

LONDON BOROUGH OF LEWISHAM

MINUTES of the meeting of the LICENSING SUPPLEMENTARY COMMITTEE, which was open to the press and public held on THURSDAY 20 JUNE 2019 in Room 3 Civic Suite, Catford Road, Catford SE6 4RU 7.20pm.

Present

Councillor Stamirowski (Chair), Councillor Elliott (Vice Chair) Councillors, Anwar, Campbell, Handley and Hordijkeno

Apologies for absence were received from Councillors Howard and Wise.

Also present

Ms Der Man – Lawyer

Jay Kidd Morton – Lawyer

Madeleine Jeffery – Director of Housing Services

Nick Stabeler – CER Manager Trading Standards

P.C Nick Gerry

Lisa Spall CER Manager

1, Minutes

RESOLVED that the minutes of the meeting of the Licensing Supplementary Committee held on 6 June 2019 be agreed.

2. Declaration of interests

None.

3. Borough-wide Selective Licensing Schemes

3.1 Mr Stabeler introduced the report. He said that he is hoping for 4,000 responses to this consultation and would like as much feedback as possible. The Chair asked for slides and the document entitled 'Talk to us about making renting better' to be sent to all members of the Council so that it can be sent to residents associations.

3.2 The Chair said that proposed fees in Lewisham will be based on Council tax bands. She asked whether other boroughs use this method. Mr Stabeler said that Lewisham are the only borough that base their fees on bands, other boroughs have applied a blanket fee. Officers want to work with landlords to make sure that they deliver the service that want to deliver; it is not fair to penalise some landlords over others.

3.3 Councillor Handley said that he is concerned that these extra charges will be passed on to the tenant. He referred to outcomes if a property is not kept up to standard. He said that his understanding is that outcomes are prosecutions for landlords who abuse tenants in their properties, followed by court action and a fine. He asked what stops them from repeatedly abusing their tenants. Ms Jeffery said that when delivering the licensing scheme in Lewisham, officers must make sure that enforcement is in line with licensing, otherwise bad landlords will see that

there is not a comprehensive service. Officers will be re-looking at ways of enforcement. Ms Jeffery said that prosecutions have increased to twelve this year, one last year. Officers can now use criminal penalty notices without going to court. Bad landlords can be stopped from offending to a certain extent. There is an issue about whether someone is a fit person. If you have been prosecuted or have 2 penalty notices they would not be considered to be a fit and proper person according to that definition. However, in her experience, she has found that the most effective method of preventing repetition, is by making life difficult for these landlords. This means that officers ensure that these landlords cannot continue their business in this borough. Lewisham have had a number of successes preventing rogue landlords from offending with a small team of officers.

- 3.4 Ms Jeffery believes that one of the benefits of this scheme is that she is talking to licensing and planning enforcement about how they can build those relationships in a better way. She referred to the car wash in Bromley Road; several officers from different departments were involved when it closed. Mr Stabeler said that at the moment, officers have a limited scheme that does not give a full picture of all the properties. For example, a property with five people can be licensed, but then if the landlord decides they do not want to be part of the licensing scheme because it is too much hard work, one tenant is asked to leave. Officers cannot do anything about this because they do not have the breadth of power to manage this. The new scheme will allow officers to target landlords and apply conditions that are appropriate to those types of premises and to help better control how they work with their tenants. Ms Jeffery said that the new scheme will be self-financing.
- 3.5 Councillor Campbell asked about the criteria used for this borough wide licensing. She said it would be difficult to convince anyone that it should be borough wide. One of the areas used is that anti-social behaviour and crime etc., within close proximity to a private rented property, assumes that there is a direct correlation between it being a private rented property and in a deprived area. She considered this to be loose as a category. High deprivation does not necessarily mean that there will be a rogue landlord. Ms Jeffery said that officers have collated all of the data and will put in an application to the Ministry for Housing Communities and Local Government (MHCLG), who are looking at what officers are producing and they are confident that the evidence officers are showing is a good and strong basis because the level of correlation shown on the graphs is very close. There is a small area of private rented accommodation where anti-social behaviour and crime, is high within 10 metres. There is not the same correlation between anti-social behaviour and social housing or owner occupation and social housing whereas it does peak when it is privately rented. It is an evidence base that other boroughs have used and has been signed off by MHCLG.
- 3.6 Councillor Campbell asked what would happen if this application was not agreed on a borough wide basis. Ms Jeffery said that Lewisham will be putting in an application, because the Mayor and Cabinet agreed this as part of corporate priorities, Downham ward may be excluded because the private rented sector is small in this ward. If the application is not agreed borough wide, it could be agreed borough wide minus Downham or designation in certain wards according to crime, anti-social behaviour or a combination of those.
- 3.7 Councillor Anwar asked whether the criteria for private rented properties will be the

same licensing as for the licensing of HMOs. Mr Stabeler said that this will not be the case. The reason for bringing in two schemes is because HMOs are a specialist type of property. There is more association with anti-social behaviour. When people are living together who are not part of the same family there can be disagreements and enforcement can be difficult. Also, where there are communal areas, there are fire risks and there must be clear fire risk assessments. In the South of the borough, there are particular properties where officers are trying to address issues of anti-social behaviour and crime. HMOs with a lot of people in a small space take up a lot of officer time. They have been singled out from the selective single occupancy dwellings.

- 3.8 Councillor Anwar asked whether Lewisham ask for an EPC certificate. Ms Jeffery confirmed that it is requested. She said that officers are looking at offering a discount to the licensing fee if there is improvement in thermal efficiency, however this may be difficult to implement. There are areas that officers need to look at to contribute to other corporate targets.

RESOLVED that

- (i) the report and presentation be noted.
- (ii) it be noted that the consultation responses will be presented to Housing Select Committee and to Mayor and Cabinet in the autumn as part of any proposals to progress with the two licensing schemes; and
- (iii) it be noted that the proposed fee structure for the new licensing schemes will be presented to the Committee for approval following the presentations to the Housing Select Committee and Mayor and Cabinet in the autumn.

The meeting ended at 8.05pm.

Chair