

Appendix 4 - Criteria to Consider Before Introducing an Additional Licensing Scheme

In order to consider establishing an Additional Licensing Scheme the Housing Act 2004 requires that certain criteria must be met. These are detailed below:

1.10.1 The Authority must consider that a significant proportion of the HMOs of the description to be included in the area are being managed sufficiently ineffectively as to give rise, or likely to give rise, to one or more particular problems either for those occupying the HMO or for members of the public (Section 56(2))

1.10.2 Evidence of this is set out in Appendix 2

1.10.3 The Authority must have regard to any information regarding the extent to which any codes of practice approved under section 233 of the Housing Act 2004 have been complied with by persons managing HMOs in the area (Section 56(5))

1.10.4 The Council has had regard to the following Codes of Practice under Section 233 in relation to the management of student housing and for the purposes of schedule 14 which lists buildings which are not HMOs for the purpose of the Housing Act 2004:

- The Accreditation Network UK/Unipol Code of Standards for Larger Developments for Student Accommodation Not Managed and Controlled by Educational Establishments, dated 20th February 2006
- The ANUK/Unipol Code of Standards for Larger Developments for Student Accommodation Managed and Controlled by Educational Establishments, dated 28th August 2008;
- The Universities UK/Guild HE Code of Practice for the Management of Student Housing, dated 17th August 2010.

1.10.5 The Authority must consider whether there are other courses of action available to them that might prove an effective method of dealing with the problem (Section 57(4)(a))

1.10.6 Consideration of this is contained in section 3 of the main report.

1.10.7 The Authority must consider that making the designation will significantly assist them in dealing with the problems (Section 57(4)(b))

1.10.8 Consideration of this is contained in section 1.7 and 1.8 of the main report.

1.10.9 The Authority must consult persons who are likely to be affected by the designation and consider any representations (Section 56(3))

1.10.10 Authorisation for a consultation exercise is now being sought in the recommendations in this report.

1.10.11 The Authority must ensure that the exercise of power is consistent with the Authority's overall Housing Strategy (Section 57(2))

1.10.12 The Housing Strategy is in the process of being redrafted and the proposal is consistent with this.

1.10.13 The Authority must seek to adopt a co-ordinated approach in connection with dealing with homelessness, empty properties, and antisocial behaviour and as regards combining licensing with other courses of action available and as regards combining licensing with measures taken by other persons (Section 57(3))

1.10.14 The Private Sector Housing Team promotes a multi-agency approach to private sector housing for example:

- there is a joint working protocol in place with the London Fire and Emergency Planning Authority (LFEPA) in relation to fire safety matters
- The team manager chairs the Empty Property Steering group involving partners from across the Council in agreeing the most effective methods for bringing empty properties back into residential use
- The Winter Well Scheme run jointly with Barnet and Harrow Public Health Team is a commissioning project involving partners across the Council, voluntary sector and private sector in reducing ill health in winter across the private sector.
- Investigations to date into HMOs in the borough have involved, amongst others Planning, Building Control, Housing Benefits, the Police, the LFEPA, Barnet and Harrow Public Health Team, and Council Tax
- Regulatory Services participate in a Joint Tasking and Coordination Group (JTAG) with the Council's Community Safety Service, the Police and other partners as applicable.

1.9.13 Regulatory Services are currently working with the Planning service in relation to the possible introduction of an Article 4 Direction under the Town and Country (General Permitted Development) Order 1995. This joint approach

will enable the control of the quality and number of HMOs permitted in the borough.

1.10.15 Monitoring

1.10.16 As part of the considerations of the viability and development of an Additional Licensing Scheme aims, objectives and targets will be agreed to measure the success of the scheme. A strategy will also be in place in the event that the targets are not met.