

NEIGHBOURHOOD SERVICES SCRUTINY FORUM MINUTES

25 October 2006

Present:

Councillor: Gerard Hall (In the Chair)

Councillors: Jonathan Brash, Harry Clouth, Rob Cook, Kevin Cranney,
Steve Gibbon, Gerard Hall, Gordon Henery, Geoff Lilley,
Pat Rayner and Denis Waller

Resident Representatives: Alan Lloyd and Linda Shields
Lesley Hall, Community Network

Officers: Dave Stubbs, Director of Neighbourhood Services
Penny Garner-Carpenter, Strategic Housing Manager
Ken Natt, Landlord Registration Officer
Joanne Burnley, Senior Environmental Health Officer
Joan Wilkins, Scrutiny Support Officer
David Cosgrove, Principal Democratic Services Officer
Jo Wilson, Democratic Services Officer

46. Apologies for Absence

Apologies were received from Councillor Steve Allison

47. Declarations of interest by Members

None.

48. Minutes of the meetings held on 20 September 2006

Confirmed.

49. Responses from the Council, the Executive or Committees of the Council to Final Reports of this Forum

No items.

50. Draft Thoroughfare Policy – Possible Redirection by Scrutiny Co-ordinating Committee (Referred by Cabinet on 9 October 2006) (Scrutiny Support Officer)

At the Cabinet meeting on 9 October, 2006 a report was received outlining proposals for the establishment of a policy relating to requests for the restriction of pedestrian access on public thoroughfares. Cabinet resolved that the proposed policy be forwarded to Scrutiny with the request that their views and/or amendments to the policy be reported back at the earliest opportunity to allow implementation of the policy. The policy was set out as follows:-

- (i) Any applications received should initially be directed to the relevant Neighbourhood Manager for investigation.
- (i) The Neighbourhood Manager will investigate the situation, in liaison with the Police and anti-social behaviour unit to establish the extent of the problem, through available criminal and disorder evidence and appropriate actions, (other than gating or closure at this time), will be identified and initiated by the Neighbourhood Manager in conjunction with the Police, the Anti-Social Behaviour Unit and the Community Safety Problem Solving section. At this stage the applicants for the closure will be advised that closure will not be considered until all alternative options have been thoroughly investigated and recommendations have been received from all agencies that this is the only possible solution to the problem.
- (ii) If there is strong evidence and the problem persists, and it is recommended by the Police that a closure is the only remaining option, the Neighbourhood Management Team will undertake a full consultation with all stakeholders, including residents in the immediate vicinity and those residents who will be affected by the closure appropriate, resident associations, access groups and Council Officers (including those in the Transportation and Planning sections) to determine the extent of support for any proposed closure.
- (iv) A report will then be submitted to Portfolio Holder by the Head of Technical Services detailing the results of the consultation and a decision will be sought as to whether the proposed gating or closure should proceed.

The Scrutiny Support Officer indicated that any comments the Forum had on the proposed policy would be fed back to Cabinet, probably for its meeting on 6 November 2006.

The Mayor, Stuart Drummond, and the Culture, Leisure and Transportation Portfolio Holder, Councillor Victor Tumilty, and the Director of Neighbourhood Services were present and responded to Members questions during the debate. One key issue raised by Members was would the new policy mean

that previous decisions would be revisited. The Mayor was clear that this would not be the case. The policy was designed to aid decision making on new requests. The Director of Neighbourhood Services indicated that the policy reflected the process that was being undertaken at Mountston Close in compliance with the new legislation. Closure needed to be seen as a last resort.

After discussing the proposed policy, Members made the following comments to be reported to Cabinet -

- That despite the views of certain sections of the public as to the effectiveness of making reports, publicity should be undertaken to encourage people to report any instances of anti-social behaviour to the Police. Members considered that many people simply thought that phoning the Police was simply a waste of time but the Police had requested that without a track record of complaints from the public they could only assume that they were isolated incidents that they could do little about.
- That consultation needs to be robust under the policy and be targeted at a much wider segment of the community than in the past. Members commented that much of the consultation carried out in the past focussed on too small an area; Mountston Close was a good example.
- That the Scrutiny Forum reviews the effectiveness of the policy within one year of its approval by Cabinet.

Recommended

That the comments of the Forum be reported to Cabinet and the effectiveness of the policy reviewed by the Scrutiny Forum within twelve months of its implementation.

51. Consideration of Progress Reports/Budget and Policy Framework Documents

No items.

52. The Performance and Operation of Private Rented Accommodation – Scoping Report *(Scrutiny Support Officer)*

The Scrutiny Support Officer presented a scoping report for the Forums investigation into the performance and operation of private sector rented accommodation.

It was highlighted that the aim of the investigation had been refined following discussions with the Chair in an effort to more clearly define the investigation.

The aim of the investigation

To examine the performance/operation of private sector rented accommodation and landlords and to evaluate the options available to the Local Authority for the protection of tenants and surrounding residents.

The terms of reference for the investigation

- (a) To gain an understanding of national policies and practice relating to the operation of Private Sector Landlords, with particular reference to:-
 - (i) Current and future national policy/legislation regulating the provision of rented accommodation;
 - (ii) The difference between private sector landlords and registered social landlords and the legislation/regulations effecting the operation of each;
 - (iii) Possible changes to the Local Authorities enforcement powers in relation to private sector landlords as a result of changes in legislation and the introduction of landlord licensing (Mandatory and Discretionary).

- (b) To gain an understanding of local policies and practice relating to the operation of Private Sector Landlords, with particular reference to:-
 - (i) The position in Hartlepool in terms of the regulation of private landlords and the options currently available to the Local Authority for the protection of private sector tenants and surrounding residents;
 - (ii) The level and types of problems experienced by private sector tenants, landlords and surrounding residents and the social/economic effects on communities of concentrated pockets of private rented accommodation;
 - (iii) Ways of dealing with the social and economic effects on communities of concentrated pockets of private rented accommodation, which could include schemes to facilitate increased home ownership (i.e. shared ownership) and demolition of properties; and
 - (iv) The effectiveness of the voluntary registration scheme for private landlords currently in operation in Hartlepool;
 - (v) The implications of current and future actions in relation to the regulation of the private rented sector particularly the 'knock on' effect of enforcement action against landlords and tenants.

- (c) To examine and compare best practice for the provision of rented accommodation with particular reference to:-
 - (i) Examples of best practice implemented by Registered Social Landlords, responsible private landlords and letting agencies/companies to deal with problem tenants in order to ascertain if any could be implemented as part of a landlord licensing scheme (Mandatory and Discretionary);
 - (ii) Strategies/practices implemented in other Local Authorities (for example Gateshead Council, Newcastle Council or Manchester Council), with those in place in Hartlepool in order to identify any possible areas for improvement;

- (d) To seek the views of local residents, Ward Councillors, private landlords, tenants, letting agents and representatives from national and

local bodies in relation to the provision of rented accommodation.

- (e) To determine on the evidence provided whether the action available to Hartlepool Borough Council to protect tenants and surrounding residents is being undertaken effectively.

Timetable Of The Scrutiny Investigation

25 October 2006 – ‘Setting the Scene’ – Formal meeting of the Forum to receive a presentation from the Housing Strategy Manager in relation to the issues covered in terms of reference (a)(i), (a)(ii), (a)(iii) and (b)(i) and evidence from the Portfolio Holder with responsibility for Regeneration, Housing and Liveability.

29 November 2006 –

- (a) Evidence from relevant bodies/individuals on:-
 - (i) The level and types of problems experienced by private sector tenants, landlords and surrounding residents and the social/economic effects on communities of concentrated pockets of private rented accommodation;
 - (ii) Ways of dealing with the social and economic effects on communities of concentrated pockets of private rented accommodation that could include schemes to facilitate increased home ownership possible (i.e. shared ownership) and demolition of properties;
 - (iii) The number of properties demolished and of those the number that were PSL owned; and
 - (iv) The effectiveness of the voluntary registration scheme for private landlords currently in operation in Hartlepool.

w/c 4 or 11 December 2006 – Site Visit - To another Local Authority's to observe best practice. (Gateshead Council or Newcastle Council)

w/c 4 or 11 December 2006 – Focus Group - To seek the views of local residents and tenants on their experiences with Private Sector Landlords.

10 January 2007 –

- (a) Feedback from the Site Visit.
- (b) Discuss:-
 - (i) Strategies/practices implemented in other Local Authorities (for example Gateshead Council, Newcastle Council or Manchester Council), with those in place in Hartlepool in order to identify any possible areas for improvement;
 - (ii) Examples of best practice implemented by Registered Social Landlords, responsible private landlords and letting agencies/companies to deal with problem tenants in order to ascertain if any could be implemented as part of a landlord licensing scheme (Mandatory and Discretionary).

14 February 2007 –

- (i) To seek the views of local residents, Ward Councillors, private landlords, tenants, letting agents and representatives from national and local bodies in relation to the provision of rented accommodation.
- (ii) To determine on the evidence provided whether the action available to Hartlepool Borough Council to protect tenants and surrounding residents is being undertaken effectively.

w/c 26 February 2007 – Informal meeting to consider the content of the Draft Final Report

21 March 2007 - Consideration of Draft Final Report.

20 April 2007 - Consideration of Final Report by the Scrutiny Coordinating Committee.

30 April 2007 – Consideration of Final Report by the Cabinet.

13 June 2007 – ‘Closing the Loop’ report back from Cabinet to the Forum.

Members were concerned that the views of tenants themselves should be sought wherever possible throughout the investigation. There was concern as to how this may be done without potentially prejudicing their tenancies in some cases. Members hoped that their evidence could be sought through whatever means; anonymous written submission, ward Councillors acting on their behalf or the use of Anti-Social Behaviour Unit Officers.

Recommended

That the proposed Terms of Reference, together with the suggested timetable for the undertaking of the investigation, be agreed.

53. The Performance and Operation of Private Rented Accommodation – Setting the Scene Presentation by the Housing Strategy Manager *(Scrutiny Support Officer)*

The Neighbourhood Services Scrutiny Forum at its meeting on 13th June 2006 selected two issues to form its 2006/2007 work programme. The second issues for consideration related to the performance and operation of private sector rented accommodation.

The scoping report was considered by the Forum earlier on the agenda when the Terms of Reference and Potential Areas of Inquiry/Sources of Evidence for the inquiry were approved. As part of the first stage of the inquiry arrangements have been made for the Housing Strategy Manager and the Regeneration, Housing and Liveability Portfolio Holder (The Mayor) to be in attendance at this meeting to provide evidence in relation to the investigation.

The Strategic Housing Manager gave a presentation to the forum that effectively set the scene for the first stage of the inquiry. The detailed presentation covered the following issues/areas:-

- The 'Housing' Teams – Private Sector Housing and Homelessness Teams.
- Government influences – Decent Homes Standard, Respect Agenda, Housing Benefit, single room rates and Rent Officer Services.
- Registered Social Landlord's (RSLs) waiting lists, allocation and tenancy enforcement policies.
- Private sector housing is a vital housing sector, only some of which was problematic. It offered flexible form of tenure, widens choice, meets a wide range of needs, contributes to labour market flexibility and was the tenure of choice nationally for young people.
- Currently the market in Hartlepool is not in balance; there are high numbers of small terraced houses no longer attractive to owner-occupiers and as they moved out of these areas properties are either left empty or rented out. This was then attracting a range of purchasers who either left properties empty or rented them out some of which were adding to the problems.
- The issues for Hartlepool are affordability; large numbers of empty properties leading to illegal use; poorly maintained homes; poorly managed homes causing problems for tenants and neighbours. All these problems discouraged people from buying and contributed to housing market failure.
- Government has sought to strengthen the private sector by improving standards and management. They see their key measures as; new Health and Safety Rating System to improve standards, encouraging voluntary accreditation, encouraging joint working to meet housing need, and a Private Sector Pilot Project (which Hartlepool contributed to).
- Private sector housing legislation covering rented accommodations is many and varied and includes the maintenance of properties and the management of tenancies – particularly how they are ended.
- The Housing Act 2004 sets out a risk based system to assess the condition of dwellings and a range of powers (Health & Safety Rating System)
- guidance for dealing with empty properties including securing them and bringing them back into use.
- There is a general lack of knowledge of responsibilities among Landlords – both to ending tenancies and for anti social behaviour. There are instances of the law being ignored, of illegal eviction and harassment, as well as taking action for possession rather than to resolve matters e.g. rent arrears. There is also a lack of action where there is anti-social behaviour. This has improved since the appointment of a specialist tenancy relations officer – tied in with increasing housing advice and homelessness prevention. We are implementing the statutory Licensing of Houses in Multiple Occupation and consulting on additional discretionary (Selective) licensing.
- Strategic matters includes; influencing size and location of sector;

supporting the sector through advice, and assistance including accreditation; Licensing and accreditation; homelessness strategies; and 'Supporting People' strategies.

- Accreditation is a voluntary scheme encouraging landlords to 'register' with the scheme and to offer a minimum standard of properties and management. Landlords are supported through the accreditation scheme to improve management and it contributes to improvements in rented properties in the town.
- Housing Benefit is a significant factor. Single room rent – people under 25 are subject to £48 maximum weekly housing benefit. This is a barrier to accessing private rented housing causing young people to 'sofa surf', squat etc. Rent determinations (the amount of housing benefit payable) – currently causing problems of housing benefit shortfalls in the town. Discretionary payments - this is not a housing benefit (but decisions currently made by that team). Payments can be made to supplement housing benefit, currently by this authority to a 6 month maximum.
- Anti-Social Behaviour. Landlords can take action for eviction (or with ASB team) where their tenants or their visitors are causing problems through ASB. The Council's responsibility is discharged through the ASB unit – supported by a range of partners including 'housing'.
- Social Landlords include Councils and Registered Social Landlords (RSLs). The biggest RSL in Hartlepool is Housing Hartlepool but there are a number of others. RSL's are regulated through a Government Quango, the Housing Corporation. RSL's are influenced by local authorities (particularly HH as our 'transfer' organisation with whom we share a waiting list and allocation policy and housing strategies).
- Registered Social Landlords are 'not for profit' and any 'surpluses' they make are retained within the organisation. They offer assured tenancies (some short-hold as 'introductory tenancies') and are generally more responsible landlords than private sector landlords.
- RSL's affect the private sector market in a number of ways. Their waiting list and allocation policies can affect who gains access to RSL properties. This can include the perception of residents – this can mean residents not applying for RSL housing. Evicted RSL tenants are likely to move into private rented sector.
- The private rented sector is a wide-ranging area where the local authority has little direct control. It fits in strategically with a range of local authority services, including housing and regeneration. To be successful in managing the sector we have to work in a joined up way. We have to make full use of a range of tools and we need to ensure sufficient resources.

Recommended

The Forum thanked the Strategic Housing Manager for her very comprehensive and informative presentation.

54. The Performance and Operation of Private Rented Accommodation – Evidence from the Regeneration, Housing and Liveability Portfolio Holder *(Scrutiny Support Officer)*

The Regeneration, Housing and Liveability Portfolio Holder, The Mayor, Stuart Drummond, commented that he was concerned at how the new legislation was being portrayed in the press. It was not a panacea to resolve all antisocial behaviour problems experienced from people in privately rented accommodation. It would simply give the authority another tool it could use to resolve and control problems. The Mayor indicated that the hopes of the authority had been dashed in the past in relation to promises made by government on powers to deal with this problem. Hartlepool had been one of the pilot areas for the introduction of the Voluntary Landlord Registration Scheme. The Council was told it may get powers following that pilot, but the new legislation does not give the powers we need. The only way to ensure landlords complied with the law and the decent homes standards was to hit them in the pocket if they didn't. The Council needed to look at the potential of withholding benefits or fining landlords for non-compliance.

Cabinet had taken the implementation of the new legislation very seriously and had committed money to support landlord licensing and a tenant referencing scheme in the next financial year. Members welcomed the commitment of funding for these schemes.

Members discussed at some length issues around withholding housing benefits, decent homes standards, bad landlords pressurising tenants, the charges for landlord licensing and the lack of central government financial support. It was highlighted that while there were around 3000 private tenancies in the town, only around 30 were causing any problem. The impact of these bad tenants was, however, huge. One in an area or street could potentially be managed but when two or three 'clustered' together things could become very difficult for the other residents.

The Scrutiny Support Officer indicated that the issues around housing benefits, staffing and funding would form part of the future discussions of the Forum during the investigation.

The Chair thanked everyone for attending and actively participating in the discussions at the meeting, including the members of the public who had attended. The Chair suggested that in advance of the next meeting on 29 November 2006 further publicity be undertaken to encourage more members of the public to become involved in the inquiry.

Recommended

That Regeneration, Housing and Liveability Portfolio Holder, The Mayor, Stuart Drummond, be thanked for his attendance and contribution to the meeting.

GERARD HALL

CHAIRMAN