

## 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	2 February 2017			
<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 team continues to proactively seek out properties subject to licencing and the intelligence led approach has identified more than 500 suspect properties which are being dealt with in order of a risk based prioritisation system. As well as encouraging landlords and agents to license their HMOs, the team is taking enforcement action against those refusing to license their HMOs.</p> <p>Although the Private Sector Housing Team's computerised management system / database (commonly known as "M3" and provided by Northgate) was due to benefit from a series of improvements in 2016/17, Officers considered the merits and feasibility of the proposed "M3" improvements and enhancements against a product developed by another company, Rocktime Digital Agency, which offers a bespoke design service for an HMO Online Licensing System.</p> <p>After considering the business case, the Council commissioned Rocktime to develop the system in a way that supports and complements the Private Sector Housing Team's unique approach to HMO licensing.</p>	Debi Waite	Existing resources		Ongoing
<p>Rocktime Digital Agency is working closely with the Private Sector Housing Team to design and implement a bespoke HMO online licensing system. This system is currently under construction and is due to be ready for testing at the end of March 2017.</p>	Debi Waite /IT	Existing resources	The new Online HMO Licensing System will go 'live' by the end of April 2017.	Ongoing

<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 – properly protected</li> <li><input type="checkbox"/> Obtain an energy performance certificate</li> <li><input type="checkbox"/> Do you need a property licence?</li> <li><input type="checkbox"/> Get all your gas and electric appliances checked</li> <li><input type="checkbox"/> Minimise the risk from fire</li> <li><input type="checkbox"/> Ensure that your property presents no risks to your tenant's health and safety</li> <li><input type="checkbox"/> Don't find yourself in court when something goes wrong</li> </ul>				
<b>Action</b>	<b>Implementation / responsibility by</b>	<b>Resources required / available</b>	<b>Target date</b>	<b>Achievement/ Completed</b>
<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>The Private Sector Housing Team is now meeting regularly with the University, DASH, Students Union and Northampton Student Landlords Network.</p> <p>The Northampton Student Housing Working Group is now established and the group has developed a shared statement that all stakeholders will sign up to, setting out the Working Group's commitment to improving the standard of students' accommodation in Northampton.</p>	Debi Waite	Existing resources		Completed
<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 has developed and adopted an intelligence-led approach to enforcement against criminal, rogue and irresponsible landlords.</p> <p>Officers have been trained to fulfil an Intelligence Officer function and have the necessary skills and permissions to interrogate Council Tax, Housing Benefit, Land Registry and Companies House records, and to access a credit referencing and tracing system, in order to seek out those landlords and managing agents that have so far avoided regulation.</p> <p>Enforcement is managed using a risk based approach to ensure that the team is proactively targeting the worst properties first.</p>	Private Sector Housing Team	Existing resources	March 2016	Completed

<p>To enable them to carry out their roles effectively, Officers have undergone extensive training that will lead to Advanced Investigator Certification which is recognised by the courts. They have also been supplied with the correct equipment to carry out their role competently, and criminal investigation processes have been introduced to ensure that Private Sector Housing cases have the optimum chance of succeeding in court.</p> <p>The Private Sector Housing Team has consolidated and strengthened its partnership working with a range of agencies and stakeholders, including the Police, Trading Standards, Immigration, the Gangmasters Licensing Authority, the Anti-Social Behaviour Team and the Community Safety Partnership. This will increase the effectiveness of the team and ensure a multi-agency approach.</p> <p>The Private Sector Housing Manager has delivered a number of training sessions for Northampton Police to highlight the work of the Private Sector Housing Team. Around 120 Police Officers have received the training to date and this has improved partnership working in relation to offences, including unlawful evictions.</p> <p>Ten officers in the Housing and Wellbeing Service have now completed their final block of training which leads to the BTEC Advanced Investigators Certificate.</p>				
---	--	--	--	--

**Recommendation 5:**

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
<p>Alongside the measures described in the response to Recommendation 4 (above), the Private Sector Housing Team has developed a new Private Sector Housing Enforcement Policy, a new Private Sector Housing Fees and Charges Policy and a new Housing, Health and Safety Rating System (HHSRS) Procedure.</p>	Debi Waite	Existing resources	March 2016	Completed
<p>In March 2016, the HMO Licensing procedure was revised and updated to include a new HMO Licensing application form and accompanying guidance which reflected the fresh approach in the Private Sector Housing Enforcement Policy and the Private Sector Housing Fees &amp; Charges Policy.</p>	Debi Waite	Existing resources	March 2016	Completed
<p>A number of live investigations are currently being processed by Officers with the first batch being laid before the Court in January 2017. Most involve failure to licence and multiple housing offences; others are breaches of licence conditions and multiple housing offences. Once those investigations are completed, Officers will be allocated further investigations.</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.				
<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.</p> <p>The Private Sector Housing Team has established good links with the Association of Residential Lettings Agents, the National Landlords Association and the Northampton Student Landlords Association.</p> <p>The NLA has recently appointed a new representative for Northampton and the Private Sector Housing Manager met with him on 24<sup>th</sup> May 2016. The NLA is keen to attend the Landlord Forum and host a table at the event to promote the benefits of NLA membership.</p>	Debi Waite	Existing Resources	May 2016	Completed
<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 Private Sector Housing Team hosts 3 meetings of the Landlord Forum each year (in February, June and	Debi Waite	Existing resources	Ongoing	Completed



<p>October) and has refreshed the format to include presentations from partner agencies and ‘information tables’ where landlords and managing agents can seek advice and ask questions of a wide range of services and organisations. Attendance of the Landlord Forum has increased significantly since its relaunch.</p>				
<p><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.</p>				
<b>Action</b>	<b>Implementation / responsibility by</b>	<b>Resources required / available</b>	<b>Target date</b>	<b>Achievement / Completed</b>
<p>Regular meetings continue to take place between Housing &amp; Planning to improve the way in which the two 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. There is also regular dialogue between Planning Enforcement, Building Control, Regulatory Services and Community Safety on common issues and cases. Officers from Housing and Planning delivered HMO Training for Councillors in February 2016.</p>	<p>Phil Harris and Peter Baguley</p>	<p>Existing resources</p>	<p>Ongoing</p>	<p>Ongoing</p>
<p>Monthly meetings are programmed between the Private Sector Housing Team and the Planning Team and work has commenced to carry out joint operational work, producing joined up strategies and looking at hotspots and evidence of illegal activity from the Planning and Private Sector Housing perspectives.</p>	<p>Debi Waite, Rita Bovey, Claire, Ruth Austen and Debbie Ferguson</p>	<p>Existing resources</p>	<p>Ongoing</p>	<p>Ongoing</p>

<p>The Private Sector Housing Manager attends the Community Safety Partnership meetings and the Private Sector Housing Team has established a close working relationship with the partners attending the meeting. Joint working has commenced on cases shared with the Anti-Social Behaviour Team.</p> <p>Planning and Housing and Wellbeing are currently working together on the requirements for another HMO Additional Licensing Scheme and an Article 4 Direction. In the Far Cotton &amp; Delapre area.</p>	<p>Phil Harris, Debi Waite and Peter Baguley</p>	<p>Existing resources and housing reserves</p>	<p>Spring 2017</p>	<p>Ongoing</p>
<p><b>Recommendation 9:</b> 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.</p>				
Action	Implementation / responsibility by	Resources required / available	Target date	Achievement / Completed
<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>Debi Waite</p>	<p>Existing resources</p>	<p>Ongoing</p>	<p>Ongoing</p>

<p>Northamptonshire's Trading Standards Team is participating in a national Trading Standards initiative that is tackling 'Rogue Letting Agents'.</p> <p>Trading Standards attend and actively participate in Northampton's Landlord Forum. The Private Sector Housing Team has started meeting regularly with Trading Standards to look at issues of mutual interest, including regulation. The Private Sector Housing Team and Trading Standards have also started to share information about poor and criminal practice in relation to letting agents with a view to undertaking joint enforcement operations.</p> <p>As mentioned in the response to Recommendation 6 (above), links have been made with ARLA and Officers from the Housing &amp; Wellbeing Service attended the regional ARLA meeting on 24<sup>th</sup> May 2016. Regional meetings take place twice a year and the Private Sector Housing Manager has agreed to attending future meetings, either as a delegate or a guest speaker.</p> <p>The Housing and Wellbeing Service has subscribed to Trading Standards own intelligence database in order to legitimately share information and intelligence on crossover cases involving Managing Agent activities and identifying rogue, irresponsible and criminal Managing Agencies for even more enhanced multi-agency working.</p>				
---	--	--	--	--

<p><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.</p>				
Action	Implementation / responsibility by	Resources required / available	Target date	Achievement / Completed
<p>Arrangements were put in place at the time the Additional HMO Licensing Scheme was introduced.</p> <p>Officers in the Private Sector Housing Team now have the ability to take payments by card over the phone and, when the Online HMO Licencing System is up and running, applicants will need to make an online payment before they are able to submit their licence application.</p> <p>The new online licensing system requires payment to be made online as part of the application process.</p>	<p>Helen Mansell</p>	<p>Existing resources</p>	<p>November 2014</p>	<p>Completed</p>
<p><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:</p>				

<ul style="list-style-type: none"> <li><input type="checkbox"/> Issues to consider pre tenancy</li> <li><input type="checkbox"/> Means of managing a property</li> <li><input type="checkbox"/> Setting up a tenancy and different legal agreements</li> <li><input type="checkbox"/> Deposits</li> <li><input type="checkbox"/> Rents</li> <li><input type="checkbox"/> Housing benefit</li> <li><input type="checkbox"/> Landlord and tenant responsibilities</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> An agreement between Letting Agents and Landlords that the Letting Agent is permitted to undertake repairs on behalf of the Landlord</li> <li><input type="checkbox"/> Other housing options</li> <li><input type="checkbox"/> Empty homes</li> <li>Housing standards and Safety conditions</li> <li><input type="checkbox"/> Housing health and safety rating system</li> <li><input type="checkbox"/> Safety checks</li> <li><input type="checkbox"/> Energy efficiency, recycling and sustainability</li> <li><input type="checkbox"/> Equalities Statement</li> <li><input type="checkbox"/> Useful contacts, such as HMRC and Gov.UK</li> </ul>			
<b>Action</b>	<b>Implementation / responsibility by</b>	<b>Resources required / available</b>	<b>Target date</b>	<b>Achievement / Completed</b>
See response to Recommendation 2	Debi Waite	Existing resources	February 2016	
<p><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.</p>				
<b>Action</b>	<b>Implementation / responsibility by</b>	<b>Resources required / available</b>	<b>Target date</b>	<b>Achievement / Completed</b>
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).				
<b>Action</b>	<b>Implementation / responsibility by</b>	<b>Resources required / available</b>	<b>Target date</b>	<b>Achievement / Completed</b>
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
<b>Recommendations to the Overview and Scrutiny Committee</b>				
<b>Recommendation</b> : 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 2016/2017	Added to the O&S Monitoring Work Programme - Overview and Scrutiny Committee	n/a	Monitoring to take place in February 2017	