

Executive Decision Taken under Cabinet Delegated Authority

Subject:	Implementation of Additional Licensing (West Bromwich Area)
Director:	Director of Housing, Gillian Douglas
Date of Decision:	18 March 2022
Delegation Reference:	Cabinet Minutes: 227/21 - 15 December 2021
Contact Officer:	Business Manager Housing Solutions Karl Robinson karl_robinson@sandwell.gov.uk Operations Manager Gary Wright gary_wright@sandwell.gov.uk

1 Recommendations




- 1.1 To enact the designation to implement Additional Licensing for the defined part of West Bromwich, as per the proposal approved by Cabinet on 15 December 2021.



2. Reasons for Recommendations

- 2.1 To allow the enactment of the designation for the additional licensing scheme in line with the requirements of section 56 of the Housing Act 2004

3 How does this deliver objectives of the Corporate Plan?

	People live well and age well Improved quality of accommodation actively contributes to improved health outcomes. Additional licensing in the specific area will reduce the impact that poor quality housing has on vulnerable individuals.
	Strong resilient communities Our communities are built on mutual respect and taking care of each other, supported by all the agencies that ensure we feel safe and protected in our homes and local neighbourhoods. Additional licensing will assist in reducing levels of anti-social behaviour.
	Quality homes in thriving neighbourhoods We now have many new homes to meet a full range of housing needs in attractive neighbourhoods and close to key transport routes. The introduction of additional licensing will improve the condition of the private rented properties in the specific areas meaning the area is a more attractive place to live.

4 Context and Key Issues

- 4.1 The implementation of Additional Licensing for the defined area of West Bromwich was approved by Cabinet 15th December 2021 (Minute 227/21) attached as Appendix 1.
- 4.2 To implement the scheme the local authority must undertake the following:



- (1) Publish a notice of a designation of an area for the purpose of Part 2 of the Housing Act 2004.
- (2) Within 7 days after the date on which the designation was confirmed or made the local housing authority must —
 - (a) place the notice on a public notice board at one or more municipal buildings within the designated area, or if there are no such buildings within the designated area, at the closest of such buildings situated outside the designated area;
 - (b) publish the notice on the authority's internet site; and
 - (c) arrange for its publication in at least two local newspapers circulating in or around the designated area—
 - (i) in the next edition of those newspapers; and
 - (ii) five times in the editions of those newspapers following the edition in which it is first published, with the interval between each publication being no less than two weeks and no more than three weeks.
- (3) Within 2 weeks after the designation was confirmed or made the local housing authority must send a copy of the notice to—
 - (a) any person who responded to the consultation conducted by it under section 56(3) of the Act;
 - (b) any organisation which, to the reasonable knowledge of the authority—
 - (i) represents the interests of landlords or tenants within the designated area; or
 - (ii) represents managing agents, estate agents or letting agents within the designated area; and
 - (c) every organisation within the local housing authority area that the local housing authority knows or believes provides advice on landlord and tenant matters, including—
 - (i) law centres;
 - (ii) citizens' advice bureaux;



- (iii) housing advice centres; and
- (iv) homeless persons' units.

5 Alternative Options

- 5.1 There are no alternative options to enact the designation as the requirements are prescribed within the Housing Act 2004.

6 Implications

Resources:	<p>There will be costs associated with staffing and administration to operate the licensing process. The additional costs will be recovered over time through the fee charge for licensable properties. The fee proposals are as follows:</p> <ul style="list-style-type: none"> • All property types and sizes including each individual self-contained flat within a larger building operating as a HMO - £850.00 excluding any discounts <p>It is difficult to estimate the potential income generation from Additional Licensing until the requirement to license comes in to effect as the council does not hold data on PRS HMO properties. As context modelling estimates the number of HMO's within Sandwell as 4,247 with the concentrations in the West Bromwich Central and Greets Green and Lyng wards as 657. This equates to 15% of the total estimated within Sandwell. Should this remain stable and all 657 properties be licensable every five years, this would equate to an average income of just over £0.110m per year. This will include some properties already subject to mandatory HMO licensing.</p>
Legal and Governance:	<p>As part of implementation of Additional Licensing in an area, councils must adhere to the guidance and regulations set out in The Licensing of Houses in Multiple Occupation (Prescribed Description)</p>



	<p>(England) Order 2018, the Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018, and the Housing Act 2004.</p> <p>Additional licensing must be implemented in line with the statutory requirements under Part 2 of the Act and is subject to formal consultation and implementation within a specified timeframe from approval. The council and associated programme of implementation must ensure that we adhere to the statutory notice/ designation requirements.</p>
Risk:	<p>The feedback from landlords from consultation suggests that many landlords are not happy with the proposals and feel it will not address the underlying issues. Furthermore, several landlords on the steering group have voiced their commitment to submit a legal challenge, however, initial evaluation suggests it is unlikely that a challenge around the introduction of Additional Licensing in the proposed area would be successful.</p>
Equality:	<p>The application of Additional Licensing will be applied to all landlords meeting the requirements within the proposed boundary. There would be no single party or protected characteristic disadvantaged by implementation based on intelligence available to the council.</p>
Health and Wellbeing:	<p>Improved quality of accommodation actively contributes to improved health outcomes. Additional licensing in the specific area will reduce the impact that poor quality housing has on vulnerable individuals.</p>
Social Value	<p>Additional licensing will assist in reducing levels of anti-social behaviour.</p>



7. Appendices

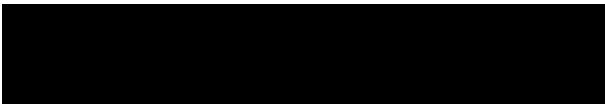
Appendix 1: Cabinet 15th December 2021 (Minute 227/21)

8. Background Papers

The Licensing of Houses in Multiple Occupation (Prescribed Description) (England) Order 2018,
The Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018,
Housing Act 2004

In accordance with the authority delegated to Chief Officers to act on matters within the authority delegated to them under Part 3 of the Council's Constitution, I intend to take the action(s) recommended above.

I do not have an interest to declare in this matter



Director of Housing – Gillian Douglas

Date 18/03/2022

