

## MANAGING STUDENT OCCUPANCY SCRUTINY PANEL – ACTION NOTES

**MEETING 6**                      20th September 2013

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

**APOLOGIES:**              Councillors Bradshaw and Parton

Officer: F. Whittington

### CONSIDERED AT THIS MEETING:

DOCUMENT OR MATTER	ACTION(S) AGREED
Scope Document	Updates noted
Overview of Responses Received from Other Councils – Discretionary Licensing of HMOs	Responses received and noted
Background Papers  (i) <u>Canterbury City Council – HMO Best Value Review</u>  (ii) <u>Durham County Council – ‘The need for Additional HMO Licensing &amp; Article 4 Direction in Durham City: A Feasibility Study’</u>  (iii) <u>Hastings Borough Council – Provided details of a report that was considered by the Council's Cabinet</u>  (iv) <u>Charnwood Borough Council – HMO website</u>	Documents received and noted.
Tackling Rogue Landlords and Improving Your Local Private Rented Sector	The report was unavailable for the meeting. <b>It was agreed that the report be submitted to the next meeting of the Panel on 29th October 2013.</b>
Questionnaires and other submitted comments	No further questionnaires or comments had been received to report to the Panel.

## ISSUES DISCUSSED WITH WITNESSES:

WITNESS	ISSUES DISCUSSED
<p>Key Witnesses – Housing Matters –</p> <p>The Decent and Safe Homes (DASH) Services Manager, the Head of Strategic &amp; Private Sector Housing and the Private Sector Housing Manager</p>	<p>(i) DASH – Power Point presentation – copy filed as a background paper:</p> <p>Details of the Accreditation Scheme The Accreditation Process Success in Charnwood Recent Update and Future Developments</p> <p>DASH was a self-regulating body, able to enforce on its Code of Conduct. Officers were able to work with those landlords who were willing and/or unknowledgeable. Charnwood had the highest number of landlords subscribed in the East Midlands. There was on-going training for landlords and regular contact made through e-newsletters, twitter and a blog. The key was to ensure that landlords saw the value of being accredited. Accreditation could be removed at any time if a landlord was in serious breach of the agreed Code of Conduct requirements.</p> <p>Funding for DASH had recently been changed. Central Government had devolved funding responsibilities to regional government. Currently CBC paid £3,000 subscription to DASH annually.</p> <p>DASH had a positive working relationship with CBC officers in Private Sector Housing and Enforcement. Although DASH had no legal enforcement powers, outside of non-compliance with the Code of conduct, it could influence landlords and help them to change their behaviour and ways of working, ensuring minimum standards were met and hazards reduced /removed.</p> <p>Based on the evidence available, DASH would not recommend Additional HMO Licensing Designation in Loughborough, believing that such action would not stand up to judicial review, would duplicate work and would not be cost effective for the Council. Comparisons were made between Charnwood Borough Council and Bournemouth Borough Council, where additional licensing had been rejected, while enforcement teams had been empowered to use existing powers in a proactive approach. Reference was also made to costs of such a scheme, with only the processing charges being charged to fees, all other costs, including any</p>

	<p>enforcement action and chasing non-licensed properties must be met by the Council. That was one of the main reasons why Derby City Council decided not to go forward with selective licensing.</p> <p>Reference was made to a new DASH campaign 'Anyone Can Be a Landlord?' currently being trialled in Lincolnshire, to encourage more small non-student landlords to become accredited.</p> <p>(ii) CBC Private Sector Housing - Power Point presentation – copy filed as a background paper:</p> <p>Property/household types Service Requests 2008 – 2013 Summary of Service Requests Courses of Action currently available to manage student occupancy Off Campus Student Delivery Strategy CBC Services linked to student accommodation Conditions to consider before making an Additional HMO Licensing Designation The Journey to Additional Licensing</p> <p>In the current financial climate local authorities were operating under the concept of self-regulation, a government initiative with widespread support. Self-regulation through the DASH accreditation scheme meant that the Private Sector Housing team was able to focus its finite resources and enforcement activities on those landlords/properties who were not accredited.</p> <p>Reference was made to 'Rogue Landlords', witnesses considered there were identified major problems in some London Boroughs and Lincolnshire, but did not believe there was evidence of such problems in Charnwood.</p> <p>Reference was made to the number of HMOs on the Kingfisher Estate, detailed in the presentation and concerns that the figures were not accurate. It was noted that the information was taken from Council Tax student exemptions, therefore should a resident be working and paying council tax that address would not be included in the statistics.</p> <p>Different Council Services used different data systems to record information, e.g. Private Sector Housing used FLARE, Neighbourhood Management used SENTINEL and Customer Services used LAGAN.</p>
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	<p>Officers made reference to conditions/evidence to consider prior to taking a decision to introduce Additional HMO Licensing Designation in Loughborough:</p> <ol style="list-style-type: none"> <li>1) LA must consider that a significant proportion of HMOs are being managed sufficiently ineffectively as to give rise to <b>one or more particular problems</b> for those occupying the HMO or for members of the public: <ul style="list-style-type: none"> <li>• External condition adversely impacting upon the area</li> <li>• Internal condition adversely impacting upon the health, safety and welfare of the occupiers</li> <li>• Significant and persistent problem of anti-social behaviour</li> <li>• Landlords of HMOs failing to take appropriate steps to address the above issues</li> </ul> </li> <li>2) Unless LA has significant evidence of problems that they are unable to deal with under current measures, there is a strong likelihood that proposals for additional licensing would be challenged by judicial review</li> <li>3) LA must consider whether there are any other courses of action available to them that might provide an effective method of dealing with the problems in question</li> <li>4) LA must be clear that making the designation will significantly assist them to deal with the problems</li> <li>5) Consult persons likely to be affected by the designation over a minimum 10 week period</li> </ol> <p>Details of information gathered by Nottingham City Council and Bath and North Somerset Council could be made available to the Panel as examples of evidence required for Additional HMO Licensing Designation.</p> <p>Enforcement officers took action to remedy faults rather than close an HMO. There were powers to prohibit the use of a room/ floor/ property should the need arise.</p> <p>It was the view of the witnesses that the situation in Charnwood was not sufficiently severe to warrant introducing additional HMO licensing and evidence available presently would not be robust enough to make a case in the consultation period without facing the risk of a judicial review. Witnesses offered to arrange a visit to the areas of Nottingham where a proposed Additional HMO Licensing Designation had been applied for.</p>
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	<p>Witnesses confirmed the Council worked with outside partners to address concerns, e.g. with the Police when reports of a suspected cannabis factory had been received and the police reported housing issues to the Council to address.</p> <p>Reference was made to the Tenant Finder Scheme – not connected with HMOs, to encourage accommodation for single people in empty student properties</p>
<p>Officer Briefing Papers</p> <p>(i) Student Occupancy and Enforcement of Waste issues</p> <p>(ii) Litter Picking and Street Cleansing</p>	Documents received and noted.

#### **POSSIBLE ISSUES FOR THE PANEL REPORT RAISED BY WITNESSES / MEMBERS OF THE PANEL**

	<p>Voluntary Licensing Scheme – advantages and disadvantages Encourage further use of the DASH Accreditation Scheme, including involvement of all services e.g. if a midwife or doctor visited a rented property discuss landlord accreditation to make tenants aware of the scheme, circulate leaflets, thus discouraging tenants from renting properties from non-accredited landlords.</p> <p>Support for the DASH pilot Accreditation Scheme for all Landlords in Lincolnshire to be developed in Charnwood.</p> <p>Discretionary Licensing – As a first step to the consideration of Additional HMO Licensing Designation, collate all relevant data from Council Services to obtain a comprehensive evidence base, to consider the appropriateness of such a scheme from an informed position.</p> <p>‘Scores on the Doors’ – publicise the Students’ Union ‘Rate My Landlords’ Scheme</p> <p>Tennant Finders Scheme – to provided single room accommodation for single people, up to the age of 35.</p> <p>Revisit Contact Centre scripts, to ensure references to HMOs are recorded.</p>
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#### **OTHER ISSUES RAISED/DISCUSSED AT THIS MEETING:**

- The need for a new IT system which provided a single database for all Council services.

#### **FURTHER MEETINGS OF THE PANEL:**

29th October 2013 – 6.00pm – To receive further information, requested by the panel from Loughborough University and a briefing paper in respect of planning enforcement.

20th November 2013 – To consider content and recommendations or the Panel's final report