
**MINUTES OF THE SERVICE DEVELOPMENT AND DELIVERY SCRUTINY COMMITTEE
HELD ON MONDAY 2 MARCH 2015 AT 7.30 P.M.
IN THE COUNCIL CHAMBER, WEELEY**

Present: Councillors Challinor (Chairman), D R Mayzes (Vice-Chairman), Aldis, R Callender, Nicholls, D Oxley and Talbot.

Also Present: Councillor P B Honeywood (Housing, Benefits and Revenues Portfolio Holder)

In Attendance: Democratic Services Manager (Colin Sweeney), Strategic Housing and Needs Manager (Tim R Clarke) Democratic Services Officer (Janey Nice) and Environmental Health Team Leader (Grant Fenton-Jones)

36. WELCOME

The Chairman welcomed all those present to the meeting.

37. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were none.

38. MINUTES OF THE LAST MEETING

The minutes of the last meeting of the Committee, held on 15 December 2014, were approved as a correct record and signed by the Chairman.

39. DECLARATIONS OF INTEREST

Councillor D Oxley declared a Disclosable Pecuniary Interest in relation to Agenda Item No.4 (Compulsory licensing of Private Landlords), by virtue of the fact he was a private landlord.

40. COMPULSORY LICENSING OF PRIVATE LANDLORDS

The Council's Environmental Health Team Leader informed the Committee that his main role was team leader within Environmental Health, largely focusing on licensing. Mr Fenton-Jones began by providing statistics on the Private Rented Sector within Tendring.

He said that 12% (7,883) of the area's housing stock was made up of private, rented homes with 7.4% (584) of the private stock being Houses of Multiple Occupation (HMO's), which included self-contained flat conversions, shared houses and low risk Category 'A' HMO's. He added that 36 properties were licensed under Part 2 of the Housing Act 2004 as part of the mandatory licensing scheme. He further informed the Committee that the Housing Act 2004 had introduced the following three licensing options to local authorities:

1. Mandatory Licensing, which applied to HMO's that met the following criteria:

- Had five or more unrelated households;
- Over three or more storeys in height;
- Shared one or more basic amenity (kitchen or bathroom);
- Open Register;
- Cost of licence was £585.00 for five years, then £290 on renewal;
- Inspect property within five years and issue a licence, which may include necessary remedial works to remove Category 1 hazards as licence conditions;

- Failure to comply with conditions would lead to enforcement action or revocation of licence; and
 - Licence holder must be a fit and proper person.
2. Additional Licensing of HMO's:
- Needed to be a significant proportion of HMO's being managed ineffectively;
 - Consultation required;
 - Mandatory licensing covered the most problematic HMO's as lots of conversions were done in the 1970's and 80's, which did not follow building control regulations and the Council had to make sure those flats were up to standard; and
 - Issues were being tackled through Antisocial Behaviour (ASB) Task Group and licence conditions.
3. Selective Licensing – Part 3 of the Act – this was usually for domestic or private landlords and required applying to the Secretary of State:
- Must be designated as an area of low housing demand;
 - Must improve social and economic conditions solely or with other organisations;
 - Significant or persistent Antisocial Behaviour;
 - Failing Landlords;
 - All of the above must be eliminated;
 - Must link in with the Council's Housing Strategy;
 - This also needed a coordinated approach with the Council's Homelessness Team;
 - Must fit in with the Council's Empty Homes Strategy and its ASB Policy; and
 - Only consider selective licensing if the Council had exhausted all other enforcement avenues or solutions; e.g. landlord accreditation (ELAS).

Mr Fenton-Jones then gave details of various opinions on Selective Licensing and said that Landlords felt there was too much regulation, which forced them out of the private renting sector. He said that home owners in the designated areas were complaining that licensing reduced house prices, whilst tenants feared increases to rents, fuel poverty and deprivation.

Mr Fenton-Jones gave examples of some of the known twelve UK local authorities that had adopted selective licensing. He said that the only area in the Council's District that this could apply to was Jaywick however, it was unrealistic to consider Jaywick as some properties were of poor construction and had inadequate room sizes. He said that there was evidence of some Banks being unwilling to give buy-to-let mortgages in areas where selective licensing had been adopted, however, NatWest Bank had been named as a main provider with other Banks giving due consideration.

Mr Fenton-Jones said Licensing in the Private Sector should only cover costs incurred by the Council (the licence and did not include set-up costs, consultation and enforcement) and not for profit.

In conclusion, Mr Fenton-Jones said that he did not think Private Sector Licensing would be of any benefit to Tendring at the moment and that all other avenues of enforcement needed to be exhausted first.

Following discussion, the Committee **COMMENTED** to **CABINET** that the Committee:

- (a) Expressed its satisfaction with the work that was being done, particularly with regard to meeting with landlords to encourage improvements to their properties where such improvement was required; and

- (b) Urged Cabinet to give its full support to this work, in order that the excellent work being carried out could continue.

41. FORWARD PLAN

The Committee noted the new item relevant to the terms of reference of the Committee contained in Forward Plan Number 161.

The meeting was declared closed at 8.49 p.m.

Chairman