

## NORTHAMPTON BOROUGH COUNCIL

### OVERVIEW AND SCRUTINY

#### **ACTION PLAN: SCRUTINY PANEL Management and Regulation of Private Sector Housing**

Recommendations from Scrutiny Panel (Management and Regulation of Private Sector Housing, Including HMOs) completed in June 2014. **Proposed dates for monitoring implementation of accepted recommendations**

Report received by Cabinet	Response received by Overview and Scrutiny Committee	Monitoring activity	Monitoring complete		
10 September 2014	23 March 2015	25 November 2015			
<b>Recommendation 1:</b>					
A Private Sector Landlords Registration (Licensing) Scheme is implemented with the facility for landlords to register (apply to licence) online.					
Action	Implementation / responsibility by:	Resources required / available	Target date	Achievement / Completed	
An Additional HMO Licensing Scheme is now in place and came into effect in November 2014. The designated area is the same as the area covered by an Article 4 Directive introduced by the Planning Service. It is estimated that around 1,500 two storey HMOs in the Additional HMO licensing area will need to be licensed.	Private Sector Housing Team	Additional staff recruited on permanent and temporary contracts	Completed 3/11/2014	Additional HMO Licensing Scheme introduced and operational	
Licensing of Mandatory HMOs (HMOs that have 3 or more storeys and are occupied by 5 or more occupants who share some facilities) started in 2006 and affects all licensable Mandatory HMOs in the borough.	Debi Waite	Existing resources		Ongoing	

<p>The computerised management system / database (commonly known as “M3” and provided by Northgate) is to benefit from a series of improvements that are planned for the coming year. These improvements are designed to modernise and enhance the functionality of the system and will enable landlords and agents to complete an HMO Licence application online.</p> <p>Officers are considering the merits and feasibility of the Council purchasing a software package (developed by another IT supplier) that would enable landlords and agents to make online HMO applications before Northgate is able to make the necessary improvements to the M3 system.</p>	<p>Debi Waite /IT</p> <p>Debi Waite</p>	<p>Discussions are ongoing with Northgate to determine if this facility will be provided under existing contractual arrangements or has additional cost implications.</p> <p>These will be determined in December 2015 and will enable a value for money comparison to be made with the M3 system.</p>	<p>Improved functionality is being developed and will be available in 2016</p> <p>Dependent on what happens with Northgate, but software is already available</p>	<p>Ongoing discussions and development meetings with Northgate</p>
<p><b>Recommendation 2:</b>  A useful guide for individuals that are considering becoming a private sector landlord is published on the Council’s website and includes the following headlines:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Speak to your mortgage lender</li> <li><input type="checkbox"/> Get references from potential tenants</li> <li><input type="checkbox"/> Prepare a formal agreement</li> <li><input type="checkbox"/> Deposits – <b>properly protected</b></li> <li><input type="checkbox"/> Obtain an energy performance certificate</li> <li><input type="checkbox"/> Do you need a <b>property licence</b>?</li> <li><input type="checkbox"/> Get all your gas and electric appliances checked</li> <li><input type="checkbox"/> Minimise the risk from fire</li> </ul>				

- Ensure that your property presents no risks to your tenant's health and safety
- Don't find yourself in court when something goes wrong

Action	Implementation / responsibility by	Resources required / available	Target date	Achievement/ Completed
<p>As there is already a whole raft of useful advice and information (covering the subjects identified by the Overview &amp; Scrutiny Panel) on the internet, it is essential that the Council's webpages contain hyperlinks to these other websites, rather than simply duplicate the advice and information that is already available elsewhere.</p> <p>By rewriting its pages on the Council's website, the Private Sector Housing Team will provide prospective landlords with an invaluable single point of access to these external sources of advice and information.</p>	Debi Waite	Existing resources	February 2016	

**Recommendation 3:**

Northampton Borough Council works with the University of Northampton and private sector landlords to agree a Northampton standard for privately rented homes. The standard is produced in conjunction with the useful guide (recommendation 2.1.3) and Best Practice Guide (recommendation 2.1.12).

Action	Implementation / responsibility by	Resources required / available	Target date	Achievement / Completed
The Council's Space and Amenities Guide has been published and is promoted by the University of Northampton. Reference will be made to it in the new webpages on the Council's website (see response to	Debi Waite	Existing resources	Completed	Completed

<p>Recommendation 2, above).</p> <p>The Private Sector Housing Team will continue to work with the University of Northampton to ensure that students rent accommodation that is safe and healthy.</p> <p>The Council has recently endorsed a new 'standard' Assured Shorthold Tenancy agreement that has been produced by the Northampton Student Landlords Network with the support of the University and DASH.</p>	Debi Waite	Existing resources		Ongoing
<p><b>Recommendation 4:</b> A Protocol for identifying absent landlords is produced and implemented. Private Sector Landlords are encouraged to join a local or national Landlord Association.</p>				
<b>Action</b>	<b>Implementation / responsibility by</b>	<b>Resources required / available</b>	<b>Target date</b>	<b>Achievement / Completed</b>
<p>The Private Sector Housing Team is developing an intelligence-led approach to the investigation of landlords and agents, including those who seek to hide by their absence or within companies.</p> <p>To assist with this, Officers have obtained real time access to Council Tax and Housing Benefit data.</p> <p>Risk assessment processes will be introduced to ensure the service addresses the worst cases first.</p> <p>Officers will be trained in advanced investigator/evidence gathering skills to ensure professional and robust enforcement action is undertaken.</p>	<p>Debi Waite</p> <p>Private Sector Housing Team</p> <p>Debi Waite</p> <p>Debi Waite</p>	<p>Existing resources</p> <p>Existing resources</p> <p>Existing resources</p> <p>Existing resources</p>	<p>March 2016</p> <p>August 2015</p> <p>January 2016</p> <p>March 2016</p>	<p></p> <p>Completed</p> <p></p> <p></p>

Landlords are encouraged to join professional associations, and to seek accreditation, through a variety of means including the Council's website.	Private Sector Housing Team	Existing resources		Ongoing
<b>Recommendation 5:</b> A Policy for the prosecution of "rogue landlords" is introduced and a funding pot is identified to be allocated to resources to support licensing through a rigorous programme of encouragement, support to landlords, and enforcement, including prosecution of those landlords who do not comply with the requirements of the Scheme.				
Action	Implementation / responsibility by	Resources required / available	Target date	Achievement / Completed
Alongside the measures described in the response to Recommendation 4 (above), the focus of the Private Sector Housing Service is changing with a view to the available resources being targeted at the highest risks and the worst cases in order that criminal, rogue and irresponsible landlords are dealt with as a priority.	Debi Waite	Existing resources	March 2016	
In order to support this approach, various processes and procedures are being produced or updated, including the Private Sector Housing Enforcement Policy, the HMO Fees Policy, the Housing, Health and Safety Rating System Procedure and an Enforcement and Legal Processes Manual.	Debi Waite	Existing resources	March 2016	
As well as improving landlords' access to advice and information, the Private Sector Housing Team is strengthening its partnership with landlords and agents, The Landlord Forum continues to flourish and meets three times a year (in February, June and October).	Debi Waite	Existing resources		Ongoing

<p>The prosecution of criminal, rogue and irresponsible landlords is a key element of a revised Private Sector Housing Enforcement Policy that is being developed for consideration by Cabinet in February 2016.</p> <p>A more detailed HMO Policy is also in development to focus on that area of work and the licensing programme introduced in November 2014</p>	<p>Debi Waite</p> <p>Debi Waite</p>	<p>Existing resources</p> <p>Existing resources</p>	<p>February 2016</p> <p>March 2016</p>	
<p><b>Recommendation 6:</b> Contact is made with the National Landlords' Association (NLA) regarding utilising its free of charge scheme of on-line training and the use of its free guidance material for tenants and private sector landlords.</p>				
<b>Action</b>	<b>Implementation / responsibility by</b>	<b>Resources required / available</b>	<b>Target date</b>	<b>Achievement / Completed</b>
<p>Contact has been made with the NLA to explore the potential for closer joint working between the Private Sector Housing Team and the NLA. Although there is currently no NLA representative in Northamptonshire, the Team is working with the Nottinghamshire representative until the NLA fills the local vacancy.</p> <p>The Council's updated web pages (see response to Recommendation 2, above) will provide links to the advice and information provided on the NLA's website.</p>	<p>Debi Waite</p>	<p>Existing Resources</p>	<p>February 2016</p>	

<b>Recommendation 7:</b> A tri-annual multi-Agency meeting, together with the Landlords Forum, to enable two way discussions and information sharing, is introduced.				
<b>Action</b>	<b>Implementation / responsibility by</b>	<b>Resources required / available</b>	<b>Target date</b>	<b>Achievement / Completed</b>
The Landlord Forum met in July 2015 and October 2015, and the dates of the next 12 months' meetings are now routinely advertised on the Council's website. The Forum will meet 3 times a year: in February, June and October.	Debi Waite	Existing resources	July 2015	Completed
<b>Recommendation 8:</b> Planning Services and Housing Services work collaboratively regarding the private rental sector, to ensure that private lettings make a positive contribution to neighbourhoods.				
<b>Action</b>	<b>Implementation / responsibility by</b>	<b>Resources required / available</b>	<b>Target date</b>	<b>Achievement / Completed</b>
Meetings have taken place to improve the way in which Planning and Housing Services work together to ensure that effective, collaborative action is taken to identify, manage and minimise the number of HMOs that are operating without planning permission or a licence in the designated Article 4 / Additional HMO Licensing Scheme area of the borough.	Phil Harris and David Hackforth	Existing resources		Ongoing
There is also regular dialogue between Planning Enforcement, Building Control, Regulatory Services and Community Safety on common issues and cases.	David Hackforth, Debi Waite, Ruth Austen and Debbie Ferguson	Existing resources		Ongoing

**Recommendation 9:**

A check be made to ensure that letting agents are renting properties through the correct procedure and that letting agents are included in Additional Licensing.

<b>Action</b>	<b>Implementation / responsibility by</b>	<b>Resources required / available</b>	<b>Target date</b>	<b>Achievement / Completed</b>
<p>Agents are not exempt from the HMO licensing regimes and must complete a 'fit and proper person' declaration if they are making an application as a "licensee".</p> <p>The Private Sector Housing Team has started to work closely and collaboratively with Trading Standards to make a bigger impact in driving out criminal, rogue and irresponsible letting agents. Joint casework is already being undertaken and both teams have agreed to share information and intelligence on cases of mutual interest.</p> <p>The Northamptonshire's Trading Standards Team is participating in a national Trading Standards initiative that is tackling 'Rogue Letting Agents'.</p>	Debi Waite	Existing resources		Ongoing



<b>Recommendation 10:</b> Arrangements be put in place for Licence fees to be paid through a direct debit scheme, similar to that in place for the payment of Council Tax.				
Action	Implementation / responsibility by	Resources required / available	Target date	Achievement / Completed
Arrangements were put in place at the time the Additional HMO Licensing Scheme was introduced	Helen Mansell	Existing resources	November 2014	Completed
<b>Recommendation 11:</b> The Scrutiny Panel highlights the need for a Best Practice Guide for Private Sector landlords and tenants and has produced a list of key issues that the Guide should include, as detailed below, for Cabinet's consideration:				
<input type="checkbox"/> Issues to consider pre tenancy <input type="checkbox"/> Means of managing a property <input type="checkbox"/> Setting up a tenancy and different legal agreements <input type="checkbox"/> Deposits <input type="checkbox"/> Rents <input type="checkbox"/> Housing benefit <input type="checkbox"/> Landlord and tenant responsibilities	<input type="checkbox"/> An agreement between Letting Agents and Landlords that the Letting Agent is permitted to undertake repairs on behalf of the Landlord <input type="checkbox"/> Other housing options <input type="checkbox"/> Empty homes <b>Housing standards and Safety conditions</b> <input type="checkbox"/> Housing health and safety rating system <input type="checkbox"/> Safety checks <input type="checkbox"/> Energy efficiency, recycling and sustainability <input type="checkbox"/> Equalities Statement <input type="checkbox"/> Useful contacts, such as HMRC and Gov.UK			
Action	Implementation / responsibility by	Resources required / available	Target date	Achievement / Completed
See response to Recommendation 2	Debi Waite	Existing resources	February 2016	

<b>Recommendation 12:</b> The Best Practice Guide for Private Sector landlords and tenants is easily accessible on the Council's website with paper copies available in the Council's One Stop Shop. On request, the Best Practice Guide should be made available in other languages and formats.				
Action	Implementation / responsibility by	Resources required / available	Target date	Achievement / Completed
See response to Recommendation 2	Debi Waite	Existing resources	February 2016	
<b>Recommendation 13:</b> A copy of the Best Practice Guide is sent to the Association of Residential Letting Agents (ARLA) and the National Landlords' Association (NLA).				
Action	Implementation / responsibility by	Resources required / available	Target date	Achievement / Completed
Northampton's approach to the dissemination of advice and information (see response to Recommendation 2) and partnership working (see responses to the Recommendations 3, 6, 7 and 9) will be shared with ARLA, the NLA and other organisations.	Debi Waite	Existing resources		Ongoing

**Recommendations to the Overview and Scrutiny Committee**

**Recommendation** : The Overview and Scrutiny Committee, as part of its monitoring regime, reviews the impact of this report in six months' time.

<b>Action</b>	<b>Implementation / responsibility by</b>	<b>Resources required / available</b>	<b>Target date</b>	<b>Achievement / Completed</b>
Included onto the O&S Monitoring Work Programme 2015/2016	Added to the O&S Monitoring Work Programme - Overview and Scrutiny Committee	n/a	Monitoring to take place in September 2015	