

THE OVERVIEW AND SCRUTINY COMMITTEE

18 MARCH 2013

FINDINGS OF THE INFORMAL SCRUTINY GROUP ON HOUSES IN  
MULTIPLE OCCUPATION

REPORT OF HEAD OF HOUSING

Contact Officer: Richard Botham Tel. 01962 848421

Email: [rbotham@winchester.gov.uk](mailto:rbotham@winchester.gov.uk)

RECENT REFERENCES

CAB2093 - HOUSES IN MULTIPLE OCCUPATION – STANMORE -  
19.01.2011

EXECUTIVE SUMMARY

The Overview and Scrutiny Committee decided at its meeting on 28 May 2012 to establish an Informal Scrutiny Group (ISG) to review the effect houses in multiple occupation (HMOs) are having on City estates, and in particular the Stanmore estate.

This report describes the process of the review and the ISG's consequent recommendations.

RECOMMENDATIONS

That The Overview and Scrutiny Committee consider the recommendations of the ISG and recommend to Cabinet the following:

1. That the Assistant Director (High Quality Environment) commence a 12 month pilot of the Enhanced Neighbourhood Management approach in localities with a significant number of Houses in Multiple Occupation; the pilot to commence in the summer of 2013.
2. That the success of that approach be reviewed after 12 months to determine its effectiveness and consider whether an additional licensing scheme or other measures are needed. If upon further review the Council wishes to take action to curb increasing HMO numbers, the introduction of an Article 4 Direction should be given further consideration.

## THE OVERVIEW AND SCRUTINY COMMITTEE

18 MARCH 2013

### HOUSES IN MULTIPLE OCCUPATION

#### REPORT OF HEAD OF HOUSING

## **1 Introduction**

- 1.1 In the last few years there has been increasing concern raised by Councillors over the escalation of houses in multiple occupation (HMO) that have been set up throughout the entire town area but especially in the estates and, in particular, in the Stanmore neighbourhood.
- 1.2 A report on the issue was submitted to Cabinet on 19 January 2011 (Report CAB2093 refers and attached as (Appendix 1) which resulted in the following recommendations:
  - a) A consultation be undertaken in relation to an Additional Licensing Scheme for houses in multiple occupation in the Stanmore neighbourhood;
  - b) that a report on the outcome of the consultation be submitted to a future Cabinet for decision and that, if a decision is made to introduce a Licensing Scheme in Stanmore, Cabinet receive a further Report monitoring its progress to ascertain whether the scheme should be extended to other areas in due course.
- 1.3 A public consultation was undertaken between 1 July – 31 October 2011 by the Private Sector Housing Team. However, other proposed Council initiatives planned to be implemented in Stanmore to address estate concerns precluded the presentation of a report to Cabinet. However, in April 2012, Councillor Scott once again raised the issue of the impact of HMOs on City Estates in general. This was in response to the increase in the numbers of properties purchased by property developers who then convert or adapt houses, often for student accommodation. The increase in student and other types of HMOs particularly in the St Luke's Ward has changed its historical community profile. This is perceived as bringing about a number of associated problems including parking, noise, rubbish and the general untidiness of the estate. Although St Luke's Ward has the highest concentration of HMOs, concerns have also been raised by other Councillors about increasing HMO numbers in other city estates and their impact on communities. The matter was raised at The Overview and Scrutiny Committee held on 28 May 2012 and subsequently passed as a matter to be investigated by an Informal Scrutiny Group (ISG).

1.4 This report summarises the matters considered by the ISG and its recommendations for action.

## 2 HMO Informal Scrutiny Group

2.1 The first of four meetings was convened on 23 October 2012 by the City Estates HMO Informal Scrutiny Group with membership comprising of Councillors J. Scott (lead) E. Berry, J. Berry, P. Collin, C. Green and R. Prowse.

2.2 Officer support was provided by Robert Heathcock Assistant Director (High Quality Environment), Richard Botham (Head of Housing Services), Steve Tong (Housing Options and Support Manager) and Kevin Reed (Environmental Health Technician).

## 3 Terms of Reference for the ISG were agreed as:

- To consider and review the impact of increasing numbers of Houses in Multiple Occupation (HMOs) on City estates, to include data on the present number of HMOs and projected numbers into the future.
- To review the potential for a HMO licensing scheme as a means of addressing community concerns regarding the impact of HMOs on City estates.
- To consider the potential for other solutions to address these community concerns.
- To make recommendations to Cabinet on any actions that the City Council can take as a means of controlling the impact of HMOs and in managing the expectations of local communities.

## 4 Background

### 4.1 HMO definition

4.2 The ISG noted from the CAB2093 report that the Housing Act 2004 defines an HMO as:

- Dwellings occupied by three or more unrelated people as their only or main residence and sharing facilities
- Buildings comprising non self-contained flats
- Houses converted into self-contained flats that do not meet the requirements of the 1991 or subsequent Building Regulations and where more than one third of the flats are let on short term tenancies.

#### 4.3 Condition of HMO stock

4.4 The ISG heard that the 2007 Private Sector Stock Condition Survey had identified that although repair conditions within the HMO sector were worse than elsewhere in the private-rented stock, general conditions were good. The management of HMOs was also assessed as good in all surveyed properties and all units were assessed as fit for multiple occupation.

4.5 As the information contained within the current Private Sector Stock Condition Survey is getting towards the end of its useful life, proposals are being investigated for it to be updated.

#### 4.6 Mandatory Licensing

4.7 The Council has a mandatory duty to licence larger HMOs of 3 storeys or more and occupied by 5 or more tenants forming more than a single household. 81 properties are currently licensed throughout the District.

#### 4.8 Shared housing Accreditation Scheme

4.9 The ISG was advised that since 2003, the Council in partnership with The University of Winchester has been operating a voluntary Shared Housing Accreditation Scheme. For a property to achieve accreditation status it must be in a satisfactory state of repair and decent decorative condition; free from any serious hazards and provided with sufficient kitchen and bathroom amenities for the number of occupants. The electrical and gas installations must also have been certified as being safe. Every accredited property is also fitted with mains wired fire detectors and must have loft insulation installed. 113 properties are currently accredited the majority being located in Stanmore.

#### 4.10 University Student Accommodation

4.11 The ISG heard that the University of Winchester is in the process of increasing the number of rooms in halls for its students and 'Superunihousing', a private landlord, is also in the process of building flats for students in Sparkford Road that would equate to a total of 114 bed spaces.

### 5 Current HMO numbers in the Winchester District

5.1 From data collected from council tax and the electoral roll it is estimated that there are in excess of 600 HMOs (inclusive of those currently licensed and Accredited) throughout the entire Winchester District. In the four main city estates numbers are estimated to be:

Stanmore	-	350
Winnall	-	24
Weeke	-	15

Highcliffe	-	24
Badger Farm	-	20

## 6 Welfare Reform

- 6.1 The Welfare Reform Act 2012 is likely to increase the demand for rooms in HMOs, as a consequence of changes to Local Housing Allowance (LHA) rates. Previously, single individuals over the age of 25 could claim LHA for self contained one-bedroom accommodation. However, since January 2013, the age band has been increased to those of 35 years and above. Individuals under 35 years are now only able to claim a shared accommodation rate for a single room in a shared house.

## 7 Stanmore 2011 Consultation

- 7.1 The Stanmore consultation held in October 2011 involved a large number of stakeholders including residents, students, landlords, Winchester University, The Royal County Hospital, the prison and local businesses etc. Two public meetings were held but the attendance at each event was quite low, despite widespread publicity. The University did not support additional licensing and the following views were received from the Vice Chancellor:

*“I would respectfully suggest that the proposed scheme would not address a single one of the four issues raised through the Stanmore Community Plan process as accurately detailed in Andrew Palmer’s consultation letter of 30th June - loss of family accommodation, parking, anti social behaviour and litter. Additional Licensing is a solution in search of a problem. It may have some small impact on the standard of properties but no evidence is presented to suggest that the scale of that problem is such that it warrants the as yet unquantified, but no doubt substantial, costs of the scheme. The voluntary scheme works fine and, so far as the University and student tenants are concerned, is adequate and proportionate to the scale of the problem”.*

Tommy Geddes, Deputy Vice Chancellor, The University of Winchester 18.7.2011

- 7.2 Representation received from the Southern Landlords Association (SLA) to additional licensing was also similarly unfavourable, and in conclusion their views were summed up thus:

*“Additional Licensing, itself, will not produce the results anticipated. The SLA would not encourage Additional Licensing but suggest the council should use the existing powers and promote education of landlords and tenants. Additional Licensing will increase costs and eventually rent. If the scheme is not well published some landlords would be likely to be unaware and some rogue landlords will still to try and hide.”*

Malcolm Clark, SLA South Hants Committee

- 7.3 Although additional licensing was not supported by the majority of landlords, the SLA, or the University; the overall collective response from all parties who completed the consultation survey question: ‘Do you agree or disagree that landlords should be licensed’ was positive, as ‘Agree’ received a response of 58.3%.
- 7.4 The views of the University and the SLA are important however, as an additional licensing scheme could act as a disincentive to landlords encouraging them to invest in other cities where such schemes have not been implemented.
- 7.5 The ISG heard from a number of guest speakers including Justin Ridgment (Accommodation Manager, The University of Winchester) who predicted looking forward that the demand for teaching places was unlikely to rise substantially. Mr Ridgment was of the opinion that student lets are generally in good condition and introducing additional licensing for a few problem landlords would be disproportionate and a “sledgehammer to crack a nut”.
- 7.6 Another contributor, Rachael Reid from Lithend Estates, expressed concerns that the imposition of fees arising from an Additional Licensing scheme would encourage landlords to withdraw from the sector.

## **8 Current HMO Situation**

- 8.1 Section 56 of the 2004 Housing Act (the Act) provides the Council with discretionary power to introduce additional licensing for other categories of HMOs, in addition to those larger properties required to be mandatory licensed under Part 2 of the Act. Additional licensing can be implemented in specific locations, or across the whole of the Council’s District.
- 8.2 Additional licensing would bring into the licensing regime those HMOs deemed to be lower risk and below the trigger point for mandatory licensing. In most instances these will be 2 storey properties and would cover the majority of those HMOs located within the council’s area and particularly the Badger Farm, Highcliffe, Stanmore, Weeke and Winnall neighbourhoods.
- 8.3 Additional licensing schemes however are primarily aimed at areas within an authority’s district where a *significant* proportion of the HMOs are being managed *ineffectively*. Such additional licensing schemes can not operate for more than five years. At the end of the five year period a council would have to make a new designation if it wishes a scheme to continue. However, the aim would be that after 5 years any significant management problems in a particular neighbourhood would have been resolved which required the scheme to have been introduced in the first place.

8.4 Before an additional licensing scheme is introduced, the Council would need to ascertain that certain criteria were being met as specified in the Act. These are:

- That a significant proportion of HMOs are being managed sufficiently ineffectively so as to give rise, or likely to give rise, to one or more particular problems for those occupying the HMOs, or for members of the public.
- Have regard to any information regarding the extent to which any codes of practice approved under section 233 have been complied with by persons managing HMOs in the proposed designation area.
- To consult with persons that may be affected by the designation and to consider any representations made.
- That the Council has considered whether there are any other courses of action available to them (of whatever nature) that might provide an effective method of dealing with the problem or problems in question.
- That the Council considers that making the designation will significantly assist them to deal with the problem or problems.
- That the Council has considered displacement and housing market effects.

8.5 In identifying properties that may be being managed sufficiently ineffectively and having a detrimental affect on an area, the Department of Communities and Local Government (DCLG) document *“Approval steps for additional and selective licensing designations in England”* gives examples of such properties which include:

- Those whose external condition and curtilage (including yards and gardens) adversely impact upon the general character and amenity of the area in which they are located.
- Those whose internal condition, such as poor amenities, overcrowding etc, adversely impact upon the health, safety and welfare of the occupiers and the landlords of these properties are failing to take appropriate steps to address the issues.
- Those where there is a significant and persistent problem of anti social behaviour affecting other residents and/or the local community and the landlords of the HMOs are not taking reasonable and lawful steps to eliminate the problems.
- Those where the lack of management or poor management skills or practices are otherwise adversely impacting upon the welfare ,health or safety of residents and / or impacting on the wider community.

8.6 Guidance from the DCLG stipulates that any exercise of this power is consistent with the Council’s overall Housing Strategy and should seek to adopt a co-ordinated approach in connection with dealing with homelessness, empty properties and anti-social behaviour affecting the

private rented sector as regards combining licensing with other action taken by them or others.

## 9 Seeking Consent to introduce Additional Licensing

Since 1 April 2010 councils have been able to exercise a 'General Consent' in order to designate an area, or the whole of their district as subject to additional licensing. This would be on condition of having undertaken a full minimum 10 week consultation on their licensing proposals.

### 9.1 Limitations of an additional licensing scheme include:

- 9.2 Additional licensing is not a tool that can be used to control any increase in HMO numbers. However, The Stanmore Community Action Plan 2010 – 2015 specifically focused on increasing HMO numbers and proposed that one of the Community Plan 'Outcomes' should be to:

*'Reverse the loss of family housing for Student/HMO accommodation'*

The Stanmore Community Action Plan 2010 – 2015, Appendix 1, Community Plan Outcomes – SG4 / H1

- 9.3 In 2011 when the Stanmore consultation was undertaken increasing HMO numbers was the primary concern raised by Councillor Scott and the Stanmore Combined group. This concern has not abated and has been identified in the 'Winchester Housing Strategy' 2013/14 – 2018/19, as one of the themes for the future should be to:

*'Reduce the pressure for conversion of family homes to houses in multiple occupation'*

Winchester Housing Strategy' 2013/14 – 2018/19,p.20,Appendix 1  
(As extracted from 'The Vision for Winchester Town 2012)

- 9.4 The introduction of an additional licensing scheme would not be effective in preventing an increase in HMO numbers. This can only be achieved through the implementation of an Article 4 Direction using planning law. (See Appendix 1 Para.6.4 for more detail). In areas where there is a need to control HMO development, local authorities may consider use of an "Article 4 Direction" to remove these permitted development rights and require planning applications for such changes of use. There are compensation implications if such planning applications are refused, although this can be mitigated entirely by giving twelve months' notice of the introduction of the Direction.



9.5 HMO additional licensing is unable to address neighbourhood issues such as parking, anti- social behaviour or other estate matters.

9.6 Potential benefits of an additional licensing scheme include:

- Improvement in property conditions
- Creating a level playing field for all landlords
- Improvement in management standards
- Prevention of overcrowding
- Consistent approach to Management

10 Current Resources and Capacity in Private Sector Housing (PHS)

10.1 The Private Sector Housing Team currently comprises of:

- 1 Part time (3 days/week) Environmental Health Officer (EHO)
- 1 Full time Environmental Health Technician (EHT)
- 1 Full time Housing Technician (HT)
- 1 Full time Housing Options Support Officer (HOSO)

10.2 There is no spare capacity within Private Sector Housing to cope with the potentially 300 plus applications which might be expected from the introduction of an additional licensing scheme with resulting inspections of each individual property and subsequent administration. The licensing of a property is undertaken in stages and the whole process from the receipt of an application through to inspection, consulting with those who have an interest in a property etc and the final issuing of a licence can take up to fifteen hours of officer time per property. Those properties that become licensed will also require ongoing monitoring of works that are likely to be required to bring them up to standard.

10.3 Officers involved in undertaking property inspections are required to be suitably qualified and trained to use the Housing Health and Safety Rating System (HHSRS); plus importantly need to have a sound knowledge base and understanding of housing construction, housing and environmental health legislation and practice, as well as being familiar with the Police and Criminal Evidence Act 1984 (PACE) should formal enforcement and prosecution action be required.

10.4 The Private Sector Housing Team is currently operating at full capacity and for it to be able to realistically commit to implementing a possible additional licensing scheme, it is expected that an additional two to three sufficiently qualified and experienced technicians will be required.

10.5 It is estimated that the maximum total revenue that could be generated from charging a proposed additional licensing fee of £500 per property for an estimated 320 properties is in the region of £160,000. The licence and fee would cover a five year period and equate to an income in the region of £32,000 per annum. Properties currently accredited

would have a reduced licence fee, as less work would be required to issue a licence. It is estimated a fee in the region of £250 would be charged for a property currently accredited. This would generate an additional income of £28,250 over a five year period, or £5,650 per annum. It is anticipated that the income from fees will be insufficient to meet the costs of providing the additional licensing service and there would therefore be a net cost to the general fund.

## 11 Alternative Options for addressing perceived HMO related Problems

11.1 During the course of the HMO ISG scrutiny process, it was claimed that significant problems exist with the HMO stock in the town area in respect of poor conditions, overcrowding and management. In reality, there is little evidence to support these claims. During the course of the last twelve months Private Sector Housing in total received 102 formal complaints of those only 12 related to HMOs. This is despite there being 300 plus HMOs in Stanmore and more than 600 in the whole of the council's District. It should be noted that many of the former council owned properties in the city estates that were bought under 'Right to Buy' were improved and upgraded by their new owners and subsequent landlords. These properties, many of which are now HMOs, are generally of a good standard and from the low number of complaints received from tenants, it can be assumed are being satisfactorily managed.

### 11.2 Effective Neighbourhood Management

11.3 The ISG considered how additional licensing can not address many of the problems that exist in the City estates. Better and improved estate management can assist however and a report (Appendix 2) compiled by Robert Heathcock - Assistant Director (High Quality Environment) – approved by the Corporate Management Team (CMT) in July 2012 outlined measures to achieve this. The report recommended to trial and develop improved and better coordinated estate neighbourhood management initiatives through a strengthened Neighbourhood Warden (NHW) Team from summer 2013.

11.4 Within the two priority areas of Stanmore and Winnall/Highcliffe there are a number of projects/initiatives that have already been undertaken collaboratively between Housing Services, the NHW Team, Environment and other external bodies. Examples include:

- Contact lists of private landlords on the Stanmore estate are currently being established.
- Letters and welcome packs have been given out to all new students moving into the Stanmore area basically welcoming them to area, informing them of their bin collections, reminding them to be mindful of their neighbours and introducing them to the NHW for the area.

- The NHW Team usually attend the University's annual Fresher's Fayre to make contact with students in advance of them arriving as residents and are currently in discussion about including additional information to the University welcome packs, rather than send out separate letters.
- The NHW Team has already good contact with two of the biggest private Landlords in Stanmore which is already showing benefits including early resolution of problems at properties.
- Regular liaison with the University to involve them in local activity volunteering opportunities.

#### 11.5 Potential Areas for future collaboration

11.6 There is potential to provide an expanded neighbourhood management service across other town estates by utilising a revised Neighbourhood Warden Service linked into the workload of other officers, to create a more joined up approach to deal with a wide variety of estate issues including:

- **Noise nuisance** – music / banging fire doors / late night taxis etc
- **Littering** – litter bin reviews / envirocrime / targeted enforcement
- **Fly tipping** – clearance service / skip scheme / enforcement
- **Bins left on pavements** – enforcement powers / NHW patrols
- **Unsightly properties** – NHW role / section 215 Town and Country Planning Act 1990
- **Graffiti** – prompt remove / target taggers / liaison with Police
- **Rubbish left in gardens / yards**- Enforcement powers / links to Pest Control / NHW lead role

11.7 Other estate issues including car parking, drunken students and damage to cars can be addressed through better communication and working protocols between the Police and the Community Safety Tasking and Co-ordinating Group (TCG). This is a cross agency meeting to agree the priorities for the week and line up the various resources to deal with them.

11.8 The ISG considered it likely that an out of hours response service may be required if the neighbourhood management approach is to be most effective. Opportunities for this will be considered through the course of the pilot project

#### 12 Future Public consultation

12.1 Although a public consultation was held in 2011 in respect of the proposal to introduce HMO additional licensing in the Stanmore district; this was solely for Stanmore and no other town estates. The responses from this consultation are also likely to be considered out of date due to the lapse of time. Before any proposed additional licensing scheme

could be introduced in Stanmore or any other city estate, the regulations require that a fresh consultation exercise lasting a minimum of 10 weeks would have to be undertaken.

### 13 Conclusion

- 13.1 This report has set out a response to the issues around HMOs arising through the HMO ISG process. The ISG considered some actions already taking place, and recommended that a trial commence from the summer of 2013 of a broader programme of work through an enhanced Estate Management initiative in order to improve the conditions on town estates. The group concluded that further consideration should be given to additional licensing if this approach proves unsuccessful.
- 13.2 The report has indicated that it is only the use of planning law that can be used to restrict the increase in future HMO numbers and that the introduction of HMO additional licensing is beyond the current capacity of Private Sector Housing.

### 14 Recommendations

- 14.1 That the Assistant Director (High Quality Environment) commence a 12 month pilot of the Enhanced Neighbourhood Management approach in localities with a significant number of Houses in Multiple Occupation; the pilot to commence in the summer of 2013.
- 14.2. That the success of that approach be reviewed after 12 months to determine its effectiveness and consider whether an additional licensing scheme or other measures are needed. If upon further review the Council wishes to take action to curb increasing HMO numbers, the introduction of an Article 4 Direction should be given further consideration.

### 15 OTHER CONSIDERATIONS

#### 15.1 RISK MANAGEMENT ISSUES

There are no significant risk management issues associated with this report.

#### 15.2 RESOURCE IMPLICATIONS

If an additional licensing scheme were to be introduced this would be a growth item in general fund expenditure which would need to be incorporated into the budget setting process. The proposals for the implementation of a neighbourhood management approach are included within existing budgets. However, it is possible that provision of an out of hours service will be limited unless external funding sources can be identified.

16 BACKGROUND DOCUMENTS

The Stanmore Community Plan 2010 -2015 can be accessed via the Stanmore Combined website at:

[http://www.stanmorecombined.org.uk/community\\_planning/](http://www.stanmorecombined.org.uk/community_planning/).

17 APPENDICES

Appendix 1 – CAB2093 – Houses in Multiple Occupation - Stanmore

Appendix 2 – Development of a Neighbourhood Management Approach

CABINET

19 JANUARY 2011

HOUSES IN MULTIPLE OCCUPATION – STANMORE

REPORT OF ASSISTANT DIRECTOR (ACTIVE COMMUNITIES)

Contact Officer: Jen Anderson Tel No: 01962 848592

[janderson@winchester.gov.uk](mailto:janderson@winchester.gov.uk)

RECENT REFERENCES:

None.

EXECUTIVE SUMMARY:

A number of issues relating to houses in multiple occupation (HMO) have been raised through the Stanmore community plan process. This report sets out the initial response to these issues and explores the potential of an Additional Mandatory Licensing Scheme. Such a scheme would have the support of the Town Forum who would like to see this covering the entire town area. The report concludes that an Additional Mandatory Licensing Scheme may well assist in ensuring that all HMO properties are of good quality and well managed. In order to proceed, the Council would need to undertake a full consultation process. In addition, further awareness-raising is required to encourage members of the public to report incidents of nuisance etc to the Council. This will enable public concerns to be supported by evidence.

**RECOMMENDATIONS:**

1. That the action being taken in respect of parking, community development and noise nuisance be noted.
2. That Cabinet indicates whether it wishes to undertake consultation in relation to an Additional Licensing Scheme for Houses in Multiple Occupation in the Stanmore neighbourhood.
3. If consultation is to be undertaken:-
  - a) that this project be prioritised and the 1Team secondment process be used to identify officer time required;
  - b) that a growth bid of £5,000 be considered as part of the budget process to cover the other consultation costs.

## CABINET

19 JANUARY 2011

### HOUSES IN MULTIPLE OCCUPATION – STANMORE

#### REPORT OF ASSISTANT DIRECTOR (ACTIVE COMMUNITIES)

#### 1 Introduction

- 1.1 In July 2007 a small working group under the direction of the Stanmore Combined group started what would become a 3 year project to develop a community plan for Stanmore. The development of the plan involved a comprehensive consultation process which included:
- a) A snapshot survey to identify the key issues;
  - b) A major household survey that generated approximately 350 responses;
  - c) Targeted consultation with young people over a week at Kings School with 50 young people participating;
  - d) Two action planning events, one specifically around the issue of Houses in Multiple Occupation (HMO) that attracted more than 140 attendees;
- 1.2 The Stanmore Community Action Plan was published in June 2010 and includes a series of 46 individual actions. The action plan schedule which provides an update on progress with each action can be accessed via the Stanmore Combined website at [http://www.stanmorecombined.org.uk/community\\_planning/](http://www.stanmorecombined.org.uk/community_planning/).
- 1.3 That the HMO event attracted over 140 people demonstrated the depth of feeling around that particular issue. There is a perception amongst residents in the area that many of the problems in Stanmore are directly caused by the concentration of HMO accommodation within the neighbourhood. Some of the key concerns related to HMO accommodation are:
- a) Loss of accommodation suitable for families when houses become HMOs;
  - b) Pressure on space for parking from cars associated with HMO properties (exacerbated by commuters taking advantage of free parking availability);
  - c) Perceived increased incidence of noise and anti-social behaviour;



- d) General level of untidiness and litter associated with some HMO properties.
- 1.4 The work of the Community Planning group and the identification of Stanmore as a priority area within the Community Strategy have brought about a greater focus on the role Winchester City Council and the Winchester District Strategic Partnership might undertake to address these concerns. This initial report provides an update on ongoing actions, and discusses the feasibility and desirability of others. It also recommends that further work is undertaken to explore whether additional mandatory licensing could be helpful. In addition the Council's Commissioning Team will work with Council Teams and partner agencies to co-ordinate and resource a broader programme for Stanmore to be delivered over the next 3 years in line with the Winchester District Community Strategy.
- 2 What actions could be taken in response to HMO issues?
- 2.1 There are an estimated 302 HMOs in the Stanmore neighbourhood. The majority of HMOs are occupied by students and young professionals. HMOs provide a valuable housing supply for this section of the population. Student population in Winchester is forecast by the University to continue at current levels for the next 5-10 years. The University is developing new purpose-built accommodation which will divert some 900 students away from private sector renting. Of these 750 are likely to be University students, 100 Sparsholt College, and 50 NHS students.
- 2.2 In addressing residents' concerns the Council could consider: taking action in relation to parking, environmental and antisocial behaviour issues; restricting the future increase of numbers of HMOs in the Stanmore area; and doing more to encourage best practice in the management of HMOs. These options are discussed and evaluated in turn below with an update on progress where action is already happening.
- 3 Parking Issues
- 3.1 Action is already being planned to tackle issues around parking, whether these are caused by multiple car owners in HMOs or indeed commuters using free roadside parking. The Head of Access and Infrastructure is intending to carry out informal consultation with residents of lower Stanmore early in 2011. This will probably be in the form of a letter and questionnaire/reply to establish whether there is sufficient support for the Council to pursue the introduction of additional waiting/parking restrictions and whether residents would want to be included in a permit parking scheme. A number of possible changes to the residents parking scheme are being explored.
- 4 Community Development
- 4.1 As a result of the community plan in Stanmore, some interesting initiatives are starting to emerge. One is a project to encourage volunteers particularly to help take forward specific actions in the community plan. The project targets

students living at Stanmore with a view to engaging them in positive high profile activities which will both help the community and foster better relationships. Actions include:

- The production of a regular community newsletter.
- Development of the Stanmore Combined website to increase access to online information and services.
- New communication channels to ensure the views of young people are heard and taken into account.
- Fostering more positive relationships between residents, students and landlords through the development of for example 'Welcome Packs'.
- Support for a 'greening campaign' for Stanmore
- Development of a programme of local sport and recreational activities (including 'taster days'). This action has already seen a football coaching programme run from the start of the School summer holidays through to the October half term and has identified a student volunteer who will continue to support the project working closely with the staff at the Carroll Centre and in return achieve a football coaching qualification.

## 5 Noise Nuisance

- 5.1 The community plan consultation highlighted concerns that HMO properties are the source of noise nuisance. Officers note that these concerns are not matched by reported complaints. This may be because complaints made out of hours cannot be followed up immediately. Misunderstanding about this can lead to disillusionment and a failure to report future instances of nuisance. Unfortunately, if instances are not reported there will not be corresponding action from Environmental Health Officers to tackle the problem. There also seems to be a level of public confusion about the 101 reporting line and how it works in relation to Council services.
- 5.2 It is proposed to undertake further public awareness-raising to emphasise the importance of reporting noise nuisance whenever it occurs, and to assure residents that this will result in action. The role of other services (such as Accredited Community Support Officers and Police Officers) in providing witness reports upon which the Council can act has also been explored and a more joined-up approach will be piloted from December 2010 to March 2011.
- 5.3 When a noise complaint is received about an HMO let to students, a letter is sent by either University of Winchester or the City Council's Environmental Protection Team, depending on who has received the original complaint. The University is very proactive in promoting good relationships between students and the wider community. The Council's neighbourhood wardens also carry out house visits to addresses that are reported to be connected to 'student

noise'. Following a third letter sent by the University to a household, the students are called in to meet with staff at the University. Where there is a persistent problem the Community Safety Team works with the landlord of the property. As these cases are noise-based, the case files are held by the Council's Environmental Protection Team and include records of neighbourhood warden visits.

## 6 Influencing Future Numbers of HMOs at Stanmore

- 6.1 The Council could move to control the creation of further HMOs in the Stanmore area. One option to achieve this arises from planning legislation.
- 6.2 On 6 April 2010, the Town and Country Planning (Use Classes) (Amendment) (England) Order 2010 came into force, which introduced a new "Use Class" for HMOs containing between three and six unrelated people (the 'C4' Use Class). The effect of this was for the first time to require planning consent for the conversion of family homes into 'small' HMOs. Such conversions had not previously required planning consent. The rationale behind the introduction of this legislation was to help councils to control the expansion of numbers of small HMOs within their districts. The legislative changes were not applied retrospectively, meaning that there was no need for a landlord to apply for planning permission if a property was in use as an HMO before 6 April 2010.
- 6.3 On 17 June 2010, the new Housing Minister announced changes to the planning arrangements described above. The Coalition Government believed that the requirement to seek planning consent for small HMOs was over-bureaucratic and unnecessary except in a small number of areas. Under these changes, the definition of the C4 Use Class has been retained, but permitted development rights have been extended so that changes of use between Use Classes C3 and C4 will not require planning permission. The legislation (the Town & Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2010)) came into force on 1 October 2010.
- 6.4 In areas where there is a need to control HMO development, local authorities are able to use an "Article 4 Direction" to remove these permitted development rights and require planning applications for such changes of use. There are compensation implications if such planning applications are refused, although this can be mitigated entirely by giving twelve months' notice of the introduction of the Direction.
- 6.5 Officers have considered the use of this option in relation to Stanmore and there are a number of reasons why it is not recommended at this time. A very strong case would be needed to justify the removal of permitted development rights and it is considered that the case has not yet been made. Student numbers are not likely to increase and the pressure for more HMOs for student housing at Stanmore may have peaked. There would be justifiable opposition from landlords and other stakeholders. It is considered that other courses of action should be followed in the first instance and their impact evaluated. In the meantime, it is proposed to monitor the percentage of

homes in the area which are HMOs, the management of the HMOs and their impact on the community. The removal of permitted development rights may be justified in the longer term if other actions fail to have the desired effect and this option should be reserved for potential use in future.

## 7 Improving the Quality and Management of HMOs

7.1 Officers have undertaken some research to ascertain whether further use of licensing might help to ensure that private landlords operate best practice in the provision and management of HMOs in the Stanmore neighbourhood.

7.2 The Housing Act 2004 changed the definition of an HMO to include:

- Dwellings occupied by three or more unrelated people sharing facilities
- Buildings comprising of non self-contained flats
- Houses converted into self-contained flats that do not meet the requirements of the 1991 Building Regulations and where more than one third of the flats are let on short term tenancies.

7.3 Part 2 of the Act introduced two types of HMO licensing:

- a) Mandatory licensing; and
- b) Additional licensing

7.4 Mandatory Licensing: Licensing is mandatory for larger HMOs of 3 storeys or more and occupied by 5 or more tenants forming two or more households. It is a legal requirement for the owner or manager of such a property to declare it to the Council in order for it to be licensed. It is an offence to operate a licensable HMO without a licence and conviction carries a maximum fine of £20,000. Residential Property Tribunals (RPTs) are also empowered to require a landlord to pay a tenant up to one year's rent as compensation if a licensable HMO has been let without a licence. Once the Council has received an application, no offence is being committed whilst the Council is processing the application, provided the required fee has been paid.

7.5 If the Council is satisfied that the landlord or manager of the property is a 'Fit and Proper Person', is competent and has the resources and systems in place to properly manage the HMO, then a licence can be issued. In most instances, a licence will run for a maximum of 5 years.

7.6 The Council is able to place conditions within the licence relating to occupancy levels, prevention of occupation of unsuitable parts of a property, their proper management, improvement works, and provision of safety certificates for essential services, and can even require that a landlord undertakes a training course on managing HMOs in accordance with good practice. Licence conditions may include timescales for works to be carried out to make HMOs suitable for occupation. Should a landlord be refused a

licence, or feel that any conditions attached to a licence are unreasonable, they may appeal to a Residential Property Tribunal.

- 7.7 Practice at Winchester City Council is to inspect HMOs before the issue of a licence in order to determine that they are safe and healthy for tenants to live in, although a licence can be issued before a property has been inspected. If deficiencies are present at a property that may cause a category 1 or 2 hazard under the Housing Health and Safety Rating System (HHSRS), the Council has the ability to take enforcement action to require necessary remedial works are undertaken by the service of an Improvement Notice. In extreme cases, the Council may serve a Prohibition Notice, thereby prohibiting the use of, or part of, an HMO for human habitation if the accommodation is not suitable.
- 7.8 The Act stipulates that a council may make a charge to process a licence application, as the previous Government wanted licensing to be self funding. The current fee charged by Winchester City Council is £854.54p and covers the 5 year duration of the licence.
- 7.9 If a council does not believe that a landlord is fit to hold a licence, it may require that another, more competent, person is appointed as the licence holder. In such cases, if an owner does not have the necessary skills and competency, they could appoint a professional managing agent on their behalf to be the licence holder. Where a council refuses a licence and the landlord does not propose an alternative satisfactory option, then the council must issue a Management Order and take over the management of the property until a competent and suitable licence holder can be appointed. Any landlord found to be operating a licensed HMO in breach of licence conditions is liable on conviction to a fine of up to £5000.

#### Additional Mandatory Licensing:

- 7.10 Section 56 of the Act provides the Council with a discretionary power to introduce additional licensing for other categories of HMOs in all, or part, of its Area. This would bring into the licensing regime those HMOs deemed to be lower risk and below the trigger point for mandatory licensing. In most instances, these will be 2 storey properties. If introduced at Stanmore, this would cover the majority of those HMOs located within the lower and upper Stanmore areas.
- 7.11 Additional licensing schemes are primarily aimed at areas where a significant proportion of the HMOs are being managed ineffectively. Such additional licensing schemes cannot operate for more than five years. At the end of the five year period, the council could make a new designation if it wished a scheme to continue. However, the aim would be that after 5 years, any significant management problems in a particular neighbourhood would have been resolved.
- 7.12 Before an additional mandatory licensing scheme is introduced, the Act specifies certain criteria and processes. These are:

- a) That a significant proportion of HMOs are being managed sufficiently ineffectively so as to give rise, or likely to give rise, to one or more particular problems for those occupying the HMOs or for members of the public.
- b) That the Council has regard to any information regarding the extent to which any codes of practice approved under section 233 have been complied with by persons managing HMOs in the proposed designation area.
- c) That the Council consults with persons that may be affected by the designation and considers any representations made.
- d) That the Council has considered whether there are any other courses of action available to them (of whatever nature) that might provide an effective method of dealing with the problem or problems in question.
- e) That the Council considers that making the designation will significantly assist them to deal with the problem or problems.
- f) That the Council considers that making the decision will significantly assist them to deal with the problem or problems.
- g) That the Council has considered displacement and housing market effects.

7.13 In identifying properties that may be being managed sufficiently ineffectively and having a detrimental affect on an area, the Department of Communities and Local Government (CLG) document "*Approval steps for additional and selective licensing designations in England*" gives examples of such properties, which include:

- Those whose external condition and curtilage (including yards and gardens) adversely impact upon the general character and amenity of the area in which they are located;
- Those whose internal condition, such as poor amenities, overcrowding etc, adversely impact upon the health, safety and welfare of the occupiers and the landlords of these properties are failing to take appropriate steps to address the issues;
- Those where there is a significant and persistent problem of anti social behaviour affecting other residents and/or the local community and the landlords of the HMOs are not taking reasonable and lawful steps to eliminate the problems;
- Those where the lack of management or poor management skills or practices are otherwise adversely impacting upon the welfare, health or safety of residents and / or impacting on the wider community.

- 7.14 Government guidance stipulates that any exercise of this power is consistent with the Council's overall housing strategy and should seek to adopt a co-ordinated approach in connection with dealing with homelessness, empty properties and anti-social behaviour affecting the private rented sector as regards combining licensing with other action taken by them or others.
- 7.15 In considering whether an Additional Licensing designation will significantly assist the Council to deal with problems within a selected area, CLG guidance makes reference to voluntary measures such as accreditation. The Council's Private Sector Housing team has been operating a voluntary HMO accreditation scheme in conjunction with Winchester University for the past eight years which has been a great success. The scheme has no planned end date.
- 7.16 Under the scheme, all properties which landlords advertise on the University's intranet site have to first have been inspected and accredited by the Council. This is to ensure they meet a satisfactory standard in respect of fire safety, gas and electrical safety, security and decorative condition and repair etc. A fee is payable for a property to be accredited (currently set at £120) and inspected and standards are laid out in an Accreditation booklet for both landlords and tenants to adhere to. A property is accredited for a three year period.
- 7.17 Currently, 235 HMO properties are accredited by the Council, the vast majority of which are shared student houses located in the Stanmore area. It is estimated that there could be up to another 100 HMOs in the Stanmore area which are managed directly by their owners or letting agents and are not accredited. Although the accreditation scheme is voluntary, it helps the Council to ensure that accredited properties are of a satisfactory standard for students to live in, and that the Council is fully aware of who the owner or manager responsible for an accredited property is, should a complaint arise.

## 8 The Case for an Additional Licensing Scheme

- 8.1 The primary difference between the existing accreditation scheme and the introduction of an Additional HMO licensing scheme is that the Additional licensing scheme would place a legal requirement on the owners of all (with the exception of certain types of HMO as defined in the Act) non-mandatory licensable HMOs to declare their properties to the Council for them to be licensed.
- 8.2 Officers have considered the CLG criteria (Para 8.13) in the context of evidence about Stanmore's HMOs:
- a) In respect of external conditions, eg untidy gardens etc., this is evident and is of concern to local residents and to Councillors.
  - b) The internal conditions of HMOs are unknown unless the HMO is accredited or large enough to come under the mandatory licensing scheme. There is concern amongst Councillors that HMOs outside

these schemes are not adequately managed and that poor amenities may exist. These concerns will need to be evidenced if the Council decides to move towards an Additional licensing scheme.

- c) In terms of anti-social behaviour, complaints about student HMOs mainly relate to noise nuisance rather than other forms of anti-social behaviour and would be managed by the Environmental Protection Team with input from the Council's neighbourhood wardens (see Section 5 above). The Council's Acceptable Behaviour Co-ordinator has not case-managed any student cases (or indeed other cases relating to HMOs in Stanmore) in the past year.
- d) As with noise nuisance, general perception and depth of feeling within the community are not matched by numbers of actual complaints to the Council regarding poor and ineffective management of HMOs in Stanmore. However, Councillors have reported that they do receive concerns and issues arising from HMOs. It may also be that residents of HMOs do not feel empowered to complain, feel there is no point, or do not know their rights as tenants.

## 9 The View of the Town Forum

- 9.1 The Town Forum considered these issues at its meeting in November 2010. Members were keen to see the concerns raised by residents about HMO's addressed. They resolved that the Town Forum wished Cabinet to investigate and progress the suggested licensing of Houses in Multiple Occupation throughout the Town area.

## 10 Seeking Consent to introduce Additional Licensing

- 10.1 Should the Council wish to proceed to consultation on a future Additional licensing scheme the following procedure would need to be followed. During the consultation phase the Council would be required to give a detailed explanation of the proposed designation, explaining the reasons for the designation and how it is likely to tackle specific problems and what the potential benefits will be.
- 10.2 The Minister for Housing and Planning introduced a 'General Consent' on 1 April 2010 declaring that a local authority could designate an area of their district as subject to Additional licensing on condition that it has first undertaken a full consultation on their licensing proposals. Such a consultation must be for a minimum of ten weeks and should include consultation with local people, including tenants, landlords (and, where appropriate, their managing agents) and other members of the community who live or operate businesses or provide services within the proposed designation area. It should also include local residents and those who operate businesses or provide services in the surrounding area *outside* of the proposed designation who will be affected. The consultation should be widely publicised and disseminated through various channels of communication. All



those affected by the designation should be given adequate time to give their views, and these should all be considered and responded to.

- 10.3 Once completed, the results of the consultation should be published and made available to the local community.

## 11 Resource Implications - Charging

- 11.1 In the same manner that a local authority can set a fee for Mandatory licensing, the Council would have the ability to set a fee for Additional licensing. It is anticipated that this would be in the region of between £150 to £400 depending on whether a property was already known about and had previously been inspected by the Private Sector Housing Team. The fee would not be an annual fee, but would cover the five year period that it is anticipated a property would be licensed. It is anticipated that the scheme would not result in additional financial burden to the Council but would largely pay for itself. However, the set up costs will not be able to be reclaimed through the fee-charging mechanism.

## 12 Resource Implications – Consultation Costs

- 12.1 Initial investigations with other local authorities who have consulted upon and implemented Additional Licensing Schemes (ALS) indicate that they have employed a full time qualified officer to lead on the project. Additional support was provided for the consultation exercise from Communication and Legal sections within the authorities. It should be noted that a licensing scheme must be introduced with care and consideration on the best evidence and a manner that complies with the law in order to avoid challenge through Judicial Review.
- 12.2 It is anticipated that the officer time required to carry out the consultation will be found through the 1Team secondment process if this is considered a priority. Additional consultation costs are estimated to be £5000 and this will need to be identified through the budget process.

## 13 An Evidenced-Based Approach

- 13.1 In preparation for a consultation process, officers would review existing evidence in respect of negative impacts on the community caused by a concentration of HMOs. The advantage of an Additional Licensing Scheme is that it would cover those HMO properties about which the Council currently has little information. Some evidence is available in the form of public reports of nuisance etc and action taken but it is clear that actual numbers of reported incidence do not match the depth of feeling within the community about these issues. Further interrogation of available data plus awareness-raising to encourage more reporting will inform the case for an Additional Licensing Scheme.

## 14 Conclusion

- 14.1 This report has set out a response to the issues around HMOs arising through the Stanmore community planning process. The report has outlined some actions already taking place, and the intention to co-ordinate a broader programme of work in line with the revised Community Strategy. The report has indicated that the use of planning law to restrict numbers of HMOs in the future is not recommended by officers at this time. However there are potential benefits to the introduction of an Additional Licensing Scheme, subject to first undertaking a full consultation process.
- 14.2 Members are asked to consider whether they wish to proceed to consultation in the next financial year, and whether they wish the consultation to cover Stanmore only, or the wider town area.

## OTHER CONSIDERATIONS:

### 15 RELEVANCE TO SUSTAINABLE COMMUNITY STRATEGY

- 15.1 This report is in keeping with the revised Community Strategy which prioritises the Stanmore neighbourhood as an area of shared focus for the Winchester District Strategic Partnership. Resolving issues raised through the Stanmore community plan would assist in delivering both *active communities* and *high quality environment* outcomes.

### 16 RESOURCE IMPLICATIONS:

- 16.1 As detailed in 12.1, once a licensing scheme is in place the cost of the issuing of a licence can be recouped. There are one-off costs in respect of the consultation, including officer time. It is anticipated that officer time can be sourced via the 1Team secondment process if this initiative is given priority. Other costs associated with the consultation are estimated at £5000 to cover printing, holding events, booking rooms etc. This amount would need to be identified via the budget setting process for 2011/12.

### 17 RISK MANAGEMENT ISSUES

- 17.1 Detailed risk management in relation to an Additional Licensing Scheme will be drawn out in future reports as appropriate.

## BACKGROUND DOCUMENTS:

The Stanmore Community Plan can be accessed via the Stanmore Combined website at [http://www.stanmorecombined.org.uk/community\\_planning/](http://www.stanmorecombined.org.uk/community_planning/).

## APPENDICES:

None

## **Development of a Neighbourhood Management Approach**

### **Report of Assistant Director (High Quality Environment)**

#### **1. Background Introduction**

- 1.1 Over the last few months I have been exploring options for using a neighbourhood based approach to the delivery of some City Council functions. The aim has always been that any new method of working would be primarily based on the use of the current neighbourhood warden team as a 'first response' support to other teams. In addition every opportunity would also be used to draw in officers from other teams to support the approach where this made operational sense.
- 1.2 The aim of developing a neighbourhood management approach and broadening the roles of other teams aims is to provide service improvements and where possible to deliver efficiency savings across the council.
- 1.3 An initial scoping exercise previously carried out identified services delivered across the district. This helped to highlight which services had the potential to be picked up as a 'first response' service through neighbourhood management Team. See Appendices 1 & 2 for a summary of the main results.
- 1.4 In April 2011 the Neighbourhood Wardens merged with the Community Safety Team as part of the corporate structure changes. This has provided the Head of Community Safety with the opportunity to
- review the NHWs current work patterns,
  - ensure that their workload makes them directly accountable to corporate change plans,
  - identify potential expertise within the team and
  - consider the potential expansion of their remit into new areas such as enforcement.
- 1.5 In the summer of 2011 the Head of Environmental Protection secured agreement with the Police, PCSOs and the County Council ACSOs that they would support the delivery of an out of hour's noise nuisance monitoring pilot in the Stanmore area. The aim being to find a way to address the lack of an out of hour's response service. This process has continued and following a recent meeting with the Police a wider shared protocol of dealing with noise nuisance issues across the District is now being developed.

- 1.6 Part of the noise protocol will mean that patrolling officers will be informed about 'hot spot' addresses so they could monitor activity, provide a professional witness statement and, if necessary, deal with incidents as the need arises. Tasking of such activity can be actioned via the Community Tactical and Co-ordinating Group (CTCG) on a monthly basis. In return the City Council will take enforcement proceedings about known problem addressees using noise nuisance provisions and provide pre-arranged noise patrol services but not a response service.
- 1.7 In September 2011 the consultation for the Additional Licensing Scheme for HMOs was completed. The results showed that the implementation of the scheme is unlikely to resolve the issues of complaint, therefore an alternative more holistic approach to tackling the resident and elected members concerns is being developed which will address the specific nuisance. These proposals and the wider issues concerning HMOs will now be considered by an ISG during 2012 and will take evidence from variety of sources before deciding on the most appropriate way forward.
- 1.8 As well as the potential for an expanded role for the NHWs there is also the opportunity to use members of other teams to undertake roles such as contract monitoring particularly in remote rural areas of the district. A good example is the use of Civil Enforcement Officers to check car park and public convenience cleansing for contract monitoring purposes. These staff are often in the area for their core function and integrating contract monitoring work should not have an adverse impact on performance and frees up capacity within the core contract monitoring team to check other service areas that may not get sufficient attention.

## **2. Current areas of collaboration**

- 2.1 Within the two priority areas of Stanmore and Winnall/Highcliffe there are a number of projects/initiatives that have already been undertaken collaboratively between Landlord Services, the NHW Team, Environment and other external bodies. Examples include:
- EVA's in conjunction with Landlord services
  - Cover to the animal welfare service on a day per week + holiday/sickness cover basis (informal protocol in place)
  - Contact lists of private landlords on the Stanmore estate are currently being established
  - Letters and welcome packs have been given out to all new students moving into the Stanmore area basically welcoming them to area, informing them of their bin collections, reminding them to be mindful of their neighbours and introducing them to the NHW for the area
  - NHW Team usually attend the annual Fresher's Fayre to make contact with students in advance of them arriving as residents

and are currently in discussion about adding info to the University welcome packs rather than send out separate letters

- Trevor Lynas (NHW) has already good contact with two of the biggest private Landlords in Stanmore which is already showing benefits e.g. getting problems with the property sorted out
- Regular liaison with the University to involve them in local activity volunteering opportunities
- Agreement for the use of NHWs to carry out initial assessment on 'low level' planning enforcement cases

### 3. Potential Areas for future collaboration

- 3.1 There is potential to provide a neighbourhood management service (first response) to a number of services across the council. Table 1 outlines the areas of work that could be undertaken within a revised neighbourhood warden service. The table also shows those areas that can be linked to the workload of the CEO as described above.

**Table 1**

<b>General</b>	<b>Enforcement</b>
Evidence/information gathering	Graffiti
Reconnaissance visits: <ul style="list-style-type: none"> <li>• Planning enforcement</li> <li>• Landscape monitoring</li> <li>• Environmental Visual Assessments</li> <li>• <b>Rural car park issues*</b></li> <li>• Empty properties</li> </ul>	Fixed Penalty notices: <ul style="list-style-type: none"> <li>• Fly posters</li> <li>• Litter</li> <li>• Dog fouling</li> </ul>
Single Point of Contact for the priority areas	Noise complaints
Stray dog – pick up and drop off service	<b>Parking*</b>
<b>Contract Monitoring - rural areas*</b>	TPO Monitoring
Monitoring HMOs	Fly Tip investigation

**Note: shaded areas marked in bold relate to CEO's**

Progressing these areas would require reconfiguration of the existing services as described below.

### 4. Neighbourhood management development

- 4.1 Following the work carried out to date it is considered that there are opportunities to improve the quality of services across the district using the existing resources and staffing levels whilst at the same time increasing the possibility of efficiency savings in the future. It is therefore recommended that the following package of measures be implemented.

- 4.2 **The Neighbourhood Warden Team is renamed the Neighbourhood Support Team** - it is felt that the 'warden' description is less descriptive in terms of the support that the team can offer wider communities and reflects the previous role. It is also important to communicate a change of role particularly to organisations outside of the City such as Parish Councils. Team members would be known as **Neighbourhood Support Officers (NSOs)**. There are some minimal costs required for re-branding of the team but these can be factored in around recent replacement vehicles which have not yet been sign written and as uniforms are replaced annually.
- 4.3 **The existing NHW job description will need rewriting to convert it into a NSO format** - a proposed revised version is shown at appendix 3 to reflect the wider roles and responsibilities including the addition of enforcement responsibilities (see later discussion). It also captures the existing areas of collaboration described above.
- 4.4 **The NSOs to be authorised to take enforcement proceedings under the City Council's scheme of delegation** – the team are already accredited through the police so this measure is merely the authority to act.
- 4.5 **Each NSO will have a specific Geographical area of responsibility (a 'patch') in order to ensure full district cover and clear accountability/point of contact for enquiries. Rural NSO's will also be embedded in Parish Council Offices** - the proposed areas are shown at appendix 4. This proposal has already been discussed with Denmead, Alresford and Bishop Waltham Parish Councils who have agreed it in principle at no cost to the City Council as they see the advantages of improved communication and the opportunities to discuss issues on the patch. Desk space will be provided and remote login facilities. Where possible the districts have been aligned with other key link officers such as Contract Monitoring Officers and Area Housing Managers.
- 4.6 **Each NSO will have a lead role on a specific topic** - these include the following areas
- Antisocial behaviour
  - Fly Tipping Investigations
  - HMOs
  - Rural issues
  - Enforcement legislation
- 4.7 **The Client Monitoring Team agree procedures for CEOs to monitor car parks for cleansing and public convenience cleansing in the rural parishes.** The contract monitoring data will be based to the client team who will follow up on any performance failures using the contract provisions.

## 5. Enforcement Powers

The use of enforcement powers is a change of role for the NHW service but is felt to be necessary for a number of reasons:

- To create a deterrent against offences
- To demonstrate commitment and respond to the expectation that the City Council should deal with envirocrime issues
- To increase the possibility of budget savings through a reduction in the amount of remedial work such as graffiti and fly tip removal

5.2 The areas that would be covered include the following

- Litter
- Dog Fouling
- Graffiti
- Fly tipping
- Fly posting

5.3 The process for dealing with these offences is through the issue of Fixed Penalty Notices (FPNs). There is considerable guidance on the use of FPNs including the approach to be taken with juveniles and young people and enforcement policies would be developed to set out the criteria and procedures.

5.4 Any income from FPNs is retained by the City Council and the amounts are set out in statute as follows

Offence	Section / Act	Standard Penalty (14 days)	Amount if paid within 10 days	Maximum fine for non payment.
Litter	S87 / 88(1) Environmental Protection Act 1990 amended by s18 Cleaner Neighbourhoods Act	£75	£50	£2,500
Graffiti	S43/ 44 Anti social behaviour Act 2003	£75	£50	Unlimited
Fly posting	S43/ 44 Anti social behaviour Act 2003 S224 Town and Country Planning Act	£75	£50	Unlimited

Dog fouling	S3 Dogs (FL) Act 1996	£50	N/A	£1,000
Cycling on footpath	S72 Highways Act 1835	£30	N/A	N/A

5.5 The NHW Team are already eligible for a number of Powers already given to them under Community Safety Scheme Accreditation but these require specific authorisation from WCC. The powers fall within **s46 of Police Reform Act 2002** and include

- Power to require name and address.
- Power to require name and address for anti social behaviour.
- Power to require persons drinking in designated places to surrender alcohol
- Power to require persons aged under 18 to surrender alcohol.
- Power to seize tobacco from a person under 16 years.
- Power to remove abandoned vehicles.
- Power to stop cycles.
- Power to photograph persons away from police station.

5.6 In addition they have accredited powers under Community Safety scheme to issue Fixed Penalty Notices including

- Power to issue penalty notice for dog fouling
- Power to issue penalty notice for cycling on footpath.
- Power to issue penalty notice for fly posting.
- Power to issue penalty notice for littering.

5.7 In addition to these powers it would be sensible to add the following power when it comes into force (it is not yet in force)

- Power to issue fixed penalty notices in relation to offences against certain bye-laws: power of an authorised officer of an authority to give notice under section 237A of the Local Government Act 1972 where the accredited person has reason to believe an individual has committed an offence against a relevant byelaw.

## 6. Efficiencies and Savings

6.1 There will be some initial costs of approx £10K required to implement these changes as listed below:



Item	Cost
<b>Re-Accreditation of the Hampshire Constabulary Scheme</b> – All members of the NHW team.	£2K
<b>Improved Communications</b> – use of 2 way radios linked to existing CEO network in order to provide rapid response capability and also tracking of staff on district.	£2K
<b>Branding of the new Neighbourhood Management Team</b> – A name change and re-brand will be necessary to move away from the current NHW role and market the new wider role.	£2K
<b>Recruitment/Training</b> – new recruits to the team (regardless of an internal or external appointment) will need to undertake specific training to enable them to undertake the role e.g. health & safety, use of chemicals, legal powers, enforcement accreditation.	£3K
<b>New Lease vehicles</b> - Adding new signage and equipping the vehicles with water tank etc.	£850
<b>Total</b>	<b>£9850</b>

6.2 I am investigating options of viring some depot contract base budget funding to cover these costs as a one off. In addition efficiency budget savings have already been achieved through the existing work and these include:

- Replacement of a scale 5 post in the planning enforcement team with a scale 4 post following absorption of the low level duties described above. (£5K)
- Non replacement of an animal welfare officer post and vehicle through absorption of the workload by the other post holder within that service which was made possible by the cover provided by the NHW Team (£23,418 – scale 3)

6.3 As the neighbourhood management delivery model progresses it should be possible to achieve further budgetary efficiency savings as set out below. However, at this stage these are not possible to quantify specifically.

- Better use of resources for contract monitoring or enforcement – a client team review is currently being undertaken and provision of contract monitoring by NHWs will assist this team and improve the robustness of this process without the need for additional resources.
- Reduction in fuel costs though reduced travel particularly to the southern parishes

6.4 In addition it should be possible to achieve service improvement and customer satisfaction without any need for additional resources. Examples include:

- Better staff cover and service continuity during absences
- More rapid response to issues by staff operating in the area particularly in the rural parishes. This can be a significant problem for ad hoc or irregular issues where a quick response is required to gather evidence or assess the situation

## **7. Implementation**

- 7.1 Now is the ideal time to implement these changes as there are currently 2 vacancies with the existing NHW Team following an internal job change by one member of the team and non return of another from maternity leave. This provides the opportunity to employ new individuals with the right skills and attributes to perform the appropriate new specialism with the minimum of additional training and induction.
- 7.2 The existing team members are already aware of the proposals to refocus their role and are keen to commence the changes as soon as possible.
- 7.3 If CMT are in agreement with these proposals then a report will be prepared for Town Forum to consider and then on to Cabinet for final endorsement.

## **8. Appendices**

Appendix 1 - Results of the scoping exercise

Appendix 2 - Scoping exercise summary graphs

Appendix 3 – Draft revised job description

Appendix 4 – proposed districts for NSOs (see separate PDF)

## Appendix 1

	<b>Total Number of Officers out in the district:</b> (d) = daily, (w) = weekly, (ah) = Ad hoc	<b>Type of Role undertaken</b>	<b>Areas Covered</b>	<b>Current Resources sufficient?</b>	<b>What Roles/workload could be supported by other officers?</b>	<b>Centralised Co-ordination</b>
<b>Access &amp; Infrastructure</b>	6 (d))	<ul style="list-style-type: none"> <li>• Site Inspections</li> <li>• Parking Enforcement</li> </ul>	District	No	Yes Duties in relation to the new street care teams	Joint Waste/Landscape contracts with EHDC must be considered along side this scoping exercise
<b>Building Control</b>	6 (d)	<ul style="list-style-type: none"> <li>• Surveys</li> <li>• Inspections</li> </ul>	District	Yes	No	May help beat the competition if we were faster, more professional (in terms of a competing market) and responsive.
<b>Landscape &amp; Open Spaces</b>	3 (d) 2 (w) 2 (ah)	<ul style="list-style-type: none"> <li>• Inspections</li> <li>• Serving TPOs</li> <li>• Accessing impact of planning application</li> <li>• Site visits</li> </ul>	District	No – we don't have sufficient staff/time to monitor and check compliance by applicants with	Yes  Serving TPOs could be undertaken providing training was given and serving notices to quit on travellers and other unauthorised occupants of WCC	The task may be too difficult to achieve because you will need to be able to keep track of who is where and when.

				conditions on planning permission.	open spaces. First response visits	
<b>Environmental Protection</b>	6 (d)	<ul style="list-style-type: none"> <li>• Investigation</li> <li>• Enforcement</li> <li>• Inspections</li> <li>• Stray dogs</li> <li>• Surveys</li> <li>• Other</li> </ul>	District	Yes – broadly balanced but can't afford to lose anymore staff especially as we are down to 1FTE animal welfare officer.	Yes  Initial Noise visits Fly tip investigations Supporting the animal welfare service	<p>Agree who is responsible for doing specific tasks e.g. Fly tip is currently anybody's, somebody's and nobody's problem.</p> <p>Look at a centralised admin team (grouped into specific subject areas) who are specialists within a specific field (rather than admin in each team).</p>
<b>Planning Management</b>	varies	<ul style="list-style-type: none"> <li>• Site visits</li> <li>• Planning application</li> <li>• Breaches</li> <li>• Compliance</li> </ul>	District	Yes – in terms of enforcement	Yes  Initial site visits for alleged breaches of planning	<p>Planning Enforcement officers do not have the capacity to undertake other work.</p> <p>Centralised Admin would be challenging.</p>

<b>Community Safety</b>	4 (d) 2 (w) 1 (ah)	<ul style="list-style-type: none"> <li>• Graffiti removal</li> <li>• Fly tip investigation</li> <li>• Needle collection</li> <li>• Re-assurance</li> <li>• Engagement</li> <li>• ASB intervention</li> <li>• C&amp;Disorder reduction</li> </ul>	Winnall & Highcliffe Stanmore City Centre Weeke Rural (ah) = NHW  CST = District	Yes – however 1 member of staff has just left for Maternity leave therefore we don't know what the impact of this will be.	Yes  Street Care Team (removal Fly tip)  Intelligence gathering	PDA's  Identify training needs  Start with a pilot
<b>Health Protection</b>	6 (d)	<ul style="list-style-type: none"> <li>• Enforcement</li> <li>• Inspections</li> <li>• Food Safety regs</li> </ul>	District	No	Yes –  Intelligence gathering	Centralised Admin maybe difficult to co-ordinate but in theory is a good idea.
<b>Landlord Services</b>	44 (d)	<p>Housing Mans/Asst Hsg Mans</p> <ul style="list-style-type: none"> <li>• Property viewings</li> <li>• Estate walkabouts</li> <li>• ASB investigation</li> <li>• Resident meetings</li> </ul> <p>Surveyors/assist</p> <ul style="list-style-type: none"> <li>• Property</li> </ul>	District	No work is subject to regular prioritisation and liaison with other teams	This already happens regularly – work closely with other teams such as environment/wardens /engineers as and when appropriate	<p>Maybe some scope, however the breadth of the landlord role is probably too wide for CS team to take on a central role.</p> <p>Centralised Admin has been considered many times – a greater liaison between teams and improved awareness of each others roles could help. Not really sure there is an opportunity ere because what limited admin there is have very specific roles within teams – very few are generalist admin.</p>

		<ul style="list-style-type: none"> <li>inspections</li> <li>• Pre/post works inspections</li> <li>• Tenant visits</li> <li>• Property/estate surveys</li> <li>• Older</li> </ul>				
<b>Strategic Housing</b>	8 with 4 going out (d/w)	<ul style="list-style-type: none"> <li>• DFGs</li> <li>• HMOs</li> <li>• Complaints</li> </ul>	District	Yes	Yes but it would be minimal	<p>Challenging for this service because of the varied time constraints we are given</p> <p>Centralised admin – could be scope for this</p>
<b>WCC &amp; EHDC Joint Waste Client Team</b>	6 (d)	<ul style="list-style-type: none"> <li>• Monitoring the waste street cleaning and ground maintenance contract</li> <li>• Monitoring H&amp;S compliance, contract specification and performance</li> </ul>	District and cross boarder with East Hants	Yes currently – new contract commences Oct 2011 resource will be reviewed after 1 <sup>st</sup> year.	Yes – unsociable behaviour e.g. domestic and commercial bins on public highways, fly tipping inspections both domestic and commercial.	<p>As in the previous column.</p> <p>Centralised admin – there is scope for this.</p>

Chart 1 – Officer Numbers in the District

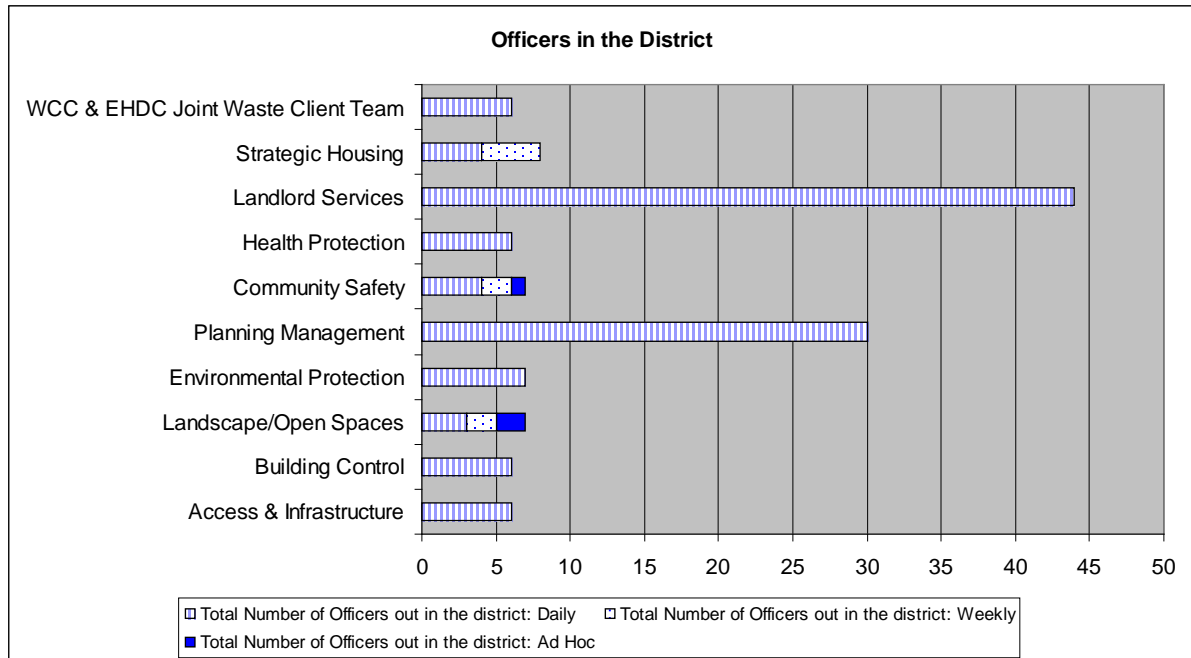
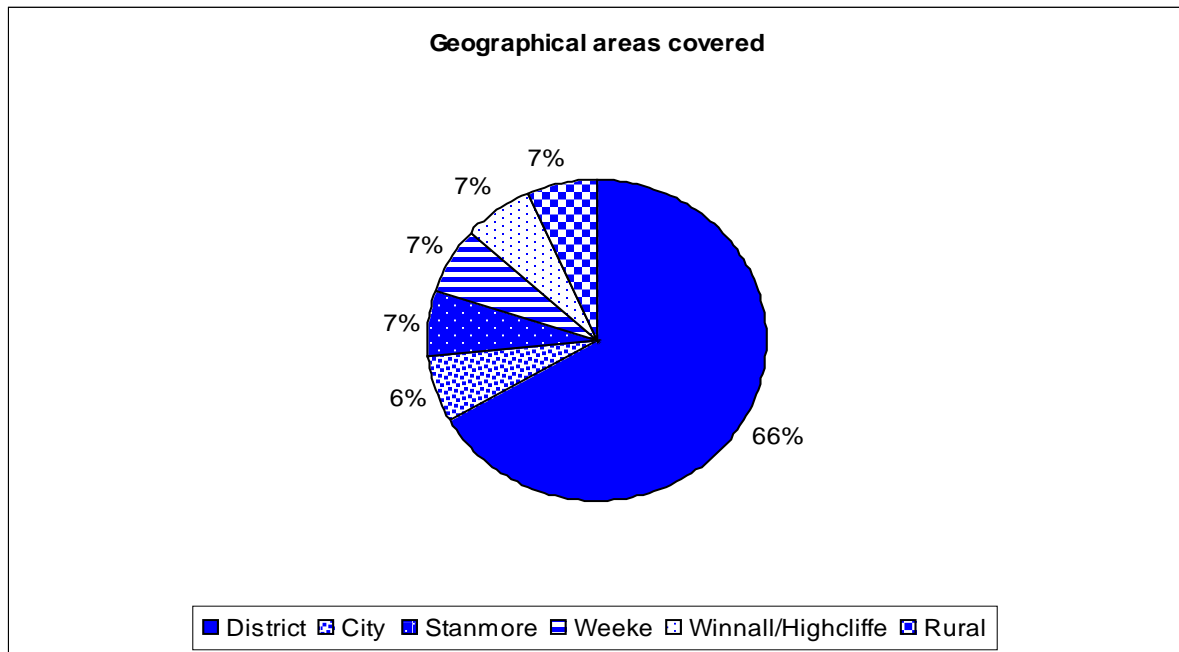
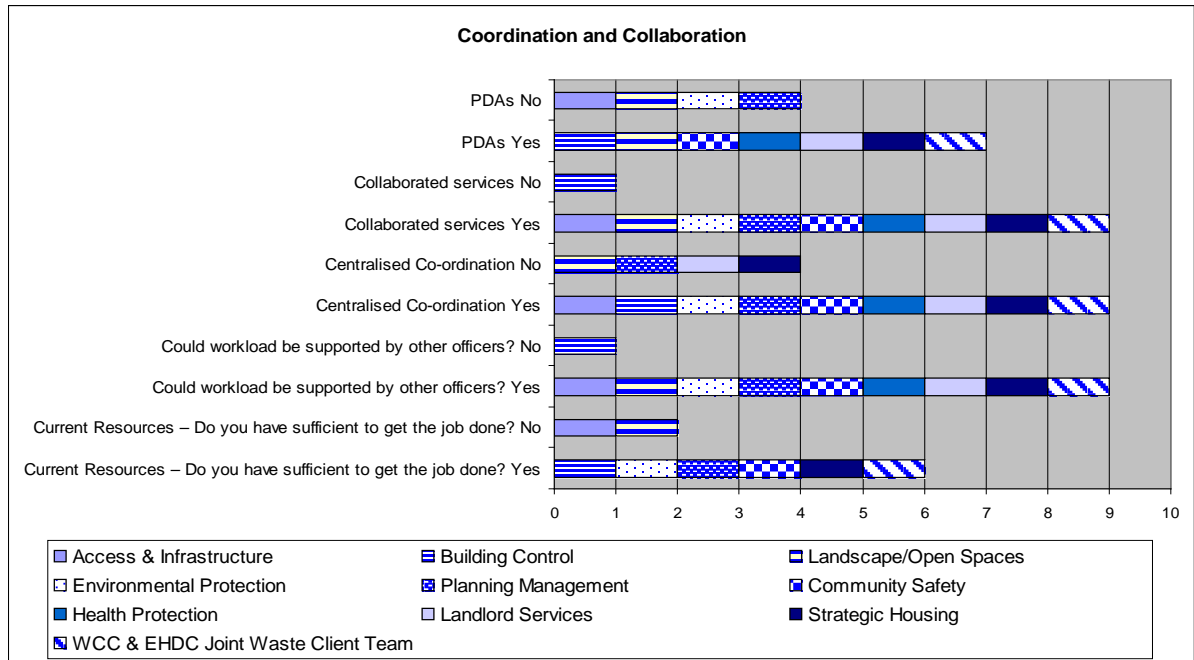


Chart 2 - Geographical Area Covered



**Chart 3 – Coordination and Collaboration**







## JOB DESCRIPTION

**JOB TITLE:** Neighbourhood Support Officer

**DEPARTMENT:** Community Safety

**POST NUMBER:**

**GRADE:** SCALE 4  
Progression within the grade is subject to annual review and approval under the Managed Pay Progression scheme.

**ACCOUNTABLE TO:** Community Safety Manager

**LOCATION:** Winchester District

### **POST OBJECTIVE**

Under the direction of The Community Safety Manager you will work across the Winchester District in a Neighbourhood Management role.

- To provide a practical first response/reconnaissance service to a variety of individual teams across the City Council e.g. animal welfare, planning
- To provide an active deterrent to environmental crime and anti-social behaviour. Assisting in the removal of Fly Tip/ Fly posters and the reporting of other environmental issues. Working to prevent and reduce anti-social behaviour and the fear of crime, and to build positive community relations.
- To deliver against targets set within an annual business plan
- To work predominately in defined areas that cut across the Winchester District

### **SPECIFIC TASKS:**

1. To provide practical support to other services across the council e.g. Access & Infrastructure, Planning Management, Landlord Services, Strategic Housing, Waste Management, Environmental Protection, Landscape and Open Spaces as a first response across the Winchester District.
2. To undertake enforcement action under the appropriate legislation which will include serving Penalty Notices (littering, breach of Bye law, dog fouling), Issuing

Cautions, Serving Notices (Tree preservation orders, notice to quit on travellers and other unauthorized use of WCC open spaces), Investigation of both commercial and domestic fly tip.

3. To compile reports for prosecution, ensuring that necessary court procedures are carried out e.g. Attend Magistrates County and other courts to give evidence on behalf of the Council.
4. To support the work of the City Council's Street Care Team
5. To support the Environmental Protection Team in relation to initial noise complaint visits and the animal welfare service (dog warden service).
6. To support the Planning Management Team in their duties by undertaking initial site visits in relation to alleged breaches of planning and monitoring of approved developments.
7. To gather intelligence at a community level in relation to ASB, Health Protection, Crime and Disorder as part of your core business.
8. To support Landlord Services in relation to estate inspections, fire safety checks and addressing the issues around untidy gardens.
9. To support Strategic Housing by monitoring and reporting back on HMO properties, undertaking empty property inspections and recording/reporting those that become vacant.
10. To support the Joint Waste Client Team e.g. dealing with the issues related to domestic and commercial bins on public highways
11. To act in an advisory role to external partners and other services across WCC in relation to ASB and contract monitoring.
12. To work in a discrete geographical area within the Winchester District, monitoring activity and providing a visible presence to deter vandalism, public nuisance, environmental crime and other forms of ASB.
13. To keep up to date and maintain a professional network e.g. proactive working relationships with key partners and officers across the council in particular WCC Officers working in the services related to the first response work, the Police Safer Neighbourhood Teams, Accredited Community Safety Officers, and Parish Councils and local Community Groups.
14. To represent the work of the Neighbourhood Response Team by attending meetings appropriate to the delivery of the first response service or the discrete geographical role e.g. Police CTCG meetings and Parish/Neighbourhood Forums (SNPs/PACT).
15. To work directly with residents and wherever possible deal directly and promptly with any problems they have in relation to community concerns, or refer them to the appropriate agency or service.
16. To encourage residents to take responsibility for reporting crime and disorder such as vandalism, graffiti etc.

17. To organise and promote public meetings or events aimed at consulting local residents, community representatives, voluntary and other statutory organisations on a range of issues to improve services and identify solutions that improve the quality of life of residents.

18. To undertake any other duties commensurate with the grade of the post.

The nature and level of responsibility of this post are such that the identification of a complete and exhaustive list of duties and responsibilities is not possible. Accordingly, this job description is not contractual but is intended as a guide to be read in conjunction with supporting documentation. This job description will be subject to regular review and may need to change to meet the changing needs of the department.

This post is classed as politically restricted under the Local Government and Housing Act 1989

This post is exempt from the Rehabilitation of Offenders Act.

Signed .....

Dated .....

*Version date June 2012*



**JOB TITLE**                      **Neighbourhood Support Officer**

**POST NUMBER:**

**DEPARTMENT:**                **Community Safety**

**DATE:**                              **June 2012**

Requirements		Weighting	Assessment Method
Skills	Effective organiser	3	I
	Ability to use mobile CCTV equipment and cameras	2	I,R
	The ability to keep accurate and detailed records	3	A,I
	Ability to talk/present to various groups	2	I
	Computer Literacy	3	A,I
	Practical common sense approach to problem solving	3	I
	Ability to interpret legal documents e.g. planning, byelaws, enforcement powers	2	A,I
	Excellent spoken and written communication	3	A,I
Experience	Working in a role that encompasses neighbourhood management, using enforcement powers, community development, contracts monitoring, ASB reduction, housing management, environment or similar	3	A,I,Q
	Working with a varied range of partner agencies	2	A,I
	Providing concise feedback and adhering to reporting procedures	3	A,I
	Project management	2	A,I
	Working knowledge of environmental legislation and/or basic understanding of criminal justice system	2	
	Working with adults/young people/children in community settings	3	
	Working with community groups	3	A,I
Personal Qualities	Ability to build and maintain relationships	3	R
	Self motivated and able to work on own initiative	3	I, R
	Team player	3	I, R
	Firm but fair approach	3	I
	Resilience/calm and focused under pressure	3	I, R
	Confident in decision making	3	I, R

	Personable manner/friendly and approachable	3	I
	Reliable and honest	3	I
Specific Job Requirements	Willing to undertake briefings/training appropriate to the first response service	2	A,I
	A basic knowledge in the use of byelaws, environment Act, intelligence logs/pocket note books and ASB functions	2	A,I
	A working knowledge of legal powers available to the Council in relation to penalty notices, fly tip enforcement and investigation	2	A,I
	The postholder will be supporting the animal welfare service so must be prepared to handle stray/lost dogs in their pick up and delivery to kennels	3	A,I
	Flexible approach to work – some early morning, evening and weekend work required. The postholder must be prepared to work at various sites throughout the district as required.	3	I
	Predominately a lone working environment	3	A,I
	The post holder must be prepared to undertake patrols/be out in their GEO area for a maximum of 70% of each working day (approximately 5hrs per day)	3	I
	A disclosure/police check will be required (exempt from Rehabilitation of Offenders Act)	3	
Qualifications	Accreditation or qualification in Civil Enforcement	2	Q
	Good general standard of education	3	Q

<i>Weighting</i>	3 – Essential for the successful performance of the job 2 – Desirable but can be achieved through on the job training or experience 1 – Useful but not essential for successful performance of the job
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<i>Assessment</i>					
<i>Application Form</i>	<i>A</i>	<i>Interview</i>	<i>I</i>	<i>Tests</i>	<i>T</i>
<i>References</i>	<i>R</i>	<i>Presentation</i>	<i>P</i>	<i>Evidence of Qualifications</i>	<i>Q</i>

### Guidance Notes

The Person Specification is probably the most important document in the recruitment process as it focuses specifically on the job requirements and helps to make a subjective process objective. Whilst the job description describes what the post holder is expected to do, the person specification describes the knowledge, skills, attributes and personal qualities that it is necessary for the post holder to possess to be able to carry out the requirements of the job description.

The person specification will be used, with the job description, to draft the advert, in shortlisting and in interviewing a decision making to ensure that there is an effective match between candidate and job.

### Completing the Person Specification

The Person Specification is divided into category headings as follows:

Criteria	Description
<b>Skills</b>	The actual skills that are required to do the job. Be specific. i.e. Communication skills is too vague; ability to draft letters or deal sympathetically with customers face to face or on the telephone would be more specific.
<b>Experience</b>	Detail the experience required to do the job specifically. You should be able to justify why that experience is needed. Experience gained outside the work environment should also be considered e.g. managing the finances at home, club treasurer denotes some financial abilities. Remember not all jobs require directly relevant experience
<b>Qualifications &amp; Training</b>	Detail the educational standards, professional qualifications and training necessary to carry out the job. Remember that you should be able to justify why these qualifications are needed and state 'or equivalent' when specifying for example GCSEs
<b>Personal Qualities</b>	This section should concentrate on interpersonal skills and may include qualities such as impact on others, motivation, leadership
<b>Specific Job Requirements</b>	Certain jobs may require specialist knowledge or technical skills and these should be stated in this section

#### **Remember**

##### **Criteria must be**

- Job Related
- Expressed in terms which describe abilities
- Clearly defined and specific
- Consistently applied to all candidates

##### **Must not include**

- Age
- Race
- Sex
- Physical characteristics
- Religion or belief
- Sexual orientation

***Have you***

- Considered whether the skill or attribute can be achieved through training?
- Listed every criteria specifically? (Too vague will not be measurable, not listed cannot be assessed)
- Considered how the criteria will be assessed?
- Weighted criteria in terms of importance

<b>Weighting</b>	<b>Description</b>
3	Criteria is essential for the successful performance of the job
2	Criteria is needed but can be achieved through training or experience in the job
1	Criteria would be useful but is not essential for the successful performance of the job

