

<b>Cabinet</b>  31 October 2018	
<b>Report of:</b> Ann Sutcliffe, Acting Corporate Director, Place	<b>Classification:</b> Unrestricted
<b>Proposed Additional Licensing Scheme for Houses in Multiple Occupation</b>	

<b>Lead Member</b>	<b>Councillor Sirajul Islam – Statutory Deputy Mayor and Cabinet Member for Housing</b>
<b>Originating Officer(s)</b>	David Tolley – Head of Environmental Health and Trading Standards
<b>Wards affected</b>	All wards apart from Weavers, Whitechapel, Spitalfields and Banglatown pre 2014 boundaries
<b>Key Decision?</b>	Yes
<b>Forward Plan Notice Published</b>	28 September 2018
<b>Reason for Key Decision</b>	Impact on Wards – statutory requirement
<b>Community Plan Theme</b>	<b>A safe and cohesive community</b>

## Executive Summary

The purpose of this report is to outline the proposal for an Additional Licensing Scheme for smaller properties in multiple-occupation within the London Borough of Tower Hamlets following a public consultation.

The Additional Licensing Scheme will not apply to the pre 2014 wards of Weavers, Whitechapel, Spitalfields and Banglatown as a Selective Licensing Scheme is already in operation, however the multi-occupied rental standards will apply.

The introduction of further licensing aims to improve management and housing conditions across the private rented sector. Benefits would include but not limited to:

- Responsible landlords would gain from improved clarity of their role in raising property and tenancy management standards while action is taken to tackle those who flout their legal responsibilities.
- Tenants would be clear on what they can expect from both the homes that they rent and the landlord that they rent it from.
- Both tenants and landlords will be clear on the minimum standards expected within multi-occupied premises if the rental standards are adopted.
- It is expected that communities would benefit from a consistent approach towards proactively assessing and improving housing conditions across the private rented sector.
- A simpler enforcement regime covering all HMOs

If the Additional Licensing Scheme and multi – occupied rental property standards are to be approved, it is proposed that the designation will come into force, following statutory notification requirements on the 1<sup>st</sup> April 2019 for a period of five years.

The report sets out the fee structure and conditions for approval to apply across all multiple-occupied licensed premises

## **RECOMMENDATIONS**

The Mayor in Cabinet is recommended to:

1. Note the results of the consultation undertaken in relation to the proposed Additional Licensing Scheme as summarised in the report.
2. Designate all wards in the Borough as subject to Additional Licensing under section 56(1) of the Housing Act 2004 in relation to smaller multiple-occupied premises occupied by three or more persons in two or more households where some or all the facilities are shared. Such designation to take effect from 1<sup>st</sup> April 2019 and to last for five years, however, excluding areas that are currently subject to a Selective Licensing Scheme.
3. Agree the fee structure for the Additional Licensing Scheme as set out in Appendix Two whereas the application fee will be apportioned for administrative and enforcement costs. For all Housing Licensing fees an additional cost for administration is being introduced when the applicant takes this option.
4. Agree the Additional Licensing Scheme licence conditions, fit and proper person protocol and amenity standards as detailed in Appendix Five. The amenity standards will also apply to the existing Mandatory licensed Houses in Multi-occupied and Selective Licensing Scheme from the 1<sup>st</sup> January 2019 and to the Additional Licensing Scheme from 1<sup>st</sup> April 2019.
5. Delegate to the Corporate Director of Place, authority to issue the required statutory notifications in relation to the commencement of the Additional Licensing Scheme designation.
6. To agree that no further exemptions to the scheme should be considered in addition to the statutory exemptions.

### **1. REASONS FOR THE DECISIONS**

- 1.1 There are two types of adoptive licensing schemes for the Private Rented Sector (PRS) which the Council can adopt. These comprise an additional licensing scheme limited to properties in multiple occupation only or a selective licensing scheme for any property in the private rented sector. The

Housing Act 2004 gives the Council the power to introduce Housing Licensing Schemes for privately rented properties within the whole Borough or in designated areas, in order to improve standards of management in the Private Rented Sector (PRS).

- 1.2 A licensing scheme will enable the Council to impose a legal requirement, in the designated area, on all landlords to register, apply for a licence for each property they rent out, and comply with specific licence conditions thus giving the Council more power to tackle irresponsible letting of properties.
- 1.3 In addition, improving physical standards and the quality of management in the PRS will deliver social and health benefits. The links between poor health through damp and mould and overcrowding are well established. Improved quality of housing will have an impact across many different partner organisations i.e. health, education.
- 1.4 Licensing is expected to assist in encouraging stable, long term tenancies to the benefit of landlords and tenants.
- 1.5 Prior to designating an area, the Council must consult with interested groups such as landlords, tenants, letting agents, landlord associations and other interested parties, a consultation exercise has been undertaken.
- 1.6 An Additional Licensing Scheme will attract a licence fee for each property and the scheme will be self-financing.
- 1.7 The private rented sector serves a diverse population of tenants and privately rented properties range from luxury apartments to large shared houses. Equally varied are landlords, who range from large companies to individuals renting out a single property.
- 1.8 One of the difficulties that the Council has in managing the PRS is that it does not hold a register of properties and relies on complaints to deal with disrepair etc.
- 1.9 Currently enforcement action outside the Selective Licence area on smaller multiple occupied premises is taken against landlords on a reactive basis via complaints. This relates more to housing conditions. However, many tenants are reluctant to complain for fear of retaliatory eviction. Where complaints are received, conventional enforcement action under the Housing Act can be difficult, time consuming and labour intensive. Licensing powers will enable HMOs to be dealt with strategically / proactively and can provide quicker and easier remedies for tenants.
- 1.10 When contact is made with landlords they are encouraged to become registered with the Landlord Accreditation Scheme. This is a London wide scheme driven by the Mayor of London to improve private sector management and regulation. However, the uptake has not been extensive.

1.11 Houses in multiple occupation (HMOs) are very often the properties where the worst housing conditions exist, where some of the most vulnerable people in the community live and which are operated by some of the worst landlords. Licensing schemes have proved to be an effective tool for local authorities to raise standards and improve local neighbourhoods.

1.12 The table below summarises the current private rented licensing schemes in the Borough

Scheme	Type of privately rented property	Wards affected	Duration of scheme
Mandatory HMO Licensing	All HMO's that have 5 or more tenants from two or more households sharing amenities. Does not include purpose built blocks of flats	All Wards	Not limited, a three year licence is normally issued
Selective Licensing	Any privately rented property, irrespective of property size or number of tenants	Weavers, Whitechapel, Spitalfields and Banglatown – pre 2014 ward changes	Scheme locally designated, expires October 2021, is renewable by local designation. Five year licences normally issued
Additional Licensing	Any privately rented multiple occupied premises with three or more tenants from two different households. Includes purpose built blocks of flats	All Wards, excluding the Selective Licensing Area	Scheme locally designated, expires April 2024, is renewable by local designation. Five year licences normally issued.

## 2. **ALTERNATIVE OPTIONS**

2.1 Cabinet may choose not to introduce an Additional Licensing Scheme and rely upon the current mandatory Houses in Multiple Occupation licence scheme and the Selective Licensing Scheme in the wards in the western part of the Borough. This option would involve the council doing nothing to intervene in those parts of the private rented sector, where the above schemes do not apply, leaving the housing market as the driver for landlords carrying out improvements to their properties.

2.2 Use existing reactive powers, the council would only intervene on a complaint basis. This is reactive and has no strategic intervention objectives, there could be under reporting due to the fear of retaliatory eviction.

2.3 Use of interim management orders and final management orders for non-licensable HMO's – the council takes over control of the property and manages it. This is extremely resource intensive and would only deal with individual properties.

2.4 Voluntary accreditation, this would tend to attract the responsible landlords and be ignored by the irresponsible, it is not a strong incentive for poor agents/landlords to join.

### **3. DETAILS OF THE REPORT**

3.1 Houses and flats in multiple occupation (HMO's) are of considerable concern in many parts of the Borough because of the unacceptable standards that can exist. The Housing Act 2004 has given councils the power to introduce additional HMO licensing to improve conditions for tenants and the local community in certain circumstances. It also provides those wishing to rent out property, landlords and managing agents with a clear expectation of what standards are required.

3.2 Currently approximately 325 large HMO's are licensed across the Borough through the national mandatory licensing scheme. The national scheme is changing whereby the removal of the criteria of the number of floors is removed as a limiting factor. However, the requirement to have 5 renters from at least two different households remains. The national mandatory scheme also exempts purpose built blocks of flats, which is a significant proportion of the housing in Tower Hamlets.

3.3 At Cabinet on the 30<sup>th</sup> January 2018, the Mayor approved the recommendation to go out to consultation on the introduction of an Additional Licensing Scheme across Tower Hamlets, excluding the pre 2014 wards of Weavers, Whitechapel, Spitalfields and Banglatown as a Selective Licensing Scheme already exists.

3.4 The consultation took place from 1<sup>st</sup> March for 12 weeks. Section 56(3) of the Housing Act 2004 states that prior to designating areas subject to licensing the local authority must:

- Take reasonable steps to consult persons who may be affected by the designation
- Consider any representations made in accordance with the consultation.
- The local authority must consider that a significant proportion of the properties in multiple occupation, of those properties that come within the scheme, 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 multi-occupied property or for members of the public.
- Have regard to any information regarding the extent to which any codes of practice approved under section 233 have been complied with by persons managing HMO's in the area
- Consider whether there are any other courses of action available to the council that might provide an effective method of dealing with the problem.
- That the making of the designation will significantly assist the council to deal with the problem

3.5 Examples of properties being managed sufficiently ineffectively and therefore having a detrimental effect on an area are;

- Where the external condition and curtilage adversely impacts on the general character and amenity of the area.
- Where the HMO has not been set up to meet the needs of the number of people living there, for example, because it lacks adequate fire precautions; insufficient kitchen, bathroom or toilet amenities; bedrooms are undersized, etc.
- Where the internal condition, such as poorly maintained amenities, leaks, damp and dirty conditions, pest infestations or overcrowding adversely impact on the health safety and welfare of the tenants and the landlords are failing to take the appropriate remedial action.
- Where there are significant and persistent problems of anti-social behaviour affecting other residents and/or the local community and the landlords are not taking steps to address the issues.
- The lack of management or poor management skills or practices is otherwise adversely impacting on the health, safety and welfare of the tenants and/or the wider community.

3.6 At least a 10 week consultation is required under the General Consent for Additional Licensing Schemes. A 12 week public consultation began on the 1<sup>st</sup> March 2018 on the scheme.

3.7 The Additional Licensing Scheme consultation consisted of defining the meaning of properties in multiple occupation, Appendix One, the operation of the scheme and fee structure, Appendix Two, the licence conditions, Appendix Three, the fit and proper person test, Appendix four and the multi-occupied property standards Appendix five.

3.8 The council consulted with local residents, including tenants, landlords, managing agents, key interested parties i.e. landlord groups and resident groups. The consultation also sought views of community groups who live or operate businesses or provide services within the areas of the proposed designation. Consultation also took place with neighbouring local authorities and their residents.

3.9 The consultation consisted of an on line survey available on the council's website. The survey was accompanied by information on the scope of the scheme in relation to the properties covered, the fee structure, the fit and property person protocol, licence conditions and the amenity standards. The following activities were undertaken to encourage completion on the on line survey:

- Advice sent out with the Council Tax Notification that the consultation was taking place.
- Notices published within East London Advertiser

- Notices published in Newham & Stratford Recorder, Hackney Gazette Southwark News, Greenwich Info, Metro (London), Docklands & East London Advertiser and Waltham Forest Guardian
- Letters to known letting agents/property agents
- Public meetings at:
  - 15 March at Professional Development Centre, Bethnal Green
  - 28 March at Idea Store, Canary Wharf
  - 12 April at Idea Store Bow
  - 23 April at Mulberry Place, Tower Hamlets Council Chambers
- Website and social media advertisements
- Plasma TV slides created to be in all Idea Stores
- An article in Our East End
- Letters sent out to big portfolio landlords
- Posters in housing advice
- Posters in community places
- Letters to resident associations
- Letters have gone out to all student accommodations establishments
- Environmental Health Staff sent out leaflets and letters with their notices and letters and emails to tenants/landlords/property agents

3.10 The consultation responses are found in Appendices 6-9 where the online results are displayed graphically, a summary of the online comments, comments from the public meeting and written representations. The online question set is at Appendix 10.

3.11 In order to introduce additional licensing the council must consider that a significant proportion of the multiple occupied premises of the schemes definition in the area are being managed sufficiently ineffectively as to give rise or to be likely to give rise to one or more particular problems either for those occupying the properties or for members of the public.

3.12 Independent evidence collated by Mayhew Harper Associates Ltd was considered by Cabinet on the 30<sup>th</sup> January 2018 which concluded that there was ineffective management of HMO's which supported the introduction of an additional licensing scheme. This report is presented again at Appendix 11

3.13 The proposed scheme as outlined in this report would cover approximately 9,000 multiple occupied premises, the scheme would last for five years initially. The proposed scheme would cover:

- Any HMO of two or more storeys, occupied by three or more persons in two or more households and where some or all facilities are shared or missing.
- Any flat in multiple occupation which is occupied by three or more persons in two or more households and where some or all facilities are shared or missing.
- Any HMO of two or more storeys, with a resident owner and occupied by three or more persons in two or more households and where some or all facilities are shared or missing.

- Any flat, with a resident owner and occupied by three or more persons in two or more households and where some or all facilities are shared or missing.
- Any buildings which have been converted into and consists of self-contained flats only, and does not comply with the 1991 Building Control Regulations and less than two thirds of the flats are owner occupied.
- Any house of two or more storeys comprising both self-contained and non-self-contained units of accommodation occupied in aggregate by three 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.

3.14 A total of 65 responses to the on line consultations were received. A number of comments were also received from individuals that attended the public meetings and there were a number of written submissions.

3.15 The consultation results are displayed in appendix 1-5 along with written comments and submissions, where the comments have been catergorised. The following is a brief summary of the consultation returns:

- Two thirds who responded were residents in the Borough
- Most responders who were identified came from Island Gardens ward
- The majority of responders on line were owner occupiers with 40% being landlords or letting agents.
- Of those that owned/managed rented property, the majority that responded managed between 1-5 multi-occupied premises.
- There was concern expressed that licensing increases bureaucracy, rents and landlord costs.
- Over 40% of on line responders felt that licensing would reduce overcrowding
- Over 60% felt that the Councils powers to deal with rented property would increase
- A third agreed with the additional licensing scheme and the amenity standards
- Putting the living and dining room space standards to one side, the majority agreed with the amenity standards
- Just under half felt that landlords were managing properties effectively
- Litter and rubbish were the main issues identified as causing problems.
- About 44% felt that landlords maintain their properties whereby a third disagreed
- Just under half identified poor management and rogue landlords as an issue with HMO's
- Most agreed with the fit and proper person protocol
- Just over 40% disagreed with the fee set

3.16 A number of consistent themes emerged throughout the consultation:

- Rents may go up

- Airbnb excluded from the proposals
- The scheme is a money making project for the council
- Enforcement to target higher risk properties

3.17 Airbnb and party houses do not constitute a multiple occupied premises under the Housing Act 2004 and therefore cannot be licensed as the property must be occupied by persons as their only or main residence. There is a separate officer working group examining this issue.

3.18 It is felt that an additional £2 per week for the licence fee for a compliant landlord will not influence any increase in rents. The main driver for the increase in rents is the demand for such properties, which as an average is £800 per month for a room in a multiple occupied premises.

3.19 The fee structure has been calculated to ensure cost recovery and taking into account our experience with the current Selective Licensing Scheme. The fee should only cover the work to manage the scheme and is ring fenced to the scheme. It is recognized that those landlords that have to be chased to apply or are non complaint will rightly have to pay more due to the additional costs in dealing with them. The proposed fee is lower than a number of our peers and is a progressive fee structure and is a deliberate policy to try to ensure the licensing of rented property is made in a timely manner, thereby avoiding additional costs to the council.

3.20 The fit and proper person protocol and the set conditions detail the standards that need to apply to those managing a rented property of the facilities and provisions that are to be expected. During the consultation, these amenity standards and licence conditions were in general agreement and there is no expectation to change these.

3.21 It is proposed that the introduction of such a licensing scheme for HMO's would be the best way to regulate such premises by:

- Targeting resources at the properties and management arrangements of most concern.
- Promoting engagement with landlords, tenants and agents with an involvement with HMO's.
- Assisting with raising standards in the private rented market in relation to health, safety and welfare of the occupants – thus reducing the need for expensive intervention strategies.
- Helping to improve standards of fire safety which are a particular problem in HMOs, benefitting HMO occupiers and people who live in neighbouring properties
- Enabling licensed HMOs database to be published on the Council's website.
- Assisting with the identification of the worst properties to enable the Services to work with landlords and managing agents to bring them up to standard

- Enabling local residents, occupiers or potential occupiers to inform the Council of any HMO's which they think need a licence but do not have one.
- Preventing overcrowding by setting limits as to the number of permitted occupiers.
- Assisting with reducing any associated detrimental impacts upon local neighbourhoods and reducing the number of complaints
- Ensuring that criminal landlords are targeted and dealt with appropriately and to make certain that only those proven to be fit and proper persons can have control over an HMO
- Promoting engagement between enforcers (such as Environmental Health and Trading Standards depts) with the various tenants' advice services to tackle poor practice and exploitation of tenants by local landlords.
- Helping to prevent exploitation of tenants by ensuring that they are issued with lawful tenancies and are aware of their rights, keeping people secure in their homes and preventing illegal evictions.  
Making sure that HMO's can take their proper place among other dwelling types in the housing market, and that they are not a choice of last resort.

The licensing scheme will include a programme of inspection for licensed HMOs to ensure compliance with licence conditions and amenity standards. As well as dealing with individual properties, this will gain much better information about the condition of the local housing stock; standards of management and the different kinds of tenure that are being offered to tenants, which will inform future strategies for intervening in the PRS

3.22 Sections 57 and 81 of the Housing act require the Council to identify how an Additional Licensing Scheme will improve an area and how the designation will work alongside other existing policies or measures already being taken. The council will have to show how such a designation will be part of the overall strategic boroughwide approach and how it fits with existing policies on:

- Homelessness
- Empty Homes
- Regeneration
- Anti-social Behaviour
- Role of Partners

3.23 The council must consider whether there are any other courses of action available that may provide an effective method of achieving the objectives that the designation is intended to achieve and how the designation will significantly assist the council in achieving the objectives.

3.24 These matters have previously been considered by Cabinet on the 30<sup>th</sup> January 2018 and the substantive matters are outlined again in Appendix 12.

3.25 The Council designated a selective licensing area within three areas of the Borough (Weavers, Whitechapel, Spitalfields and Banglatown) in October

2016. The selective licensing area required all privately rented property to be licensed, approximately 5000 applications have been received. The selective licensing has enabled the service to work closely with landlords and agents to enable renters to obtain a fairer deal within the private rented sector.

- 3.26 We have potentially ten prosecution cases emanating out of the HMO/ licensing work (selective and mandatory) that the Service has been working on, predominately arising out of complaints from renters or landlords that are failing to apply for a licence. These cases range from breach of prohibition orders and failure to adhere to the houses in multiple occupation management standards which includes fire safety issues. At Appendix Thirteen are three case studies that have been pursued or are currently being dealt with as part of the licensing regime.

#### **4. EQUALITY IMPLICATIONS**

- 4.1 The Equalities Impact assessment has been reviewed in light of the scheme at Appendix 14 and no adverse issues have been identified.
- 4.2 Through the landlords compliance with specific licensing conditions there will be an indirect but positive secondary impact upon those tenants living in the private rented sector. This will be derived through raising the housing standards in relation to health, safety and welfare of the occupants of those who are living in multi-occupied premises.

#### **5 OTHER STATUTORY IMPLICATIONS**

- 5.1 Best Value: The Council is fulfilling its best value duty by considering that those landlords that impose a cost on managing the private rented sector contribute financially to its regulation.
- 5.2 Risk Management: If the scheme is not introduced legally, following the steps laid down in guidance, there is a risk of challenge from third parties.
- 5.3 Crime Reduction: The scheme, through the licence conditions should have a downward pressure on the number of anti-social behaviour incidents and complaints
- 5.4 Safeguarding: A potential outcome of the additional licensing scheme may be to enhance safeguarding provisions for children and adults within rented accommodation. Any action that improves the living conditions and tenancy security of renters would have an impact on their wellbeing. Visits to properties by regulators may highlight concerns around exploitation of renters which can be signposted to other agencies.
- 5.5 Sustainable action for a greener environment; the scheme will look and reducing damp and mould in properties thus increasing insulation, this will

mean that the amount of energy to heat homes will be reduced, thus reducing the overall carbon footprint of the property.

## **6. COMMENTS OF THE CHIEF FINANCIAL OFFICER**

- 6.1 The report seeks approval to designate all wards in the Borough as subject to the Additional Licensing Scheme under section 56(1) of the Housing Act 2004 effective from the 1<sup>st</sup> April 2019. The licence scheme will be for a five year period for all multiple-occupied premises where there are three or more persons in two or more households with shared facilities. It is estimated that approximately 9,000 premises will be impacted by the scheme.
- 6.2 The fee has been calculated to enable the Council to levy a reasonable charge to recover the costs of administration, enforcement and attributed overheads over the five year duration. The scheme must be cost neutral whereby the income received from the Licence fees should not exceed the expenditure over the five year period. The fee structure for the scheme is set out in Appendix Two of the report with no exemptions considered in addition to statutory exemptions. The Licence fee for the proposed Additional Licensing Scheme from the 1<sup>st</sup> April 2019 will be £520 for a full online application.

## **7. COMMENTS OF LEGAL SERVICES**

- 7.1 The report seeks approval for the designation of all wards in the borough as being subject to Additional Licensing under the Housing Act 2004.
- 7.2 Section 56(1) of the Housing Act 2004 (the Act), sets out the requirements for the designation of areas subject to additional licensing. The Council may designate the area of their district or an area in their district as the subject to additional licensing in relation to a description of Houses in Multiple Occupation (HMOs). To do so, the Council must consider that a significant proportion of the HMOs in the borough are being managed sufficiently ineffectively as to give rise, or to be likely to give rise, to one or more particular problems either for those occupying the HMOs or for members of the public. Paragraph 3.12 of the report refers to the evidence collated by Mayhew Harper Associates Ltd which supports the introduction of an Additional Licensing Scheme. The full report is at Appendix 11.
- 7.3 Section 56(3) of the Act states that before making a designation the Council must:
- (a) Take reasonable steps to consult persons who are likely to be affected by the designation; and
  - (b) Consider any representations made in accordance with the consultation and not withdrawn.

Paragraphs 3.8 to 3.16 of the report set out what consultation has taken place and the outcome of the consultation. Members must conscientiously consider the feedback from the consultation before making a decision.

7.4 Under the Act a building or a part of a building is a “house in multiple occupation” if it consists of one or more units of living accommodation not consisting of a self-contained flat or flats; the living accommodation is occupied by persons who do not form a single household; the living accommodation is occupied by those persons as their only or main residence or they are to be treated as so occupying it; their occupation of the living accommodation constitutes the only use of that accommodation; rents are payable or other consideration is to be provided in respect of at least one of those persons’ occupation of the living accommodation; and two or more of the households who occupy the living accommodation share one or more basic amenities or the living accommodation is lacking in one or more basic amenities

7.5 The statutory exemptions from Additional Licensing Schemes are set out in schedule 14 of the Act and are as follows :

A building where the person managing or having control of it is:

- (a) A local housing authority;
- (b) A non-profit registered provider of social housing;
- (c) A body which is registered as a social landlord under Part 1 of the Housing Act 1996;
- (d) A Police and Crime Commissioner;
- (e) The Mayor’s Office for Policing and Crime;
- (f) A fire and rescue authority, or
- (g) A health service body within the meaning of section 9 of the National Health Service Act 2006;
- (h) Buildings controlled or managed by a co-operative society
- (i) Buildings occupied by students, which is occupied solely or principally by persons who occupy it for the purpose of undertaking a full-time course of further or higher education at a specified educational establishment or at an educational establishment of a specified description, and where the person managing or having control of it is the educational establishment in question or a specified person or a person of a specified description;
- (j) Buildings occupied by religious communities
  - i. Any building which is occupied principally for the purposes of a religious community whose principal occupation is prayer, contemplation, education or the relief of suffering;
  - ii. The exemption under this paragraph does not apply in the case of a converted block of flats to which section 257 of the Housing Act applies.

7.6 The Council has the power to set application fees. Such fees must be reasonable and should properly reflect the costs anticipated for administering the application. Fees cannot include costs associated with enforcement against unlicensed properties.

7.7 The designation can last for no more than 5 years from the date on which it comes into force. The Council must review the designation from time to time and, if appropriate, the designation may be revoked.

- 7.8 By section 58(1) of the Act a designation of an area as subject to additional licensing cannot come into force unless it has been confirmed by the Council. The date of confirmation must be no earlier than three months after the date on which the designation is confirmed
- 7.9 As soon as the designation is confirmed the Council must publish a notice stating:
- (a) that the designation has been made;
  - (b) the date on which the designation is to come into force, and
  - (c) any other information which may be prescribed.
- After publication of the notice, and for as long as the designation is in force, the Council must make available to the public :
- (i) Copies of the designation, and
  - (ii) Such information relating to the designation as is prescribed.
- 7.10 When exercising its functions under the Housing Act the Council must comply with section 149 of the Equality Act 2010, in that it must have due regard to the need to eliminate unlawful conduct under the Act, advance equality of opportunity and foster good relations between persons who share a protected characteristic and those who do not (the public sector equality duty). The Equalities impact check list (Appendix 14) does not reveal any adverse impacts of the scheme. However this will need to be kept under review.

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## **Linked Reports, Appendices and Background Documents**

### **APPENDICES**

- Appendix One: Definition of a House in Multiple Occupation
  - Appendix Two: Tower Hamlets Additional Licensing Scheme proposal
  - Appendix Three: Licence Conditions
  - Appendix Four: Fit and Proper Person Protocol
  - Appendix Five: Multi-occupied amenity standards for rented property
  - Appendix Six: Online graphically displayed results from consultation
  - Appendix Seven: Online summary of text
  - Appendix Eight: Public meeting comments
  - Appendix Nine: Written responses received
  - Appendix Ten: Survey questions
  - Appendix Eleven: Mayhew Harper Associates review for additional licensing
  - Appendix Twelve: Overall Housing Strategy
  - Appendix Thirteen: Licence case studies
  - Appendix Fourteen: Equalities Impact Assessment Checklist.
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**Background Documents – Local Authorities (Executive Arrangements)  
(Access to Information) (England) Regulations 2012**

- NONE

**Officer contact details for documents:** N/A