

### **Scrutiny committee**

**Date:** Thursday, 22 February 2018

**Time:** 16:30

**Venue:** Mancroft room, City Hall, St Peters Street, Norwich, NR2 1NH

#### **All group pre-meeting briefing – 16:00 Mancroft Room**

This is for members only and is not part of the formal scrutiny committee meeting which will follow at 16:30. The pre-meeting is an opportunity for the committee to make final preparations before the start of the formal meeting. The public will not be given access to the Mancroft room before 16:30.

#### **Committee members:**

##### **Councillors:**

Wright (chair)  
Brociek-Coulton (vice chair)  
Bogelein  
Bradford  
Bremner  
Coleshill  
Grahame  
Haynes  
Jones (B)  
Manning  
Malik  
Ryan  
Thomas (Va)

#### **For further information please contact:**

Committee officer: Lucy Palmer  
t: (01603) 212416  
e: [lucypalmer@norwich.gov.uk](mailto:lucypalmer@norwich.gov.uk)

Democratic services  
City Hall  
Norwich  
NR2 1NH

[www.norwich.gov.uk](http://www.norwich.gov.uk)

#### **Information for members of the public**

Members of the public and the media have the right to attend meetings of full council, the cabinet and committees except where confidential information or exempt information is likely to be disclosed, and the meeting is therefore held in private.

For information about attending or speaking at meetings, please contact the committee officer above or refer to the council's website

## Agenda

### Page nos

#### 1 Apologies

To receive apologies for absence

#### 2 Public questions/petitions

To receive questions / petitions from the public

Please note that all questions must be received by the committee officer detailed on the front of the agenda by **10am on Monday 19 February 2018**.

Petitions must be received must be received by the committee officer detailed on the front of the agenda by **10am on Wednesday 21 February 2018**

For guidance on submitting public questions or petitions please see appendix 1 of the council's constitution.

#### 3 Declarations of interest

(Please note that it is the responsibility of individual members to declare an interest prior to the item if they arrive late for the meeting)

#### 4 Minutes

7 - 14

To agree the accuracy of the minutes of the meetings held on 25 January 2018 and 7 February 2018.

#### 5 Update of the representative on the Norfolk Health Overview and Scrutiny Committee (verbal update)

**Purpose** - To note the work of the NHOSC and comment on any implications for Norwich residents for the representative to take to the next NHOSC.

#### 6 Scrutiny committee work programme 2017-18

15 - 32

**Purpose** - To note the scrutiny committee work programme and to agree a scope for the remaining item.

#### 7 Housing conditions in the privately rented sector

33 - 46

**Purpose** - To provide members with key information on housing conditions in the private rented sector.

Date of publication: **Wednesday, 14 February 2018**

- T** is this, the right **TIME** to review the issue and is there sufficient officer time and resource available?
- O** what would be the **OBJECTIVE** of the scrutiny?
- P** can **PERFORMANCE** in this area be improved by scrutiny input?
- I** what would be the public **INTEREST** in placing this topic onto the work programme?
- C** will any scrutiny activity on this matter contribute to the council's activities as agreed to in the **CORPORATE PLAN**?

Once the TOPIC analysis has been undertaken, a joint decision should then be reached as to whether a report to the scrutiny committee is required. If it is decided that a report is not required, the issue will not be pursued any further. However, if there are outstanding issues, these could be picked up by agreeing that a briefing email to members be sent, or other appropriate action by the relevant officer.

If it is agreed that the scrutiny request topic should be explored further by the scrutiny committee a short report should be written for a future meeting of the scrutiny committee, to be taken under the standing work programme item, so that members are able to consider if they should place the item on to the work programme. This report should outline a suggested approach if the committee was minded to take on the topic and outline the purpose using the outcome of the consideration of the topic via the TOPIC analysis. Also the report should provide an overview of the current position with regard to the topic under consideration.

By using the flowchart, it is hoped that members and officers will be aided when giving consideration to whether or not the item should be added to the scrutiny committee work programme. This should help to ensure that the scope and purpose will be covered by any future report. The outcome of this should further assist the committee and the officers working with the committee to be able to produce informed outcomes that are credible, influential with SMART recommendations.

**Specific, Measurable, Attainable, Relevant and Time-bound**

## Scrutiny committee and a protocol for those attending meetings of the scrutiny committee

- All scrutiny committee meetings will be carried out in a spirit of mutual trust and respect
- Members of the scrutiny committee will not be subject to whipping arrangements by party groups
- Scrutiny committee members will work together and will attempt to achieve evidence based consensus and recommendations
- Members of the committee will take the lead in the selection of topics for scrutiny
- The scrutiny committee operates as a critical friend and offers constructive challenge to decision makers to support improved outcomes
- Invited attendees will be advised of the time, date and location of the meeting to which they are invited to give evidence
- The invited attendee will be made aware of the reasons for the invitation and of any documents and information that the committee wish them to provide
- Reasonable notice will be given to the invited attendee of **all** of the committees requirements so that these can be provided for in full at the earliest opportunity (there should be no nasty surprises at committee)
- Whenever possible it is expected that members of the scrutiny committee will share and plan questioning with the rest of the committee in advance of the meeting
- The invited attendee will be provided with copies of **all relevant** reports, papers and background information
- Practical arrangements, such as facilities for presentations will be in place. The layout of the meeting room will be appropriate
- The chair of the committee will introduce themselves to the invited attendee before evidence is given and; all those attending will be treated with courtesy and respect. The chair of the committee will make sure that all questions put to the witness are made in a clear and orderly manner





**SCRUTINY COMMITTEE**

**16:35 to 18:55**

**25 January 2018**

Present: Councillors Wright (chair), Brociek-Coulton (vice chair) Bogelein, Bradford, Bremner, Grahame, Haynes, Jones (B), Malik, Manning, Ryan and Thomas (Va)

Apologies: Councillor Coleshill

**1. Declarations of interest**

There were no declarations of interest.

**2. Minutes**

**RESOLVED** to approve the accuracy of the minutes of the meeting held on 14 December 2017.

**3. Update of the representative on Norfolk Health Overview and Scrutiny Committee**

An update was circulated at the meeting.

**RESOLVED** to note the update of the representative on NHOSC.

**4. Scrutiny committee work programme**

Councillor Bogelein suggested that the scrutiny committee may want to look at the topic of viability assessments at the March meeting of the scrutiny committee, prior to a change in legislation in spring 2018. She suggested that there was a need to strengthen local policies and have input into revised guidance on how liability assessments would be calculated.

The head of regeneration and development suggested that it may be pertinent to wait for the national review of the process to understand how the council may be affected. He said that an all members briefing around planning policy and the use of Community Infrastructure Levy (CIL) funding may be of use to members.

After being put to a vote, with five members voting in favour and seven voting against, it was resolved to not include viability assessments on the scrutiny committee work programme for 2017-18.

The strategy manager highlighted the need for a clear scope for the remaining item on the work programme – review of enforcement services. He suggested that the lead member for this item, Councillor Grahame, should meet with the appropriate head of service and bring a suggested scope to the February meeting for approval.

**RESOLVED to:**

- (1) include an all members briefing on the topic of CIL funding in the members development programme for the next civic year; and
- (2) ask Councillor Grahame to liaise with the director of neighbourhood services to work up a draft scope for the enforcement item on the work programme and bring this to the February meeting for approval.

**5. Environmental strategy progress update**

The environmental strategy manager presented the report. He said that excellent progress had been made on the objectives within the environmental strategy and that the council continued to perform well in a changing landscape. He highlighted that the council had reduced its carbon emissions by fifty percent since 2008 and the per capita emissions had reduced by thirty eight percent over the same period. Housing stock efficiency had been improved with investment and private tenants had been helped through the 'Cosy City' initiative. The One Planet Norwich festival engaged citizens of Norwich and the use of social media continued this engagement work.

In response to a question from a member, the environmental strategy manager said that the next step regarding reduction of carbon emissions was a series of visioning sessions with expertise being brought in from the Tindall Centre at the University of East Anglia. There would be briefings and workshops for members to look into marrying finances and emission reductions within the resources the council had.

A member questioned how the work on reducing carbon emissions would continue. The environmental strategy manager said that the carbon management programme had ended but officers were working on the third edition of this. Realistic, affordable targets were being discussed and there were likely to be around 65%.

Discussion ensued on electric vehicle charging points. The head of regeneration and development said that the issue was high on the Government's agenda with a variety of funding pots available; however these were only offering up to 75% grants towards the cost. The environmental strategy manager said that work already happening within the county would inform any work by Norwich City Council on electric vehicle charging points. Work was already underway with the University of East Anglia (UEA) to install two rapid charge points at the university. Research showed that most electric cars within the country were used to go from commuter's



homes to work and then home again in one charge so any charging points would be geared towards those moving through the county.

A member referred to point 2.20 on page 47 of the agenda papers regarding air quality information and said that the air quality sensors that were being used were very poor quality and that there was a need to liaise with the companies that produced these.

In response to a member's question on spending less on fossil fuels, the head of communications and culture said that she would circulate some further information on this.

**RESOLVED** to ask cabinet to consider:-

- (1) working with partners to such as the BID and the UEA to facilitate the delivery of electric vehicle charging points,
- (2) working with producers of air quality sensors and researchers to ensure that good quality field data around air quality is produced; and
- (3) investigating the possibility of a social value and environmental framework to purchase assets

## **6. Pre-scrutiny of the proposed budget 2018-19**

(The chair agreed to move this item up the agenda.)

The chief finance officer presented the report and gave a presentation to the committee.

In response to a member's question, the chief finance officer said that the council would have the ability to move money between ear-marked reserves and the general fund but having a specific ear-marked fund showed an intention for those monies. Regarding the Hosing Revenue Account (HRA) business plan, the council was considering opportunities for a 60 year plan.

A member referred to point 10 on page 103 of the agenda papers regarding charging for food hygiene training and advice. The head of culture and communications said that this was in reference to running additional training courses and charging accordingly for these.

A member commented that the figure of fifty percent of the council's income being made up of fees and charges was a huge change and that the public needed to be made aware of the size of the cuts having to be made.

In response to a member's question, the chief finance officer said that money had been spent on commercial acquisitions to gain revenue to fund core services. There was a distinction between these acquisitions and investment in heritage assets which needed regular maintenance to avoid catastrophic investment.

Discussion ensued around the returns on commercial property investment. The chief finance officer said that a financial appraisal of each property was undertaken including factors such as tenant finances and any structural problems. The rental income from a tenant had to cover any interest on borrowing for the property plus the Minimum Revenue Provision which charged a percentage over a fifty year period. This set money aside for repayment of the loan. The council would only invest in properties which met these and other criteria.

**RESOLVED** to note the pre-scrutiny of the proposed budget 2018-19

## **7. Access to justice - recommendations**

The chair introduced the item and reminded members that they were considering recommendations based on the evidence heard at the November meeting of the scrutiny committee.

The strategy manager gave members an overview of the discussion at the meeting of the scrutiny committee on 23 November 2017.

Members discussed the issue of changeable funding and the need to make this more sustainable and predictable for long standing partners. The strategy manager said that it was accepted that this could be unsettling but budget constraints meant that the council could not commit to funding beyond next year. A solution could be to work with support organisations to look at their own sustainability of funding so that they were not overly reliant on one funding stream.

A member commented that a considerable amount of time went into applying for funding and reporting back. The strategy manager said that monitoring worked around the process already being used by partners but there was also a need for this to be transparent.

It was suggested that standardised forms, collecting the same information, could be used across partner organisations to make the funding application process easier.

(Councillor Bradford left the meeting at this point)

In response to a member's question, the strategy manager said that within the council's digital inclusion work, there was a planned Universal Credit work stream. This would involve working with digital hubs to train volunteers on Universal Credit and also the 'Better Off Norwich' platform. This website gave advice and showed which benefits a customer would be entitled to.

**RESOLVED** to ask cabinet to consider;

- (1) committing to a longer term for the council's funding for social welfare advice services in the city,
- (2) how to reduce burden on funded organisations by standardising application and monitoring process, and to explore this with other funders

- (3) including a link to the Better Off Norwich platform in all relevant communications sent to customers and within their online council accounts to ensure they are accessing their entitlements; and
- (4) working with digital hubs around Norwich to train volunteers on Universal Credit and the Better off Norwich platform.

CHAIR

**SCRUTINY COMMITTEE****14:05 – 15:10****7 February 2018**

**Present:** Councillors Wright (chair), Bogelein, Bradford, Bremner, Button (substitute for Brociek-Coulton) Grahame, Ryan, Schmierer (substitute for Haynes) Sands (M) (substitute for Malik) and Thomas (Va)

**Apologies:** Councillors Brociek-Coulton, Coleshill, Haynes, Jones (B), Malik and Manning

**1. Declarations of interest**

There were no declarations of interest.

**2. Call in – key decision notices**

The chair introduced the call in meeting. He reminded members that the purpose of the call in was that the decision notice published to councillors regarding the purchase of an asset had no supporting exempt documentation, making it largely meaningless and asked the director of business services to respond.

The director of business services said that there was a constitutional requirement to publish a notice of delegated key decision. The notice that was published to councillors was also a public notice which restricted the amount of information that could be included due to commercial sensitivities. He highlighted that only two members had come back to him to request further information on the asset after the notice was circulated.

Members were reminded that the report to cabinet on the asset and investment strategy had been considered first by the scrutiny committee and a recommendation that a quorum of cabinet members be included in the delegated decision had been accepted by cabinet.

The director of business services, along with the business transformation and change officer and the democratic team leader had reviewed the process of publishing such information and had already implemented a more comprehensive method of circulating the information to members. An exempt pack of information would be circulated to all members along with the notice of key decisions.

He said that he hoped this revised process gave the scrutiny committee comfort that the decisions were being made in accordance with the cabinet process and that they were robust.

Discussion ensued around the exempt pack of information provided to councillors in relation to the asset. The director of business services along with the director of regeneration and development and the chief finance officer answered member's questions.

**RESOLVED** to ask:

- (1) the director of business services to send an exempt pack of information relating to assets purchased to all members once a notice of key decision had been published,
- (2) the chief finance officer to simplify the information around the payback period within the exempt pack of information sent to all members; and
- (3) the democratic and elections manager to include an all members briefing on the treasury management strategy in the councillor development programme for the next civic year.

CHAIR



**Norwich City Council**  
**SCRUTINY COMMITTEE**

## **Item No 6**

**REPORT for meeting to be held on 22 February 2018**

### **Work Programme for 2017-18**

**Summary:** The purpose of this report is to provide an update to members on the items on the scrutiny work programme for the remainder of 2017-18 to support them in agreeing scopes for these.

**Conclusions:** The work programme is appended to this report (appendix A). It is proposed that any discussion is a whole committee discussion based on this documentation, to assist members in providing a clear scope for the items on future agendas to facilitate robust scrutiny.

**Recommendation:** To agree items and how these will be scoped and prepared for the remaining meeting of 2017-18.

**Contact Officers:** Adam Clark, Strategy manager,  
01603 212273  
[adamclark@norwich.gov.uk](mailto:adamclark@norwich.gov.uk)

Lucy Palmer, Democratic team leader  
01603 212416  
[lucypalmer@norwich.gov.uk](mailto:lucypalmer@norwich.gov.uk)

## **Items for 2017-18**

1. The attached appendix A shows the work programme as it currently stands, with items that have been assigned to future meetings. Members are encouraged to discuss the scope for the following items so that officers can undertake appropriate background work:

**Review of the council's enforcement service:** This is currently scheduled for 22 March 2018. The lead member for this item will report back to the committee on a suggested scope.



## Scrutiny committee work programme 2017 – 2018

<b>DATE OF MEETING</b>	<b>TOPIC FOR SCRUTINY</b>	<b>RESPONSIBLE OFFICER, CABINET, PORTFOLIO HOLDER, COUNCILLOR,</b>	<b>SCOPE – REASON FOR TOPIC REQUEST and OUTCOME SOUGHT</b>
13 July 2017	<b>Setting of the work programme</b>	Beth Clark (Scrutiny liaison officer), Cllr Wright	To assist committee members in setting the work programme for 2017/18
13 July 2017	<b>Quarterly performance report</b>	Adam Clark (Strategy manager)	To consider if there are any measures within report to consider for future analysis and how the committee would like to scrutinise corporate performance in the future
21 September 2017	<b>Update from 20th July and 7th September meetings of the Norfolk Health and Overview Scrutiny Committee</b>	Cllr Brociek-Coulton	For the committee to note the work of NHOSC and comment on any implications for Norwich residents for the rep to take back to the next NHOSC meeting.
21 September 2017	<b>Pre-scrutiny of the proposed budget consultation</b>	Nikki Rotsos (Director of communications and culture)	To look at the proposed approach to engaging residents and other stakeholders in the development of the council's vision and strategy for 2019-2022 as well as the 2018-19 budget and transformation programme.
21 September 2017	<b>The cooperative agenda in local government</b>	Cllr Herries	To agree areas for further review and to consider identifying a suitable time for an all members briefing/workshop about co-operatives.

## Scrutiny committee work programme 2017 – 2018

<b>DATE OF MEETING</b>	<b>TOPIC FOR SCRUTINY</b>	<b>RESPONSIBLE OFFICER, CABINET, PORTFOLIO HOLDER, COUNCILLOR,</b>	<b>SCOPE – REASON FOR TOPIC REQUEST and OUTCOME SOUGHT</b>
19 October 2017	<b>Health inequality in Norwich</b>	Adam Clark (Strategy manager)	Review of health inequality in Norwich and the role of the city council
23 November 2017	<b>Access to justice</b>	Cllr Thomas	The impact of legal aid cuts, changes to tribunal fees, debt, impact of cuts to probation/prisons/courts. The city council commissions advice services which provide elements of legal advice and how these work in Norwich
23 November 2017	<b>Update from 26th October meeting of the Norfolk Health and Overview Scrutiny Committee</b>	Cllr Brociek-Coulton	For the committee to note the work of NHOSC and comment on any implications for Norwich residents for the rep to take back to the next NHOSC meeting.
14 December 2017	<b>Update from 7<sup>th</sup> December meeting of the Norfolk Health and Overview Scrutiny Committee</b>	Cllr Brociek-Coulton	For the committee to note the work of NHOSC and comment on any implications for Norwich residents for the rep to take back to the next NHOSC meeting.
14 December 2017	<b>Corporate plan and performance framework</b>	Adam Clark (Strategy manager)	Members to submit questions in advance by Monday 11 December. To consider amendments to corporate performance KPIs

## Scrutiny committee work programme 2017 – 2018

<b>DATE OF MEETING</b>	<b>TOPIC FOR SCRUTINY</b>	<b>RESPONSIBLE OFFICER, CABINET, PORTFOLIO HOLDER, COUNCILLOR,</b>	<b>SCOPE – REASON FOR TOPIC REQUEST and OUTCOME SOUGHT</b>
14 December 2017	<b>Equality information report</b>	Adam Clark (Strategy manager)	Members to submit questions in advance by Monday 11 December. Pre scrutiny of the report before it goes to cabinet.
14 December 2017	<b>Emerging position on the 2018/19 budget and MTFS</b>	Karen Watling (Chief finance officer)	Members to submit questions in advance by Monday 11 December. To note latest financial forecasts, savings options and capital plans which will inform budget setting for 2018/19.
14 December 2017	<b>Access to justice: recommendations</b>	Cllr Vaughan Thomas	To agree recommendations following the evidence given at the November meeting
25 January 2018	<b>Update from 11th January meeting of the Norfolk Health and Overview Scrutiny Committee</b>	Cllr Brociek-Coulton	For the committee to note the work of NHOSC and comment on any implications for Norwich residents for the rep to take back to the next NHOSC meeting.
25 January 2018 <b>BELOW THE LINE</b>	<b>Scrutiny of the proposed budget, MTFS, and transformation programme</b>	Karen Watling (Chief finance officer), Helen Chamberlin (Head of strategy and transformation)	To make suggestions to cabinet regarding the proposed budget's ability to deliver the council's overarching policy.  This report is not for publication because it

## Scrutiny committee work programme 2017 – 2018

DATE OF MEETING	TOPIC FOR SCRUTINY	RESPONSIBLE OFFICER, CABINET, PORTFOLIO HOLDER, COUNCILLOR,	SCOPE – REASON FOR TOPIC REQUEST and OUTCOME SOUGHT
			would disclose information relating to the financial or business affairs of any particular person (including the authority holding that information) as in para 3 of Schedule 12A to the Local Government Act 1972.
25 January 2018	<b>Environmental strategy (yearly update)</b>	Richard Willson (Environmental strategy manager)	Identification of any issues to consider and note successes and progress reported in the progress statement. Members to submit questions in advance by Friday 19 January.
22 February 2018	<b>Update from 22 February meeting of the Norfolk Health and Overview Scrutiny Committee</b>	Cllr Brociek-Coulton	For the committee to note the work of NHOSC and comment on any implications for Norwich residents for the rep to take back to the next NHOSC meeting.
22 February 2018	<b>The private rented sector</b>	Paul Swanborough	To be agreed
22 March 2018	<b>Review of the council's enforcement service</b>	Bob Cronk, Adrian Akester	To be agreed
22 March 2018	<b>Annual review of the scrutiny committee</b>	Adam Clark	To agree the annual review of the scrutiny committee's work 2017 to 2018 and recommend it for adoption of the council

## The scrutiny committee tracker 2017 – 2018

Completed  
Ongoing  
Not started

DATE OF MEETING	TOPIC FOR SCRUTINY	RESPONSIBLE OFFICER/LEAD MEMBER	SCRUTINY REQUEST	OUTCOMES OR CURRENT POSITION
6 April 2017	<b>Food poverty in Norwich</b>	Adam Clark, Cllr Maguire	Ask cabinet to consider;- (1) trying to access charitable trust funding to resource projects such as social supermarkets (2) developing a food poverty strategy to act as an umbrella document for existing actions (3) increasing awareness and availability of financial advice and early intervention (4) developing community led food literacy projects (5) increasing awareness of the Go4less cards which entitle residents to reduced allotment fees; and (6) linking older and socially isolated people with good food literacy skills with younger generations in need of such skills	A report was taken to cabinet on 13 September. Link to the agenda here: <a href="https://cmis.norwich.gov.uk/live/Meetingscalendar/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/392/Committee/1/Default.aspx">https://cmis.norwich.gov.uk/live/Meetingscalendar/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/392/Committee/1/Default.aspx</a>
22 June 2017	<b>City accessibility</b>	Bruce Bentley	Ask cabinet to formulate a city access charter and to extend consultations on such a charter to groups representing all disabilities including those with hidden disabilities.	This recommendation is part of a scrutiny report which is going to the cabinet meeting on 13 December.

## The scrutiny committee tracker 2017 – 2018

Completed  
Ongoing  
Not started

DATE OF MEETING	TOPIC FOR SCRUTINY	RESPONSIBLE OFFICER/LEAD MEMBER	SCRUTINY REQUEST	OUTCOMES OR CURRENT POSITION
13 July 2017	<b>Quarterly performance report</b>	Adam Clark	Ask the financial inclusion manager for some anecdotal evidence around timely access to debt advice,	The advice services in the FI consortium report that waiting times are variable and depend on a complex range of factors, including how urgent a case is e.g. if there are court dates or statutory time limits then these will be prioritised. However, overall, capacity is stretched within the social welfare advice sector; one proxy for this is that only around 50% of calls to the CAB advice line are currently answered, although this is improving.
13 July 2017			Ask the strategy manager to investigate why the performance target for measure FAC5 was so high; and	Response from Environmental Strategy Manger is that the 2016/17 performance above target was due to additional funding being available in 2016/17. Cosy City is fully dependent on government grants and/or funding from 3rd sector organisations. We are unlikely to see the same level of external grants and funding this year so we should not amend the target.

## The scrutiny committee tracker 2017 – 2018

Completed  
Ongoing  
Not started

DATE OF MEETING	TOPIC FOR SCRUTINY	RESPONSIBLE OFFICER/LEAD MEMBER	SCRUTINY REQUEST	OUTCOMES OR CURRENT POSITION
13 July 2017	<b>Quarterly performance report</b>		Ask the head of neighbourhood services to circulate any commentary captured around why residents felt unsafe.	Circulated to all scrutiny members by the scrutiny liaison officer.
13 July 2017			SCL05 – exceed target by 6% - what is the anomalous reason for over performance? Otherwise, should the target be raised to 96%? The committee also required why didn't expect of 100% of businesses to achieve safety compliance?	The Environmental Health Manager (Food & Safety) suggested that the target be raised to 94% to show how food businesses in Norwich compare to the National picture.
21 September 2017	<b>Pre-scrutiny of the proposed budget consultation</b>	Nikki Rotsos	Consider how best to involve members in shaping the budget consultation with an update brought back to scrutiny at appropriate time to allow changes to be considered	The members will receive a verbal update from the director of customers and culture at the 23 November meeting on the budget consultation.
21 September 2017			Include an 'easy-read' sheet to sit alongside the budget consultation	This recommendation is part of a scrutiny report which is going to the cabinet meeting on 13 December.
21 September 2017	<b>Cooperatives</b>	Bethany Clark	To ask the democratic and elections manager to arrange an all members briefing on co-operatives to include examples of how co-operatives have worked with other local authorities and what services were available to Norwich City Council.	An all members briefing will take place on Monday 19 February 2018.

## The scrutiny committee tracker 2017 – 2018

**Completed**  
**Ongoing**  
**Not started**

DATE OF MEETING	TOPIC FOR SCRUTINY	RESPONSIBLE OFFICER/LEAD MEMBER	SCRUTINY REQUEST	OUTCOMES OR CURRENT POSITION
21 September 2017	<b>Call-in of cabinet delegated decision</b>	Anton Bull	Ask the director of business services to liaise with the head of customer services to discuss the Councillor enquiry system	Councillor enquiry system discussed with the head of customer services. Overall enquiries are being answered within an average of 5 days. There are some outside of this. The head of customer services has this on the agenda to discuss at business management group (corporate leadership team and heads of service) to review performance.
21 September 2017			To note the work being undertaken on publishing delegated decisions and progress on motions to council	Delegated decision and motions tracker are in the process of being finalised and will be published shortly and at regular intervals thereafter.
19 October 2017	<b>Health inequality</b>	Cllr Wright	To ask the chair of scrutiny to liaise with the leader of the council around progressing accessibility charter and to acknowledge all recommendations from June scrutiny committee meeting on city access	This recommendation is part of a scrutiny report which is going to the cabinet meeting on 13 December.
		Adam Clark	To ensure provision of web information linked across organisations	This is an ongoing activity rather than a single event. As new platforms (such as the Get Involved site) are developed, we will continue to explore how they can link into existing sources of information.



## The scrutiny committee tracker 2017 – 2018

Completed  
Ongoing  
Not started

DATE OF MEETING	TOPIC FOR SCRUTINY	RESPONSIBLE OFFICER/LEAD MEMBER	SCRUTINY REQUEST	OUTCOMES OR CURRENT POSITION
19 October 2017	<b>Health inequality</b>	Adrian Akester	To ensure health and wellbeing is taken into consideration when the review of parks and open spaces takes place	This recommendation has been forwarded to the head of citywide services.
		Cllr Wright	To scrutinise the river Wensum strategy to ensure health inequality actions are considered	This has been noted to be carried forward to the scrutiny committee's work programme 2018/19
		Cllr Wright	To scrutinise the social value and procurement framework as part of next year's work programme	This has been noted to be carried forward to the scrutiny committee's work programme 2018/19
		Adam Clark	For the strategy manager to feedback to members regarding the significantly negative outliers for Norwich from the Public Health Outcomes Framework	With the strategy manager
23 November 2017	<b>Work programme</b>	Nikki Rotsos	The director of customers and culture to circulate to all scrutiny committee members the questions to be included in the proposed budget consultation	Complete
	<b>NHOSC</b>	Cllr Bogelein, Cllr Brociek-Coulton	To ask the NHOSC representative to raise with the CCG the effects of the Sheltered Housing consultation on health service if that service is not provided anymore, and to ask CCG if that would fall under their	With the NHOSC representative

## The scrutiny committee tracker 2017 – 2018

Completed  
Ongoing  
Not started

DATE OF MEETING	TOPIC FOR SCRUTINY	RESPONSIBLE OFFICER/LEAD MEMBER	SCRUTINY REQUEST	OUTCOMES OR CURRENT POSITION
			commission in future	
	<b>Access to justice</b>	Cllr Jones	Information around specific areas with an increased need of law advice and this specific demographic	
			who would be dealing with hate crimes and hate incidents once the PCSOs (including those who deal with community cohesion) are no longer with us.	Update sent to scrutiny members on 12 February 2018

# FORWARD AGENDA: CABINET and COUNCIL MEETINGS 2017 - 2018

ALLOCATED ITEMS						
Meeting	Report	Purpose	Portfolio holder + Senior Officer + Report author	Date report signed off by	Management clearance	Exempt?
<b>COUNCIL 20 FEB 2018</b>	Corporate plan and performance	To consider amendments to corporate performance KPIs	Cllr Waters Adam Clark		Laura McGillivray	NO
<b>COUNCIL 20 FEB 2018</b>	2018/19 budget report and Medium Term Financial Strategy (MTFS).	To recommend to council the 2018/19 budget and the MTFS for the general fund, housing revenue account and capital programme.	Cllr Kendrick Karen Watling		Karen Watling	NO
<b>COUNCIL 20 FEB 2018</b>	Treasury management strategy 2018/19 (Corporate Plan update should also go if not taken earlier)	To recommend to council the capital prudential indicators and limits, the borrowing strategy, the treasury prudential indicators, the minimum revenue provision.	Cllr Kendrick Karen Watling		Karen Watling	NO
<b>COUNCIL 20 FEB 2018</b>	Council tax reduction scheme 2018-19	To consider the council tax reduction scheme for 2018-19	Cllr Karen Davis – social inclusion  Anton Bull – Director of business services		Anton Bull	NO
<b>CABINET MARCH 14 2018</b>	Report of the chair of the scrutiny committee	To consider the recommendations from the scrutiny committee	Cllr Kendrick Adam Clark Cllr Wright		Adam Clark	NO
<b>CABINET MARCH 14 2018</b>	An overview of external relationships, contracts and grants	To consider commissioned services for the period 2018-19. These are both planned and current relationships with	Cllr Alan Waters Adam Clark Ruth Newton	28/2/18 by CLT	Adam Clark	NO

ALLOCATED ITEMS						
Meeting	Report	Purpose	Portfolio holder + Senior Officer + Report author	Date report signed off by	Management clearance	Exempt?
	2018-19	external organisations including partnerships, grants, contracts and shared services.				
<b>CABINET MARCH 14 2018</b>	Meeting complex needs and the prevention of rough sleeping innovation fund award decision - <b>Key decision</b>	To seek approval to award to the winning bidder/organisation(s) for the fund.	Cllr Kevin Maguire Paul Swanborough Chris Hancock		Bob Cronk	NO
<b>CABINET MARCH 14 2018</b>	Pay Policy Statement 2018-19	To consider and recommend to full council the pay policy statement for 2018-19.	Cllr Waters Dawn Bradshaw		Anton Bull	NO
<b>CABINET MARCH 14 2018</b>	Building control service	To seek approval to continue with the current building control delegation	Cllr Paul Kendrick Anton Bull		Anton Bull	NO
<b>CABINET MARCH 14 2018</b>	Enforcement of stationary engine idling offences – <b>KEY DECISION</b>	To seek approval to apply to become a designated local authority for the purpose of issuing fixed penalties notices (FPNs) for stationary engine idling offences.	Cllr Stonard Dave Moorcroft Andy Watt		Dave Moorcroft	NO
<b>CABINET MARCH 14 2018</b>	Bethel Hospital Repairs Notice	To consider the possible service of a Repairs Notice or Notices under Section 48 of the Listed Buildings Act 1990 specifying those works considered reasonably necessary for the proper preservation of the Bethel Hospital complex of buildings	Cllrs Stonard and Herries Graham Nelson		Dave Moorcroft	NO

ALLOCATED ITEMS						
Meeting	Report	Purpose	Portfolio holder + Senior Officer + Report author	Date report signed off by	Management clearance	Exempt?
<b>CABINET MARCH 14 2018</b>	Budget monitoring 2017/18 period 10	To update Cabinet on the provisional financial position as at 31 January 2018, the forecast outturn for the year 2017-18, the General Fund revenue budget, the Housing Revenue Account and the capital programme.	Cllr Kendrick Karen Watling		Karen Watling	NO
<b>CABINET MARCH 14 2018</b>	Write off of non-recoverable national non domestic rate debt – <b>KEY DECISION</b>	To provide an update on the position as at 16 January 2018 with regard to the write off of non-recoverable national non domestic rate (NNDR) debt and request approval for the write off of debts of £266,138.75 which are deemed irrecoverable.	Anton Bull Karen Watling Michelle Newell		Karen Watling	NO
<b>CABINET MARCH 14 2018</b>	Write off of pre 1998 Balance Sheet item					NO
<b>CABINET MARCH 14 2018</b>	Implications arising from the end of the Public Private Partnership Agreement with Norwich Airport in March 2019					NO
<b>CABINET MARCH 14 2018</b>	Implications arising from the end of the Public Private Partnership Agreement with Norwich Airport in March 2019					Yes

ALLOCATED ITEMS						
Meeting	Report	Purpose	Portfolio holder + Senior Officer + Report author	Date report signed off by	Management clearance	Exempt?
<b>CABINET MARCH 14 2018</b>	The award of contract for leaseholder insurance – <b>KEY DECISION</b>	To consider delegating authority to award a contract for leaseholder insurance	Cllr Paul Kendrick Anton Bull Tracy Woods		Anton Bull	NO
<b>CABINET MARCH 14 2018</b>	Quarter 3 2017/18 quarterly performance report	To report progress against the delivery of the corporate plan priorities and key performance measures for quarter 3 of 2017/18	Councillor Waters Ben Foster		Adam Clark	NO
<b>CABINET MARCH 14 2018</b>	Procurement of grounds maintenance equipment – <b>KEY DECISION</b>	To consider the procurement of grounds maintenance equipment for use by NorwichNorse Environmental Ltd.	Cllr Kendrick Adrian Akester Helen Lambert/ Charlotte Spragg		Bob Cronk	????
<b>CABINET MARCH 14 2018</b>	The award of contract for agency workers – <b>KEY DECISION</b>	To consider delegating authority to award a contract to establish an agency workers framework	Cllr Kendrick Anton Bull Dawn Bradshaw		Anton Bull	NO
<b>CABINET MARCH 14 2018</b>	Managing assets (housing) – <b>KEY DECISION</b>	To seek approval for the disposal of the council owned assets described in the report.	Cllr Harris Andy Watt		Bob Cronk	YES (Para 3)
<b>CABINET MARCH 14 2018</b>	Managing assets (non housing) – <b>KEY DECISION</b>	To seek approval for disposal of the council owned assets described in the report.	Cllr Kendrick Andy Watt		Dave Moorcroft	YES (Para 3)
<b>COUNCIL 20 MARCH 2018</b>						
<b>COUNCIL 20 MARCH 2018</b>	Pay Policy Statement 2018-19	To consider the pay policy statement for 2018-19.	Cllr Waters Dawn Bradshaw		Anton Bull	NO

ALLOCATED ITEMS						
Meeting	Report	Purpose	Portfolio holder + Senior Officer + Report author	Date report signed off by	Management clearance	Exempt?
<b>COUNCIL 20 MARCH 2018</b>	Implications arising from the end of the Public Private Partnership Agreement with Norwich Airport in March 2019					NO
<b>COUNCIL 20 MARCH 2018</b>	Implications arising from the end of the Public Private Partnership Agreement with Norwich Airport in March 2019					Yes
<b>CABINET JUNE 13 2018</b>	Norwich Airport Industrial estate - procurement of a developer partner	To approve the brief for procurement of a developer partner	Cllr Stonard Andy Watt Gwyn Jones		Andy Watt	NO
<b>CABINET JUNE 13 2018</b>	River Wensum Strategy	To report back on public consultation and seek adoption of the River Wensum Strategy	Cllr Stonard Graham Nelson Judith Davison		Dave Moorcroft	NO





**Norwich City Council**  
**SCRUTINY COMMITTEE**

## **Item No 7**

**REPORT for meeting to be held on 22 February 2018**

### **Housing conditions in the privately rented sector**

**Summary:**

The council has a duty to tackle hazardous housing conditions in the privately rented sector.

A significant proportion of rented homes in Norwich are hazardous and consequently the council has to target its enforcement resources at the worst cases.

The government will extend the mandatory licensing scheme for houses in multiple occupation in October 2018 which will significantly increase the number which require a licence in Norwich.

The property registration scheme launched by the council in 2016 has not received sufficient support from local landlords and is therefore suspended.

**Conclusions:**

The report provides members with key information on housing conditions in the private rented sector.

**Recommendation:**

That the scrutiny committee considers the evidence presented at this meeting and considers any recommendations it may wish to make.

**Contact Officer:** Paul Swanborough  
Private sector housing manager  
[paulswanborough@norwich.gov.uk](mailto:paulswanborough@norwich.gov.uk)  
01603 212388

## Report

1. The council has a duty to keep its area under review with a view to identifying any action that may need to be taken by them to remedy hazardous housing conditions (Housing Act 2004)
2. To comply with that requirement, in 2014 the council commissioned a stock modelling report from the Building Research Establishment (BRE.) The report used a wide range of data sources, including the 2011 census, the English Housing Survey, Energy Performance Certificate records and Experian household data, to predict the tenure and condition of privately-owned homes in Norwich. All the figures quoted below come from the BRE report.
3. There are approximately 14,000 privately rented homes in Norwich. This represents 21% of all homes in the city. Of these, approximately 3,000 are houses in multiple occupation. A house in multiple occupation (HMO) is a shared house with unrelated occupants who share facilities, or a house which has been divided into a number of smaller units (bedsits.)
4. The sector has grown significantly in Norwich over the last 15 years as shown in the following table.

	2011 census	2001 census	Difference	% change
Total households	13,089	7,276	5,813	80
- One person household	4,395	2,859	1,536	54
- Couple no children	2,750	1,490	1,260	85
- Households with children	2,334	934	1400	150
- All student	1,356	666	690	104
- Other	2,254	1,327	927	70

5. How much does it cost to live in the private rented sector in Norwich?

	Private Rented Sector/ £ pcm (source: home.co.uk)	Council homes/ £ pcm
1-bed house	547	339
2 bed house	753	342
3 bed house	937	359
4 bed house	1,283	382
1 bed flat	723	286
Single room (in HMO)	454	243

## Living Conditions

6. Housing standards are assessed using the Housing Health and Safety Rating System (HHSRS.) This system considers 29 hazards (ranging from cold, damp and fire, to entry by intruders and radon gas) and allocates a score based on the likelihood of harm to a vulnerable occupant. With some hazards such as carbon monoxide gas all occupants are equally vulnerable whilst others may be based on age. For example, the vulnerable group for 'excess cold' are those aged over sixty five and for lead it is the under threes. An assessment will be made on that basis even if no one from the vulnerable group is currently living on the premises.
7. Category 1 hazards are those which pose a serious risk to a person's health and safety. A Category 2 hazard does not pose an immediate risk but may indicate a greater risk than is normally acceptable in a dwelling.
8. The BRE report predicts that 2,755 dwellings in the private rented sector in Norwich have a Category 1 hazard. This equate to 20% of properties in the private rented sector. HMOs are generally in poorer condition and it is predicted that 25% of these have a category 1 hazard.
9. To put this into context. The BRE report also states that 20% of owner-occupied homes have a category 1 hazard. This is compared with the council's own stock which is currently free of category 1 hazards.
10. The main category one hazards in the privately rented sector are conditions that would lead to falls (staircases in poor condition etc.) and excess cold (due to a lack of adequate heating and/or insulation.) However, we also take action in relation to a significant number of 'high' category 2 hazards including damp and mould and fire.
11. The council has a statutory duty to take action to remedy a category 1 hazard and may take action to remedy a category 2 hazard. 'Action' for the purposes of the Housing Act 2004 means one of the actions shown in paragraph 17 below.
12. In the current financial climate, and in common with other local housing authorities, the council does not have the resources to tackle every hazardous home in the privately rented sector (or in the wider owner-occupied stock.) The private sector housing team comprises three environmental health officers who take targeted enforcement action in the worst cases. These cases come to the team's attention either through complaints made by tenants or by pro-actively targeting properties and landlords where there is a known problem. The team's annual target is to make 100 homes safe.

## Management of privately let accommodation

13. The council has powers to tackle poor management in houses in multiple occupation through the HMO management regulations and HMO licensing. Licensing powers may also be extended to homes that are not HMOs provided that certain conditions are met (such as a significant proportion of the rented homes in a defined area being in poor condition)
14. Apart from the exception noted above, the council has no powers to deal with the management of privately rented homes that are occupied by one household (e.g. family homes.) Issues relating to disrepair and maintenance that do not directly lead to hazardous conditions are a civil matter between the tenant and landlord.
15. There are a number of specific regulations that apply to all rented homes including the requirement to install fire detectors and the forthcoming requirement to meet minimum energy standards. These regulations are used to a lesser extent often because a failure to comply with them creates a hazard which is dealt with through the use of an improvement notice. They do provide further sanctions, however, in the form of financial penalties (see below.)

## Tackling hazardous and poorly-managed homes

16. There are a number of current approaches to improving conditions within the privately rented sector
  - a. Enforcement
  - b. Information and education
  - c. Industry self-regulation

### Enforcement

17. Remedies available to the council:

Improvement notice	Requires a landlord to remedy a hazard within a defined period of time. This is the most common form of action used by the council. Improvement notices may be deferred if, for example, a property is safe for use by the current occupant who does not wish for improvements to be carried-out.
Prohibition order	Prohibits the use of the dwelling. This is rare because most hazards are able to be remedied at a reasonable cost. Where used, the council is liable for disturbance and home-loss payments which are not recoverable from the landlord.
Emergency powers	Where there is an immediate danger to life then the council may carry out the improvement works straight away and recover the costs from the landlord. Emergency prohibition orders similarly enable the council to act immediately to prevent premises from being occupied. Emergency prohibition orders do not require the council to pay any compensation to the displaced occupants. They are used sparingly, most commonly where there is an

	immediate danger from fire.
Hazard awareness notice	This simply explains to the owner that a hazard exists. They are most commonly used in the case of lower-level hazards in owner-occupied premises

## 18. Licensing

Mandatory HMO licensing	The council is currently required to implement a licensing scheme for HMOs with three or more storeys and five or more occupants. In Norwich, approximately 200 HMOs at any one time require to be licensed under this scheme. The Government has announced its intention to extend mandatory licensing to all HMOs with five or more occupants from October this year. This is likely to increase the number of licensed HMOs significantly. Although we haven't got information about how many HMOs fall into this category in Norwich, based on government estimates it is likely to be between 700 and 1000 HMOs.
Additional licensing	The council has the power to extend HMO licensing to some or all of those falling outside of the mandatory scheme if conditions can be shown to warrant it. Norwich doesn't currently operate additional HMO licensing.
Selective licensing	The council may require all rented accommodation in a defined area (not exceeding 20% of its district) to be licensed. Norwich does not currently have a selective licensing scheme.

## 19. Sanctions

Prosecution	Can be used for failure to comply with a notice or order, failing to licence an HMO or failing to comply with the HMO management regulations or licence conditions. Fines are unlimited but tend to be relatively low. Prosecutions are very resource-intensive and can take many months to come to a conclusion
Works in default	The council may carry out the required works and charge the landlord if a notice hasn't been complied with. This is very resource intensive and exposes the council to financial risk but can be a highly effective way of ensuring tenants' safety. A recent example was with a large HMO in Magdalen Street where extensive improvement works were carried out by the council which prevented the spread of a subsequent fire and undoubtedly saved lives. The council is, however, involved in protracted legal action to recover the costs.
Financial penalty	This is a new sanction, recently introduced for a number of the newer regulations but, most significantly, as an alternative to prosecution for failure to comply with a notice or a licensing or HMO management offence. Penalties may be up to £30,000 per offence and may be retained by the council to support its housing enforcement activities. Cabinet approved a financial penalties policy in 2017 and we have recently received our first payment of £6,000. A number of higher value penalties are currently being processed.
Other sanctions	Include the national rogue landlord database and banning orders. The database has now been legally implemented but the physical database has yet to be launched by the Government. A date has not been set for the implementation

## **Information and education**

20. We publish comprehensive information for landlords about our requirements and links to guidance and codes of practice on the council's website.
21. We also provide information for tenants about what action we can take and offer a toolkit to encourage and equip tenants to take action themselves. If a tenant makes a complaint we will usually discuss the problem with them and assess whether or not it requires immediate intervention. In the majority of cases, however, we provide the toolkit, which includes template letters. We always follow-up complaints to ensure that the tool kit has been successful and will generally inspect if a tenant is still experiencing problems.

## **Self-regulation**

22. A number of professional landlord associations exist to train and assist landlords in their business. Many lettings agents are also members of professional bodies such as RICS which require minimum levels of training and performance. Wherever possible, therefore, we encourage landlords to join an association, employ a professional managing agent and to become familiar with their legal obligations.
23. Landlord and property accreditation is another popular method to encourage industry self-regulation and there are many examples of schemes around the country.
24. In the last 15 years Norwich has launched three accreditation schemes, the most recent being the property registration scheme (PRS) which was launched in 2016. The first two schemes only attracted small numbers of already compliant landlords who benefitted from incentives (e.g. grants) but who did not renew their membership in subsequent years.
25. The property registration scheme was launched with the intention of enabling tenants to be able to identify 'compliant' landlords and to enable the council to target enforcement resources at landlords who were not prepared to join and be held publically accountable. It received significant support from local lettings agents and property managers as well as the two principal landlord representative bodies, the Eastern Landlords Association and the National Landlords Association.
26. Despite support from industry representatives, very few landlords signed-up to the scheme and it has now been suspended. It is notable,

in fact, that despite negotiating 'approved status' and free membership for their landlord clients, two of the 'approved letting agents' failed to persuade a single landlord to join.

27. Further details from the PRS review are included in the appendix

### **Future priorities**

28. The failure of the PRS scheme to deliver a self-regulation solution to the high incidence of sub-standard accommodation in Norwich suggests that a targeted enforcement approach is likely to be the best approach. This approach is supported at the national policy level by the Government's recent introduction of financial penalties and the promised extension of the mandatory HMO licensing.

29. The extension of licensing will require more resource to supplement the current enforcement team which comprises only three officers. The extra cost of doing so can be recovered through the HMO licence fee and there is potential to fund the extra enforcement activity that it will generate through charging for enforcement (which we already do) and the imposition of financial penalties.

30. Beyond that there is scope to introduce additional licensing to extend the regulatory regime to most or all HMOs in the city (i.e. those which have fewer than five occupants.) A good case can be made for this because the experience in Norwich is that the smaller HMOs can be just as hazardous as the larger ones. It is unlikely, however, that there will be sufficient resource to extend licensing beyond the mandatory scheme until all eligible properties have been licensed and inspected. The statutory timeframe for achieving this is five years.

31. There is potential to relaunch the property registration scheme and to use it in conjunction with additional licensing as a mechanism to reduce the resource required for such a comprehensive scheme. Broadly this would rely on the legal ability to exempt landlords from additional licensing if they have registered their property in the scheme. This would enable the council to divert resources away from those properties unless they were shown to be failing to meet the scheme's requirements. Under those circumstances they could be removed from the scheme and required to licence. This would provide a financial incentive for landlords to register with the PRS and to ensure that they comply with its requirements.

32. Preparations are being made now for the extension of mandatory HMO licensing in October 2018.

33. We will review progress after two years and consideration will be given to the need to introduce additional HMO licensing, possibly in conjunction with a relaunched property registration scheme.

## **Appendix 1.**

### **Evaluation of the property registration scheme**

#### **Background**

1. In March 2014 the Council asked Cabinet to:
  - a. examine the case for using a system of accreditation and licensing as a way of setting of standards and incentivising landlords to manage their properties in an acceptable manner thereby offering the opportunity for prospective tenants to make informed choices;
  - b. continue to use enforcement paths when appropriate to act against landlords who have failed to meet acceptable standards.
2. In July 2015 the council sought views on its proposals (see appendix 2) to introduce a property registration scheme for the private rented sector in Norwich and the subsequent enforcement actions that may be taken as a result. The online consultation ran from 25 June to 24 July 2015 and received 100 responses.
3. Overall the consultation showed that there was much support for the proposed approach from landlords, agents, tenants as well as the wider community. Whilst there were some concerns regarding the fee, the council is allowing agents and existing accreditation schemes to apply to become an Approved Organisation (certain criteria will have to be met) which will allow their members and landlords to register properties in the scheme for free.
4. There was also support for the council to take a hard line approach with landlords and agents who do not comply with legislation. The more properties in the scheme will enable the council to target its resources on properties that are not registered or licensed.
5. In summary many respondents recognised the aims of the scheme and its intention to provide landlords and agents with a transparent voluntary method to set themselves apart from non-compliant landlords and agents, as well as enabling prospective tenants to make an informed choice when considering whether to rent a property.
6. The property registration scheme was launched on 21 March 2016 to the council's private rented sector working group members with the official launch taking place at the NLA and Norwich City Council joint landlord forum on 11 May 2016. It was agreed that the scheme's success would ultimately be judged against one of the following likely outcomes:



- a. a significant number of landlords and managing agents have registered with the scheme, complied with its terms and conditions, and properties are managed and maintained to the required standards
- b. a significant number of landlords and managing agents have registered with the scheme, but are not complying with the terms and conditions, and resulting in little improvement in how properties are managed and maintained
- c. the majority of landlords and managing agents have not registered with the scheme.

## Assessment

7. The property registration scheme is a trust-based scheme and therefore properties will not be routinely inspected. However, it was intended that a small sample would be inspected to check on the scheme's effectiveness, based on the table<sup>1</sup> below, and any serious complaints would be investigated.

	2016-17	2017-18	2018-19	2019-20	2020-2021	Annualised
Target no of applications	300	1,000	1,500	2,000	2,5000	1,460
Annual evaluation visits	169	88	90	92	93	

8. To date there have been no complaints received and due to the low numbers of registrations, 26 per cent of the year one target, no inspections have been carried out. The table below gives an overview of the properties registered in the scheme. Registration lasts for 12 months and we have received no renewals, therefore the 14 properties registered during quarters one and two of 2016/17 are no longer current.

Type of property	Q1 2016/17 sign ups	Q2 2016/17 sign ups	Q3 2016/17 sign ups	Q4 2016/17 sign ups	Q1 2017/18 sign ups	Q2 2017/18 sign ups	Total
HMO	0	1	37	19	1	0	58
Non-HMO	5	8	4	3	1	0	21
Total	5	9	41	22	2	0	79

<sup>1</sup> The sample size is greater for year one to provide confidence in the results for the purposes of making a decision about the success of the scheme and what subsequent enforcement approach the council may consider (see appendix 1 point 3b for details). From year two onwards, the sample size can be reduced since it will be more of a basic check that the scheme is operating satisfactorily.

9. The table below shows further evaluation of the 79 properties that have registered with the scheme.

Evaluation criteria	Outcome
Type of applicants	<ul style="list-style-type: none"> <li>• 2x letting agents (19 properties)</li> <li>• 1x landlord representative body (2 properties)</li> <li>• 1x student representative body (52 properties)</li> <li>• 6x individual landlords (6 properties)</li> </ul>
Approved organisations: <ul style="list-style-type: none"> <li>• ArnoldsKeys</li> <li>• Abode</li> <li>• Martin &amp; Co</li> <li>• NLA</li> <li>• UEA SU Home Run</li> </ul>	<ul style="list-style-type: none"> <li>• 5x organisations approved of which 3 registered a total of 73 properties (92% of all properties in scheme) at zero cost</li> <li>• 4x organisations applied but didn't return signed agreements</li> </ul>

## Recommendation

10. The majority of landlords and managing agents have not registered with the scheme, and those that have registered were passported onto the scheme. It is therefore recommended that the scheme is suspended while the council reviews its options.

## Appendix 2

### Consultation: Proposed Approach to Enforcement of the Housing Act in the Private Rented Sector.

#### Summary

1. Recent stock modelling carried out for the council by the Building Research Establishment has shown that 20% of privately rented homes in Norwich and 25% of houses in multiple occupation contain a category 1 hazard to health. The council has a statutory duty to take enforcement action to remedy those hazards and must, therefore, take steps to regulate the private rented sector.
2. The council recognises that most private rented accommodation is satisfactory and requires no intervention by the council. The lettings industry is becoming more professional and is taking significant steps towards self-regulation, for example through the national private rented sector code of practice which has been agreed by all the main landlord and managing agent organisations and landlord accreditation schemes. In carrying out its duties, therefore, the council will seek to minimise the impact on landlords who already comply with the law.
3. The council is therefore proposing a two-tier approach to regulating the private rented sector in Norwich.
  - a. **Property accreditation:** Landlords will be able to submit their properties to the scheme for a small annual charge (currently proposed to be £25 per property.) In doing so, they will agree to adhere to the national private rented sector code of practice and a small number of local conditions. If a property does not yet comply, it can still be placed in the scheme provided that an improvement plan is in place. The property will be listed on the council's website which will be a useful tool for tenants seeking good accommodation whilst allowing compliance with the scheme to be open to challenge. This will be a trust-based scheme and properties will not, therefore, be routinely inspected. A small sample will, however, be inspected each year to check on the scheme's effectiveness and serious complaints will be investigated. Where a property is found to not comply it may be removed from the scheme. However, in the case of minor infringements landlords will be given the opportunity to remedy the problem before enforcement action is taken. The scheme will also include a mechanism for resolving complaints about property conditions informally.
  - b. **Enforcement:** Properties that are not listed in the property accreditation scheme will be targeted for formal enforcement action. The choice of enforcement approach will be made following a review of the accreditation scheme's effectiveness and may include one or more of the following

options. Before any decision is made on licensing, a full statutory consultation will have to be carried out:

- i. Additional HMO licensing (either area-based or city-wide)
  - ii. Selective licensing of all privately rented accommodation in a particular area (current rules prevent a city-wide approach)
  - iii. Targeted enforcement using existing Housing Act powers
  - iv. A combination of all three
4. There will be costs associated with running a property accreditation scheme but these will be kept to a minimum through the use of technology and by minimising the number of inspections that need to be carried out. The council is allowed to recoup these costs through charging a fee although it is not allowed to make a surplus. It is also not allowed to include enforcement costs in the charge (although these may be charged directly to the relevant landlord or agent.) The council does not have the resources to run a free scheme.
5. However, the council recognises that many landlords ensure that their properties are properly managed either by employing competent, professional managing agents or through membership of a landlord accreditation scheme. On the assumption that these properties will not require enforcement action by the council it is proposed to allow them to be registered in the scheme for free. The council will consider any scheme or managing agent on its merits but expect to include:
  - a. Landlord accreditation schemes where there is a requirement for training and continuing professional development (e.g. the NLA accredited landlord scheme)
  - b. Managing agents who are members of a recognised professional body with clear requirements relating to competence and conduct (e.g. RICS, ARLA, NALS) and signed up to a government recognised property redress scheme
  - c. Norwich Students Union Home Run scheme.
6. The principal benefits to the council of the proposed approach are:
  - a. The ability to identify all properties managed in accordance with the national private rented sector code of practice. This will enable enforcement resources to be concentrated on properties where there is no commitment to follow the code or to comply with the law. It is expected that the majority of the properties with hazards will fall outside of the accreditation scheme.

- b. A wider range of enforcement powers through the licensing of properties that are not part of the scheme. This will provide an incentive to landlords who are otherwise unwilling to comply with the law (currently it is not a criminal offence to let a property with a category 1 hazard unless it is required to be licenced.)
- c. The council will be able to recoup some of its regulatory costs, which are currently a general charge to Norwich's council tax payers, through the licence fee without unfairly charging landlords who comply with the law.

