

## **ENVIRONMENT AND LIVING SCRUTINY COMMITTEE**

**11 June 2014**

**PRESENT:** Councillor Hunter-Watts (Chairman); Councillors Adams, Beall (in place of Stuchbury), Mrs Brandis, Cashman, Mrs Chapple, Fealey (Vice Chairman), Foster, Mrs Phipps, Poll (in place of Winn), Mrs Russel, Mrs Takodra and Vick. Councillors Mrs Paternoster, Mrs Polhill and Sir Beville Stanier attended also.

**APOLOGIES:** Councillors Bond, Mrs L Smith, Stuchbury and Winn.

### **1. MINUTES**

RESOLVED –

That the minutes of the meetings held on 25 March 2014 and 14 May 2014 be approved as correct records.

### **2. PROPOSAL TO ADOPT A SCHEME OF ADDITIONAL LICENSING FOR HOUSES IN MULTIPLE OCCUPATION IN AYLESBURY VALE**

The Committee received a report on a proposal to adopt a scheme of additional licensing for houses in multiple occupation (HMOs) across Aylesbury Vale. The proposal took account of views raised during a consultation period that ran between 27 January 2014 and 13 April 2014. Details of the consultation responses were detailed at Appendix B to the Committee report. The main purpose of adopting the scheme would be to ensure that such properties met national and local standards for management and fire safety.

The report, that would be considered by Cabinet on 17 June 2014, had been updated with a number of minor amendments since the scrutiny report had been issued and Members were informed of these changes, which included the eventuality of refunding a fee to unsuccessful applicants and disapplication of the so called tacit authorisation rule to mandatory and additional HMO licensing. They had been made to improve the robustness of the proposed policy.

The proposal sought Cabinet approval to extend the principles of the mandatory licensing scheme already in operation within the district, through the introduction of an additional licensing scheme as defined in the Housing Act 2004. Designation of a scheme of additional licensing was a discretionary power set out in Section 56 of the Housing Act 2004, which had been devolved from central government to local councils.

The scheme would cover all of the District and require landlords of HMOs not covered by mandatory licensing provisions to apply for a licence for a property. It would come into force no earlier than three months after the date of designation to allow it to be publicised locally to meet legal requirements. It would then be an offence to operate a licensable HMO without a licence. It was proposed to allow a 9 months 'amnesty' period for landlords of existing HMOs, during which applications for a licence would be encouraged through a discounted fee. Enforcement action in respect of any licensing offences would be suspended, in order to ensure the success of the scheme in meeting its objectives.

It was estimated that at least 600 relevant properties in Aylesbury Vale would be affected by this new policy. The scheme would run for a maximum of 5 years before

being reviewed. If it achieved its objectives before the 5 years had expired, then the scheme would be ended. The licensing fee was intended to cover the cost of the licensing activity, as the scheme was not permitted to achieve a profit and both legislation and case law detailed what activity could be included within the licence cost.

Members requested further information and were informed as follows:-

- (i) that the maximum period that the scheme could operate for was 5 years.
- (ii) that whilst licensing itself was not a guarantee of satisfactory conditions in all HMOs, it would be help in identifying properties used as HMOs and significantly assist in dealing with the problems the Council was trying to tackle. A fine of up to £20,000 was liable for failing to register.
- (iii) that the licence fee was intended to cover the cost of the licensing activity which could not exceed the costs of administering the licensing scheme. Enforcement action that was taken following an inspection was separate to the licensing activity, and the costs of enforcement would be separately recoverable where a statutory notice was served or an offence was prosecuted.
- (iv) Councillor Stuchbury, a permanent member of the Scrutiny Committee who was unable to attend the meeting, had provided a number of questions in advance of the meeting relating to the 'amnesty' period for landlords of existing HMOs when the scheme commenced, enforcement of the scheme, frequency of property inspections, and advertising of HMOs applying for a license. Responses to the questions were circulated to the Scrutiny Committee.
- (v) that properties would generally be inspected prior to licensing in order to ensure that they were suitable. Information on the housing condition would then be risk assessed to determine whether future housing standards inspections were undertaken. It was acknowledged that re-visits might not be deemed necessary for some properties.
- (vi) that HMO licenses were not transferable, so a new landlord / HMO owner would be required to undergo a premises inspection as part of applying for a new HMO licence.
- (vii) that the Council kept a public register of HMOs, that could be inspected on request.
- (viii) that AVDC, along with other the other Buckinghamshire districts, worked closely with the fire authority to ensure the Council was aware of fire risks that might exist in building such as residences above shops and restaurants.
- (ix) that a list of properties exempt from HMO licensing was detailed in Appendix 1 to the Committee report, and included if the owner or manager was an educational institution. However, where students chose to live off-campus in a HMO then these premises would be required to be licensed.
- (x) that the Buckingham University provided relevant housing and accommodation advice to its students. AVDC did not provide a separate advice service. It was intended that the same arrangements would operate with the Bucks New University, Aylesbury, although this campus would cater for a different demographic and would not be a 'campus' university.
- (xi) that the Council would expect that the number of facilities e.g. bathrooms, toilets, kitchen areas etc in a HMO would be scaled according to the number of occupants.
- (xii) that people should contact AVDC's Waste Hot Line if they had problems with waste collections or rubbish building up at HMOs.

- (xiii) That electrical devices provided by landlords in HMOs would have to be annually PAT tested, with it recommended that the main electrics be tested every 5 years.

Members also commented:-

- that in addition to conspicuously displaying a copy of the HMO licence and a copy of the Gas Safety Certificate in a common area of a HMO, the scheme should also require landlords to display a notice setting out tenants legal rights and what they should, and should not, expect to receive from their landlord, and where they could direct complaints.
- that the Council should be investigating, as part of the scheme or, perhaps, as part of the Vale of Aylesbury Local Plan, Development Management policies, the efficacy of developing a Student Housing Strategy for Aylesbury Vale.

RESOLVED –

- (1) That Cabinet be recommended to adopt the scheme of additional licensing for houses in multiple occupation across Aylesbury Vale, as detailed in the report to be submitted to Cabinet on 17 June 2014.
- (2) That the comments made by the Committee be reported to Cabinet and the Cabinet Member for Environment and Health, for consideration in finalising the licensing scheme, in particular
  - (i) that in addition to conspicuously displaying a copy of the HMO licence and a copy of the Gas Safety Certificate in a common area of a HMO, the scheme should also require licensees to display a notice in a common area setting out tenants legal rights and what they should, and should not, expect to receive from their landlord, and where they could direct complaints.
  - (ii) that Cabinet be requested to investigate, as part of the scheme or, perhaps, as part of the Vale of Aylesbury Local Plan, Development Management policies, the efficacy of developing a Student Housing Strategy for Aylesbury Vale.

### **3. VALE OF AYLESBURY LOCAL PLAN (VALP) – DEVELOPMENT MANAGEMENT POLICIES**

The Council was producing a new Vale of Aylesbury Local Plan (VALP) following the withdrawal in February 2014 of its previous planning blueprint, the Vale of Aylesbury Plan (VAP). It was a statutory document which all planning authorities are required to produce. It would guide decision on developments and regeneration across the district and set out how and where homes, jobs, community facilities, shops and infrastructure would be delivered.

Following agreement at the Council meeting on 14 May 2014, a new cross party Scrutiny Committee would be established later this year to scrutinise the development of the VALP.

At the same time as the VAP was being put together, Officers from the Forward Plans Team were also preparing and progressing Development Management (DM) policies. During 2013, a Research Group from the Scrutiny Committee had identified and reviewed particular DM policies that they wished to focus on and have input into, which had included a particular interest into how the Council could provide through the Local

Plan process housing for an ageing population. Directly related to this, the County Council had today provided AVDC with a Market Position Statement on 'Specialised housing for vulnerable adults 2014-15'. The statement covered 4 areas of need – Learning Disability, Mental Health, Physical Disability, and Older People, and made assumptions relating to the amount of accommodation needed for each group over the next 20 years. The number detailed in the Statement were for the whole County area and, as such, the needs of Aylesbury Vale were not shown separately.

The statement would be very useful towards the evidence base when AVDC came to formulating future housing strategy/policy as part of the VALP, particularly as the County Council was proposing to update the needs expressed on a yearly basis. Along with the discussions held with AVDC Housing colleagues in relation to affordable/social housing, the County Council statement would help to gain an understand of the needs of the whole community.

Members requested further information and were informed as follows:-

- (i) that the work done on DM policies when developing the VAP would be taken forward to the VALP.
- (ii) that the National Planning Policy Framework provided guidance on drawing up plans and making decisions about planning applications. This meant that some DM Policies could be slimmed down, although some would have to be developed with greater detail to articulate local issues. The Council would continue to provide support for Neighbourhood Plans as these also provided a very local 'flavour' to planning issues.
- (iii) that AVDC would continue to talk to the County Council, as the highway/transport authority, on the need for a traffic relief strategy to be actioned for Aylesbury.

RESOLVED –

That the current position regarding the development of Development Management policies, that would go together with the Vale of Aylesbury Local Plan, be noted.

#### **4. SCRUTINY WORK PROGRAMME**

The Committee considered their work programme for the period up until March 2015 and was informed why it had not been possible to submit an item on Community Centres to the September meeting.

Agenda items for future meetings were re-arranged as follows:-

- (i) 22 September 2014 meeting
  - Review of Statement of Licensing Policy.
  - Food Service Plan.
  - Flood update.
  - Bucks Joint Waste Strategy
  - Landlords and tenants – Provision of debt advice.
- (ii) 5 November 2014 meeting
  - Public Health update / District contribution to public health agenda.
  - Future of Affordable Housing Provision in the Vale.
  - Changing need of the aging population / provision of facilities for young people.

- (iii) 9 December 2014 meeting
- Thames Valley Police update.
  - Thames Valley Police and Crime Panel – update.
  - VAHT Annual Performance Review.
  - Green Deal – update.

A brief discussion was also held on how scrutiny arrangements might be improved in the future, including inviting Cabinet Members to attend meetings to report on activities happening in their portfolios, providing better feedback on recommendations that were reported to Cabinet or to decision makers, and operating a recommendations tracker to assist in reminding the Committee on the action taken in response to them and to help in questioning decision makers or monitoring the implementation of the actions.

RESOLVED –

- (1) That the work programme be agreed, as discussed at the meeting.
- (2) That the Committee was supportive of the suggested actions to improve the operation of scrutiny arrangements in the future

(A draft 'Recommendations Tracker' would be submitted as part of the Work Programme to the next meeting).