WARWICK DISTRICT COUNCIL	**Overview & Scrutiny Committee 27 September 2016**	**Agenda Item No. 10a**

Title	**HMOs Task & Finish Group Interim Report September 2016**
For further information about this report please contact	**Membership**: Cllr Davison, Naimo, Quinney, Mrs Knight, Miss Grainger, Thompson. Cllr Mrs Cain joined at end of July.
Wards of the District directly affected	ALL
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?	No
Date and meeting when issue was last considered and relevant minute number	Overview & Scrutiny Committee 1st June 2016, item 9, scoping document first established Overview & Scrutiny Committee 28th June 2016, item 8, membership agreed Overview & Scrutiny Committee 26th July, Verbal update
Background Papers	• HMO Task & Finish Group Scoping Document • WDC H6 planning policy – 'the 10% rule' • Government guidance on HMO regulations • Preston Waste disposal policy for HMOs • Brighton's Student Housing Strategy Paper • WDC HMO Licence template • Written report from Durham Conference on HMOs • Written case studies from two residents in Radford Road • Coventry City Council Task & Finish group landlords survey, report & recommendations

Contrary to the policy framework:	No
Contrary to the budgetary framework:	No
Key Decision?	Yes
Included within the Forward Plan? (If yes include reference number)	No
Equality Impact Assessment Undertaken	No
Final Decision?	No

Officer/Councillor Approval - N/A at this stage		
Officer Approval	**Date**	**Name**
Chief Executive/Deputy Chief Executive		
Head of Service		
CMT		
Section 151 Officer		
Monitoring Officer		
Finance		
Portfolio Holder(s)		

1. Summary

1.1 This is a brief interim report on the progress made so far by the Task & Finish Group on HMO's. It recognises and supports the good progress being made by Officers on some key short-term issues. Other issues on which the Group is still working are then outlined, indicating some possible options and inviting comment.

2A Recommendations to Overview & Scrutiny Committee

2A.1 We are still in a data gathering stage and ask Overview & Scrutiny to note this report.

2A.2 Given the above, we recommend extending the planned timescales for our final report to March 2017

2B Draft Recommendations likely for final report

2B.1 To support, in principle, a number of changes being developed by Officers, that have been presented to the Group, in the areas of enforcement of waste, recycling, and external garden condition. These changes include:

- using Anti-Social Behaviour powers under the ASB Act 2014 to issue warnings, then formal notices, if required, leading potentially to prosecution
- applying this process to landlords as well as tenants, where appropriate.

2B.2 To support, in principle, the changes that are being implemented in Health and Community Protection, which put greater emphasis on landlord responsibility when issuing noise abatement notices to HMO properties.

3. Reasons for the Draft Recommendations

3.1 The first phase of the Group's work has been focussed on these areas, in response to resident concerns and information received on how the problems are tackled by other Authorities.

3.2 In parallel much good work has been done by Officers and the Portfolio Holder for Neighbourhood Services, looking at best practice in other Councils and what practical and legal options are for improvements.

3.3 The Group wish to make fellow Councillors aware of our interim conclusions on these issues because of the progress made and invite comments before formal proposals come forward.

3.4 The Group are particularly keen that implementation of these changes should not be delayed awaiting the final full conclusions of our work – which may not be until early 2017. Residents will benefit from the earliest possible introduction of the changes summarised above.

4. Policy Framework

4.1 Fit for the Future

Experience in other Councils indicate that these changes will improve the general environment for both residents and visitors, diminish health risks and, potentially, contribute to a higher quality of housing for our student and other private sector tenant population.

The different approach to enforcement will also deliver significant savings in Officer time by delegating much of the responsibility for maintaining standards to landlords.

4.2 Impact Assessments

None made for this report.

5. Budgetary Framework

5.1 No significant additional costs from implementing these proposals are expected. Some savings in/better use of Officer time can be expected.

6. Risks

6.1 The main risks are
A. inconsistent application of the new process
B. strong landlord opposition
C. will not have the beneficial effects expected

These will be mitigated in the detailed proposals yet to be submitted, by a combination of clear processes, staff training and pre-consultation with all interested parties. The third risk is small provided the Council builds on the very positive experience of other Councils which have adopted this policy and process with little or no resort to the Courts.

6.2 Legal advice has already been sought by Officers and approval has we understand been obtained

7. Alternative Option(s) considered

7.1 No change in current policies and practices. This will not solve the current difficulties for residents, Officers and the environment.

7.2 Using powers to prosecute more frequently. This would damage relationships with landlords and tenants and be seen to be disproportionate. More cases in Court are likely to be lost. Costs would be higher.

8. Background - Consultation & Community Engagement

The group has been meeting approx every 2 weeks since it was formed on 12th July and have held 6 meetings to date.

During and between meetings, the group have been gathering and analysing evidence such as policies and procedures from various departments within Warwick District Council (WDC), external organisations and other Local Authorities around the country. It is intended that any recommendations come from examples of best practices and knowledge gained from other areas as well as what we are currently doing

8.1 Meeting 1) Overview

Identified the areas to focus on in the scoping document
Made it clear that this group is looking at ALL HMOs, not just those with students although given the number of student HMO properties, some the work will be focussed on student housing.
Engagement and consultation – how and when to engage residents, landlords, tenants etc in the work of this group

8.2 Meeting 2) Licensing

Received a verbal presentation & interviewed from Mark Lingard (Private Sector Housing) in particular with relation to WDC HMO license, looked at maps of South Leamington HMOs distribution and number of prosecutions brought forward
At present, it was believed that there are 330 licensed HMO's and 957 unlicensed HMO's in the district.
Agreed to survey Landlords as a first step to engage them in the work we are doing.

8.3 Meeting 3) Review of process

Reviewed information received to date, received report from Durham Conference on HMOs which Cllr Quinney (and several WDC officers, and a Warwick University officer) attended. Focus on theme based evidence gathering in next 3 meetings

8.4 Meeting 4) Waste & Recycling

Received verbal presentation from a resident of South Leamington
Received a verbal update and interviewed Graham Folkes-Skinner (Neighbourhood Services) and Mark Lingard (Private Sector Housing) regarding new evidence about use of the Antisocial behaviour Act (ASB) 2014.

8.5 Meeting 5) Noise & ASB

Received verbal presentation and interviewed Pete Cutts (Health & Community Protection) who outlined the work his Safer Neighbourhood team do around Anti-social behaviour, nuisance noise.
Health & Community Protection now service noise abatement to Landlords (as well as tenants) as a matter of course. Prosecute if breached.

8.6 Meeting 6) Planning

Received verbal presentation and answers to questions from Rajinder Lalli (Planning Enforcement), Ken Bruno (Housing Strategy & Development) and Tracy Darke (Head of Development Services).

9.0 Next issues for the Group to address

The group is aware there are still some gaps in our knowledge on which further evidence is being gathered – for example

- the current landlord survey
- data on HMO's across the District

- further feedback from tenants of HMO's
- further feedback from the Students' Union

However we believe the main outstanding issues to address and on which to report are:

9.1 Extension of Licensing.
Investigate how selective licensing of all HMO's could be introduced, as in other Councils. We do not know when the outcome of the government's review of mandatory licensing of all HMO will be available. Improved enforcement of our license. Financial and resource implications need to be explored.

9.2 Shared monitoring and reporting
An internal WDC Community Map app recently launched is now active and HMO data being inputted. We wish to support the work officers are doing to use CIVICA more effectively across all departments. Include ICT resource.
The Group wish to ensure that Officers have available all relevant data regarding particular properties and landlords in order to identify persistent problems and take effective action – for example the HMO licensing team at time of renewals or before. This may be purely operational or may require a policy adjustment.

9.3 Planning
There is a potential for the H6 planning policy – the 10% rule – to be adjusted to discourage further concentrations of HMO's and encourage Purpose Built Student Accommodation (PBSA) for students once the Local Plan has been adopted.

Further investigate ways in which Planning and Private Sector Housing can work more effectively together to ensure policies are being properly applied.

9.4 Accommodation strategy
Can the Council, University and Developers/landlords develop an agreed strategy for student housing in the area to -
- co-locate it on or close to campus
- build PBSA's to absorb growth and cap/reverse house conversions to HMO's
- build PBSA's on sites which will help maintain/restore better balanced communities

9.5 Council Tax & Business Rates
Students do not pay Council Tax and landlords cannot be charged Business Rates. In the past compensation was received via the government's Revenue Support Grant (RSG). The current and future impact on WDC financially has been requested from Finance, given the steady reduction in the RSG to zero. The Group may wish to make proposals about what can be done to remedy any shortfall.

10. Timescale and Scope

To complete this work it is likely the Group will need to extend beyond its planned timescale to report by the end of 2016. A more realistic end date would be March 2017.