

Cabinet 30 June 2021	 TOWER HAMLETS
Report of Ann Sutcliffe, Corporate Director Place	Classification: Unrestricted
Correction to Private Rented Sector Housing Selective Licensing Designation	

Lead Member	Councillor Eve McQuillan, Lead Member for Planning and Social Inclusion
Originating Officer(s)	David Tolley, Head of Environmental Health & Trading Standards
Wards affected	Weavers, Whitechapel, Spitalfields and Banglatown
Key Decision?	No
Reason for Key Decision	Limited impact on the wards affected
Forward Plan Notice Published	[Insert date notice was published – see forthcoming decisions webpage]
Strategic Plan Priority / Outcome	A borough that our residents are proud of and love to live in: <ul style="list-style-type: none"> • People live in a borough that is clean and green. • People live in good quality affordable homes and well-designed neighbourhoods. • People feel safer in their neighbourhoods and anti-social behaviour is tackled. • People feel they are part of a cohesive and vibrant community.

Executive Summary

Cabinet on the 28th April 2021 decided to designate a Housing Selective Licensing scheme within the pre 2014 ward boundaries of Weavers, Whitechapel and Spitalfields for a further five year commencing on the 1st October 2021.

As part of the statutory process a public notice informing of the designation was published and interested persons were notified of the Cabinet decision.

As part of the designation it was declared the student accommodation blocks

accredited with ANUK (Accreditation Network UK) would be exempt from licensing. The Council has received a query on this matter and on reviewing this exclusion further it has been determined that the Council cannot make this exclusion.

This report therefore corrects the designation to remove the student accommodation accredited to ANUK by geographical basis rather than by accreditation basis. The designation agreed on the 28th April 2021 by Cabinet will be corrected to include the relevant postcodes that are out of scope of the selective licensing designation.

Recommendations:

The Cabinet is recommended to:

1. Vary/amend the Cabinet decision of 28 April 2021 relating to the selective licensing designation (due to commence 1st October 2021), to exclude the following post codes: E1 1ES, E1 1FA, E1 7HS, E1 8EU, E1 1LP and E1 1DQ.
2. Note that these postcodes relate to student accommodation accredited by ANUK and fall within the Weavers, Whitechapel and Spitalfields and Banglatown areas Selective Licensing scheme.(pre 2014 boundaries)

1 REASONS FOR THE DECISIONS

- 1.1 Following Cabinet approval on 28th April 2021 for the continuation of the selective licensing scheme for a further five years, during the statutory publication process the Council received a query as to why the student accommodation blocks associated with ANUK were excluded and whether the Council could actually make this exclusion.
- 1.2 After further consideration it was determined that the Council may not be able to make this exclusion via accreditation awards. Therefore, officers have determined to remove this exclusion from the designation and to amend the designation to remove geographical locations for the selective licensing area. This report effects that change.

2 ALTERNATIVE OPTIONS

- 2.1 The current designation made on the 28th April 2021 could remain in place without correction. This may result in a legal challenge and delay the commencement on the designation on the 1st October 2021. However, by making this small administrative change excluding the geographical areas where the accommodation blocks accredited by ANUK sit reduces the risk of a challenge.

3 DETAILS OF THE REPORT

- 3.1 Cabinet on the 28th April 2021 designated a Selective Licensing scheme within the Weavers, Whitechapel, Spitalfields and Banglatown pre-2014 ward boundaries. As part of that designation it excluded student accommodation accredited by ANUK. Members are reminded of the rationale for the exclusion, as set out in paragraphs 3.8 and 3.9 of the report considered on 28th April 2021, which is that these blocks generally tend to be well-managed and well-run and do not give rise to the problems that a selective licensing scheme is intended to address.
- 3.2 A query has been received by the Council suggesting that the Council did not have the relevant power to make this exclusion.
- 3.3 Further consideration has been given in relation to this particular exclusion and it has been determined that this exclusion should be given effect in a different manner.
- 3.4 In order to maintain the rationale for this exclusion in the first place, the designation will be corrected to exclude the relevant geographical areas where the student accommodation blocks are situated. The relevant postcodes that will not fall within the selective licensing are E1 1ES, E1 1FA, E1 7HS, E1 8EU, E1 1LP and E1 1DQ
- 3.5 Appendix One demonstrates the student accommodation blocks accredited with ANUK and the postcodes affected by correcting the designation. Members should note that three postcode area includes some properties that are not part of a student accommodation block. This means that those properties will not be subject to the selective licensing scheme. Consideration was given to the possibility of not including these postcode areas in the amended designation. However, to do so would have treated this student accommodation differently to all others simply because they did not have a postcode that applied exclusively to these blocks. It is considered expedient, given the circumstances, to include these blocks within the amended designation notwithstanding that the effect will also be to exclude a very small number of properties from selective licensing.

4 EQUALITIES IMPLICATIONS

4.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states that a public authority must, in the exercise of its functions, have due regard to the need to:-

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 4.2 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 partnerships.
- 4.3 The Equality Duty ensures that public bodies consider the needs of all individuals in their day to day work, particularly any potential impact on protected groups – in shaping policy, in delivering services, and in relation to their own employees.
- 4.4 An equalities impact assessment was provided in the previous cabinet report and remains relevant for this decision.
- 4.5 The proposals in this report tend to have a positive effect on those with a protected characteristic if they were a tenant or a resident. However, it is thought they will have a negative effect on Landlords who also have a protected characteristic. It is likely that there are more tenants with a protected characteristic than landlords.
- 4.6 The renewal of selective and additional licensing will have a positive impact on living conditions of residents in the private rented sector by ensuring the landlords, estate agents, developers, etc. meet their legal obligations in providing safe and decent homes for which they charge rent.
- 4.7 The proposed schemes are only formalising and consolidating landlord obligations, which they should be complying with in any case. The purpose of introducing this licensing is to better and more effectively protect private tenants, who may be subject to unsatisfactory housing conditions and poor tenancy management

5 OTHER STATUTORY IMPLICATIONS

- 5.1 This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are required to be highlighted to ensure decision makers give them proper consideration.
- Best Value Implications, this is cost neutral to the Council as the licence fees covers the costs.
 - Environmental (including air quality), Improved thermal efficiency of rented properties contribute to reduction of CO2 emissions,
 - Risk Management, this is to reduce the risk to private rented tenants
 - Crime Reduction, the main objective is to reduce ASB and improve community cohesion
 - Safeguarding, better management of rented property improves the safeguarding for a large proportion of residents as it is designed to deal with substandard rented properties and tackle the hidden (shadow) PRS

- Data Protection / Privacy Impact Assessment. The Scheme and data collected is compliant with the GDPR and the statutory list of licensed properties is only released on individual request to enable an audit trail.

6 COMMENTS OF THE CHIEF FINANCE OFFICER

- 6.1 There are no financial implications emanating from this report which seeks an amendment to the approved renewal of the current selective property licensing scheme within the Weavers, Whitechapel & Spitalfields and Banglatown area following a challenge to the original designation approved by Cabinet on 28 April 2021.
- 6.2 This amendment corrects the designation to exclude the student accommodation accredited to ANUK from the licensing scheme for any exclusion to be geographical rather than by accreditation basis. The financial implications of renewing the selective licensing scheme, inclusive of the student accommodation are cost neutral.
- 6.3 The total costs of running the scheme must be met by the license fee, and the total license fee income cannot exceed the related expenditure, over the five-year duration of the scheme. The proposed fee structure is set out in paragraph 3.38 of the original cabinet report. Annual variances will be ringfenced to offset shortfalls in the later years of the scheme.
- 6.4 The cost of the scheme being covered by license income is c£3m over the life of the licenses

7 COMMENTS OF LEGAL SERVICES

- 7.1 Cabinet gave approval for the continuation of the Scheme on 28 April 2021. This report seeks an amendment/variation to the selected licensing designation of 28 April 2021, to exclude the post codes referred to in the recommendation to the report, which is in effect a fresh decision.
- 7.2 Under the Housing Act 2004, local authorities can introduce the selective licensing of privately rented homes to address problems in their area, or any part of their area, caused by low housing demand and/or significant anti-social behaviour. A selective licensing designation can exclude discrete areas within the selective licensing area, such as by excluding specific streets or precise postcodes.
- 7.3 The designation of the area subject to selective licensing cannot take effect less than three (3) months after the date on which the designation is made. This designation is scheduled to take effect on 1 October 2021.
- 7.4 The amendment to the selected licensing scheme does not cover more than 20% of the council's geographical area or affect more than 20% of privately rented homes in the council's area and will continue to benefit from general

approval, rather than requiring the Secretary of State for Communities and Local Government approval.

7.5 Section 84(2) of the Act provides that a designation may be made for up to 5 years.

7.6 The Council must have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the need to foster good relations between persons who share a protected characteristic and those who do not (the public sector equality duty).

7.7 Council Procedure Rules 11.5 (d) allows substantially the same motion which has been put at a meeting of the Council in the past 6 months, if it is in writing and has not been rejected by the Monitoring Officer.

Linked Reports, Appendices and Background Documents

Linked Report

- NONE

Appendices

- Appendix One: Postcodes that are excluded from the Selective Licensing designation

Background Documents – Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2012

- NONE

Officer contact details for documents:

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