

Cabinet

Excerpt of the Minutes of the meeting held on Wednesday 9 August 2023 in the Town Hall, Royal Leamington Spa at 8.10pm.

Present: Councillors Davison (Leader), Billiald, Chilvers, J Harrison, Kennedy, Roberts, Sinnott and Wightman.

Also Present: Councillors: Boad (Liberal Democrat Group Observer), Day (Conservative Group Observer), Falp (Whitnash Residents Association Group Observer), and Milton (Chair of Overview & Scrutiny Committee).

19. **Declarations of Interest**

There were no declarations of interest.

Part 1

(Items upon which a decision by the Council was required)

21. **Introduction of an Additional Licensing Scheme**

The Cabinet considered a report from Housing. Local housing authorities had a discretionary power under Part 2 of the Housing Act 2004 to licence living accommodation in multiple occupation ('HMOs') which fell outside of the mandatory HMO licensing scheme ('non-licensable HMOs'). This power enabled local housing authorities to designate either the whole, or part of its District, as being subject to additional licensing in relation to HMOs.

At its 7 December 2022 meeting, Cabinet considered a Feasibility Study on the introduction of an additional licensing scheme and approved a statutory public consultation exercise which took place between 9 January and 20 March 2023.

Cabinet agreed to receive a report following the consultation exercise to determine whether to proceed with an additional licensing scheme and if so, the proposed scheme arrangements. The report considered the consultation responses and made a recommendation to proceed with the introduction of an additional licensing scheme.

There were known to be in order of 1400 HMOs operating in the Warwick District. Of these, only 600 (43%) were licensable under the mandatory licensing scheme. A study of the available evidence (as set out in Section 6 of the Feasibility Study) indicated that a significant proportion of known non-licensable HMOs, were being managed sufficiently ineffectively as to give rise/or to be likely to give rise to issues including fire safety, poor housing conditions/hazards, noise nuisance and ineffective waste management. It could also be inferred from the data that unknown non-licensable HMOs were also generating similar types of problems. Additional Licensing offered an opportunity to bring all HMOs within the District up to a minimum standard ensuring that those homes were well managed and maintained, safe and secure so as to contribute to the health and well-being of the occupiers and the wider neighbourhood.

The Feasibility Study commissioned in 2022 indicated the benefits an Additional Licensing scheme could offer, and the recent public consultation response had been very positive with a clear majority of respondents in favour of the introduction of an Additional Licensing scheme.

Paragraph 8.4 of the Feasibility Study considered a range of alternative options for dealing with non-licensable HMOs and improving standards in the sector, taking account of their respective advantages and disadvantages. These options had been further considered (Appendix 5 to the report) to reflect on issues arising from the public consultation exercise.

The current arrangements only offered a reactive response when there was either a complaint about a particular HMO or the landlord requested assistance in bringing an HMO up to standard. This was a piecemeal response which did not offer any strategic approach to bringing the non-licensable HMO stock to standard in a set timescale.

Working with existing resources in a growing private rented sector effectively restricted any substantial proactive or targeted approach to non-licensable HMO inspections.

Accreditation schemes, which relied on landlords voluntarily meeting minimum standards were a useful tool and had been used in the past in the District, but they only tended to attract landlords who were motivated to set good standards, leaving those who chose not to engage to continue operating below the standard required.

The Renters Reform Bill, which was currently progressing through Parliament contains provisions to introduce a 'Private Rented Sector Database' to be operated by the Secretary of State and requiring all landlords to register themselves and their rental properties. Whilst this would be welcomed and assist in the identification of rental properties within the District, it could not be regarded as an effective alternative to a licensing scheme which would require full inspections of properties and demonstration of landlords' management capabilities.

Additional Licensing offered the opportunity to bring all non-licensable HMOs up to standard in a systematic way over a set time period and properly resourced through licensing fees.

Recommended to Council that the proposed fees and charges structure set out in Appendix 6 to the report, be adopted and those fees and charges be reviewed annually to ensure they remain reasonable and proportionate.

Resolved that the following, be approved:

- (1) the whole of Warwick District be designated as subject to Additional Licensing under Section 56(1) of the Housing Act ('HA') 2004 for all

houses and flats in multiple occupation (HMOs) that contain three or four occupiers;

- (2) the whole of Warwick district be designated as subject to Additional Licensing under Section 56(1) of the HA 2004 for all flats in multiple occupation situated in purpose-built blocks of flats, irrespective of the number of occupiers in each flat;
- (3) the designations in paragraphs i. and ii. above shall come into force on 18 January 2024 for a period of 5 years; and
- (4) the Chief Executive be authorised to sign the Warwick District Council Designation of an area of Additional Licensing of Houses in Multiple Occupation 2023

(The Portfolio Holder for this item was Councillor Wightman)
Forward Plan Reference 1,353

22. **Resident Engagement Strategy**

The Cabinet considered a report from Housing. A Warwick District Council Resident Engagement Strategy 2023-2027 had been developed to meet the requirements of the Social Housing Regulator and build on the work already being carried out by the housing service. The Resident Engagement Strategy 2023 to 2027 set out the ambitions of the Council in relation to the involvement and influence residents had in the way the service was delivered. The aim was for the Resident Engagement Strategy 2023-2027 and actions contained to be adopted and be subject to regular review by residents. For clarification, residents for the purposes of the report were tenants and where appropriate, leaseholders of Warwick District Council.

Following the sad events of the Grenfell Tower fire in June 2017, and the subsequent public enquiry, in November 2020, the Government published their 'Charter for Social Housing Residents' (White Paper). The document set out priorities for providers of social housing and new powers for the Regulator for Social Housing (RSH) and Housing Ombudsman, to hold social landlords to account.

Effective resident engagement was viewed as essential to the delivery of a high-quality housing service. Warwick District Council was committed to engaging with residents and already invested resources into engagement activities. The Government emphasised the importance of resident engagement and outlined the expectation that landlords would improve tenant engagement and that the Regulator of Social Housing would require this from landlords.

The Charter referred to landlords taking a much more tailored approach to engagement which better reflected the needs of different residents, and to a requirement for landlords to demonstrate how they had sought and

considered ways in which they could improve resident engagement. The focus was on health and safety, accountability and transparency, and resident empowerment.

The Resident Engagement Strategy 2023-3026 (Appendix 1 to the report) set out how the Council would address engagement and would ensure that actions were set out to ensure the "Resident voice" was heard and was able to influence the service provided. Such a strategy established a clear approach and a cohesive 'direction of travel'. It set out the plans for increasing the breadth and depth of engagement activities, as well as acting as a statement of intent and demonstrating that residents could help to shape the service.

In terms of alternative options, one would be to continue without a Resident Engagement Strategy which was not recommended. The adoption of the strategy would comply with the requirements of the Social Housing Regulator and outline the actions required to involve Residents fully in the delivery of the service.

The Overview & Scrutiny Committee did not scrutinise this report at the meeting, but the Chair had liaised with the Head of Housing on the recommendation to Cabinet he would propose to the Committee.

To strengthen the Resident Engagement Strategy, the Committee recommended to Cabinet that:

- (1) Cabinet asks the Portfolio Holder to define key measures of success and metrics that can be used to determine the impact of the strategy and the effective use of Council resources; and
- (2) Cabinet asks the Head of Housing to agree appropriate measures of success with tenants to understand the level of impact on their needs.

These measures should be made available on the Council's Dashboard.

The Cabinet was required to vote on this because it formed a recommendation to it.

Councillor Wightman proposed that the recommendation from the Overview & Scrutiny Committee be refused as he was uneasy with the success of the strategy to be derived from the tenants themselves, and he wished to recommend alternative wording. When put to a vote, this proposal was carried. Councillor Wightman then proposed the following additional recommendation:

"the Portfolio Holder and Head of Housing be asked to agree appropriate measures of success with tenants to understand the level of impact on their needs. These measures should be reported by way of an annual report to tenants and on the Council's Dashboard".

This additional recommendation when put to a vote was carried. Councillor Wightman then proposed the report as laid out, subject to the additional recommendation.

Recommended to Council that the Resident Engagement Strategy 2023 to 2027, be adopted.

Resolved that

- (1) authority be delegated to the Head of Housing in consultation with the Portfolio Holder for Housing to deliver the actions contained within the Resident Engagement Strategy 2023 to 2027; and
- (2) the Portfolio Holder and Head of Housing be asked to agree appropriate measures of success with tenants to understand the level of impact on their needs. These measures should be reported by way of an annual report to tenants and on the Council's Dashboard.

(The Portfolio Holder for this item was Councillor Wightman)
Forward Plan Reference 1,367

(The meeting ended at 9:10pm)