

CULTURE AND COMMUNITIES SCRUTINY PANEL

A meeting of the Culture and Communities Scrutiny Panel was held on 19 February 2018.

PRESENT: Councillors D J Branson, D Davison, J Goodchild, A Hellaoui, L Lewis, D Rooney, Z Uddin and V Walkington

OFFICERS: S Blood, L Kelly, J Hill, P Robertson and J Watson

APOLOGIES FOR ABSENCE Councillor R Arundale, J Hedgley and M Walker.

DECLARATIONS OF INTERESTS

None declared

17/24 **MINUTES OF THE CULTURE AND COMMUNITIES SCRUTINY PANEL HELD ON 22 JANUARY 2018**

The minutes of the Culture and Communities Scrutiny Panel held on 22 January 2018 were submitted and approved as a true record.

The Panel were advised by L Kelly that the first Selective Licensing Focus group had been very successful and a second meeting, to be hosted by Redcar and Cleveland would be held in April.

17/25 **ANTI-SOCIAL BEHAVIOUR AND HOUSING STANDARD REGULATIONS- ENFORCEMENT POWERS**

This was the final evidence gathering session in relation to Selective Licensing. The Panel were keen to establish what powers the Council had in relation to property condition within the private housing sector and in areas where there was high levels of anti-social behaviour.

The Chair welcomed Paul Robertson, Environmental Protection Manager, Jane Hill, Community Safety Manager and Louise Kelly, Selective Licensing Manager to the meeting.

The officers provided the panel with a presentation, which was split into two areas:

1. Regulation of Housing Standards and Enforcement
2. Anti- social behaviour Tools and Powers

Regulation of Housing Standards and Enforcement

Paul Robertson outlined to the panel that the Public Protection Service dealt with the following:

- Physical health impact - damp, disrepair, cold, heat, overcrowding , poor sanitation, risk of falls, gas and electrical safety, and
- Mental Health impacts- lack of security, fear of crime, debt and noise.

Regulation of the private rented sector protected the most vulnerable individuals and families. Private rented sector provided some of the cheapest accommodation to those individuals who may not have an alternative.

The officer outlined the work undertaken within public protection service housing work:

1. Responding to complaints about disrepair from tenants
2. Proactive housing inspections as the Selective Licensing Programme on North Ormesby

3. Licensing of Houses in Multiple Occupation (HMO's)
4. Complaints about standards in HMO's
5. Illegal eviction and harassment complaints
6. Eyesore Property and Land Complaints
7. Immigration Inspections
8. Free advice service to tenants and landlords

The panel were provided with statistical analysis of the numbers of housing regulation actions across the town over a 2 year period (2015-2017)

- Complaints about disrepair from tenants- 485 (43 within North Ormesby)
- Housing inspections carried out as part of the Selective Licensing Programme in North Ormesby- 511
- Licensing of Houses in Multiple Occupation (HMO's)- 59 (3 in North Ormesby)
- Complaints about standards in HMO's 17 (1 in North Ormesby)
- Illegal evictions and harassment complaints- 78 (10 in North Ormesby)
- Eyesore Property and Land Complaints 319- (35 in North Ormesby)
- Immigration Inspections- 48 (0 in North Ormesby)
- Free advice service to tenants and landlords- 234 (13 in North Ormesby)

A member queried whether there was statistical analysis for all wards and the officer advised this would be circulated to members following the meeting.

The panel were provided with detailed information on each slide, however the panel expressed further clarity and interest in relation to the following slides:

Respond to complaints about disrepair from tenants and Proactive housing inspections as the Selective Licensing Programme on North Ormesby

The Panel were made aware that the Public Protection are reactive across the whole of Middlesbrough (except North Ormesby) and rely on landlords/ tenants raising concerns and issuing complaints prior to inspections being made.

In terms of housing standards the panel learnt of the process in dealing with complaints, these were as follows:

- Step 1: Complaint made by the tenant
- Step 2: Speak to tenant and landlord; the Council have to give the landlord 24 hours notice of intention to inspect (non-emergencies)
- Step 3: Carry out an inspection using the Housing Health and Safety Rating System (HHSRS)
- Step 4: Assess the house against 29 hazards; inspecting the full house not just the issue that the tenant has complained about
- Step 5: Usually send a report to landlord and give an opportunity to fix
- Step 6: If the landlord has a bad history, or the conditions are serious, the Council would go straight to legal notice.
- Step 7: Failure to comply with a notice results in Works in default powers and/or prosecution of the landlord.

The officer commented that although the majority of complaints were issued by tenants regarding the standard of their property, landlords also raised issues in relation to the property standards from tenants. The service also provided free advice to both parties in dealing with issues.

The Housing Health and Safety Rating System assessed 29 categories of housing hazard. Each hazard had a weighting which determined whether the property was rated as having category 1 (serious) or category 2 (other). The panel were advised that the Council had a legal duty to deal with Category 1 hazards. The Council had a power to deal with Category 2 hazards. The Council treated Category 2 hazards in the same way unless they are rated a G,H or I hazard and they exist on their own – in these cases we usually tell the landlord about it and close the file.

The officer provided the panel with a breakdown of the top 7 hazards across Middlesbrough, examples were as follows:

Damp and mould- 3 category 1 / 131 category 2 (Total 134)
Electrical hazards- 7 category 1/ 62 category 2 (Total 69)
Fire- 10 category 1/ 44 Category 2 (Total 54)

The panel raised concern regarding damp and mould and queried whether there was a direct link to poverty. The officer outlined that the majority of complaints relating to Damp and mould were linked to the older housing stock, however there has been reports from newer houses due to the raising cost in energy bills. The officer advised that the system used within the department (the national hazard rating system) worked out a hazard assessment, the age of the occupier had an impact on the assessment (e.g. the elderly or under 5 year of age)

The Panel received information on the breakdown by ward over 2 years of housing disrepair complaints. The highest 5 wards to receive complaints were Newport (105 complaints), Central (73 Complaints), North Ormesby (48 complaints), Brambles Farm and Thorntree (31 complaints) , Berwick Hills ad Pallister (29 Complaints) and Park (29 complaints). Stainton and Thornton was lowest with 1 complaint.

In terms of Selective Licensing, inspection of properties were included within the license conditions. It was noted that at present, inspections are only pro active within in the North Ormesby area, however this was a huge benefit and had seen huge improvements across the ward. The process for Housing inspections within Selective licensing was as follows:

Step 1: Selective Licensing Team contact tenant and landlord to arrange a suitable appointment
Step 2: Environmental Health Officer identifies defects and follows the legal process to ensure the house is brought up to standard
Step 3: As part of the inspection, identify any other associated issues in the properties or in the North Ormesby area, e.g. empty properties, eyesore premises, public health nuisance , filthy and verminous premises.

The officer outlined that pre selective licensing, a year before the scheme was completed, 6 inspections arising from complaints about houses in North Ormesby. The Council found 2 category 1 Hazards and 21 Category 2 hazards.

Since the start of the scheme until December 2017 , 448 HHSRS inspections had been carried out within North Ormesby, of these:

- 147 (33%) had met HHSRS standard
- 333 (67%) failed to meet HHSRS standard
- 83- Number of Category 1 hazards identified
- 660- Number of Category 2 hazards identified

The officer stated that this equated to an average of 2.2 hazards per faulty property.

Outcomes to December 2017 through inspections had been as follows:

- Number of properties brought up to HHSRS standards: 248 (75%)
- Number of hazards remedied: Category 1 Hazards: 52
- Number of hazards remedied: Category 2 Hazards: 387
- Number of properties in process of being improved: 85 (25%)
- Number of hazards outstanding: Category 1 Hazards: 31
- Number of hazards outstanding: Category 2 Hazards: 273

The panel commended the team for the work undertaken within the area, however were

alarmed at the amount of hazards found within the properties. The officers made reference to the issues and difficulties of the inspections, the high level of defects found in the properties which needed more regulation had added additional time to the inspection programme. A high level of 'no access' where tenants did not kept to appointments had further caused set backs. The officers sympathised to a degree with the tenants, as the inspections were seen as an invasion of privacy. The officers outlined that once they had spoken to the tenants and explained the reason for the inspection there was no issue.

The final difficulty faced was the staffing resource to carry out inspections was underestimated. P Robertson stated that the staffing costs could not be paid for from the revenue generated from license fees. £30k was allocated from Middlesbrough's Public Health grant for a 1.0fte resource within Public Protection to carry out the inspection of properties in North Ormesby. Additional staff were employed on a temporary basis between October 2017 and March 2018, and one agency worker for a shorter time period, to assist with the housing inspections which have fallen behind due to the difficulties in gaining access to properties and the poor standards found. This additional staffing resource was able to be funded from the Public Protection budget until the end of March 2018 from a non-recurring underspend.

As well as inspections, the team were able to carry out a number of enforcement actions if complaints were made. Within North Ormesby, letters to landlords had been a very power tool which had resulted in repair work being carried out. To date 330 letters had been sent to landlords. The start of the legal action began with a minded to notice, of which, 231 had been served. Other enforcement actions included improvement notices and prohibition notices.

Licensing of Houses in Multiple Occupation (HMO's)

During the investigation, the panel had raised Houses of Multiple occupation as a concern, especially those houses which are not identified as HMO's. The panel were informed that a license for HMO's was only required where there were 3 or more storeys, two or more households and some element of sharing facilities (toilet, kitchens and bathrooms), and must have 5 or more people living in the building. Student accommodation was except from obtaining a license.

In Middlesbrough there were 140 licensed HMO's (license lasting 5 years), however it was anticipated that this figure would raise as in April 2018, the 3 storey requirement would end, bringing in more properties. It was explained that the landlord was responsible for the maintenance of common areas and must ensure fire doors, fire escapes and alarms are fit for purpose. Joint enforcement with the fire brigade was also in place and as with selective licensing, the landlord/ agent had to meet the 'fit and proper' requirements.

Eyesore Property and Land Complaints

P Robertson finally briefly discussed eyesore properties, to which the members had raised interest throughout the meeting. The Council, under the Town and Country Planning Act powers could deal with unsightly premises and land which 'lowered the tone' of the area. In order to be considered an eyesore property, it must look out of place with the surrounding area. Work can be carried out to improve the appearance such as painting of windows and doors, fixing gutters and pipework, cutting back vegetation etc. The panel were however notified that the process is not fast, and quite often other legal means to achieve the same result is quicker. There is one specialist officer responsible for eyesore properties with assistance from other staff.

The panel thanked P Robertson for this information.

Anti- social behaviour Tools and Powers

J Hill, Community Safety Manager was in attendance to provide the panel with information on the powers the Council have across the whole town to combat anti-social behaviour and crime.

Prior to Selective licensing, there was 1 Neighbourhood Safety Officer (covering all of East Middlesbrough, including North Ormesby) as part of a wider team.

The Selective Licensing team was made up of the following:

X1 SLL Manager
X1 Neighbourhood Safety Officer (dedicated to North Ormesby)
X1 Legal Officer
X1 Tenancy Relations Officer
X1 SLL Officer
X1 SLL Assistant
X1 EHO Funded via SLL

The panel were also aware of the dedicated street wardens in North Ormesby and extra CCTV which had proved a great success in combating crime and anti social behaviour. J Hill outlined that the multi-agency team within North Ormesby has not only been effective in rolling out selective licensing but also in identifying known anti social behaviour 'hot spots' and troublesome groups and individuals.

In terms of dealing with anti-social behaviour across the whole town, the process had 5 areas:

1. *Early Intervention & prevention* - referrals to other agencies
2. *Low level intervention*- initial warning letter, letter to landlord
3. *Medium intervention*- 2nd warning letter, ABC, joint interview, tenancy breach interview, parenting agreement, final warning
4. *High level* - Injunction, Criminal Behaviour Order, Dispersal Order, Parenting Order, Closure Order, Individual Support Order
5. *Eviction* - landlords must service Section 8 & 21 Notice prior to applying for possession

The panel were made aware of the 5 enforcement powers to deal with anti social behaviour, these were discussed in full and further information was provided on the powerpoint slides:

1. Civil Injunction- To stop or prevent individuals engaging in ASB quickly, nipping problems in the bud before they escalate.
2. Criminal Behaviour Order- Issued by any criminal court against a person who has been convicted of an offence to tackle the most persistent anti-social individuals who are also engaged in criminal activity
3. Community Protection Notice- To stop a person, business or organisation committing ASB which spoils the community's quality of life
4. Closure Power- To allow the Police or Council to quickly close premises which are being used, or likely to be used, to commit nuisance or disorder
5. Police dispersal Power- Requires a person committing or likely to commit ASB, crime or disorder to leave an area for up to 48 hours

J Hill outlined that these powers were enforce all across Middlesbrough and had proved very effective. In terms of anti social behaviour statistics for North Ormesby they were as follows:

Action- Early intervention

2015/16 baseline (prior to Selective Landlord Licensing)- 331
2016/17 - 372
2017/18- 280

Action- Low level intervention

2015/16 baseline (prior to Selective Landlord Licensing)- 385
2016/17 - 450
2017/18- 356

Action - Medium Intervention

2015/16 baseline (prior to Selective Landlord Licensing)- 385
2016/17 - 468
2017/18- 313

Action- High Level

2015/16 baseline (prior to Selective Landlord Licensing)- 3
2016/17 - 7
2017/18- 10

Action - Landlord Anti-social behaviour plans

2015/16 baseline (prior to Selective Landlord Licensing)- N/A
2016/17 - 20
2017/18- 14

The officers advised the panel that, as part of the License conditions, if a tenant conducts anti-social behaviour, the landlord must draw up a anti-social behaviour plan, this was proving to be successful.

As the panel were aware, Selective Licensing does not work in isolation and must complement the wider community work being undertaken within a specific area. J Hill made reference additional actions which had made an impact between April 2016- September 2017.

- Multi agency work- working with the Big Local to secure £45 million funding for 32 additional CCTV cameras, this has been extremely positive in reducing crime and anti-social behaviour. The team is situated within the ward which offered a holistic multi -agency approach as well as providing early help through the tenancy relations officer. Maria street was used as example, where there were persistent high levels of anti-social behaviour. In Maria street, there had been 5 Tenancy Breaches, 2 Evictions, 2 Notices Served, 1 left of own accord, 6 Acceptable Behaviour Contracts (ABC's), Op impact patrols. The officers outlined that the families who had been evicted still live in North Ormesby but there had been no further anti-social behaviour from them.
- Fire Brigade- the team work closely with the fire brigade, who have conducted 61 fire safety referrals, installed 209 smoke alarms and offer a home safety fire safety visit with every Selective Licensing inspection carried out.
- Police- had identified the top 10 families for anti-social behaviour. There is close information sharing and the Neighbourhood Safety Officer has initiated a full family approach.
- Legal- 1 landlord pleaded guilty, fined £6000 (£500 per property) + £1000 costs. Landlord later applied for licence; 1 landlord found guilty in his absence, fined £5,500 (£500 per property) + £775 costs. This landlord had still not applied so the Council applied for a Rent Repayment Order. If convicted the landlord will be required to pay back 5 Months (£20,000) housing benefit payments; 1 landlord due in Court 20/2/18 and 1 file with Legal awaiting a court date

In terms of the reduction in anti-social behaviour and crime within North Ormesby, there had been a 26.5% reduction in anti-social behaviour and 28.8% reduction in crime. This showed that the multi agency approach was effective.

The members commended the work being undertaken, and would like to see how the more multi-agency approach would benefit the town (such as the street beggars) and also requested whether information from the Big Local would be shared with the committee so that they could see the positive work being undertaken.

The Chair thanked the officers for their presentation and the input to the scrutiny investigation.

Agreed as follows:

That the information presented at the meeting be considered in the context of the scrutiny panel's investigation.

The item was deferred