in the pleasure ground in pursuance of an agreement with the Council.
26. Every person who shall offend against these byelaws shall be liable on summary conviction to a fine not exceeding level 2 on the Standard Scale.
27. Any person who shall offend against these byelaws may be removed from the ground by any officer of the Council, or any constable.
28. The byelaws relating to pleasure grounds which were made by the Mayor Aldermen and Burgesses of the London Borough of Havering acting by the Council on the seventeenth day of July 1968 and were confirmed by the Minister of Health on the twenty-ninth day of November 1968 are hereby repealed.
29. The byelaw relating to pleasure grounds which was made by the Mayor Aldermen and Burgesses of the London Borough of Havering acting by the Council on the first day of November 1977 and was confirmed by the Secretary and State on the eleventh day of July 1978 is hereby repealed.

30. The byelaws relating to pleasure grounds which were made by the Mayor and Burgesses of the London Borough of Havering acting by the Council on the twenty-sixth day of February 1980 and were confirmed by the Secretary of State on the seventeenth day of July 1980 are hereby repealed.

THE FIRST SCHEDULE hereinbefore mentioned

Pleasure Grounds to which byelaws are made under Section 164 of the Public Health Act 1875

Bedale Road Playground, Harold Hill	King George's Field, Romford
Bedfords Park, Romford	Langtons Gardens, Hornchurch
Berwick Pond Open Space, Hornchurch	Lawns Park, Romford
Brittons Playing Fields, Hornchurch	Lilliput Road Open Space
Central Park, Harold Hill	Lodge Farm Park, Romford
Clockhouse Gardens, Upminster	Land, New Road, Rainham
Cottons Park, Romford	Noak Hill Sports Ground
Cranham Playing Fields	North Hill Recreation Ground, Harold Hill
Dagnam Park, Harold Hill	
Fielder's Sports Ground, Hornchurch	Oldchurch Park, Romford
Gaynes Parkway, Upminster	Parklands, Upminster
Gidea Park Sports Ground	Park Lane Recreation Ground, Hornchurch
Glen The, Rainham	
Grenfell Park, Hornchurch	Paynesbrook (Land), Harold Wood
Hacton Parkway, Upminster	Raphael Park, Romford
Halesworth Road Playground, Harold Hill	Rainham Recreation Ground
Hall Lane Miniature Golf Course, Upminster	Rise Park, Romford
Harold Wood Park	Rush Green Play Space, Romford
Harrow Lodge Park, Hornchurch	Suttons Parkway, Upminster
Havering Playing Field	Spring Farm Park, Rainham
Haynes Park, Hornchurch	St. Andrew's Park, Hornchurch
Hornchurch Stadium	St. Neot's Land, Harold Hill
Hylands Park, Hornchurch	Upminster Park
	Upminster Hall Playing Fields

Jutsums Park, Romford

Warley Hall Woods, Cranham

Open Spaces to which byelaws are made under Sections 12 and 15 of the Open Spaces Act 1906

Coronation
Gardens, Romford Havering Well Gardens, Hornchurch

Elliott Playing
Fields, Hornchurch Lucas Playground, Hornchurch

THE SECOND SCHEDULE hereinbefore mentioned

Central Park, Harold Hill

Clockhouse Gardens, Upminster

Collier Row Recreation Ground

Coronation Gardens, Romford

Cottons Park, Romford

Gidea Park Sports Ground

Hall Lane Miniature Golf Course, Upminster

Harold Wood Park

Hylands Park, Hornchurch

Hornchurch Stadium

Jutsums Park, Romford

King George's Field, Romford

Langtons Gardens, Hornchurch

Lawns Park, Romford

Lodge Farm Park, Romford

Noak Hill Sports Ground

North Hill Recreation Ground, Harold Hill

Park Lane Recreation Ground, Hornchurch

Raphael Park, Romford

Rainham Recreation Ground

Rise Park, Romford

Rush Green Play Space, Romford

Spring Farm Park, Rainham

St. Andrew's Park, Hornchurch

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Appendix 4 – Existing Schedule of Sites

THE FIRST SCHEDULE hereinbefore mentioned

Pleasure Grounds to which byelaws are made under Section 164 of the Public Health Act 1875

Bedale Road Playground, Harold Hill	King George's Field, Romford
Bedfords Park, Romford	Langtons Gardens, Hornchurch
Berwick Pond Open Space, Hornchurch	Lawns Park, Romford
Brittons Playing Fields, Hornchurch	Lilliput Road Open Space
Central Park, Harold Hill	Lodge Farm Park, Romford
Clockhouse Gardens, Upminster	Land, New Road, Rainham
Cottons Park, Romford	Noak Hill Sports Ground
Cranham Playing Fields	North Hill Recreation Ground, Harold Hill
Dagnam Park, Harold Hill	
Fielder's Sports Ground, Hornchurch	Oldchurch Park, Romford
Gaynes Parkway, Upminster	Parklands, Upminster
Gidea Park Sports Ground	Park Lane Recreation Ground, Hornchurch
Glen The, Rainham	
Grenfell Park, Hornchurch	Paynesbrook (Land), Harold Wood
Hacton Parkway, Upminster	Raphael Park, Romford
Halesworth Road Playground, Harold Hill	Rainham Recreation Ground
Hall Lane Miniature Golf Course, Upminster	Rise Park, Romford
Harold Wood Park	Rush Green Play Space, Romford
Harrow Lodge Park, Hornchurch	Suttons Parkway, Upminster
Havering Playing Field	Spring Farm Park, Rainham
Haynes Park, Hornchurch	St. Andrew's Park, Hornchurch
Hornchurch Stadium	St. Neot's Land, Harold Hill
Hylands Park, Hornchurch	Upminster Park
Jutsums Park, Romford	Upminster Hall Playing Fields
	Warley Hall Woods, Cranham

Open Spaces to which byelaws are made under Sections 12 and 15 of the Open Spaces Act 1906

Coronation Gardens, Romford	Havering Well Gardens, Hornchurch
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Elliott Playing Fields, Hornchurch	Lucas Playground, Hornchurch
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Appendix 5 - Byelaws Draft Project Timeline

[Authority for a change to the Byelaws is a decision for Full Council not the Executive however authority from the Executive (Cabinet) will be required to commence the statutory process / consultation / submission of an application to the Secretary of State – Democratic Services will need to advise on process / timeframe]

Stage	Detailed Task	Date and Timescale
Assessment and Consultation Preparation	<ul style="list-style-type: none"> • Prepare a draft of the Byelaws – Done • Carry out an Assessment of whether the regulatory burden imposed by the Byelaws is proportionate • Prepare a Statement if the Assessment • In carrying out Assessment consult with such persons considered potentially affected by the Byelaw • Preparation of Equality Impact Assessment • Publicise statement on website and in manner considered likely to bring the statement to the attention of persons who may otherwise be affected 	6 Weeks (indicative time frame – will be determined by Client department)
Determination of Enabling Powers	<ul style="list-style-type: none"> • Establish the enabling power for making Byelaw for each site <ul style="list-style-type: none"> a) Review registered title / deeds for each site to establish statutory authority from which Councils interest in land is derived b) Establish Byelaw making power for each site c) Where joint interest in land seek 	6 Weeks

	permission for making Byelaw	
Public Consultation	<ul style="list-style-type: none"> • Issue public notice – local press • On site consultation • Letter drop to local residents and businesses • Site poster • Monitor website • Receipt of paper questionnaires • Receive electronic questionnaires 	8 Weeks (timescale to take account of number of sites – Site Notices)
Analysis of consultation feedback	<ul style="list-style-type: none"> • Consolidate manual feedback into electronic form • Summarise feedback • Review proposed Byelaw in light of feedback 	2 Weeks
<i>Executive Briefing</i>	<ul style="list-style-type: none"> • <i>Executive briefing to approve to approve Byelaw changes and authority to make application to Secretary of State</i> 	<i>(To be determined by Democratic Services)</i>
<i>Executive Approval</i> <i>(Decision of Cabinet)</i>	<ul style="list-style-type: none"> • <i>Executive report to approve Byelaw changes and authority to make application to Secretary of State</i> 	<i>(To be determined by Democratic Services)</i>

Application for Approval	<ul style="list-style-type: none"> • Apply to Secretary of State for approval, providing:- <ol style="list-style-type: none"> a) Draft Byelaw b) Statement c) Report 	
Application Approval	<ul style="list-style-type: none"> • The SoS must respond in writing to an application made within 30 days of submission date • The SoS can either:- <ol style="list-style-type: none"> a) Give leave to make Byelaw b) Send an acknowledgement stating it will issue a substantive response as soon as practicable c) Refuse to give leave to make Byelaw 	<p>30 Days</p> <p>(SoS notice that response will be sent as soon as practicable – no specified timeframe)</p>
Publication of Proposals	<ul style="list-style-type: none"> • If SoS grants leave to make Byelaw, publication of notice on Councils website and in one or more of the local papers circulating in the area in which land is situated in respect of which Byelaw will apply • Requirement to publicise notice in manner Council thinks fit (site notices) 	<p>8 Weeks</p> <p>(timescale to take account of number of sites – Site Notices)</p>
Consideration of Representations	<ul style="list-style-type: none"> • Consider any written representations before making decision 	

Decision (Full Council)	No later than six months after the expiration of the period specified in the notice: <ul style="list-style-type: none"> • Make the Byelaw without modification • Make the Byelaw with minor modification • Not make the proposed Byelaw 	(To be determined by Democratic Services)
Making the Byelaw	Under the Common Seal of the Council	1 day
Publicity	(Not less than seven days before the day on which the Byelaw comes into force) <ul style="list-style-type: none"> • Deposit a copy of the Byelaw at PASC • Public notice of making on website • Publicise Byelaw in such other manner the Council thinks fit (site notices) 	8 weeks (timescale to take account of number of sites – Site Notices)
		12 – 18 months (approximately)

CABINET	14 th October 2020
Subject Heading:	<i>Extension of Romford Town Centre Public Spaces Protection Order</i>
Cabinet Member:	Councillor Viddy Persaud, Cabinet Member for Public Protection and Safety
SLT Lead:	Barry Francis
Report Author and contact details:	Diane Egan 01708432927 diane.egan@haverling.gov.uk
Policy context:	<p>On the 20th of October 2014, the Government overhauled the tools and powers available for Local Authorities and the Police to tackle anti-social behaviour.</p> <p>The Public Space Protection Order allows Local Authorities to set conditions to tackle anti-social behaviour in a specific defined area.</p> <p>On 23 October 2017, the Council introduced a Public Space Protection Order (PSPO) for Romford Town Centre, replacing the previous Designated Public Places Order with a condition to control alcohol related nuisance within the town centre.</p> <p>The current PSPO is due to expire on 23 October 2020. It is proposed to extend the PSPO with the same conditions for a further 3 years.</p>
Financial summary:	<p>The Romford Town Centre PSPO Extension will be delivered within existing resources.</p> <p>Replacement of signage will be done as necessary and will be met from existing budgets.</p>
Is this a Key Decision?	No
When should this matter be reviewed?	April 2023
Reviewing OSC:	Crime and Disorder Overview & Scrutiny

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

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

SUMMARY

Romford Town Centre is currently subject to a Public Space protection order, which was introduced in October 2017. Public Space Protection Orders (PSPO) were introduced within the Anti-Social Behaviour, Crime and Policing Act 2014. The current PSPO is due to expire on 23 October 2020. It is proposed to extend the PSPO with the same conditions for a further 3 years.

RECOMMENDATIONS

That the Cabinet, do approve:

- The proposed Extension of the Romford Town Centre Public Space Protection Order (PSPO). A copy of the PSPO is attached as **Appendix 1** and the Map is attached as **Appendix 2**.

The PSPO contains the following conditions;

- Persons must not be in possession of an open container of alcohol in a public place within the Alcohol Control Area (save on licensed premises or on a designated area where a pavement licence is in force);
- Persons must not consume alcohol in a public place within the Alcohol Control Area (save on licensed premises (save on licensed premises or on a designated area where a pavement licence is in force);
- the procurement, replacement and display of appropriate signage

REPORT DETAIL

Romford Town Centre has a vibrant and busy daytime and night-time economy with many licenced premises within the town centre selling alcohol and alcohol related products to local residents, businesses, members of the public and visitors.

The current 3-year PSPO was introduced in October 2017, replacing the previous Designated Public Places Order, and provided additional methods of enforcement to the Police and Council to address alcohol related nuisance, by way of a fixed penalty.

Romford Town centre remains a hotspot for Crime and Disorder and continues to require the additional powers provided by the PSPO to tackle alcohol related

offending therefore the Council seeks to extend the existing order for a further 3 years.

A 3-week Public Consultation has taken place between the 20th August and September, ending on the 15th of September in accordance with section 60 of the Anti-Social Behaviour, Crime and Policing Act 2014. As part of the consultation comments and evidence was collated from the Police, local residents and retailers. Additional consultation has taken place with Safe and Sound Business group and East Area BCU Police.

The Public consultation was delivered through the Councils Website. The Council publicised the consultation through the Councils Facebook page and Twitter feed.

The Consultation proposal set out the Council wishes to extend the existing PSPO under s.60 (2) of the Anti-Social Behaviour Crime and Policing Act 2014 before it expires as it is satisfied on reasonable grounds that doing so is necessary to prevent the occurrence or recurrence after the expiry of the order of the activities prohibited in the existing PSPO order. That is being in possession of an open container of alcohol and the consumption of alcohol within the 'Alcohol Control Area' as set out above around Romford Town Centre as outlined in the proposed PSPO plan in attached Appendix 1.

Prior to the pandemic Romford Town Centre has traditionally seen a footfall of approximately 11,000 people from Friday to Sunday to shop and visit it's thriving night time economy. This continues to drive problematic drinking and associated crime, nuisance and anti-social behaviour within the town centre. Although the number of people visiting has been impacted by the pandemic this is gradually increasing and will continue to do so with the changes in COVID19 restrictions. However it is apparent that there is a continuing need to prevent the occurrence and reoccurrence of alcohol related nuisance, crime and anti-social behaviour within the town centre.

The Council has completed a 'Tri-Borough Community Safety Strategic Assessment 2020'. These assessments are undertaken every year. This identifies alcohol and drugs as 'significant enhancers contributing to violence and serious acquisitive crimes'. Over the last ten years in the Crime Survey England and Wales, the victim perceived the perpetrator to be under the influence of alcohol in 47% of all violent crimes, compared to 21% for perpetrators perceived to be under the influence of drugs.

Figures obtained from the *Safestats Crime Themes Datastore* website show the number of alcohol-related incidents between April 2017 and March 2020 in Romford Town Centre as being the highest in the borough (see Figure 1 below). Within this ward 35% of all logged incidents relating to alcohol related crime and anti-social behaviour took place within Romford Town Centre. These statistics are collated from the British Transport Police, Transport for London and the London Ambulance Service.

Figure 1 - Safestats data - incidents related to alcohol logged by Transport Police, TFL and the Ambulance Service between 2017 – 2020:

Romford Town	2017-2018	2018-2019	2019-2020	Grand Total
BTP	5	2	2	9
LAS	303	248	235	786
TFL	16	7	11	34
TOTAL	324	257	248	829

The Full Consultation proposal paper can be found in **Appendix 3**

There were 139 responses in total, with 90.65% of respondents being in favour of the extension. A copy of the consultation report can be found in **Appendix 4**. The free text responses are contained within the background papers.

With the above in mind, Community Safety is seeking to extend the current PSPO for Romford town centre.

REASONS AND OPTIONS

1. The Council and other statutory partners have a responsibility under the Crime and Disorder Act 1998 to address crime and disorder within the borough.
2. Reasons for the decision:
Romford Town Centre has a vibrant and busy daytime and nighttime economy with many licenced premises within the town centre selling alcohol and alcohol related products to local residents, businesses, members of the public and visitors. Since October 2017, alcohol related nuisance was dealt with under the Romford Town Centre Public Space Protection Order (PSPO). The Annual Strategic Assessment of Crime and Disorder continues to identify Romford Town Centre as a hotspot for alcohol related crime and disorder. With the extension of the Public Space Protection Order (PSPO) for a further 3 years, the Police and other partners of the local authority wish to maintain methods of enforcement for alcohol related nuisance in the town centre, by way of a fixed penalty.
3. Other options considered:
 - 3.1 Do nothing.
This would result in the current PSPO expiring on 23 October and would reduce the tools available to the Police and Council to intervene early and deter people from drinking in the in the street and outside of designated and licensed premises. With the introduction of pavement, licensing this is likely to result in

customers from licensed venues being able to use public space outside of the control of the licensed premises increasing the risk of ASB and crime.

3.2 The Local Authority has the ability to use other powers within the Anti-Social Behaviour, Crime and Policing Act 2014 to control alcohol related nuisance. However, these powers would not be suitable for the reasons set out below:

Community Protection Notice

This was deemed not suitable, as it is a three-stage process, which is tailored to an individual and/or specific situation. Therefore, it cannot tackle immediate instances of nuisance

Dispersal Order

This was deemed not suitable as the Order only lasts for 48 hours periods. This power is meant to offer immediate respite to specific local nuisance and is not a long-term remedial measure

Civil Injunction

This was deemed not suitable as this is meant to resolve specific nuisance and is not an immediate remedial measure

Criminal Behaviour Order –

This was considered not suitable as this is meant to resolve specific nuisance and is not an immediate remedial measure

IMPLICATIONS AND RISKS

Financial implications and risks:

The Romford Town Centre Public Space Protection Order will be delivered within existing resources.

Legal implications and risks:

The Council proposes to extend the existing Public Space Protection Order (PSPO) under Section 60 (2) of the Anti-Social Behaviour Crime and Policing Act 2014 in accordance with the Home Office Guidance updated August 2019 '*Anti-Social Behaviour Crime and Policing Act 2014: Anti-Social behaviour powers, statutory guidance for frontline professionals*'. The guidance issued by the Local Government Association dated February 2018 has also been considered. The criteria for an extension of an existing PSPO is as follows:

60 (2) Before the time when a public spaces protection order is due to expire, the local authority that made the order may extend the period for which it has effect if satisfied on reasonable grounds that doing so is necessary to prevent—

(a) occurrence or recurrence after that time of the activities identified in the order, or

(b) an increase in the frequency or seriousness of those activities after that time.

An extension under this section may not be for a period of more than 3 years and must be published in accordance with regulations made by the secretary of state. In addition a Public Spaces Protection Order can be extended more than once.

The consultation proposal paper and witness statements collated in the background papers sets out there is sufficient evidential basis for an extension of the Order, in particular that there are reasonable grounds to show it is necessary to prevent the occurrence and reoccurrence after that time of those with possession of an open container of alcohol and consuming alcohol in a public place in order to prevent alcohol related anti-social behaviour within Romford Town Centre.

Under Regulation 2 of the Anti-Social Behaviour, Crime and Policing Act 2014 (Publication of PSPO's) Regulations 2014 in relation to a public spaces protection order that a local authority has made, extended or varied, a local authority must—

- (a) publish the order as made, extended or varied (as the case may be) on its website; and
- (b) cause to be erected on or adjacent to the public place to which the order relates such notice (or notices) as it considers sufficient to draw the attention of any member of the public using that place to—
 - (i) the fact that the order has been made, extended or varied (as the case may be); and
 - (ii) the effect of that order being made, extended or varied (as the case may be).

Human Resources implications and risks:

There are no HR implications in this decision.

Equalities implications and risks:

The Romford Town Centre Public Space Protection Order has had an Equality Impact Assessment. The EqHIA has indicated that the Romford Town Centre PSPO is not expected to impact negatively on any specific group.

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.

The Equality Impact Assessment is attached as **Appendix 5**.

BACKGROUND PAPERS

- **RTC extension consultation report free text responses**
- **Evidence bundle**

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Havering London Borough Council
The Anti-Social Behaviour Crime and Policing Act 2014

**THE LONDON BOROUGH OF HAVERING (ROMFORD TOWN CENTRE) PUBLIC
SPACES PROTECTION ORDER NO 1 OF 2017**

WHEREAS the London Borough of Havering ("the Council") is satisfied that the requirements of sections 59 and 72 of the Anti-Social Behaviour, Crime and Policing Act 2014 ("the Act") have been satisfied and that it is, in all the circumstances, appropriate to make this Order.

WHEREAS the Council is satisfied that activities have been and will continue to be carried out in the Alcohol Control Area referred to below which have had and will continue to have a detrimental effect on the quality of life of those in the locality, such activities being the consumption of alcohol in public places other than licensed premises.

WHEREAS the Council is satisfied that the effect of the activities is, or is likely to be, of a persistent or continuing nature, and is, or is likely to be such as to make the activities unreasonable and the effect justifies the restrictions imposed by this Order.

WHEREAS the Council is satisfied that the prohibitions imposed by this Order are ones that it is reasonable to impose in order to prevent the detrimental effect from continuing, occurring, or recurring or to reduce that detrimental effect or to reduce the risk of its continuance, occurrence or recurrence.

WHEREAS the Council has had particular regard to the rights of freedom of expression and freedom of assembly set out in articles 10 and 11 of the European Convention on Human Rights.

THE COUNCIL MAKES the following Order in exercise of its powers under section 59 of the Act.

1. This Order may be cited as the London Borough of Havering (Romford Town Centre) Public Spaces Protection Order No.1 of 2017 ("the Order").
2. This Order takes effect on the 23rd October 2017 and continues to have effect for a period of three years thereafter.
3. This Order applies to the land described in the Schedule below ("the Alcohol Control Area") and which is shown edged red on the attached plan ("the Order plan").
4. This Order applies to all persons in public places within the Alcohol Control Area at all times of the day and night, save on licensed premises.
5. This Order shall not apply where prior written notice that it does not apply is given by the Council or the Police to facilitate Temporary Event Notices or other public events.
6. The following activities are prohibited:
 - 6.1. **Persons must not be in possession of an open container of alcohol in a public place within the Alcohol Control Area (save on licensed premises);**
 - 6.2. **Persons must not consume alcohol in a public place within the Alcohol Control Area (save on licensed premises);**
7. For the purposes of this Order:
 - 7.1. "public place" means any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission;
 - 7.2. 'alcohol' means any liquid intended for consumption by the person in possession of it, containing more than 0.05% alcohol by volume; and

7.3. 'licensed premises' means:

- 7.2.1. premises (other than council-operated licensed premises) authorised by a premises licence to be used for the supply of alcohol;
- 7.2.2. premises authorised by a club premises certificate to be used by the club for the supply of alcohol;
- 7.2.3. a place within the curtilage of premises within paragraph 7.2.1. or 7.2.2;
- 7.2.4. premises which by virtue of Part 5 of the Licensing Act 2003 may at the relevant time be used for the supply of alcohol or which, by virtue of that Part, could have been so used within the 30 minutes before that time;
- 7.2.5. a place where facilities or activities relating to the sale or consumption of alcohol are at the relevant time permitted by virtue of a permission granted under section 115E of the Highways Act 1980 (highway-related uses).
- 7.5.6. council-operated licensed premises—
 - 7.5.6.1. when the premises are being used for the supply of alcohol, or
 - 7.6.5.2. within 30 minutes after the end of a period during which the premises have been used for the supply of alcohol.

Offences

Failure without reasonable excuse to comply with the prohibition on being in possession of an open container of alcohol within the Alcohol Control Area is a summary offence under section 67 of the Act. A person guilty of an offence under section 67 of the Act is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Where a Constable or a person duly authorised by the Council reasonably believes that a person is or has been consuming alcohol in breach of the prohibition on the consumption of alcohol within the Alcohol Control Area, or that a person intends to consume alcohol in circumstances in which doing so would be a breach of that prohibition, the Constable or authorised person may require that person:

- (a) not to consume, in breach of the prohibition, alcohol or anything which the Constable or authorised person reasonably believes to be alcohol;
- (b) to surrender anything in that person's possession which is, or which the Constable or authorised person reasonably believes to be, alcohol or a container for alcohol.

A constable or an authorised person who imposes such a requirement must tell the person that failing without reasonable excuse to comply with the requirement is an offence.

A person who fails without reasonable excuse to comply with such a requirement commits an offence and is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

A requirement imposed by an authorised person is not valid if the authorised person is asked to show evidence of his or her authorisation but fails to do so.

A Constable or authorised person may dispose of anything surrendered to him or her as a result of a requirement imposed by him or her in whatever way he or she thinks appropriate.

SCHEDULE

The Alcohol Control Area to which this Order applies comprises the following:

Romford Town Centre, as defined on the attached Order Plan

This Order does not extend to licensed premises with the Alcohol Control Area

For the avoidance of doubt the Alcohol Control Area is shown edged red on the attached Order plan

Dated 21st September 2017

IN WITNESS WHEREOF THE COMMON SEAL OF

**THE MAYOR AND BURGESSES OF
THE LONDON BOROUGH OF HAVERING**

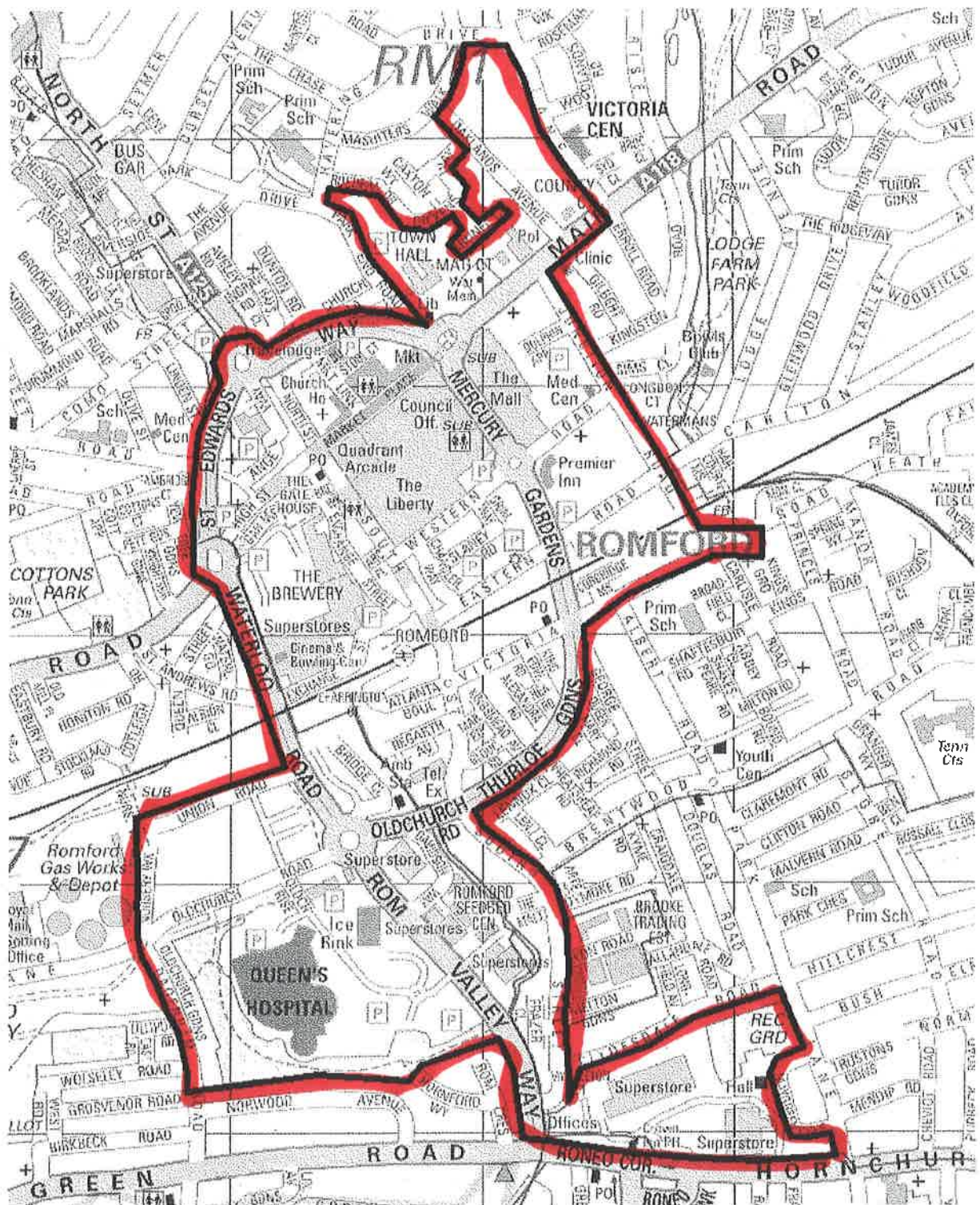
was hereunto affixed and this document
thereby executed as a Deed
in the presence of

}
}
}
}
}



Authorised Signatory





32/283 18798



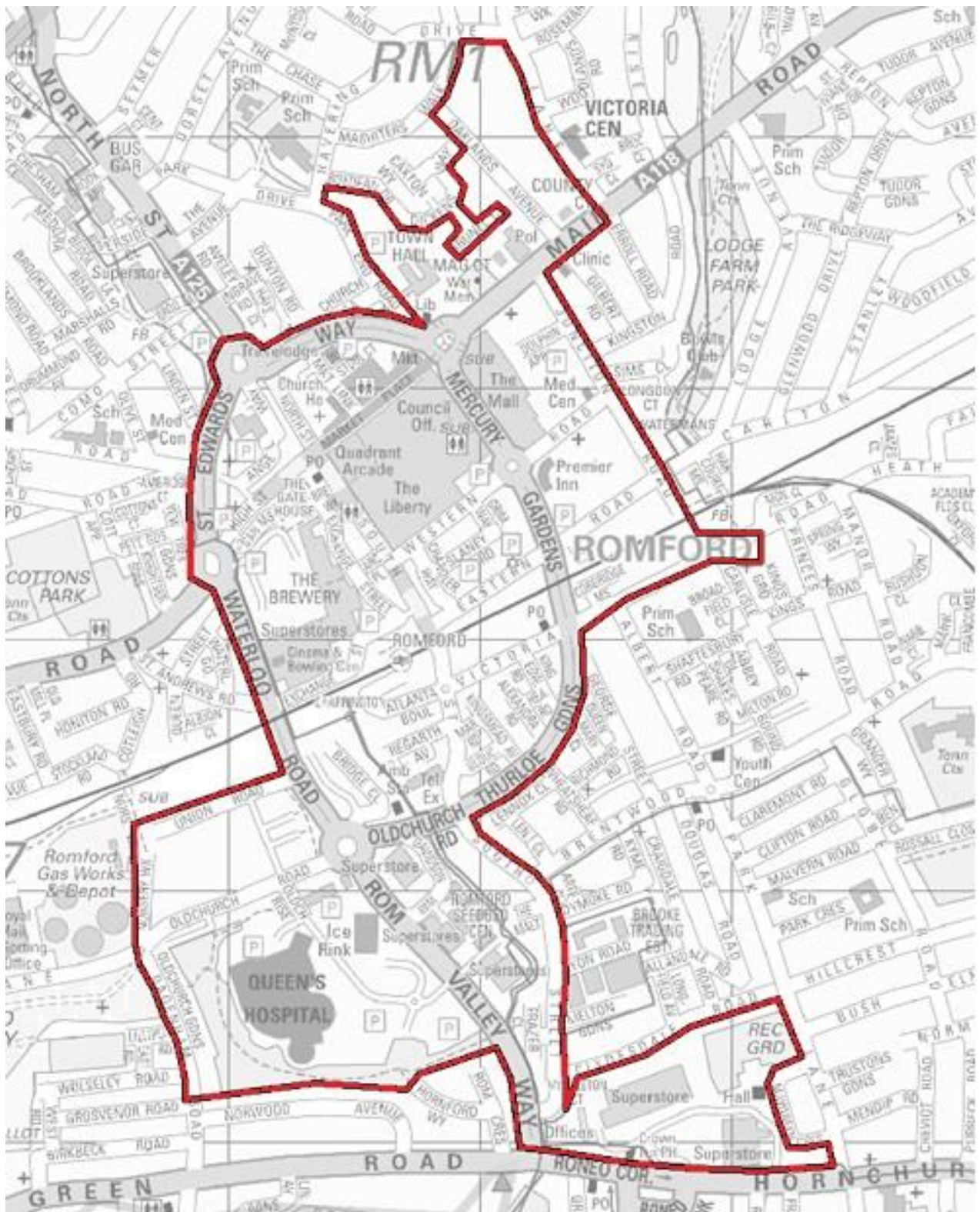
THE COMMON SEAL OF THE
MAYOR AND BURGESSES OF THE
LONDON BOROUGH OF HAVERING
was hereunto affixed in the presence of

Supm Day

Authorised Signatory
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APPENDIX 1

PSPO MAP/PLAN FOR ROMFORD TOWN CENTRE



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Consultation on Proposal for an Extension of the existing Public Space Protection Order for Romford Town Centre

Introduction

On the 20th September 2017 the Council made a decision to introduce a Public Space Protection Order (referred to as a 'PSPO') for Romford Town Centre. This was named the *London Borough of Havering (Romford Town Centre) Public Space Protection Order No 1 of 2017*. This replaced the previous Designated Public Place Order which controlled the consumption of alcohol within the Town Centre requiring individuals to surrender any open containers of alcohol to a Police Officer or Police Community Support Officer on request.

The existing PSPO prohibits the following activities;

1. Persons must not be in possession of an open container of alcohol in a public place within the Alcohol Control Area (save on licensed premises);
2. Persons must not consume alcohol in a public place within the Alcohol Control Area (Save on licensed premises).

The Order was in effect from the 23rd October 2017 for a period of 3 years. Breaching the terms of the PSPO without reasonable excuse is a criminal offence. This means either a Fixed Penalty Notice can be issued or prosecution can commence and if found guilty may be liable to summary conviction by a level 3 fine.

Under section 60 (2) of the Anti-social Behaviour, Crime & Policing Act 2014, the Council now wishes to apply for an extension of the period of time the Order is in effect before it expires. Under section 72 (1) and (3) of the Anti-Social Behaviour Crime and Policing Act 2014 the law requires the Council to carry out the necessary publication and public consultation to obtain your views of the proposal to extend the existing PSPO before a final decision is made to do so.

The Proposal

The extension of the PSPO is proposed to continue on the same terms (save for a minor amendment referencing pavement licences) and around the same Plan of the Town Centre area as contained within the existing Order as referred to above.

The Town Centre area will continue to be designated an “**Alcohol Control Area**” as set out in the proposed PSPO Plan in the attached **Appendix 1**.

The restrictions which are proposed to continue are:

- 1. Not to consume alcohol within the Alcohol Control Area (save on licensed premises or on a designated area where a pavement licence is in force); and**
- 2. Not to be in possession of an open container of alcohol within the Alcohol Control Area (save on licensed premises or on a designated area where a pavement licence is in force).**

The PSPO will not affect the possession or consumption of alcohol in clubs, pubs and bars and other businesses licensed to serve alcohol, and will not affect the purchase of alcohol from off-licences within the Town Centre for consumption elsewhere. It only applies to public places. It will also not affect businesses who wish to apply for a pavement licence under The Business and Planning Act 2020 or if one exists under Part 7A of the Highways Act 1980.

Why are the restrictions being proposed?

The Council wishes to extend the existing PSPO under s.60 (2) of the Anti-Social Behaviour Crime and Policing Act 2014 before it expires as it is satisfied on reasonable grounds that doing so is necessary to prevent the occurrence or recurrence after the expiry of the order of the activities prohibited in the existing PSPO order. That is being in possession of an open container of alcohol and the consumption of alcohol within the ‘**Alcohol Control Area**’ as set out above around Romford Town Centre as outlined in the proposed PSPO plan in attached **Appendix 1**.

Prior to the pandemic Romford Town Centre has traditionally seen a footfall of approximately 11,000 people from Friday to Sunday to shop and visit it's thriving night time economy. This continues to drive problematic drinking and associated crime, nuisance and anti-social behaviour within the town centre.

Although the number of people visiting has been impacted by the pandemic this is gradually increasing and will continue to do so with the easing of lockdown. However it is apparent that there is a continuing need to prevent the occurrence and reoccurrence of alcohol related nuisance, crime and anti-social behaviour within the town centre.

Figures obtained from the *Safestats Crime Themes Datastore* website show the number of alcohol-related incidents between April 2017 and March 2020 in Romford Town Centre as being the highest in the borough (see Figure 1 below). Within this ward 35% of all logged incidents relating to alcohol related crime and anti-social behaviour took place within Romford Town Centre. These statistics are collated from the British Transport Police, Transport for London and the London Ambulance Service.

Figure 1 - Safestats data - incidents related to alcohol logged by Transport Police, TFL and the Ambulance Service between 2017 – 2020:

Romford Town	2017-2018	2018-2019	2019-2020	Grand Total
BTP	5	2	2	9
LAS	303	248	235	786
TFL	16	7	11	34
TOTAL	324	257	248	829

Metropolitan Ward Level Crime Data shows between the years of 2018 – 2020 notable offences in Romford Town Centre are the highest within the borough. This is set out in **Appendix 2**. The Safestats Crime Group data indicates that between 2019 and 2020 Romford Town Centre has the highest number of offences in comparison with other wards within the borough. For example, in Romford Town Centre disorder related offences stands at 1,007 whereas in other wards it ranges between 400-100. In Romford Town Centre Violence related offences are at 982 whereas in other wards it ranges between 550-100. This data clearly indicates a higher prevalence of violent

and anti-social behaviour related crime within Romford Town Centre which is a cause of ongoing concern for the Metropolitan Police. This data is set out in **Appendix 3**.

The Council has completed a 'Tri-Borough Community Safety Strategic Assessment 2020'. These assessments are undertaken every year. This identifies alcohol and drugs as 'significant enhancers contributing to violence and serious acquisitive crimes'. Over the last ten years in the Crime Survey England and Wales, the victim perceived the perpetrator to be under the influence of alcohol in 47% of all violent crimes, compared to 21% for perpetrators perceived to be under the influence of drugs.

Figure 2 below shows the % of offenders assessed who had alcohol or drugs as a criminogenic need contributing to their offending, by crime type, Ministry of Justice 2015.

Alcohol	Drugs
1. Criminal Damage 60%	1. Burglary 67%
2. Drink Driving 54%	2. Robbery 63%
3. Racially Aggravated 52%	3. Theft and Handling 60%
4. Violence 43%	
All Offenders 54%	All Offenders 37%

In addition to the above, there are 135 licensed premises within the Romford Town Centre within this particular ward area. The Council believes the activities identified in the existing PSPO will occur and reoccur given the high concentration and availability of alcohol from these premises within this catchment area. Therefore an extension of such an Order is necessary in order to limit further alcohol related nuisance etc.

The Council has considered alternative ways to tackle the problem of alcohol related crime, nuisance and anti-social behaviour. The Anti-Social Behaviour Crime and Policing Act 2014 provides a number of legislative tools to local authorities and the police such as;

1. Injunctions: these are made against individuals to target their behaviour and granted through the court. There is often varying conditions for each order and is a slow and costly process.
2. Criminal Behaviour Orders: these are granted by the Court after an individual has been convicted of a criminal offence. The Court must be satisfied 'beyond reasonable doubt' the offender has engaged in the behaviour which is likely or has caused harassment, alarm and distress. Therefore they only target individual behaviour.
3. Dispersal powers: these powers are only available to the police. They can only compel an individual to leave a specified area for a time limited period of time of 48 hours.
4. Community Protection Notices: These notices focus on the detrimental impact on the quality of life of those living in the locality however they are more appropriate to be used for specific issues against individuals or premises.

Since the existing PSPO has been in place, the Council has also implemented the following measures;

Additional police patrols and the introduction of dedicated town centre police team

Partnership working with licensed premises through safe and sound to stop drinks promotions that encourage excessive drinking

Introduction of polycarbonate glasses in licensed premises, introduction of taxi marshals

Extensive provision of CCTV in Romford Town Centre Ring Road, introduction of door supervisor briefings by police

Workshops in schools and colleges to discourage anti-social behaviour

Task and targeting work to identify and support problematic street drinkers and signpost to appropriate services to help them with any addictions.

However these measures alone are insufficient and the alternative tools set out above under the Anti-Social Behaviour Crime and Policing Act 2014 are inappropriate in dealing with the wider problem of alcohol related crime, nuisance and anti-social behaviour within the town centre.

The Council considers it is reasonable to extend the existing PSPO since the prohibitions relate to all individuals, alcohol can be disposed and seized of by Council Officers and the Police and the Order can last for a further period of upto three years which will be an effective way of dealing with the problem. The Council can also enforce any breach of the PSPO through Fixed Penalty Notice or by issuing a Summons in the Magistrates Court.

The Police have confirmed to the Council that although dispersal powers can be used, they are ineffective in the long term in dealing with problematic street drinking and the prohibitions within the existing PSPO have proved to be more effective and useful in dealing with the relevant behaviour particularly as the town centre has issues with homelessness and street drinkers.

An extension of the existing PSPO is the main tool that the Council will continue to use to prevent problematic drinking and associated crime and anti-social behaviour in addition to safeguarding vulnerable individuals.

Your views

Havering Council invites the views and response to the questions below of all interested persons as part of its consultation on the proposed extension of the PSPO via:

- **The Council's online Consultation Portal which can be found at:**

<https://consultation.havering.gov.uk/>

- **Alternatively you can answer the questions below in writing and return it to us by post or email.**

(INSERT EMAIL ADDRESS AND POSTAL ADDRESS)

Please answer the following questions:

- (1) Are you aware of any alcohol-related crime, nuisance or anti-social behaviour affecting Romford Town Centre?
- (2) Do you think that by applying for an extension of the existing PSPO restricting alcohol within the Romford Town Centre area is likely to continue to reduce crime, nuisance or anti-social behaviour or improve the experience of residents and visitors?
- (3) Have you personally been affected by alcohol related crime, nuisance or anti-social behaviour within Romford Town Centre within the last 12 months?
- (4) Do you think that the proposed Alcohol Control Area (see appendix 1) targets the correct parts of the Town Centre?
- (5) Overall, do you support or oppose the proposed extension of the PSPO?
- (6) Do you have any other comments to make regarding the proposed extension of the PSPO?

Deadline

Please submit your response no later than **5.30pm on Monday 14th September 2020.**

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Proposal for an Extension of the existing Public Space Protection Order for Romford Town Centre : Summary report

This report was created on Tuesday 15 September 2020 at 08:15 and includes **139** responses.

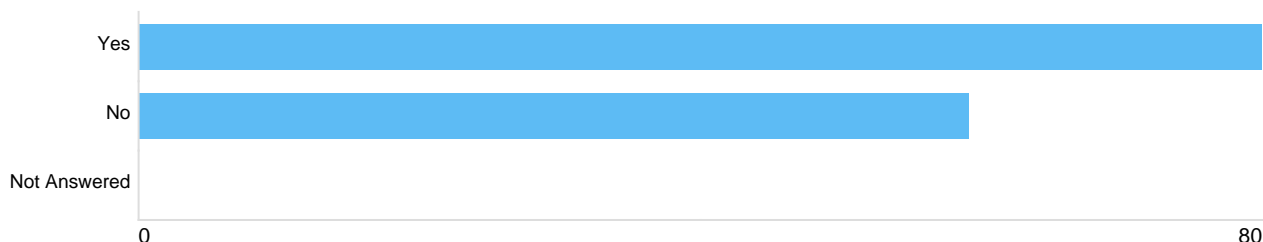
The consultation ran from 24/08/2020 to 14/09/2020.

Contents

Question 1: Are you aware of any alcohol-related crime, nuisance or anti-social behaviour affecting Romford Town Centre?	1
awareness	1
Please provide details below	1
Question 2: Do you think that by applying for an extension of the existing PSPO restricting alcohol within the Romford Town Centre area is likely to continue to reduce crime, nuisance or anti-social behaviour or improve the experience of residents and visitors?	2
extension	2
Please provide details below	2
Question 3: Have you personally been affected by alcohol related crime, nuisance or anti-social behaviour within Romford Town Centre within the last 12 months?	2
affected	2
Please provide details below	2
Question 4: Do you think that the proposed Alcohol Control Area targets the correct parts of the Town Centre?	2
area	2
Question 5: Overall, do you support or oppose the proposed extension of the PSPO?	3
support	3
Question 6: Do you have any other comments to make regarding the proposed extension of the PSPO?	3
Please comment below	3
Question 7: Are you:	3
Gender	3
Question 8: How old are you?	4
Age	4
Question 9: How would you describe your sexual orientation?	5
Sexual Orientation	5
Question 10: Faith, Religion or Belief	6
Religion	6
Question 11: Do you consider yourself to have a disability, impairment or health condition?	7
Disability	7
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Question 1: Are you aware of any alcohol-related crime, nuisance or anti-social behaviour affecting Romford Town Centre?

awareness



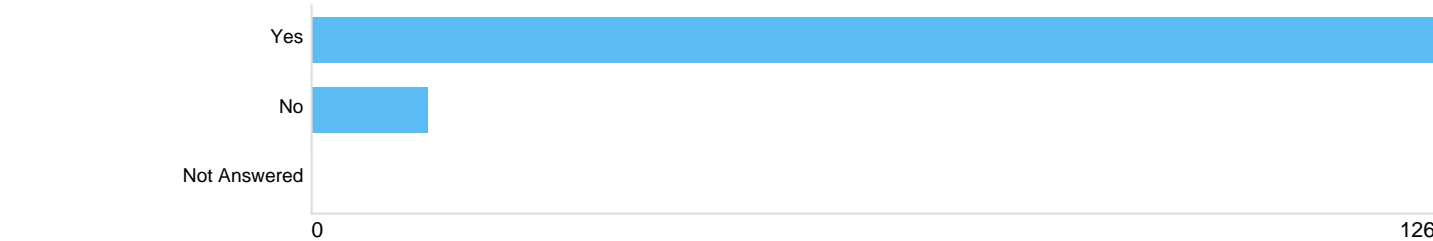
Option	Total	Percent
Yes	80	57.55%
No	59	42.45%
Not Answered	0	0.00%

Please provide details below

There were **53** responses to this part of the question.

Question 2: Do you think that by applying for an extension of the existing PSPO restricting alcohol within the Romford Town Centre area is likely to continue to reduce crime, nuisance or anti-social behaviour or improve the experience of residents and visitors?

extension



Option	Total	Percent
Yes	126	90.65%
No	13	9.35%
Not Answered	0	0.00%

Please provide details below

There were 53 responses to this part of the question.

Question 3: Have you personally been affected by alcohol related crime, nuisance or anti-social behaviour within Romford Town Centre within the last 12 months?

affected



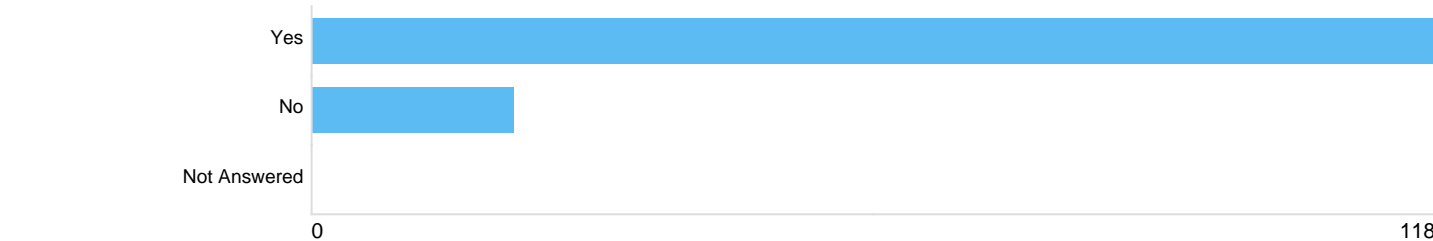
Option	Total	Percent
Yes	27	19.42%
No	112	80.58%
Not Answered	0	0.00%

Please provide details below

There were 25 responses to this part of the question.

Question 4: Do you think that the proposed Alcohol Control Area targets the correct parts of the Town Centre?

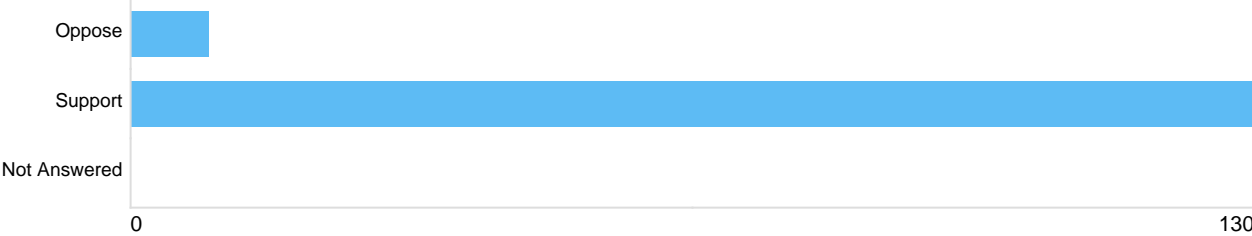
area



Option	Total	Percent
Yes	118	84.89%
No	21	15.11%
Not Answered	0	0.00%

Question 5: Overall, do you support or oppose the proposed extension of the PSPO?

support



Option	Total	Percent
Oppose	9	6.47%
Support	130	93.53%
Not Answered	0	0.00%

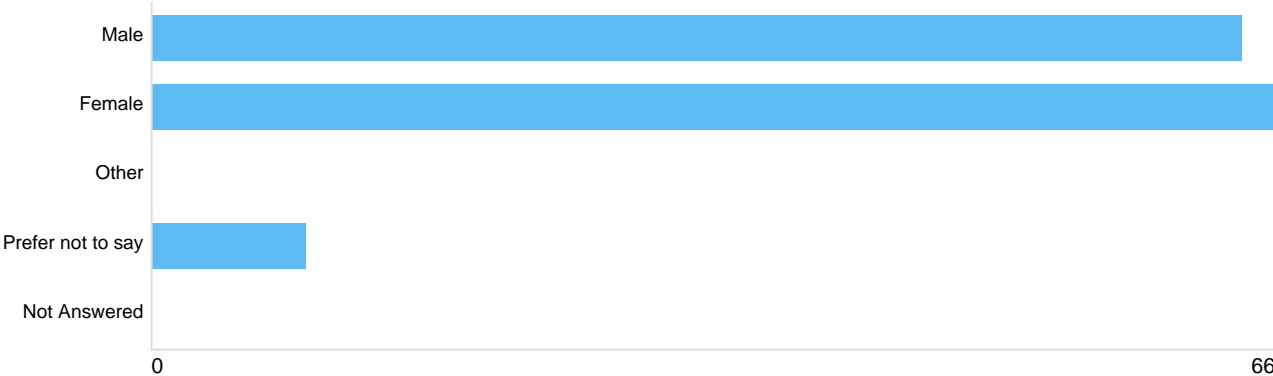
Question 6: Do you have any other comments to make regarding the proposed extension of the PSPO?

Please comment below

There were 66 responses to this part of the question.

Question 7: Are you:

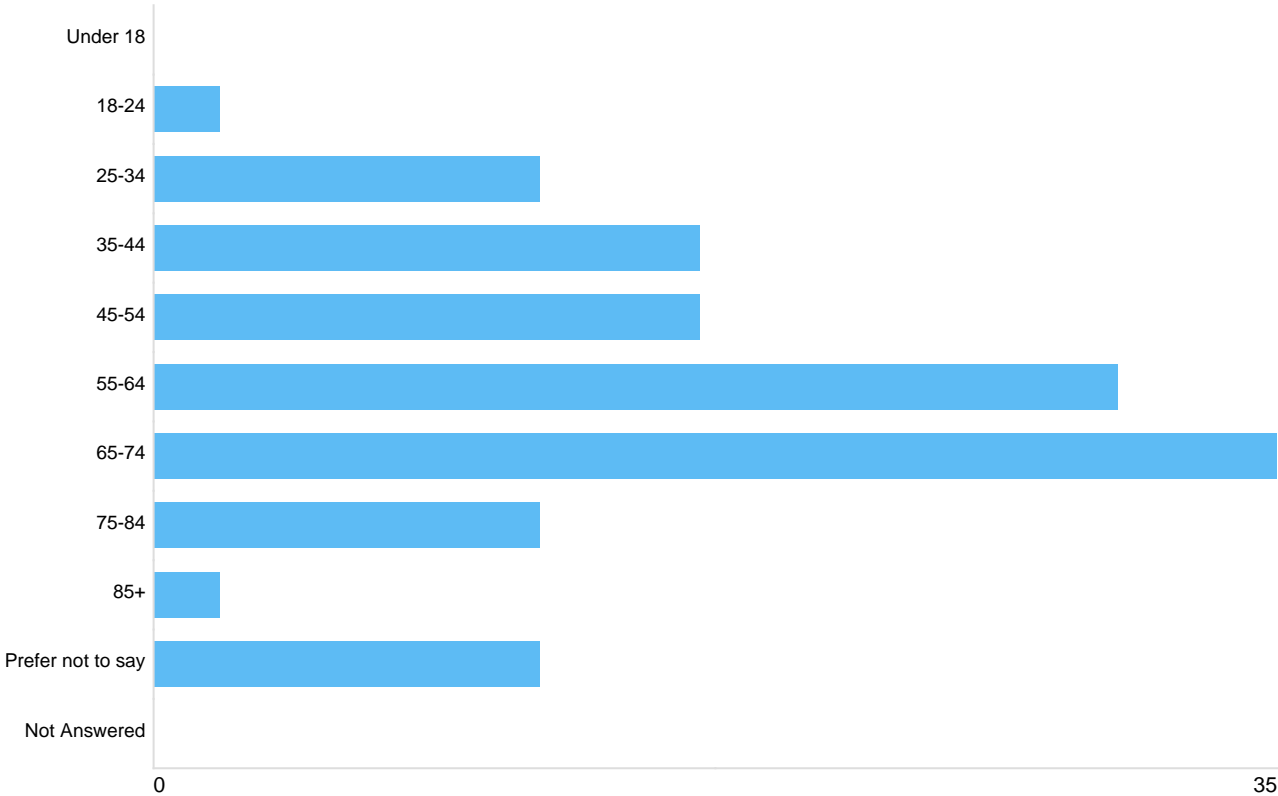
Gender



Option	Total	Percent
Male	64	46.04%
Female	66	47.48%
Other	0	0.00%
Prefer not to say	9	6.47%
Not Answered	0	0.00%

Question 8: How old are you?

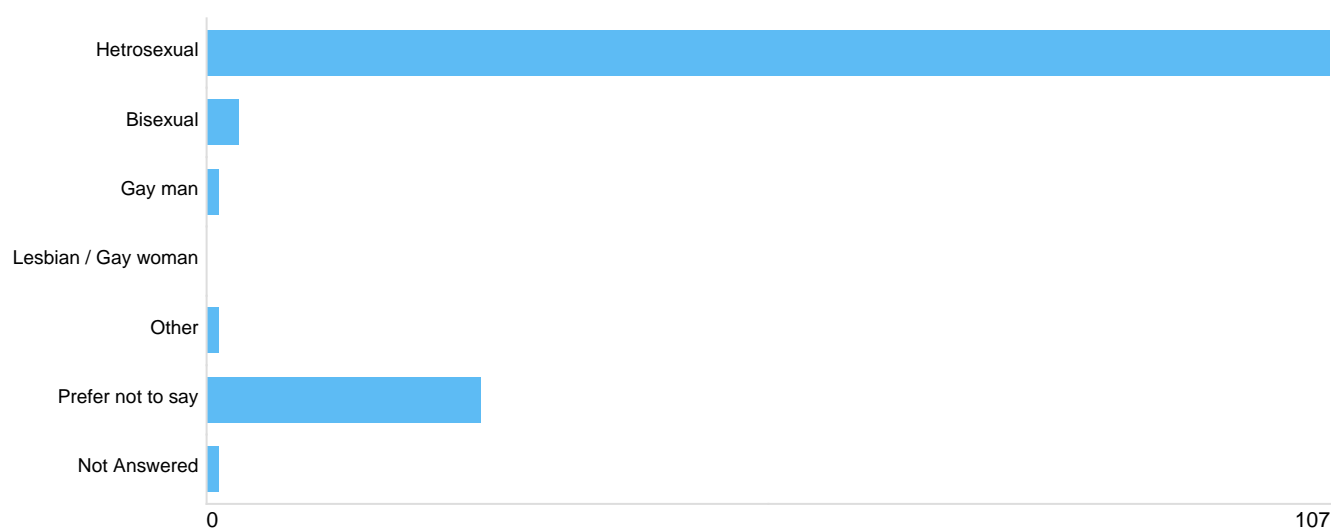
Age



Option	Total	Percent
Under 18	0	0.00%
18-24	2	1.44%
25-34	12	8.63%
35-44	17	12.23%
45-54	17	12.23%
55-64	30	21.58%
65-74	35	25.18%
75-84	12	8.63%
85+	2	1.44%
Prefer not to say	12	8.63%
Not Answered	0	0.00%

Question 9: How would you describe your sexual orientation?

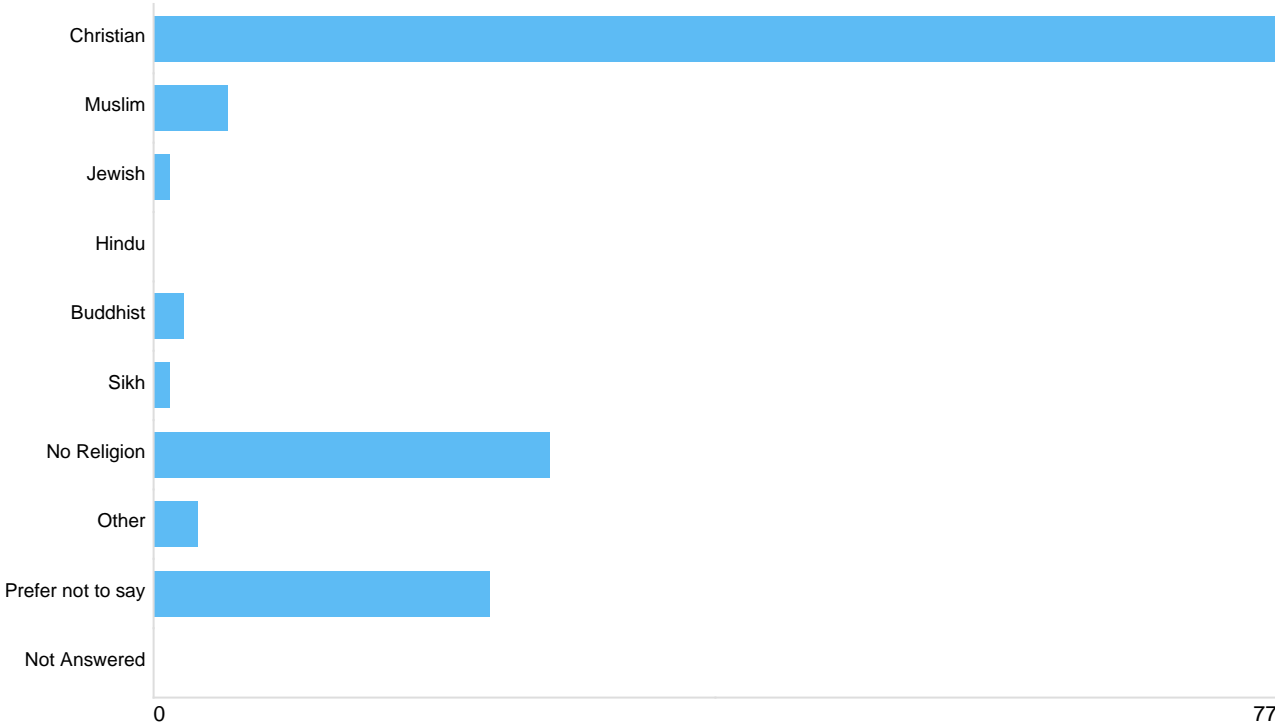
Sexual Orientation



Option	Total	Percent
Hetrosexual	107	76.98%
Bisexual	3	2.16%
Gay man	1	0.72%
Lesbian / Gay woman	0	0.00%
Other	1	0.72%
Prefer not to say	26	18.71%
Not Answered	1	0.72%

Question 10: Faith, Religion or Belief

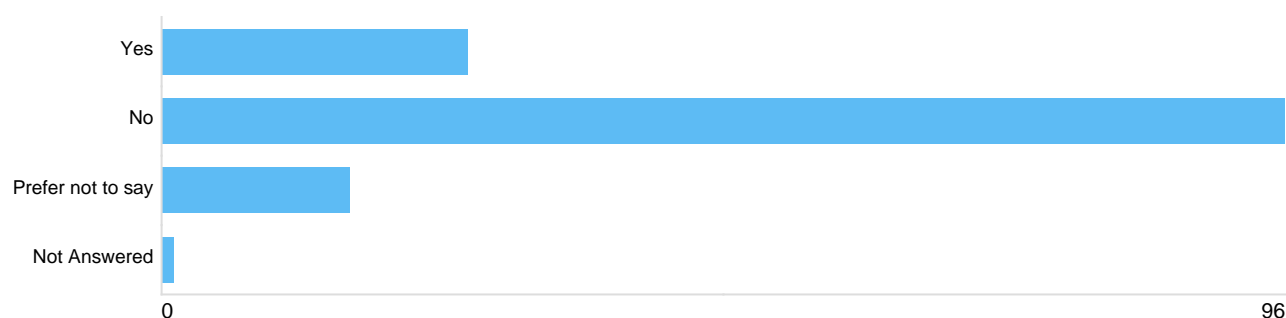
Religion



Option	Total	Percent
Christian	77	55.40%
Muslim	5	3.60%
Jewish	1	0.72%
Hindu	0	0.00%
Buddhist	2	1.44%
Sikh	1	0.72%
No Religion	27	19.42%
Other	3	2.16%
Prefer not to say	23	16.55%
Not Answered	0	0.00%

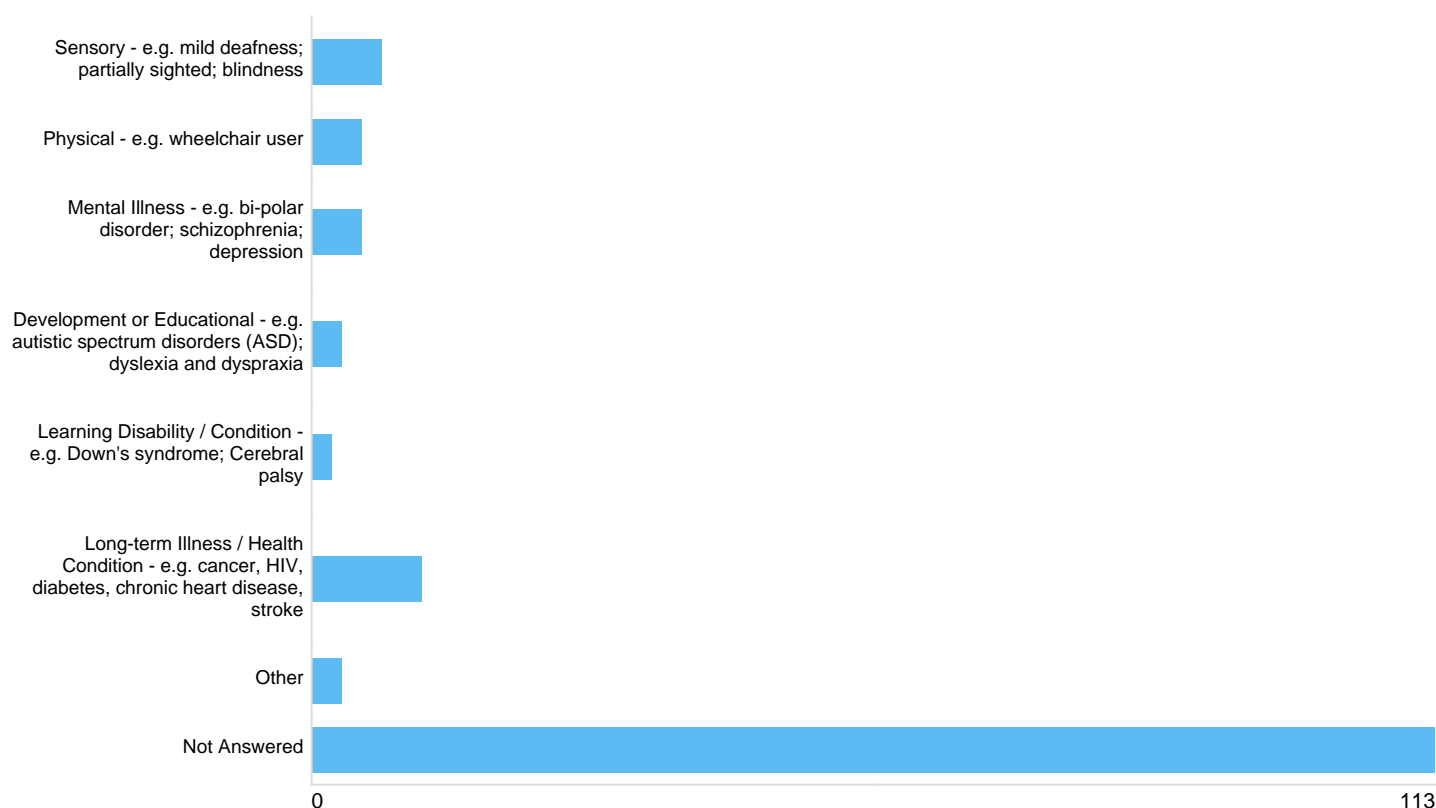
Question 11: Do you consider yourself to have a disability, impairment or health condition?

Disability



Option	Total	Percent
Yes	26	18.71%
No	96	69.06%
Prefer not to say	16	11.51%
Not Answered	1	0.72%

Impairment



Option	Total	Percent
Sensory - e.g. mild deafness; partially sighted; blindness	7	5.04%
Physical - e.g. wheelchair user	5	3.60%
Mental Illness - e.g. bi-polar disorder; schizophrenia; depression	5	3.60%
Development or Educational - e.g. autistic spectrum disorders (ASD); dyslexia and dyspraxia	3	2.16%
Learning Disability / Condition - e.g. Down's syndrome; Cerebral palsy	2	1.44%
Long-term Illness / Health Condition - e.g. cancer, HIV, diabetes, chronic heart disease, stroke	11	7.91%
Other	3	2.16%
Not Answered	113	81.29%

Other Impairment

There were **2** responses to this part of the question.

Equality & Health Impact Assessment (EqHIA)

Document control

Title of activity:	<i>Extension to Romford Town Centre PSPO</i>
Lead officer:	<i>Phil Cone – ASB Reduction Officer</i>
Approved by:	<i>Jerry Haley</i>
Date completed:	<i>20/08/2020</i>
Scheduled date for review:	<i>April 2023</i>

Please note that the Corporate Policy & Diversity and Public Health teams require at least **5 working days** to provide advice on EqHIAs.

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

Please note that EqHIAs are **public** documents and must be made available on the Council's [EqHIA webpage](#).

Please submit the completed form via e-mail to EqHIA@haverling.gov.uk thank you.

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	Extension to Romford Town Centre PSPO		
2	Type of activity	Anti-Social Behaviour Reduction		
3	Scope of activity	<p>On 20th October 2014, the Government overhauled the tools and powers available to local authorities and the Police to tackle anti-social behaviour.</p> <p>The Public Space Protection Order allows local authorities to set conditions to tackle anti-social behaviour in a specific defined area.</p> <p>The Council is seeking to extend the already live Public Space Protection Order with conditions to control alcohol related nuisance within Romford town centre.</p>		
4a	Are you changing, introducing a new, or removing a service, policy, strategy or function?	Yes	<p>If the answer to <u>any</u> of these questions is 'YES', please continue to question 5.</p>	<p>If the answer to <u>all</u> of the questions (4a, 4b & 4c) is 'NO', please go to question 6.</p>
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:	<p>Please provide a clear and robust explanation on why your activity does not require an EqHIA. This is essential in case the activity is challenged under the Equality Act 2010.</p> <p>Please keep this checklist for your audit trail.</p>		

Completed by:	Phil Cone – ASB Reduction officer
Date:	20/08/2023

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

Background/context:

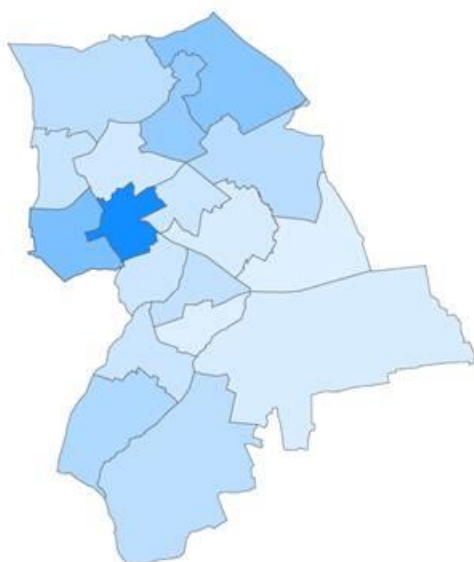
On 20th October 2014, the Government overhauled the tools and powers available to local authorities and the Police to tackle anti-social behaviour.

The Public Space Protection Order (PSPO) is an enforcement measure which sets a defined list of condition that allows local authorities to minimise and tackle anti-social behaviour in a specific defined area.

As such, is it not targeted at any individual or group but instead seeks to tackle any person whose behaviour is associated with drunkenness and alcohol related nuisance.

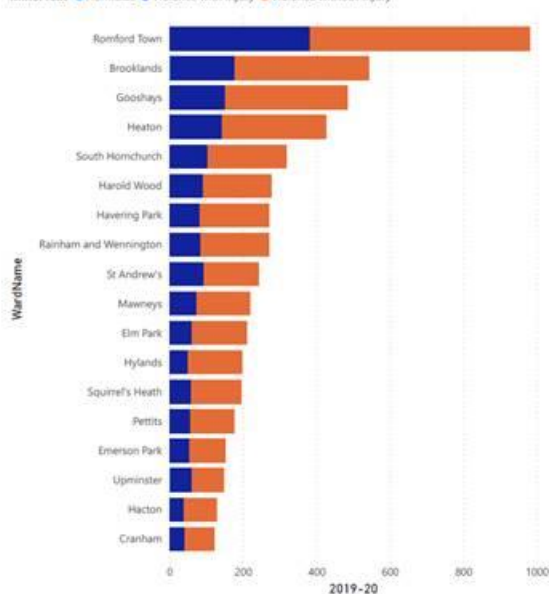
Following on from the sanctioned Romford Town Centre PSPO in 2017, as Romford Town Centre remains the highest rank ward across all crime offence categories (except vehicle-related) the Council is seeking to **extend the Order** with additional conditions to control **alcohol related nuisance** within Romford town centre.

Having Violence Against the Person - 2019-20



Having Violence Against the Person - 2019-20

MinorText Homicide Violence with Injury Violence without Injury



*Expand box as required

Who will be affected by the activity?
<p>The main persons affected by extending the PSPO would be those who cause nuisance once they have consumed too much alcohol.</p> <p style="text-align: right;"><i>*Expand box as required</i></p>

Protected Characteristic - Age: Consider the full range of age groups	
<p><i>Please tick (✓) the relevant box:</i></p>	
Positive	<p>Overall impact:</p> <p>Although age is not a factor when issuing of a fixed penalty notice (FPN), a PSPO conditions can be applied to anyone over the age of 10.</p>
Neutral	<p>✓</p> <p>When serving a FPN against a minor the Council is required to inform the councils youth offending service (YOS) and the Legal guardian of the young person.</p>
Negative	<p>Although there is no evidence to support this, due to the drinking age of 18 most PSPOs for alcohol related nuisance would be issued to those adults 18 and over, however there may be a few instances when this is not the case.</p> <p style="text-align: right;"><i>*Expand box as required</i></p>
<p>Evidence:</p> <p style="text-align: right;"><i>*Expand box as required</i></p>	
<p>Sources used:</p> <p>ASB Crime and Policing Act 2014</p> <p>Gov.UK Online Guidance https://www.gov.uk/guidance/fixed-penalty-notices-issuing-and-enforcement-by-councils</p> <p style="text-align: right;"><i>*Expand box as required</i></p>	

Protected Characteristic - Disability: Consider the full range of disabilities; including physical mental, sensory and progressive conditions	
<p><i>Please tick (✓) the relevant box:</i></p>	
Positive	<p>Overall impact:</p> <p>The threshold for issuing a FPN rests with the serving Officer if they deem the behavior to be a breach of the conditions within the PSPO.</p>
Neutral	<p>✓</p> <p>As such, it is expected that any Officer issuing a FPN gives due care and regard to any physical, mental, sensory and progressive conditions that may impact the person's ability to understand the consequence of breaching the PSPO.</p>
Negative	<p>The Equality Act 2010 (Disability) Regulations 2010 specifically provide that addiction to alcohol, nicotine or any other substance (except where the</p>

	<p>addiction originally resulted from the administration of medically prescribed drugs) is to be treated as not amounting to an impairment for the purpose of the Equality. Alcohol addiction is not, therefore, covered by the Act.</p> <p>As such, the conditions within the PSPO should not adversely impact upon any specific individual or group.</p> <p style="text-align: right;"><i>*Expand box as required</i></p>
<p>Evidence:</p> <p style="text-align: right;"><i>*Expand box as required</i></p>	
<p>Sources used:</p> <p>ASB Crime and Policing Act 2014</p> <p>Gov.UK Online Guidance https://www.gov.uk/guidance/fixed-penalty-notice-issuing-and-enforcement-by-councils</p> <p>The Equality Act 2010</p> <p style="text-align: right;"><i>*Expand box as required</i></p>	

Protected Characteristic - Sex/gender: Consider both men and women		
Please tick (✓) the relevant box:		<p>Overall impact:</p> <p>The conditions of the PSPO apply regardless of a person's gender or gender identity.</p> <p style="text-align: right;"><i>*Expand box as required</i></p>
Positive		
Neutral	✓	
Negative		
<p>Evidence:</p> <p style="text-align: right;"><i>*Expand box as required</i></p>		
<p>Sources used:</p> <p>ASB Crime and Policing Act 2014</p> <p>Gov.UK Online Guidance https://www.gov.uk/guidance/fixed-penalty-notice-issuing-and-enforcement-by-councils</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:

Overall impact:

Positive

The PSPO conditions will apply to anyone regardless of ethnic group or background. However, the notice may not be understood by those whose first language is not English and those who cannot read. However, the language shop is available to use should there be any difficulty in translation.

Neutral

✓

Negative

**Expand box as required*

Evidence:

**Expand box as required*

Sources used:

ASB Crime and Policing Act 2014

Gov.UK Online Guidance

<https://www.gov.uk/guidance/fixed-penalty-notices-issuing-and-enforcement-by-councils>

**Expand box as required*

Protected Characteristic - Religion/fait h: Consider people from different religions or beliefs including those with no religion or belief

Please tick (✓)
the relevant box:

Overall impact:

Positive

None of the conditions within the PSPO should have an effect on a person's ability to worship/follow religious beliefs

Neutral

✓

Negative

**Expand box as required*

Evidence:

**Expand box as required*

Sources used:

ASB Crime and Policing Act 2014

Gov.UK Online Guidance

<https://www.gov.uk/guidance/fixed-penalty-notice-issuing-and-enforcement-by-councils>

**Expand box as required*

Protected Characteristic - Sexual orientation: Consider people who are heterosexual, lesbian, gay or bisexual		
Please tick (✓) the relevant box:		Overall impact:
Positive	✓	<p>Someone's sexual orientation doesn't come into consideration when issuing a FPN, however there may be more violence towards someone's sexual orientation when alcohol is added into the equation.</p> <p>There was a large number of violence against the person instances in Romford Town in both 2018/19 (907) and 2019/20 (981). By adding Alcohol related nuisance to the PSPO could cause a reduction in crime instances.</p> <p style="text-align: right;">*Expand box as required</p>
Neutral		
Negative		
Evidence: <p style="text-align: right;">*Expand box as required</p>		
Sources used: ASB Crime and Policing Act 2014 Gov.UK Online Guidance https://www.gov.uk/guidance/fixed-penalty-notice-issuing-and-enforcement-by-councils <p style="text-align: right;">*Expand box as required</p>		

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:		Overall impact:
Positive	✓	<p>Someone's gender identity doesn't come into consideration when issuing a FPN, however there may be more violence towards someone undergoing or who has received gender reassignment surgery when alcohol is added into the equation.</p> <p>There was a large number of violence against the person instances in Romford Town in both 2018/19 (907) and 2019/20 (981). By adding Alcohol related nuisance to the PSPO could cause a reduction in crime instances.</p> <p style="text-align: right;">*Expand box as required</p>
Neutral		
Negative		
Evidence: <p style="text-align: right;">*Expand box as required</p>		

<p>Sources used:</p> <p>ASB Crime and Policing Act 2014</p> <p>Gov.UK Online Guidance https://www.gov.uk/guidance/fixed-penalty-notices-issuing-and-enforcement-by-councils</p> <p><i>*Expand box as required</i></p>

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

Please tick (✓) the relevant box:		Overall impact: Whether a person is married, in a civil partnership or joined together through another form of civil or religious union will effect whether a PSPO is issued when causing alcohol related nuisances. <i>*Expand box as required</i>
Positive		
Neutral	✓	
Negative		

**Expand box as required*

Evidence:	
------------------	--

Sources used:

**Expand box as required*

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: By Introducing alcohol related nuisance to the PSPO there shouldn't be any affect to those who are pregnant or who are undertaking maternity or paternity leave. This being said drinking while pregnant can cause serious harm for the unborn child when consuming alcohol and falls under the children's Act, as a child in need, and they should be referred to Children's Safeguarding.
Positive	✓	
Neutral		
Negative		

**Expand box as required*

**Expand box as required*

<p>Evidence:</p> <p>A child in need is defined under the Children Act 1989 as a child who is unlikely to achieve or maintain a reasonable level of health or development, or whose health and development is likely to be significantly or further impaired, without the provision of services; or a child who is disabled.</p> <p style="text-align: right;"><i>*Expand box as required</i></p>
<p>Sources used:</p> <p>ASB Crime and Policing Act 2014</p> <p>Gov.UK Online Guidance https://www.gov.uk/guidance/fixed-penalty-notice-issuing-and-enforcement-by-councils</p> <p>Childrens Act 1989.</p> <p style="text-align: right;"><i>*Expand box as required</i></p>

Socio-economic status: Consider those who are from low income or financially excluded backgrounds		
<i>Please tick (✓) the relevant box:</i>		<p>Overall impact:</p>
Positive		<p>The conditions within the PSPO may have an adverse effect on Homeless people seeking to consume alcohol within the Town Centre while seeking shelter.</p> <p>It is acknowledged that many Homeless people within the town centre have alcohol related dependencies. As such they run the risk of facing the penalties associated with breaching the PSPO.</p> <p>The FPN may have a limited impact on the Homeless but the seizure and destruction of alcohol may result in additional financial hardship for those who seek to replace supplies lost.</p> <p>Additionally, the possible impact on homeless should be viewed in the context of supplementary support/visits being carried out by the Housing department to try and resolve homelessness within the Borough.</p> <p style="text-align: right;"><i>*Expand box as required</i></p>
Neutral		
Negative	✓	
<p>Evidence:</p> <p style="text-align: right;"><i>*Expand box as required</i></p>		

Sources used:

ASB Crime and Policing Act 2014

Gov.UK Online Guidance

<https://www.gov.uk/guidance/fixed-penalty-notice-issuing-and-enforcement-by-councils>

**Expand box as required*

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:

Positive

✓

Neutral

Negative

Overall impact:

Introducing alcohol related nuisance to the PSPO could identify a group of people who require help with alcohol misuse, or mental ill health, as anecdotally, mental and physical health issues are increasingly linked to anti-social behaviour as they are often linked to drug and alcohol misuse.

**Expand box 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:

Short term risks of alcohol misuse include:

- Accident and injury requiring hospital treatment (adding pressure to our already busy A&E)
- Violent behaviour or being a victim of violence

Long term risk of alcohol misuse can cause serious health problems like the list below but could also lead to social problems such as unemployment, divorce, homelessness and domestic abuse.

- Heart disease
- Stroke
- Liver disease
- Liver cancer
- Bowel cancer
- Mouth cancer
- Breast cancer
- pancreatitis

**Expand box as required*

Sources used:

<https://www.nhs.uk/conditions/alcohol-misuse/>

**Expand box as required*

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 to be <u>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
Socio Economic Status	negative	Work closely with Rough Sleeping lead Officer to identify those sleeping rough or homeless within the PSPO area to signpost to support services and homeless solutions	Homeless people are identified and assisted to access supported housing and access to drug and alcohol services	Ongoing	Denice Reece

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:

Scheduled date of review:

Lead Officer conducting the review:

**Expand box as required*

Please submit the completed form via e-mail to EqHIA@havering.gov.uk thank you.

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"/>	Economic Factors YES <input type="checkbox"/> NO <input type="checkbox"/>	Environmental 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	<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	<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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