

Item No.	Classification: Open	Date: 30 September 2015	Decision Maker: Strategic Director of Environment and Leisure
Report title:		Discretionary Licensing: Amendment to the scheme and the Public Notices.	
Ward(s) or groups affected:		Electoral ward(s); All	
From:		David Littleton, Environmental Health and Trading Standards Manager	

RECOMMENDATION(S)

1. That the Strategic Director of Environment and Leisure exercises her delegated authority as detailed in the Cabinet report 21 July 2015:- Proposal to implement the extension of Licensing powers under the Housing Act 2004.
2. That the scheme be amended allowing the application process to commence on 1 November 2015, with the designation for both additional and selective licensing coming into effect the 1 January 2016.
3. That the Public Notices giving notice of the Council's intention to designate areas for additional and selective licensing be re-issued to reflect the amendment detailed in 2 above.

BACKGROUND INFORMATION

4. The Cabinet approved a report entitled Proposal to implement the extension of Licensing powers under the Housing Act 2004 on 21 July 2015. The Cabinet agreed to the introduction of both additional and selective licensing schemes. It also agreed that the Strategic Director of Environment and Leisure be given delegated authority to amend the licensing fee and make such other changes to the schemes as necessary for the effective administration of the scheme The designation date for the scheme was 1 November 2015
5. The notices publicising the discretionary licensing scheme were first published on Thursday 23 July.
6. Section 21 Housing Act 1988, provides an accelerated possession process for landlords to recover possession against an assured short hold tenant based simply on the fact that the tenancy has come to an end (or a break clause has been exercised).
7. Once a licensing scheme has been designated a landlord is prohibited from pursuing possession under section 21 until a full license has been issued. This can impact negatively on some landlords since the time between designation and issuing full licence maybe a significant period of time.

KEY ISSUES FOR CONSIDERATION

8. Landlords are aware of 5 and 6 above and have raised this as an issue.
9. Landlords' concern is where the Local Authority is not able to accept applications before the go live date.
10. Unfortunately Southwark is unable to accept license application prior to 1 November as the back office systems will not have been tested properly until that date.
11. Information received by Officers indicates that both Liverpool City Council and the London Borough of Croydon made administrative amendments to their respective discretionary licensing schemes, following a threat of a challenge, to address landlords concerns about potential restriction of their ability to use the section 21 possession procedure.
12. Our current Public Notice state that the designation date for the Southwark Scheme is 1 November 2015. It is proposed that in order to safeguard against a potential challenge that the scheme be amended to allow for landlords to make applications on 1 November as originally intended and for the designation date to be put back to 1 January 2016. This will address the concern raised by landlords; by allowing applications to be submitted and processing to commence in advance of the designation coming into force.

Policy implications

13. It was agreed by Cabinet on the 21 July 2015 that the scheme will "go live" on 1 November 2015. Although the above proposal will allow for the scheme to commence on 1 November with respect to applications and payments, moving back the designation date will mean that Licences will not be issued until 1 January 2016. Administrative, health and safety checks will take place; dwellings risk assessed for inspection and any urgent items will be dealt with once applications have been received. Consequently the only part of the scheme delayed will be the date the designation comes into force. This means that the administrative change will not impact on private sector tenants
14. The above will have no practical impact on enforcement activity as there is a 6 month moratorium from 1 November 2015 to give landlords the opportunity to take advantage of the licence fee discount.

Financial Implications

15. There are no financial implications

Community Impact Statement

16. The recommendation will not have any significant impact on the Community

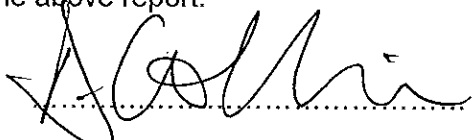
SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Legal Services

17. When cabinet agreed implementation of the licensing schemes, delegated authority was given to the strategic director of environment and leisure to amend the licensing fee and make such other changes to the schemes as necessary for the effective administration of the schemes. The report indicates that the proposed change to the date of the designations coming into force is necessary for the effective administration of the schemes. The recommendations are therefore within the delegated authority of the strategic director of environment and leisure.

FOR DELEGATED APPROVAL

20. Under the powers delegated to me in accordance with the Council's Constitution, I authorise the administrative action in accordance with the recommendations contained in the above report.

Signature  Date... 7.10.2015
 Designation STRATEGIC DIRECTOR FOR ENVIRONMENT & LEISURE.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Cabinet report 21 July 2015:- Proposal to implement the extension of Licensing powers under the Housing Act 2004 http://modern.gov.southwark.gov.uk/documents/g5138/Public%20reports%20pack%20Tuesday%2021-Jul-2015%2016.30%20Cabinet.pdf?T=10	Environment and Leisure Departments, Environmental Health and Trading Standards Southwark Council 160 Tooley Street SE1 2QH	Emma Trott 0207 525 5773
Appendices http://modern.gov.southwark.gov.uk/documents/b50006237/Appendices%20Tuesday%2021-Jul-2015%2016.30%20Cabinet.pdf?T=9		
Maps showing Selective Licensing Areas: http://www.southwark.gov.uk/info/100007/housing/3603/map_of_selective_licensing_area		

APPENDICES

None

AUDIT TRAIL

This section must be included in all reports.

Lead Officer	Deborah Collins, Strategic Director, Environment and Leisure	
Report Author	David Littleton, Environmental Health and Trading Standards Manager	
Version	Version 2	
Dated	1 st October 2015	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Director of Legal Services	Yes	Yes
Strategic Director of Finance and Corporate Services	No	No
Cabinet Member	No	No
Date final report sent to Constitutional Team/Community Council/Scrutiny Team	1 st October 2015	