

SCRUTINY PANEL: To what extent is the Borough Council successful in achieving its objective of managing student occupancy in Loughborough?

**MONDAY, 9TH SEPTEMBER 2013 AT 1.30PM
IN COMMITTEE ROOM 1, SOUTHFIELDS, LOUGHBOROUGH**

AGENDA

1. APOLOGIES

2. SCOPE DOCUMENT AND ACTION NOTES

The Panel's updated scope document is attached at page 3 for the information of the Panel.

The notes of actions agreed by the Panel at its meeting held on 30th July 2013 are attached at page 7 for the information of the Panel.

3. BACKGROUND PAPERS

(i) DCLG Publication – Dealing with Rogue Landlords

The DCLG has produced a guide for Local Authorities entitled 'Dealing with Rogue Landlords'. The document can be found using the link below:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/7575/2206919.pdf

(ii) Shelter Policy Briefing - Asserting Authority – Calling Time on Rogue Landlords

A Policy Briefing has been published by the charity Shelter entitled 'Calling Time on Rogue Traders'. The document can be accessed using the link below:

[http://england.shelter.org.uk/_data/assets/pdf_file/0009/378873/Shelter - Asserting authority - calling time on rogue landlords.pdf](http://england.shelter.org.uk/_data/assets/pdf_file/0009/378873/Shelter_-_Asserting_authority_-_calling_time_on_rogue_landlords.pdf)

4. QUESTIONNAIRES AND OTHER SUBMITTED COMMENTS

A summary of responses received since the last meeting of the Panel is attached at page 13.

5. KEY WITNESSES – PLANNING MATTERS

The Team Leader Development Control has been invited to attend as a witness.

Further meetings of the Panel have been programmed as follows:

20th September 2013 at 10.00am – Housing Matters. The Head of Strategic and Private Sector Housing, the Private Sector Housing Manager and a representative from DASH have been invited to attend the meeting as witnesses.

Membership:

Councillors Bradshaw, M. Hunt, Jukes (Chair), Pacey, Parton, Ranson, Smidowicz and M. Smith (Vice-chair)

SCRUTINY REVIEW: DRAFT SCOPE

REVIEW TITLE:

To what extent is the Borough Council successful in achieving its objective of managing student occupancy in Loughborough?

SCOPE OF ITEM / TERMS OF REFERENCE

- To identify the areas of public concern in relation to the management of student occupancy in Loughborough.
- To review how the Student Housing Provision in Loughborough SPD is working in practice.
- To review the effectiveness of the introduction of the Article 4 Direction in controlling student occupancy.
- To review how other planning policies and tools, including the use of Section 106 Agreements to control occupancy, the licensing of Houses in Multiple Occupation (HMOs) and engagement with landlords are used to control student occupancy.
- To identify the consequences of the policy approaches and tools used by the Council and whether there have been any unintended consequences.
- To consider whether and how any undesirable consequences of the policy approaches and tools used by the Council can be addressed.
- To consider, using current research and best practice, whether the policy approaches adopted by the Council remain relevant and fit for purpose.

REASON FOR SCRUTINY

To address public concerns about the policies for addressing student occupancy and the methods by which the policies are carried out.

To facilitate a debate about what matters relating to student occupancy the Council can and should seek to control.

MEMBERSHIP OF THE GROUP

Councillor Ron Jukes (Chair)
Councillors Bradshaw, Burr, M. Hunt, Pacey, Parton, Ranson, Smidowicz and M. Smith

WHAT WILL BE INCLUDED

The Council values the contribution of Loughborough University and its students to the reputation and the economy of the Borough. However the Council also recognises that the concentration of shared student housing can cause imbalance in the composition of the community and consequential injury to local amenities and facilities.

The terms of reference of the panel are focussed on whether the Council's policy approaches to managing student occupancy are being successful. By managing student occupancy the panel means those policies which address where shared student housing is located and other housing and planning policies which regulate occupancy. These policies are intended to maintain sustainable, balanced communities, appropriate land use development and provide safe accommodation rather than deal with the behaviour of students. However the panel recognises that it is often concerns about the latter which are

the trigger for public concern.

WHAT WILL BE EXCLUDED

Although there is an overlap with the issue of former student properties being unoccupied as students appear to be moving to other parts of Loughborough, that issue should be considered as part of a more general review of empty properties.

KEY TASKS * * including consideration of efficiency savings

The possibility of adopting an intensive method of scrutiny has been discussed which would make use of longer evidence gathering sessions programmed at shorter intervals than is normally the case. Possible evidence gathering themes have been identified as:

- a session to investigate the concerns of the public;
- a session to enable the panel to be provided with background information either through briefings or briefing notes, which should include information on how the Council addresses problems caused by students, for example anti-social behaviour, car-parking or environmental issues, to provide context for the focus on managing student occupancy;
- a session with Charnwood Borough Council officers to investigate how the various policies and tools relating to student occupancy are implemented and used and what the consequences are*;
- a session with other stakeholders, i.e. Loughborough University and landlords;
- a session to learn about alternative approaches being developed or used elsewhere.

* Note: the panel may wish to hear from officers again after the other witnesses to enable them to respond to the evidence gathered from those later witnesses.

STAKEHOLDERS, OUTSIDE AGENCIES, OTHER ORGANISATIONS *

- CBC Planning Dept – development control, planning policy and enforcement
- CBC Housing Dept – with responsibility for licensing of HMOs and engagement with landlords
- Representatives of local people who have raised concerns with the Council relating to these issues. The Panel will need to consider which geographical areas are most appropriate and how to ensure that the views expressed are representative.
- An appropriate representative from Loughborough University who deals with student accommodation issues.
- A representative from the Loughborough Students' Union.
- An appropriate person to act as a landlord representative. It would be most appropriate to seek someone who acted on behalf of any formal landlord body.
- Professor Darren Smith, from Loughborough University, who has developed an alternative methodology for identifying student occupancy and undertaken work on Article 4 Directions nationally, and any other identified sources of good practice adopted elsewhere.

EQUALITY IMPLICATIONS

Is an impact needs assessment required? – to be considered at the Panel's penultimate meeting

LINKS/OVERLAPS TO OTHER REVIEWS

- There are links with the objectives identified by the Empowering Communities Scrutiny Panel.
- The impact on empty properties of changes to the student property market has been

<p>identified by the Housing Allocations Scrutiny Panel. However as discussed above empty properties will not be considered as part of the scope of this review.</p> <ul style="list-style-type: none"> • Car-parking issues related to Loughborough University were the subject of a previous scrutiny panel. 	
RESOURCE REQUIREMENTS	
REPORT REQUIREMENTS (Officer information)	
REVIEW COMMENCEMENT DATE	COMPLETION DATE FOR DRAFT REPORT
30th May 2013	

* Key tasks and stakeholders may be subject to change as the review progresses.

PROGRESS OF PANEL WORK

MEETING DATE	PROGRESS TO DATE
30th May 2013	Two representatives from KARG, NRN, SARG and SbC invited to attend the meeting as witnesses. NRN not able to attend and submitted written comments.
17th June 2013	Prof Darren Smith gave a presentation on 'Studentification' (copy filed with the agenda)
28th June 2013	<p>Whole day meeting to receive information from:</p> <p>K. McPheeley – Loughborough University Accommodation Development Manager</p> <p>A. Chell – Local Student Landlord's Association</p> <p>E. Read – President of the Students' Union, and Loughborough University</p> <p>A. McDonald – Permanent Officer at the Students' Union</p> <p>A. Barlow – Loughborough University Community Relations Manager</p>
30th July 2013	Meeting reviewed the findings of the meetings to date and identified key themes and areas for questions for the Council's Planning and Housing officers at the next two meetings of the Panel.

REPORT SUBMITTED TO SCRUTINY MANAGEMENT BOARD

MANAGING STUDENT OCCUPANCY SCRUTINY PANEL – ACTION NOTES

MEETING 4 30th July 2013

ATTENDED BY: Councillors Jukes (Chair), M. Smith (Vice-chair), Bradshaw, Pacey, Parton, Ranson and Smidowicz

APOLOGIES: Councillors Burr and M. Hunt

Officers: M. Hopkins and F. Whittington

CONSIDERED AT THIS MEETING:

DOCUMENT OR MATTER	ACTION(S) AGREED
Scope Document	Updates noted
Action Notes 28th June 2013	Noted
Background Papers	Documents received and noted.
(i) The Private Rented Sector – A House of Commons Communities and Local Government Select Committee Report -	Paragraphs 40 – 64 deal with matters relating to the work of the Panel, including currently local authorities having limited powers to apply discretionary licensing, voluntary accredited schemes, the impact of Article 4 Directions and concerns in respect of the under regulation of letting agents. Reference was also made to the format of the report.
(ii) Coastal Regeneration in English Resorts – 2010. Edited by John K Walton & Patrick Browne	Professor Darren Smith made reference to this report and relevant information contained within it for the Panel.
Questionnaires and other submitted comments	A summary of responses from the public, not previously submitted to the Panel, was received and noted. A complete summary of all responses received be collated for the final Panel report.
Council Tax	Officers submitted a briefing note with responses to questions raised by the Panel. The Chair continued to have concerns in respect of some of the responses.
Key Witnesses	Relevant Letting Agents had been contacted again to emphasise the Panel's view of the importance of their input. To date none have expressed an interest in either attending a meeting or submitting written evidence. An agent had spoken with a member of the Panel, however, they dealt with few student properties. Officers continue to make contact with agents.
'Are Universities Good Neighbours?' - Event at Reading University	The briefing note tabled by Councillor Smidowicz detailing the event she had attended was received and noted. Reference made to the presentation

	by Manchester University and that not being a comparable size with Loughborough. It was suggested that Canterbury was a better comparison.
Witness Review and a Way Forward	The Panel split into two groups to consider the themes detailed in the report, to identify issues and questions to discuss with officers at future meetings, together with problems to solve and actions required. Also an opportunity to identify further witnesses to invite to future meetings.
	<p>(i) <u>Student Housing in Loughborough Supplementary Planning Document (SPD)</u></p> <ul style="list-style-type: none"> • Identify available tools to provide an evidence base – electoral register, list of licensed HMOs, Council Tax data, university information, properties granted planning permission for C4 use and accredited landlords. • There were problems with using electoral roll and Council Tax data alone as the situation changed rapidly on the ground and the status of some properties was unknown – how should properties where the status was unknown be treated? • How to apply collated data to policy objectives in defining an appropriate threshold of student accommodation in an area. • Should threshold apply to the whole town/borough or vary in different areas? Impact of the threshold? • Should policy cover permissions for C4 use and extensions to existing C4 properties? • Should conversion of garages to accommodation be specifically controlled to ensure reversion to family use easier? • Should the SPD include outcomes other than refusal in areas with high student density e.g. permission but conditions or other restrictions preventing student occupancy? • Issues previously submitted to the Panel by witnesses: <ul style="list-style-type: none"> - Defining areas – eg census output areas or within 100 metre radius of application site - What sources of information are required to provide an accurate picture of student occupancy, who held the information and are there barriers to sharing it?

	<ul style="list-style-type: none"> - Does the data need to be house by house or was a more general proportion of student occupancy in an area sufficient? - How to measure students in Halls of Residence and similar buildings - Should there be more fine grained elements to the policy, eg only one C4 property should be permitted adjacent to a C3 property <p>(ii) <u>Article 4 Direction (A4D)</u></p> <ul style="list-style-type: none"> • Does it continue to be necessary and appropriate as a mechanism? • Current policies written prior to changes in legislation and the introduction of C4 class. New policies would be written to support the Core Strategy. • A4D – be clear and consistent • In respect of changes from C3 to C4, consider the need for new policies. Review options to make changes without financial loss. Reference to two tier housing market and a lack of flexibility to run a business. • Issues in respect of enforcement, request further information re types of sanctions available. Invite an Enforcement Officer to the meeting to be held on 30th August 2013. • Market forces would result in properties reverting to C3, issues re incentives and grants. • Residents suggested two SPDs – an update of the current SPD to ensure it was fit for purpose for new housing and an additional SPD for HMOs. Residents proposed they draft such a document with the guidance of officers. Could be used as an informal document until Core Strategy approved. Alternate option to produce a neighbourhood plan. • Should it apply to areas outside Loughborough? <p>(iii) <u>Licensing of Houses in Multiple Occupation (HMOs)</u></p> <ul style="list-style-type: none"> • Requiring all HMOs to be licensed would help with future planning applications.
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	<ul style="list-style-type: none"> • There were legal tests for whether discretionary licensing was appropriate and these would need to be met. • Should/is the Council able to implement discretionary licensing arrangements beyond mandatory provisions? • Within current mandatory provisions what flexibility was there in terms of: how long licences could be issued for and the fees that could be charged in response to concerns or providing incentives for responsible landlords? • Could the current licensing arrangements be converted to a 'scores on the doors' scheme as had happened with food premises or penalty points as happened with taxi licensing? • What was the trigger for the review of a licence and how many complaints about licensed properties were received? How many investigations were carried out into properties that were operating without a licence? <p>(iv) <u>Voluntary Schemes Involving HMOs and Landlords</u></p> <ul style="list-style-type: none"> • Purpose of voluntary schemes? Prefer Council to operate a scheme with incentives to introduce an element of competition. • Such a scheme could act as an evidence gathering step to determine whether discretionary licensing was required. • Accreditation schemes have low uptake. • It was unclear how landlords were able to join schemes and what would trigger a review of whether continued membership was appropriate. • What current arrangements were in place for the Council to engage with landlords? <p>(v) <u>Returning Properties to Family Use</u></p> <ul style="list-style-type: none"> • Could a C4 house unoccupied for a year revert back to C3 use, or after two years if it is partly occupied? • Were there other ways in which A4D could be applied more flexibly to encourage reversion to family use, for example through applying conditions to permissions?
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	<ul style="list-style-type: none"> • Incentives the Council could use to encourage reversion to family use, e.g. grants. It would be difficult to justify subsidies to landlords but new occupiers could be supported. Were there any Government or other types of grant funding available for this purpose? Other options could include using section 106 contributions and working with housing associations to make properties available for social rent. • What could the Council learn from the experiences of coastal towns regarding returning houses to family use? <p>(vi) <u>Other Issues</u></p> <ul style="list-style-type: none"> - Additional Controls on To Let Boards where evidence that it is a problem. Reference to Leeds City Council Policy and current arrangements operating in Storer Road area. Sold/let signs should only be displayed for 14 days after completion under existing regulations. - Could planning enforcement powers in terms of tidiness be used? Look to improve. Illegal advertising. Discuss with Senior Enforcement Officer at 30th August meeting. - More regular SERCO litter picking in areas with high student populations (currently believed to be monthly). Request officers submit details of costs for more frequent litter picking in those areas. - More signs in those places where residents only parking applies. This did not appear to be a priority. - Refuse bins left on pavement at the end of term, left there. Street Wardens not imposing fines. Request officers submit details of relevant policies and procedures.
Key Recommendations from Residents Groups	<p>Reminder of the key recommendations that appeared consistently through the representations from residents groups:</p> <ol style="list-style-type: none"> 1. A4D and SPD policies both to be continued and separate 2. A4D threshold to be 10% HiMOs within 100

	<p>metre radius includes halls of residence @ 6 bedrooms = one HiMO equivalent</p> <p>3. A4D threshold to include no two HiMOs on either side of a C3 residence</p> <p>4. A non-exhaustive list of data sources which must be used in threshold calculations</p> <p>5. Threshold data in the form of mapped UCOs should be available on the CBC website</p> <p>6. Licensing for all HiMOs (C4 and sui generis)</p>
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ISSUES DISCUSSED WITH WITNESSES:

WITNESS	ISSUES DISCUSSED

POSSIBLE ISSUES FOR THE PANEL REPORT RAISED BY WITNESSES	

OTHER ISSUES RAISED/DISCUSSED AT THIS MEETING:

FURTHER MEETINGS OF THE PANEL:

30th August 2013 1.00pm	Planning Matters. The Team Leader Development Control and the Senior Enforcement Officer have been invited to attend as witnesses.
20th September 2013 10.00am	Housing Matters. The Head of Strategic and Private Sector Housing, the Private Sector Housing Manager and a representative from DASH have been invited to attend the meeting as witnesses.

**SUMMARY OF RESPONSES TO QUESTIONNAIRE AND OTHER SUBMITTED
COMMENTS SINCE THE LAST MEETING OF THE PANEL**

**‘To what extent is the Borough Council successful in achieving its
objective of managing student occupancy in Loughborough?’**

1.	How do you think student occupancy is managed by the Council in your area?	
	VERY WELL WELL ADEQUATLEY POORLY VERY POORLY No Comment	1

2.	How well do you consider the Student Housing Provision in Loughborough SPD is working?	
	VERY WELL WELL ADEQUATLEY POORLY VERY POORLY DON'T KNOW	1

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3.	In your opinion, to what extent has the introduction of the Article 4 Direction affected management of student occupancy in your area?	
	GREATLY SOME LITTLE NONE No Comment	1

	I don't think they apply in the area in which I live.	
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4.	What are your views about the use of Section 106 Agreements to control occupancy?	
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	I don't think they apply in the area in which I live.	
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5.	In your opinion, how well do you think the licensing of HMOs to manage student occupancy and the Council's other work to engage with landlords is working?	
	VERY WELL WELL ADEQUATLEY POORLY VERY POORLY DON'T KNOW	1

	<p>In my view, the principle has been quite wrong for the Borough Council to allow three bedroom family homes to be converted into six bedrooms for student accommodation. I have lived here for over forty years and seen a steep decline in standards in the area. Too many of the houses now are student lets and uncared for. I am afraid that the landlord owning the adjacent property to mine seems to be reluctant to cooperate in tidying up the garden. This is a pity as previous owners spent a considerable sum on having the garden landscaped.</p>	
6.	<p>Do you consider that there have been unintended consequences of the Council's policy approaches and the tools used to manage student occupancy in your area?</p>	
	<p>YES NO No comment</p>	<p>1</p>
	<p>We have had problems with noise, car parking and rubbish collection.</p>	
7.	<p>Have you any suggestions as to how the issues identified in question 6 above could be addressed?</p>	
	<p>No comment</p>	
8.	<p>What other areas of concern do you have in relation to the management of student occupancy in Loughborough that you wish to bring to the attention of the Panel?</p>	
	<p>No comment</p>	

ITEM 4(ii)

Responses from a local Estate Agency have been received as follows:

1. While acting as an agent for landlords do you have different types of contracts, arrangements and responsibilities for different landlords?

There are essentially two types of services we offer landlords:

(i) A fully managed service where we effectively do everything and the landlord does very little, other than ensure the property complies with all legal requirements before it is accepted onto our management register.

(ii) A let only service where we find the tenant, carry out all referencing and prepare all the necessary paperwork (tenancy agreement, inventory etc) and the landlord is then expected to deal with the property management thereafter.

2. What percentage of landlords you act for live away from the local area?

Roughly 20%

3. Are you responsible for arranging the maintenance of the properties you manage on behalf of landlords?

Yes, where the fully managed option is selected, which is in about 75% of cases

4. What are your views in respect of Lettings Boards and the periods they are in situ?

Lettings boards should be erected when the instruction is received and removed within a maximum period of seven days following the execution of the tenancy agreement.

5. What are your views on the respective responsibilities of student tenants and landlords to maintain gardens?

The obligation to maintain gardens should not be cast onto students. We would always encourage the landlords to take on this responsibility but try to obtain a premium on the rent to cover for this. Always a little tricky in practice particularly if the landlord lives away.