

LOCAL GOVERNMENT NATIONAL INDICATOR SET TECHNICAL HANDBOOK - RESPONSE TO CONSULTATION DOCUMENT

Name and address of responding organisation:
Association of London Environmental Health Managers
Chadwick Court
15 Hatfields
London
SE1 8DJ

Is this your organisation’s official response to the consultation? Yes

Name and phone number of key contact in case of follow-up queries:
David Farrell 0207 364 5000

National Indicator Number:

NI 12

Please complete a separate form for each indicator on which you wish to respond

Indicator Issue	
1. Is the Technical Definition of this indicator clear?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<p>If NO</p> <p>a. What aspects of the technical definition of the indicator are unclear? Please specify clearly</p> <ul style="list-style-type: none"> - is it in relation to the measurement method, or - on reporting <p>b. Please suggest how the template can be clarified/improved.</p>	<p>(a). The definition describes in detail a refused or deferred House in Multiple Occupation (HMO) licence application and to a lesser extent immigration enforcement. It is particularly short in detail in respect of the linkage between the two and how they will mesh. It does not refer to existing or developing BIA/Local Government guidance, protocol or process for identifying suspicion which would trigger referral. It does not clarify how or when Local Authorities will be made</p>

	<p>aware that immigration enforcement activity has taken place in order for them to include figures at X in the indicator formula. It should also be noted that there is no statutory deferral for an HMO application. The Act requires a Local Authority to grant or refuse an application. It is common practice for Councils to issue approvals on condition that certain improvements are made to the property within a specific period.</p> <p>(b). The guidance, protocol and process referred to in (a) should be set out or referred to in the template. The definition should be amended to take on board conditional approval rather than deferral of an application if that is what the indicator is to measure.</p>
<p>2. Does the Technical Definition for this indicator have any unintended consequences?</p>	<p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>
<p>If YES a. What are the unintended consequences on this national indicator? b. Can the unintended consequence be avoided? If so, how?</p>	<p>(a) The rationale for the indicator makes a presumption that there is a significant number of significant risk HMO's either operated by or containing significant levels of illegal immigrants. It further seeks to measure partnership performance each quarter based on a relationship between HMO</p>

	<p>licence applications in an area with those which a Council will need to refuse or defer and also suspect require the attention of the BIA. Several London Councils have experience of HMO registration schemes (forerunners to licensing) and have no evidence to link the need for immigration enforcement with the negotiated improvements landlords have made in their properties prior to achieving registration. The linkage has not become apparent since the introduction of the Housing Act 2004 licensing provision. The unintended consequences of the indicator may involve racial discrimination against landlords and tenants based on ill defined suspicion relating to appearance, accent or hunch. Currently Local Authority enforcement officers are not trained in immigration legislation or related enforcement techniques and in some cases may not make effective or appropriate referrals. HMO inspection programmes may be skewed away from housing health and safety risk assessment to respond to subjective concerns about low risk premises. Some landlords may unfairly refuse to let to prospective tenants from certain racial or</p>
--	---

	<p>religious groups arising from perceptions of enforcement partnership.</p> <p>(b) As mentioned in (1) there is a need for guidance, protocol or process which meshes with Local Authority Race Equality Scheme requirements and duty.</p>
<p>3. Will the Technical Definitions for this indicator work in practice?</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
<p>If NO a. Why would this technical definition not work in practice?</p>	<p>The absence of clarity mentioned in (1) will lead to the consequences referred to in (2) above.</p>
<p>4. Is this indicator defined at the right spatial level?</p>	<p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>
<p>a) If not, what level should it be defined at? (including whether information is already gathered and/or reported at that level and if so where, if not, estimated cost of collecting and reporting it)</p>	
<p>5. Should data for this indicator be provided for any or all of the different equalities strands (please tick the relevant box)?</p>	<p>Ethnicity <input type="checkbox"/></p> <p>Gender <input type="checkbox"/></p> <p>Religion <input type="checkbox"/></p> <p>Age <input type="checkbox"/></p> <p>Sexual orientation <input type="checkbox"/></p> <p>Disability <input type="checkbox"/></p> <p>Other <input type="checkbox"/> (Please specify)</p>
<p>a) For any boxes ticked at 5, is this information already gathered and/or reported and, if so, where? If not, what would be the estimated</p>	

additional burden of collecting and reporting it?	
6. Further comments on the questions above and /or any other comments that are not covered above questions.	
Completed versions can be sent to niconsultation@communities.gsi.gov.uk . Hard copy responses should be returned to Local Government Quality and Performance Division, Zone J2, 4 th Floor, Eland House, Bressenden Place, LONDON, SW1E 5DU.	