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Meeting	Housing and Community Safety Policy and Scrutiny Committee
Date	16 February 2021
Present	Councillors Fenton (Chair), Pavlovic (Vice-Chair), Baker, Mason, Musson, Norman and Vassie

Apologies

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## **11. 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.

## **12. Minutes**

Resolved: That the minutes of the meeting held on 11 December 2020 be approved and signed as a correct record.

## **13. Public Participation**

It was reported that there had been one registration to speak under the Council's Public Participation Scheme.

Madeline Bennett spoke in relation to the growing number of HMO's in York, she raised concerns that not enough was done in planning enforcement to prevent developers converting properties to HMO's and then getting permission retrospectively. She asked that the Council restrict permitted development rights and to enforce regulations.

## **14. Consultation on Additional House in Multiple Occupation (HMO) licensing in York**

The Committee were joined by Officers, Cllr Craghill the Executive Member for Housing and Safer Neighbourhoods, Fiona Derbyshire, Chief Executive of Citizens Advice York, Andrew Simpson, Chair of the York Residential Landlords Association, Rachel Barber, Head of Student Services at the University of York Students Union, and Patrick O'Donnell, President of the University of York Students Union.

Officers noted that Since 1st October, 2018, all HMOs with 5 or more occupants who form more than one household are required to be licensed. The mandatory licensing of larger HMOs in York had been effective in regulating and improving the standard of accommodation offered to let within this sector by encouraging a positive interaction with landlords and allowed for any problems presented by each house to be managed on an individual basis through a bespoke set of licence conditions. It was also noted that Licensing does not 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.

Cllr Craghill outlined that she was seeking the Committee's view on the five options and consultation outlined in the report. She noted that her aim for the proposal was to improve the rights of tenants in smaller HMO's that would become part of the mandatory licensing scheme and create a level playing field around the standard of housing for the majority of good landlords. The Committee were also provided with a presentation that outlined the five options in the report and the proposed consultation.

Rachel Barber, Head of Student Services at the University of York Students Union noted the work the Student Union had undertaken with Citizens Advice to look at the quality and cost of Housing for students. She noted that responses included 47% saying repairs were undertaken quickly, 31% had pest or insect infestations. She noted concerns of threatening behaviour from landlords, overcrowding in properties, and students spending a high proportion of their income on housing than the average in the city. She noted that she would support minimum legal standards to be in place for HMO's and greater support for legal advice for tenants.

Patrick O'Donnell, President of the University of York Students Union highlighted that many students lived in a HMO's which were not safe places to live, missing things such as Carbon Monoxide alarms or fire doors. He expressed that he would also support proposals to improve housing standards.

Fiona Derbyshire, Chief Executive of Citizens Advice York outlined that people in the city pay very high prices for poor quality housing. She noted that York performs poorly against other cities and had unlicensed landlords holding tenants to ransom, meanwhile things like essential repairs in properties could take over a year to be completed. She noted the success of licensing schemes elsewhere in the UK and the benefits they provided tenants and the wider community. She noted concerns about how the Council might fund enforcement for roughly 2000 more HMO's, but would support licencing being introduced in the targeted wards suggested in the report or further across the whole city.

Andrew Simpson, Chair of the York Residential Landlords Association stated that instead of licensing, the Council should seek to replicate some of the cities previously existing volunteer accredited schemes to promote improved housing standards. He highlighted the work previous accredited schemes had undertaken in York and questioned if enough had been done to promote the schemes before their discontinuation. He raised concerns of delivering a licensing scheme in certain wards and not others, as well as, raising questions as to whether the data available showed that licenses would improve standards, energy efficiency, and reduce anti-social behaviour. He also raised concerns about the funding for the scheme and footfall through properties due to inspections during COVID-19.

The Committee discussed the evidence provided by officers and guest speakers. It was noted that the Council passed a motion in 2017 for a policy to be introduced and agreed that a licensing scheme as suggested in the report had a strong evidence base to be an effective policy.

Members enquired about the quality of HMO's and if there were links to whether a landlord lived near the property or were from outside of the city. It was confirmed that when looking at the evidence available that the location of the landlord or the use of an agent to run the property were not indicators of the quality of HMO's.

With the officer recommendation for an approach which targeted certain wards with the highest prevalence of HMO's, members enquired about whether it would be expected that landlords might move to purchase properties in other parts of the city which would not be subject to a licence, or if they would attempt to convert properties into things like flats. Officers noted that the recommendation was based on a number of factors including, a targeted approach providing the best evidence base for the need to introduce a scheme, which would mean the scheme would be more likely to be approved, also as they would be adding roughly 2000 more properties to the scheme resourcing would be challenge, however should the scheme be a success and was required to it could be expanded further, should evidence support it. Due to current demand for HMO's the targeted Wards were expected to continue to be where the vast majority of HMO's would be situated. They also confirmed that due to the nature of properties that were HMO's it was unexpected that many would be converted to things like flats.

The cost of the scheme on landlords was discussed while there were concerns raised that costs could be passed onto tenants, it was expressed that due to the low cost that would be expected of landlords over a five year period, it should not be used as an excuse for higher rents. It was also

noted that under the proposed scheme the costs would be incurred by the landlord and not the council tax payers for ensuring standards as could be the case under alternative schemes.

Climate Change and fuel poverty were also discussed by the Committee, it was noted that many HMO's in the city were some of the worst isolated properties and that due to the conditions proposed in the license scheme HMO's would need to meet a minimum energy rating. Officers also noted that as part of the scheme license holders would be provided with training and advice from officers at the council, this would include advice on schemes and grants that might be available to improve the energy efficiency of their property.

The Committee expressed its support for option 4 in the report. It was noted that the scheme should prevent landlords which kept acceptable standards from being undermined across the sector. Members expressed that the advice provided as part of the scheme if sort privately would likely cost more to landlords than the license fee and a scheme which sort to remove category 1 hazards from properties was needed to make accommodation safer for those living in them.

Resolved:

- i. The Committee recommended to the Executive that option 4 be supported with the inclusion of Clifton as part of the targeted wards.

Reason: To support the extending of a licensing scheme in the city to improve standards in HMO's.

Cllr Fenton, Chair

[The meeting started at 5.30 pm and finished at 7.56 pm].