

People and Communities Policy Committee

Members of the People and Communities Policy Committee:

Mr D Bills (Chairman)

Mr J Hornby (Vice Chairman)

Mrs S Blundell

Ms V Clifford-Jackson

Mrs F Ellis

Mr T Holden

Mr N Legg

Mrs J Wilby

PUBLIC ATTENDANCE

This meeting will be live streamed for public viewing via the following link:

<https://www.youtube.com/channel/UCZciRgwo84-iPyRlmsTCInq>

If a member of the public would like to attend to speak on an agenda item, please email your request to

democracy@s-norfolk.gov.uk, no later than 5.00pm on Tuesday 7 July 2020



Agenda

Date

Thursday 9th July 2020

Time

10.00 am

Place

To be hosted remotely at:

South Norfolk House
Cygnet Court
Long Stratton
Norwich
NR15 2XE

Contact

Leah Arthurton tel (01508) 533610
South Norfolk District Council
Cygnet Court
Long Stratton Norwich
NR15 2XE

Email: democracy@s-norfolk.gov.uk

**If you have any special requirements in order to attend this meeting,
please let us know in advance**

Large print version can be made available



A G E N D A

- 1. To report apologies for absence and to identify substitute members;**
- 2. Any items of business which the Chairman decides should be considered as a matter of urgency pursuant to Section 100B(4)(b) of the Local Government Act, 1972. Urgent business may only be taken if, "by reason of special circumstances" (which will be recorded in the minutes), the Chairman of the meeting is of the opinion that the item should be considered as a matter of urgency;**
- 3. To Receive Declarations of Interest from Members;**
(Please see guidance form and flow chart attached – page 3)
- 4. To confirm the minutes of the meeting of the People and Communities Policy Committee held on 14 October 2019;**
(attached – page 5)
- 5. Alignment of Mandatory Licensable Houses in Multiple Occupation Fees across the two Councils;**
(report attached – page 8)

DECLARATIONS OF INTEREST AT MEETINGS

When declaring an interest at a meeting Members are asked to indicate whether their interest in the matter is pecuniary, or if the matter relates to, or affects a pecuniary interest they have, or if it is another type of interest. Members are required to identify the nature of the interest and the agenda item to which it relates. In the case of other interests, the member may speak and vote. If it is a pecuniary interest, the member must withdraw from the meeting when it is discussed. If it affects or relates to a pecuniary interest the member has, they have the right to make representations to the meeting as a member of the public but must then withdraw from the meeting. Members are also requested when appropriate to make any declarations under the Code of Practice on Planning and Judicial matters.

Have you declared the interest in the register of interests as a pecuniary interest? If Yes, you will need to withdraw from the room when it is discussed.

Does the interest directly:

1. affect yours, or your spouse / partner's financial position?
2. relate to the determining of any approval, consent, licence, permission or registration in relation to you or your spouse / partner?
3. Relate to a contract you, or your spouse / partner have with the Council
4. Affect land you or your spouse / partner own
5. Affect a company that you or your partner own, or have a shareholding in

If the answer is "yes" to any of the above, it is likely to be pecuniary.

Please refer to the guidance given on declaring pecuniary interests in the register of interest forms. If you have a pecuniary interest, you will need to inform the meeting and then withdraw from the room when it is discussed. If it has not been previously declared, you will also need to notify the Monitoring Officer within 28 days.

Does the interest indirectly affect or relate any pecuniary interest you have already declared, or an interest you have identified at 1-5 above?

If yes, you need to inform the meeting. When it is discussed, you will have the right to make representations to the meeting as a member of the public, but you should not partake in general discussion or vote.

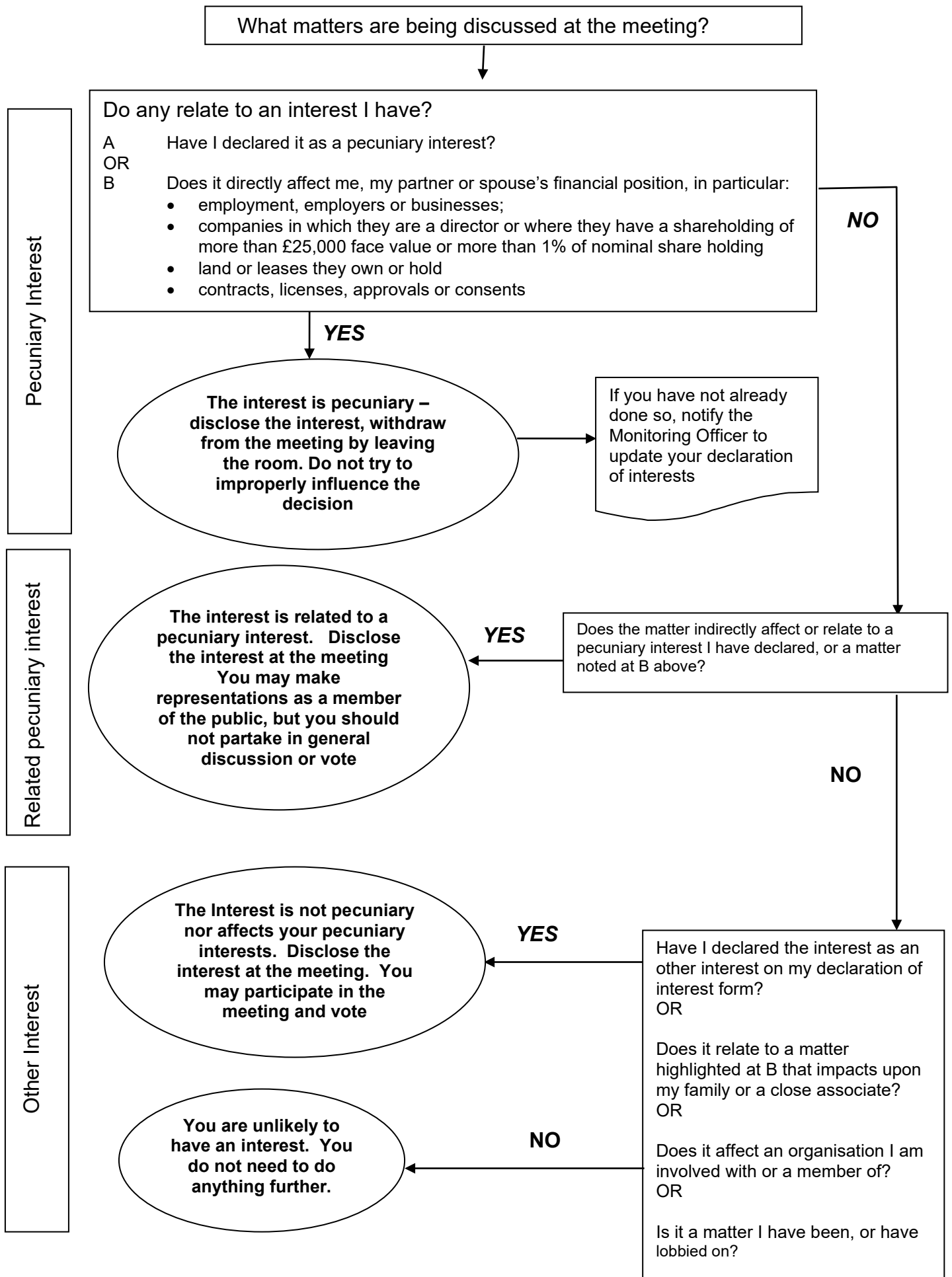
Is the interest not related to any of the above? If so, it is likely to be an other interest. You will need to declare the interest, but may participate in discussion and voting on the item.

Have you made any statements or undertaken any actions that would indicate that you have a closed mind on a matter under discussion? If so, you may be predetermined on the issue; you will need to inform the meeting, and when it is discussed, you will have the right to make representations to the meeting as a member of the public, but must then withdraw from the meeting.

FOR GUIDANCE REFER TO THE FLOWCHART OVERLEAF.

PLEASE REFER ANY QUERIES TO THE MONITORING OFFICER IN THE FIRST INSTANCE

DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF





People and Communities Policy Committee

Minutes of a meeting of the People and Communities Policy Committee of South Norfolk Council held at South Norfolk House, Long Stratton on Wednesday 14 October 2019 at 10.30am

Committee Members Present: Councillors: D Bills (Chairman), S Blundell, V Clifford-Jackson, T Holden, N Legg and J Wilby

Cabinet Member in Attendance: Councillor: Y Bendle

Officers in Attendance: The Director of People and Communities (J Sutterby), the Assistant Director of Individuals and Families (M Pursehouse), the Housing & Benefits Manager (R Dunsire), the Housing Standards & Community Protection Manager (T Cooke) and the Healthy Living Manager (S Cayford)

7 MINUTES

The minutes of the meeting of the People and Communities Policy Committee held on 3 July 2019 were agreed as a correct record and signed by the Chairman.

8 HEALTH AND WELLBEING PRIORITIES

The Healthy Living Manager provided a brief summary of her report which sought to provide members with an overview and understanding of the health and wellbeing needs and proposed that these be addressed in a consistent approach across Broadland and South Norfolk Councils.

In response to a member's question regarding the retention of leisure centre customers, officers accepted that the increase in members would plateau but reassured the Committee that the offer would continue to expand, adapt and incorporate new, innovative improvements in order to retain its membership.

Members discussed their concerns around issues such as dealing with bereavement and obtaining help with emotional and practical issues after the death of a family member. The Healthy Living Manager suggested that Community Connectors might be able to provide some assistance and signposting for residents coping with such situations.

The Committee discussed residents who were at high-risk of falls following discharge from hospital. Officers advised that a system was in place where the hospital discharge co-ordinator would arrange for a District Direct Officer to draw up an action plan for any resident thought to be high-risk. In addition, officers were trained to look

for referrals and to plan ahead with aids and adaptations to prevent such occurrences, where possible.

Following a brief discussion, it was:

RESOLVED: To recommend to Cabinet that the two Councils agree to take a consistent approach with regard to their health and wellbeing priorities.

9 SAFEGUARDING CHILDREN, YOUNG PEOPLE AND ADULTS POLICY

The Assistant Director of Individuals and Families introduced his report which sought to gain members' endorsement of a consistent approach across both Councils regarding safeguarding concerns for children and adults. Members were advised that the protocol was for a whole organisational issue and designed to ensure that the needs of all residents were considered.

Members suggested that the new Councillor training on safeguarding should take place earlier in the Council's training schedule. It was also suggested that the training should be made mandatory for all members, although it was noted that this was impracticable, and officers could only stress the importance of such sessions when requesting that members attend.

Following a brief discussion, it was:

RESOLVED: To note and endorse the joint Safeguarding Policy across the two Councils and the proposed timescales for implementation from January 2020.

10 SYRIAN REFUGEE – ACCESS TO SOUTH NORFOLK ACCOMODATION

The Housing Standards & Community Protection Manager and the Housing & Benefits Manager presented their report which sought to gain the views of members regarding the proposal to allow two Syrian refugee families access to the Council's housing register and to secure a sustainable, affordable tenancy.

The Committee was provided with details of the background of the Norfolk Leaders' agreement in 2015/16 to support the Government's Vulnerable Person's Resettlement Scheme, as detailed within the report. Officers explained that the proposal to allow two settled and established families access to South Norfolk Council's housing register, would allow further refugee families in need to partake in the scheme by 'freeing-up' properties in the Norwich area. Members were reassured that officers would work with Norfolk County Council to ensure that care was taken to ensure that any such families were ready to move away from the current level of support offered through the Government's Vulnerable Person's Resettlement Scheme as although support would continue to be available, the rural nature of the District would make access more difficult.

It was noted that officers, through the discretionary power provided through the allocations policy, were enabled to permit access to the South Norfolk housing register.

Following a brief discussion during which members fully supported the proposals, it was:

RESOLVED: To note that officers would work alongside Norfolk County Council to find two families who could benefit from move-on accommodation, paying suitable attention to whether they were ready to move away from the current support provision provided through the Government's Vulnerable Person's Resettlement Scheme.

The Committee noted that the date for the next meeting would be communicated to members in due course.

(The meeting concluded at 11.28am)

Chairman



Agenda Item:5
People and Communities Policy Committee 9 July 2020
Cabinet 21 July 2020

Alignment of Mandatory Licensable Houses in Multiple Occupation Fees across the two Councils

Report Author(s): Leigh Booth
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Portfolio: Cllr Yvonne Bendle, Health, Housing and Wellbeing

Ward(s) Affected: All

Purpose of the Report:

The purpose of this report is to recommend revisions to the chargeable fees for mandatory licensable Houses in Multiple Occupation, (HMO), in order to create a single consistent charge across the two Councils which accurately reflect the cost of the new single team.

Recommendation:

To recommend that Cabinet agrees that the new one team Council fees for mandatory licensable HMOs are set at:

- a. £825 for a new five-year licence;
- b. £133 for variations on an existing five-year licence; and
- c. £514 for renewal of a five-year licence.

1 SUMMARY

- 1.1 This report provides an overview of the legislative context for mandatory licensable HMO's, and proposes setting a single fee for the new one team service across both Councils.

2 BACKGROUND

- 2.1 The chargeable fee for a mandatory licensable HMO licence is different between Broadland and South Norfolk Councils. As a result of the new 'one team' working structure and pay scales the fees requires alignment. The fee must be based on actual costs, which are now the same for both Councils.
- 2.2 Central government guidance and legal case law advises that fees charged must be reasonable and proportionate and the licencing authority should not make a surplus. The Council is required to be able to demonstrate, if challenged, the justification for our fees. This report sets out that justification. A Council can only charge for the actual cost of the application process plus monitoring, i.e. administrative costs of investigating the background and suitability of the applicant and the cost of monitoring compliance by licensed landlords with licence conditions.
- 2.3 Guidance also states that the licencing authority should not include the cost of enforcing the licensing scheme against unlicensed landlords in the licence fee. Similarly, the set up costs for the licencing scheme cannot be recovered, nor can the overheads and general administrative costs.
- 2.4 The Legislative context for this service includes;
- The Licensing of Houses in Multiple Occupation (Prescribed Description) (England) Order 2018;
 - Houses in Multiple Occupation and Residential Property Licensing Reform – Guidance for Local Housing Authorities; and
 - The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007.
- 2.5 A House in Multiple Occupation is a house or flat that is;
- Rented by three or more people, who form two or more households, and
 - Share facilities such as a toilet, bathroom or kitchen.
- 2.6 A Mandatory Licensable HMO is a house or flat that is;
- Rented by five or more people, who form two or more households, and
 - Share facilities such as a toilet, bathroom or kitchen.

- 2.7 A licence is necessary for every qualifying HMO and is specific to the property, not the owner or landlord.
- 2.8 Managing a mandatory licensable HMO without a licence is a criminal offence and the landlord could face a penalty of up to £30,000 or criminal prosecution to which further costs could then be added. A Rent Repayment Order can also be sought by tenants to claim back rent they have paid to a landlord who has failed to secure an HMO licence. Landlords may also find it difficult to evict tenants under section 21 of the Housing Act 1988 if an HMO does not have a valid licence.
- 2.9 For the purposes of this legislation a 'household' is as defined in the Housing Act 2004, which states that a household can be;
- A single person;
 - A co-habiting couple, (including same sex);
 - A family, (including foster and cared for children), related persons such as grandparents and a grandchild as well as unrelated persons such as domestic employees.
- 2.10 The following exemptions may apply to HMO licencing and are listed in the Housing Act 2004 and associated regulations:
- Property occupied by two people who form two households;
 - Buildings managed by a Local Housing Authority, Registered Provider, Police, Fire and Rescue or a Health Authority;
 - Buildings regulated under other statutory provisions;
 - Certain purpose-built student halls of residence which are subject to Health and Safety legislation and/or are regulated by the Office for Students;
 - Buildings Occupied principally for purposes of a religious community for prayer, contemplation, education or relief of suffering; and
 - Buildings which are owner occupied with no more than two lodgers.

3 CURRENT POSITION

- 3.1 The two Council mandatory licensable HMO process streamlined:

The two Councils processes for administering HMO licence applications are being combined and streamlined. An HMO Licence application form can be completed on line and submitted via both Council websites. The form must be completed in full and the following documentation provided:

- Gas Safety Certificate, (if relevant);
- Electrical Installation Condition Report (EICR) dated within the last five years;
- Fire Safety Equipment service records, (if relevant);

- Fire Alarm Test Certificate;
- Energy Performance Certificate; and
- Declaration of notifications to people who need to be notified prior to the application being submitted.

3.2 Certain individuals must be informed before a licence is applied for. Those individuals are:

- The Manager;
- The Owner(s);
- Long term tenant(s) or leaseholder(s);
- Any other person willing to be bound by the licence; and
- Any mortgage provider(s).

3.3 When the application form is complete and the relevant documentation gathered, it can be submitted on line or by post to the relevant Council.

3.4 Once the full application, relevant documentation and an initial application fee of £100 has been received, there is a process for checking the information provided and the certificates supplied. An inspection of the property will also be arranged.

3.5 When the inspection has taken place and all checks made, if the outcome is satisfactory, a draft licence with conditions will be issued. There is a 14-day consultation period on the draft licence where representations can be made by the applicant. Any representations made may result in the licence conditions being amended, varied or the representation(s) rejected.

3.6 At the end of the consultation period the final HMO licence will be issued, and the remainder of the licence fee of £725.52 must be paid. Completion of this process must happen within a prescribed period of 62 days.

3.7 Demand on the service:

Currently there are 12 mandatory licensable HMO's in Broadland and 20 in the South Norfolk Council areas. Although it is believed there are more properties that fall under this legislation that are yet to be licensed, it is unlikely there are large numbers in either district. Therefore, demand on this service is not expected to rise significantly in the foreseeable future. However, Officers are currently working on a project to identify unlicensed HMO's, ensure they are licensed and will take enforcement action where that is appropriate.

3.8 Fees:

The two Councils have previously used different methodologies for calculating fees and therefore charge different amounts for issuing new five year licences, subsequent variations on those licences and the anticipated renewal of a licence after five years.

- 3.9 The two different approaches previously used to determine fees have been aligned across both Councils and the fees recalculated on the basis of the change in practice and the job roles of those who deliver the service. This has resulted in a slight reduction of the five year HMO licence fee at South Norfolk Council but an increase to the variations to licence fee and licence renewal fee. The slight reduction in the initial licence fee reflects the efficiency that two Councils, one team creates. The new fees are defensible if the Council was challenged and are reasonable, proportionate and transparent figures.

4 PROPOSED ACTION

- 4.1 The table below details both current and proposed charges for this service for consideration. The new charges are correct as at 1/4/20 and are based on 2020/21 salary bandings and on-costs. **Appendix A and B** to this report set out the basis on which the new fees for new and renewed licences have been calculated. In addition **Appendix C** provides a cost comparison with fees charged by other similar local authorities.

- 4.2 Current and proposed fees for mandatory licensable HMO's:

	Five Year Licence (£)	Variations to Licence (£)	Renewal of Licence (£)
Broadland Fees	593.00*	28.50**	Not previously determined
South Norfolk Fees	853.00	49.00***	500.00
New 'one team' Fees	£825	£133	£514

*This is for up to 5 Lettings. If the licence is for more than 5 lettings an additional £28.50 is charged per extra letting. **This is per amendment ***This is a one off charge.

5 OTHER OPTIONS

- 5.1 It is within the gift of Broadland and South Norfolk Councils to choose to continue to charge the fees set prior to the decision to create a single team serving the two Councils. However, such an approach would be open to criticism in that landlords would pay different fees depending on the geographic location of their property. This would be difficult to justify as it would be the same team, following the same HMO licensing procedures across both Councils and could leave the Councils open to legal challenge and adversely impact upon the reputation of both Councils.

6 ISSUES AND RISKS

- 6.1 There is historically a difference in the fees charged by the two Councils. This arose out of the fact that the two Councils used different methodologies on which to base the calculation of the fees payable.

6.2 Resource Implications:

Although there will be a minor reduction in charges for new five year HMO licences in South Norfolk, the HMO licence renewal and licence variation fees will increase. The reduction in the initial licence fee will be more than offset by the additional income from licence renewals and variations to licences.

6.3 Legal Implications:

There are no legal implications arising from this report.

6.4 Equality Implications:

The key potential inequality arising from this report is the possibility of charging residents in the two Council areas different fees, for what will be the same service delivered by the same workforce – the one team.

6.5 Environmental Impact:

There are no negative impacts on the environment arising from this report. To the contrary, the mandatory licensable HMO process has a positive impact on the environment in that it actively delivers improved and healthier low cost housing to those living in HMO's in Broadland and South Norfolk.

6.6 Crime and Disorder:

The purpose of these measures is to ensure proper regulation of the private rented sector and improved quality of life for those living in HMO's. It is an offence for a landlord to not seek a licence for a qualifying HMO.

6.7 Risks :

There could be a legal challenge and reputational risk to the two Councils if different fees are charged for the same service delivered by the one team.

7 CONCLUSION

- 7.3 South Norfolk Council has a strong reputation for dealing with HMO's and this proposal ensures that this approach can be maintained whilst providing true costs that are legally chargeable and defensible if the Council is challenged.

8 RECOMMENDATION

8.1 To recommend that Cabinet agrees that the new one team Council fees for mandatory licensable HMOs are set at:

- £825 for a new five-year licence;
- £133 for variations on an existing five-year licence; and
- £514 for renewal of a five-year licence.

Background Papers

Broadland and South Norfolk Cabinet papers approving the original fees.

National Guidance on Charging for mandatory licensable HMO's.

APPENDIX A

HMO Licensing Procedure and Fee calculation – April 2020

Licensing procedure step	Officer	Officer cost per hr	Time spent (mins)	Total Cost (£)
1. Initial enquiry – email or telephone call. Advice provided.	CEO*	44.46	30	22.23
2. Information / guidance and application form sent out with letter / email.	CEO	44.46	30	22.23
3. Check property planning permissions.	CEO	44.46	30	22.23
4. Land registry check on property, (£3 search fee)	CEO	44.46	15	11.12 +3.00 fee
5. Receive application, send out receipt and acknowledgement letter. Request additional documents if necessary.	CEO	44.46	30	22.23
6. Review application form, fit and proper person declarations and necessary documents – gas and electrical safety certification. Determine max number of occupants and max number per bedroom.	CEO	44.46	90	66.69
7. Update FLARE / Uniform with information from application form.	CEO	44.46	60	44.46
8. Arrange site visit to property – letter/email to confirm.	CEO	44.46	15	11.12
9. Property Inspection taking notes and photographs. Determine compliance with amenity standards / HHSRS.	CEO	44.46	180	133.38
10. Review compliance with amenity / facility standards and minimum room size requirements.	CEO	44.46	90	66.69
11. Liaise with planning and Fire Safety and Rescue (if above commercial premises).	CEO	44.46	30	22.23
12. Download photographs and collate property notes / photographs onto FLARE / Uniform. Attach documents to IDOX.	CEO	44.46	60	44.46
13. Prepare draft licence with conditions and send with accompanying letter.	CEO	44.46	150	111.15
14. Discuss / determine any representations made.	CEO	44.46	60	44.46
15. After consultation period, prepare final licence with conditions and send out. Consider consultees and send copies to all.	CEO	44.46	60	44.46
16. Update public HMO register	CEO	44.46	30	22.23
17. Carry out risk assessment to determine date of next inspection. Update FLARE / Uniform.	CEO	44.46	30	22.23
18. Re-visit property following issue of new licence to check any works on conditions.	CEO	44.46	120	88.92
TOTAL			1,110	825.52

*CEO – Community Enforcement Officer

APPENDIX B

HMO Licence Renewal Procedure and Fee calculation - April 2020

Licensing procedure step	Officer	Officer cost per hour	Time spent (mins)	Total Cost (£)
1. Send email or licence renewal letter to landlord with application form. Update FLARE / Uniform.	CEO*	44.46	45	33.35
2. Receive application, send out receipt and acknowledgement letter. Request additional documents if necessary.	CEO	44.46	30	22.23
3. Review application form, fit and proper person declarations and necessary documents – gas and electrical safety certification. Check for changes and update FLARE / Uniform.	CEO	44.46	90	66.69
4. Land registry check on property, to check details remain accurate, (£3 search fee)	CEO	44.46	15	11.12 +3.00 fee
5. Liaise with planning if there are changes in occupancy, (more than 6).	CEO	44.46	30	22.23
6. Arrange site visit to property – letter/email to landlord to confirm. Update FLARE / Uniform.	CEO	44.46	30	22.23
7. Property Inspection taking notes and photographs. Determine compliance with licence conditions, fire safety requirements, amenity standards / HHSRS.	CEO	44.46	150	111.15
8. Download photographs and collate property notes / photographs onto FLARE / Uniform. Attach documents to IDOX.	CEO	44.46	60	44.46
9. Prepare draft licence with conditions and send with accompanying letter.	CEO	44.46	90	66.69
10. Discuss / determine any representations made.	CEO	44.46	30	22.23
11. After consultation period, prepare final licence with conditions and send out. Consider consultees and send copies to all.	CEO	44.46	60	44.46
12. Update public HMO register	CEO	44.46	30	22.23
13. Carry out risk assessment to determine date of next inspection. Update FLARE / Uniform.	CEO	44.46	30	22.23
TOTAL			690	514.30

*CEO – Community Enforcement Officer

APPENDIX C

HMO Licence Fee Comparison

Local Authority	HMO Licence Fee	Licence Renewal Fee	Licence Variation Fee
South Norfolk	£853.00	£500.00	£49.00
Broadland	£593.00 (Up to 5 units) £28.50 for each additional unit	£593.00	£28.50
Breckland	£399.00	No published charge	No published charge
North Norfolk	£525.00 (up to 6 units) £25.00 for each additional unit	No published charge	No published charge
Kings Lynn & West Norfolk	£685 (up to ten rooms) £39.37 for each additional unit	£596 (up to 10 rooms, then £39.37 per additional room)	No published charge
Gt Yarmouth	£770.00 (up to 5 rooms, then £25.00 per additional room)	£770.00(up to 5, then £25.00 per additional room)	No published charge
Norwich City	£140.00 for a one year licence = £750 Over 5 years	£140.00	No published charge
Oxford City	£541.00 (£1,998.00 if unlicensed for over 12 weeks)	£490.00	No published charge
Cambridge City	Fee on application: £643. Fee on grant of licence: £326 = £969	£546	No published charge
Brighton & Hove Council	£683.00 (up to 6 occupants), prompted fee: £826.00	£392.00	No published charge
York City Council	£1,095.00	£795.00	No published charge
Lewes & Eastbourne Councils	£848.00 - £1000.00 based upon type of accommodation)	£595.00	No published charge
Peterborough	£750 Voluntary £900 Requested	No published charge	No published charge