

Meeting	Decision Session - Executive Member for Housing and Safer Neighbourhoods
Date	25 August 2015
Present	Councillor Carr
In Attendance	Councillor Ayre

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## **5. Declarations of Interest**

At this point in the meeting, the Executive Member was asked to declare any personal, prejudicial or pecuniary interests in the business on the agenda. None were declare.

## **6. Minutes**

Resolved: That the minutes of the Executive Member for Housing and Safer Neighbourhoods Decision Session held on 20 July 2015 be approved and signed by the Executive Member as a correct record.

## **7. Public Participation**

It was reported that there had been no registrations to speak under the Council's Public Participation Scheme.

## **8. Legal Actions - 1 October 2014 to 31 March 2015**

The Executive Members considered a report that allowed them to review the results of legal actions (prosecutions, cautions and fixed penalties) undertaken by:-

- Environmental Health,
- Trading Standards,
- Licensing,
- Regional Scambuster Team,
- National Trading Standards eCrime Centre and
- Housing Services

Officers gave an update and it was confirmed that the decision would be agreed in consultation with the Executive Member for Culture, Leisure and Tourism.

The Executive Members noted that the confiscation of £6.2million by the Scambusters Team was a significant case. In response to Members questions it was reported that City of York Council received around 10% of any confiscated money and if obtained the income from this case could fund extra capacity for financial investigations or be used to tackle and reduce crime.

Resolved: That the report be approved.

Reason: So that the Executive Member reviews formal enforcement activity undertaken by Environmental Health, Trading Standards, Licensing Services, the Regional Scambuster Team, the National Trading Standards eCrime Centre and Housing Services.

## **9. New Legislation affecting the Private Rented Sector**

The Executive Member considered a report that highlighted how new and proposed legislation would affect the Private Rented Sector, namely

- a) The Redress Schemes for Lettings Agents and Property Management Work
- b) Duty of Letting Agents to Publicise Fees
- c) The installation of Smoke and Carbon Monoxide Detectors

Officers gave an update and asked the Executive Member to adopt a policy which would enforce the new laws that affected both letting agents and landlords and asked him to note the impact on the council's services.

In answer to the Executive Members questions officers confirmed they would be educating landlords and letting agents on the new legislation. They would be campaigning with North Yorkshire Fire and Rescue and holding an open day to allow landlords to obtain free smoke detectors.

The Executive Member proposed a 12 month review report be brought to a future Executive Member for Housing and Safer Neighbourhoods Decision Session.<sup>1</sup>

Resolved:

- a) That the new legislation be noted.
- b) That the maximum £5,000 penalty for all three pieces of legislation be imposed and that the Housing Services Manager be delegated the discretion to impose a lower penalty when there are extenuating circumstances.
- c) That the new policy be adopted:
  - (i) To have a targeted and balanced approach by actively enforcing the new legislation relating to letting agents and management agents.
  - (ii) To improve the professionalism of the sector.
  - (iii) To provide support to smaller landlords, to help them understand the requirements of the regulations regarding smoke and carbon detectors by providing information/ advice and working with North Yorkshire Fire and Rescue Services to provide free detectors to landlords on a first come first serve basis.
- d) That the operational process of the scheme, as set out in Appendix A of the report, be agreed.
- e) That an update report be received in 12 months time.

Reason: Imposing the maximum monetary penalty will send out the right message to agents/landlords who need to improve their management/safety and will provide a sufficient threat to agents/landlords who may be undecided as to whether they should comply.

Action Required

New Legislation affecting the Private Rented Sector - update report to be received in August 2016

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## **10. Alterations to the Temporary Accommodation Agreement**

The Executive Member considered a report that asked him to approve the changes to the temporary accommodation agreement in light of legal advice and changes in case law.

Officers gave an update and emphasized the challenges they currently faced and highlighted how the suggested changes to the temporary accommodation agreement would reduce lengthy and expensive court cases.

Resolved: That option 2 be approved:-

To make the changes to the temporary accommodation agreement for existing and future residents.

Reason: This will enable the service to manage temporary accommodation well and efficiently, to the benefit of the customers and the staff in the service. This will reduce wasteful use of staff time in contesting legal arguments in situation where customers should have left the site.

Cllr Carr, Executive Member

[The meeting started at 12.00 pm and finished at 12.17 pm].