

Residential Team
Public Protection Division
222 Upper Street
London N1 1XR

[Redacted]
Residential Landlords' Association
1 Roebuck Lane
Sale
Manchester
M33 7SY

T 020 7527 3327
E jill.ellenby@islington.gov.uk
W www.islington.gov.uk

Our ref:
Your ref:

This matter is being dealt with by:
Jill Ellenby

Date: 22 January 2015

Dear [Redacted]

Response to consultation on Islington's proposals for an additional licensing scheme for houses in multiple occupation (HMOs)

Thank you for providing the RLA's response to the Council's proposals to introduce an additional HMO licensing scheme in Caledonian Road and Holloway Road.

Your objections are noted and our response is as follows:

1. Fees and budget

You state the fee structure and projected budget may be contrary to the European Services Directive and the ruling in the Hemming (t/a Simply Pleasure Ltd) v Westminster City Council case. When designing the proposed scheme we looked carefully at the implications of this case and the requirements of the European Services Directive and have followed the "Open for business" guidance provided by the Local Government Association (LGA) on locally set fees.

If adopted, we will be charging for granting and monitoring the compliance of licensed properties. In calculating the fee we will not include the costs of enforcement against unlicensed properties. We will not be charging additional fees for late applications or offering discounts for early applications. We will, however, offer discounts to accredited landlords

2. General concerns

We have noted your general concerns regarding the setting up and operation of additional licensing schemes.



3. Effective implementation and enforcement

Our consultation documents make no reference to mandatory licensing not being enforced properly. The street surveys in the proposed areas of Caledonian and Holloway Roads identified six licensable HMOs operating without a mandatory licence and the Council has taken appropriate enforcement action in each case. We propose using an intelligence led approach, if adopted, to find HMOs where applications have not been made and then taking appropriate action against any identified properties.

We are putting forward the scheme for consideration as we are confident that the licensing scheme, alongside our rigorous approach to enforcement, will improve the private rented sector properties in this area. We will undertake inspections of HMO properties where applications have been made and take enforcement action where we find non-compliance with licensing requirements, housing and environmental health legislation. Licensing will, at the same time, enable identification of compliant landlords and allow them to self-regulate using our risk-based approach.

4. Conditions/Standards

Islington's HMO Standards document provided as part of the consultation reflect the type of housing found in the borough and the way in which HMO accommodation is used. The standards are clear and long established. They are applied flexibly and with consideration to alternative options presented by landlords and tenants.

Conclusion

The RLA's feedback on the scheme proposals is appreciated, particularly where this has focussed on the operation of this scheme rather than the more general objections to licensing. Comments and observations emphasising the need for effective identification of criminal landlords and enforcement are particularly welcomed. Your letter and this response will be included with the report submitted to our Executive when they consider adoption of the scheme.

Yours sincerely

Jill Ellenby

Service Manager – Residential Environmental Health

If you would like this document in large print or Braille, audiotape or in another language, please telephone 020 7527 2000.