

OVERVIEW AND SCRUTINY COMMITTEE - 18 SEPTEMBER 2017

SCRUTINY REVIEW OF THE RECOMMENDATIONS OF THE EXECUTIVE

PRIVATE RENTED SECTOR ACCESS SCHEME POLICY

LICENSING PRIVATE RENTED ACCOMMODATION - PROPOSAL TO MAKE A SELECTIVE LICENSING DESIGNATION IN PART OF CANALSIDE WARD

Summary

The Executive has asked for the Members of the Overview and Scrutiny Committee to review the following reports and the recommendations from the Executive with a view to submitting any comments to the Council meeting on 28 September 2017.

Private Rented Sector Access Scheme Policy - The Executive will be asked to consider a report on how the Council intends to assist homeless households to access accommodation in the private rented sector to prevent and relieve homelessness. The Executive will be asked to recommend to Council the adoption of the Private Rented Sector Access Scheme Policy

Licensing Private Rented Accommodation – Proposal to make a Selective Licensing Designation in Part of Canalside Ward – The Executive will be asked to consider a report on the implementation of discretionary licensing schemes including so-called ‘selective licensing’ which requires all private rented properties in a specific area to be licensed by the Council. The Executive will be asked to submit its recommendations to Council.

Attached at Appendix 1 is the summary and recommendation of the report on the Private Rented Sector Access Scheme Policy to be considered by the Executive. Attached at Appendix 2 is the summary and recommendation of the report on selective licensing designation in part of the Canalside Ward to be considered by the Executive. Members are asked to bring their copies of the reports, as circulated with the Executive agenda, to the meeting.

The relevant extract from the draft minutes of the meeting of the Executive will be tabled at the meeting of the Overview and Scrutiny Committee.

Recommendations

The Committee is requested to review the recommendations of the Executive and submit to Council on 28 September 2017 any comments thereon as appropriate.

Background Papers:

None

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Scrutiny Review of the Recommendations of the Executive

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Date Published:

8 September 2017

REPORT ENDS

Extract from the Report Before the Executive – 14 September 2017

EXECUTIVE – 14 SEPTEMBER 2017

PRIVATE RENTED SECTOR ACCESS SCHEME POLICY

Executive Summary

This report seeks Executive approval and recommendation to Council of a Policy on how the Council intends to assist homeless households access accommodation in the private rented sector to prevent and relieve homelessness.

Across Woking, the demand for housing is high, and where households present themselves to the Council as homeless the Council is under a duty in certain circumstances to provide temporary accommodation while permanent accommodation is secured.

For some households there is likely to be a considerable delay between presenting as homeless and being offered social housing. Given the negative health and well-being impacts of living in temporary accommodation, it is often appropriate for the Council to assist households to secure a private rented tenancy.

Many homeless households are in financial hardship and are often in receipt of housing benefit to support their housing costs and in many cases are unable to provide the necessary deposits and other charges that are currently expected before being accepted as a private tenant. In these cases, the Council is able to assist through the use of deposit bonds, where the Council provides security in lieu of a cash deposit.

There is also a significant disparity between housing benefit levels and market private rents in Woking, and the use of financial incentives is a mechanism to bridge the gap and secure a private tenancy at a housing benefit rent level.

Where a household is supported to secure a private tenancy, the use of financial incentives reduces the Council's expenditure in respect of temporary accommodation, and the reduction in length of stay in temporary accommodation reduces the negative consequences associated with homelessness.

Reasons for Decision

The adoption of a policy ensures that the Council acts consistently in providing incentives and other activities to procure private rented accommodation for homeless households. It also provides private landlords with transparent information on how the Council intends to work with them in helping homeless households secure accommodation and assists in marketing the Council's schemes to private landlords.

The policy also ensures that the Council's offer to private landlords is competitive within the marketplace and that wherever possible homes across the Borough are secured for local families rather than homeless households from other local authority areas.

Recommendations

The Executive is requested to:

RECOMMEND to Council That

- i) the Private Rented Sector Access Scheme Policy, as set out in the Appendix to the report, be adopted;
- ii) the Strategic Director for Housing be delegated authority to agree leases with private landlords for accommodation to be used in accordance with the Policy;
- iii) the Strategic Director for Housing be delegated authority to make minor amendments to the Policy (specifically including changes to the scope and level of incentives) in consultation with the Portfolio Holder;
- iv) the Council's Allocation Policy be amended such that existing tenants accommodated through the Council's existing Private Rented Sector Access schemes cease to be eligible to apply for the Council's Housing Register after 31 March 2018; and
- v) the Flexible Homelessness Support Grant be used to provide the additional £95k budget provision required to deliver the Let's Rent Connect scheme and £10k for the Let's Rent Complete scheme.

This item will need to be dealt with by way of a recommendation to the Council.

Background Papers:

Sustainability Impact Assessment
Equalities Impact Assessment

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Scrutiny Review of the Recommendations of the Executive

Extract from the Report Before the Executive – 14 September 2017

EXECUTIVE – 14 SEPTEMBER 2017

LICENSING PRIVATE RENTED ACCOMMODATION - PROPOSAL TO MAKE A SELECTIVE LICENSING DESIGNATION IN PART OF CANALSIDE WARD

Executive Summary

The Council currently operates a 'Mandatory HMO Licensing' scheme as set out by the Housing Act 2004 for larger houses in multiple occupation (with three or more storeys occupied by five or more people living in two or more households). The Housing Act 2004 also sets out powers for the Council to implement discretionary licensing schemes including so-called 'selective licensing' which requires all private rented properties in a specific area to be licensed by the Council.

Selective licensing aims to deliver improvements to the management of private rented accommodation through the imposition of licence conditions. For example there are mandatory conditions requiring the provision of adequate smoke alarms, and written tenancy agreements, and the Council is able to apply a range of conditions relating specifically to the management of the property.

Selective licensing schemes may only be implemented under certain circumstances set out in the legislation, and the Council is required to demonstrate that any proposed selective licensing designation meets the necessary criteria.

In March 2014 (EXE14-295) the Executive resolved that Officers 'develop, advertise and consult on a scheme for the selective licensing of the private rented sector under the Housing Act 2004 for adoption by the Council'. This work culminated with a public consultation that ended in April 2017 proposing that the Council designate a part of Canalside Ward as a selective licensing scheme.

The area of Canalside Ward was chosen following the completion of a stock condition survey within the area that identified the area as having a high proportion of private renting allied with poor housing conditions associated with those private rented properties. These conditions met the statutory criteria for the designation of a selective licensing scheme.

The proposal to introduce a selective licensing scheme was consulted widely as is required, and an independent market research organisation was engaged to analyse the consultation responses received. Additionally, Officers undertook a range of consultation events, and consulted individually with the key private rented sector stakeholders.

Reasons for Decision

Following completion of the public consultation in respect of the proposal to introduce a selective licensing scheme in part of Canalside Ward, it is now appropriate for a decision to be made whether to proceed with the scheme.

If it is agreed that the scheme be introduced, the Council is required to make a designation for the scheme and delegated authority is required for this purpose.

Scrutiny Review of the Recommendations of the Executive

The introduction of the scheme will also require amendments to the Council's Houses in Multiple Occupation Licensing Policy to incorporate the selective licensing scheme, and it is proposed that this policy be renamed. The provision of delegated authority to make minor amendments to this policy will ensure that the policy can readily be updated to reflect minor legislative change.

Recommendations

The Executive is requested to:

RECOMMEND to Council That

- i) the Head of Democratic and Legal Services be delegated authority to designate a selective licensing designation under the Housing Act 2004 within the area of Canalside Ward set out in the report and at Appendix 1 and Appendix 2 to the report;
- ii) the selective licensing designation come into force on 01 March 2018;
- iii) the selective licensing designation cease on 28 February 2023;
- iv) the fee structure for the selective licensing scheme set out in Appendix 9 to the report be adopted and subsequently reviewed as part of the Council's fees and charges setting process;
- v) the Strategic Director for Housing, in consultation with the Portfolio Holder, be delegated authority to amend the Council's Houses in Multiple Occupation Licensing Policy to incorporate the introduction of selective licensing and rename as the Housing Standards Licensing Policy; and
- vi) the Strategic Director for Housing, in consultation with the Portfolio Holder, be delegated authority to make minor amendments to the Housing Standards Licensing Policy.

The recommendations above will need to be dealt with by way of a recommendation to the Council.

Background Papers:

Public consultation proposal document
Canalside stock condition survey headline report
Canalside stock condition survey report
Public consultation analysis report
Sustainability Impact Assessment
Equalities Impact Assessment

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Scrutiny Review of the Recommendations of the Executive

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Equality Impact Assessment

The purpose of this assessment is to improve the work of the Council by making sure that it does not discriminate against any individual or group and that, where possible, it promotes equality. The Council has a legal duty to comply with equalities legislation and this template enables you to consider the impact (positive or negative) a strategy, policy, project or service may have upon the protected groups.

		Positive impact?			Negative impact?	No specific impact	What will the impact be? If the impact is negative how can it be mitigated? (action) THIS SECTION NEEDS TO BE COMPLETED AS EVIDENCE OF WHAT THE POSITIVE IMPACT IS OR WHAT ACTIONS ARE BEING TAKEN TO MITIGATE ANY NEGATIVE IMPACTS
		Eliminate discrimination	Advance equality	Good relations			
Gender	Men						
	Women						
Gender Reassignment							
Race	White						
	Mixed/Multiple ethnic groups						
	Asian/Asian British						
	Black/African/Caribbean/Black British						
	Gypsies / travellers						
	Other ethnic group						

		Positive impact?			Negative impact?	No specific impact	What will the impact be? If the impact is negative how can it be mitigated? (action) THIS SECTION NEEDS TO BE COMPLETED AS EVIDENCE OF WHAT THE POSITIVE IMPACT IS OR WHAT ACTIONS ARE BEING TAKEN TO MITIGATE ANY NEGATIVE IMPACTS
		Eliminate discrimination	Advance equality	Good relations			
Disability	Physical						
	Sensory						
	Learning Difficulties						
	Mental Health						
Sexual Orientation	Lesbian, gay men, bisexual						
Age	Older people (50+)						
	Younger people (16 - 25)						
Religion or Belief	Faith Groups						
Pregnancy & maternity							
Marriage & Civil Partnership							
Socio-economic Background							

The purpose of the Equality Impact Assessment is to improve the work of the Council by making sure it does not discriminate against any individual or group and that, where possible, it promotes equality. The assessment is quick and straightforward to undertake but it is an important step to make sure that individuals and teams think carefully about the likely impact of their work on people in Woking and take action to improve strategies, policies, services and projects, where appropriate. Further details and guidance on completing the form are [available](#).

Sustainability Impact Assessment

Officers preparing a committee report are required to complete a Sustainability Impact Assessment. Sustainability is one of the Council's 'cross-cutting themes' and the Council has made a corporate commitment to address the social, economic and environmental effects of activities across Business Units. The purpose of this Impact Assessment is to record any positive or negative impacts this decision, project or programme is likely to have on each of the Council's Sustainability Themes. For assistance with completing the Impact Assessment, please refer to the instructions below. Further details and guidance on completing the form are [available](#).

Theme (Potential impacts of the project)	Positive Impact	Negative Impact	No specific impact	What will the impact be? If the impact is negative, how can it be mitigated? (action)
Use of energy, water, minerals and materials				
Waste generation / sustainable waste management				
Pollution to air, land and water				
Factors that contribute to Climate Change				
Protection of and access to the natural environment				
Travel choices that do not rely on the car				
A strong, diverse and sustainable local economy				
Meet local needs locally				
Opportunities for education and information				
Provision of appropriate and sustainable housing				
Personal safety and reduced fear of crime				
Equality in health and good health				
Access to cultural and leisure facilities				
Social inclusion / engage and consult communities				
Equal opportunities for the whole community				
Contribute to Woking's pride of place				