



## Notice of a public meeting of

### Housing and Community Safety Policy and Scrutiny Committee

**To:** Councillors Fenton (Chair), Pavlovic (Vice-Chair), Baker, Mason, Vassie, Wells and Musson

**Date:** Monday, 23 March 2020

**Time:** 5.30 pm

**Venue:** The Thornton Room - Ground Floor, West Offices (G039)

### AGENDA

**1. Declarations of Interest**

At this point in the meeting, members are asked to declare any personal interests not included on the Register of Interests, any prejudicial interests or any disclosable pecuniary interests which they may have in respect of business on this agenda.

**2. Minutes** (Pages 1 - 4)

To approve and sign the minutes of the Housing and Community Safety Scrutiny Committee meeting held on 24 February 2020.

**3. Public Participation**

At this point in the meeting, members of the public who have registered their wish to speak regarding an item on the agenda or an issue within the Committee's remit can do so. The deadline for registering is **4:00 pm on Friday 20 March 2020**.

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- 4. Safer York Partnership Bi-annual Report** (Pages 5 - 18)  
Members will receive a year-end report for 2019-20 that outlines the work that has been delivered against each of the partnership's strategic priorities since the last report in October 2019.
- 5. Private Rental Sector** (Pages 19 - 36)  
Members will receive a paper which advises what actions the Housing Standards and Adaptations service carry out to improve the Private Rented Sector (PRS). This paper should be read in conjunction with the 25<sup>th</sup> November 2019 Scrutiny paper at Annex 1, which provided an update about the extension of licensing of Houses in Multiple Occupation (HMOs). HMOs form a significant part of the PRS.
- 6. Work Plan** (Pages 37 - 40)  
To discuss the committee's Work Plan for the municipal year 2019/20.
- 7. Urgent Business**  
Any other business which the Chair considers urgent.

## Democracy Officer

Michelle Bennett

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For more information about any of the following please contact the Democracy Officer responsible for servicing this meeting:

- Registering to speak
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Contact details are set out above.

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City of York Council

Committee Minutes

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Meeting	Housing and Community Safety Policy and Scrutiny Committee
Date	24 February 2020
Present	Councillors Fenton (Chair), Pavlovic (Vice-Chair), Baker, Wells and Musson
Apologies	Councillor Mason

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### **39. Declarations of Interest**

Members were asked to declare, at this point in the meeting, any personal interests not included on the Register of Interests or any prejudicial or discloseable pecuniary interest that they might have in respect of the business on the agenda. None were declared.

### **40. Minutes**

Resolved: That the minutes of the previous meeting of the committee held on 27 January 2020 be approved and signed as a correct record.

### **41. Public Participation**

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

### **42. Homelessness and Winter Night Provision - February Update**

Members considered a paper which provided an update on the current homelessness situation and the winter night provision for rough sleepers and homeless people in York. The paper outlined how the Council proposed to spend additional funds to reduce rough sleeping, and meet the demands of the Homeless Reduction Act 2017. The Head of Housing, the Resettlement Services Manager and a representative from the Salvation Army, were in attendance to present the report and to respond to questions.

The following information was provided in response to questions from committee members:

- There were typically between 5 – 13 rough sleepers each night in York and had been 6 vacancies in emergency homelessness provision the previous evening.
- That the current hand over date for James House was the 3 March 2020.
- It was noted that individual circumstances would not prevent a rough sleeper from accessing the emergency winter night provision. However, should service users be abusing alcohol or drugs, this would not be allowed under the Misuse of Drugs Act.
- The guest from the Salvation Army noted an opportunity to use shipping containers, that had been donated by the Fire Brigade, to provide shelter for those unable to continue in the tier 2 provision.
- In response to reports of rough sleepers not utilising hostels due to a lack of security or fear of violence, officers stated that they try to persuade service users that it is the first step in the process.
- ‘Housing First’ was a scheme offered as an option for service users to receive the offer of accommodation with very little expectation on that individual and building benefits around them.
- The guest from the Salvation Army noted that rough sleepers were unlikely to seek early medical attention and could be more reliant on the emergency services. It was noted that the Salvation Army had attempted to include a first stage nurse in their walkabouts to help combat this.
- Officers also noted that the Supported Accommodation Scheme had excellent links with mental health services in the city.

Resolved: Members noted the report.

Reason: In order to be informed of the Homelessness and Winter Night Provision.

#### **43. Environmental Retrofitting**

Members considered a paper which explained the process of retrofitting, which is the term generally used to describe the process of carrying out construction work to improve the energy efficiency of an existing building. Members considered the various different approaches to retrofitting and the key

considerations that needed to be made when deciding on an appropriate retrofit approach.

The Head of Building Services was in attendance to present the report and to respond to questions.

The following information was provided in response to questions from committee members:

- That there was an aspiration to achieve net zero carbon in the Council's housing stock by 2030.
- A third of the housing stock in York was below EPC rating 'D' standard. It was noted that due to the age of York's housing stock, there were additional complications (particularly with building materials) and that more work was required to find the appropriate solution.
- Officers noted the extent of the challenge to retrofit all properties and stated that the Executive would need to decide on the best approach to maximise carbon reduction and achieve value for money and future savings. As an example, Officers noted that improving an EPC rating from C to B, could result in an approximate saving of £700 per annum in fuel bills.

Resolved:

- (i) That the Scrutiny Officer would check whether the Executive report on the direction of travel for this project could be received at this Committee for pre-decision scrutiny.
- (ii) Members noted the report.

Reason: To ensure the Committee are informed of this project.

#### **44. Work Plan**

Members considered the work plan for 2020. The following were agreed as alterations and/or additions to the Work Plan for 2020.

##### 23 March

- Environmental Retrofitting (TBC – potentially 20 April Committee meeting, dependent upon when this will be considered by Executive)

- Housing Fraud – Internal Audit Actions – to be considered in May

18 May

- Housing Fraud Awareness Raising

Cllr Fenton, Chair

[The meeting started at 5.30 pm and finished at 7.00 pm].





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## **Housing & Community Safety Policy & Scrutiny Committee**

**23 March 2020**

Report of Director of Health, Housing & Adult Social Care

### **Safer York Partnership Bi-Annual Report**

#### **Summary**

1. In 2017, it was agreed that a report outlining the work that has been delivered through Safer York Partnership against the Community Safety Strategy would be reported to the Health, Housing and Adult Social Care Policy and Scrutiny Committee on a bi-annual basis. This report is the year end report for 2019-20 and outlines the work that has been delivered against each of the partnership's strategic priorities since the last report in October 2019.
2. In accordance with requests from the Chair of the Committee, additional information has been provided on Cycle Safety, ASB associated with Saturday afternoon drinking culture, use of redeployable CCTV and ASB in suburbs eg. Foxwood and Acomb.

#### **Safer York Partnership Priorities**

4. Safer York Partnership refreshes its priorities on an annual basis. In 2019, the agreed strategic priorities for the Partnership were:

Keeping the City Centre Safer

Counter Terrorism – Protect, Prepare and Prevent

Protecting People from Harm

Improving Quality of Life Through a Multi Agency Approach

Tackling Serious Organised Crime

Reducing Re-offending

Tackling Substance Misuse (including delivery of the community safety elements of the York Alcohol Strategy)

### **Keeping the City Centre Safer**

5. The Neighbourhood Enforcement Team continue to work closely with our partners to manage anti-social behaviour associated with issues such as rough sleeping, street drinking, nuisance selling and busking. Well-established positive relationships allow for effective day to day working with the BID Rangers, Make It York, Homeless Navigators, Salvation Army, North Yorkshire Police and the City of York Council Street Cleansing Team.

#### **5.1 *Operation Erase***

Operation Erase is a multi-agency response to anti-social behaviour in the city centre on Saturdays. Work undertaken by the group has included multi-agency days of action to provide a high visibility presence in the City Centre, deployment of ticket barriers at York Station to deter travel without a ticket, work with licensees to develop and implement a code of conduct for acceptable behaviour in licensed premises and work with the train providers to run “dry” trains.

- 5.2 Operation Erase runs throughout the main tourist season (April-October) and over the Christmas Period and multi-agency presence is focused on the busiest periods eg Race Days and during Christmas Markets. Community days were held in April, July and December. These events were welcomed by the retail community.

- 5.3 Although the group has noted a reduction in actual complaints, including those received via the MP or Chief Constable, there is still a public perception that drinking in the city centre is a problem on a Saturday afternoon. During 2020 the group will be focusing on a more positive communications policy highlighting that York is a good place for families to visit. The plan also includes a family activity to be arranged for one of the Community Days.

- 5.4 Transpennine have produced a Fit to Travel policy, strengthening the message that it is not acceptable for people to be heavily in drink on their trains. Their messaging on this is widely promoted by partners through their respective social media channels.

- 5.5 Due to the turnover of staff in licensed premises, email reminders about the code of conduct are being sent by North Yorkshire Police Licensing.

The importance of displaying the code of conduct is also being reinforced through police visits to licensed premises at weekends.

- 5.6 Calls for service to the police and serious incidents over the Christmas period had reduced on the previous year. This is felt to be due to the good engagement between the police and licensees and the presence of extra door staff.

### *Business Crime*

- 6.4 York Business Against Crime (YBAC) introduced a new digital radio system which provides greater functionality and the ability to isolate talk groups by location in June 2019. Training sessions have taken place with all users and a number of handsets have been distributed to key partners including the police, Minster police, Street Angels and other partners who provide support to both daytime and night time economy. The isolation function would be valuable if a major incident occurred at a particular location within the city enabling businesses to communicate between themselves and with the police and CCTV control room. In response to changes in the retail economy of the city, YBAC has broadened its remit to focus on information and intelligence sharing in relation to all types of crime and anti-social behaviour within the city. It is also involved in work on Counter Terrorism, promoting its information sharing and communications systems to the wider business community. This is ahead of national guidance which will be issued this year in relation to the security of open spaces.

### **Counter Terrorism**

7. The National Threat level was reduced from SEVERE (meaning an attack is highly likely) to SUBSTANTIAL (meaning an attack is likely). This does not reduce the need for increased vigilance, training and the installation of physical measures as we have seen from further attacks that have taken place in London. What has changed, is the nature of attacks with more focus on 'lone wolf' individuals disrupting busy locations and often using weapons to cause harm. Attacks are not just an issue for London and Metropolitan Boroughs. Terrorists will act where they can cause maximum disruption and impact on a large and diverse group of people. York's popularity as a tourist destination therefore heightens the risk.
  - 7.1 The Counter Terrorism task group has delivered a programme of Action Counters Terrorism (ACT) training and awareness sessions throughout

the year. Further training sessions on See, Check and Notify and white powder have also taken place. The group also has oversight of the programme of physical measures being installed within the city centre, communications in relation to counter terrorism and the security of major events.

- 7.1 Following advice from NE Counter Terrorism Unit, significant additional measures were put in place during the Christmas Market and for New Years Eve 2019. Robust physical measures were put in place on the boundary of these events to protect the public from a potential hostile vehicle attack. These were welcomed by the public and visiting market stall holders working at the events.





- 7.2 A full debrief of the Christmas and New Year events has taken place and an action plan developed to build on the success of last year.
- 7.3 The CT Task group approved a new action plan in December for 2020. This plan is ambitious and looks at providing security in open spaces across the city, learning from the Borough Market and London Bridge incidents. York has been widely used by Counter Terrorism Policing as an example of National good practice for the considered multi-agency approach that has been taken.
- 7.4 *Prevent*  
The Prevent Local Delivery Group has met quarterly throughout the year. The group brings a range of partners together to translate the recommendations from the Counter Terrorism Local Profile (CTLP) produced by North Yorkshire Police into a local action plan. Actions delivered throughout the year have included a review of the Channel Referral Process and practice guidance for practitioners, delivery of training and awareness, including the Voluntary Sector, action to deal with the increase of evidence of extreme right wing presence in the city. A new CTLP has been produced and subject to approval by the strategic Prevent Partnership Board, will inform the next local action plan.
- 7.5 Channel Panel is a multi-agency panel that meets monthly to assess the risk associated with any individuals referred to the panel as vulnerable to radicalisation and put an action plan in place to mitigate that risk. The Panel is chaired by Head of Community Safety and has representation from Children and Adults Social Care, Police, Mental Health, CCG, Youth Offending Team, Education, Probation, York

University and North East Counter Terrorism Unit. The Panel has had up to four live cases per month. The majority have been dismissed from Channel, however the process has enabled the wider safeguarding needs of those individuals referred into the programme to be addressed.

### **Protecting People from Harm**

8. Operational Lead Officers and the Chairs of the Community Safety Partnership and Safeguarding Boards meet regularly to look at where themes overlap across the business of strategic boards. Closer working arrangements have been established between the Community Safety Hub and Safeguarding (Adults and Children) teams ensuring that all interests are represented in key meetings that are led by the individual services.

#### *Domestic Abuse*

- 8.1 The York and North Yorkshire Domestic Abuse Strategy 2019-2022 was launched at a practitioners conference at The Pavillions Harrogate on 25<sup>th</sup> March 2019. This was well attended and included presentations on the holistic package of services that was commissioned in 2018.
- 8.2 An Independent Review of Multi-Agency working arrangements for Domestic Abuse highlighted the York Multi-agency risk assessment conference (MARAC) process as good practice. A multi-agency Operational Group is looking at how this could be implemented more widely across North Yorkshire. The York arrangement is for cases to be heard twice weekly by conference call. This has proved a more effective and efficient way of conducting MARACs and ensuring all key partners are fully engaged in the process.

### **Improving Quality of Life Through a Multi Agency Approach**

9. This Strategic Priority replaced Tackling Anti-Social Behaviour in the 2019 Strategy refresh to reflect the broader range of issues being addressed through the joint City of York Council and North Yorkshire Police Community Safety Hub.

#### 9.1 *Anti-social behaviour Team*

In April 2019 a multi-agency monthly Complex Case Action Group was established. This was due to the increase in cases coming into the

Community Safety Hub or being managed by Housing where complex mental and physical health needs could not justify enforcement action being taken for anti-social behaviour. The meeting allows partners to explore other options to reduce the behaviour, linking in with voluntary sector support services and safeguarding provision.

9.2 Since October 2019, the Anti-social behaviour team have carried out four evictions and four premises closure orders. The decision to evict is not taken lightly and the team must satisfy a judge that their evidence suggests eviction is necessary and proportionate to the circumstances. Four properties have also been handed back prior to formal action being finished. Two of these were as a result of the tenants receiving prison sentences and agreeing to terminate their tenancy. In the other two cases the anti-social behaviour team worked with housing, legal and other local authorities to facilitate a move and fresh start for the tenants.

9.3 *Neighbourhood Enforcement Team*

The Neighbourhood Enforcement Team have purchased three portable CCTV cameras using Proceeds of Crime Act funding. These will be deployed by the team on an intelligence led basis in fly-tipping hotspots identified through data and information provided by the Business Intelligence Unit (BIU) and Public Realm teams. Signage will be installed at all locations. Deployment will commence on 1 April 2020.

There are will be 3 cameras providing each of the Neighbourhood Enforcement area teams with a camera per team. As with all CCTV, they are only as effective as the quality of the evidence they do or do not capture – primarily registration numbers.

- A number of hotspot locations have already been identified across the city using intelligence and data from BIU, Public Realm and NEOs
- Permanent signage will start to be installed at all these locations from 23rd March Signage also acts as a deterrent.
- Cameras will be deployed from 1st April. Knowledge of actual deployment locations at any point in time will be restricted to the NEO team (on best practice advice from other councils). Any evidence captured will be used in enforcement proceedings.
- Hotspot locations will be reviewed annually.

9.4 The team have developed a joint working protocol with the council's new graffiti removal team to provide enforcement support where necessary.

- 9.5 The team carried out an audit of city centre commercial waste presentation between July 2019 and January 2020. This will assist in identifying opportunities for improved working practices and partnership working in this area between Neighbourhood Enforcement, the BID, CYC Waste team and the business community
- 9.6 The team have worked with councillors in the Leeman Road area to reduce rubbish left in the back lanes. Advisory letters were sent to all residents setting out their responsibilities for managing domestic waste and the potential penalties for incorrectly presented or fly-tipped waste. This has led to a significant improvement in the area.
- 9.7 *ASB In Acomb & Foxwood*  
A multi-agency hot spot task group has been established to look at an increase in anti-social behaviour involving young people and focused on the library, Front Street and Morrisons. The issues have resulted in increased police patrols and the issuing of dispersals. From experience, issues of this nature tend to increase as the nights become lighter and the weather warmer therefore starting the multi-agency discussion early is providing an opportunity to put in place measures which will prevent the problem from escalating. The group has only met once but further monthly meetings have been set up and detailed data analysis is due to take place to determine whether the issues can be covered by one group or whether the locations require exclusive attention.

## **Serious Organised Crime**

10. Throughout 2019, York has seen significant impact from County Lines. York is an importer of drug lines originating from other parts of the country due to its good road and rail connections with other major cities. In May 2019, the Violence and Vulnerability Unit within the Home Office carried out a Locality Review of County Lines. This involved all partners taking part in focus groups to determine the depth of knowledge of the issue and establish what local action was taking place. As a result of the review, there have been significant developments in the multi-agency working arrangements to tackle county lines.
- 10.1 A weekly intelligence sharing meeting takes place between the Community Safety Hub, Safeguarding and North Yorkshire Police to discuss current county lines activity and put in place joint working arrangements to disrupt lines and safeguard victims.



- 10.2 The Community Safety Hub and North Yorkshire Police have worked to provide reassurance to communities where county lines activity has taken place by undertaking door to door reassurance visits and providing information on what action is being taken and how to report incidents.
- 10.2 Intelligence is shared between North Yorkshire Police, other local authorities, immigration, prison services and other agencies through a multi-agency disruption panel. Through this partnership we work together to develop a better understanding of the criminality of the most serious clandestine organisation and in particular how the work that the Community Safety hub does in relation to waste crime and antisocial behaviour impacts on disrupting serious organised crime groups. Examples of joint work include mapping of cannabis farm fly-tipping to track those involved in disposal and ultimately production. Multi-agency joint inspections have also resulted in the disruption of suspected human trafficking rings.
- 10.3 We have recently established a local organised crime group to discuss cases that potentially should be discussed more widely at the disruption panel in the hope that emerging organised crime groups can be identified and abated before they are allowed to proliferate.
- 10.4 Training on Modern Slavery and Serious Organised Crime has been delivered to the Voluntary Sector through an awareness event for volunteers hosted by York CVS in October. This is being followed up by further information being made available through their newsletter.
- 10.5 During National Modern Slavery Week (14<sup>th</sup>-20<sup>th</sup> October 2019), communications messages were sent out via social media platforms with links to some podcasts detailing the issues and how to spot and report signs of modern slavery. Some multi-agency work also took place to visit premises where concerns had been raised.

### **Tackling Substance Misuse**

- 10.3 Substance Misuse impacts on all strategic priorities contained within the plan. Close working takes place between the Public Health team and Community Safety Hub to ensure that information is shared to assist in developing clear and accurate pictures of crime and antisocial behaviour that is linked to drugs or alcohol within the city.

## **Reducing Reoffending**

11. The Youth Offending Team and Probation work across all of our strategic priorities and are key partners at all multi-agency meetings. Their performance is monitored through their own strategic board structures.

## **Road and Cycle Safety**

12. Within the City Centre the police have taken a tougher line on road safety over the winter and a significant number of traffic offence reports have been issued. The police have noted a significant reduction in the number of cyclists committing offences, in particular executing dangerous manoeuvres. Operation Shimmer is delivered across the city by both Neighbourhood Policing teams targeting cyclists particularly when the nights draw in. This also includes work with both universities to promote safe cycling.

- 12.1. The Road Safety Team within City of York Council deliver road safety training via schools. This is free to all schools and involves the pupils in real situations where they have to think and make decisions. Annually they deliver Standard bikeability training to 2000 pupils and pedestrian training to 2500 pupils.

- 12.2 In addition to schools, the Road Safety Team also deliver adult and family sessions called Urban Cycle Skills as well as bespoke training.

- 12.3 North Yorkshire Police has introduced Operation Spartan where any road user can report instances of inconsiderate or dangerous behaviour via their website.

## **13. Developments for 2020**

Safer York Partnership approved its new Three Year Community Safety Strategy on 2<sup>nd</sup> March. Strategic Priorities contained within that strategy are:

Crime and Anti Social Behaviour in the City Centre  
Tackling High Risk Anti-social behaviour  
Serious Organised Crime  
Counter Terrorism  
Domestic Abuse

### 13.1 *Crime and Anti-social Behaviour in the City Centre*

This contribute to wider work around the regeneration and development of the city being delivered through the My City Centre Project. It will focus on continuing partnership work to tackle the issues that make people feel unsafe and promote the city in a more positive way as a destination choice for families.

### 13.2 *Counter Terrorism*

Work will continue to focus on the safety and security of the city, working with locations that attract large crowds and continuing to raise awareness both within the public and private sector and also with major event organisers. Work will continue in delivering the Prevent programme with the establishment of Local Champions to share knowledge, information and awareness.

### 13.3 *Domestic Abuse*

York will continue to deliver the Domestic Abuse Action Plan that sits under the York and North Yorkshire Strategy and supporting practitioners to continue to improve the services provided for victims and perpetrators of domestic abuse.

### 13.4 *High Risk Anti-social behaviour*

The Community Safety Hub will be rebranded to reflect the breadth of crime and anti-social behaviour case work. A new Case Management System has been introduced in 2019 that will enable better performance monitoring to be produced and assist with future reports such as this. Links to the voluntary sector are being made to provide a more holistic approach around early intervention and prevention that will hopefully reduce the need for enforcement action in complex cases.

### 13.5 *Serious Organised Crime*

Intelligence and information sharing will continue to be expanded to contribute to the disruption of organised crime groups impacting on the city. Further guidance is anticipated from the Home Office that will assist in local delivery improvements.

## **Council Plan**

14. The Community Safety Strategy links to the following priorities within the Council Plan 2015-19:

- **A focus on frontline services** – to ensure all residents, particularly the least advantaged, can access reliable services and community facilities
- **A council that listens to residents** – to ensure it delivers the services they want and works in partnership with local communities

## Implications

15. In producing this report the following implications have been considered:
- **Financial** – none identified
  - **Human Resources (HR)** – none identified
  - **Equalities** – none identified
  - **Legal** Safer York Partnership is a statutory partnership identified within the Crime and Disorder Act 1998
  - **Crime and Disorder** - Safer York Partnership supports the Council's discharge of its crime and disorder duties under the Crime and Disorder Act 1998
  - **Information Technology (IT)** - none identified
  - **Property** – none identified
  - **Other**
- No other implications identified

## Risk Management

16. There are no identified risks relevant to this report.

## Conclusions

17. The Police and Justice Act 2006 introduced a clear role for Overview and Scrutiny Committees in overseeing the work of Community Safety Partnerships and their constituent partners. Under the council's scrutiny arrangements bi-annual performance reports from Safer York Partnership are presented to the Scrutiny and Policy Committee.

## Recommendation

18. Members are asked to note and comment on the contents of this report.

## Reason

To update Members on the performance of the Safer York Partnership.

## Contact Details

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### Chief Officer Responsible for the report:

Sharon Houldon  
Corporate Director of Health, Housing & Adult  
Social Care  
Tel: 01904 554045

Report Approved  Date 13/03/20

Wards Affected:

All

For further information please contact the author of the report

## Background Papers

Community Safety Strategy 2017-20

## Abbreviations

CYC- City of York Council  
NYP- North Yorkshire Police  
BID- Business Improvement District  
MIY- Make it York  
ASB- Anti-Social Behaviour  
MARAC- Multi Agency Risk Assessment Conference  
NEO- Neighbourhood Enforcement Officer  
NYCC- North Yorkshire County Council  
NFU- National Farmers Union  
PSPO- Public Space Protection Orders

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## Housing & Community Safety Policy and Scrutiny Committee

23<sup>rd</sup> March 2020

### Private Rented Sector

#### Summary and Recommendation

1. This is an information paper only, it advises what actions the Housing Standards and Adaptations service carry out to improve the Private Rented Sector (PRS). This paper should be read in conjunction with the 25<sup>th</sup> November 2019 Scrutiny paper at Annex 1, which gave an update about the extension of licensing of Houses in Multiple Occupation (HMOs). HMOs form a significant part of the PRS.
2. Reason: Members have asked for a report to be brought to Scrutiny to understand what actions are carried out by the service to improve the sector.

#### Background

3. In York the housing market is made up of a private and a social sector. Around 85 percent of York's 89,590 homes are in the private sector, which equates to nearly 73,000 homes. 59,129 (66%) homes are owner occupied 17,022 (19%) homes are rented from a private landlord.

Our Private Sector Housing Strategy 2016- 2021 outlined the key aims to improve the private sector including the private rented sector. In partnership we identified that there were 5 key aims to that strategy

1. Encourage and support owner occupiers to maintain safe homes, free from category 1 hazards
2. Encourage, support and regulate private landlords and agents to provide safe and well managed properties, free from category 1 hazards. Inform and support tenants around what they can expect
3. Enable people whose independence may be at risk to safely remain in or return to their home

4. Maximise use of the existing housing stock to increase the supply of decent affordable homes
5. Enable more sustainable homes by increasing energy efficiency and reducing fuel poverty

4. Aim 2 directly seeks to improve conditions in the private rented sector. Aims 3, 4 and 5 contribute towards improving the sector and helping tenants, for example, the falls prevention service supports all tenures including the PRS. The strategy was developed based on a study commissioned by the council and carried out by the Building Research Establishment in 2015. This study reported on the extent of the category 1 hazards found in homes in York, and also highlighted the health impacts of poor housing and the costs they present to the NHS and to society. A category 1 hazard is one that presents a serious and immediate risk to a person's health and safety. The two main category 1 hazards in York were falls and excess cold. The poorest performing tenure was the private rented sector.
5. Since the strategy was approved there has been a range of laws introduced by central government which also has had an impact on what the council has been doing, these include:
  - a) A requirement for all private rented properties to be fitted with a working smoke alarm and, wherever a relevant heating appliance is installed, an audible, wired-up EN50291-compliant carbon monoxide alarm; Since October 2015, all landlords have been required to install a smoke alarm on every storey of a property used as rental accommodation, and a carbon monoxide alarm in any room used as living accommodation with a burning appliance for solid fuel
  - b) Housing and Planning Act 2016 empowered councils to impose a penalty charge without recourse to court action where breaches of the Housing Act 2004 were found; for civil penalties of up to £30,000 as an alternative to prosecution for certain housing offences for example failure to licence a HMO.
  - c) The Extension of Mandatory Licensing of Houses in Multiple Occupation to all HMOs containing 5 or more occupants irrespective of the number of storeys in October 2018. We reported on the progress of this previously.



- d) The introduction of the minimum energy efficiency standard of an E for private rented properties. Since 1<sup>st</sup> April 2020 it has been a requirement that landlords should not let properties rated a F or G.
  - e) The Homes (Fitness for Human Habitation) Act 2019 applies to private rented and social housing. Will apply to all tenancies from 20<sup>th</sup> March 2020. Landlords must ensure property is fit for habitation at the beginning and throughout the tenancy by making sure it is free from serious hazards. If not, the tenant has the right to go to court for breach of contract and the landlord will have to put right issues or pay compensation.
  - f) The Tenant Fees Act 2019 came into force on 1st June 2019. The Act prohibits private landlords / letting agents from charging tenants any fees other than specified costs, such as rent and deposit.
  - g) The Renters Reform Bill was mentioned in the Queen's Speech in December 2019. This looks at –
    - Repealing Section 21 of the Housing Act 1988, removing “no fault” evictions
    - Reforming current legislation to give landlords more rights to gain possession and improving the Court process for landlords to make it quicker and easier to get properties back sooner
    - Introducing a lifetime deposit for tenants
    - Widening access to and expanding scope of the database of rogue landlords (to be subject to consultation)
- 6 The Government has also been consulting on a number of other areas which will affect the PRS namely
- Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 and subject to approval by Parliament are the Government are seeking to introduce regulations which will ensure electrical installation inspections and testing are carried out for all new private sector tenancies in England from the 1<sup>st</sup> July 2020 or from the 1<sup>st</sup> April 2021 for existing tenancies.
  - A review of the Housing Health and Safety Rating System which is the legal tool that we must use to assess housing conditions.
  - Fire Safety matters as a result of the Government's response to the Grenfell tragedy

7 In the next 12 months as well as continuing with our normal programmes we will bring forward papers to:-

- consider the need to refresh the evidence base and the Private Sector Strategy to ensure that it aligns with the Council's new priorities and takes account of the above changes.
- consider the evidence base to extend HMO licensing through an Additional Licensing Scheme to other smaller properties and
- introduce a policy to implement the Electrical Safety Regulations 2020

8 We will also be delivering a range of funding streams which the Council has been successfully obtaining including:-

- £162k from the Ministry of Housing Communities and Local Government to support a regionally recognised qualification for landlords. The bid also aims to support 128 Enforcement officers from across the region obtain a well-recognised qualification
- £100k from Business, Energy and Industry to support the development of a national tool kit aimed at raising the minimum energy efficiency standards in the Private Rented Sector
- To continue to deliver Warm Homes Funding aim at introducing first time central heating to fuel poor households including a small number of systems to improve private rented sector homes

### **Consultation**

9 None

### **Council Plan**

10 The provision of the HMO licensing service contributes directly towards the council plan outcomes of

- a) Create a cleaner and greener city
- b) Creating Homes and World class infrastructure
- c) Open and Effective Council
- d) A better start for Children and Young People
- e) Good health and Wellbeing

**Implications**

- 11 The report is for information only and there are no other implications at this stage for the following:

**Financial, Human Resources (HR), Equalities, Legal, Crime and Disorder, Information Technology (IT), Property, Other, Risk Management.**

- 12 The risks are low but there is significant work for the service in the next 12 months.

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**Chief Officer Responsible for the report:**

**Report Approved**



**Date** 13/03/20

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

**All**



**For further information please contact the author of the report**

**Background Papers:**

None

Annexes

Annex A - 25<sup>th</sup> November 2019 Scrutiny paper - Extension of HMO Licensing the First Year

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**Health, & Adult Social Care Policy & Scrutiny  
Committee**

**25 November 2019**

Report of the Assistant Director – Legal & Governance

**Extension of HMO licensing the First Year**

**Summary and Recommendation**

1. This is an information paper only advising what has happened during the first year of the extension of Houses in Multiple Occupation (HMO) licensing to properties with 5 or more occupants forming more than one household irrespective of the number of storeys. This report doesn't cover the limitations of the current laws.

**Background**

2. City Of York Council operates the national mandatory licensing scheme for HMOs.
3. HMO mandatory licensing seeks to improve the condition and the management of these properties. Critically, licensing cannot control the number and distribution of HMOs. This is achieved through Planning and specifically the Article 4 Planning Directive put in place in April 2012.
4. From the 1<sup>st</sup> October, 2018, all HMOs which with 5 or more occupants who form more than one household were required to be licensed. Under the previous regime we licensed 479 HMOs these were HMOs over 3 storeys with 5 or more occupants.
5. The new regime also introduce two new mandatory licence conditions for all licensed HMOs:
  - minimum sleeping accommodation room sizes and the maximum number of occupants these rooms can house;
  - a mandatory condition in all licensed HMOs concerning the provision of refuse storage facilities

6. The above duty and provisions became effective from the 1<sup>st</sup> October 2018. However, there were transition arrangements to give landlords time to comply with the new room size requirements and to rectify overcrowding. Councils must allow up to 18 months before they consider prosecuting the landlord for breach of the new licence conditions relating to room sizes.
7. HMOs that were already licensed will have to comply with the condition when their current licence expires and at the first renewal after 1<sup>st</sup> October this year.
- 9 We developed an implementation policy including reviewing our existing licensing conditions (see attached implementation Policy). Due to the anticipated increase in the volume of work involving licensing, we advised that we were going to risk assess application forms received to determine when we will inspect the property within the 5 year licence period. We prioritised visits having regard to safety and the new condition relating to room sizes. Where the application is deemed to have met the requirements we issued the licence with conditions, if necessary
- 10 The following table outlines what has happened in the first year:

	Number
Number of new applications submitted:	584
Total number of new HMOs licensed	561
Number of Licences under the new regime issued without a visit:	484
Number of HMOs visited prior to a licence being issued in the first six months	58
Number of licenses under the old regime including those which have been renewed (48)	479
Total number of Temporary Exemption Notices served through the period	6
Current number of Temporary Exemption Notices	4
Total number of properties licensed including Temporary exemption Notices	1044

Number of new applications still being processed:	8
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11. The following table outlines the type and number of conditions imposed. All HMOs are issued with standard licence conditions but where the Licence holder, or property or management fails to meet a required standard then a specific licence condition is imposed.

	New HMOs and Existing HMOs which have been renewed
Standard licence conditions	609
The number of properties failing the <b>room size</b> and a condition imposed. NB this could relate to more than one room in the property	58
The number of properties failing to meet the required level of <b>kitchen</b> facilities for the number of occupants and households	192
The number of properties failing to meet the required level of <b>bathroom</b> facilities for the number of occupants and households	12
The number of properties failing to meet the required level of <b>toilet</b> facilities for the number of occupants and households	82
The number of properties failing to provide the level of <b>controllable heating</b> facilities for the number of occupants and households	25
The number of properties failing to meet the required minimum energy efficiency levels and licence conditions imposed	78

The number of properties failing to meet the required level of carbon monoxide detection in the house	205
The number of licence holders who fail to meet the required level of training by attending and passing a recognised training course	312

12. Where the desk top analysis of the application revealed that there was a need to visit the property before the licence was issued then the enforcement officer would both assess the property to ensure that the licence could be issued and carry out a full Housing Health and Safety Risk assessment. This fulfils the council's legal requirement to ensure that within 5 years of licencing that all HMOs are free of category 1 Hazards. Where such hazards are found the officer will determine what is the most appropriate course of action to remove that hazard having regard to the Council's Enforcement Policy, this could be either in the form of:

- 1) Verbal or written Advice
- 2) Hazard Awareness Notice
- 3) Suspended Improvement Notice
- 4) Improvement Notice
- 5) Suspended Prohibition Notice
- 6) Prohibition Notice

13. The following table outlines the outcome of those inspections:

	Numbers
Total number of inspections within period	117
Total number of category 1 Hazards	4
Total number of category 2 Hazards (significant enough to warrant formal action)	86
Category 1 Hazards – Broken down by type	
• Lighting – lack of natural lighting	1



<ul style="list-style-type: none"> <li>• Excess Cold</li> </ul>	3
Category 2 Hazards – Broken down by type	
<ul style="list-style-type: none"> <li>• Fire</li> </ul>	74
<ul style="list-style-type: none"> <li>• Falls</li> </ul>	8
<ul style="list-style-type: none"> <li>• Structural Collapse</li> </ul>	2
<ul style="list-style-type: none"> <li>• Crowding and Space</li> </ul>	1
<ul style="list-style-type: none"> <li>• Collision and Entrapment</li> </ul>	1
Number of Hazard Awareness Notices served	18
Number of Improvement Notices served	0
Number of suspended Improvement Notices served	0
Number of suspended Prohibition Notices Served	1
Number of Prohibition Notices served	0

14. 16 visits carried out during the initial process of licensing the properties found that applicants had incorrectly measured small rooms and were below the legal minimum of 6.51m<sup>2</sup>. License conditions were amended as part of the licensing process to ensure that landlords took the appropriate action including ceasing to use the room within 18 months, reduce the numbers in the room or increasing the room size.
15. Officers are now visiting properties which have been fully licensed, their application suggested that the property did not appear to require an immediate visit. However officers have identified a two properties in this batch where the rooms have been smaller than that which was stated on the application. The licences have been varied to reflect this and the Licence-holders still need to comply with the license condition by the statutory deadline of the 1<sup>st</sup> April 2020.
16. At the same time that properties meeting the new criteria were being licensed for the first time, existing licensed HMO properties were also being visited to ensure that their licences could be renewed. A similar desk-top approach was adopted. It should be noted that these properties were also subject to the new licence conditions relating to room sizes and waste management.

17. The following table outlines the outcome of those inspections

	Numbers
Total number of inspections	12
Total number of category 1 Hazards	2
Total number of category 2 Hazards (significant enough to warrant action)	4
Category 1 Hazards – Broken down by type	
Falls on Stairs	2
Category 2 Hazards – Broken down by type	
• Fire	41
Number of Hazard Awareness Notices served	1
Number of Improvement Notices served	2
Number of suspended Improvement Notices served	0
Number of suspended Prohibition Notices Served	0
Number of Prohibition Notices served	0

18. Other effective action includes:

- a) 138 landlords have been trained since the 1<sup>st</sup> October by attending a recognised training course.
- b) Serving a Civil Penalty Notice on a landlord who should have licensed his property in 2015. A CPN for £30k was issued and in line with our early payment policy a £20k fine was received. The property has also been licensed and brought up to standard.
- c) Our First Criminal Behaviour Order applied for and successfully issued by the Court. The court requested that the landlord find someone else, a fit and proper person, to manage his portfolio of 7 properties. This follows three successful prosecutions of the same landlord for failing to apply for a HMO license (x2) and for non-compliance of an improvement notice and breaches of management regulations at another property.

- d) Responding to an appeal to the First Tier Tribunal (FTT). A Landlord submitted a licence application that all rooms met the minimum room size standards but having visited the property the officer found one of the rooms to be too small and varied the licence accordingly. The landlord appealed the variation to the first tier tribunal on the grounds that whilst the room did not meet the minimum size that was inexpensive to rent and therefore the council should not enforce the law. The Council response to the tribunal confirmed and gave reasons that we would contest the appeal. This led the applicant to withdraw his appeal.
  - e) Working in Partnership with the North Yorkshire Police and other stakeholders the council has supported the partnership to tackle cases of Modern Slavery and exploitation. In particularly related to workers linked to the hidden economy which often includes car washes, nail bars and food businesses.
19. In Appendix A there are a number of cases including photographs which demonstrate the effectiveness of HMO licensing in raising the standards and management of Houses in Multiple Occupation.

### **What have we learnt as a result of implementing the extension of HMO licensing?**

20. Preparedness of Landlords/agents through including Marketing and Communications

Significant work was carried out to ensure that landlords and agents were made aware of the changes to the law. This has meant that many landlords and agents have made successful applications. However we realise through discussions, not only with new applicants, that there is a lack of knowledge within the sector about Private Sector, especially letting agents, laws pertaining to HMOs especially in relation to planning and Fire Safety.

**Action: We have arranged a specific free training event co-hosted with North Yorkshire Fire Safety Service on Fire Safety for license holders to attend on the 12<sup>th</sup> November 2020. 120 landlords/agents have registered interest and we are holding a waiting list. We will be looking at ways how we can improve information regarding the planning/HMO licence process**

21. Preparedness of the Technical Support Team

The time table we were given to implement HMO licensing was insufficient. We needed to increase the numbers of technical support officers by 1.8

FTE. We had the staff fully in place by the beginning of September and started processing applications on the 6<sup>th</sup> September using a new system. The processing of HMOs has been successful and Landlords have been able to apply online. The technical support officers have been pivotal in enabling 609 landlords to make new/renewal applications processed promptly and licences issued. The technical support officers provided this dedicated support:

- a) Via our new Online System
- b) Over the phone
- c) Morning duty cover up until the 31<sup>st</sup> Jan 2019 in West Offices

Action: **Should additional HMO licensing be considered a minimum 3 month period before going live should be built in to ensure that there is time to provide training to new staff.**

### **IT systems**

22. Key to our implementation plans was to introduce a new online application process.

Although the online system “Rocktime VERSO” has enabled the council to process over 600 applications promptly there have been many lessons learnt about purchasing a system which does not directly link in to other parts of the process in particular the inspection process which includes the statutory Housing Health and Safety Rating System (HHSRS). The timetable between purchasing and using the system meant that there was insufficient time to fully test the system. This led to significant amount of testing of the system leading to changes whilst we actively processing applications. The IT system chosen although on a Government Procurement Website has been developed by a company based on the south coast. Web based training and meetings have been held with the company has helped but there is a need for

- dedicated support after implementation
- a training plan which includes onsite training and
- which includes access to a user group which includes other users of the system. If it wasn't for the dedication of the Technical Support Officers more issues could have arisen

Action: **Should an alternative online system be provided through the wider IT project that there should be a minimum of 6 months**

**configuration and testing before implementation, with dedicated support. The system should ensure that the full licensing programme is covered including the inspection/HHSRS process. A full Training programme to be developed which includes onsite training and access to an internal and external user group to ensure that development takes place**

### **Preparedness of the Enforcement team**

23. To ensure that landlords and agents are making active applications it is key that they understand that the council will take robust enforcement action where applications are not made or where HMOs are not being managed in line with their licence. The Enforcement team expanded to deal with the increase in the number of licensed HMOs. Changes to roles to provide a generic enforcement role has enabled the team to be more flexible and work together to investigate and tackle the issues found. Since the implementation period Central Government has introduced a raft of other legislation/consultations. To maximise use of these duties and powers will mean that we need to review roles within the team. A successful bid to government for funding enabled enforcement officers both from York and across the region to achieve a qualification B TEC level 7 in **Advanced Professional Certificate in Investigative Practice (APCIP)** <https://www.bondsolon.com/investigations/qualifications/>

**Action: Should additional HMO licensing be considered a minimum 3 month period before going live should be built in to ensure that there is time to provide the necessary training to new staff. Roles within the team to be considered to ensure that all offences are investigated in line with the legislative requirements. All new enforcement staff to achieve the APCIP qualification within 1 year of starting the role. Further bids will be made as funding becomes available.**

### **Preparedness of Partners**

24. A considerable amount of work was carried out with a range of internal and external partners to ensure that they were aware of the extension of HMO licensing. This has help to ensure that HMOs which are required to be licensed are being identified by other teams e.g. the Neighbourhood Enforcement Officers (NEOs) and Planning. It also helped to ensure that the new conditions regarding minimum room sizes and management and storage of waste were developed with teams who also had involvement in these issues e.g.

1) Planning and Building Control re minimum room sizes

- 2) Planning, NEOs and Waste Management re refuse storage and management

Action: **To review the changes with partners since implementation of Licensing and make any necessary amendments to the process**

### **Consultation**

- 22 Views of both technical/enforcement staff and internal partners have informed this paper.

### **Council Plan**

- 23 The provision of the HMO licensing service contributes directly towards the council plan outcomes of
- a) Creating Homes and World class infrastructure
  - b) Open and Effective Council Effective
  - c) A better start for Children and Young People
  - d) Good health and Wellbeing

### **Implications**

- 24 The report is for information only and there are no other implications at this stage for the following:

**Financial.**

**Human Resources (HR).**

**Equalities-**

**Legal-**

**Crime and Disorder –**

**Information Technology (IT) –**

**Property –**

**Other –**

**Risk Management**

- 25 The risks are low at the moment however should Additional HMO licensing be introduced then the learning points need to be considered.

## Recommendations

26. Members are asked to note and comments on this information only report.

Reason: Members have asked for a report to be brought to Scrutiny to determine the findings of the first year and whether there is a case to implement an Additional HMO licensing scheme. The findings of the extension of HMO licensing scheme will form a significant part of the evidence base.

## Contact Details

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**Chief Officer Responsible for the  
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**Report**  **Date** 12.11.19  
**Approved**

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

**All**

**For further information please contact the author of the report**

Annex A –Case Studies

## Abbreviations

CPN- Civil Penalty Notice  
FTE – Full Time Equivalent  
FTT - First Tier Tribunal  
HHSRS - Health and Safety Rating  
HMO - Houses in Multiple Occupation





## Housing and Community Safety Policy and Scrutiny Committee

### Draft Work Plan 2019-20

<p>Monday 24 June 2019 @ 5.30pm</p>	<ol style="list-style-type: none"> <li>1. Arrangements for Scrutiny in York</li> <li>2. Attendance of Assistant Director for Housing and Safer Neighbourhoods – Service areas</li> <li>3. Draft Work Plan</li> </ol>
<p>Monday 22 July 2019 @ 5.30pm</p>	<ol style="list-style-type: none"> <li>1. Attendance of Executive Member for Housing and Safer Neighbourhoods</li> <li>2. Year End Finance and Performance Monitoring Report</li> <li>3. Housing Delivery Programme- Design Manual</li> <li>4. Older Persons Accommodation Needs Update</li> <li>5. Work Plan</li> </ol>
<p>Monday 23 September 2019 @ 5.30pm</p>	<ol style="list-style-type: none"> <li>1. Housing Revenue Account Update Report</li> <li>2. Decent Homes Standards</li> <li>3. Work Plan</li> </ol>
<p>Monday 28 October 2019 @ 5.30pm</p>	<ol style="list-style-type: none"> <li>1. Safer York Partnership bi annual Report</li> <li>2. County Lines Update Report and Round Table Discussion</li> <li>3. Referral/Feasibility Report –Social rented Housing on New Developments</li> <li>4. Work Plan</li> </ol>
<p>Monday 25 November 2019 @ 5.30pm</p>	<ol style="list-style-type: none"> <li>1. Older Persons Accommodation Survey Update</li> <li>2. HMO implementation update</li> <li>3. Empty Homes in York Update</li> <li>4. Scoping Report- Corporate Review of Poverty</li> <li>5. Work Plan</li> </ol>

Monday 23 December 2019 @ 5.30pm	<ol style="list-style-type: none"> <li>1. Homelessness and Winter Night Provision Update</li> <li>2. Housing Needs and Availability Update</li> <li>3. Scoping Report – Affordable Housing on Private Developments</li> <li>4. Work Plan</li> </ol>
Monday 27 January 2020 @ 5.30pm	<ol style="list-style-type: none"> <li>1. 6 Monthly Finance and Performance Monitoring Report</li> <li>2. Aims and Objectives of the Housing Poverty Scrutiny Review</li> <li>3. Work Plan</li> </ol>
Monday 24 February 2020 @ 5.30pm	<ol style="list-style-type: none"> <li>1. Temporary Accommodation - Street homeless, winter provision</li> <li>2. Environmental Retrofitting</li> <li>3. Work Plan</li> </ol>
Monday 23 March 2020 @ 5.30pm	<ol style="list-style-type: none"> <li>1. Safer York Partnership Bi-annual Report</li> <li>2. Private Rental Sector</li> <li>3. Work Plan</li> </ol>
Monday 27 April 2020 @ 5.30pm	<ol style="list-style-type: none"> <li>1. HRA Business Plan Update</li> <li>2. Housing Delivery Programme Update</li> <li>3. Environmental Retrofitting (TBC)</li> <li>4. Work Plan</li> </ol>
Monday 18 May 2020 @ 5.30pm	<ol style="list-style-type: none"> <li>1. Update on New Housing ICT Programme</li> <li>2. Best practice in Housing and Community Safety</li> <li>3. Older Persons Accommodation Programme</li> <li>4. Housing Fraud – Awareness Raising</li> <li>5. Work Plan</li> </ol>

**Council Plan Priorities relating to Housing and Community Safety**

**Creating Homes and a World-class Infrastructure**

- Deliver a greater number of affordable homes
- Use the new design manual 'Building Better Homes'
- Ongoing programme of improvements to Council homes
- Deliver housing to meet the needs of older residents
- Review HMO licensing
- Prioritise support for rough sleepers

**Safe Communities and Culture for All**

- Enable Communities to take ownership of improving their local area
- Expand the People Helping People scheme
- Explore social prescribing at a local level to tackle loneliness
- Use MyCityCentre to define for an improved city centre
- Develop the cultural and sporting offer
- Deliver an inclusive cultural strategy
- Support investment in our cultural assets
- Work with Police and others to make York safe
- Review the Council's approach to equalities

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