

London Borough of Barnet – Property Licensing

Summary of proposed changes to consultation proposals

Following the public consultation on the council’s proposed property licensing schemes a number of changes are to be made from the original proposals. These changes result from comments received in the consultation and a review of data presented in the consultation now that it has been converted to represent the new wards that will take effect in May 2022. There are other minor drafting amendments to the final documents.

The table below details the amendments that have been made.

Amendments to scope of the proposed schemes		
Selective Licensing		
	<i>Amendment</i>	<i>Reason</i>
1	Five regeneration areas are to be excluded from selective licensing Designation A for Burnt Oak, Colindale North and Colindale South. These areas are known as: Colindale Gardens Beaufort Park The Pulse (former Colindale hospital sites) Edition (Former Newspaper library site) Trinity Square (Former Barnet and Southgate College) The exact areas are as shown in the map appended to the draft Selective Licensing Designation	Comments received from consultation respondent that properties in new build developments in this area do not warrant inclusion.
2	It is not proposed to proceed with Selective Licensing Designations B and c at this time. A further consultation on revised proposals will be conducted later in 2022.	A review of property condition, ASB and crime data now converted to the new ward boundaries has shown a variation in conclusions as to which are the worst wards from those included in Designations B and C. The council wish to ensure that data and reasoning is robust and would withstand challenge. It is important that the council are clear about the underlying data and what it tells us about need and so a re-consultation is deemed to be the correct course of action.
Additional Licensing		
	<i>Amendment</i>	<i>Reason</i>

3	The designation for additional licensing has been amended in relation to Section 257 HMOs to include HMOs where the building is three or more storeys in height, comprises at least three flats, all the flats are privately rented and both the building and the self-contained flats it contains are under the same ownership or considered by the council to be effectively under the same control. The wording in bold has been added.	Response to consultation comment received that this amended wording would resolve concerns experienced by letting and managing agents when letting flats within a converted building.
Amendments to proposed licence fees		
	<i>Amendment</i>	<i>Reason</i>
4	The fees for renewal of an additional licence have been clarified such that they include applications where a licence issued under the previous scheme has expired.	Response to consultation comment received. This was the intention but was not sufficiently clear in the proposed fee schedule in the consultation.
5	The discount to licence fees for accredited landlords has been extended to include accredited managing agents, subject to the council being satisfied with full details of the accreditation scheme and that it meets at least the same standard as the London Landlord Accreditation Scheme.	Response to consultation comment received that landlords using an accredited managing agent should be afforded a discount.
Amendments to licence conditions		
	<i>Amendment</i>	<i>Reason</i>
6	The selective licence and additional licence conditions are now numbered.	Response to consultation comment that numbering would make referring to them easier.
7	The licence conditions for selective and additional licences have been amended such that Gas Safety certificates need only be made available upon request, as opposed to submitted annually.	Response to consultation comment.
8	The wording of the selective licence condition relating to smoke alarms has been amended.	To address possible conflict with legislation and or case law.
9	The selective licence condition relating to heating has been removed.	To address possible conflict with legislation and or case law.
10	The wording of the selective licence condition relating to security has been amended.	To address possible conflict with legislation and or case law.
11	The wording of the first paragraph of the selective licence condition relating to management practices has been amended to change the requirement for 'management practices and procedures' to a requirement for 'written confirmation' of approach to management.	Response to consultation comment to resolve an unclear requirement.

12	The wording of the third paragraph of the selective licence condition relating to management practices has been amended to clarify the requirement of 'sufficiently regularly' to add 'as a minimum every six months'.	Response to consultation comment to resolve an unclear requirement.
13	The wording of the fourth paragraph of the selective licence condition relating to management practices has been amended to clarify the requirement for the landlord to monitor the condition of the exterior of the house.	Response to consultation comment.
14	The wording of the first paragraph of both the selective and additional licence conditions relating to managing anti-social behaviour has been amended to change the requirement for 'management practices and procedures' to a requirement for 'written confirmation' of approach to complaints of ASB.	Response to consultation comment to resolve an unclear requirement.
15	The wording of the second paragraph of both the selective and additional licence conditions relating to managing anti-social behaviour has been amended to remove the reference to harassment. A link has also been provided to council guidance for landlords.	Response to consultation comment to resolve a potentially unrealistic requirement.
16	The wording of the third and fourth paragraphs of both the selective and additional licence conditions relating to waste disposal have been amended to clarify the requirements.	Response to consultation comment to resolve an unclear requirement.
17	The wording of the fifth paragraph of both the selective and additional licence conditions relating to waste disposal has been amended to clarify the requirement of 'sufficiently regularly' to add 'as a minimum every six months'.	Response to consultation comment to resolve an unclear requirement.
18	The wording of the selective licence condition relating to energy efficiency has been amended to clarify that an energy performance certificate (EPC) shall be produced where one is required to comply with the Domestic Minimum Energy Efficiency Standards Regulations (MEES). An additional note has been added relating to these regulations.	To address possible conflict with legislation and or case law.
19	The section 'General' in the selective licence conditions has been renamed 'Notes relating to selective licence conditions'.	Response to consultation comment to provide greater clarity that these are not licence conditions.
20	In the newly titled 'General' section of the selective licence conditions, the reference to HMO Management Regulations and HMO Standards have been removed.	To address drafting error.

21	The wording of the additional licence condition relating to compliance with the council's standards has been amended to state that 'Specific work to comply with the standards will be added to the licence as bespoke conditions upon approval'	Response to consultation comment to provide greater clarity.
22	The wording of the additional licence condition relating to levels of occupancy has been amended to include the mandatory room size conditions in Schedule 4 of the Housing Act 2004 as amended by the Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018.	To rectify an omission in the original conditions.
23	The wording of the additional licence conditions relating to display of information in the property has been amended such that the Licence Holder shall ensure that a copy of the current licence and licence conditions are either displayed in the property or given to the tenants within one month of the licence being granted. A similar condition has been added for selective licensing.	Response to consultation comment that display in the property may create an institutional feel and that neither the landlord nor agent can prevent the tenants from removing a copy from display once the tenancy has started. Additional condition added for selective licensing to address an omission and for a consistent approach across schemes.
24	The wording of the first paragraph of the additional licence condition relating to smoke alarms and fire precaution equipment has been amended and clarified and a link provided to the LACORS guidance. Reference to carbon monoxide alarms has been set out as a separate condition.	Response to consultation comment that such conditions should be property specific.
25	The additional licence condition relating to fire precautionary facilities has been moved in the conditions to follow on from the condition relating to smoke alarms and fire precaution equipment. The wording of the condition has been amended.	To provide greater clarity of the requirement.
26	The wording of the additional licence condition relating to energy efficiency has been amended to clarify that the whole property has adequate thermal insulation. A link to government guidance has been added.	Response to consultation comment to provide clarity that the condition would not apply to HMOs let on individual room tenancies.
27	The selective licence condition relating to requiring tenant references has been removed.	Response to consultation comment that such condition may not be necessary or may be discriminatory.
28 27	Miscellaneous minor drafting and organisational amendments have been made to the text of both of the licence scheme conditions, which do not change the meaning. We have made amendments to reflect conditions which are required by statute and specifically by Schedule 4 to the Housing Act 2004 (as amended) and The Licensing of Houses in Multiple Occupation	In reviewing the conditions in response to comments received it was considered that drafting improvements were necessary to make the document easier to follow.

	(Mandatory Conditions of Licences) (England) Regulations 2018 We have made some amendments to allow the Council to require the submission of documents on written request or otherwise as specified in licence conditions.	
	Amendments to additional licensing standards	
	<i>Amendment</i>	<i>Reason</i>
28	Paragraph 4.2.2 of the HMO standards has been amended such that the area of a kitchen worktop in the example is 3 linear metres and not 2.6 linear metres.	Correction of a drafting error.