

COMMUNITIES SCRUTINY COMMITTEE

Minutes of a meeting of the Communities Scrutiny Committee held on Tuesday, 30 November 2021 at 6.00 pm in Addenbrooke House, Ironmasters Way, Telford, TF3 4NT

Present: Councillors B J Thompson and C R Turley (Chair)

In Attendance: A Astley (Executive Director: Housing, Communities & Customer Services), K Kynaston (Director: Housing, Employment & Infrastructure), R Phillips (Service Delivery Manager: Governance & Legal Services), R Phull (Service Delivery Manager: Strategic Housing & Regeneration, Housing, Employment & Infrastructure), K Robinson (Senior Democracy Officer (Scrutiny)), and S Yarnall (Democracy Officer (Scrutiny)).

Also Present: Councillor R A Overton (Deputy Leader and Cabinet Member for Enforcement, Community Safety and Customer Services) and D Wright (Cabinet Member for Economy, Housing, Transport and Infrastructure).

Apologies: Councillor E J Carter, G H Cook, T L B Janke and R Mehta

COMSC29 Apologies for Absence

Councillor E J Carter, G H Cook, T L B Janke and R Mehta

COMSC30 Declarations of Interest

None.

COMSC31 Minutes of the Previous Meeting

RESOLVED – that the minutes of the meeting held on 19 October 2021 be confirmed and signed by the chair.

COMSC32 HMO Update Report

Prior to the substantive agenda item, the Chair was advised by the Service Delivery Manager: Governance & Legal Services on how to proceed with the meeting as the Committee was not quorate.

Members were advised that scrutiny was not a decision making body and that there were no decisions to be taken on the agenda. The Members present agreed to continue with the update on the regulation of private sector housing, with a copy of the minutes and slides to be circulated to the rest of the committee prior to the next meeting of the Committee. Any questions and queries from members to be delivered to Democratic Services for further follow-up.

The Committee received the presentation of the Service Delivery Manager: Strategic Housing & Regeneration, Housing, Employment & Infrastructure.

Members heard an update regarding 'Houses in Multiple Occupation' (HMOs). Nationally, in 2019, there were 4.5 million properties in the private rented sector, this was in contrast to 2.2 million in 2001. In Telford and Wrekin, in 2001 the Private Rented Sector accounted for 3,762 households. In 2020, it was estimated to have grown to 11,380 in the Borough.

The following reasons were noted as underlying growth:

- Increase in house prices – reduced affordability for first time buyers.
- Buoyant rental market /Buy to Let – driving up house prices.
- Welfare reform – this had led to growth in shared housing and HMOs.
- Social housing provision had also declined.

It was explained that a property was a HMO if both of the following applied:

- At least three tenants lived in a property forming more than one household.
- There existed shared toilet, bathroom or kitchen facilities between tenants.

A HMO only required a licence if they met two criteria:

- There were 5 or more occupants constituting two or more households.
- There existed shared toilet, bathroom or kitchen facilities with other tenants.

Members heard that there was currently no requirement for private landlords to declare their rental properties to the local authority. Only landlords of licensable HMOs were required to obtain a licence from their local authority.

At the time of the meeting, Telford and Wrekin Council licenced 244 HMOs.

Members heard that Central Government estimated that there were 497,000 HMOs in England and Wales at the end of March 2018. Telford and Wrekin Housing Benefit and Council Tax statistics showed 550 HMOs in the Borough. However, members heard that this is a rough estimate and there could be more.

Members heard that HMOs played a vital role in the local housing market; providing accommodation for single people under the age of 35 on housing benefit or universal credit. HMOs also played a role in student accommodation and transitional accommodation including for young working professionals. It was noted that the majority of HMOs were well managed and did not cause problems.

The Authority offered support and advice to landlords and tenants on areas such as affordable warmth grants. Work was being undertaken with Public

Health England to carry out Covid-19 checks on all licensed HMOs in the Borough to advise on additional control measures.

On licencing, the Committee heard that all licensable HMOs were inspected before being granted a licence; licence conditions could be set for fire detection, waste management, room sizes, and amenity standards.

Issues associated with poorly managed HMOs were:

- Anti-social behaviour, overcrowding, and crime;
- A negative impact on the physical environment and streetscape;
- Pressure on parking provision;
- Pressure on local community facilities; and
- Unbalanced communities.

The Housing, Health and Safety Rating System (HHSRS) was used to assess all private rented properties for 29 key hazards found within the home that were associated with hospital admission and fatalities. All HMOs were further regulated by 'Management Regulations' that included:

- Fire safety and means of escape;
- Design and structure of the HMO;
- Gas and electrical safety; and
- Adequacy of supply and provision of services.

Any offence that breached the licence and management regulations could lead to prosecution. This applied to HMOs operating without a licence, which were otherwise deemed as licensable. The Housing and Planning Act 2016 had provided local authorities with additional enforcement powers in the form of civil penalties of up to £30,000, which could be imposed as an alternative to prosecution. Banning orders were also used for repeat offenders of poorly managed HMOs.

In the 12 months prior to the meeting, enforcement action had included support and advice to 500 landlords to support improved action. There had been formal legal action against 30 landlords operating poorly managed HMOs including:

- Civil Penalty notices (multiple offences);
- Improvement Notices;
- A Prohibition Order; and
- Prosecutions (which may be for multiple offences)

It was noted that Telford and Wrekin Council were the first to issue a banning order on a private landlord of a, HMO.

Members were briefed on the link between HMOs and planning. They heard that under current planning regulations a landlord of a HMO of up to six people have Permitted Development Rights. This meant that there is no need to seek planning permission for HMOs of up to six people.

Members also heard that Article 4 allowed the local authority to withdraw permitted development rights but only to avoid adverse conditions based on robust evidence and in the smallest geographical areas.

The Authority actively worked to improve standards of HMOs. Through the Better Homes for All report, the Council provided support at planning stage of HMOs concerning layout, provision, fire safety and management practice. Additionally, at the time of the meeting there was a stock condition survey being commissioned which would overlay data sources to identify hidden HMOs and allow for targeted support.

Better Homes for All was proactively targeting poorly managed HMOs associated with criminality and would be working with residents, town and parish councils, and ward members to report problem HMOs. Additionally, the Safer, Stronger Communities Programme had taken an intelligence led approach, targeting areas with high concentrations of problematic HMOs through proactive inspections.

Following the presentation, Members posed questions:

Was it a landlords responsibility to approach Telford and Wrekin Council to register their property as a HMO?

Members heard that currently the only requirement is to apply for a licence if the HMO is licensable.

What happened once a resident raised a concern regarding a HMO?

Members heard that if there was a suspicion of a poorly managed HMO and that there are complaints then the appropriate investigation and action will be conducted.

COMSC33 Chair's Update

None.

The meeting ended at 6.28 pm

Chairman:

Date: Tuesday, 15 February 2022