
Executive Member Decision Session – Neighbourhood Services (including Housing Ops)

3rd February 2011

Report of the Director of Communities and Neighbourhoods

Petition – Request for selective licensing in the Hull Road Ward

Summary

1. This report advises the Executive Member of the petition received requesting that the council apply for selective licensing powers over houses in multiple occupation for the Hull Road ward area of the city.

Background

2. This was presented to Council on the 8th October 2010, and stated:

“Cllr Cregan, on behalf of residents off Hull Road, asking the council to apply for selective licensing powers over houses in multiple occupation in Hull Road Ward”
3. A total of 155 signed slips were received from 103 households. These were mapped across the Hull Road ward and superimposed over the map, which showed concentrations of student properties, which have been exempted by council tax.
4. There are three types of licensing introduced under the Housing Act 2004, Mandatory Licensing¹, Additional Licensing² and Selective Licensing³.
5. In order for the council to consider adopting selective licensing for an area it needs to provide evidence to that the area is one of:
 - i) Low demand;

¹ **Mandatory Licensing** – A statutory duty to implement– applies to all three storey HMOs that have five or more occupants and that the person living in two or more single households. Introduced in 2006, more than 440 HMO in York have been licensed with about 383 currently licensed. Approach supported by code of practice for smaller share student properties and enforcement of the HMO management.

² **Additional licensing**- the council may designate either the area of their district, an area in their district or a type of HMO. The council must consider a significant proportion of the HMOs which are to be included are being managed sufficiently ineffectively as to give rise to be likely to give rise to problems either for the occupiers of the HMOs or for members of the public.

³ **Selective licensing** – The council may designate either the area of their district, an area in their district to regulate private rented homes. Concept outlined in under the previous government department of the ODPM document “Licensing in the private sector” Introduced because of areas of low demand in the North and the Midlands – an absence of owner occupiers lead to some areas attracting an influx of speculative landlords offering the homes to tenants whose behaviour was some times unacceptable

- ii) That the area is experiencing significant and persistent problem caused by anti social behaviour and that at least some of the private sector landlords who have premises in the area are failing to take appropriate action to combat the problem;
 - iii) That the authority must consider that the designation will when combined with other measures the eliminate or reduce the problem.
6. Issues, which we would have to consider, regarding low demand are:
- a. The value of the residential premises into the area in comparison to the value of similar premises into other comparable areas;
 - b. The turnover of the occupiers of residential premises;
 - c. The number of the residential premises which are available to buy or rent and the length of time, which they remain unoccupied.
7. With regard to Anti social behaviour the same evidence is required as for the grounds for possession available against secure tenants and assured tenants:
- a) Nuisance and annoyance - behaviour, which would amount to the tort of nuisance any event, which would annoy an ordinary occupier, not an ultra sensitive one and includes: excessive noise, threatening behaviour, use of bad language, graffiti, vandalism, racial and sexual harassment.
 - b) Illegal or immoral user - includes the use by the tenant or those residing in it or a person visiting including: premises used for prostitution, criminal behaviour, premises used for the supply or use of illegal drugs constituting illegal use of the premises, the premises being used for the storage or sale of illegal goods, an arrestable offence.
8. When considering ASB it applies to both visitors to residential premises as well as that of the occupiers.
9. In considering the test for selective licensing we have had regard to information:
- a) Provided by Home track⁴ on a range of data but in particular turnover and house prices;
 - b) Collated through this years empty homes audit – the Executive Member will be receiving a separate report on this subject;
 - c) Collated through a survey of the Hull Road Ward area during November 2010;
 - d) Collated by our colleagues in City Development;
 - e) Collated through a telephone survey with other officers from other councils.

⁴ Home track'. This provides in-depth, up-to-date and independent survey of house prices and market trends in England and Wales.

Consultation

10. Consultation has taken place with other council's, universities cities across the country and with colleagues in the City Development team. Customers were consulted as part of the Private Sector Strategy 2008.

Options

11. The petition is presented for the Executive Member's comments and consideration.

Analysis

12. Analysis of the relevant information shows that there is little evidence to support a case for selective licensing in the Hull Road Ward area:
 - i) The location of the petitioners did not correspond to high concentrations of HMO properties;
 - ii) The value of house prices in the Hull Road ward is comparable with other areas in the city. The data provided by home track shows that the range of house prices across the city in September 2010 is between £146,212 and £275, 978. The average house price for the Hull Road Ward being £175, 435;
 - iii) The turnover of houses in the Hull Road Ward is not any greater or less than the surrounding areas in the city;
 - iv) The mapping of empty homes clearly shows that there is an even distribution of such properties across the city with no concentration in any one ward;
 - v) The street survey of the city carried out in November looked at a range of issues including litter, parking, gardens, condition of properties, presence of local facilities and other comments in the Hull Road ward. The ward was divided into five zones the full results of the survey can be provided upon request, however in general the feedback was positive with few problems reported. This is further supported by the information provided in Table one (see below) which was collated by the local development framework team on Student Housing and presented to the LDF Working Group in September 2010;
 - vi) Discussions with officers from other cities and university cities (including Leeds, Hull, Bradford, Liverpool, Newcastle, Cambridge, Oxford, Nottingham, Derby and Bath) have revealed that only the Leeds and Newcastle have implemented selective licensing, these are based on geographical areas with significant anti-social behaviour which is as a result of the low demand of the properties.

Table One

Issue	York Average	Heslington Ward	Fishergate Ward	Hull Road Ward
Incidences of Anti Social Behaviour in 2009	606	55	733	536
Percentage of Residents Who Think That Anti Social Behaviour is a Problem in Their Local Area	11	8	5	10
Incidences of Reported Crime in 2009	661	190	682	617
Incidences of Burglaries in 2009	79	18	76	83
Incidences of Littering in 2009	25	2	32	22
Incidences of Noise Complaints in 2009	113	13	136	182
Percentage of residents who think that drunk and rowdy behaviour is a problem in their local area	18%	16%	5%	12%
Percentage of residents who agree that their local area is a place where people from different backgrounds get on well together	79%	95%	78%	68%
Percentage of residents who think there is a problem with people not treating each other with respect and consideration in their local area	23%	0%	26%	23%
Dwellings where one or more of the key building components are old and because of their condition, need replacing or major repair; or dwellings where two or more of the other building components are old and, because of their condition need replacing or major repair	23%	17%	21%	37%
Proportion of households in the private rented housing sector who are very satisfied or quite satisfied with their local area	97%	100%	94%	91%

13. The Executive Member should note that a separate paper was considered by the Local Development Framework Working Group on the 10th January 2011 which explored a planning response to the issue of Houses in Multiple Occupation (HMOs) and specifically student housing, including the possibility of Article 4 Directions being used with regard to emerging government policy.
14. At Full Council meeting on 7 October 2010, following amendments to a motion on selective licensing across the city, the Director for Communities and Neighborhoods was asked work with the Local Development Framework Working Group to bring a report to the Executive outlining the options available to the council to address residents' concerns relating to HMOs in the city. This included the potential

introduction of an accreditation scheme. We are currently exploring how best to implement an accreditation scheme will report back to Members on this issue in Spring 2011.

Corporate Priorities

15. The provision of decent housing is set out within the council's corporate strategy under its Inclusive City & Sustainable City themes. This is further emphasised by strategic aim 2 in the York Private sector housing – To encourage private landlords to provide good quality and well managed properties.

Implications

16. There are no implications arising from this report.

Risk Management

17. The risks associated with the proposals in this report are low and score less than 16. In compliance with the Council's risk management strategy there are no direct risks.

Recommendations

18. That the Executive Member notes the information in this report and considers the petition and that selective licensing is not the most appropriate tool to tackle HMOs in the Hull Road Ward.

Reason: that the legal tests have not been met

Contact Details

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Protection

Report Approved



Date

24th Dec 2010

Wards Affected: *List wards or tick box to indicate all*
Hull Road Ward

All

For further information please contact the author of the report

Background Papers:

- *Housing Act 2010;*
- *Home track report on a range of data but in particular turnover and house prices;*
- *2010 Empty homes audit*
- *Survey of the Hull Road Ward area during November 2010.*