

Sefton Public Engagement and Consultation Panel

Date: Friday 11th March 2022

Title: Proposal to undertake Public Engagement and Consultation Activity – Re-designation of Selective and Additional (HMO) Licensing Schemes

Report of: Clare Taylor – Housing Standards Team Manager

1. **Purpose of the Report**

- 1.1 To receive information with regard to the consultation plans being developed with regard to the **Re-designation of Selective and Additional (HMO) Licensing Schemes**

2. **Background**

- 2.1 The main purpose of the Public Engagement and Consultation Panel is to coordinate and ensure the quality of public engagement and consultation, in accordance with the standards for engagement and consultation.

3. **Selective and Additional (HMO) Licensing**

- 3.1 Section 80 of the Housing Act 2004 gives powers to local authorities to designate areas as subject to **Selective Licensing** provided that certain conditions are met. A Selective Licensing designation may be made if the area to which it relates satisfies **one** or more of the following conditions. The area is one experiencing:

- low housing demand (or is likely to become such an area)
- a significant and persistent problem caused by anti-social behaviour (ASB)
- poor property conditions
- high levels of migration
- high level of deprivation
- high levels of crime

Section 80(9) on the Housing Act 2004 states that when considering designating an area the local housing authority must:

- (a) take reasonable steps to consult persons who are likely to be affected by the designation
- (b) consider any representations made in accordance with the consultation and not withdrawn.

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The Selective Licensing area proposed is Bootle, which contains the highest rate of Private Rented Sector properties across the Borough at 25.5%.

A map of the proposed area of Bootle can be found at Appendix 1
An estimated 3,000 licensable PRS properties are expected across this proposed designation.

The Selective Licensing designation includes the following electoral wards **Derby, Linacre and Litherland**.

- 3.2 **Additional (HMO) Licensing** under section 56 of the Housing Act 2004 allows the Local Authority to extend the Mandatory HMO licensing scheme to include other types of House in Multiple Occupation (HMO). A Local Authority must consider that a significant proportion of the HMOs of a defined description, in either a designated area or across the whole of the Borough are being managed insufficiently enough to give rise to one or more particular problems either for those occupying the property or for members of the public. Sefton proposes to include all properties within any prescribed definition of HMO across the proposed Additional (HMO) Licensing re-designation.

Those HMOs that fall within the definition of section 257 of the Housing Act 2004, such as converted blocks of flats, are not subject to mandatory licensing, and local authorities that wish to license such properties need to follow the approval steps for Additional (HMO) Licensing. Sefton's proposal for Additional (HMO) Licensing includes all properties defined under section 257.

Before making an additional HMO licensing designation for a particular area, a Local Authority must:

- (a) Consider that a significant proportion of the HMOs of that description 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 HMOs or for members of the public
- (b) 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 HMOs in the area
- (c) Consider whether there are any other courses of action available to them (of whatever nature) that might provide an effective method of dealing with the problem or problems in question
- (d) That making the designation will significantly assist them to deal with the problem or problems (whether or not they take any other course of action as well)
- (e) Consult persons likely to be affected by the designation.

The Additional (HMO) Licensing area proposed includes parts of Seaforth, Waterloo, Brighton-le-Sands, and central Southport, which are areas that have above the national average of flats/maisonettes within the PRS and

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have a significant stock of larger style properties that in recent years have been prone to conversion, to either bedsits or self-contained flats.

Maps of the proposed areas can be found at Appendix 2 .An estimated 220 licensable PRS properties are expected across this proposed designation.

The Additional Licensing designations include the following electoral wards:
Southport – Cambridge, Dukes and Kew
Waterloo/Brighton-le-Sands/Seaforth – Blundellsands, Church and parts of Victoria

- 3.3 Cabinet considered and approved a business case which justifies the re-introduction of these schemes against the legal criteria. A copy of the report and Decisions can be found at; <http://smbc-modgov-03/ieListDocuments.aspx?CId=139&MId=10384&Ver=4>

Among the Decisions were the following:

- (2) approval be given to a 12-week public consultation on the proposals for the implementation of the schemes
- (3) the Head of Economic Growth and Housing be granted delegated authority in consultation with the Cabinet Member - Communities and Housing, to:
 - (i) procure and appoint consultants to undertake the required public consultation on the 3 proposed schemes,

3.4 **Legal Consultation Requirement**

To implement Selective and Additional (HMO) licensing, Sefton Council is required to undertake a full consultation and as stated in the Housing Act 2004, this should include consultation of local residents, including tenants, landlords and where appropriate their managing agents and other members of the community who live or operate businesses or provide services within the proposed designation. It should also include local residents and those who operate businesses or provide services in the surrounding area outside the proposed designation that potentially could be affected. The consultation should be widely publicised using various channels of communication. The consultation should last for a minimum of 10 weeks. (Sefton have chosen to conduct the consultation over a 12-week period).

Following the completion of the consultation the results will be published and made available to the local community. This will be in the form of a summary of the responses received and demonstrate how these have either been acted on or not, giving reasons.

The consultant is required to produce a consultation delivery plan, conduct a full consultation for both Selective and Additional (HMO) licensing and produce and deliver a final consultation feedback report for both Selective and Additional (HMO) licensing areas. The consultation exercise is to take place over a 12-week period commencing, no later than 1 May 2022.

4. The Consultation

4.1 The consultation will be undertaken by an independent consultancy that will be procured by Sefton Council. Stakeholders will be asked to give their views on whether they are in favour with continuing the licensing schemes, do they agree with the proposed licence conditions, do they feel that the licence fee is set correctly and have Sefton chosen the correct areas on the borough to designate as licensable areas.

4.2 **Publicising the consultation**

The consultation will be publicised prior to taking place and also during the consultation period to provide several opportunities for interested parties to be aware of it. This will include local newspapers, relevant social media, press releases and Sefton council websites for example, across the borough.

We would look to advertise the consultation prior to its expected start date the latest being 1 May 2022 and again at weeks 4, 8 and 11 during the consultation period,

Local papers/websites where adverts/press releases are going to be issued will include:

- Liverpool Echo
- Champion
- Southport Visitor

Advertising the consultation via the Liverpool Echo, Champion and Visitor Group will help promote it sufficiently outside of the borough.

All of the consultation materials, business case, appendices, will be available on the Council's website and include the links to the relevant online surveys.

It is important that this consultation is as robust as possible, to avoid the prospect of the Council's final proposals for Licensing in the borough being challenged on the basis of an inadequate consultation.

4.3 **Consultation tools**

The consultant will provide a combined briefing document and questionnaire to gauge levels of support for/against the licensing scheme redesignation that are being considered by the Council, together with the proposed licence fees. Consultation documents will be available online and in hard copy with consideration being given to ensure all documents meet the accessible information standard. We will provide the consultant with ward profiles to assist them in deciding on the method of engagement.

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The survey will collect information on the respondent, such as whether they are a resident inside or outside the borough and/or a private landlord, a business, PRS tenant, etc, along with other key demographic, socio-economic and protected characteristics (e.g., gender, age, ethnicity, tenure, etc). This and other protected characteristics information can then be used to inform the impact assessment.

The questionnaire will allow for the different methodologies which include online, paper and telephone, with questions remaining the same to allow results to be compiled and compared across the different methods.

The consultation document will provide detailed information around the licensing schemes and background information, the licensing proposals, fees and calculations, details around the consultation and the decision-making process.

4.4 **Consultation methodology**

There are several different methodologies that will be used to consult with parties that may be affected by or have views on the proposals.

A telephone number, helpline and dedicated email address will be provided for anyone that wishes to provide feedback in an alternative way, wishes to complete a survey by telephone or has any questions or queries regarding the consultation. The consultant will also provide a paper survey with a Freepost return address were requested and meet the accessible information standard. This will ensure that the methodology is as inclusive as possible.

a. Online survey for all interested parties to complete

An online survey will be designed with a link hosted on the Council's website, which will be promoted through advertisements, on all paper surveys (as an alternative means of completion) and within all other promotional literature. Consideration will also be given to include a quick response (QR barcode) to enable responses from smartphones and tablet computers for a direct link to the survey.

b. E-shots/mailings to landlords, agents, businesses and community groups

The online survey will primarily be the tool to encourage landlords, agents, businesses, and other stakeholders to engage. Electronic mail is a quick and more accessible way to get to individuals directly and allows them to participate at a time and place of their choosing. We will use email addresses from the current Selective and Additional licensing schemes of all those licence holders and associated interested parties.

We will look to put together a list of known email addresses of business via Invest Sefton, community groups (Sefton CVS) (particularly those who support residents from a protected characteristics group) etc so that we can do an e-shot to engage with these groups and encourage them to take part in the consultation.

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c. Postal survey of selective licensing area

To consult with tenants who live in the proposed redesignated selective licensing area of Bootle, a mail shot will be sent to all licensed properties to encourage tenants to take part in the on-line survey. This will be to approximately 3000 households within the area. A phone number will also be provided should completion over the phone be preferred or if recipients have any queries or questions.

All returns will be sent directly to the consultant's offices via the freepost envelope.

d. Postal survey of Additional HMO licensing areas

There are only around 220 properties across the 6 wards that are currently licensed. We will look to mailshot the occupiers of these properties.

e. Wider residents survey (representative sample by ward)

The methodology is not yet fully agreed with the consultants however we are required to gain a robust and representative sample of views from residents across the borough. A telephone survey may be a way to achieve this and would comprise carrying out such a survey across the whole of Sefton, representative by ward, age, and gender (+/-3% confidence interval).

This telephone survey would, therefore, include not only the wards that will be affected directly, but also those wards surrounding the areas proposed for selective and additional licensing, providing an opportunity for tenants, landlords, residents, and local businesses in the area to participate.

f. Hosting/ attending events/meetings to discuss consultation

The consultant will hold a number of online events/meetings (of up to 2 hours) with landlords, tenants, residents, local businesses and any other interested parties. The purpose is to provide participants with background information on the reason(s) for re-designating the schemes and gather feedback on the proposals.

These will be a mixture of daytime and evening events. The events will typically allow up to 30 attendees to ensure that the meetings are manageable.

Meeting invitations will be included within the consultation questionnaire. Interested parties will be asked to contact the consultant to book a place in advance.

g. Wider stakeholder consultation

A number of interviews will be undertaken by telephone with wider stakeholders by the consultant, to gather more in-depth information around views and experiences. A final list is currently being drawn up but is likely to include the following:

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- Local resident groups
- Landlords associations (such as the NRLA)
- Local letting agents
- Local authority licensing officers in all of the neighbouring boroughs
- Housing associations
- Merseyside Police
- Merseyside Fire and Rescue Service
- Citizens Advice
- Selected third sector/local organisations, who specialise in housing/PRS (such as Shelter and Crisis)
- Any other interested party identified by the council

Where the consultant is unable to undertake an interview, the organisation would be sent an email requesting their participation in the consultation via the online survey, or to provide written feedback to the consultant directly, to ensure all groups have an opportunity to participate in the consultation.

The consultant would contact the organisations/individuals requesting them to take part in the consultation (giving the background). A convenient time would be booked with them to undertake a telephone interview and the consultation documentation outlining the schemes would be sent to them to allow the responder time to consider the proposals. The email would also contain a link to the online survey if they felt that they would prefer to offer their views via the survey.

4.5 **Considerations given to inclusiveness for hard to reach/protected characteristics groups**

The methods and promotional channels being used will provide the opportunity for individuals from hard to reach and protected characteristics groups, to participate in the consultation. These include:

- Gathering a representative sample of residents by ward, age and gender. Through this process, a proportion of respondents will inevitably be from protected characteristic groups. Questions will be included within the survey to capture these characteristics.
- Information about the consultation including online meetings and links to the survey will be sent directly to organisations support and work with individuals from hard to reach/protected characteristic groups. Organisations will be asked to promote the survey via social media/appropriate channels and forums and forward the email to members/users.
- By providing different methods for completing the survey and providing feedback, including online, paper/hard copy and telephone, easy read, ensures that the survey will be inclusive.
- The consultant can support a number of community languages to help those, who wish to, take part in the consultation in their preferred language.

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- The survey will gather data around individuals who have taken part, those who have a protected characteristic, to monitor levels of participation. It will allow us to promote the consultation to specific groups if it is felt that they are not represented and/or have not had an opportunity to participate.

Once the consultation has been completed the results will be published and made available to the local community on Sefton Council's website.

4.6 **Implications for Service**

There are no implications to services due to an external consultancy undertaking the consultation, as approved by Cabinet.

5. **Reporting and Publishing the Findings**

- 5.1 Once the consultation has been completed the results will be published and made available to the local community on Sefton Council's website. Including being published on the Consultation Hub on the 'We Asked, You Said, We Did' page.

6. **Legal Department Comments**

- 6.1 Sefton's Legal Department has considered the consultation plans contained in this report and has no comments to make.

7. **Recommendations**

- 7.1 The Public Engagement and Consultation Panel is recommended to:
- a) Appraise the public engagement and consultation plan for the **Re-designation of Selective and Additional (HMO) Licensing Schemes**
 - b) Request that the officers return to the Panel to provide details of their feedback and evaluation resulting from the above consultation.

