Putting the Community First

BARNET
LONDON BOROUGH

MEETING
HOUSING COMMITTEE
DATE AND TIME
MONDAY 1 FEBRUARY, 2016
AT 7.00 PM
VENUE
HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BQ

TO: MEMBERS OF HOUSING COMMITTEE (Quorum 3)

Chairman: Tom Davey,
Vice Chairman: Shimon Ryde

Melvin Cohen Val Duschinsky Ross Houston
Adam Langleben Kath McGuirk Bridget Perry
Tim Roberts

Substitute Members

Maureen Braun Richard Cornelius Jim Tierney
Charlie O-Macauley Peter Zinkin Amy Tevethan

In line with the Constitution's Public Participation and Engagement Rules, requests to submit public questions or comments must be submitted by 10AM on the third working day before the date of the committee meeting. Therefore, the deadline for this meeting is 27 January at 10AM. Requests must be submitted to Iphigenia Christophoridou Iphigenia.Christophoridou@barnet.gov.uk

You are requested to attend the above meeting for which an agenda is attached.

Andrew Charlwood – Head of Governance

Governance Service contact: Iphigenia Christophoridou
Iphigenia.Christophoridou@barnet.gov.uk

Media Relations contact: Sue Cocker 020 8359 7039

ASSURANCE GROUP

ORDER OF BUSINESS

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3.	Declarations of Members Disclosable Pecuniary Interests and Non-Pecuniary Interests	
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Decisions of the Housing Committee

19 October 2015

Members Present:-

AGENDA ITEM 1

Councillor Shimon Ryde (Vice-Chairman in the Chair)

Councillor Melvin Cohen
Councillor Val Duschinsky
Councillor Ross Houston
Councillor Adam Langleben
Councillor Kath McGuirk
Councillor Bridget Perry
Councillor Tim Roberts
Councillor Richard Cornelius
(In place of Councillor Tom Davey)

Also in attendance
Councillor Dr Devra Kay
Councillor Agnes Slocombe

Apologies for Absence

Councillor Tom Davey

1. MINUTES OF THE PREVIOUS MEETING

RESOLVED that the minutes of the meeting held on 26 June 2015 be approved as a correct record.

2. ABSENCE OF MEMBERS

An apology for absence had been received from the Chairman, Councillor Tom Davey, who was being substituted for by Councillor Richard Cornelius.

3. DECLARATIONS OF MEMBERS DISCLOSABLE PECUNIARY INTERESTS AND NON-PECUNIARY INTERESTS

The following interests were declared:

Councillor	Agenda Item	Interest Declared:
Councillor Melvin Cohen	9 (Housing Strategy)	Non-disclosable pecuniary interest as a private landlord of a property in the Borough.
Councillor Kath McGuirk	9 (Housing Strategy)	Non-disclosable pecuniary interest as Councillor McGuirk is a social housing tenant Non-pecuniary interest as her daughter was on the local authority housing list.
Councillor	7 (Strategic	Non-pecuniary interest as a Council

Ross Houston	Engagement with Registered Providers) and 9 (Housing Strategy)	appointed Non-Executive Director of Barnet Homes; and Non-disclosable pecuniary interest as a £1 shareholder in the Genesis Housing Group.
Councillor Adam Langleben	9 (Housing Strategy)	Non-pecuniary interest as a representative on: the West Hendon Partnership Board; and the West Hendon Community Trust Fund.
Councillor Shimon Ryde	9 (Housing Strategy)	Non-disclosable pecuniary interest as he has a £1 shareholder in the Agudas Israel Housing Association (AIHA).
Councillor Tim Roberts	9 (Housing Strategy)	Non-disclosable pecuniary interest as a private landlord of a property in the Borough.

The Commissioning Director for Growth and Development, Cath Shaw, advised that she had an interest in agenda item 9 (Housing Strategy) as she was a Board Member of Family Mosaic.

4. REPORT OF THE MONITORING OFFICER (IF ANY)

None.

5. PUBLIC QUESTIONS AND COMMENTS (IF ANY)

The Committee received public comments from Mr Julian Silverman on agenda item 9 (Housing Strategy).

The Committee received public questions from Ms Jacqui Parsons and Ms Ghazaleh Farnam. Details of the questions asked and the published answers were provided with the agenda papers for the meeting. Oral responses were given to the supplementary questions at the meeting. Councillor Devra Kay asked supplementary questions on behalf of Ms Jacqui Parsons.

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6. MEMBERS' ITEMS

(a) MEMBER'S ITEM - COUNCILLOR HOUSTON

Councillor Houston presented his Members Item which asked for an update on the scrutiny of / engagement with Housing Associations by the council, and in particular on the future role of the Housing Committee.

Councillor Houston noted that there would be detailed consideration of this issue during agenda item 7 (Strategic Engagement with Registered Providers) and agreed that he would make his comments at that item.

(b) MEMBER'S ITEM – COUNCILLOR LANGLEBEN

Councillor Langleben presented his Members Item which asked for an update on the Council's forward plans for all remaining council housing / council estates in the Borough built in the 1960s and 1970s as well as a list of all such assets, including their most up to date land values.

RESOLVED that the Committee Members receive a written briefing on the issues raised in advance of the next meeting.

(c) MEMBER'S ITEM – COUNCILLOR MCGUIRK

Councillor McGuirk presented her Members Item which asked for an update on the Government's plans to extend Right To Buy to Housing Associations and the impact on housing in the Borough.

RESOLVED that the Committee Members receive a written briefing on the issues raised as and when further information was received from Central Government. It was agreed that the briefing should also be circulated to Members of the Assets, Regeneration & Growth Committee and Policy & Resources Committee as the issues arising could have an impact on matters within their remit.

(d) MEMBER'S ITEM – COUNCILLOR TIM ROBERTS

Councillor Tim Roberts presented his Members Item which asked for details of the Council's response to Genesis Housing Association statement about not building affordable or social housing for rent following the emergency budget announcements on housing / the Housing Bill. It was questioned whether this affected the Grahame Park development and whether the Council spoken to Genesis about the statement.

RESOLVED that the Commissioning Director Growth & Development provide a written briefing to the Committee in advance of the next meeting on the provisions in the Grahame Park Principal Development Agreement.

7. STRATEGIC ENGAGEMENT WITH REGISTERED PROVIDERS (RPS)

The Committee considered a report which provided details on Registered Providers (RPs) operating in the Barnet, including an Annual Review of the major RPs.

RESOLVED that the Committee note the report.

8. BUSINESS PLANNING ANNUAL REPORT

The Committee considered a report which provided an annual update of the work that has been undertaken to meet the Committee's commissioning intentions, agreed as part of the Business Planning process and as outlined in the agreed Commissioning Plan for each committee.

Officers reported that, in relation to the performance indicator of "Reduce the number of households placed in emergency accommodation to 500 (Barnet Homes)", the outturn of 455 meant that the target had been achieved as there were less than 500 households placed.

The Committee noted that a budget pressure was being created as a result of housing benefit not covering the actual cost of emergency temporary accommodation (as detailed in section 7.2.2 of the report).

Officers were requested to provide details of the number of households that have decided not to enter temporary accommodation and instead remain in already overcrowded accommodation.

RESOLVED that the Committee note the progress made during 2014/15.

9. HOUSING STRATEGY

The Committee considered the Housing Strategy which set out the strategic housing priorities for the borough and how they would be achieved over the next 10 years. The Committee were requested to approve the Commissioning Plan and Housing Strategy.

During debate, Councillor Houston MOVED a motion which was duly seconded as follows:

Replace recommendation 1 with:

1. That Council approve the final Housing Strategy at Appendix A, with the following additions:

   That the Housing Strategy should:

   - Set out specific targets for delivering at least 50% affordable housing on developments on council-owned land, including a specific target of 50% to be social rented housing
   - Commit the council to developing a Supplementary Planning Document that sets out clear expectations on value in viability reports, including that viability calculations should be transparent and public.

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- Commit the council to establish a policy on the local marketing of properties to minimise off-plan sales.
- Specify that where the council must transfer land to secure delivery of affordable housing it should have a long-term interest in the land eg. through retaining the freehold, keeping a long term equity stake in the value uplift of the land by adding covenants on disposal, and look at long term payback arrangements on private sector-led development.
- Set out that on the regeneration schemes the same number of council homes as were originally there prior to the start of regeneration should be provided as a minimum.
- Ensure that all longstanding non-secure temporary tenants on Barnet's regeneration estates should be granted secure tenancies.
- Look at developing new intermediate rent and low cost home-ownership products, for example:
  - Intermediate rent based on a percentage of income.
  - Key worker housing for particular target groups of people including those who need to live close to where they work.
  - Mutual home ownership.
- Set out additional actions to improve standards in private rented sector, including:
  - License all private sector landlords in order to tackle rogue landlords, improving standards in the private rented sector and reducing anti-social behaviour.
  - Introducing a Decent Homes Standard based Kite mark for the private rented sector, including current minimum legal requirements.
  - Increase tenants awareness of their rights.
- Investigate setting up a social lettings agency to offer a quality management service to private landlords for letting their properties at either market rent or affordable rent with the service either free of charge for tenants.
- Investigate working with Housing Associations to bring empty/non-decent properties into the public housing sector.
- Any acquisitions should prioritise purchases in borough.

Replace recommendation 2 with:

2. That the Committee approve the final Commissioning Plan at Appendix B, with any appropriate amendments following from the amended recommendation 1.

Having been put to the vote the Committee voted:

For: 4
Against: 5
Abstain: 0

The Motion was therefore LOST.

The Chairman moved to the vote on the recommendations as set out in the report. Votes were recorded as follows

For: 5
Against: 4

5

Abstain: 0

Immediately following the vote, Councillor Houston moved to refer the item to the next practicable meeting of Full Council in accordance with the provisions of Section 6.3 of Responsibility for Functions. The reason given for the request to refer the item was:

"Housing is the central issue in Barnet. It is the second highest concern in the Residents Perception Survey. The proposed Labour Group amendments would have given the Strategy far more ambition in terms of affordable housing in the borough. It is appropriate that Full Council considers the Strategy."

The Committee Members supporting the referral were:

Councillor Houston
Councillor Langleben
Councillor McGuirk
Councillor Roberts

RESOLVED that having received the requisite number of support for referral, the item will be placed on the agenda for consideration by Full Council.

10. MOTION FROM COUNCIL

Members considered a report which informed the Housing Committee of a Motion which was reported to Full Council on 28 July 2015. In accordance with Council Procedure Rule 23.5, if a Member's Motion was not dealt with by the end of a Full Council meeting, it would be referred to the appropriate committee for consideration and any necessary action.

The Chairman moved to the vote on the recommendation as set out in the report. Votes were recorded as follows

For: 4
Against: 5
Abstain: 0

RESOLVED that no action be taken in relation to the referral from Council.

11. HOUSING REVENUE ACCOUNT (HRA) BUSINESS PLAN

The Committee considered a report which sought approval of the Housing Revenue Account Business Plan.

The Chairman moved to the vote on the recommendation as set out in the report. Votes were recorded as follows

For: 5
Against: 4
Abstain: 0

6

RESOLVED that:

1. **That the Committee approve the draft Housing Revenue Account Business Plan as attached in Appendix A.**

2. **That the Committee delegates further changes to the Housing Revenue Account Business Plan required following the publication of the Housing Bill to the Commissioning Director, Growth and Development in consultation with the Chair of the Housing Committee.**

12. COMMITTEE FORWARD WORK PROGRAMME

RESOLVED that:

1. **The Committee note the work programme**

2. **That additional items be added to the work programme as follows:**

   - **Review of the 'One Offer Only' policy in the Housing Allocations Scheme;**

   - **Review of the Landlords Incentive Scheme**

13. ANY OTHER ITEMS THAT THE CHAIRMAN DECIDES ARE URGENT

None.

The meeting finished at 9.07 pm

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	AGENDA ITEM 7 **Housing Committee** **1 February 2016**
Title	**Additional Licensing Scheme for Houses in Multiple Occupation**
Report of	Commissioning Director – Growth and Development
Wards	All
Status	Public
Urgent	No
Key	Yes
Enclosures	Appendix 1 – Fit and Proper Person Policy Appendix 2 –Revised HMO Standards Appendix 3 - HMO Licence terms and conditions Appendix 4 - Equalities Impact Assessment Appendix 5 – Report into the potential internal and cross-boundary effects of a proposed additional licensing scheme for Houses in Multiple Occupation (HMOs) in Barnet
Officer Contact Details	Belinda Livesey – Group Manager (Private Sector Housing) 0208 359 7438 belinda.livesey@barnet.gov.uk Richard Pixner- Principal Environmental Health Officer 0208 359 7457 richard.pixner@barnet.gov.uk

Summary

On 2nd February 2015 the Housing Committee agreed that a public consultation should be carried out in relation to an Additional Licensing Scheme for houses in multiple occupation (HMOs) in Barnet and for a further report to be presented to the Housing Committee to consider the findings of the public consultation and to determine whether an Additional Licensing Scheme should be adopted in Barnet.

Recommendations
1. That the Committee note the results of the consultation exercise
2. That the Committee approve the following: a. the designation of the whole of the borough of Barnet as subject to an additional licensing scheme for houses in multiple occupation (HMOs) under the Housing Act 2004 in relation to the classes of HMOs detailed in section 1.14 of this report b. the licence fees as set out in this report c. that an inspection of a property shall be carried out before the first licence is issued d. the licence application process and milestones as set out in paragraphs 1.21-1.27 and 4.1- 4.6 of this report e. the Fit and Proper Person Policy set out in Appendix 1 f. the HMO standards set out in Appendix 2 g. the HMO licence terms and conditions set out in Appendix 3
3. That the Committee authorise the Commissioning Director – Growth and Development to: a. Take all steps necessary to publicise, commence and administer the scheme including the issue and amendment of licences. b. determine the date upon which the designation in 2.a. comes into operation

1. WHY THIS REPORT IS NEEDED

1.1 Houses in multiple occupation (HMOs) are properties that are occupied by at least three different tenants, forming more than one household and the tenants share or lack a toilet, bathroom or kitchen facilities. The definition of an HMO includes bedsits, shared houses, lettings with their own facilities but which are not self-contained, and hostels. The definition also includes some types of poorly converted self-contained flats. Where the properties are well managed HMOs have been recognised by the Council to provide a necessary part of the more affordable accommodation in the borough.

1.2 The current estimate of the number of all types of HMOs in the borough is 5,931 properties.

1.3 Having more than one household living in a property can increase the risk to the health, safety and welfare of the occupiers if the property is not properly managed.

1.4 It is recognised that there are many good landlords working within Barnet. Unfortunately there are also those who do not maintain their properties, leaving tenants at risk and leading to nuisances which affect neighbouring premises.

1.5 Enforcement action against HMOs is costly, resource intensive and complicated. Currently, the contractual requirement for Re is to deal on a reactive basis with the worst premises and those where there is a mandatory duty to licence or take enforcement action. This has led to a fragmented approach to enforcement in relation to HMOs.

1.6 The Department of Communities and Local Government (DCLG) paper 'Approval steps for additional and selective licensing designations in England'[1] acknowledges that "Houses in multiple occupation (HMOs) are amongst the more difficult to manage properties in the sector. In some HMOs the standards of management and living conditions can be poor. In particular they [local housing authorities] need to engage with the less responsible private landlords who do not proactively manage their properties, nor address the unacceptable behaviour of their tenants." However, the Government recognises that problems of poor management and facilities in an HMO are not confined to the larger ones (subject to mandatory licensing). It also recognises that poor management and associated problems exist elsewhere in the private rented sector and are not simply a phenomenon of HMOs. For this reason the Housing Act 2004 gives Local Housing Authorities powers to require certain other private rented accommodation to be licensed in specified circumstances.

1.7 The Council also plans to use powers under the Town and Country Planning Act to introduce an Article 4 Direction which will require landlords to apply for planning permission on properties that they intend to convert into a small House in Multiple Occupation (HMO).

1.8 Landlords currently can convert houses into small scale HMOs (for 3 to 6 unrelated persons) without the need for planning permission. Larger

[1]http://webarchive.nationalarchives.gov.uk/20120919132719/http:/www.communities.gov.uk/documents/housing/pdf/154091.pdf

HMOs require planning permission. The Article 4 Direction will enable the Council to consider applications for all HMOs. Consultation on the Article 4 Direction will be considered by the Planning Committee as part of confirmation of the Direction before 29 May 2016 when the Direction is due to come into force.

Current HMO Licensing Scheme

1.9 There are currently 182 licenced HMOs in Barnet. 94% of licences issued this year were issued in 90 days or less and 81% of licenced HMO landlords have complied with major work requirements linked to the licence.

1.10 The Council works with landlords and tenants to improve the standards of accommodation across the borough. Where landlords fail to licence or have properties in a poor condition the appropriate enforcement action is taken in line with the Council's adopted Environmental Health Enforcement Policy. In 2015, 7 Prohibition or Emergency Prohibition Orders were served and 12 potential prosecutions linked to failure to licence properties or related to property conditions are currently being worked on.

1.11 The London Landlord Accreditation Scheme is actively promoted with landlords to help them understand all the requirements linked to property management and ownership. There are currently 522 accredited landlords in the borough. Barnet have been highlighted as being in the top 12 (out of 33) performing boroughs in relation to numbers of accredited landlords, over the past 2 years.

1.12 Since the consultation on a proposed Additional HMO Licensing scheme commenced, there has been an increase in the number non-licensed HMOs identified, including previously unknown landlords approaching the Council for a licence.

1.13 If an additional licensing scheme is adopted this will merge with the current scheme to provide a uniform approach to all licensable accommodation.

Types of HMOs to be covered by the licensing scheme

1.14 It is recommended that a borough wide Additional Licensing scheme is adopted, targeted at properties which are considered to present the highest risk to the occupying tenants.

These are:

a) Any HMO of two or more storeys, occupied by four or more persons in two or more households and where some or all facilities are shared or missing.
b) Any flat occupied by four or more persons in two or more households and where some or all facilities are shared or missing, where the flat is on the second storey or higher.
c) Any HMO of two or more storeys, with a resident owner and occupied by four or more other persons in two or more households and where some or all facilities are shared or missing.
d) All buildings of three or more storeys that have been converted into and consist of four or more self-contained flats where the conversion was not undertaken in accordance with the Building Regulations 1991 (or later) and fail still to so comply; and where both the building and self-contained flats it contains are owned by the same person (none of the individual flats within the building being under separate ownership).
e) Any house of two or more storeys comprised of both self-contained and non-self-contained units of accommodation occupied in aggregate by four or more persons in two or more households (not including a resident owner), some of whom share or lack one or more basic amenities such as a bathroom, toilet or cooking facilities.

Licence Fees and Charges

1.15 In setting the licence fees, the Council must follow certain principles established by the European Services Directive (ESD) and in particular that the fee must not exceed the actual and direct costs of processing an application, monitoring compliance and enforcing the scheme. The fee structure is also required to be reasonable and proportionate.

1.16 The licence fee is therefore set to cover the administration and associated costs of the licence. A review of fees will be undertaken annually and will be adjusted to reflect changes in costs.

1.17 The fees will also be reviewed in line with the findings of the pending decision of Hemming v Westminster City Council which has been referred to the European Court of Justice.

1.18 Where the landlord requires additional help this will be provided for upon payment of a higher fee through an Assisted Licensing process. For the existing mandatory licensing scheme a minority of applicants opt for Assisted Licensing. General advice is provided at no extra cost.

Accordingly, the proposed fee structure is:

	Fee Type	Fee Amount
1	New HMO Licensing Fee for a 1 year licence (paper application)	£ 655
2	New HMO Licensing for a 1 year licence - assisted fee (paper application)	£ 849
3	New HMO Licensing Fee for a 5 year licence (paper application)	£ 1,008
4	New HMO Licensing Fee for a 5 year licence – assisted fee (paper application)	£ 1,202
5	New HMO Licensing Fee for a 1 year licence (online application)	£ 606
6	New HMO Licensing Fee for a 1 year licence- assisted fee (online application)	£800
7	New HMO Licensing Fee for a 5 year licence (online application)	£ 958
8	New HMO Licensing Fee for a 5 year licence Assisted fee (online application)	£1,153
9	Renewal HMO Licensing fee (paper application) for a 5 year licence	£911
10	Renewal HMO Licensing fee (paper application) for a 5 year licence- assisted application	£1,106
11	Renewal HMO Licensing fee (on line application) for a 5 year licence	£862
12	Renewal HMO Licensing fee (on line application) assisted fee for a 5 year licence	£1,056
13	Fee associated with an abortive visit	£72
14	Each extra unit of accommodation over 5 units	£24
15	Recovery fee for dishonoured cheque	£84
16	Change in Nominated Licence holder or Manager	£84
17	Property to be used in full by Barnet Homes	£0 – fee paid by Barnet Homes
18	Discount for accredited landlords	10%
19	Discount for registered charities	10%

These fees have formed part of the formal consultation and been consulted on (less the annual 2% increase).

1.19 The Council recognise that there are many good landlords who want to provide a good standard of accommodation for their tenants. It is proposed that landlords who are accredited with the London Landlords Accreditation Scheme (LLAS) or alternative similar scheme accepted by the Local Authority will be eligible for a 10% discount to the additional licensing fee.

1.20 If the scheme is approved and becomes operative it will be an offence to operate an HMO falling within the scope of the scheme without a licence. An unlimited fine can be imposed upon summary conviction. Rent Repayment Orders can also be issued requiring the repayment of rent for up to 12 months of the unlicensed period.

Licence Application Process

1.21 It is proposed that the introduction of an Additional Licensing Scheme should re-iterate that the responsibility for HMO property management lies with the landlord and not the Council, in the same way that an MOT proves a certain level of responsibility and maintenance by a driver for their car.

1.22 As such, it is proposed that the licensing process should require the landlord to complete and submit to the Council an application form together with the required fee. All details will be provided on line or in hard copy on request. The form requires provision of some basic information about the property, such as the number of letting rooms or flats, shared bathrooms, toilets and kitchens as well as details of safety measures that have been put in place, such as the type and installation of a fire detection system. Evidence of the following will be required:

- Gas safety - Gas safety record (12 months)
- Electrical Safety –Current electrical installation condition report (5 years from date of issue) and portable appliance (PAT) test
- Safety of property in the event of fire- Alarm system, **Emergency lighting.**
- Evidence of arrangements which demonstrate competent property management - **Management records** and copies of tenancy agreements
- Floor plan with room sizes and uses clearly shown
- Any proposed licence holder or manager of the property will be required to make a declaration that they are a “fit and proper person”
- **Current occupancy details**

1.23 This evidence is consistent with the current mandatory licensing scheme, although additional evidence is required to enable the landlord to clearly

demonstrate competent property management. The requirements are consistent with actions that a responsible landlord should be taking. The additional criteria are marked as **bold.**

1.24 Following the receipt of a complete application, the aim will be to licence properties following a full inspection of the property. This will enable the tenants, landlords and public to have confidence that all licensed premises in the borough meet specific minimum standards. This is likely to prolong the timescales for granting a licence in the early stages of the scheme as the number of initial applications likely to be received is not known at this stage.

1.25 The inspection will consider suitability of the property for licensing, compliance with the relevant legislation and compliance with the reviewed and updated Barnet Adopted Standards for Houses in Multiple Occupation (Appendix 2).

1.26 It is proposed that the licence is issued in accordance with the Terms and Conditions detailed in Appendix 3 - Proposed Licence Terms and Conditions.

1.27 In order to demonstrate that the Council distinguishes landlords that comply with the relevant legislation from those that don't, it is proposed that those that submit their complete application within three months of the Council's declaration will be licensed for five years, and those that fail to do so without good reason, will be initially licenced for one year. Following expiry of a licence and should an Additional Licensing scheme still continue to be in operation, a decision will be made on the standard of management of the property and the property relicensed accordingly for another year or five years. All licences continue for the term granted even when this extends beyond the life of the scheme.

Fit and Proper Persons

1.28 In reviewing an application for a licence under the additional scheme, the Council will consider whether the proposed licence holder is a 'fit and proper person'. The relevant persons will be considered in line with the policy detailed in Appendix 1. If the owner is found not to be a "fit and proper person" against these criteria, then he/she must find someone else agreed by the Council to manage the property.

2. REASONS FOR RECOMMENDATIONS

2.1 On 2nd February 2015 the Housing Committee agreed that a public consultation should be carried out in relation to an Additional Licensing Scheme HMOs in Barnet. It further agreed the proposed scheme should form the basis of the consultation exercise.

2.2 Following completion of the consultation exercise (details in section 5.7) the proposed scheme consulted on has been reviewed in consideration of the consultation feedback.

2.3 The scheme will help the Council work together with landlords to make sure that their HMOs are safe, well managed and causing minimal issues for the local community.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

3.1 Consideration has been given to other options that the Council could pursue if the proposals in this report are not supported.

Do Nothing

3.1.1 Barnet could continue solely with the current enforcement regime, linked with more aggressive promotion of Accreditation.

3.1.2 This is not the approach supported by the public (excluding landlords) in the consultation exercise. Of HMO residents, other PRS tenants, local residents and other stakeholders/organisations 75% or more of each group support the introduction of a scheme. The main reasons for supporting the scheme include that it would improve the standards/living conditions of housing in Barnet, help ensure a more consistent standard of accommodation throughout the borough, improve the quality of landlords and target rogue landlords. Further details of the consultation responses are included in section 5.7,6.1 and 6.3.

Expand the Current Enforcement Regime

3.1.3 The Council currently has a reactive enforcement approach in relation to HMOs, dealing with cases as they present themselves. A more proactive approach could be taken to target the worst landlords. This would develop an outward facing image of enforcement in relation to rogue landlords.

3.1.4 To practically do this would involve the need to increase the resourcing allocated for Environmental Health Services by a minimum of two additional posts. The cost could be up to £135,000 per annum.

3.1.5 This is a more traditional enforcement approach and less of an enabling one than Additional Licensing will bring.

Area Based Additional Licensing Scheme

3.1.6 Given the high number of town centres in the borough, the location of Middlesex University, and the increasing dependency on the private rented sector, it is recognised that HMOs are spread across the borough. The consultation exercise did not demonstrate that this was an option supported by the public. An area based scheme would cause inconsistency in regulation and confusion amongst landlords and tenants.

4. POST DECISION IMPLEMENTATION

4.1 Provisional key milestones are detailed below. The dates may vary depending on the success of the officer recruitment campaign:

	Milestone	**Date of Completion**
1	Delivery model agreed with Re	February to March 2016
1	Recruit staff	March to June 2016
2	Finalise processes and procedures	March to May 2016
3	Commissioner for Growth and Development to agree: • Measures of success and programme monitoring and review mechanisms. • A strategy in the event that the targets are not met and which includes options for alternative approaches that might be adopted at the relevant time.	March to May 2016
4	Commissioner for Growth and Development makes a designation to adopt an Additional HMO Licensing Scheme	April to June 2016
5	Additional HMO Licensing Scheme Designation comes into force	Not less than 3 months from the designation date
6	Borough wide scheme promotion	In line with legal requirements from date of designation to date that scheme comes into force
7	Fee review in line with the annual review of the Council's fees and charges and the outcome of the Hemmings case	November 2016 - March 2017
8	Year 1 Report to Housing Committee on the first 12 months of the programme with a review of the programme plan for 2017-2021.	August 2017
9	Scheme completion/review	May 2021

4.2 From the recent data collection exercise it is estimated that there are 3,836 properties that will fall under the proposed scheme. Based on previous experience there will be fluctuations in this number caused by changes in mode of occupancy and property sale. The licensing programme has been designed around the licensing of an assumed 3,000 properties.

4.3 It is not practical or realistic to design a programme around licensing all of these properties in year 1.

4.4 Properties that submit licence applications will be inspected and licensed first

4.5 Where applications are not submitted, properties will be targeted for licensing on a risk basis with the larger properties being tackled first, those known to be in a poorer condition and those where enforcement action has been taken historically.

4.6 700 applications will be targeted annually except in year one when a reduced target of 200 will be used to allow for setting up systems, recruiting staff, scheme launch and promotion. These numbers are dependent upon the number of licences submitted reactively by landlords and will be constantly reviewed.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

5.1.1 The policy meets the Council's key Corporate Priorities detailed in the Barnet Corporate Plan 2015-20 as follows:-

- Barnet will be a place of opportunity where people can further their quality of life- Additional Licensing will improve the standard of accommodation provided by HMOs which will be beneficial to occupying tenants and the wider local community.

- Barnet is a place where people are helped to help themselves realising that prevention is better than cure. The scheme has been designed to assist landlords in providing a higher standard of accommodation. Increasing the available housing stock meeting minimum standards will help ensure that more people have access to safe accommodation which will help enable stability in schooling, working, health care etc.

5.1.2 The improvement in housing conditions that will be achieved through Additional HMO licensing will also have a positive effect on the health and

well-being needs of the local population as identified in the Joint Strategic Needs Assessment 2015-2020. One of the evidence based public health interventions with the highest "return on investment" according to the respected Kings Fund are housing interventions. This is particularly key with the long term shift in housing tenure towards renting and away from owner occupancy.

5.1.3 The Additional HMO licensing scheme will support the aims of the Joint Health and Well Being Strategy 2015-2020 by improving the energy efficiency of HMOs in the borough and reducing the amount of non-decent housing.

5.1.4 Barnet's Housing Strategy 2015-2025 is committed to sustaining quality in the private rented sector. The proposal for a borough wide Additional Licensing scheme contributes to this through improving the condition of the existing private rented housing stock.

5.1.5 The vision of Barnet's Children and Young People Plan is that 'All children and young people in Barnet should achieve the best possible outcomes, to enable them to become successful adults, especially our most vulnerable children. They should be supported by high quality, integrated and inclusive services that identify additional support needs early, are accessible, responsive and affordable for the individual child and their family.' Young children, along with some other groups are most vulnerable to the negative effects of poor housing which affects physical and mental health as well as affecting wider determinants of health such as educational performance. Additional Licensing in Barnet will help to protect children and young people living in HMOs from poor or dangerous conditions.

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

5.2.1 Licence fees will be set in accordance with the considerations in paragraphs 1.15 -1.20.

5.2.2 The proposed licence applications and calculated income stream based on the current fee calculations are detailed as follows. This cannot be guaranteed at this stage as it is dependent upon the number of applications received when the scheme is launched and reactively from then onwards. The fees are subject to annual review to ensure recovery of all relevant costs:

	2016/17 (6 months)	2017/18	2018/19	2019/20	2020/21	Total
Application	200	700	700	525 paper 175	350 paper 350 on	3000

target				on line	line	
Fees (with 2% increase per annum)	£1,008.50	£1,028.67	£1,049.24	1070.22/1017.5	1091.62/1037.85	
Income	£201,700	£720,069	£734,468	£739,928	£745,315	£3,141,480

5.2.3 A review of fees will be undertaken annually and will be adjusted to reflect changes in costs. The fees will also be reviewed in line with the findings of the pending decision of Hemming v Westminster City Council which has been referred to the European Court of Justice.

5.2.4 The proposed scheme will generate a high level of additional work and need to be resourced accordingly. It is estimated that a team of 10 staff will be required to manage the workload and this will be built up as demand dictates. It is intended that the team will be staffed sufficiently to process around 700 applications per year, with a lower target in year 1 to allow for recruitment and scheme set up. The total cost of the staff would be in the region of £3,009,000 over the 5 year programme. A challenge will be faced to recruit the right number of suitable staff. The viability of this assumption will be better known a year after implementation. A full scheme review will be completed 12 months after the scheme goes live considering licence applications received, licences issued, and enforcement action required.

5.2.5 Subject to formal agreement the proposed scheme will be delivered by the service provider Re Ltd (joint venture between CAPITA plc and the London Borough of Barnet) on behalf of Barnet under the terms of the existing contract. The income generated from this activity will, subject to formal approval, count towards the guaranteed income target. The scheme will be closely monitored and reviewed on a regular basis.

5.2.6 All staff administering the scheme will be employed directly by Re at no additional cost to Barnet unless the contractual guaranteed income threshold is reached, in which case Re will then recharge the Council for costs in accordance with the contract.

5.2.7 In the event that there is a change to the mandatory HMO licensing scheme through statute the contractual arrangements will be reviewed as necessary.

5.2.8 HMO Licensing linked enforcement work will be undertaken by the new team and the existing HMO Licensing Officer with assistance as necessary from the Private Sector Housing Enforcement Team.

5.3 **Social Value**

5.3.1 Having consideration to the Public Services (Social Value) Act 2013 there are no specific social value considerations arising out of this report. Additional licensing will deliver social, economic and environmental benefits for residents in relation to improvement in standards of the private rented sector.

5.4 **Legal and Constitutional References**

5.4.1 Constitution, Responsibility for Functions, Annex A, sets out the terms of reference of the Housing Committee including:

- Promote the better integration of privately rented properties into the Borough's framework
- Be responsible for all matters related to Private Sector Housing including Disabled Facility Grants
- Be responsible for housing licensing and housing enforcement

5.4.2 The Housing Act 2004 Section 56 and 57 provides Local Authorities with the power to designate areas within their district, or the whole district, as being subject to an additional HMO licensing scheme in relation to some or all of their HMO properties in that area. These HMOs would be those not already subject to the mandatory HMO Licensing that is required under the Act.

5.4.3 Converted properties containing flats, which fail to meet the 1991 Building Regulations can be licensable under an additional licensing scheme. These are referred to as Section 257 HMOs after the defining section of the Act.

5.4.4 The Authority must consider that a significant proportion of the HMOs proposed to fall within the designation are being managed sufficiently ineffectively. Additionally, a ten week consultation period must take place, and the scheme must be consistent with the Authority's overall housing strategy.

5.4.5 If the Council decides to introduce an Additional HMO Licensing Scheme it can come into force no earlier than 3 months after the date on which the designation is made.

5.4.6 Once a designation is issued to implement such a Scheme it will be in force for a period of 5 years and will be subject to regular review.

5.4.7 The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006, regulation 9 sets out the method by which any designation must be advertised and people informed.

5.4.8 The Council has to consult with stakeholders and therefore all those affected by the change in legalisation will be informed and advised of the impact through a Public Notice in two local newspapers, informative

leaflets/letters, the website and Landlords Forum.
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5.5 Risk Management

5.5.1 Whilst additional HMO licensing is likely to be welcomed by residents and tenants there is a risk that it will not be popular with some Landlords. Some Local Authorities have been subject to costly Judicial Review following the declaration of an Additional Licensing Scheme for example *R (on the application of Regas) v Enfield LBC* [2014] EWHC 4173 which was in relation to inadequate consultation.

5.5.2 In order to minimise the risk, care has been taken to design a scheme that targets poor property management whilst using a lighter touch on the more compliant landlords.

5.5.3 If landlords are reluctant to apply this will mean that due to the size of the borough and numbers involved significant staffing resource will be required to actively enforce the licensing requirements. This will impact on the time available to officers to licence landlords.

5.5.4 If the number of HMOs has been overestimated this will affect the fee income and associated programme staffing.

5.5.5 If the number of HMOs has been underestimated and the team is unable to cope with higher than expected volumes of applications this could lead to service delays.

5.5.6 In relation to 5.5.4 and 5.5.5 the programme will be closely monitored and a flexible approach used in relation to staffing.

5.5.7 As many boroughs are currently introducing additional licensing schemes and there may be a change to the current mandatory licensing scheme through statute, this could cause difficulties recruiting a suitable number of competent staff which may cause delays in scheme administration.

5.5.8 There could as a result of the expansion of licensing be a possible increase in single homelessness as some Landlords may choose to leave the market, or convert their HMOs into flats/back into houses as family homes. The situation will be monitored. The risk is looked at in further detail in Appendix 5.

5.6 Equalities and Diversity

5.6.1. Pursuant to section 149 of the Equality Act 2010 (“the Act”), the council, in the exercise of its functions, has to have ‘due regard’ to (i) eliminating discrimination, harassment, victimisation and any other

conduct that is prohibited by or under the Act; (ii) advancing equality of opportunity between those with a relevant protected characteristic and those without; and (iii) fostering good relations between those who have a relevant protected characteristic and those without.

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

5.6.3 In line with this, an Equalities Impact Assessment (EqIA) has been conducted and took into account the consultation feedback. The EqIA can be found in Appendix 4.

5.6.4 It is considered that an Additional Licensing Scheme for HMOs would have an overall positive impact for landlords, tenants, residents and businesses by virtue of the potential improvement to the quality of HMOs and the management of them.

5.6.5 In addition there are potential benefits arising from the increased choice of high quality, well-managed affordable housing.

5.6.6 As well as the benefits to the occupying tenants from the improved conditions that licensing would bring about, they are potentially at less risk of retaliatory evictions for complaining about their conditions as this is prohibited in licensable properties which are not licensed and should have been.

5.6.7 The Additional Licensing Scheme will improve the quality of HMOs and this has the potential to benefit all groups within the wider local community by reducing social and environmental factors associated with HMOs relating to noise, rubbish and general upkeep.

5.6.8 There may be a potential for the introduction of an Additional Licensing Scheme to distort the housing market. Those affected are likely to be young people, particularly young single males, students and young professionals, those on lower incomes including the unemployed and transients who are the more typical occupants of HMOs. This might occur through the displacement of HMOs to surrounding areas where there are no licensing schemes that would otherwise constrain their occurrence. This could lead to a loss of HMOs from the borough or a reduction in the number of occupiers in some HMOs where landlords might want to avoid licensing requirements. In addition it is possible that the costs associated with licensing which might include the licence fee, may be passed on to tenants in the form of higher rents.

5.6.9 The potential negative effects may be mitigated to an extent by the emergence of similar schemes in neighbouring local authority areas with the overall effect that large areas are now committed to an extended HMO licensing approach. Barnet's proposed scheme will therefore complement the wider improvement of housing conditions in North London brought about by

HMO licensing. For more information on this aspect refer to Appendix 5

5.6.10 There may be implications for an increase in homeless applications to Barnet Homes due to the potential loss of units of accommodation referred to in 5.6.8. This has been discussed with Barnet Homes and the situation will be monitored. A record will be kept by Re of private rented units of accommodation known to be lost as a result of the licensing scheme.

5.7 Consultation and Engagement

5.7.1 A consultation was undertaken over 17 weeks from the 25th of June 2015 until the 23rd of October 2015. The results of the consultation and the council's response are detailed in sections 6.1- 6.3. A total of 278 responses to the consultation questionnaire were received. Additionally, 32 landlords and 73 participants attended the deliberative forums, and 10 members of the public and organisations contributed their views in writing on the consultation.

5.7.2 The key findings were as follows:

- Questionnaire responses: HMO residents in Barnet, other private sector tenants, local residents and other organisations/stakeholders indicated very high levels of support for the scheme (75% or more in each group). The main reasons for this were that it would improve the standards/living conditions of housing in Barnet, help ensure a more consistent standard of accommodation throughout the borough, and improve the quality of landlords (and target rogue ones in particular). In contrast, landlords and letting agencies (and organisations that represent them) have indicated very low levels of support (less than 20%). The main reasons for this were: that it will create unnecessary red tape; that existing licence provisions are sufficient and; that additional licensing will result in rent increases for tenants in HMOs.

- Written submissions: These varied considerably in terms of support for the scheme. Submissions from organisations that opposed the scheme typically argued: that it would penalise good landlords and won't effectively target the bad ones; that it would simply mean rent increases across the borough and; that it fails to consider other means that fall within the Council's power. Submissions from other organisations, for example Barnet and Harrow Public Health Team, felt that the proposals could significantly improve the health of those living in HMOs and potentially the wider community as well.

- Resident's deliberative forums: Participants overall agreed that introducing an additional licensing scheme in Barnet is a positive proposition, but many qualified this support by noting that the Council

will need to ensure that is has a robust strategy and an effective mechanism in place to enforce the scheme.

- Landlord's Events: Participants were strongly opposed to the introduction of additional licensing. Above all, they felt the Council should use its existing powers more effectively to pursue unlicensed HMOs under the mandatory licensing regime rather than embarking on an ambitious new Additional Licensing Scheme. Participants at these forums were convinced that poor landlords will evade Additional Licensing, whereas the good ones will conform and be penalised. In particular, they said that the licence fees and the additional costs of complying with the conditions attached to licences would force landlords to raise their rents disadvantaging poorer tenants.

5.7.3 The Council's response to some of the more common concerns, particularly from landlords and managing/letting agents are as follows:

- *The scheme is just more 'red tape' for landlords.* The Council is currently streamlining the licensing application and associated processes to ensure that the scheme is as straightforward as possible.

- *The existing powers together with the mandatory licensing scheme is sufficient and/or there is no need for an Additional Licensing scheme.* The rapid turnover and the vulnerable nature of some tenants in HMOs mean that poor standards often go unreported and can escape the attention of the Council. The primarily reactive approach that has been taken up until now has meant that problems in HMOs have been dealt with on more of an ad hoc basis and in this situation the Council can only deal with difficult or potentially dangerous situations or poor conditions after they have arisen. The Council can more easily target the rogue landlords within the licensing framework, and create and share intelligence. The scheme will enable resources to be more effectively targeted toward the improvement of the worst properties.

- *The scheme will punish good landlords/Barnet should target rogue landlords/Rogue landlords will avoid licensing and conditions could worsen.* Being a licence holder is a signal to tenants that a potential home will meet minimum safety standards. One of the scheme's objectives is to provide a reasonable, simple and unambiguous set of basic health and safety standards and to create clear expectations of what is required between all the parties (landlords, tenants and the council). A rigorous enforcement policy is essential to the success of proposed scheme and will be implemented along with continuous evaluation and development of the inspection programme, licensing processes as well as measures of the scheme's performance. The emphasis will be towards landlords being more aware of and fulfilling their responsibilities through the operation of the scheme, at the same time, bad landlords or those who are not fit and proper persons will be

forced to leave the sector. The Council does not intend good landlords to be the focus of its attention.

- *Costs may or will be passed onto tenants by way of rent increases.* Whilst rents have risen generally, distinguishing the potential effects of licensing on rents and the general increase in demand and other inflationary pressures is problematic. It has been suggested in research carried out for the London Borough of Camden by the LSE that many landlords set rents with reference to market comparables. There is as yet no evidence from other boroughs that have introduced discretionary schemes, that this has been the case.

- *The scheme may or will lead to a decrease in the supply of housing in the private rented sector or HMOs in the borough, as landlords withdraw from the market/The scheme may or will lead to a risk of homelessness and this will put more pressure on the council.* There is little evidence from other local authorities of any significant impact of licensing on the housing supply in the private rented sector. Oxford City Council reported in a 'Review of Licensing in Houses in Multiple Occupation 2015' that they estimated HMOs had fallen from 12% to around 8% as a proportion of their total housing stock in the 10 years between 2005 and 2015.It is not clear to what extent HMO licensing may have been attributing contributing factor among other influences on the market. Any potential effects of the scheme will be monitored where possible as part of an on-going review of the scheme. As a result of consultation feedback, the general importance of some of the Council's proposed licence conditions have been made more explicit and others have been extended to make them more comprehensive, particularly in relation to electrical safety, fire precautions, heating and security. In addition, a condition surrounding the display of information in licensed HMOs has been added.

5.8 Insight

5.8.1 Data sources including census, valuation office data, electoral register and the Environmental Health data management system were used to produce "The Case for an Additional HMO Licensing Scheme in Barnet" which informed the decision to proceed with the consultation made by Housing Committee on 2nd February 2015 and made up one of the consultation documents.

6 BACKGROUND PAPERS

6.1 Final Report on Consultation on an Additional Licensing Scheme for Houses in Multiple Occupation in Barnet https://engage.barnet.gov.uk/environment-planning-and-regeneration/hmo-additional-licensing-scheme/user_uploads/lb-barnet---hmos---final-report-with-appendix-a.pdf

6.2 Additional Licensing Consultation document and associated documents https://engage.barnet.gov.uk/environment-planning-and-regeneration/hmo-additional-licensing-scheme/supporting_documents/FAQs.pdf

6.3 Council's Response to consultation https://engage.barnet.gov.uk/environment-planning-and-regeneration/hmo-additional-licensing-scheme/user_uploads/responsetoconsultation.pdf

6.4 R v London Borough of Enfield Case No: CO/3170/2014

Appendix 1

London Borough of Barnet's Fit and Proper Persons Policy

Introduction

In deciding whether a licensable property can be licensed, the Council must be satisfied that there are satisfactory management arrangements in place or that such arrangements can be put in place by the imposition of conditions in the licence.

In considering whether the management arrangements are satisfactory, the Council must have regard to the following:

- the suitability of the proposed licence holder and manager (if different); that is to say that they are in each case 'fit and proper persons'
- the competence of the proposed licence holder/manager to manage the building
- the suitability of management structures
- the adequacy of financial arrangements

This policy considers the meaning of fit and proper person, the Council's approach to deciding whether a person is fit and proper and the kinds of factors that the Council will take into account in making such decisions.

What is a fit and proper person test?

Before the Council can issue an HMO licence, the Housing Act 2004 says that it must be satisfied that the proposed licence holder is a fit and proper person. It must also be satisfied that the proposed manager of the house is a fit a proper person to manage the house. If not, the licence must be refused unless other satisfactory arrangements can be agreed.

A licence may be revoked where the Council no longer considers the licence holder to be a fit and proper person and/or that the management of the house is no longer being carried out by persons who are in each case fit and proper persons to be **involved in its management**.

The test is designed to ensure that those responsible for operating the licence and managing the property are of sufficient integrity and good character to be involved in the management of an HMO and that as such, they do not pose a risk to the welfare or safety of persons occupying the property.

What residential property does the policy affect?

The fit and proper person test applies to any HMO requiring a licence under Part 2, or the licensing of any other residential accommodation under Part 3 of the Housing Act 2004. In Barnet, this policy only concerns HMOs covered by the Mandatory and Additional Licensing Schemes under Part 2 of the Act.

What is meant by 'involved in the management'?

The Council must consider licence holders, managers and others involved in the management of the property.

A person involved in the management of the property, is a person who is able to comply with any licence conditions and deal with the day-to-day issues that arise with an HMO as well as being able to deal with longer term management issues. Typically but not exclusively, these will include such matters as:

- emergency repairs and other issues
- routine repairs and maintenance to the property and its grounds
- cyclical maintenance
- the management and the provision of services to the building and its grounds
- the management of tenancies or occupants, including dealing with rent matters and tenants' enquiries
- the management of the behaviour of tenants, occupants and their visitors to the property
- neighbourhood issues (including disputes)
- engagement with the local authority, police and other agencies, where appropriate

The licence holder and the manager can be two different people. Where this is the case, a decision must be made for each of them about whether they are a fit and proper person.

What will the Council look at?

The Council will consider a person to be 'fit and proper' if it is satisfied that:

- They have not committed an offence involving fraud or other dishonesty, or violence or drugs or any offence listed under Schedule 3 to the Sexual Offences Act 2003 (section 66(2)(a) of the Housing Act 2004)
- They have not practised unlawful discrimination on grounds of sex, colour, race, ethnic or national origins or disability in or in connection with the carrying on of any business (section 66(2)(b) of the Housing Act 2004)
- They have not contravened any provision of the law relating to housing or landlord and tenant law (section 66(2)(c) of the Housing Act 2004)
- They have acted otherwise than in accordance with a Code of Practice under section 233 of the Act (regarding the management of HMOs) (section 66(2)(d) of the Housing Act 2004)

In addition, the Council may also take into account whether any person associated or formerly associated with the proposed licence holder or manager, has done any of the things mentioned above if it considers those matters to be relevant.

Any further reference in this policy to an offence shall be construed as an offence within the meaning of section 66(2)(a), unlawful discrimination construed as unlawful discrimination within the meaning of section 66(2)(b), a contravention construed as a contravention within the meaning of section 66(2)(c), or breach of Code of Practice construed as being a breach of a Code of Practice within meaning of the section 66(2)(d), all as outlined above.

How will the Council make their decision?

Where there is evidence of an offence, unlawful discrimination, contravention or breach of the Code of Practice, the Council may decide that the person is not fit and proper. Each case must be considered on its own merits and such evidence will not necessarily lead to a conclusion that a person is not a fit and proper person. The Council will exercise its discretion and act reasonably, proportionately and consistently in its approach to making a decision. It will take into account those factors considered to be relevant to a person's fitness to hold a licence and/or manage an HMO and disregard those which it considers are not relevant.

In deciding upon whether evidence should lead to the conclusion that a person is not a fit and proper person, the Council will take into account, among any other relevant things, the following: -

- the relevance of the offence, unlawful discrimination, contravention or breach of the Code of Practice in relation to the person's character and integrity and any bearing this has on the management of an HMO
- the severity of the offence, unlawful discrimination, contravention or breach of the Code of Practice, in terms of its impact on residents and the wider community
- the time the offence, unlawful discrimination, contravention or breach of the Code of Practice
- any mitigating circumstances
- any other relevant matters

A landlord with an unspent conviction for unlawful eviction or for harassment of tenants for example, would not normally be considered to be a fit and proper person. On the other hand, evidence of minor contraventions of housing or landlord and tenant law, will not necessarily lead to the conclusion that a person is not fit and proper.

Similarly, where an offence is isolated and/or mitigating circumstances can be properly shown, the Council may not decide that a person is not a fit and proper person.

Multiple offences or a series of offences over time may however demonstrate a pattern of inappropriate behaviour, which is more likely to lead the Council to conclude that someone is not fit and proper. This is also more likely to be the case where the victim of an offence is a vulnerable person.

Poor management practices are not wrongdoings for the purposes of the fit and proper test, unless those wrongdoings are in themselves an offence, unlawful discrimination, contravention or breach of the Code of Practice. A person cannot be deemed unfit, simply because of poor management, although that may be relevant to determining any question concerning a person's competence to manage the building or the suitability of management structures.

Consideration of 'persons associated or formerly associated' with the proposed licensing holder or manager

If there is evidence that a person associated, or formally associated with a proposed licence holder or manager has committed any of the wrongdoings specified in section 66(2) of the Housing Act 2004, that evidence may be taken into account in determining the proposed licence holder's or manager's fitness (even if that person has an unblemished record). The purpose of this requirement is to ensure that only fit and proper persons hold licences or are in any way involved in the management of licensed properties. It would not be appropriate for a licence to be granted to someone, or for someone to be the manager of a property, if that person was merely acting as a 'front' for someone else who, if they were not unfit, would be otherwise be entitled to be the manager or licence holder.

An example might be that of a husband and wife, where the husband is the landlord (or indeed both he and his partner are joint landlords), but only the wife has applied for the licence. If there is evidence that the husband has committed a relevant offence, then it is reasonable to assess whether or not he is a fit and proper person. The Council may then refuse to grant his wife a licence because of her association with him. Likewise if a landlord with an unsatisfactory record nominated a "manager" who had a clean record, but had acted for him whilst the wrongdoings were committed, the Council may consider the managing agent by association not to be a fit and proper person.

A further example is that of a company director 'A', who has a number of relevant unspent convictions. 'A' then works for a managing agent 'B' as an employee. 'B' may need to satisfy the Council that 'A' is a fit and proper person where 'A' is involved in the management of the property. Where the Council decide that 'A' is not a fit and proper person in these circumstances, 'B' by association may also fail the fit and proper test.

A decision that a person is not a fit and proper person and a refusal to grant a licence on that basis, will normally be made only if:

- there is actual evidence of an offence, unlawful discrimination, contravention or breach of the Code of Practice by an associated person; and
- the associate's fitness is directly relevant to the applicant, proposed licence holder or manager's fitness to manage the property or hold the licence.

In relation to an offence, only unspent convictions will be taken into consideration.

Duration

If someone is found not to be a fit and proper person, this will usually remain the case for a period of 5 years. However, if a licence application is re-submitted at any time during that period, the Council will reconsider the case on the merits of the application made. The Council will in so doing, have regard to this policy and the applicant will need to provide sufficient evidence that they are now a fit and proper person.

Evidence of offences, unlawful discrimination, contraventions or breaches of the Code of Practice

As an applicant for a licence must disclose information about whether they and/or a proposed manager has committed any relevant offences, practised unlawful discrimination, contravened any provision of the law relating to housing or landlord and tenant law or breached the Code of Practice, if any, the Council should normally have sufficient information to decide a person's fitness based on the application. If the Council is not satisfied that it has sufficient information to make a determination, it may require the applicant to provide further details before it can make a decision about whether or not a person is a fit and proper person.

The following examples are intended to give guidance about the Council's approach to the fit and proper person test and the factors to be taken into account where it has satisfactory evidence of relevant wrongdoing or that such has been disclosed to them in the licence application.

Does the contravention relate to a provision of the law relating to housing or landlord and tenant law?

Where this is the case, careful consideration should be given to an application for a licence. Account will be taken of among others things, evidence of poor management leading to contraventions, prosecutions, simple cautions, judgements and other matters where relevant, in particular under:

- The Public Health Acts 1936 and 1961
- The Building Act 1984
- The Environmental Protection Act 1990
- The Town and Country Planning Act 1990
- The Prevention of Damage by Pests Act 1949
- The Protection from Eviction Act 1977
- The Local Government (Miscellaneous Provisions) Act 1976 and 1982

- The Housing Grants, Construction and Regeneration Act 1996
- The Local Government and Housing Act 1989
- The Housing Act 2004
- The Landlord and Tenant Act 1985

The term ‘contravention’ in this context could refer to a contravention following which the Council has served a statutory notice, carried out the remedial action itself by way of works in default, or taken a prosecution. The nature of the contravention and its relevance to the management of an HMO and the potential harm associated with the contravention are factors to be taken into account.

In relation to any contravention of a provision of the law relating to housing, the Council will take into account whether in relation to a proposed licence holder or manager:

- they have had a licence refused, been convicted of breaching the conditions of a licence under Parts 2 and 3 of the Housing Act 2004
- they own or manage or have owned or managed an HMO or house which has been the subject of either a control order under section 379 of the Housing Act 1985 in the five years preceding the date of the application; or any appropriate enforcement action described in section 5(2) of the Housing Act 2004 (in relation to category 1 hazards)
- they own or have previously owned a property that has been the subject of an interim or final management order whilst in their ownership, or a special interim management order under the Housing Act 2004.

It may also be relevant to consider the circumstances surrounding the contravention, whether there has been more than one contravention, the number of them and of any evidence demonstrating good character since the contravention took place. Again, it is important to consider the merits of each individual case.

Have any offences been committed involving a fraud?

The licence holder or manager of an HMO occupies a position of trust and their responsibilities almost certainly include a need to enter the property from time to time, be engaged in financial dealings and/or handle a tenant’s personal data.

A person will not normally be found to be fit and proper where they have an unspent conviction for an offence in which the victim has been deprived of money, property or other benefits by misrepresentation and/or deception and this includes:

- Theft
- Burglary
- Fraud
- Benefit fraud (including Housing Benefit fraud)
- Conspiracy to defraud
- Obtaining money or property by deception

- People trafficking
- Being struck off as a company director
- Any other similar offence

Have any offences been committed that have involved violence?

A person will not normally be found to be fit and proper where they have an unspent conviction for an offence involving violence including:

- Murder
- Manslaughter
- Arson
- Malicious wounding or grievous bodily harm with intent or not
- Actual bodily harm
- Robbery
- Racially aggravated criminal damage
- Common assault whether racially aggravated or not
- Assault occasioning actual bodily harm
- Possession of an offensive weapon
- Possession of a firearm

Have any offences been committed involving drugs?

In a deciding whether a person is a fit and proper person, careful consideration should be given to any unspent convictions for drug related offences. The nature of the offence, the quantity and class of drugs that may have been involved and the relevance of the offence in relation to the management of an HMO must all be taken into account.

Have any sexual offences been committed?

Offences of this kind are of particular concern because of the need for licence holders and/or their managers or others involved in the management of an HMO to visit tenants at the property.

A person will not normally be found to be a fit and proper person where they have an unspent conviction for an offence under Schedule 3 of the Sexual Offences Act 2003

Has any unlawful discrimination been practised?

In a deciding whether a person is a fit and proper person, careful consideration should be given to any evidence of unlawful discrimination that has been practised by them on the grounds of sex, colour, race, ethnic or national origins or disability in, or in connection with, the carrying on of any business.

Again, the nature of the unlawful discrimination and the relevance of it to the management of an HMO will all be taken into account.

Environmental Health Enforcement Policy

This policy forms part of and is an addendum to the Council's Environmental Health Enforcement Policy as it applies to the Private Sector Housing Team in the execution of their statutory duties.

Data Sharing

Information obtained and used for the purpose of determining whether a licence holder or manager is a fit and proper person may be shared with other councils, council departments or statutory bodies. Licence applicants agree to this when they sign the application form.

Appendix 2

Draft Adopted Standards for Houses in Multiple Occupation

A house in multiple occupation (HMO) is a house or flat which is occupied by persons who do not form a single household. There are various types of HMO including houses divided into rooms, bedsits or flatlets, shared houses, lodgings, hostels and some properties converted into self-contained flats.

A **summary** of the Council's main requirements is set out below. It is expected that all HMOs will comply with these standards where reasonable and practicable.

1. SPACE STANDARDS

Room sizes must comply with the following minimum standards:

1.1 One room lettings

Minimum room floor area where the kitchen is in a separate room	Minimum room floor area including kitchen	Maximum number of persons
$10m^2$ ***($8.5m^2$)***	$13m^2$	1
$14m^2$ ***($12.5m^2$)***	$17m^2$	2

1.2 Two or more room lettings

Minimum combined floor area for two or more room letting	Minimum floor area for any room used as a kitchen	Minimum room floor area for any room used for sleeping	Maximum number of persons
$13m^2$	$4.5m^2$	$6.5m^2$	1
$17m^2$	$4.5m^2$	$10.2m^2$	2

1.3 Notes:

- Persons of the opposite sex, aged ten years and over and who are not co-habitant are not allowed to sleep in the same room.
- There is no reduced space standard for children
- When measuring the floor area of a room, space taken up by any en-suite bathroom or w.c. facilities shall not be included.
- All rooms shall have a minimum floor to ceiling height of at least 1.9 metres over not less than 75% of the floor area of the room. Any floor area where the ceiling height is less than 1.53 metres shall be disregarded. Where bunk beds are used there shall be a minimum floor to ceiling height of 2.5metres.
- Slight flexibility to these standards may be agreed by the Inspecting Officer. For example, account will be taken of additional suitable communal facilities that may be provided, such as a lounge or dining room or in other situations as may be appropriate. In these instances, the minimum floor areas given in the previous table 1.1 and shown in brackets will apply but in such cases, a minimum ceiling height of 1.9m over the entire area of the room will be required.
- In addition to the actual floor area, consideration shall be given to the shape, and usable living space within the room to determine whether it is suitable for occupation and by how many persons.
- If a studio room has a partition, the total floor area of all the spaces created will be aggregated. However, sleeping rooms must not be less than a minimum area of 6.5m² for a single letting and 9.5m² for a double letting.
- Half the area provided by a bay window can be included.
- Where the room door opens into a lobby/corridor within the accommodation that is less than 1.2 metres wide, the entire lobby/corridor will be disregarded. Where the lobby/corridor is between 1.2 and 1.8 metres, some of the area may be counted if it is suitable for storage/use. The allowable area is calculated by deducting 1.2 metres from the width and multiplying this by the length of the corridor. For example, if a corridor into a room is 1.5 metres wide by 2.5 metres deep, the useable area of the corridor would be 0.3 x 2.5 metres. No deduction should be made where doors open into corridors/lobbies of more than 1.8 metres width.

2. PERSONAL WASHING FACILITIES

2.1 **Where there are five or more occupiers each separate household shall, where practicable, be provided with a wash hand basin** (unless a sink is provided) together with a satisfactory supply of hot and cold running water, situated within the unit of accommodation. A tiled splash back minimum 300mm high (two standard tiles) is to be provided to each wash hand basin. See Appendix A for additional guidance.

2.2 **Each separate occupancy shall, where practicable, be provided with its own readily accessible bath or shower room of adequate size with sufficient space for drying and changing.** Where this is not practicable a readily accessible bathroom or shower room with sufficient space for drying

and changing shall be provided in the ratio of **one to every five persons** regardless of age. See Appendix A for additional guidance.

2.3 All bath/shower compartments shall be ventilated directly to the external air by an openable window. Where this is not practicable mechanical ventilation complying with the current Building Regulations shall be provided.

2.4 The walls and floors to any shower/bathroom are to be non-absorbent and readily cleansable. Showers shall be provided with a suitable water resistant screen or shower curtain.

2.5 An appropriate door with lock shall be provided to the bathroom/shower room to ensure privacy for the user.

2.6 Baths and showers shall not be provided in kitchens and in all cases shall not be more than one floor distant from any user.

2.7 All washing facilities must be fit for purpose, of an adequate size and layout and suitably located in relation to the living accommodation.

2.8 Adequate heating and artificial lighting shall be provided.

3. SANITARY CONVENIENCES

3.1 **Each separate occupancy shall where practicable be provided with its own water closet compartment.**

3.2 Where this is not practicable, water closets shall be provided in readily accessible compartments or bathrooms, being not more than one floor distant from any user, in the ratio of **one water closet to every five persons**, regardless of age. Where this is being shared by more than four persons it must be situated in its own w.c. compartment. See Appendix A for additional guidance.

3.3 External water closets are not permitted.

3.4 All w.c's must be fit for purpose and contained in a room of adequate size and layout and suitably located in relation to the living accommodation.

3.5 A wash hand basin shall be provided in each separate water closet together with a satisfactory supply of hot and cold running water. A tiled splash back minimum 300mm high (two standard tiles) is to be provided to each wash hand basin.All water closet compartments shall be ventilated directly to the external air by an openable window. Where this is not practicable mechanical ventilation complying with the current Building Regulations shall be provided.

3.6 An appropriate door with lock shall be provided to the room containing the w.c. to ensure privacy for the user.

4. FACILITIES FOR THE STORAGE, PREPARATION AND COOKING OF FOOD AND FOR THE DISPOSAL OF WASTE WATER

4.1 Kitchen Facilities for Exclusive Use by Households

4.1.1 Each household shall, where practicable, have its own kitchen separate from and being not more than one floor distant from the sleeping room or within the unit of accommodation.

4.1.2 Each kitchen shall have the following facilities:

- An adequately sized food storage cupboards of minimum capacity 0.5 cubic metres (e.g. 2no: 600mm x 720mm x 600mm). This provision is in addition to any base unit cupboards provided below the sink/drainer.

- An adequately sized (0.14 cubic metres) working refrigerator with a freezer compartment (1 to 2 persons = 140 litres). To minimise disturbance from noise an A rated energy efficient fridge is recommended.

- Four (13 amp) electric sockets: 1 conveniently located for the connection of refrigerator and 2 situated at work top height

- Adequately sized (1000mm x 600mm) fixed, impervious worktop for the preparation of food.

- A mains supplied cooking appliance with a minimum of two rings or hot plates together with a grill and oven.

- A sink and drainer of adequate size (1000mm x 600mm) together with its own satisfactory supply of hot and wholesome cold running water. The sink is to be properly connected to the drainage system.

- A tiled splash back minimum 300mm high (two standard tiles) is to be provided to the sink.

- There must be artificial lighting sufficient to carry out normal activities within a kitchen area.

4.2 Kitchens for Communal Use

4.2.1 Where it is not practicable to have exclusive use a shared kitchen may be provided for a maximum of five persons and must comply with the following:

- Have a floor area of not less than $6m^2$
- Depending upon the circumstances it may be possible to have two sets of kitchen facilities in the same kitchen. In such an instance, no more than two sets of facilities (each provided for a maximum of five persons) shall be provided in any one shared kitchen and in such an instance the kitchen must have a floor area of not less than $12m^2$. In a shared kitchen, where two sets of facilities are provided, the two sets shall be reasonably separate from each other to allow their safe and simultaneous use by two or more households

4.2.2 Each shared kitchen shall have the following facilities:

- Adequately sized lockable food storage cupboards of minimum capacity 0.14 cubic metres per household (600mm x 380mm x 700mm). This provision is in addition to any base unit cupboards provided below the sink/drainer.
- Adequately sized (1000mm x 600mm) fixed, impervious worktop for the preparation of food. A further 500mm (linear width) of worktop will be required for each additional person sharing (for example, a minimum provision for five persons sharing is 2.6 linear meters of worktop). Worktop to be at the same height as an adjacent cooker hob.
- Mains supplied cooking appliance with a minimum of four rings or hot plates together with a grill and an adequately sized oven.
- A sink and drainer of adequate size (1000m x 600mm) together with its own satisfactory supply of hot and wholesome cold running water. The sink is to be properly connected to the drainage system.
- A tiled splash back minimum 300mm high (two standard tiles) is to be provided to the sink.
- There must be artificial lighting sufficient to carry out normal activities within a kitchen area.
- An adequately sized working refrigerator with a freezer compartment on the following ratios: 1 to 2 persons = 140 litres; 3 to 4 persons = 160 litres and 5 persons = 200 litres. To minimise disturbance from noise, an A rated energy efficient fridge is recommended.

4.2.2 In addition to the shared kitchen the following facilities shall be provided in a suitable location within each letting:

- An adequately sized (minimum 0.14 cubic metres) working refrigerator with a freezer compartment (140 litres). To minimise disturbance from noise, an A rated energy efficient fridge is recommended
- A storage cupboard of minimum capacity 0.14cubic metres (600mm x 380mm x 700mm)

4.3 General Requirements for all Kitchen Facilities

- Cooking facilities shall be reasonably located in relation to the room(s) occupied by the person(s) using them. This shall be not more than one floor distant from the sleeping room or within the unit of accommodation
- All wall, floor and ceiling finishes are to be non-absorbent and readily cleansable. No furniture or curtains shall be within 600mm of the cooker.
- Kitchen facilities must be available for use 24 hours a day.
- Cookers should not be fitted close to doorways and there should be enough floor space to safely retrieve items from the oven.

- A mechanical extractor must be provided, ducted to the open air, with the outlet away from adjacent windows.

- Adequate rubbish disposal facilities should be provided and regularly maintained.

- All rooms containing kitchen facilities should be provided with a fire blanket, in accordance with BS EN 1869 :1997 & BS 7944 1999 mounted on a wall near, but not above, cooker.

- There must be artificial lighting sufficient to carry out normal activities within the kitchen area.

- All rooms containing kitchen facilities should be provided with a carbon dioxide fire extinguisher complying with BS EN 3-9: 2006 & BS EN 3-8: 2006

- All kitchens should be provided with 30 minute fire resistant door sets. The door shall be a fire resisting door constructed to conform to BS 476-22 1987 and self- closing by means of an approved spring mechanism adjusted to positively close the door from any point of travel. The door is to be fitted with dual function cold smoke-and intumescent seal to the head and both sides of the door in accordance with manufacturer's instructions.

5. HEATING

5.1 All units of living accommodation including sleeping rooms and bath/shower rooms must be equipped with an adequate means of fixed space heating (meaning a fixed gas or electrical appliance, or an adequate system of central heating) operable at all times and available at all times, taking into account affordability, the presence of thermal insulation, the location of the appliance, ease of use and performance. Such heating appliances must be suitable for use in a bath/shower room.

5.2 The appliance must be capable of efficiently maintaining the room at a minimum temperature of 19˚C.

5.3 Where heating and hot water is provided centrally by the landlord, these provisions must be capable of being used at any time. There should also be the ability to control the level of heating within each letting e.g. thermostatic radiator valves (TRV's) on radiators.

5.4 The use of portable paraffin or oil fired heaters and liquefied petroleum gas heaters shall not be acceptable under any circumstances.

6. SECURITY

6.1 Deadlocks to doors and window locks reduce the risk of burglary. In order to prevent an 'Entry by Intruders' hazard, the following is required (6.2-6.4): -

6.2 Communal Exterior Doors

- Exterior doors to the building should close fully and be capable of resisting bodily pressure and the possibility of slipping the door lock.
- Exterior doors must be fitted with a self-closer with enough force and momentum to ensure that the door closes securely.
- The door and surrounding frame should be of a solid construction.
- Any lock fitted should comply with BS 8621 (2007) + A2 2012 (thief resistant assembly for keyless egress).
- Solenoid based, bolt action locks are acceptable and preferred, as they comply with means of escape requirements. They also offer the advantage of requiring less maintenance.
- Where the front door lock is within arm's reach of the letterbox, then either a letterbox cowl or a bottomless cage should be fitted.
- Consideration of the glazing for and surrounding the door should be given. Single glazed panels should be either protected with metal grilles or replaced with laminated glazing or security film.

6.3 Bedsit and Flat Entrance Doors

- The door and surrounding frame (notwithstanding the requirement to be a fire resisting door in the appropriate circumstances) should be of a solid construction.
- Doors require an auto-deadlocking night latch complying with BS 8621 (2007) + A2 2012 (thief resistant assembly for keyless operation).
- Doors require a mortice lock with thumb turn cylinder complying with BS 8621 (2007) + A2 2012 (thief resistant assembly for keyless operation), so that occupiers can escape in the event of a fire.
- The door needs to be fitted with hinge bolts and frame reinforcement (e.g., London Bar) to resist bodily pressure.
- Door chains and viewers are required.
- Where there are letterboxes to individual flats, a letterbox cowl or bottomless cage is required if the lock is within arm's reach of the letterbox.

6.4 Windows

- All windows should have key operated locks with the exception of windows which are escape windows to comply with fire requirements as part of a means of escape which are to be openable from inside without use of removable key.

- Windows that lead directly to a flat roof require restrictors to be fitted with easy release without the use of a key.

- All such devices above are to comply with BS 8621 (2007) + A2 2012 (thief resistant assembly for keyless egress).

7. PROVISION OF MEANS OF ESCAPE IN CASE OF FIRE IN HOUSES IN MULTIPLE OCCUPATION

7.1 Appropriate fire precautions and equipment must be provided to reduce the risk of death/injury to the tenants in the event of fire.

7.2 In general terms, the following fire precaution facilities and equipment must be provided:

- The installation of a suitable automatic fire detection system in accordance with BS 5839 Part 1, incorporating adequate numbers of, and suitably positioned, linked smoke/heat detectors, sounders and call points.
- Appropriate and suitable fire fighting equipment including fire extinguisher and other equipment considered necessary.
- An adequate number of notices detailing procedures in the event of fire.
- Generally and without prejudice to the above, the HMO's design, construction and condition should limit the spread of fire and smoke and there should be adequate fire protection to the means of escape and between each unit of accommodation and other spaces. The HMO should be provided with appropriate fire detection and alarm systems and as appropriate, emergency lighting and fire fighting equipment. All provisions to be in accord with LACORS Guidance on fire safety provisions for certain types of existing housing. This can be found at: -

  http://www.rother.gov.uk/media/pdf/p/p/Lacors_Fire_Safety_Guide_July_2008.pdf

In general terms a means of escape from fire will include: -

- Doors and partitions constructed to provide the appropriate standard of fire resistance.

- Appropriate emergency lighting in accordance with BS 5266 Part 1 and fire signs.

- The provision of a 'protected route' leading to a place of safety (normally the street). Protected route' means a route having an adequate degree of protection from fire including walls (other than external walls), partitions and floors separating the route from the remainder of the building.

7.3 From 1st October 2006 your premise has been required to comply with the Regulatory Reform (Fire Safety) Order 2005. The enforcing authority for this legislation is the London Fire and Emergency Planning Authority. For further information on this you can refer to the internet site http://www.london-fire.gov.uk/FireRiskAssessment.asp.

In addition please note that the government has published a guidance document 'Fire safety risk assessment - Sleeping accommodation' which provides comprehensive guidance on the management of fire safety. It includes guidance on your duties regarding fire safety records and evacuation plans, which must be made available to residents and the Enforcing Authority. If you have any queries regarding your duties you should contact the London Fire and Emergency Planning Authority on 0207 7587 2270 in writing at Barnet Borough Team, 227 Long Lane Finchley London N3 2RP or by e mail at barnetgroup@london-fire.gov.uk.

7.4 Where more than 5 people are employed at the property, the *Fire Precautions (Workplace) Regulations 1997* will apply. A risk assessment must be undertaken at the property by the owner to identify the fire hazards present and take action to eliminate or reduce the risk of such hazards.

8.0 MANAGEMENT OF HOUSES IN MULTIPLE OCCUPATION

8.1 All HMOs must comply with the requirements of The Management of Houses in Multiple Occupation (England) Regulations 2006 or in the case of an HMO falling within Section 257 of the Housing Act 2004, the Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007.

Further information concerning these Regulations can be found at:

http://www.legislation.gov.uk/uksi/2006/372/contents/made

http://www.legislation.gov.uk/uksi/2007/1903/pdfs/uksi_20071903_en.pdf

9. PLANNING PERMISSION / BUILDING REGULATIONS

9.1 The conversion of a property to a House in Multiple Occupation (HMO) may require planning permission. For further information on planning issues please contact the Planning Department on 020 8359 3000.

9.2 The provision of additional facilities, structural and other alterations may require Building Regulations approval. More information on the requirements under the Building Regulations, please contact Building Control on 0208 359 4500.

10. OTHER MANAGEMENT ISSUES

10.1 Furniture and Furnishings (Fire)(Safety) Regulations 1998 (amended 1989 & 1993)

Furniture and furnishings supplied in conjunction with the accommodation must comply with specified levels of fire resistance.

10.2 Gas Safety (Installation and Use) Regulations 1998:

- Gas safety inspections and tests must be completed by a Gas Safe registered gas installer/engineer annually. Certificates are required in relation to ALL gas appliances and the gas installation
  .
- All servicing and repairs are to be carried out by Gas Safe approved contractors.

- Records of annual safety inspections and tests must be made available to the Council for inspection, with a copy supplied to the tenant.

10.3 HOUSING HEALTH AND SAFETY RATING SYSTEM (HHSRS)

The Housing Health and Safety Rating System (HHSRS) is a system for assessing the health and safety risks in dwellings and is a method used to inspect properties. An HMO can comprise of a number of separate dwellings. For example every bedsit room or self-contained flat within a HMO is a dwelling.

The principle of the HHSRS is that any residential premises (including the structure, means of access, and any associated outbuilding, garden or yard) should provide a safe and healthy environment for any potential occupier or visitor. The HHSRS is a risk assessment process and is comprehensive in its coverage of key health and safety risks in dwellings. In very broad terms, the rating system works by assessing the risk associated with certain hazards and if the likelihood of harm is significant the Council may take action to ensure that the risk is removed or reduced.

For additional information on any aspects of these standards please contact the Private Sector Housing Team at Environmental Health Section London Borough Of Barnet, Barnet House, 1255 High Road, London, N20 0EJ or on 020 8359 7454
or e mail hmos@barnet.gov.uk

Annex A

Additional Guidance on Provision of Wash Hand Basins, Bath/Shower rooms and W.C's in Relation to Number of Persons (Based on Guidance provided by the DCLG April 2006)

Number Of Persons	Number and type of facilities
1-4	• No wash hand basins required in sleeping rooms • At least 1 bath/shower room with wash hand basin if no wash hand basin in sleeping rooms • At least 1 W.C. with wash hand basin (this can be in the bath/shower room or in its own separate compartment)
5	• Where reasonably practicable wash hand basins in sleeping rooms unless a sink has been provided • At least 1 bath/shower room • At least 1 W.C. with wash hand basin (either in it's own compartment or in an additional bath/shower room)
6-10	• Where reasonably practicable wash hand basins in sleeping rooms unless a sink has been provided • At least 2 bath/shower rooms • At least 2 W.C' s with wash hand basins (at least one should be in it's own compartment the other may be in one of the bathrooms)
11-15	• Where reasonably practicable wash hand basins in sleeping rooms unless a sink has been provided • At least 3 bath/shower rooms • At least 3 W.C.' s with wash hand basins (at least one should be in it's own compartment the other two may be in the bathrooms)

Appendix 3

Proposed Licence Terms and Conditions

Licence Terms

- A licence relates to the property described in the licence approval.
- A licence may be granted before the time it is required, but the licence will not come into force until that time.
- A licence lasts for a period of 5 years (or 1 year) from the date the licence was granted unless the following apply:

    - The licence will cease if the Licence Holder dies whilst the licence is in force.
    - The licence is revoked under section 70 of the Housing Act 2004.

- A licence continues for a period of 5 years (or 1 year) even if the premises are no longer a HMO, unless a valid application is made for the licence to be revoked under section 70 of the Housing Act 2004.
- This licence may not be transferred to another person.
- If the Licence Holder dies during the licence period, during the period of 3 months beginning with the date of the Licence Holder's death, the premises is to be treated for that period as if a Temporary Exemption Notice had been served, exempting the premises from the requirement to be licensed. Procedural issues and appeals as specified in section 62 (6) to (8) of the Housing Act 2004 will apply.
- If on the expiry of the initial period stated above, representatives of the deceased Licence Holder apply for a further exemption from the date the initial period ends, the premises is to be treated for that period as if a Temporary Exemption Notice had been served, exempting the premises from the requirement to be licensed. Procedural issues and appeals as specified in section 62 (6) to (8) of the Housing Act 2004 will apply.

Licence Conditions

Note that all references to 'the Council' in these conditions are to be read as meaning the London Borough of Barnet.

Standard of Accommodation

The Licence Holder shall ensure that the property complies with the London Borough of Barnet's minimum HMO Standards to ensure that it is reasonably suitable for occupation.

These standards relate to the number of persons and households specified in the application and cover the following matters:

- Washing facilities
- W.C. facilities

- Kitchen facilities
- Heating
- Fire precautionary facilities
- Security

These standards can be downloaded from: -

https://www.barnet.gov.uk/citizen-home/search.html?keywords=hmo+standards

Alternatively a paper copy can be obtained by calling or writing to:-

Maryna Rasloutseva
Barnet House
1255 High Road
London
N20 0EJ
Telephone: 020 8359 7454
Email: hmos@barnet.gov.uk

Levels of Occupancy

The maximum number of persons and households is set with reference to the number of kitchen, bathroom/toilet and bedroom facilities provided, in addition to the size of the rooms. The relevant space and amenity standards are contained in the Council's adopted Standards for Houses in Multiple Occupation.

The Licence Holder/manager is prohibited from allowing a new resident to occupy the house and/or parts of the house if: -

- that occupation exceeds the maximum number of permitted persons in the house or
- that occupation exceeds the maximum number of permitted persons for any unit of accommodation

A 'new resident' is a person not in occupation at the date the licence is issued/varied.

Numbers of persons permitted to occupy

If additional facilities are provided it may be possible to raise the occupancy levels. You must consult with the Council in writing before commissioning the work to ensure that the proposals will meet the relevant standards.

The use and occupancy levels of each room shall not be changed without the approval of the Council. Any change may be subject to a variation fee.

Occupancy particulars

The Licence Holder shall if required by written notice provide the Council with the following particulars with respect to the occupancy of the house:

- The names and telephone numbers of individuals and households living in the house and the parts of the property they occupy
- The dates when each individual and household moved into the property
- The details should be provided within such reasonable time as may be specified by the Council

Display of Information in the property

The Licence Holder shall ensure that the name, address and contact telephone number (including an emergency contact number) of the manager is displayed and remains displayed, in a prominent position, within the common parts of the property within **one month** of the licence being granted. These details must be kept up-to date.

The Licence Holder shall ensure that a copy of the current licence and the licence conditions are displayed and remain displayed, in a prominent position within the common parts of the property within **one month** of the licence being granted.

Gas Safety

Where gas is supplied to the house, the Licence Holder shall be responsible for ensuring that all gas installations comply with the Gas Safety (Installation and Use) Regulations 1998 and ensure that arrangements are made for gas installations and appliances to be inspected annually by a competent Gas Safe registered engineer.

Any necessary remedial works identified by the engineer shall be undertaken by a Gas Safe Registered engineer within a time period specified by the Council.

The Licence Holder must submit a copy of the gas safety report with respect to the property annually within **one month** of the annual inspection.

Condition of Furniture and Electrical Appliances

All soft furnishings supplied by the Licence Holder to the tenants must comply with the Furniture and Furnishings (Fire) Regulations 1988 (as amended). All furniture supplied by the Licence Holder should be maintained in a safe condition. There should be a regular visual inspection of all such furniture to determine the condition of those items.

All electrical appliances where present and supplied by the Licence Holder, should be kept in a safe condition and regularly inspected, as part of a maintenance programme. This will require inspection and/or testing (PAT) in accord with the following schedule: -

Refrigerators/washing machines/electric fires	4 Years
Portable equipment	2 Years

Inspections of electrical appliances shall be carried out by a suitably qualified person. The Council shall be informed of any remedial works required and any such works shall be carried out within a time period as agreed with the Council.

A declaration as to the safety of electrical appliances and furniture supplied by the Licence Holder shall be supplied to the Council upon written request and copies made available to occupants of the house.

Smoke Alarms and Fire Precaution Equipment

The Licence Holder shall ensure that smoke alarms are installed in accordance with BS5839-6:2013 and having regard to the guidance given in the LACORS 'Guidance on fire safety provisions for certain types of existing housing' and keep them in proper working order.

Smoke Alarms and Fire Precaution Equipment, should be regularly inspected and tested, as part of a maintenance programme to accord with the LACORS guide mentioned above.

On request, the Licence Holder shall provide a declaration to the Council as to the safety and positioning of such alarms and in this connection, shall provide the Council with a commissioning or inspection and servicing report, provided by a competent electrician or fire alarm engineer. Further certificates are to be provided if alterations or additions are made to the system or to demonstrate that the system has been inspected and tested by a competent person.

Fixed electrical installations

The Licence Holder shall if requested provide the Council with a current test certificate for the fixed electrical installation. Any report should be less than five years old at the date of submission.

Fire precautionary facilities

The Licence Holder shall ensure that the appropriate fire precautions and equipment are provided to reduce the spread of flame and smoke and the risk of death/injury to the tenants in the event of fire. Fire precautionary facilities must in all other respects comply with the Council's Adopted Standards for Houses in Multiple Occupation.

Heating

The Licence Holder shall ensure that all units of living accommodation including sleeping and bath/shower rooms are equipped with an adequate means of fixed space heating (meaning a fixed gas or electrical appliance, or an adequate system of central heating) operable at all times and available at all times, taking into account affordability, the presence of thermal insulation, the location of the appliance, ease of use and performance. Heating appliances in bath/shower rooms must be suitable for use in such locations and be suitably sited within the room. Heating installations must in all other respects, comply with the Council's Adopted Standards for Houses in Multiple Occupation.

Energy efficiency

The Licence Holder shall ensure that any roof voids are insulated with 270mm deep mineral wool (or equivalent) insulation between the joists taking care to maintain roof ventilation and to avoid the potential overheating of proximate electrical cables. Otherwise the installation is to be in accordance with the manufacturer's/suppliers' instructions.

Security

The Licence Holder shall ensure that all common external, bedsit and flat entrance doors as well as any windows are secure and fitted with suitable locks. Doors and escape windows should be fitted with locks that can be operated without the use of a key. The security of the property must in all other respects comply with the Council's Adopted Standards for in Houses in Multiple Occupation.

Tenancy Agreement

A written tenancy agreement specifying the terms of occupation of any letting must be provided to all residents at the commencement of any rental period.

Where the rent is payable weekly, payments shall be recorded in a rent book, which will be retained by the resident. Otherwise, a written receipt of each rental payment shall be issued to residents.

Management practice

The Licence Holder shall, if requested in writing, provide the Council with evidence of the appropriate management practice and procedures. The details should be provided within such reasonable time as may be specified by the Council.

Training

The Licence Holder shall if requested in writing by the Council, attend such training courses in relation to management practice and procedures as may be required. One means of doing so would be to become accredited through the London Landlord Accreditation Scheme or a similar scheme accepted by the Local Authority. Documentary evidence of such training or accreditation will be required.

Managing Anti-Social Behaviour.

The Licence Holder is ultimately responsible for the day-to-day running of the property; to this effect the Licence Holder must ensure that any anti-social behaviour by residents or their visitors, to anyone else in the property, (or in its locality), is dealt with appropriately and effectively. In this regard, the landlord or their agents shall investigate complaints of noise and other possible sources of nuisance or anti-social behaviour, whether these complaints are made by the residents of the property or by residents of neighbouring properties. Where the landlord determines these complaints to be justified they shall take all reasonable steps to resolve the problem.

The Licence Holder shall, if requested in writing, provide the Council with evidence of appropriate management practice and procedures to address any anti-social behaviour that may arise. The details should be provided within such reasonable time as may be specified by the Council.

Material changes to the licensed property or Licence Holder

If there is a material change of circumstance affecting the Licence Holder or the operation of the property, the Licence Holder must inform the Council immediately. No alteration which may affect the licence contents or conditions attached to the licence may be made to the property without the prior written consent of the Council.

Notification of changes to licence details

If, at any time during the period of licence:

- An application to vary the licence has been received from the Licence Holder or relevant person by the Authority and variation to the licence has been agreed between the Authority and existing Licence Holder, or
- There has been a change of circumstances to the premises since the licence was granted, or
- The number of households or persons appropriate as the maximum number authorised to occupy the HMO has changed since the date the licence was granted, or
- Standards in relation to the occupation of the house by a particular number of households or persons have changed since the date the licence was granted,

an application must be made to the Council to change or vary the licence details for the premises.

Failure to comply with licence conditions

Failure to comply with any licence condition may result in proceedings including fines of up to £20,000 and loss of the licence.

General

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

Other Obligations (which are not conditions)

As well as the conditions applying to this licence, there are other various relevant statutory obligations of which you should be aware. Although not an exhaustive list, these include the HMO Management Regulations, Part 1 of the Housing Act 2004 (the Housing Health and Safety Rating System) and the Fire Safety Order. These are described briefly below.

Management Regulations

Without prejudice to any the conditions contained within this licence, the manager is required to comply with the requirements of the Management of Houses in Multiple Occupation (England) Regulations 2006 or in the case of an HMOs falling within Section 257 of the Housing Act 2004, the Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007. Duties of a manager include:-

- that certain information is provided to occupiers and to be clearly displayed
- to take safety measures, including the maintenance of fire alarms and fire-fighting equipment
- to maintain water supply and drainage
- to supply and maintain gas and electricity
- to maintain common parts, fixtures and appliances (including windows)
- to maintain living accommodation
- and a duty to provide waste disposal facilities

A person commits an offence if he fails to comply with the Regulations and is liable on summary conviction to a fine not exceeding level 5 on the standard scale

Further information concerning these Regulations can be found at:

http://www.legislation.gov.uk/uksi/2006/372/contents/made

http://www.legislation.gov.uk/uksi/2007/1903/contents/made

The Housing Health and Safety Rating System (Housing Act 2004)

The Housing Health and Safety Rating System (HHSRS) introduced under Part 1 of the Housing Act 2004, applies to all residential premises. This is an assessment method for hazards that are most likely to be present in housing and include **fire, overcrowding, excess cold conditions, damp and mould, security and electrical safety** among others of which there are 29 in total and apply to all residential premises including houses in multiple occupation. Where there are hazards, the assessment could show the presence of serious (category 1) hazards and other less serious (category 2) hazards. The Council has a duty to take the appropriate action in relation to category 1 hazards where these are found.

The Council regardless of these licensing conditions must seek to identify, remove, or reduce category 1 or category 2 hazards in the property under Part 1 of the Housing Act 2004. Over the duration of a licence, the Licence Holder may be required to provide full access for further Housing Health and Safety Rating System (HHSRS) assessments to be carried out. Any defects found as a result of an inspection may require enforcement action to be taken.

Fire Safety Order

An owner, manager or operator of a business, will need to comply with fire safety law. The main law is the Regulatory Reform (Fire Safety) Order 2005 or "the Fire Safety Order" which applies across England and Wales and came into force on 1st October 2006.

The Order applies to virtually all buildings, places and structures other than individual private dwellings e.g. individual flats in a block or family homes, but does include the common parts of HMOs and the common parts of blocks of flats and maisonettes.

For further information, you can visit

http://www.london-fire.gov.uk/RegulatoryReformOrder2005.asp

General landlord and tenant matters

Tenants have certain legal rights in relation to their occupation of the premises. Landlords should have proper regard to these rights when exercising, for example, the following powers:

- Terminating Tenancy Agreements;
- Undertaking inspections of tenants rooms;
- Imposing rent increases; and
- Reimbursing tenants rent deposits.

If Landlords have any doubts regarding their legal obligations under Landlord and Tenant Law, they should seek their own legal advice.

Appendix 4 – Equalities Impact Assessment

1. Details of function, policy, procedure or service:	
Title of what is being assessed: **An Additional Licensing Scheme for Houses in Multiple Occupation (HMOs) in Barnet**	
Is it a new or revised function, policy, procedure or service? New Procedure	
Department and Section: Environmental Health	
Date assessment completed: 25/11/2015	
2. Names and roles of officers completing this assessment:	
Lead officer	Richard Pixner
Stakeholder groups	Tenants in the Private Rented Sector (PRS), residents, businesses, landlords, managing agents, professional associates, partners and all interested parties within Barnet and in the adjacent local authority areas including those local housing authorities.
Representative from internal stakeholders	Cath Shaw
Representative from external stakeholders	N/A
Delivery Unit Equalities Network rep	Lesley Holland Commissioning and Equalities Policy Officer, Policy Unit, Commissioning Group
Performance Management rep	N/A
HR rep (for employment related issues)	N/A
3. Full description of function, policy, procedure or service:	
Please describe the aims and objectives of the function, policy, procedure or service *Please include - why is it needed, what are the outcomes to be achieved, who is it aimed at? Who is likely to benefit? How have needs based on age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation, marriage and civil partnership and carers been taken account of? Identify the ways people can find out about and benefit from the proposals. Consider any processes they need to go through or criteria that we apply to determine eligibility.* *i) Why is it needed?* Houses or flats occupied by different households as their main residence are called Houses in Multiple Occupation or HMOs. These include bedsit type accommodation and other properties where facilities are shared, and some kinds of buildings consisting of poorly self-	

contained flats.

More detailed definitions of HMO and other relevant associated terms are given in Appendix 1.

HMO issues

HMOs are of concern to the council because while privately rented property in Barnet can be of a high quality, there is evidence that some are badly managed, in poor condition and compromise the health, safety and welfare of the occupying tenants. These poorer HMOs can also have a negative impact on the local community and are sometimes associated with problems such as noise and accumulations of refuse as well as having an adverse effect on the street scene.

HMOs and their concentration can be associated with:

- Poor standards of accommodation
- Increased risk from fire and other hazards
- Overcrowding
- Poor external appearance
- Problems with accumulations of refuse
- Reduction in environmental quality
- Increased noise complaints
- Increased anti-social behaviour

The council's current approach to tackling problems with HMOs is mostly driven by tenants who ask for help with improving their living accommodation. This means that difficult or potentially dangerous situations are only dealt with once they have arisen instead of being prevented in the first instance.

The Housing Act 2004 already requires under a mandatory scheme that HMOs of three storeys or more, which are occupied by five or more persons in more than one household and who share a kitchen and/or bathroom must be licenced. Barnet Council has 175 licenced HMOs under this scheme currently.

The key aim of the mandatory licensing scheme is to ensure that HMO's are properly managed by 'fit and proper' people; the premises are suitably equipped with adequate amenities and facilities and that fire safety arrangements are acceptable. The licence also specifies the maximum number of people who may live in the HMO and includes specific standard licence conditions. Therefore the focus of the licence is on the safety and quality of the accommodation.

The Act also allows councils to introduce licensing schemes for other types of HMO that are not covered by the mandatory licensing scheme in the appropriate circumstances. These are known as Additional Licensing Schemes.

The proposal is to implement borough-wide Additional Licensing in which a licence will be required for all HMOs which are designated to fall under the scheme. Owners of these HMOs will be required to apply for a licence and to comply with the licence conditions.

It is estimated that the scheme could apply to around 3,836 properties in the borough.

It is worth noting that on the 6th of November 2015, the Government began consulting on options for extending the scope of mandatory licensing of houses in multiple occupation and proposals to streamline the licensing process. Among other things, the discussion

paper considers the kinds of HMOs that could be included in an extended mandatory licensing regime and looks at the threshold number of occupiers and building storeys that might be required for licensing purposes. The consultation ends on the 18th of December 2015. The eventual results of the consultation and any consequent extension to mandatory HMO licensing are currently unknown. However it is anticipated that the council's proposed Additional Licensing Scheme will not only largely correspond but also reach beyond mandatory licensing in order to bring about a more consistent approach to conditions in HMOs and their regulation within the borough in line with the council's intended objectives.

ii)What are the outcomes to be achieved?

An Additional Licensing Scheme would place a responsibility on the landlord to inform the council that their property is in multiple occupation and to apply for a licence and with the council's support, to ensure that they meet the required standards. The council can then prioritise dealing with the properties of most concern and focus upon those landlords who fail to licence them to make the most effective use of its resources. At the same time, the council also wants to encourage more of the borough's landlords to become formally accredited through the London Landlord's Accreditation Scheme (LLAS).

The council also considers that the introduction of a borough wide Additional Licensing Scheme would:

- allow the council to develop a more comprehensive database of HMOs and promote a more
- coordinated approach to them together with our partners
- better protect the health, safety and welfare of the occupying tenants
- reduce any detrimental impact on local neighbourhoods and reduce the number of complaints associated with HMOs
- ensure that only those landlords who are fit and proper persons can have control of an HMO
- enable the Council to better monitor the conditions of HMOs whilst encouraging improving standards.

iii)Who is it aimed at?

The owner of an HMO falling within the scope of the scheme would have to apply for the licence. If a managing agent is used, they can apply on the owner's behalf.

Fees are charged for the licence to cover the costs of processing an application and the cost of monitoring compliance by landlords with the terms of their licences as well as for associated enforcement activities.

Landlords and managing agents will need to apply for a licence to rent out a property which falls under the additional licensing scheme. Barnet council held an amnesty for unlicensed HMOs in 2015.

There are strict penalties for operating an HMO subject to an Additional Licensing Scheme without a licence. The maximum fine is currently £20,000 subject to summary conviction. Councils also have the powers to take control of an HMO without a licence where conditions are very poor and where there is no realistic prospect of there being sufficient improvement within the foreseeable future.

Landlords may also have to pay back up to 12 months' rent or housing benefit payments if

required to do so by a Rent Repayment Order (RRO). RROs are made by the First-tier Tribunal - Property Chamber (Residential Property). Breaches of licence conditions are an offence and may result in a maximum fine of £5000 for each offence committed.

iv)Who is likely to benefit?

The following are likely to benefit by virtue of potential improvements to HMO quality:-

- HMO managers
- HMO landlords
- Tenants
- Local Residents
- Businesses
- Healthcare Services

In addition, five of the seven adjacent boroughs have introduced licensing schemes. Three of these, Harrow, Brent and Camden have adopted whole borough schemes although Camden's is not due to begin until December 2015. The effect of this overall will be that large areas now committed to an extended HMO licensing approach. Barnet's proposed scheme will therefore complement the wider improvement of housing conditions in North London brought about by HMO licensing.

4. How are the equality strands affected? Please detail the effects on each equality strand, and any mitigating action you have taken so far
Please include any relevant data. If you do not have relevant data please explain why.

Equality Strand	Affected ?	Explain how affected	What action has been taken already to mitigate this? What action do you plan to take to mitigate this?
1. Age	Yes ☒/ No ☐ N/A☐	Context The GLA estimated there to be 364,481 residents in Barnet in 2014. Of these residents, 76,928 (21.1%) are children (aged 0-15), 236,862 (65%) are of working age (16-64 years), and 50,691 (13.9%) are over 65 years (GLA Projections 2013). Family housing characteristic of suburban, outer London "Many younger people from all nationalities and backgrounds migrate to Inner London for education, employment, lifestyle and cultural reasons. The rest of the sub-region and the commuter belts beyond provide housing which varies greatly in terms of price quality and built form. Suburban housing more suited to families is more likely to be present in the outer Boroughs". Source North London, Strategic Housing Market Assessment 2010 Barnet Household Number 2011	Younger persons are more likely to be affected should the scheme lead to a loss of HMOs from the borough as they are a group that tend to be prevalent in such accommodation. Potentially all age groups would benefit from the improved conditions that licensing would bring about and be less at risk of retaliatory eviction for complaining about their conditions as this is prohibited in licensable properties which are not so licensed. The Additional Licensing Scheme will have the potential to improve the quality of HMOs and this would be beneficial to all

4. How are the equality strands affected? Please detail the effects on each equality strand, and any mitigating action you have taken so far *Please include any relevant data. If you do not have relevant data please explain why.*			
Equality Strand	**Affected ?**	**Explain how affected**	**What action has been taken already to mitigate this? What action do you plan to take to mitigate this?**
			groups within the wider local community by reducing social and environmental factors associated with HMOs relating to noise, rubbish and general upkeep. Of the 7 adjacent local authorities, 5 of them do have some kind of Additional Licensing Scheme for HMOs in operation. Islington's Scheme is very discrete (involving the Caledonian and Holloway Roads) as indeed is Haringey's albeit to lesser but nonetheless significant extent (two areas within the borough) and neither of which touch Barnet's borders. Enfield's proposed schemes are currently in abeyance and Hertsmere do not have a scheme or proposals for a scheme that we are aware of. That leaves Brent, Camden and Harrow with whole borough schemes. The potential impact of an Additional Licensing Scheme in Barnet is thus mitigated to a degree. Barnet Homes and Re already promote the London Landlord Accreditation scheme as a way to improve tenancy and property management. The Article 4 Direction issued under the under the Town and Country Planning (General Permitted Development) Order 1995 could bring potential positive benefits

	(% of total)
All Accommodation	135,916
Unshared dwelling: Total	134,997 (99.3)
Whole house or bungalow: Total	77,803 (57.2)
Whole house or bungalow: Detached	14,774 (10.9)
Whole house or bungalow: Semi-detached	40,777 (30.0)
Whole house or bungalow: Terraced (including end-terrace)	22,252 (16.4)
Flat, maisonette or apartment: Total	57,027 (41.9)
Flat, maisonette or apartment: Purpose-built block of flats or tenement	43,172 (31.8)
Flat, maisonette or apartment: Part of a converted or shared house (including bed-sits)	11,493 (8.5)
Flat, maisonette or apartment: In commercial building	2,362 (1.7)
Caravan or other mobile or temporary structure	167 (0.1)
Shared dwelling	919 (0.7)

Source: Census 2011 Table QS402UK and Census 2001 Table

However, census data demonstrates the likely increase in the number of one bedroom households and as a result the likely increase in the number of HMOs as a potential subset of this group.

Migration

The North London Strategic Housing Market Assessment (SHMA) highlighted a net loss of 5,940 migrants in the 25-44 age

4. How are the equality strands affected? Please detail the effects on each equality strand, and any mitigating action you have taken so far *Please include any relevant data. If you do not have relevant data please explain why*.			
Equality Strand	**Affected ?**	**Explain how affected**	**What action has been taken already to mitigate this? What action do you plan to take to mitigate this?**
		range and a further 3,510 in the 45-64 years range. However there was a smaller net out-migration of less than 600 people in the 16-24 years age range indicating that it is older adults and families that are more likely to leave the area. The increasing in rent, beyond the reach of those on low incomes is resulting in the need for those affected to consider living in more affordable areas outside of the borough. "The evidence suggests that flows of younger one and two person households are mainly into inner London and the outflow of households from inner London into Outer London and the commuter belts are older households and households with children". Source North London, Strategic Housing Market Assessment 2010. Nonetheless, HMOs are predominantly occupied by younger persons. <u>Students</u> The 2011 Census information shows that there were around 650 households of full-time students in Barnet. HMOs are often occupied by students. Within Barnet there are 57, 900 students which is 24.5% of economically inactive population; compared to 22.6% London-wide (Based on Nomis data Oct 2013 – September 2014) Middlesex University Estate & Facilities Management Services compile a list of properties which landlords have registered with them for students to rent. This list identifies 674 properties, containing 2,510 beds. The majority of these are conversions of houses or purpose built flat. There may be a potential for the introduction of an Additional Licensing Scheme to distort the housing market. This might occur through the displacement of HMOs to surrounding areas where there are no licensing schemes which might	for residents of new HMOs (shared accommodation), who are often single, students, *working age*, on low income and transient. There are plans for new purpose-built private rental units which will provide more choice in the PRS. There are plans in the Housing Strategy to promote low-cost homeownership which will increase access for younger people. Barnet Homes has also established the *Get Real Project,* which provides shared accommodation for young people, including care leavers". <u>Vulnerable People</u> Extract Barnet's Housing Strategy 2015 – 2025 "Providing suitable housing to support vulnerable people, including older residents, those with disabilities and mental health problems and young people leaving care will be a priority."

4. How are the equality strands affected? Please detail the effects on each equality strand, and any mitigating action you have taken so far *Please include any relevant data. If you do not have relevant data please explain why.*			
Equality Strand	**Affected ?**	**Explain how affected**	**What action has been taken already to mitigate this? What action do you plan to take to mitigate this?**
		otherwise constrain their occurrence. This could lead to a loss of HMOs from the borough or a reduction in the number of occupiers in some HMOs in order to avoid licensing requirements. As HMOs are at the more affordable end of the PRS, it is possible that there will be a corresponding loss of affordable accommodation available for young single persons/students. In addition it is possible that the costs associated with licensing which might include the licence fee, may be passed on to tenants in the form of higher rents which would be an inflationary pressure. There is however no evidence of this from other authorities operating such schemes or from the operation of mandatory HMO licensing in and among other factors in a rising market. The Additional Licensing Scheme could bring potential positive benefits for residents of HMOs (shared accommodation), who are often single, students, working age, on low income and transient.	
2. Disability	Yes ☐ / No ☐ N/A☒	The 2011 census shows that in Barnet, 6% of the population had a disability or longstanding illness that limits their day-to-day activities in some way. Joint Strategic Needs Assessment 2011-2015:- “A disabled person is twice as likely as a non-disabled person of the same age to be unemployed and claiming benefits. Although most disabled people are in employment, at any given level of qualification a disabled person is more likely than a non-disabled person to be low-paid and almost a third of working age disabled adults live in income poverty – double the rate for working age non-disabled adults. It is estimated there are approximately 12,600 adults in Barnet with a serious	Although it is considered that the proposed Additional Licensing Scheme is disability neutral, there is potential for it to have a positive impact which would benefit this group who are among the more vulnerable of the borough’s population and place them at less risk of retaliatory eviction for complaining about their conditions as this is prohibited in licensable properties which are not so licensed. The Additional Licensing Scheme will have the potential to improve the

4. **How are the equality strands affected?** Please detail the effects on each equality strand, and any mitigating action you have taken so far *Please include any relevant data. If you do not have relevant data please explain why.*			
Equality Strand	**Affected ?**	**Explain how affected**	**What action has been taken already to mitigate this? What action do you plan to take to mitigate this?**
		physical disability, and a further 29,500 with a moderate physical disability. With population increase and improve survival rates, these numbers are set to increase significantly over the coming years".	quality of HMOs generally with consequential benefits to all groups within the wider local community by reducing social and environmental factors associated with HMOs relating to noise, rubbish and general upkeep. Increased collaborative working with landlords and managing agents resulting from the Additional Licensing Scheme will enable the Environmental Heath Team to effectively signpost landlords and their disabled tenants to certain grants which could have a positive impact on their health and wellbeing as well as being of benefit through the promotion of good working relationships, education and training.
3. Gender reassignment	Yes ☐ / No ☐ N/A☒	Data on gender re-assignment is not available at a borough level, but a Home Office funded study for the Gender Identity Research and Education Society estimated there are 300,000-500,000 transgender people in the UK. The NHS Choices website estimates that one in 4,000 people in the UK are undergoing medical treatment to make the transition from one gender to the other.	It is considered that the proposed Additional Licensing Scheme is gender reassignment neutral and therefore does not adversely affect the transgender population. Potentially though this group would benefit from the improved conditions that licensing would bring about and be less at risk of retaliatory eviction for complaining about their conditions as this is prohibited in licensable properties which are not so licensed.
4. Pregnancy and	Yes ☐ / No ☐	We have not identified any inequitable impacts relating to pregnancy and	Although it is considered that the proposed

4. How are the equality strands affected? Please detail the effects on each equality strand, and any mitigating action you have taken so far *Please include any relevant data. If you do not have relevant data please explain why.*			
Equality Strand	**Affected ?**	**Explain how affected**	**What action has been taken already to mitigate this? What action do you plan to take to mitigate this?**
maternity	N/A☒	maternity.	Additional Licensing Scheme is pregnancy and maternity neutral, there is potential for this group to benefit from the improved conditions that licensing would bring about and along with a reduced risk of retaliatory eviction for complaints made about living conditions as this is prohibited in licensable properties which are not so licensed. The Additional Licensing Scheme will have the potential to improve the quality of HMOs generally with consequential benefits to all groups within the wider local community by reducing social and environmental factors associated with HMOs relating to noise, rubbish and general upkeep
5. Race / Ethnicity	Yes ☐ / No ☐ N/A☒	Ethnic Group Projections[1] 2013, Barnet's Equalities data dashboard Table 1	Although there is no evidence as to whether those within BAME and other groups are overrepresented in the HMO sector, they may potentially be on lower incomes, possibly unemployed or among the student population taking into consideration that Middlesex University caters for a significant number of overseas students and as such they may be more likely tenants in HMOs.

[1] http://open.barnet.gov.uk/dataset/population-projections-barnet-2013/resource/87e48359-0f56-4588-8548-ec346d207ef9 Ethnic Group Projections 2015 figures extracted.

4. How are the equality strands affected? Please detail the effects on each equality strand, and any mitigating action you have taken so far
Please include any relevant data. If you do not have relevant data please explain why.

Equality Strand	Affected ?	Explain how affected	What action has been taken already to mitigate this? What action do you plan to take to mitigate this?
		Ethnic Group / **2015** White: 1103564 Other Asian: 16647 Indian: 13347 Pakistani: 2749 Bangladeshi: 1189 Other: 12509 Chinese: 4314 Black Caribbean: 2315 Black African: 10418 Black Other: 5750 BAME: 69225 Larger Families The 2011 Census information on households with three or more dependent children[2], youngest aged 5 to 11 – 3,270; aged 12 to 18 – 550. In 2001, Indian, Pakistani and Bangladesh households had the largest household size containing more people on average from any other ethnic background. For example, Bangladesh households were largest; average household 4.5 people[3]. Barnet is getting more diverse[4], driven by more births among BAME communities and an increase in migrants.	Potentially all these groups would benefit from the improved conditions that licensing would bring about and be less at risk of retaliatory eviction for complaining about their conditions as this is prohibited in licensable properties which are not so licensed.
6. Religion or belief	Yes ☒ / No ☐ N/A☐	At the time of the 2011 census the most common religious belief in the Borough was Christianity (41.2%), followed by Judaism (15.2%), Islam (10.3%), No religion (8.4%), Hinduism (6.2%), Buddhism (1.3%), Other (1.1%), and Sikhism (0.4%).	Muslim tenants may be more likely to be on housing benefit as they have a lower level of economic activity. Increasing council rents could make them more

[2] 2011 census data on households (large families) http://neighbourhood.statistics.gov.uk/dissemination/LeadTableView.do?a=3&b=6275011&c=Barnet&d=13&e=13&g=6318499&i=1001x1003x1006&k=Dependent+children&m=0&r=1&s=1429096732365&enc=1&domainId=14&dsFamilyId=2496

[3] Focus on Ethnicity & Religion: 2006 report http://www.ons.gov.uk/ons/rel/ethnicity/focus-on-ethnicity-and-religion/2006-edition/focus-on-ethnicity-and-religion---focus-on-ethnicity-and-religion-2006---full-report.pdf Refer also to Appendix table A4.2.

[4] Census 2011

4. How are the equality strands affected? Please detail the effects on each equality strand, and any mitigating action you have taken so far *Please include any relevant data. If you do not have relevant data please explain why.*			
Equality Strand	**Affected ?**	**Explain how affected**	**What action has been taken already to mitigate this? What action do you plan to take to mitigate this?**
		The ONS report[5] on religion (2013) states that the Jewish population have the highest level of employment, and that Muslims have the lowest level of employment. Muslims also have a significantly lower level of economic activity than other religions at 55%; the main reasons for this inactivity being because they were looking after the home and family (31%), or because they were students (30%) and this group might be impacted by an Additional Licensing Scheme should there be any loss of HMOs from the borough or where the costs of licensing are passed onto the tenants by landlords. It is likely that a significant proportion of HMO landlords may be from the Jewish community and the impact of the scheme to them and to their business interests is likely to be significant although the fees connected with licencing are a generally small part of their outgoings. At the same time there is the possibility that the scheme may drive some from the HMO sector within the borough with the consequent impact on business that may have, although this may lead to a refocus upon alternative investment vehicles/types or alternative property investments including those within the residential sector. It might also be the case that some landlords may look at reinvesting in HMOs in adjacent areas within neighbouring authority's jurisdiction in attempt to avoid licensing. The other non-Christian group with significant representation in Barnet is that of Islam although there is no particular evidence of how this group would be affected by the scheme's proposals.	dependent on welfare. The welfare reform taskforce may enable some households to return to work. Barnet Homes has developed a range of projects to increase the engagement of BAME groups in training and employment. The welfare reform task force has worked with households affected by the benefit cap and will continue to assist households who need to move or get into work to ensure sustainment of tenancy. The Additional Licensing Scheme has the potential to improve the quality of HMOs for all who occupy them or may occupy them in the future and one of the aims of the scheme is to engender a closer working relationship with landlords, reduce business uncertainty and prevent situations which require statutory interventions because of poor housing conditions. In terms of owners moving to neighbouring authorities to avoid licencing of the 7 adjacent local authorities, 5 of them do have some kind of Additional Licensing

[5] Full Story: What does the Census tell us about religion in 2011? http://www.ons.gov.uk/ons/rel/census/2011-census/detailed-characteristics-for-local-authorities-in-england-and-wales/rpt---religion.html

4. **How are the equality strands affected?** Please detail the effects on each equality strand, and any mitigating action you have taken so far *Please include any relevant data. If you do not have relevant data please explain why.*			
Equality Strand	**Affected ?**	**Explain how affected**	**What action has been taken already to mitigate this? What action do you plan to take to mitigate this?**
			Scheme for HMOs in operation. Islington's scheme is very discrete (involving the Caledonian and Holloway Roads) as indeed is Haringey's albeit to lesser but nonetheless significant extent (two areas within the borough) and neither of which touch Barnet's borders. Enfield's schemes are currently in abeyance and Hertsmere do not have a scheme or proposals for a scheme that we are aware of. That leaves Brent, Camden, and Harrow with whole borough schemes. The potential for Additional Licencing to encourage landlords to move out of t Barnet is thus mitigated to a degree. Potentially all religious groups would benefit from the improved conditions that licensing would bring about and be less at risk of retaliatory eviction for complaining about their conditions as this is prohibited in licensable properties which are not so licensed.
7. Gender / sex	Yes ☒ / No ☐ N/A☐	According to the 2013 GLA projections, 48.9% (179,580) of the population in 2015 are male, and 51.1% (187,685) are female. There may be a potential for the introduction of an Additional Licensing Scheme to distort the housing market. This might occur through the displacement of HMOs to surrounding areas where there are no licensing schemes which might otherwise constrain their occurrence. This may lead to a loss of HMOs from the	Potentially both genders would benefit from the improved conditions that licensing would bring about and be less at risk of retaliatory eviction for complaining about their conditions as this is prohibited in licensable properties which are not so licensed. In terms of displacement of

4. How are the equality strands affected? Please detail the effects on each equality strand, and any mitigating action you have taken so far *Please include any relevant data. If you do not have relevant data please explain why*.			
Equality Strand	**Affected ?**	**Explain how affected**	**What action has been taken already to mitigate this? What action do you plan to take to mitigate this?**
		borough. In addition it is possible that the costs associated with licensing which might include the licence fee, may be passed on to tenants in the form of higher rents which would be an inflationary pressure. There is however no evidence of this from other authorities operating such schemes or from the operation of mandatory HMO licensing in and among other factors in a rising market. As HMOs are at the more affordable end of the PRS, it is possible that there will be a corresponding loss of affordable accommodation available for young single persons/students. There may be a tendency for HMOs to be occupied by young male tenants and may therefore be more likely affected should the scheme lead to a loss of HMOs from the borough as they are a group that tend to be prevalent in such accommodation although at the same time they would benefit from the potentially improved conditions that it would bring about.	HMOs to surrounding areas of the 7 adjacent local authorities, 5 of them do have some kind of additional licensing scheme for HMOs in operation. Islington's Additional Licensing Scheme which is very discrete (involving the Caledonian and Holloway Roads) as indeed is Haringey's albeit to lesser but nonetheless significant extent (two areas within the borough) and neither of which touch Barnet's borders. Enfield's schemes are currently in abeyance and Hertsmere do not have a scheme or proposals for a scheme that we are aware of. That leaves Brent, Camden, and Harrow with whole borough schemes. The potential for additional licensing to encourage landlords to move out of Barnet is thus mitigated to a degree. The Additional Licensing Scheme will have the potential improvement of the quality of HMOs and this has the potential to benefit all groups within the wider local community by reducing social and environmental factors associated with HMOs relating with noise, rubbish and general upkeep. Barnet Homes has also established the *Get Real Project,* which provides shared accommodation for young people, including

4. How are the equality strands affected? Please detail the effects on each equality strand, and any mitigating action you have taken so far *Please include any relevant data. If you do not have relevant data please explain why.*			
Equality Strand	**Affected ?**	**Explain how affected**	**What action has been taken already to mitigate this? What action do you plan to take to mitigate this?**
			care leavers"[6].
8. Sexual orientation	Yes ☐ / No ☐ N/A☒	ONS Integrated Household Survey January to December 2013[7] revealed that 1.6% of the adult population identified themselves as gay, lesbian or bisexual, with 3.2% of adults aged 16+, the highest percentage across areas all over the UK. Stonewall's "Serves You Right Lesbian and gay people's expectations of discrimination", December 2007[8] found that 20% "of lesbian and gay people surveyed expected to treated worse than heterosexuals when applying for social housing".	The Additional Licensing Scheme has a neutral impact with regards to sexual orientation. However, the scheme would potentially benefit all who live in an HMO resulting from the improved conditions that licensing would bring about and be less at risk of retaliatory eviction for complaining about their conditions as this is prohibited in licensable properties which are not so licensed.
9. Marital Status	Yes ☒ / No ☐	<u>Barnet's Equalities data dashboard</u> Table 2 Marriage / Civil Partnership - Numbers and Proportion of Total Marriages/Civil Partnerships Single (never married or never registered a same-sex civil partnership): 36,679 Married: 64,204 In a registered same-sex civil partnership: 300 Separated (but still legally married or still legally in a same-sex civil partnership): 6,216 Divorced or formerly in a same-sex civil partnership which is now legally dissolved: 15,859 Widowed or surviving partner from a same-sex civil partnership: 12,658 All categories: Total	Potentially all groups would benefit from the improved conditions that licensing would bring about regardless of marital status and be less at risk of retaliatory eviction for complaining about their conditions as this is prohibited in licensable properties which are not so licensed. The Additional Licensing Scheme will have the potential improvement of the quality of HMOs and this has the potential to benefit all groups within the wider local community by reducing social and environmental factors associated with HMOs relating to with noise, rubbish and general upkeep. Of the 7 adjacent local authorities, 5 of them do

4. How are the equality strands affected? Please detail the effects on each equality strand, and any mitigating action you have taken so far *Please include any relevant data. If you do not have relevant data please explain why*.			
Equality Strand	**Affected ?**	**Explain how affected**	**What action has been taken already to mitigate this? What action do you plan to take to mitigate this?**
		135,916 Local Housing Allowance Local housing allowance is housing benefit for private sector tenants. From January 2015, given changes to local housing allowance, single and under 35 are only able to claim housing benefit on a shared accommodation i.e. room in shared accommodation. Previously, single people who are under 25 could only claim a shared accommodation rate to help with their rent (unless certain exemptions apply). This was amended as part of a number of changes to welfare in 2012 and 2013. Total numbers of local housing allowance (Level A) claimants, for the North West London area (31/3/2012) was 243 which have risen to 280 March 2015 figures[9]. Trends suggest an increase in demand for shared, affordable accommodation. However, they may be a potential for the introduction of an Additional Licensing Scheme to distort the housing market and lead to a reduction in HMOs or lead to rent rises as mentioned in 1. above and this may have an affect particularly on young single persons possibly of limited financial means (and may include students) as this group are more likely to occupy such accommodation.	have some kind of additional licensing scheme for HMOs in operation. Islington's Additional Licensing Scheme which is very discrete (involving the Caledonian and Holloway Roads) as indeed is Haringey's albeit to lesser but nonetheless significant extent (two areas within the borough) and neither of which touch Barnet's borders. Enfield's schemes are currently in abeyance and Hertsmere do not have a scheme or proposals for a scheme that we are aware of. That leaves Brent, Camden, and Harrow with whole borough schemes. The potential that additional licensing will distort the local housing market is thus mitigated to a degree. Barnet Homes has also established the *Get Real Project,* which provides shared accommodation for young people, including care leavers". The Article 4 Direction issued under the under the Town and Country Planning (General Permitted Development) Order 1995 could bring potential positive benefits for residents of new HMOs

[6]https://www.barnet.gov.uk/citizen-home/housing-and-community/housing-strategy-and-policies.html

[7] http://www.ons.gov.uk/ons/rel/integrated-household-survey/integrated-household-survey/january-to-december-2013/sty-facts-about-lgb-community-in-the-uk.html

[8] http://www.stonewall.org.uk/documents/servesyouright.pdf

[9] Local Housing Allowance, statistics source from Regional Council Tax Operations Manager

4. **How are the equality strands affected?** Please detail the effects on each equality strand, and any mitigating action you have taken so far *Please include any relevant data. If you do not have relevant data please explain why.*			
Equality Strand	**Affected ?**	**Explain how affected**	**What action has been taken already to mitigate this? What action do you plan to take to mitigate this?**
			(shared accommodation), who are often single, students, working age, on low income and transient.
10. Other key groups? (Low income)	Yes ☒ / No ☐	Welfare benefits claimants Job Seekers Allowance, February 2015, there were 3,932 claimants (Nomis[10]). Within Barnet there are limited properties available that are affordable, particularly for households affected by welfare reforms including the introduction of the universal credit. Refer to item 9, on Local Housing Allowance and impact on demand for affordable, shared accommodation for under 35 year olds. . Young People and Unemployment by Ethnicity "Young people (aged 16-24) from the Gypsy or Irish Travellers (14%), White and Black Caribbean (13%) and Black Caribbean (12%) ethnic groups had the highest proportion of young people who were unemployed".[11] *Source ONS market status by ethnic group* The groups with the highest levels of unemployment are Pakistani, Bangladeshi, and Black/African/Caribbean. People on lower incomes - who may be more likely to be vulnerable and more	An Additional Licensing Scheme also has the potential for improvements to the standards of HMO accommodation from which they would benefit and be less at risk of retaliatory eviction for complaining about their conditions as this is prohibited in licensable properties which is not so licensed. Barnet's Housing Strategy 2015 to 2015 recognises that care leavers require extra assistance accessing shared and affordable housing. "A range of housing options are in place for care leavers, including a Foyer, supported housing and shared accommodation, and a training flat has been established where young people can spend time learning how to manage their own home. Barnet Homes has also established the *Get Real*

[10] Nomis JSA claimant count information https://www.nomisweb.co.uk/reports/lmp/la/1946157261/report.aspx#tabwab

[11] Employment rate by Ethnic Group, Ethnicity and Labour Market 2011 Census, England and Wales http://www.ons.gov.uk/ons/rel/census/2011-census-analysis/ethnicity-and-the-labour-market/rpt-ethnicity-and-the-labour-market--2011-census--england-and-wales.html

4. How are the equality strands affected? Please detail the effects on each equality strand, and any mitigating action you have taken so far *Please include any relevant data. If you do not have relevant data please explain why*.			
Equality Strand	**Affected ?**	**Explain how affected**	**What action has been taken already to mitigate this? What action do you plan to take to mitigate this?**
		likely to be accommodated within HMOs. The introduction of an Additional Licensing Scheme could decrease the provision of such forms of low income housing if it results in private landlords being put off by the prospect of having to apply for a licence for HMOs or where the cost of licensing is passed on to tenants in the form of increased rents, making this form of accommodation less affordable.	*Project,* which provides shared accommodation for young people, including care leavers". "The Council's strategy for reducing the number of residents in temporary accommodation has focused on increased incentives to private landlords to increase the number of private lettings to homeless households; a greater focus on homelessness prevention measures; sourcing accommodation in less expensive areas outside of Barnet; and working in partnership with Job Centre Plus to create a multi-agency benefits Task Force to work closely with households affected by welfare reform to minimise the risk of homelessness"[12] Extract Barnet's Housing Strategy 2015 – 2025 "Providing suitable housing to support vulnerable people, including older residents, those with disabilities and mental health problems and young people leaving care will be a priority." The Additional Licensing Scheme will have the potential improvement of the quality of HMOs and this has the potential to

4. How are the equality strands affected? Please detail the effects on each equality strand, and any mitigating action you have taken so far *Please include any relevant data. If you do not have relevant data please explain why*.			
Equality Strand	**Affected ?**	**Explain how affected**	**What action has been taken already to mitigate this? What action do you plan to take to mitigate this?**
			benefit all groups within the wider local community by reducing social and environmental factors associated with HMOs relating with noise, rubbish and general upkeep/ Of the 7 adjacent local authorities, 5 of them do have some kind of additional licensing scheme for HMOs in operation. Islington's Additional Licensing Scheme which is very discrete (involving the Caledonian and Holloway Roads) as indeed is Haringey's albeit to lesser but nonetheless significant extent (two areas within the borough) and neither of which touch Barnet's borders. Enfield's schemes are currently in abeyance and Hertsmere do not have a scheme or proposals for a scheme that we are aware of. That leaves Brent, Camden, and Harrow with whole borough schemes. The potential impact of and additional licensing scheme in Barnet is thus mitigated to a degree but there are still implications. Barnet Homes has also established the *Get Real Project,* which provides shared accommodation for young people, including care leavers"[13]. The key aims of the

https://www.barnet.gov.uk/citizen-home/housing-and-community/housing-strategy-and-policies.html

4. How are the equality strands affected? Please detail the effects on each equality strand, and any mitigating action you have taken so far *Please include any relevant data. If you do not have relevant data please explain why.*			
Equality Strand	**Affected ?**	**Explain how affected**	**What action has been taken already to mitigate this? What action do you plan to take to mitigate this?**
			housing strategy to increase the housing supply, deliver more affordable homes and improve the PRS will be of benefit because they can provide housing for carers, people with mental health issues, families, lone parents, people on low income and young people not in employment, education or training. For people with mental health issues specialist floating support is provided by Outreach Barnet.

5. What will be the impact of delivery of any proposals on satisfaction ratings amongst different groups of residents?
Potentially the occupants of HMOs will benefit from the improved conditions that licensing would bring about and be less at risk of retaliatory eviction for complaining about their conditions as this is prohibited in licensable properties which are not so licensed and should increase satisfaction ratings and this should have a positive impact upon those likely to occupy them including, young people, particularly young single males and those on lower incomes. The introduction of regulation of this kind is likely to have an impact on the health and wellbeing of the tenants living in HMOs covered by the scheme and potentially contributes to the CCG's P4P target of reducing Non-Elective Admissions (NEL) by 1,205 patients by March 2016. As a response to council's consultation, the Barnet & Harrow Public Health Team commented that health based policies and actions are said to have the biggest impact in housing and while they noted some of the potential negative consequences of an Additional Licensing Scheme mentioned in Section 4 above, they concluded overall that the scheme had the potential to significantly improve the health of those living in HMOs and possibly also to have a positive impact on the wider community. The Additional Licensing Scheme will have the potential improvement of the quality of HMOs and this has the potential to benefit all groups within the wider local community by reducing social and environmental factors associated with HMOs relating to with noise, rubbish and general upkeep. The Additional Licensing Scheme will complement the Article 4 Direction which has been issued to restrict the

unregulated emergence of smaller HMOs and as a co-ordinated approach to HMOs should increase satisfactions levels among neighbouring residents.

Resident satisfaction with the council remains relatively high in Barnet. The Residents Satisfaction Survey Spring 2015 found that 33% of residents saying that the lack of affordable housing is their top concern. A key part of the council's Housing Strategy is to increase the supply of housing, and in particular affordable housing for rent and sale. High quality and well managed HMOs provide a key source of affordable housing for some residents.

The introduction of an Additional Licensing Scheme could create distortion in the housing market and should investors turn away from this part of the PRS, there may be a negative impact upon the availability of affordable housing although this is mitigated to an extent by the emergence of similar schemes in neighbouring local authority areas. This may lead to a loss of HMOs from the borough. In addition it is possible that the costs associated with licensing which might include the licence fee itself, may be passed on to tenants in the form of higher rents which would be an inflationary pressure. There is however no evidence of this from other authorities operating such schemes or from the operation of mandatory HMO licensing in and among other factors in a rising market.

6. How does the proposal enhance Barnet's reputation as a good place to work and live?

Barnet is a popular place in which to live and work and there is a high demand for housing. The proposal will enhance Barnet's reputation as the scheme will potentially improve the quality of HMOs as they will be subject to further regulation by the Local Authority and to benefit all groups within the wider local community by reducing social and environmental factors associated with HMOs relating with noise, rubbish and general upkeep

7. How will members of Barnet's diverse communities feel more confident about the council and the manner in which it conducts its business?

The potential introduction of an Additional Licensing Scheme has been subject to a public consultation which was conducted in a manner that is fair to all sections of the community having due regard on potential impact on all parties involved. The proposals were subject to public consultation in order to ensure that communities are more involved and empowered notwithstanding that the law requires a public consultation to be undertaken for a period of not less than ten weeks. Furthermore in addition to the online public consultation, inclusive deliberative forums have been held in which a balanced mix of demographic characteristics was achieved.

8. What measures and methods have been designed to monitor the application of the policy or service, the achievement of intended outcomes and the identification of any unintended or adverse impact? *Include information about the groups of people affected by this proposal. Include how frequently will the monitoring be conducted and who will be made aware of the analysis and outcomes? Include these measures in the Equality Improvement Plan (section 15)*

Large HMOs already require licencing and planning permission from the environmental health department and the planning and regeneration sections respectively. The proposal is an extension of the current licensing regime from the Environmental Health Department to cover smaller HMOs within Barnet. It is difficult to assess differential impacts arising for the implementation of an Additional Licensing Scheme which requires licensing in properties which are not currently monitored by such a scheme. The Council does not collate any data on equalities profiles of private landlords. The council will develop and set benchmarks, key performance indicators and/or other targets to measure the success of the scheme if introduced and drive the scheme toward achieving its objectives. The scheme will be subject to on-going review and take into account any relevant circumstances along the way. A strategy will be developed for dealing with departures from measured targets during the lifetime of the scheme.

Equalities Impact

As an integral part of all committee reports there is a section on equalities impact arising from the proposals to introduce an Additional Licensing Scheme.

Monitoring

If an Additional Licensing Scheme is adopted by Barnet it will expire after 5 years the re-introduction of the scheme will be subject to an evaluation of its effectiveness. Under current rules a further public consultation would also be required.

9. How will the new proposals enable the council to promote good relations between different communities? *Include whether proposals bring different groups of people together, does the proposal have the potential to lead to resentment between different groups of people and how might you be able to compensate for perceptions of differential treatment or whether implications are explained.*

An Additional Licensing Scheme advocates higher quality housing and management which helps to promote good relations between different communities, neighbours and landlords in that it addresses some of the negative impacts of poor management of HMOs.

10. How have residents with different needs been consulted on the anticipated impact of this proposal? How have any comments influenced the final proposal? *Please include information about any prior consultation on the proposal been undertaken, and any dissatisfaction with it from a particular section of the community.*

Consultation/public representations

The Council's approach to what is good engagement looks like is set out in Barnet's Consultation and Engagement Strategy.

The commitments set out in the Barnet's Consultation and Engagement Strategy will ensure that consultation processes in Barnet are fair, transparent and inclusive.

A consultation was undertaken over 17 weeks from the 25th of June until the 23rd of October. The results of this and the council's response will be included in a report which will be taken to Housing Committee to decide on whether an Additional Licensing Scheme will be introduced in Barnet.

In addition, deliberative residents and landlords' events have been held to capture the views of the groups most likely to be affected.

Consultation so far in advance of the consultation on an Additional Licensing Scheme

In February 2015 a report "The Review of Regulation of Houses in Multiple Occupation" was presented to the Housing Committee for approval which was granted.

Channels of communication

There are a range of communication channels used by the Environmental Health Department for public engagement during consultation and for providing points of contact for the general public.

A summary of communications is given in Appendix 2.

Overall Assessment

11. Overall impact

Positive Impact	Negative Impact or Impact Not Known[14]	No Impact
☒	☐	☐

12. Scale of Impact		
Positive impact: Minimal ☐ Significant ☒	Negative Impact or Impact Not Known Minimal ☒ Significant ☐	

13. Outcome			
No change to decision ☒	Adjustment needed to decision ☐	Continue with decision *(despite adverse impact / missed opportunity)* ☐	If significant negative impact - Stop / rethink ☐

14. Please give full explanation for how the overall assessment and outcome was decided
It is considered that an Additional Licensing Scheme for HMOs would have an overall positive impact for landlords, tenants, residents and businesses by virtue of the potential improvement to the quality of HMOs and the management of them by introducing regulation. The inspection and licensing of HMOs together with the imposition of conditions as part of the licence will help to ensure that they meet basic minimum standards including in relation to matters such as fire safety, overcrowding and the provision of amenities. In addition there are potential benefits arising from the increased choice of high quality, well managed affordable housing.

Data Sources:

Barnet Council (2013). Equalities Data Dashboard.
Barnet dataset population projections

Annual Population Survey employment indicators (2013). ONS.

[14] 'Impact Not Known' – tick this box if there is no up-to-date data or information to show the effects or outcomes of the function, policy, procedure or service on all of the equality strands.

http://open.barnet.gov.uk/dataset/population-projections-barnet-2013

Health and Wellbeing Board , CCG (2015). Development of the Better Care Fund Pooled Fund https://barnet.moderngov.co.uk/documents/s22197/The%20Better%20Care%20Fund%202015-2016%20Agreement%20to%20enter%20into%20a%20pooled%20fund%20with%20NHS%20Barnet%20CCG.pdf

National Statistic Improving Migration and Population Statistics local Authority Case Study Report for Barnet, June 2007

Gender Reassignment data for London
www.hackney.gov.uk

Housing Strategy 2015 to 2025
https://www.barnet.gov.uk/citizen-home/housing-and-community/housing-strategy-and-policies.html

http://www.barnet.gov.uk/downloads/download/994/deprivation_in_barnet_2012 Accessed 25/2/2015

Barnet's Core Strategy and Development Management Plan
https://www.barnet.gov.uk/citizen-home/planning-conservation-and-building-control/planning-policies-and-further-information/core-strategy/core-strategy-submission-documents.html

Barnet Council (2014). Residents' Perception Survey Quarter 2/3, 2013/14.
http://engage.barnet.gov.uk/consultation-team/residents-perception-survey-2013/user_uploads/residents--perception-survey-report-qtr-2-3-2013-14-final.pdf. Accessed on 25/2/2015.

Full Story: What does the Census tell us about religion in 2011? (2013). ONS.
http://www.ons.gov.uk/ons/dcp171776_310454.pdf. Accessed on 25/2/2015.
GLA Population Projections (2013). GLA. Accessed via Data Dashboard.

Barnet Labour Market Statistics http://www.ons.gov.uk/ons/rel/lms/labour-market-statistics/index.html. Accessed on 25/2/2015.

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https://www.nomisweb.co.uk/reports/lmp/la/1946157261/report.aspx#tabwab

Joint Strategic Needs Assessment: Barnet 2011-2015
http://www.barnet.gov.uk/site/scripts/google_results.php?q=JSNA Accessed on 25/2/2015
Labour Force Survey (Quarter 2 2012). Accessed via

Disability Facts and Figures
https://www.gov.uk/government/publications/disability-facts-and-figures/disability-facts-and-figures#fnref:7. Accessed on 25/2/2015.

The Labour Market Story: Skills for the Future (2014). UK Commission for Employment and Skills.
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/344441/The_Labour_Market_Story-_Skills_for_the_Future.pdf. Accessed on 25/2/2015.

Labour Market Status by Ethnic Group Statistics (2013). ONS. Accessed from
http://www.ons.gov.uk/ons/publications/re-reference-tables.html?edition=tcm%3A77-222474 (A09). Accessed on 25/2/2015.

ONS (2011) Census results.
http://www.ons.gov.uk/ons/guide-method/census/2011/census-data/index.html Accessed on 7/11/14. Accessed on 25/2/2015.

ONS Integrated Household Survey (December 2013)
www.ons.gov.uk

Stonewall website. http://www.stonewall.org.uk/ Accessed on 25/2/2015.

Women in the Labour Market (2013). ONS.
http://www.ons.gov.uk/ons/dcp171776_328352.pdf. Accessed on 25/2/2015.

North London, Strategic Housing Market Assessment 2010, https://www.barnet.gov.uk/citizen-home/search.html?keywords=SHMA Accessed on 3/3/2015

Student population information (Nomis Data October 2013 – September 2014)
https://www.nomisweb.co.uk/reports/lmp/la/1946157261/report.aspx#tabrespop
Accessed 3/3/2015

Young people and unemployment by ethnicity
http://www.ons.gov.uk/ons/rel/census/2011-census-analysis/ethnicity-and-the-labour-market/rpt-ethnicity-and-the-labour-market--2011-census--england-and-wales.html Accessed 3/3/2015

Local Housing Allowance statistics, source Regional Council Tax Operations Manager

15. **Equality Improvement Plan**

Please list all the equality objectives, actions and targets that result from the Equality Analysis (continue on separate sheets as necessary). These now need to be included in the relevant service plan for mainstreaming and performance management purposes.

Equality Objective	Action	Target	Officer responsible	By when
To ensure that the implementation of an Additional Licensing Scheme would not have an adverse impact on any particular target group.	Running of focus groups, and analysis of feedback	Completed	Richard Pixner	N/A
To pay due regard to the different vulnerable groups and protected characteristics in the results of the consultation	Monitoring and analysis of the results from the consultation questionnaire	In progress	Richard Pixner	N/A

1st Authorised signature (Commissioner)	**2nd Authorised Signature (Delivery Unit management team member)**
Date: 18th December 2015	**Date: 17th December 2015**

Appendix A – Definitions

House in Multiple Occupation

An HMO can be summarised under Section 254(2), (3) & (4) as a building or part of a building, such as a flat which: -

- is occupied by two or more households, who share or lack one or more basic amenities such as a bathroom, toilet or cooking facilities
- is a converted building containing one or more units of living accommodation which do not consist entirely of self-contained flats and are occupied by two or more households

and where in either case mentioned above, the living accommodation is occupied by persons as their only or main residence and rents are payable or other consideration provided by at least one of the occupiers and the occupation of the living accommodation is the only use of that accommodation

or under Section 257

- is a building converted into self-contained flats, but does not meet as a minimum standard, the requirements of the Building Regulations 1991 and where less than two thirds of the flats are owner occupied.[1]

[1]For these purposes, a flat is "owner occupied" if it is occupied: -

(a) by a person who has a lease of the flat which has been granted for a term of more than 21 years,
(b) by a person who has the freehold estate in the converted block of flats, or
(c) by a member of the household of a person within (a) or (b) above.

For more detailed definitions, please refer to Sections 254 – 259 of the Housing Act 2004

Definition of household

A household is defined as persons: -

- who are all members of the same family (including single persons, couples and same sex couples)
- who have other relationships, such as fostering, carers and domestic staff

For a more detailed definition, please refer to Section 258 of the Housing Act 2004.

Occupation as only or main residence

Persons occupying premises as their only or main residence include: -

- asylum seekers and migrant and seasonal workers

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Appendix 5

Report into the potential internal and cross-boundary effects of a proposed additional licensing scheme for Houses in Multiple Occupation (HMOs) in Barnet

Introduction

The London Borough of Barnet has proposals for an additional licensing scheme for landlords of Houses in Multiple Occupation (HMOs). Whilst certain kinds of HMOs are already subject to mandatory licensing, Barnet's proposals would extend licensing to certain other but not all types of HMO in the borough.

This report considers the potential internal and cross-boundary effects of a proposed additional licensing scheme for Houses in Multiple Occupation (HMOs) in Barnet. To a large extent it follows the general format, concepts and methodology employed by the London School of Economics (LSE) in their report for the London Borough of Camden 'Cross boundary effects of additional landlord licensing in Camden' (February 2015).

There are two principle impacts that might be felt as a result of the proposals, broadly, those which may occur within the borough and those that may occur beyond the borough boundary in areas within the jurisdiction of adjacent local housing authorities (LHAs).

The Department of Communities and Local Government document 'Approval steps for additional and selective licensing designations in England (2010)' requires that Local authorities wanting to introduce 'discretionary' licensing schemes of this kind for the private rented sector (PRS) must consult beforehand with individuals and businesses likely to be affected by the schemes, including those 'in the surrounding area outside of the proposed designation who will be affected'. Where the geography of such designations involves an entire local authority, the 'surrounding area' or areas will naturally encompass its immediate neighbour councils. Barnet has recently carried out such a consultation which ran from the 25th of June until the 23rd of October 2015.

Summary of Consultation Results

Questionnaire responses

HMO residents in Barnet, other private sector tenants, local residents and other organisations/stakeholders indicated very high levels of support for the scheme (75% or more in each group). The main reasons for this are that it would improve the standards/living conditions of housing in Barnet, help ensure a more consistent standard of accommodation throughout the borough, and improve the quality of landlords (and target rogue ones in particular).

In contrast, landlords and letting agencies (and organisations that represent them) have indicated very low levels of support (less than 20%). The main reasons for this are that it will create unnecessary red tape, that existing licence provisions are sufficient and that additional licensing will result in rent increases for tenants in HMOs.

Written submissions

These varied considerably in terms of support for the scheme. Some organisations strongly opposed the proposal, often representing landlords or letting agencies whilst other supported the proposed scheme. Submissions from individuals voiced both support and opposition to the proposed licensing scheme.

Submissions from organisations that opposed the scheme typically argued that it would penalise good landlords and won't effectively target the bad ones, that it would simply mean rent increases across the borough, and that it fails to consider other means that fall within the Council's power. Submissions from other organisations, for example Barnet & Harrow Public Health Team, felt that the proposals could significantly improve the health of those living in HMOs and potentially the wider community as well.

Residents' Deliberative Forums

Participants overall agreed that introducing an additional licensing scheme in Barnet is a positive proposition, but many qualified this support by noting that the Council will need to ensure that is has a robust strategy and an effective mechanism in place to enforce the Scheme.

Landlords' Events

Participants were strongly opposed to the introduction of additional licensing. Above all, they felt the Council should use its existing powers effectively to pursue unlicensed HMOs under the mandatory licensing regime rather than embarking on an ambitious new Additional Licensing Scheme. Participants at these forums were convinced that poor landlords will evade Additional Licensing, whereas the good one will conform and be penalised. In particular, they said that the licence fees and the additional costs of complying with the conditions attached to licences would force landlords to raise their rents disadvantaging poorer tenants.

Important recent consultation cases

Regas v London Borough of Enfield 2014

The London Borough of Enfield, recently sort to introduce a selective licensing scheme across the whole of their area for all PRS landlords (which would have included HMOs and dwellings in single occupation). Upon judicial review however, it was found that 'certain people likely to be affected by the schemes

were not consulted as required by statute'. There had been a failure on Enfield's part to consult interested parties outside the borough, namely that such landlords, neighbouring local authorities and others likely to be effected by the schemes were not consulted as required by statute, in particular, people living, working or otherwise affected in neighbouring boroughs. The "Approval steps" document specifically mentions 'local residents or those who operate businesses or provide services'.... [in the area outside the proposed designated area].

The judgement also mentioned that the status of the "Approval Steps' guidance was unclear, although clearly it has been heavily relied upon in the judgement. Whilst the judge specifically recorded that the process involved media not limited to Enfield's area, the claimant's counsel submitted that there was no strategy to consult outside and that those affected beyond the borough's boundary became aware of it in effect quite by 'happenstance.' The judge agreed that there had been no attempt to consider the impact on those likely to be affected outside the borough and that they had not been consulted.

Barnet's licensing proposals are however limited to HMOs and not to all rented properties in the borough and further, the proposals are such that licensing would not apply to all HMOs. Nonetheless the same rules for consultation apply.

R (on application of Croydon Property Forum Ltd) v Croydon London Borough Council [2015] EWHC 2403 (Admin)

An application for judicial review was made on the basis that the council had failed to take reasonable steps to consult landlords and developers (in accord with the guidance set out in the 'Approval steps' document) against the background that Croydon needs 27,000 new homes by 2031, including private sector lettings. There were 3 stages to Croydon's consultation, which was for a selective licensing scheme.

Part of the argument on application, was that reasonable steps had not been taken to consult because a targeted approach to consultation communications taken at an initial and formative stage (which were not part of formal consultation) was followed by a more generalised communications approach at a second and third stage of which the formal consultation was comprised. The third stage stemmed from a decision to extend to the original consultation resulting from concerns brought about by the *Enfield* case.

The judge concluded that the consultation had been a good one and that the council had used various channels of communication to publicise its consultation as required by the guidance. In coming to that decision, a variety factors were taken into account including: -

- It was reasonable to assume that those investing in the borough would regularly review the media and have become aware of the consultation as part of their due diligence process

- The length of the formal consultation which comprised two stages (7 months in total taking all the stages into account)
- It would not be' pure happenstance' if developers had become aware of the consultation as in the Enfield case
- It could be reasonably expected that anyone with a connection or interest in Croydon would have had the proposals drawn to their attention
- Croydon ensured that the consultation was widely publicised by using 'various channels of communication' and that the guidance did not state expressly or impliedly that the council should target any particular group.

Barnet must consider the potential effects of its proposed scheme not only within its own area but also in neighbouring areas beyond the borough boundary and determine whether it has sufficiently consulted with persons likely to be affected in those areas.

The consultation published on the borough's consultation site, Engage Barnet, was promoted by a number of means and employed a mixture of direct and indirect communications targeting landlords, private tenants, landlords' and tenants' organisations, businesses, stakeholders and others. Communications specifically aimed at promoting the consultation in areas adjacent to Barnet included: -

- Advertisements in local newspapers
- Signposts to Engage Barnet from neighbouring council's websites
- Posters and leaflets distributed to libraries and Citizens Advice Bureaus

A full list of various consultation communications is contained in Appendix 1.

Policy background

Definition of House in Multiple Occupation (HMO)

The 2004 Housing Act defines the term 'House in Multiple Occupation' (HMO).

An HMO can be summarised under Section 254(2), (3) & (4) of the Housing Act 2004 as: -

- a building or part of a building comprising of one or more units of living accommodation not consisting of a self-contained flat or flats, which is occupied by two or more households who share or lack one or more basic amenities such as a bathroom, toilet or cooking facilities
- a flat occupied by two or more households, who share or lack one or more basic amenities such as a bathroom, toilet or cooking facilities
- a converted building or part of a converted building containing one or more units of living accommodation which do not consist entirely of a self-contained flat or flats and are occupied by two or more households

and where in any of the cases mentioned above: -

- the living accommodation is occupied by persons as their only or main residence; and
- rents are payable or other consideration provided by at least one of the occupiers; and
- the occupation of the living accommodation is the only use of that accommodation.

An HMO under Section 257 is defined as: -

A building converted into self-contained flats, but does not meet as a minimum standard, the requirements of the Building Regulations 1991 and where less than two thirds of the flats are owner occupied.[1]

[1]For these purposes, a flat is "owner occupied" if it is occupied: -
(a) by a person who has a lease of the flat which has been granted for a term of more than 21 years,
(b) by a person who has the freehold estate in the converted block of flats, or
(c) by a member of the household of a person within (a) or (b) above.

For more detailed definitions, please refer to Sections 254-259 of the Housing Act 2004

Mandatory HMO Licensing

The Housing Act 2004 introduced a mandatory scheme requiring that certain HMOs must be licensed. An HMO requires a licence when: -

- it has 3 or more storeys
- it is occupied by 5 or more persons forming 2 or more households
- there is some sharing of facilities

On the 6th of November 2015, the Government began consulting on options for extending the scope of mandatory licensing of houses in multiple occupation and proposals to streamline the licensing process. Among other things, the discussion paper considers the kinds of HMOs that could be included in an extended mandatory licensing regime and looks at the threshold number of occupiers and building storeys that might be required for licensing purposes.

The eventual results of the consultation and any consequent extension to mandatory HMO licensing are currently unknown. However it is anticipated that the council's proposed Additional Licensing Scheme will not only largely correspond but also reach beyond mandatory licensing in order to bring about a more consistent approach to conditions in HMOs and their regulation within the borough in line with the council's original objectives.

Additional HMO Licensing

Section 56(2) of the Housing Act allows local housing authorities (LHAs) to designate the area of their district or an area within their district as being subject to an additional licensing scheme. They must be able to show that a significant proportion of HMOs in their area are considered to be managed sufficiently ineffectively as to give rise, or likely to give rise to one or more particular problems for those occupying HMOs or for members of the public.

An assessment of the effects of the proposed scheme beyond the borough's boundaries will include consideration of the following: -

- understanding the distribution of HMOs in Barnet,
- the identification of local housing market areas in Barnet and whether these extend beyond the borough's boundaries
- how landlord behaviour and tenant conditions both within the borough as well as in adjacent jurisdictions might be affected by licensing

It is also necessary to consider those LHAs with existing or planned schemes, the nature of those schemes and the extent of their designation. There are seven other local authorities sharing boundaries with Barnet. These are Brent, Harrow, Camden, Islington, Haringey, Enfield and Hertsmere. These are highlighted in Table 1 below. Several other boroughs not mentioned in the table are looking at the evidence for discretionary licensing schemes of one type or another.

Table 1 - London boroughs with discretionary licensing schemes

Borough	Additional Licensing	Selective Licensing
Barking & Dagenham	✓	✓
Brent	✓	In areas (Wembley Central, Harlesden & Willesden Green)†
Camden	December 2015	×
Croydon	✓	✓
Enfield**	×	×
Haringey	In areas (Tottenham & Harringay Schemes)†	×
Harrow	✓	Area scheme commencing November 2015
Hertsmere*	×	×
Hillingdon	Renewing in areas November 2015	×
Hounslow	✓	×
Islington	In areas (Holloway Road & Caledonian Road)†	×
Kingston	✓	×

Lewisham	Consulting	×
Newham	✓	✓
Redbridge	Consultation closed Implementation expected	Consultation closed Submission to Secretary of State expected
Southwark	Commencing November 2016	Areas commencing November 2016
Tower Hamlets	×	Consultation closed Results being considered
Waltham Forest	×	✓

* Included as though not a London borough, Hertsmere shares a boundary with Barnet
** Included as Enfield is an adjacent borough
† These areas do not share borders with Barnet

Profile of HMOs on Barnet

Tenure distribution

Barnet's population at the 2011 census was 356,000, the second largest in Greater London, an increase of almost 10% in 10 years and in 2014 is already estimated to have grown to 393,000 making it the most populous in London as estimated by the Greater London Authority. The population is predicted undergo further sustained growth across most age groups and is expected to increase by a further 76,000 by 2039.

The private rented sector (PRS) in Barnet has also grown significantly in recent years and now represents 27% of the market, outstripping the combined social housing provision by Barnet Homes (the council's ALMO) and housing associations operating in the borough. The 2011 census showed the largest proportion of the PRS is concentrated in the west of the borough and in Golders Green, Hendon and West Hendon wards, the PRS accounts for over 30% of the market and around 40% in Childs Hill. In addition the PRS also accounts for 37% of the housing market in West Finchley and 30% in Finchley Church End through which the A1000 is routed.

Number of estimated HMOs

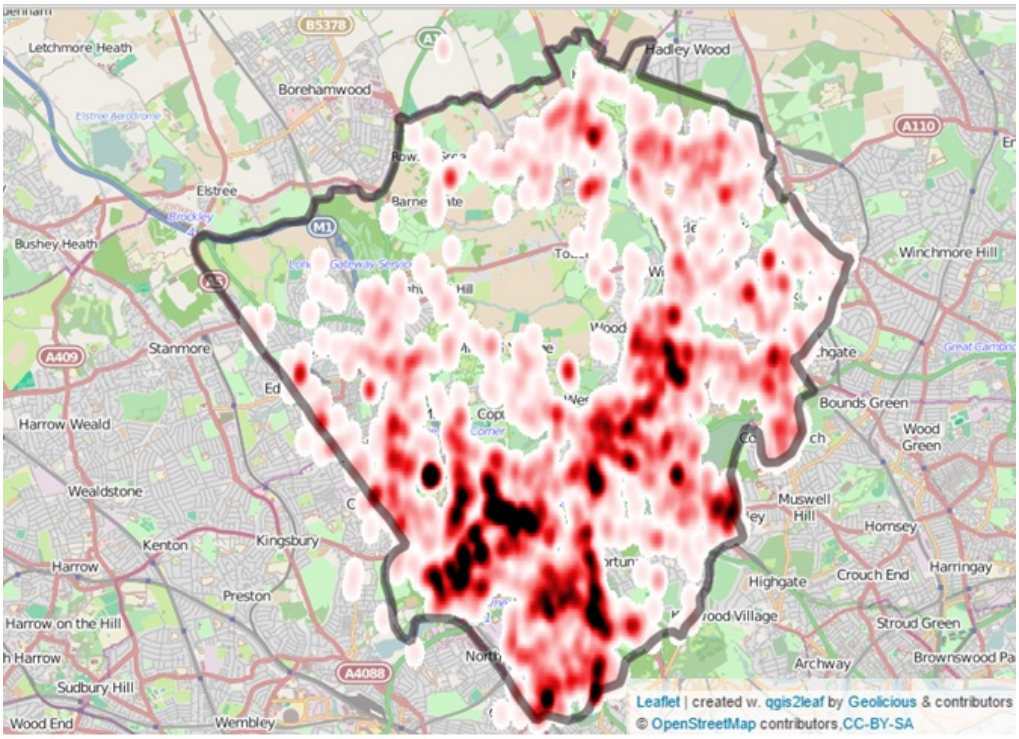
Barnet estimates from a number of different sources that there are approximately 5,930 HMOs within its boundaries including those which currently fall within the mandatory licensing scheme. It is estimated that there will be a total of 3,836 HMOs falling under Barnet's proposed scheme, 2,658 of those falling under Section 254 and 1,178 under Section 257 of the Housing Act 2004.

Distribution of HMOs

While HMOs can be found across the whole authority, the south and south west of the borough show the greatest concentrations of them, in addition to parts of the A5 and A1000 corridors. Further, the influence of the Hendon

campus of Middlesex University upon the concentration and local distribution of HMOs is likely to be significant. Of the 19 wards in Barnet, Hendon (510) has the most and Brunswick Park (72) has the fewest HMOs. (Note this pattern of distribution refers to HMOs falling within the definition of HMO under s.254(2),(3)&(4) of the Housing Act 2004. The distribution of HMOs across Barnet is shown in Figure 1. The darker areas represent higher geographical concentrations of HMOs whilst the lighter areas represent the lower concentrations.

Figure 1 – Heat map of the distribution of HMOs across Barnet



The existing distribution of HMOs across the borough can be understood within the context of Barnet's built character. Large areas of the borough are predominantly green belt and this is characterised by land in agricultural use, public and private open space and includes golf courses, woodland and semi-natural habitat. As such these areas are not centers of residential development.

Rents in Barnet

House prices in Barnet have remained high and are continuing to increase as, in common with the rest of London, demand for homes outstrips supply. High demand and limited supply has also meant that private rents have increased, with lower quartile rents rising by 50% or £325 a month between June 2011 and March 2014, to become the 4th most expensive in outer London. Rental inflation has outstripped housing benefit entitlements making it increasingly difficult for lower income working households to find affordable accommodation in the borough. Notwithstanding this, private renting is set to

continue to increase and it is estimated that within 10 years, half the properties in the borough are likely to be rented. (Barnet Housing Strategy)

A summary of Private Rental Market Statistics* shows 'room' monthly rents recorded between April 2014 and March 2015 by the Valuation Office Agency. The monthly mean rent for a room in Barnet was £552 and lower and upper quartile rents were £477 and £600 respectively. A 'room' for these purposes indicates a non-self-contained single room with shared facilities including bedsits, single rooms in a house or flat shared with other tenants and single rooms rented from a resident landlord.

The mean 'studio' monthly rent in Barnet over the same period, was £815 with lower and upper quartile rents being £724 and £888 respectively. A studio is defined as a self-contained single roomed property with its own kitchen bath/shower/WC facilities.

Self-contained properties with 4 beds or more showed a mean monthly rent of £3,392, again with lower and upper quartile rents of £2,100 and £3,500 respectively.

*Housing benefit claimants were not included within the sample used for these statistics.

Income and Employment

According to the 2010 update Index of Multiple Deprivation (IMD 2010) released in 2011, whilst most deprived areas in Barnet were concentrated in the western corridor, the single most deprived neighbourhood was in East Finchley.

Thirteen Barnet Local Super Output Areas (LSOAs) ranked within the 10% most income deprived nationally and eight fell within London's 10% most deprived. These areas were found within Colindale, Edgware, Burnt Oak and East Finchley wards. Thirty-six Barnet LSOAs fell within the 20% most income deprived nationally, seventeen of those within the 20% most deprived in London.

Two Barnet LSOAs fell into the 10% most deprived nationally for employment (Stonegrove in Edgware and Grahame Park in Colindale) and a further thirteen fell into the 20% most deprived. Regionally, nine Barnet LSOAs are ranked among the 10% most deprived in London and nineteen within the 20% most deprived.

Landlords

There are currently 168 properties licensed under the mandatory scheme. In as far as can be determined, the majority of landlords holding licences in Barnet own just a single licensable property in the borough, although it is not known what other residential property investments may be held by them, including licensable or licensed HMOs they may have in other local authority

areas. This picture is however consistent with national statistics and landlords tend to be private individuals owning a single property (DCLG 2011).

Table 2 - Number of Mandatory HMOs in Licence Holder's Portfolio

Number of HMOs	Number of licence holders
1	119
2	14
3	5
4	2
5+	2
Total license holders	168

Housing Market Areas

As location is of principle importance in choosing a home, dwellings in a local area displaying the same or similar characteristics can be said to be reasonably close substitutes for each other. 'Geographical areas identified by household demand and preferences for housing that reflect the key functional linkages between places where people live and work' are defined as Housing Market Areas (DCLG 2006: PPS3 Annex B, Definitions). In London, these Housing Market Areas (HMAs) might be regarded as a suitable 'unit' for the analysis of any impacts the proposed additional licensing scheme might have.

Commuting has been identified as a primary influence on residential location and price and where decisions have to made between work travel distances and the amount of housing space, where generally the latter becomes progressively more expensive towards the city centre. Within the more extensive metropolitan HMA however, the DCLG in their final report 'Geography of housing market areas - An Executive Summary' (November 2010), identify smaller Local Housing Market Areas (LHMAs) and submarkets within which there is a diversity of housing and range of neighbourhoods/locations which are implied by the short distances often moved by households. The report says that 'in larger and more urbanised areas... the framework housing market area tier can include several distinct areas which reflect more localised housing market conditions. In such areas, separate lower tier housing market areas are identified. Here the dynamics of local changes in the housing market can be examined.' Local authorities are encouraged to take better account of the realities of cross-boundary issues in their analyses and policy development. Impacts on the demand for housing may be felt within a LHMA but may not necessarily have an affect beyond it.

As the journey to work is of primary importance, LMHAs have a tendency to be determined by London's long established transport infrastructure including major roads and railway/tube stations.

Some of Barnet's boundaries are defined by the existence of trunk roads into and out of London. The borough boundary with Brent and Harrow follows the A5 into central London. Childs Hill, Golders Green and Hendon are the areas

of the borough with the highest levels of public transport accessibility (PTAL). Areas of the borough found closer to the centre of London benefit from quicker bus journey times.

The focus of LHMAs around these major transport nodes and corridors can transcend borough boundaries. Indeed this phenomenon is mentioned in the GLA's Strategic Housing Market Assessment (2013).

In order to determine the potential impact of an additional HMO licensing scheme, it is necessary to identify LHMAs, which may extend across its boundaries and into adjacent boroughs.

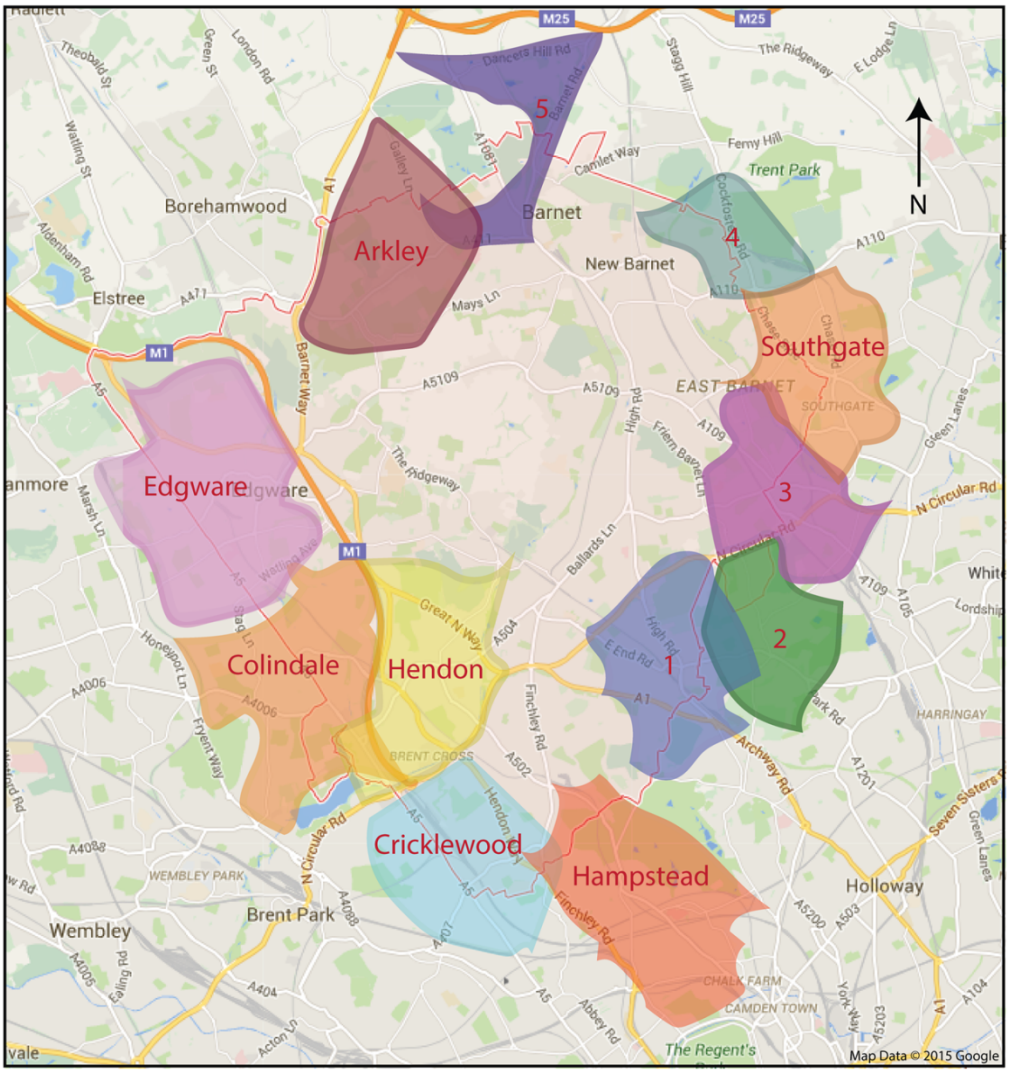
Cross boundary housing market areas in Barnet

Following the methodology employed by the LSE in their report for the London Borough of Camden 'Cross boundary effects of additional landlord licensing in Camden', LHMAs common to Barnet and its neighbouring authorities have been identified from 'Rightmove' and 'Zoopla' maps which represent the presence and extent of local housing markets. These maps are kept updated to reflect changes which have an effect on LHMA boundaries.

From this data, the 'Rightmove' derived map indicates the presence of 12 LHMAs across boundaries and the 'Zoopla' map identifies 10 LHMAs. These are shown in figures 2 & 3 on pages 14 and 15 and are further detailed in Table 3 on page 17. The maps differ in that 'Rightmove' identifies an LHMA, Hadley Highstone, which is not apparent on the 'Zoopla' map. In addition, the Hendon market shown on the 'Zoopla' map does not cross the boundary, whilst it does show some minor intrusion over the border into Brent to the south west in the 'Rightmove' map. Both have been included for reference. Otherwise albeit that there are some differences in the size and shape of the markets between the maps, there is a reasonable degree of correlation between them.

Whilst the two most northerly LHMAs, Hadley Highstone and Arkley do straddle the borough's boundaries, the area is ostensibly green belt and predominantly semi-rural. As such it is unlikely that there will be an impact of any significance in the adjacent local authority areas. In the other instances there is more significant overlapping with other local authority's jurisdictions in areas of higher density residential development with an urban/suburban character. This is particularly apparent along the A5 corridor, Edgware Road to the west of the borough and along the borough's southern and eastern borders with Camden, Islington, Haringey and Enfield. It is therefore possible that any effects of additional licensing in Barnet will be felt across the boundary within LHMAs.

Figure 2– Local Housing Market Areas Straddling the Borough Boundary (Rightmove)



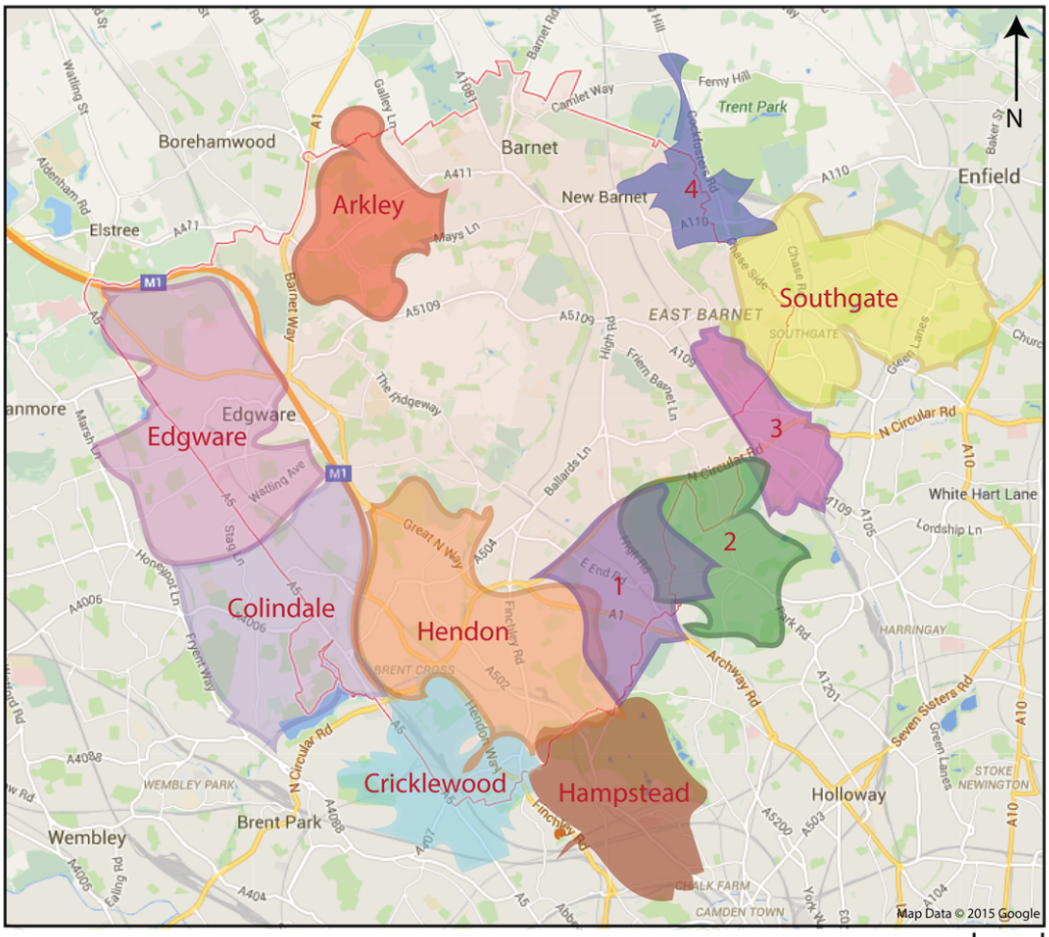
KEY

2 km

- Borough Boundary
- Major TfL Route
- Motorway (M1)

1. East Finchley
2. Muswell Hill
3. New Southgate
4. Cockfosters
5. Hadley Highstone

Figure 4 – Local Housing Market Areas Straddling the Borough Boundary (Zoopla)



KEY

2 km

- Borough Boundary
- Major TfL Route
- Motorway (M1)

1. East Finchley
2. Muswell Hill
3. New Southgate
4. Cockfosters

Table 3 - Lower tier Local Housing Market Areas across borough boundaries

Local Housing Market Area (LMHA)	Overlapping borough(S)	Partial Barnet wards included	Potential number of HMOs in wards[2]	Approx. furthest point from borough boundary (km)
Hadley Highstone	Hertsmere, Enfield	High Barnet	146 (79)	2.0
Arkley	Hertsmere	High Barnet, Underhill, Hale	335 (177)	2.0
Edgware	Hertsmere, Harrow	Edgware, Burnt Oak, Hale	438 (137)	2.2
Colindale	Harrow, Brent	Colindale, Burnt Oak	431 (78)	3.0
Hendon	Brent	Hendon, West Hendon, Golders Green, Mill Hill, Finchley Church End	1,455 (589)	1.1
Cricklewood	Brent, Camden	Childs Hill, Golders Green	605 (314)	1.7
Hampstead	Camden	Childs Hill, Garden Suburb	465 (255)	6.2
East Finchley	Haringey, Islington	Garden Suburb, East Finchley	293 (196)	1.8
Muswell Hill	Haringey	Coppetts	139 (118)	4.5
Southgate	Enfield	Brunswick Park	72 (39)	5.0
New Southgate	Enfield	Brunswick Park, Coppetts	211 (157)	3.3
Cockfosters	Enfield	East Barnet	90 (79)	2.5

[2]Numbers shown are those estimated for whole wards, although wards are only partially represented within any one LHMA. In addition, it should be noted that some wards are located in more than one LHMA. It is also apparent that there is some overlap between certain LHMAs. Numbers in brackets represent the estimated number of HMOs falling within the definition of Section 257 of the Act.

The potential impacts of licensing

There appears to be very little direct or comparable evidence of the effects or potential effects of licensing.

However reports about the effects of mandatory HMO licensing since its introduction in 2006 can potentially indicate the impact of extending licensing provisions to other HMOs.

Oxford City Council reported in their 'Review of Licensing in Houses in Multiple Occupation 2015' that in 2005 the larger HMOs subject to mandatory licensing accounted for approximately 12% of the total HMO stock but that 'current estimates suggest this figure is now approximately 8%, many having been converted to self-contained flats.' It is not clear however whether this can be attributed to the effect of licensing or other market factors.

A report conducted for the DCLG by the BRE, the 'Evaluation of the Impact of HMO Licensing and Selective Licensing' (Jan 2010), whilst based on research conducted in 2008, came to a number of conclusions concerning property conditions, standards of management, the effect upon tenants, the relationship between landlords and local authorities, information about HMOs and intelligence gathering, landlords who attempt to avoid licensing and the effect upon the market for HMOs. Of these, the potential effect upon the HMO market is worth considering in further detail.

It was reported that in some areas, landlords were selling licensable HMOs, or reducing the number of occupants and converting bedsits into self-contained flats to avoid the requirement to licence but that the loss of such accommodation was unquantifiable. As HMOs tend to represent the more affordable part of the private rented sector, there is a potential risk that the loss of such accommodation may widen the affordability gap.

Whilst rents have risen generally, distinguishing the potential effects of licensing on rents and the general increase in demand and other inflationary pressures is problematic. It is possible that the costs associated with licence fees and of compliance with licence conditions may be passed on to tenants by their landlords by way of increased rents, making them less affordable and the DCLG's Review of Property Conditions in the Private Rented Sector (2014) carries a warning that this may be the case and that for reputable landlords the costs associated with licensing are unnecessary.

There is a suggestion that a comparable phenomenon is being experienced in some cases with rents being increased to pass on the burden of council tax to tenants where they are jointly and severally liable under a shared tenancy agreement and where, the whole dwelling is occupied by them.

Additional pressures on landlords may emerge from cuts to buy-to-let mortgage interest relief, which will come into effect in April 2017, although the changes will be phased over a four-year period. In addition, from 2016 an automatic tax offset of 10% to rental income for wear-and- tear are to be

replaced a by relief based on the actual wear-and-tear costs incurred.

The potential consequences on the volume of HMOs available to let and upon rents have featured as concerns in responses to the council's consultation for an additional licensing scheme in Barnet.

Taking this evidence into account, the potential effects of Barnet's proposed additional licensing scheme are outlined in Table 4. An outline assessment has also been made of the likelihood of them happening.

Table 4 - The potential effects of additional licensing in Barnet and beyond

Potential effect	Potential impact within Barnet	Potential impact across borough boundary	Likelihood of cross boundary impact- high, medium, low	Rationale
HMOs improved to comply with licence conditions	Tenants benefit from improved conditions	Potential to encourage other authorities to declare licensing schemes to bring about widespread improvements	High	Five of the seven adjacent boroughs have introduced licensing schemes. Large areas now committed to an extended HMO licensing approach. Given this Barnet's proposed scheme will complement the wider improvement of housing conditions in North London.
	Reduced risk of retaliatory evictions	Fewer displaced tenants to adjacent authorities	Medium	Potential for number of evictions to fall. No evidence either way as to whether tenants remain in borough or move outside but likely to be less displacement if number of evictions fall overall

Potential effect	Potential impact within Barnet	Potential impact across borough boundary	Likelihood of cross boundary impact- high, medium, low	Rationale
	Licence fees and costs of conditions compliance passed to tenants in increased rents	Tenants displaced to boroughs without similar licensing controls in search of cheaper rents	Low	Rents largely set by the market and not associated licensing costs. Prices in the LHMA will be broadly similar as they cover the same London Broad Rental Market Areas (BMRAs) so that rent increases may cause tenants to move further away. Potential impact in 'shared' LHMAs although possible effect mitigated where neighbouring boroughs have similar schemes in operation.
	Tenants more likely to seek licensed premises as indicator of good conditions	Potential positive knock on effects resulting in improved standards across borough boundaries	Low	Tenant's lack of knowledge about licensing may be a limiting factor although this is likely to improve over time. Tenants can also be provided with information to improve their knowledge about licencing
HMOs converted to self-contained units to avoid licensing (provided this accords with modern	Rise in self-contained accommodation which is in high demand	Tenants in market for HMO accommodation displaced to neighbouring boroughs	Medium	Potential impact particularly in 'shared' LHMAs although possible effect mitigated where neighbouring boroughs have

Potential effect	Potential impact within Barnet	Potential impact across borough boundary	Likelihood of cross boundary impact- high, medium, low	Rationale
building regulations)				similar schemes in operation
	Loss of HMOs in Barnet and would-be tenants priced out of market	As above	Low	As above
Occupancy level reduced in HMOs to avoid licensing	Proliferation of smaller bedsit or 'shared' HMOs	Potentially higher rents may displace tenants to neighbouring boroughs	Medium	Potential impact particularly in 'shared' LHMAs although possible effect mitigated where neighbouring boroughs have similar schemes in operation. Reduced occupancy may also lead to improvement to housing conditions e.g. less pressure on shared facilities and upon local amenity.
Landlords sell their HMOs in Barnet	Increase in the availability of family housing or other prospective landlords attracted to HMO submarket	Landlords move to adjacent boroughs with no additional licensing scheme in operation	Low	High transaction costs might be a limiting factor and the properties would be made available elsewhere in the market anyway as a homeownership or single occupier rental unit. Potential impact particularly in 'shared' LHMAs although possible effect

Potential effect	Potential impact within Barnet	Potential impact across borough boundary	Likelihood of cross boundary impact- high, medium, low	Rationale
				mitigated where neighbouring boroughs have similar schemes in operation.
	Loss of HMOs in Barnet and would-be tenants priced out of market	Tenants in market for HMO accommodation displaced to neighbouring boroughs	Low	Potential impact particularly in 'shared' LHMAs although possible effect mitigated where neighbouring boroughs have similar schemes in operation.
	Less scrupulous landlords move to areas beyond the borough boundary	Tenants attracted to HMO market relocate to neighbouring boroughs	Low	High transaction costs might be a limiting factor. Potential impact particularly in 'shared' LHMAs although possible effect mitigated where neighbouring boroughs have similar schemes in operation.
Landlords avoid licensing	Improvements not undertaken and Barnet must commit to additional enforcement resources	No or negligible impact on adjacent boroughs	Low	N/A

*Partial borough additional licensing schemes ** Whole borough additional schemes. Note Camden's scheme is due to come into effect in December 2015

Conclusions

Given that it now accounts for 27% of all homes in the borough, sustaining the quality of the private rented sector is a key objective of the Council's housing strategy. An Additional Licensing HMO Scheme will help to achieve this objective in Barnet together with other work being undertaken to improve the quality of the PRS including the introduction of an Article 4 direction to ensure that there is proper planning regulation of the HMO sector as a whole.

It is possible that there will be impacts of an additional licensing scheme, both within the borough of Barnet and across borough boundaries extending to neighbouring local housing authorities with local housing market areas in common.

The potential effects of licensing on rents are difficult to decipher among the general inflationary pressures created by supply and demand in a rising market, particularly where demand outstrips the supply of housing to any significant degree.

Evidence save that which is anecdotal, of the potential effect on the supply of HMOs is lacking but it is possible that some may choose to leave the market, or convert their HMOs into flats or back into houses as family homes. Relocation to adjacent boroughs without additional or selective licensing schemes is possible but the extent of it may be limited to the local housing market areas straddling such borough's boundaries and several of Barnet's neighbour local authorities either have, are about to have or are considering such schemes.

It is not possible to estimate the extent to which any of these effects may be felt but the significance of them must nonetheless be appreciated and taken into account.

In view of this Barnet's communications strategy for the statutory consultation must have been sufficiently wide to have complied with sections 56(4) of the Act and 'Approval steps for additional and selective licensing designations in England' in that when considering designating an area as subject to either an additional or selective licensing, the council must 'take reasonable steps to consult persons who are likely to be affected by the designation and include local residents, including tenants, landlords and where appropriate their managing agents and other members of the community who live or operate businesses or provide services within the proposed designation [as well as] local residents and those who operate businesses or provide services in the surrounding area outside of the proposed designation who will be affected.'

Local Housing Authorities should ensure that the consultation is widely publicised using various channels of communication.

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	AGENDA ITEM 8 **Housing Committee** **1 February 2016**
Title	**Annual Review of Council Dwelling Rents and Service Charges for 2016/17**
Report of	Commissioning Director- Growth and Development
Wards	All
Status	Public
Urgent	No
Key	Yes
Enclosures	None
Officer Contact Details	Cath Shaw- Commissioning Director, Growth and Development - 020 8359 4716, cath.shaw@barnet.gov.uk Paul Shipway- Strategic Housing Lead- 020 8359 4924, paul.shipway@barnet.gov.uk Chloe Horner- Commissioning Lead, Housing, 020 8359 4775, chloe.horner@barnet.gov.uk

Summary

The report seeks approval of proposals for changes to council dwelling rents and service charges for adoption and to take effect from April 2016.

Recommendations

1. **That the Committee consider and approve the proposed rent decrease in line with Government policy for existing Council tenants as set out in paragraph 1.3 to take effect from 1 April 2016.**
2. **That the Committee approves the proposal to set formula rents for council homes that become empty as set out at 1.4 and 1.5 below.**

3.	**That the Committee approves the proposed increase in service charges as set out in paragraphs 1.9 and 1.10, to take effect from 1 April 2016.**
4.	**That the Committee delegates authority to the Commissioning Director for Growth and Development, in consultation with the Chairman of the Housing Committee, to make any minor changes to the proposals for formula rents or affordable rents.**

1. WHY THIS REPORT IS NEEDED

1.1 The Council is required to set council dwelling rents and associated service charges for council tenants on an annual basis. These are set out in a formal rent notice issued to all tenants before the start of the financial year.

1.2 The Local Government & Housing Act 1989 requires the Housing Revenue Account (HRA) to be maintained as a ring-fenced account and prescribe the debits and credits for it. The principal items of expenditure within the HRA are management and maintenance costs, together with charges for capital expenditure (depreciation and interest). This is substantially met by rent and service charge income from dwellings, garages and commercial premises.

Council dwelling rents

1.3 Council rents will fall by 1% a year for the next four years from April 2016, following which they are expected to increase by Consumer Prices Index[1] (CPI) + 1%. This is required by the Welfare Reform and Work Bill that is currently progressing through Parliament.

1.4 When a dwelling is re-let to a new tenant then the rent will be reset at the formula rent level, minus 1% for four years from April 2016 as required by the Government policy for social rents.

1.5 Where a dwelling rent is already above formula rent levels at the point it becomes empty, there will be no adjustment to the base rent when the property is re-let.

1.6 Once a property has been let, the rent will reduce by 1% a year at the start of the following financial year for the current tenant up to and including 2019/20.

The table below shows examples of how average and formula rents will change in 2016/17 when the 1% reduction is applied (based on a two bedroom property).

Scenario	2015/16	2016/17 with 1% reduction applied
Current average rent (for existing tenants)	£102.87	£101.84

[1] CPI and RPI are both economic measures of inflation but they come up with different values because they use different items. For example, RPI includes council tax and mortgage interest payments and CPI does not. CPI generally comes up with lower figures than RPI and has become the main inflation measure used by the government.

Average formula rent (for new tenant on re-let)	£113.65	£112.51

1.7 New homes being delivered on the Council's land will be subject to affordable rents set at 65% of average private sector market rents or the Local Housing Allowance (LHA) whichever is lower. In line with Government policy, the affordable rent that applies at the end of each financial year will be reduced by 1% at the start of the next financial year for the current tenant up to and including 2019/20.

Service Charges and Garages

1.8 Service charges and garage rents have been reviewed to ensure that costs are being recovered. The table[2] below outlines the changes that are recommended to take effect from 1 April 2016.

1.9 Grounds maintenance fees will increase by 46.3 %, an increase of £0.86 per week. This is due to the fact that there has been historic undercharging, as the service charges raised have not covered the actual costs of running the service. There has also been inaccurate apportioning of the service between the General Fund and Housing Revenue Account. This increase is intended to address these discrepancies.

1.10 All other housing related service charges and the rents for garages will be increased by 2%.

	2015/16	2016/17	Increase	% Increase
Grounds Maintenance	£1.85	£2.71	£0.86	46.3%
Lighting	£1.14	£1.16	£0.02	2%
Heating - Grahame Park	1 Bed- £11.96 2 Bed - £16.59 3 Bed - £17.91	1 Bed- £12.20 2 Bed - £16.92 3 Bed - £18.27	1 Bed- £0.24 2 Bed - £0.33 3 Bed - £0.36	2%
Heating – excluding Grahame Park	2%			
Digital Television	£0.82	£0.84	£0.02	2%
Weekly Caretaking	£6.48	£6.61	£0.13	2%
Caretaking Plus	£8.36	£8.53	£0.17	2%
Quarterly Caretaking	£1.31	£1.34	£0.03	2%
Enhanced Housing Management and Alarm Service (sheltered housing)	2%			
Garages	2%			

[2] All charges in this table are shown on 48 week basis and rounded to the nearest penny

2. REASONS FOR RECOMMENDATIONS

2.1 The proposed rent changes are line with Government policy and the Council's Housing Strategy 2015 to 2025. The service charges have been reviewed to ensure that the revenue raised covers the cost of providing the services.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

3.1 The proposed rent changes are in line with Government policy. The Council could decide not to increase the grounds maintenance service charges but this would mean that the actual costs of the delivering the service would continue to not be recovered and there would have to be a more significant increase in the future.

4 POST DECISION IMPLEMENTATION

4.1 Following approval the Council will instruct Barnet Homes to issue a statutory notice of variation to council tenants.

5 IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

5.1.1 The Corporate Plan 2015 to 2020 strategic objective to ensure that Barnet is the place of opportunity, where people are helped to help themselves, where responsibility is shared and where high quality services are delivered effectively and at a low cost to the taxpayer. Reviews of rent levels and service charges help ensure that there are the resources in place to deliver housing services for council tenants.

5.1.2 The Housing Strategy 2015 to 2020 sets out how the Council and partners will deliver the additional housing that is required in the borough due to the growing population. The strategy details how more affordable housing will be provided to increase the supply of homes to meet housing need, including the use of affordable rents to provide more homes for rent on Council land. Income from rents will also be used to maintain the condition of the existing housing stock.

5.1.3 The Health and Wellbeing Strategy recognises that the condition of and access to local housing has an important role in the quality of life and health of both individuals and communities. Barnet's Joint Strategic Needs Assessment 2015 to *2020* highlights the fact that there is a long term shift in housing tenure towards renting and away from owner occupancy (either outright or with a mortgage) reflecting a sustained reduction in housing affordability and an imbalance between housing demand and supply.

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

5.2.1 Barnet Homes, the Council's Arm's Length Management Organisation will

administer the rents and service charges for council tenants.

5.2.2 Income raised from the service charges will be used to recover the costs of providing the services within the Housing Revenue Account (HRA).

5.2.3 Existing council rents are on average 30% of private sector rents, so charging affordable rents at 65% of private sector rents for new council homes delivered on its own land will raise additional income for the Housing Revenue Account that will contribute to the HRA Business Plan.

5.3 Social Value

5.3.1 There are no specific Social Vale aspects to this report.

5.4 Legal and Constitutional References

5.4.1 The Localism Act 2011 introduced self-funding for council housing. The national subsidy system has been abolished and a new funding regime introduced giving local authorities more autonomy to set Council rents.

5.4.2 Under the Housing Act 1985 – Section 102, the Council is obliged to serve a statutory notice of variation on council tenants if it wishes to increase the rent. This will be done subject to the decision of this committee.

5.4.3 The Housing Act 1985 does not require that there be consultation in respect of rent payable under secure tenancies or for charges for services or facilities.

5.4.4 The Council's Constitution (Responsibly for Functions, Annex A) sets out the responsibilities of the Housing Committee including:

- Work with Barnet Homes, RSLs and social housing providers to ensure the optimum provision of housing and associated facilities for those who require social housing." The Housing Committee also has the specific responsibility to
- Approve fees and charges for those areas under the remit of the Committee for consideration by Policy and Resources Committee

5.5 Risk Management

5.5.1 There is a risk that increasing the service charges will make it more difficult for tenants to pay and impact adversely on the Housing Revenue Account (HRA) Business Plan by making service charge collection more difficult. This is considered to be a low risk as the increase is low and for most tenants housing benefit will continue to cover the costs, including the costs relating to grounds maintenance.

5.5.2 The Welfare Reform and Work Bill has not yet been enacted, and further changes may be made to the Bill relating to rents before it becomes law. The Commissioning Director for Growth and Development in consultation with the Chairman of the Housing Committee will have the delegated authority to make any minor amendments to how formula rents or affordable rents operate as a consequence of the Welfare Reform and Work Act.

5.6 Equalities and Diversity

5.6.1 The 2010 Equality Act outlines the provisions of the Public Sector Equalities Duty which requires Public Bodies **to have due regard** to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010
- advance equality of opportunity between people from different groups
- foster good relations between people from different groups.

5.6.2 The relevant protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. The duty also applies to marriage and civil partnership, but only in relation to (a) above.

5.6.3 Consideration has therefore been given to the report's relevance to equality issues in accordance with the public sector equality duty. This report is primarily to set rents and associated charges which will be applied to all Council dwellings and will therefore affect all Council tenants. As the increases are not of a personal nature, it is not considered that they target or disproportionately affect any group of people based any of the protected characteristics.

5.6.4 However, it is recognised that increases in rents and service charges may present particular difficulties for people on low incomes, but that rents and the majority of tenant service charges are eligible for housing benefit.

5.7 Consultation and Engagement

5.7.3 Extensive consultation was undertaken in relation to the Housing Strategy, including a 12 week public consultation between 6 January 2015 and 31 March 2015. The consultation included an online survey as well as presentations to the Housing Forum and Barnet Homes Performance Advisory Group.

5.8 Insight

5.8.1 No specific insight data has been used in this report.

6 BACKGROUND PAPERS

6.1 Relevant previous decisions are listed in the table below.

Item	Decision	Link
Cabinet, 25 February 2014- Business Planning 2014/15- 2015/16	Approved proposed increases in council dwelling rents and service charges, and the proposed increase in council garage	http://barnet.moderngov.co.uk/documents/s13295/Budget%20report%20Feb%20Cab%20v5.pdf

	rents, all effective from 1 April 2014	
Cabinet Resources Committee, 25 February 2013	Approved proposed increases in council dwelling rents and service charges, and the proposed increase in council garage rents, all effective from 1 April 2013	http://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=151&MId=6758&Ver=4
Cabinet, 25 February 2013 – Business Planning 2013/14 – 2015/16	Approved the Business Planning document for the Council's business plan 2014/15 including the Housing Revenue Account (HRA) Business Plan.	http://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=120&MId=6751&Ver=4
Cabinet Resources Committee, 24 June 2013	Approved a programme for Barnet Homes to build 41 new affordable dwellings on behalf of the Council.	http://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=151&MId=7457&Ver=4
Housing Committee, 19 October 2015	Approved Housing Strategy	http://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=699&MId=8268&Ver=4
Delegated Powers Report, 18 December 2015	Approved rent setting policy for new council homes built on HRA land	http://barnet.moderngov.co.uk/ieDecisionDetails.aspx?ID=6081

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	AGENDA ITEM 9 **Housing Committee** **1 February 2016**
Title	**One Offer Only Policy in Housing Allocations Scheme**
Report of	Commissioning Director, Growth and Development
Wards	All
Status	All
Urgent	No
Key	Yes
Enclosures	Appendix 1- Review of One Offer Only Policy
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Summary

In Barnet Council's Housing Allocations Scheme applicants are expected to accept the first offer of a property that meets their assessed needs. Applicants who refuse a property offer are removed from the scheme for a period of two years. This approach has been reviewed and it is recommended that the policy remains in place for three key reasons. Firstly, the housing market continues to be challenging, there is a very limited supply of accommodation that is affordable for applicants. Given this it is reasonable to expect applicants to accept a single offer of accommodation that has been selected for them, according to their specific needs. Secondly, there is always the opportunity for an applicant to request a review of the offer of accommodation. Finally, there is discretion in the scheme to allow officers to offer more than one property when this is appropriate, for example there is a need for specific adaptations.

Recommendations

1. **That the Committee approve the continuation of the one offer only policy and that it is reviewed again in two years.**

1. WHY THIS REPORT IS NEEDED

1.1 Members of the Housing Committee requested that officers undertake a review of the offers policy associated with the Council's Housing Allocations Scheme, in particular comparing the impact of a single offer policy, against a two offer policy at their meeting on 29 June 2015.

1.2 The Housing Allocations Scheme sets out how the Council allocates council housing, housing association rented and private rented sector homes in the borough. Housing market conditions mean that there are more people who request help with their rehousing than there are suitable and affordable properties available for Barnet Homes to let. It is important, therefore, that applicants are matched with accommodation that meets their assessed needs as quickly as possible.

1.3 For this reason since February 2015 housing applicants have been entitled to only one offer of suitable accommodation and are removed from the Housing Allocations Scheme for 2 years if they refuse this. Applicants can also request a review of the offer of accommodation made to them and discretion can also be used in specific circumstances by officers to make more than one offer, for example, where there is a requirement for specific adaptations.

1.4 The review of the one offer only policy is contained in **Appendix 1.** The data is summarised in the table below**.**

Table: Numbers of properties refused when there were two available offers compared to a single suitable offer

Approach	Two offers then cancellation for 12 months	One offer then cancellation for 12 months	One offer then cancellation for 2 years
Timeframe of analysis	April 2012 to September 2013	September 2013 to February 2015	February 2015 to December 2015
Refusal of first offer	181	29	62
Refusal of second offer	22	N/A	N/A

1.5 The number of applicants refusing their first suitable offer has been declining. 181 applicants refused their first offer when there was a two offers policy. This reduced to 29 applicants refusing an offer when it was the only offer available and they would be removed from the banding system for 12 months. However, this increased to 63 refusals in the most recent period (from February 2015) where applicants refusing a suitable offer are removed from the banding system for two years. This was during a period where there were

more non-secure tenants being rehoused and is still fewer refusals than when applicants could refuse their first offer under the two offers policy.

1.6 This has enabled Barnet Homes to house applicants in suitable accommodation meeting their assessed needs more quickly. General void turnaround times have declined from 33.90 to 20.60 days. This is a good performance compared to other ALMOs. Benchmarking suggests that Barnet Homes is at or near the top quartile for all types of voids. It is recommended that the Council continues to take the one offer only approach.

2. REASONS FOR RECOMMENDATIONS

2.1 As is explained in more detail in Appendix 1, the main reason for recommending that the one offer only policy is maintained is because of the continuing challenge for Barnet Homes to secure a supply of suitable and affordable accommodation for housing applicants.

2.2 Applicants have the right to request a review of any decision that is made under the policy. In 88% of cases the decisions in terms of the suitability of the properties offered under the policy have been upheld. This is because Barnet Homes is making appropriate decisions, taking full account of an applicant's housing needs, including the proximity to employment, education, health, welfare and other support networks.

2.3 There is also discretion in the system to allow more offers of accommodation when this is appropriate, for example, the household has a specific need for specialised housing with adaptations.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

3.1 Allowing for more than one offer of accommodation has been considered but this is not recommended as there is a scarcity of accommodation available for housing applicants. It would also encourage applicants to refuse suitable offers in the hope that they may be offered something else in the future, resulting in longer stays in unsuitable or temporary accommodation and increased voids times.

4. POST DECISION IMPLEMENTATION

4.1 The policy will be reviewed again in two years or as part of a wider review of the whole Housing Allocations Scheme.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

5.1.1 The one offer only policy contributes to the Corporate Plan 2015 to 2020 strategic objective to ensure that Barnet is the place of opportunity, where people are helped to help themselves, where responsibility is shared and where high quality services are delivered effectively and at a low cost to the taxpayer. The one offer only policy ensures that applicants are rehoused in suitable and affordable housing that meets their assessed needs in the most

effective way where there is a limited supply of housing.

5.1.2 The Health and Wellbeing Strategy recognises that the condition of and access to local housing has an important role in the quality of life and health of both individuals and communities. Barnet's Joint Strategic Needs Assessment 2015 to 2020 highlights the fact that there is a long term shift in housing tenure towards renting and away from owner occupancy (either outright or with a mortgage) reflecting a sustained reduction in housing affordability and an imbalance between housing demand and supply.

5.1.3 The Council has developed a new Housing Strategy (2015 – 2020) which sets out how the council and partners will deliver the additional housing that is required in the borough due to the growing population. The strategy details how more affordable housing will be provided to increase the supply of homes to meet housing need.

5.2 **Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)**

5.2.1 There is a limited supply of social housing in Barnet. Applications for housing have increased along with acceptances and admissions to Temporary Accommodation. In 2014/15 there were 671 homeless acceptances and only 409 social housing units available to let during the year, not all of which would go to new applicants. The Council is therefore reliant on procuring homes in the private rented sector to meet its housing obligations.

5.2.2 There has been an increase in the number of people presenting as homeless with the borough and this has caused a financial budget pressure to the Council. However, there are a number of mitigating actions to manage demand, which have helped to control this. Any budgetary pressures will need to be managed within the Council's existing financial resources. The financial costs related to providing accommodation are expected to remain challenging to control in the immediate future due to the nature of the existing housing market.

5.2.3 It has become increasingly difficult to procure accommodation in the private sector at Local Housing Allowance rates. This has resulted in a significant increase in the use of temporary accommodation, often at a cost that cannot be fully met through the housing benefit system, resulting in a budget pressure on the Council's General Fund budget.

5.3 **Social Value**

5.3.1 There are no specific Social Value aspects to this report.

5.4 **Legal and Constitutional References**

5.4.1 The Council has a duty under section 166A (14) Housing Act 1996 to allocate to social housing in accordance with a published housing allocations scheme. Section 166A (3) specifies a list of applicants entitled to a degree of

preference within the scheme. These are the reasonable preference categories. The allocations scheme also has to set out the policy on choice for housing applicants. The Localism Act 2011 gives local authorities greater flexibility in terms of restricting access to the allocations scheme.

5.4.2 The Council's duties in respect of homeless applicants are contained in Part VII of the Housing Act 1996. The Localism Act 2011 has also allowed greater flexibility in discharging this duty by placing applicants into the private rented sector where particular requirements on property condition and location are met.

5.4.3 Constitution, Part 3, Responsibility for Functions, Appendix A sets out the terms of reference of the Housing Committee including:

- Housing Strategy (Incorporating Homelessness Strategy),
- Work with Barnet Homes to ensure the optimum provision of housing and associated facilities for those who require social housing.

5.5 **Risk Management**

5.5.1 The Council could face legal challenges to decisions it makes under the Housing Allocations Scheme. It is therefore important to amend the Scheme from time to time in response to judgements made in the courts on the operation of housing allocations, including the one offer only policy.

5.6 **Equalities and Diversity**

5.6.1 A full equalities impact assessment on the Housing Allocations Scheme, including the one offer only policy, was completed and reported to the Housing Committee in October 2014 and February 2015. When there are further changes proposed to the Allocations Scheme the equalities impacts will be reviewed.

5.7 **Consultation and Engagement**

5.7.1 Residents were engaged with throughout the development of the Housing Allocations Scheme, including the one offer only policy. This was reported to the Housing Committee in October 2014 and February 2015. This review has not included any further specific engagement as a change in policy has not been proposed.

5.8 **Insight**

5.8.1 The review has analysed data from the Barnet Homes housing management system.

6. BACKGROUND PAPERS

6.1 Relevant previous decisions are included in the table below.

Item	Decision	Link

Cabinet 10 January 2011	Decision item 6- approved the existing scheme following an extensive period of consultation.	http://barnet.moderngov.co.uk/CeListDocuments.aspx?CommitteeId=120&MeetingId=317&DF=10%2f01%2f2011&Ver=2
Cabinet 4 April 2012	Decision item 5- approved revisions to the existing scheme following a 6 month review	http://barnet.moderngov.co.uk/CeListDocuments.aspx?CommitteeId=120&MeetingId=6792&DF=04%2f04%2f2012&Ver=2
Delegated Powers Report 27 November 2012	Approved further minor changes in relation to the Homelessness (Suitability of Accommodation)(England) Order 2012	http://barnet.moderngov.co.uk/documents/s6674/1873%20-%20Revisions%20to%20Housing%20Allocations%20Scheme.pdf
Cabinet 24 September 2013	Decision item 7- approved amendments to the existing scheme and the introduction of a placements policy	http://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=120&MId=7464&Ver=4
Housing Committee 30 June 2014	Decision item 6- approved draft changes to the existing scheme and approved public consultation in the proposals	http://barnet.moderngov.co.uk/documents/s15739/Proposed%20Changes%20to%20Housing%20Allocations%20Scheme%20-%20Cover%20Report.pdf
Housing Committee 27 October 2014	Decision item 8- approved the proposed revisions to Scheme following on from a period of public consultation	http://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=699&MId=7936&Ver=4
Housing Committee 2 February 2015	Decision item 13- approved further changes to Scheme	http://barnet.moderngov.co.uk/documents/s20774/Housing%20Allocations%20Scheme.pdf

APPENDIX 1
REVIEW OF ONE OFFER ONLY POLICY

1. Summary

Housing Committee has requested that officers undertake a review of the offers policy associated with the Council's Housing Allocations Scheme, in particular comparing the impact of a single offer policy, against a two offer policy.

The one offer only policy was introduced in September 2013 because a significant number of households were refusing their first offer of accommodation; in 2012/13 181 households refused their first offer, creating delays in letting homes at a time of high demand.

Prior to this the Allocations Scheme allowed some applicants to refuse the first suitable offer of a property regardless of whether they appealed successfully against it and then have a further choice from the available properties. Applicants who also refused a second suitable offer were removed from the banding system (cancelled) for 12 months, unless changes to their circumstances merited a full review of their housing needs.

The two offer policy ended in September 2013. Applicants were now offered only one property and were expected to accept this offer or be removed from the banding system (cancelled) for 12 months. Since February 2015 applicants are removed from the banding system (cancelled) for 2 years if they refuse a suitable property.

The reason for this change was that there is still a very limited supply of housing available to allocate to, meaning that realistically households can only expect to be offered one suitable property that is affordable and meets their fully assessed needs.

The change was also intended to discourage applicants from refusing offers of accommodation that are suitable, affordable and meet their assessed needs because they think they might be offered something else in the future that they might prefer. They also may be staying in unsuitable or temporary accommodation while they are waiting to accept an offer.

2. Analysis

Table 1 below compares the number of refusals when there was a two offer policy in operation and when there was a single offer policy in operation.

Table 1: Refusals of suitable offers

Approach	Two offers then cancellation for 12 months	One offer then cancellation for 12 months	One offer then cancellation for 2 years
Timeframe of analysis	April 2012 to September 2013	September 2013 to February 2015	February 2015 to December 2015
Refusal of first offer	181	29	62
Refusal of second offer	22	N/A	N/A

APPENDIX 1
REVIEW OF ONE OFFER ONLY POLICY

An analysis of the data has found that the number of applicants refusing the first suitable offer reduced substantially when the one offer only policy was introduced. However, the number of refusals has increased in the past year; suggesting that the extension of the period of time an applicant is removed from the banding scheme has not deterred applicants from refusing suitable offers of accommodation.

Although the total number of refusals has doubled in this period, from 29 to 63, there have been more temporary accommodation offers in the past six months, particularly through the rehousing of households on the regeneration estates. However, the number of cancellations as a result of not accepting secure council and housing association offers has also increased over this period.

All applicants are entitled to a review of the offer of accommodation if they feel that the offer is unsuitable. If the review agrees that the offer is not suitable then the applicant will be offered a further property that fully meets their assessed needs. Applicants can also move into the allocated property while they have their case reviewed.

Recent case law has placed an increased responsibility on Barnet Homes to ensure that they are tailoring each offer of accommodation to the individual circumstances of each case. This ensures that offers are of a high quality and that they meet the fully assessed needs of the housing applicant. This includes the impact that moving a household out of the borough has on the welfare of any children. As part of this Barnet Homes also considers the disruption of any move on a child's social and educational development as well as to promote, and safeguard, their welfare.

Where applicants have requested a review of an offer, the majority of offers have been found to be suitable, again suggesting that Barnet Homes is making offers of a high quality that meet the needs of applicants. There is also discretion in the scheme meaning that when it is appropriate applicants can receive more than one offer, for example, when there is a need for more specialised and adapted housing.

Given that there is still a lack of affordable housing supply available for Barnet Homes to let to, it is recommended that the one offer only policy remains in place and is reviewed again in two years.

3. Background to the one offer only policy

Barnet is an area of high demand for housing. As can be seen from Table 2, below, the number of households presenting as homeless and the number of households being accepted as homeless has increased significantly over the past five years. The number of new temporary accommodation admissions has also risen.

The key reasons for the increased demand on services include:

- Increased housing costs combined with restrictions on housing benefit has resulted in more households moving out of Central London to Outer London boroughs, including Barnet. This is evidenced by a significant increase in the number of households claiming housing benefit in Barnet and a fall in housing benefit claims in Central London.

- The number of households seeking help with their housing has been increasing throughout London because of the high cost of owning or renting a home.
- Private sector rents have increased faster in Barnet than in other parts of London and they are the 4th highest out of 16 Outer London boroughs, meaning that more low-income households may approach the Council for assistance with their housing.
- Some households have found it difficult to manage welfare reforms, particularly the overall benefit cap, and have had to move into more affordable accommodation.

Table 2: increased total demand on housing services

	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15
Homeless presentations	643	867	1,113	1,131	1,097	1,592
Homeless acceptances	231	252	339	591	671	673
New temporary accommodation admissions	364	509	692	846	823	892

As demand has increased, there has been a reduction in the supply of affordable homes available to people facing homelessness, particularly in the private rented sector where the level of support provided through housing benefit has not kept pace with increases in private rents. In addition to this new applicants are competing with long-standing tenants in long-term temporary accommodation for a limited supply of properties.

Barnet has started to build new council homes to increase the overall supply of affordable homes that are available to housing applicants. Consideration is also been given to procuring accommodation in more affordable locations outside of London.

Given that there is a scarcity of subsidised accommodation in the borough, including council and housing association homes, the Council's Housing Allocations Scheme operates a policy of restricted offers of accommodation. Rather than having two opportunities to bid for, view and then refuse suitable properties, applicants are expected to accept the first suitable property that becomes available that meets their assessed needs.

This is to ensure that households in need are rehoused in suitable accommodation in the most efficient way and is based upon a full assessment of housing need, as well as a financial assessment to ensure that a property is affordable. It also takes into account an applicant's needs including size and location of accommodation as well as access to any required employment, education, health and welfare support.

4. Void times

One of the key reasons for moving from a policy of two offers to a single offer was to prevent delays in letting properties. Given the high demand for housing in the borough it is important to ensure that applicants are rehoused in suitable accommodation as soon as is practical.

Table 3 below shows that routine void performance has improved over time. In 2011/12 the average void time was 33.90 days. This was when the Council operated the two offers policy meaning that applicants could refuse the first suitable property that met their assessed needs because they might be offered a further property that they prefer. Since 2013/14, when applicants have been expected to accept the first suitable offer of a property that meets their assessed needs, average void times have been around 10 days shorter. Properties are being let and households are having their housing needs met more quickly.

Table 3: Average routine void times 2011/12 to 2015/16

Year	Void time
2015/16 to December 2015	20.60
2014/15	23.00[1]
2013/14	24.70
2012/13	23.80
2011/12	33.90

It is difficult to measure individual cases and compare waiting times for a second property during the operation of the two offers policy due to the banding system. This is because cases change within the Allocations Scheme on a weekly basis and many variables influence how quickly an offer is made and accepted. However, in general the void turnaround performance has improved since the one offer only policy was introduced and wider changes implemented along with the Allocations Scheme has certainly led to reduced waiting times for higher banded cases.

5. Reviews of suitability of accommodation offers

There have been no Judicial Reviews on the suitability of accommodation offers, either when applicants could receive two offers or a single offer of accommodation.

Housing applicants have the right to request a review of an offer of accommodation and this is explained to them when an offer is made. Since the one offer policy was introduced there have been 43 reviews completed to assess the suitability of accommodation. Only five of these reviews have been successful for the applicant in that it has been determined that the offer of accommodation was not appropriate because it did not meet their assessed needs. This suggests that in the majority of cases, Barnet Homes has been making appropriate decisions on the suitability of offers of accommodation.

[1] In the 2014/15 benchmarking Barnet Homes standard void times were just behind the upper quartile and were in the upper quartile for major and all voids (standard and major). This was an improved performance to previous years.

APPENDIX 1
REVIEW OF ONE OFFER ONLY POLICY

It should be noted that a lot of work is put into assessing the suitability of any property, particularly in light of recent case law. All assessments of suitability are based on the individual circumstances of each applicant, having full consideration of issues such as schooling, work commitments and support networks as well as an assessment of the affordability of the rent.

Recent analysis of the rehousing of non-secure tenants in the last two quarters has suggested that 80% have been rehoused in the borough, including 44% that have been rehoused in secure tenancies within the borough. This also suggests that the one offer policy is being applied reasonably and fairly.

6. What happens to applicants who refuse

Barnet Homes does not track what happens to all applicants who refuse a suitable property and then have their application cancelled. It can be assumed that many of them find alternative arrangements elsewhere without the help of Barnet Homes. Applicants can also reapply if there are material changes in their circumstances that warrant a full reassessment. Only 15 applicants have gone onto reapply for housing having had a previous application cancelled because they refused a suitable offer. These applicants will still be expected to accept the first property that becomes available and fully meets their assessed needs.

7. Conclusions

Given that there continues to be a shortage of supply of affordable accommodation, it is recommended that the one offer only policy remains in place and that it is reviewed again when it has been operational for two years. At this time there will be more data on the number of cancellations in order to make a more substantial judgement on whether it is reasonable to expect applicants to accept the first suitable property that becomes available and meets their needs.

It is also considered to be a reasonable approach because there is the opportunity for every applicant to request a review of the suitability of their offer of accommodation. In the majority of reviews that have been made to date the decisions have been upheld in favour of Barnet Homes, suggesting that the systems are in place to ensure that officers are making high quality offers of accommodation, that fully meet assessed needs of housing applicants.

Finally, there is discretion in the system allowing more offers to be made when this is appropriate, for example, a household requires specialist adapted accommodation.

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	AGENDA ITEM 10 **Housing Committee** **1 February 2016**
Title	**Housing Committee Work Programme**
Report of	Commissioning Director- Growth and Development
Wards	All
Status	Public
Enclosures	Appendix A - Committee Work Programme February 2016 to May 2016
Officer Contact Details	Jan.natynczyk@barnet.gov.uk, 0208 359 5129

Summary

The Committee is requested to consider and comment on the items included in the 2015/16 work programme

Recommendation

That the Committee consider and comment on the items included in the 2015/16 work programme

1. WHY THIS REPORT IS NEEDED

1.1 The Housing Committee Work Programme 2015/16 indicates forthcoming items of business.

1.2 The work programme of this Committee is intended to be a responsive tool, which will be updated on a rolling basis following each meeting, for the inclusion of areas which may arise through the course of the year.

1.3 The Committee is empowered to agree its priorities and determine its own schedule of work within the programme.

2. REASONS FOR RECOMMENDATIONS

2.1 There are no specific recommendations in the report. The Committee is empowered to agree its priorities and determine its own schedule of work within the programme.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

3.1 N/A

4. POST DECISION IMPLEMENTATION

4.1 Any alterations made by the Committee to its Work Programme will be published on the Council's website.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

5.1.1 The Committee Work Programme is in accordance with the Council's strategic objectives and priorities as stated in the Corporate Plan.

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

5.2.1 None in the context of this report.

5.3 Legal and Constitutional References

5.3.1 The Terms of Reference of the Housing Committee are set out in the Constitution, Responsibility for Functions, Annex A.

5.4 **Risk Management**

5.4.1 None in the context of this report.

5.5 **Equalities and Diversity**

5.5.1 None in the context of this report.

5.6 **Consultation and Engagement**

5.6.1 None in the context of this report.

6. BACKGROUND PAPERS

6.1 None

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Appendix A
London Borough of Barnet
Housing Work Programme
February 2016 – May 2016

Contact: Jan Natynczyk 020 8359 5129 Email: jan.natynczyk@barnet.gov.uk

Title of Report	Overview of decision	Report Of *(officer)*	Issue Type (Non key/Key/Urgent)
1 February 2016			
Annual Review of Council Dwelling Rents and Service Charges for 2016/17	To approve recommendations relating to the Annual Review of Council Dwelling Rents and Service Charges for 2016/17.	Commissioning Director, Growth and Development	key
Review of the " One Offer Only" policy in housing allocations scheme	To review the Policy	Commissioning Director, Growth and Development	key
Additional Licensing Scheme for HMO	To report the results of public consultation	Commissioning Director, Growth and Development	key
11 May 2016			
Empty Properties Compulsory Purchase Orders	To compulsorily acquire underused or ineffectively used property for residential purposes where there is a compelling case in the public interest for its acquisition to meet general housing need in the area	Commissioning Director, Growth and Development	key
Review of the Landlords Incentive Scheme	To review the scheme	Commissioning Director, Growth and Development	key

Subject	Decision requested	Report Of	

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